

One-rdg. _____
P. Hrngs. X
Pgs. 10
Filed: 05-01-18

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL: 2018- 113

GENERAL ORDINANCE: _____

AN ORDINANCE

1 AMENDING Chapter 36 of the City Code, Article III, 'Zoning Regulations,' Divisions 3,
2 'Administration, Enforcement, and Review,' Subdivision III, 'Review,
3 Appeals, and Amendments,' Section 36-367, 'Amendments' by adding
4 language to clarify the role of the Planning and Zoning Commission with
5 respect to rezoning applications.
6
7

8 WHEREAS, the Planning and Zoning Commission initiated amendments to
9 Section 36-367 at their February 15, 2018, meeting; and
10

11 WHEREAS, the proposed amendments add language to Section 36-367 which
12 clarifies the role of the Planning and Zoning Commission regarding applications for
13 requests for rezoning; and
14

15 WHEREAS, the Planning and Zoning Commission held a public hearing at their
16 April 12, 2018, meeting and recommended approval of the proposed amendments.
17

18 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
19 SPRINGFIELD, MISSOURI, as follows, that:
20

21 Section 1 – Springfield City Code, Chapter 36, Article III, 'Zoning Regulations,'
22 Divisions 3, 'Administration, Enforcement, and Review,' Subdivision III, 'Review,
23 Appeals, and Amendments,' Section 36-367, 'Amendments' is hereby amended to read
24 as follows:
25

26 (Note: Language to be added is underlined and language being removed is ~~stricken~~.)
27

28 Sec. 36-367. – Amendments.
29

30 (1) *Authority*. The city council may from time to time by ordinance amend,
31 supplement, change, modify or repeal the boundaries of the districts or
32 regulations herein or subsequently established. The planning and zoning
33 commission's role with respect to rezoning applications is advisory. Any report or

34 recommendation made by the planning and zoning commission shall not be
35 binding on the city council, nor shall such recommendation or report limit the city
36 council's legislative authority.

37
38 Before an amendment shall be approved by ordinance, the planning and zoning
39 commission shall have first had a public hearing regarding the proposed
40 amendment and made an official report to the city council regarding the planning
41 and zoning commission's recommendation regarding said amendment. Once the
42 planning and zoning commission has made its official report, any further review
43 by the planning and zoning commission shall not be required unless city council
44 elects to refer a matter back to the planning and zoning commission for further
45 review.

46
47 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
48 affect any suit or proceeding now pending in any court or any rights acquired or liability
49 incurred nor any cause or causes of action occurred or existing, under any act or
50 ordinance repealed hereby.

51
52 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
53 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
54 affect the validity of the remaining portions of this Ordinance. City Council hereby
55 declares that it would have adopted the Ordinance and each section, subsection,
56 sentence, clause or phrase thereof, irrespective of the fact that any one or more
57 sections, subsections, sentences, clauses, or phrases be declared invalid.

58
59 Section 4 – This Ordinance shall be in full force and effect from and after
60 passage.

61
62 Passed at meeting: _____

63
64 _____
65 Mayor

66
67 Attest: _____, City Clerk

68
69 Filed as Ordinance: _____

70
71 Approved as to form: Achalest, Wuder, Assistant City Attorney

72
73 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL 2018-113

FILED: 05-01-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Chapter 36 of the City Code, Article III, 'Zoning Regulations,' Divisions 3, 'Administration, Enforcement, and Review,' Subdivision III, 'Review, Appeals, and Amendments,' Section 36-367, 'Amendments' by adding language to clarify the role of the Planning and Zoning Commission with respect to rezoning applications.

BACKGROUND INFORMATION: ZONING ORDINANCE TEXT AMENDMENT – COUNCIL ACTION AMENDMENTS

Planning and Zoning Commission initiated amendments to Section 36-367 on February 15, 2018.

Staff is requesting amendments to the Zoning Ordinance to add new language to clarify when City Council is required to remand zoning map amendments back to the Planning and Zoning Commission ("Commission").

Staff proposes to add language to Section 36-367 that states the Commission's role with respect to rezoning applications is advisory. Any report or recommendation made by the Commission shall not be binding on City Council, nor shall such recommendation or report limit City Council's legislative authority.

Before an amendment shall be approved by ordinance, the Commission shall have first held a public hearing regarding the proposed amendment and made an official report to City Council regarding the Commission's recommendation regarding said amendment. Once the Commission has made its official report, any further review by the Commission shall not be required unless City Council elects to refer a matter back to the Commission for further review.

The Development Issues Input Group ("DIIG"), Downtown Springfield Association ("DSA"), Commercial Club and all Registered Neighborhood Associations were notified of these amendments.

This Ordinance supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will clarify the roles of the Commission and City Council when deciding zoning map amendments.

REMARKS:

The Commission held a public hearing on April 12, 2018, and recommended approval, by a vote of 8 to 0, of the proposed changes to the Zoning Ordinance.

The Planning and Development Staff recommends approval of the proposed amendments.

Submitted by:



Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department Comments

Attachment 2, Proposed Amendments

Exhibit A

RECORD OF PROCEEDINGS
COUNCIL ACTION AMENDMENTS
Planning and Zoning Commission April 12, 2018

Action of City Council Amendments
Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a request to amend Section 36-367., Amendments, to clarify when City Council is required to remand zoning map or text amendments back to Planning and Zoning Commission. Planning and Zoning Commission initiated amendments to Section 36-367 on February 15, 2018. The proposed amendment will clarify the roles of the Planning and Zoning Commission and City Council when deciding zoning map and text amendments. Staff is proposing to add language to Section 36-367 that states the planning and zoning commission's role with respect to rezoning applications is advisory. Any report or recommendation made by the planning and zoning commission shall not be binding on the City Council, nor shall such recommendation or report limit the City Council's legislative authority.

Sec. 36-367. – Amendments. Note: Language to be added is underlined.

(1) Authority. The city council may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the districts or regulations herein or subsequently established. The planning and zoning commission's role with respect to rezoning applications is advisory. Any report or recommendation made by the planning and zoning commission shall not be binding on the city council, nor shall such recommendation or report limit the city council's legislative authority.

Before an amendment shall be approved by ordinance, the planning and zoning commission shall have first had a public hearing regarding the proposed amendment and made an official report to the city council regarding the planning and zoning commission's recommendation regarding said amendment. Once the planning and zoning commission has made its official report, any further review by the planning and zoning commission shall not be required unless city council elects to refer a matter back to the planning and zoning commission for further review.

Mr. Jobe asked if staff has consulted or reviewed Chapter 89 and if this is authorized by statutes and is it consistent with Chapter 89.

Mr. Hosmer noted that is basically reinforcing that the Planning and Zoning Commission role is a recommending board and that it does not make final decision on zoning or text amendments this is the role of City Council. Staff believes it is consistent with state statutes.

Mr. Woodman noted that he agrees that it is consistent with Chapter 89.

Ms. Smith noted that this is being recommended by City Council due to issues where they wanted to make changes in the past and what their ability was to remand back to Planning and Zoning Commission. She also noted that City Council can make things more restrictive than what Commission can impose if they chose more restrictions or make another use no longer permitted and reminded the Commission that they are an advisory board.

Ms. Cox stated that she thinks that it reinstates Commission's advisory role and she notes not sure why the reasons for the clarification.

Mr. Doennig opened the public hearing.

No Speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

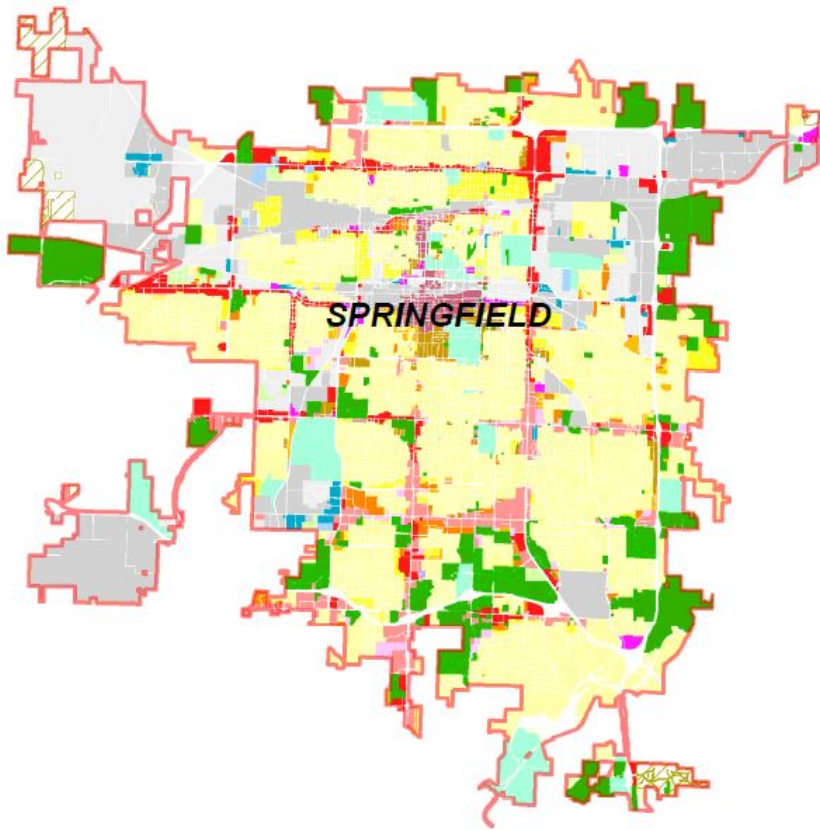
Ms. Cox motioned to **approve** Action of City Council Amendments (Citywide). Mr. Thomas seconded the motion. Ayes: Doennig, Shuler, Cox, Coltrin, Broekhoven, Thomas, Jobe, and Ogilvy. Nays: None. Abstain: None. Absent: Rose.



Bob Hosmer, AICP
Principal Planner

Exhibit B

PLANNING AND ZONING COMMISSION PUBLIC HEARING: APRIL 12, 2018
CITY COUNCIL PUBLIC HEARING: MAY 7, 2018



CASE:
Council Action Amendments

STAFF:
Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION:
Move to approve the proposed amendments to the Zoning Ordinance as submitted in the staff report

SUMMARY OF REQUEST:

1. Staff is requesting amendments to the Zoning Ordinance to add new language to Section 36-367., Amendments, to clarify when City Council is required to remand zoning map or text amendments back to Planning and Zoning Commission.

FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will clarify the roles of the Planning and Zoning Commission and City Council when deciding zoning map and text amendments.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

SUMMARY OF PROPOSED TEXT AMMENDMENT:

1. Planning and Zoning Commission initiated amendments to Section 36-367 on February 15, 2018.
2. Staff is requesting amendments to the Zoning Ordinance to add new language to clarify when City Council is required to remand zoning map or text amendments back to Planning and Zoning Commission.
3. Staff is proposing to add language to Section 36-367 that states the planning and zoning commission's role with respect to rezoning applications is advisory. Any report or recommendation made by the planning and zoning commission shall not be binding on the City Council, nor shall such recommendation or report limit the City Council's legislative authority.
4. Before an amendment shall be approved by ordinance, the Planning and Zoning Commission shall have first had a public hearing regarding the proposed amendment and made an official report to the City Council regarding the Planning and Zoning Commission's recommendation regarding said amendment. Once the Planning and Zoning Commission has made its official report, any further review by the Planning and Zoning Commission shall not be required unless city council elects to refer a matter back to the Planning and Zoning Commission for further review.

STAFF COMMENTS:

Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

PUBLIC COMMENTS:

The Development Issues Input Group (DIIG), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of these amendments and public hearing dates.

ATTACHMENT 1
DEPARTMENT COMMENTS

DEPARTMENT COMMENTS:

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

REQUIREMENTS FOR APPROVAL:

Note: Language to be added is underlined.

Sec. 36-367. – Amendments.

- (1) *Authority.* The city council may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries of the districts or regulations herein or subsequently established. The planning and zoning commission's role with respect to rezoning applications is advisory. Any report or recommendation made by the planning and zoning commission shall not be binding on the city council, nor shall such recommendation or report limit the city council's legislative authority.

Before an amendment shall be approved by ordinance, the planning and zoning commission shall have first had a public hearing regarding the proposed amendment and made an official report to the city council regarding the planning and zoning commission's recommendation regarding said amendment. Once the planning and zoning commission has made its official report, any further review by the planning and zoning commission shall not be required unless city council elects to refer a matter back to the planning and zoning commission for further review.

(11) *Action of city council.*

- (b) The city council shall not consider any zoning district classification other than the one requested by the applicant or the one which the report of the planning and zoning commission shows was considered by the commission. If an applicant files a written request with the city clerk, prior to final action by council on his original application, requesting leave to amend his application so as to request a different zoning district classification, such leave shall be granted, but the application shall then be returned to the planning and zoning commission for a new notice and public hearing, report, findings and conclusions by the commission. Thereafter, the city council shall hold a new hearing on the amended application after giving the notice required by section 36-368, publication and posting of notices. No such amended application shall be considered by the commission until the applicant has paid the fees for an amended application set out in section 36-334, fees.