

One-Rdg. \_\_\_\_\_  
P. Hrngs.   X    
Pgs.   11    
Filed:   12-04-18  

Sponsored by:   Fisk  

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL   2018- 297  

GENERAL ORDINANCE \_\_\_\_\_

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 36, 'Land Development Code,' Article  
2 III, 'Subdivision Regulations,' Division 5, 'Supplemental District  
3 Regulations,' Section 36-452, 'Temporary Uses' to allow Automatic  
4 Teller Machines as a temporary use in all zoning districts. (Both the  
5 Planning and Zoning Commission and Staff recommend approval.)  
6 \_\_\_\_\_  
7

8 WHEREAS, situations exist where an Automated Teller Machine ("ATM") must  
9 be temporarily moved; and

10  
11 WHEREAS, this Ordinance addresses the need for temporary relocations in all  
12 zoning districts for a limited period of time and with other restrictions; and

13  
14 WHEREAS, this temporary relocation will allow businesses to continue to serve  
15 their customers during such times; and

16  
17 WHEREAS, City Council initiated these text amendments to the Zoning  
18 Ordinance on November 19, 2018, to address these issues; and

19  
20 WHEREAS, following proper notice a public hearing was held before the  
21 Planning and Zoning Commission on December 6, 2018, which made its  
22 recommendation of approval by a vote of 8 to 0

23  
24 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
25 SPRINGFIELD, MISSOURI, as follows, that:

26  
27 Section 1 – the Springfield City Code, Chapter 36, 'Land Development Code,'  
28 Article III, 'Subdivision Regulations,' Division 5, 'Supplemental District Regulations,'  
29 Section 36-452, 'Temporary Uses,' is hereby amended to read as follows:

30  
31 NOTE: Language to be added is underlined. Language to be removed is ~~stricken~~.  
32

33 Sec. 36-452. - Temporary uses.

34  
35 (3) *Temporary uses permitted.*

36  
37 (a) The following temporary uses of land are permitted in any zoning district subject to  
38 the specific regulations and time limits which follow, and to the other applicable  
39 regulations of the district in which the use is permitted:

40  
41 6. Automated Teller Machines (ATMs), subject to the following restrictions:

42  
43 a. Must be located on 10 acres or more; and

44  
45 b. Must be located along and have access to a secondary arterial or higher  
46 classified roadway; and

47  
48 c. A site plan shall be submitted to, and approved, showing conformance  
49 with the requirements of the zoning ordinance, adopted standards, and  
50 other city codes; and

51  
52 d. Such use shall cease to exist no later than 24 months from the issuance  
53 of the building permit; and

54  
55 e. No more than one ATM is allowed per site; and

56  
57 f. Issuance of this permit shall not give any legal non-conforming status to  
58 the site, and under no circumstance shall the use exist longer than 24  
59 months as set forth in subsection d.

60  
61 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to  
62 affect any suit or proceeding now pending in any court or any rights acquired or liability  
63 nor any cause or causes of action occurred or existing, under any act or ordinance  
64 repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or  
65 affected by this Ordinance.

66  
67 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or  
68 phrase of this Ordinance is for any reason held to be invalid, such decision shall not  
69 affect the validity of the remaining portions of this Ordinance. City Council hereby  
70 declares that it would have adopted the ordinance and each section, subsection,  
71 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
72 sections, subsection, sentence, clause, or phrase be declared invalid.

73  
74 Section 4 – This Ordinance shall be in full force and effect from and after  
75 passage.

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77 Passed at meeting: \_\_\_\_\_

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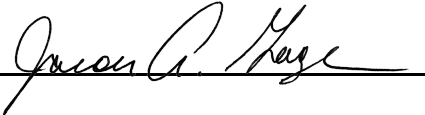
\_\_\_\_\_

Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: , Assistant City Attorney

Approved for Council action: , City Manager

## **EXPLANATION TO COUNCIL BILL 2018-297**

FILED: 12-04-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Amending the Springfield City Code, Chapter 36, 'Land Development Code,' Article III, 'Subdivision Regulations,' Division 5, 'Supplemental District Regulations,' Section 36-452, 'Temporary Uses' to allow Automatic Teller Machines as a temporary use in all zoning districts. (Both Planning and Zoning Commission and Staff recommend approval.)

BACKGROUND INFORMATION:

### **ZONING ORDINANCE TEXT AMENDMENT – ATM AMENDMENTS**

City Council initiated amendments to Section 36-452. on November 19, 2018.

In situations where an Automated Teller Machine (ATM) must be temporarily moved from an existing location, staff is proposing to add a new subsection to temporary uses to allow ATMs to be relocated for a short period of time. This will provide consistency with customers to have an ATM available during situations where new construction is occurring on a site.

Staff is proposing amendments that will allow an ATM to temporarily locate for no more than 24 months in any zoning district if the site is 10 acres or more and is located along and has access to a secondary arterial or higher classified roadway. This will limit these temporary uses to larger sites (i.e. churches) along major roadway corridors.

The amendments will also limit the site to no more than one ATM and the issuance of a permit shall not give any legal non-conforming status to the site in establishing a long-term placement. The ATM use shall cease to exist no later than 24 months from the issuance of the building permit. A site plan shall be submitted to, and approved, showing conformance with the requirements of the Zoning Ordinance, adopted standards, and other city codes. This site plan review will rectify any issues with circulation, queuing, screening and lighting that may occur.

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.

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

**FINDINGS FOR STAFF RECOMMENDATION:**

1. The proposed amendment will allow an ATM to be relocated temporarily in any zoning district on large properties along major roadway corridors where the additional traffic can be accommodated and eliminate any disruption in customer service.

**REMARKS:**

The Planning and Zoning Commission held a public hearing on December 6, 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:

  
\_\_\_\_\_  
Jason Gage, 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

**Planning and Zoning Commission December 6, 2018**

ATM Amendments

Citywide

**Applicant:** City of Springfield

Mr. Hosmer stated that this is a proposed text amendment for ATM's. City Council initiated amendments to Section 36-452., Temporary Uses, on November 19, 2018. Staff is requesting to amend Section 36-452.- 'Temporary Uses,' to add requirements for Automatic Teller Machines (ATMs) as a temporary use in all zoning districts. The proposed amendment will allow an ATM to temporarily locate for no more than 24 months in any zoning district if the site is 10 acres or more and is located along and has access to a secondary arterial or higher classified roadway. This will limit these temporary uses to larger sites (i.e. churches) along major roadway corridors. The amendments will also limit the site to no more than one ATM and the permit shall not give any legal non-conforming status. The ATM use shall cease to exist no later than 24 months from the issuance of the building permit. A site plan shall be submitted to, and approved, showing conformance with the requirements of the Zoning Ordinance, adopted standards, and other city codes. This site plan review will rectify any issues with circulation, queuing, screening and lighting that may occur. Staff requests that Commission approve amendments to the Zoning Ordinance of the city code as specified.

**Note: Language to be added is underlined.**

Sec 36-352. Temporary uses.

(3) Temporary uses permitted

(a) The following temporary uses of land are permitted in any zoning district subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted.

6. Automated Teller Machines (ATMs), subject to the following restrictions:

a. Must be located on 10 acres or more; and

b. Must be located along and have access to a secondary arterial or higher classified roadway; and

c. A site plan shall be submitted to, and approved, showing conformance with the requirements of the zoning ordinance, adopted standards, and other city codes; and

d. Such use shall cease to exist no later than 24 months from the issuance of the building permit; and

e. No more than one ATM is allowed per site; and

f. Issuance of this permit shall not give any legal non-conforming status to the site, and under no circumstance shall the use exist longer than 24 months as set forth in subsection d.

Mr. Rose asked what the point of the amendment is.

Mr. Smith stated that the City had a request from a bank that is building a new location and they had been in talks with a church to temporarily place their ATM in the church parking lot.

Ms. Broekhoven asked if we are amending codes just for one bank that is temporarily moving an ATM.

Ms. Smith noted that the City was presented with two options, one that the church could be rezoned, which is not viable, and second realizing that there may be future requests and again stating that the placement of the ATM is temporary (24 months) per proposed code.

Ms. Cox asked about the ten acres.

Ms. Smith said that they looked at different sizes (four/six/ten acres) and decided upon the ten acres.

**COMMISSION ACTION:**

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

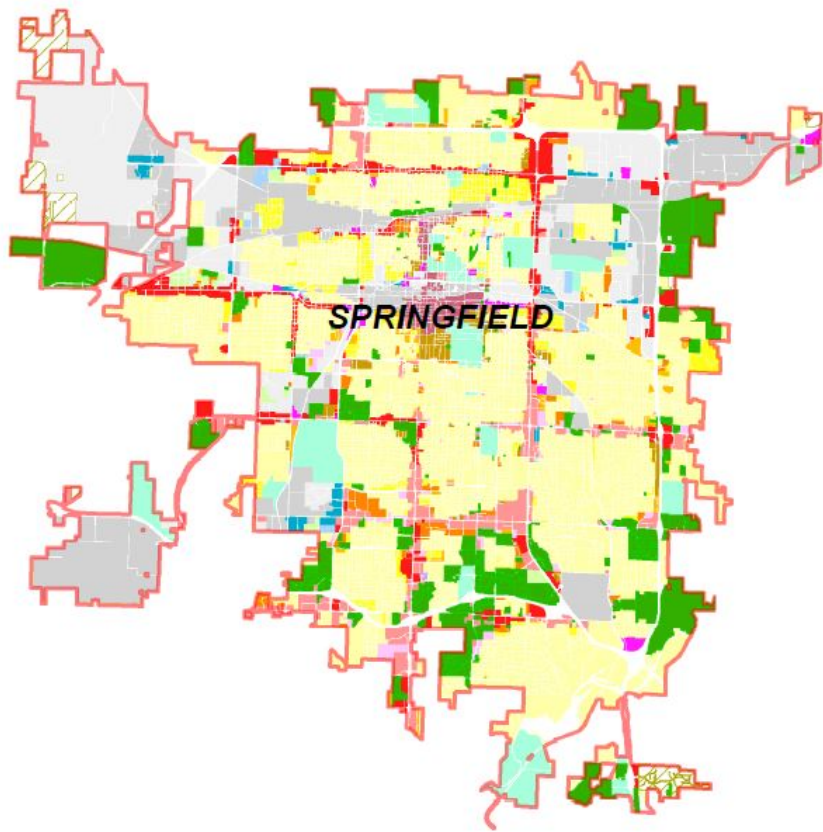


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Bob Hosmer, AICP  
Principal Planner

# Exhibit B

**PLANNING AND ZONING COMMISSION PUBLIC HEARING:** DECEMBER 6, 2018  
**CITY COUNCIL PUBLIC HEARING:** DECEMBER 10, 2018



**CASE:**  
ATM 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 an amendment to the Springfield Land Development Code, Article III, 'Zoning Regulations,' Division 5, 'Supplemental District Regulations,' Section 36-452.- 'Temporary Uses,' to add requirements for Automatic Teller Machines (ATMs) as a temporary use in all zoning districts.

## FINDINGS FOR STAFF RECOMMENDATION:

1. The proposed amendment will allow an ATM to be relocated temporarily in any zoning district on large properties along major roadway corridors where the additional traffic can be accommodated and eliminate any disruption in customer service.



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## 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. City Council initiated amendments to Section 36-452., Temporary Uses, on November 19, 2018.
2. In situations where an Automated Teller Machine (ATM) must be temporarily moved from an existing location, staff is proposing to add a new subsection to temporary uses to allow ATMs to be relocated for a short period of time. This will provide consistency with customers to have an ATM available during situations where new construction is occurring on a site.
3. Staff is proposing amendments that will allow an ATM to temporarily locate for no more than 24 months in any zoning district if the site is 10 acres or more and is located along and has access to a secondary arterial or higher classified roadway. This will limit these temporary uses to larger sites (i.e. churches) along major roadway corridors.
4. The amendments will also limit the site to no more than one ATM and the issuance of a permit shall not give any legal non-conforming status to the site in establishing a long-term placement. The ATM use shall cease to exist no later than 24 months from the issuance of the building permit.
5. A site plan shall be submitted to, and approved, showing conformance with the requirements of the Zoning Ordinance, adopted standards, and other city codes. This site plan review will rectify any issues with circulation, queuing, screening and lighting that may occur.
6. 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.

**DEPARTMENT COMMENTS:**

**ATTACHMENT 1  
DEPARTMENT COMMENTS**

**BUILDING DEVELOPMENT SERVICES COMMENTS:**

No comments.

## REQUIREMENTS FOR APPROVAL:

### Attachment 2

Note: Language to be added is underlined.

#### Sec. 36-452. - Temporary uses.

(3) *Temporary uses permitted.*

- (a) The following temporary uses of land are permitted in any zoning district subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted:

6. Automated Teller Machines (ATMs), subject to the following restrictions:

a. Must be located on 10 acres or more; and

b. Must be located along and have access to a secondary arterial or higher classified roadway; and

c. A site plan shall be submitted to, and approved, showing conformance with the requirements of the zoning ordinance, adopted standards, and other city codes; and

d. Such use shall cease to exist no later than 24 months from the issuance of the building permit; and

e. No more than one ATM is allowed per site; and

f. Issuance of this permit shall not give any legal non-conforming status to the site, and under no circumstance shall the use exist longer than 24 months as set forth in subsection d.