

SUPPLEMENT NO. 7
August 2023

LAND DEVELOPMENT CODE

City of

SPRINGFIELD, MISSOURI

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 6792, passed June 26, 2023.

See the Ordinance Disposition Table for further information.

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SUPPLEMENT NO. 6
July 2022

LAND DEVELOPMENT CODE

City of

SPRINGFIELD, MISSOURI

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 6716, passed April 4, 2022.

See the Ordinance Disposition Table for further information.

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City of

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Ordinance No. 6661, passed June 28, 2021.

See the Ordinance Disposition Table for further information.

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City of

SPRINGFIELD, MISSOURI

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This Supplement contains all ordinances deemed advisable to be included at this time through:

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General Ordinance 6467, passed July 16, 2018.

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City of

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SUPPLEMENT NO. 1
August 2016

LAND DEVELOPMENT CODE

City of

SPRINGFIELD, MISSOURI

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

General Ordinance 6290, passed July 11, 2016.

See the Ordinance Disposition Table for further information.

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CHAPTER 36

LAND DEVELOPMENT CODE

OF THE

CITY OF SPRINGFIELD, MISSOURI

October, 2014

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

General Ordinance	Date Adopted	Included/ Omitted	Supplement Number
6166	2- 9-15	Included	1
6173	3- 9-15	Included	1
6174	3- 9-15	Omitted	1
6182	4-13-15	Included	1
6195	5-11-15	Included	1
6222	9-14-15	Included	1
6223	9-14-15	Included	1
6224	9-14-15	Included	1
6233	10-12-15	Included	1
6234	10-12-15	Included	1
6235	10-12-15	Included	1
6257	1-25-16	Included	1
6258	1-25-16	Included	1
6259	1-25-16	Included	1
6260	1-25-16	Included	1
6261	1-25-16	Included	1
6262	1-25-16	Included	1
6283	6-13-16	Included	1
6284	6-13-16	Included	1
6290	7-11-16	Included	1
6136	9- 8-14	Included	2
6156	11-24-14	Included	2
6271	4- 4-16	Included	2
6272	4- 4-16	Included	2
6273	4- 4-16	Included	2
6302	9- 6-16	Included	2
6303	9- 6-16	Included	2
6304	9- 6-16	Included	2
6308	10-17-16	Included	2
6315	11-14-16	Included	2
6335	1-23-17	Included	2
6348	3- 6-17	Included	2

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6352	3-20-17	Included	2
6326	12-12-16	Included	2
6359	4-11-17	Omitted	2
6365	5-15-17	Included	2
6404	11-13-17	Included	3
6406	11-27-17	Included	3
6407	11-27-17	Included	3
6413	12-11-17	Included	3
6414	12-11-17	Omitted	3
6435	2-26-18	Included	3
6446	4- 9-18	Included	3
6450	5-21-18	Included	3
6467	7-16-18	Included	3
6484	12-10-18	Included	4
6494	1-14-19	Included	4
6495	1-14-19	Included	4
6497	1-28-19	Included	4
6502	2-11-19	Included	4
6520	4-22-19	Included	4
6521	4-22-19	Included	4
6522	4-22-19	Included	4
6528	5-20-19	Included	4
6543	8-12-19	Included	5
6554	11-18-19	Included	5
6562	11-18-19	Included	5
6563	11-18-19	Included	5
6564	11-18-19	Included	5
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6633	1-25-21	Included	5
6637	2- 8-21	Included	5
6661	6-28-21	Included	5
6684	9-20-21	Included	6
6694	11-29-21	Included	6

SUPPLEMENT HISTORY TABLE

General Ordinance	Date Adopted	Included/ Omitted	Supplement Number
6703	1-24-22	Included	6
6716	4- 4-22	Included	6
6719	5- 2-22	Included	7
6736	8- 8-22	Included	7
6792	6-26-23	Included	7

VOLUME II

LAND DEVELOPMENT CODE*

ARTICLE I.

ADMINISTRATION AND ENFORCEMENT OF CODES†

Division 1. Applicability and Scope

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- Sec. 36-101. Scope.
- Sec. 36-102. Intent.
- Sec. 36-103. Exemptions.
- Sec. 36-104. Matters not provided for.
- Sec. 36-105. Workmanship.
- Sec. 36-106. Continuation of unlawful use.
- Sec. 36-107. Most restrictive regulations apply.
- Sec. 36-108. Referenced codes and standards.
- Sec. 36-109. Validity.
 - Sec. 36-109.1. Partial invalidity.
 - Sec. 36-109.2. Segregation of invalid provisions.
 - Sec. 36-109.3. Decisions involving existing structures.
- Sec. 36-110. Approvals.

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*Printed herein is the land development code as directed by General Ordinance No. 6159, adopted November 24, 2014. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

†**Editor's note**—This article has been moved from Chapter 36, Article III, Land Development Code, Sub-article XII, to Chapter 36, Land Development Code, Article I. Prior to this move, G.O. 5337 repealed Article XII in its entirety, except for those sections adopted in G.O. 5128. Therefore, the only ordinance repealed was G.O. 5073, leaving G.O. 5128 and those to come after G.O. 5337 in effect. The full table of history is an appendix to this article.

SPRINGFIELD LAND DEVELOPMENT CODE

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Table of History

DIVISION 1. APPLICABILITY AND SCOPE**Sec. 36-100. Purpose.**

This article shall cover the administration and enforcement of the regulations of the 2018 International Code Series, the adopted International Energy Conservation Code, and the 2017 National Electrical Code as adopted by the city and amended from time to time, hereinafter referred to as "these codes." The 2018 International Code Series includes the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code, the International Private Sewage Disposal Code, the International Existing Building Code, the International Swimming Pool and Spa Code and the International Property Maintenance Code.

(Ord. No. 6352, § 1, 3-20-17; Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-101. Scope.

The regulations of this article shall control all matters concerning, but not limited to, the construction, alterations, addition, repair, removal, moving, demolition, use, location, occupancy and maintenance of all buildings and structures. Provisions in the adopted code appendices shall not apply unless specifically adopted.

- (1) *Scope of International Building Code.* The provisions of the International Building Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure of any appurtenances connected or attached to such buildings or structures.

Exception:

- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
- b. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.

- (2) *Scope of International Fuel Gas Code.* The provisions of the International Fuel Gas Code shall apply to the installation, use, and maintenance of fuel gas piping systems, fuel gas appliances, gaseous hydrogen systems, and related accessories as follows:

- a. Coverage of piping systems shall extend from the point of delivery to the connection point of the appliance.
- b. Systems with an operating pressure of 125 psig (862 kPa gauge) or less. Piping systems for gas-air mixtures within the flammable range with an operating pressure of ten psig (69 kPa gauge). LP-Gas piping systems with an operating pressure of 20 psig (140 kPa gauge) or less except as provided for in the code.

- c. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.
- d. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air, venting, and connections to piping systems.

Exception:

- 1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
- 2. Fuel-gas piping systems, fuel-gas utilization equipment and related accessories in existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

The International Fuel Gas Code shall not apply to the following:

- a. Portable LP-Gas appliances and equipment of all types that are not connected to a fixed fuel piping system.
- b. Installation of farm appliances and equipment such as brooders, dehydrators, dryers, and irrigation equipment.
- c. Raw material (feedstock) applications except for piping to special atmosphere generators.
- d. Oxygen-fuel gas cutting and welding systems.
- e. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen, and nitrogen.
- f. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms, and natural gas processing plants.
- g. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.
- h. LP-Gas installations at utility gas plants.
- i. Liquefied natural gas (LNG) installations.
- j. Fuel gas piping in power and atomic energy plants.
- k. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors, and calorimeters.
- l. LP-Gas equipment for vaporization, gas mixing, and gas manufacturing.
- m. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
- n. Installation of LP-Gas systems for railroad switch heating.

- o. Installation of LP-Gas and compressed natural gas (CNG) systems on vehicles.
 - p. Except as provided in Section 401.1.1 of the International Fuel Gas Code gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-Gas.
 - q. Building design and construction, except as specified herein.
 - r. Piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than ten psig.
 - s. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.
- (3) *Scope of International Mechanical Code.* The provisions of the International Mechanical Code shall regulate the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within a building. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code.
- Exception:
- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
 - b. Mechanical systems in existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
- (4) *Scope of International Plumbing Code.* The provisions of the International Plumbing Code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems, and sanitary and condensate vacuum collection systems. The installation of fuel-gas-fired water heaters and water heating venting systems shall be regulated by the adopted International Fuel Gas Code.

Exceptions:

- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

- b. Plumbing systems in existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.
- (5) *Scope of International Residential Building Code.* The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.
- Exceptions: Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
- (6) *Scope of International Private Sewage Disposal Code.* Septic tank and effluent absorption systems or other treatment tank and effluent disposal systems shall be permitted where a public sewer is not available to the property served. Unless specifically approved, the private sewage disposal system of each building shall be entirely separate from and independent of any other building. The use of a common system or a system on a parcel other than the parcel where the structure is located shall be subject to the full requirements of this code as for systems serving public buildings.
- (7) *Scope of NFPA 70, National Electric Code.* The NFPA 70, National Electric Code shall regulate the design, construction, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems and equipment.
- Exceptions:
- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
 - b. Electrical systems in existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
- (8) *Scope of International Existing Building Code.* The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings.
- (9) *Scope of International Property Maintenance Code.* The provisions of the International Property Maintenance Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance.

- (10) *Scope of International Swimming Pool and Spa Code.* The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. Flotation tank systems intended for sensory deprivation therapy shall not be considered to be included in the scope of this code.
- (11) *Scope of International Energy Conservation Code (IECC).* The provisions of this code shall apply to commercial buildings and sites not governed by the International Residential Code, and associated systems and equipment. Where a building includes both residential and commercial occupancies, each occupancy shall be separately considered and meet the applicable provisions of IECC—Commercial Provisions or IECC—Residential Provisions. Residential buildings not governed by the residential code shall meet the provisions of IECC—Residential provisions. Commercial buildings shall meet the provisions of International Energy Conservation Code—Commercial Provisions.

Exceptions:

- a. Storm windows installed over existing fenestration.
- b. Glass only replacements in an existing sash and frame.
- c. Existing ceiling, wall or floor cavities exposed during construction provide that these cavities are filled with insulation.
- d. Construction where the existing roof, wall or floor cavity is not exposed.
- e. Reroofing for roofs where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
- f. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.
- g. Alterations that replace less than 50 percent of the luminaires in a space, provided that such alterations do not increase the installed interior lighting power.
- h. Alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the alteration does not increase the installed interior lighting power.

- i. Low energy buildings. The following buildings, or portions thereof, separated from the remainder of the building by building thermal envelope assemblies complying with this code shall be exempt from the building thermal envelope provisions of this code:
 - i. Those with a peak design rate of energy usage less than $15 \text{ Btu/h} \cdot \text{ft}^2$ (47.4 W/m^2) or 4.4 watt/ft^2 (47.4 W/m^2) of floor area for space conditioning purposes.
 - ii. Those that do not contain conditioned space.
 - iii. Occupancies Storage Group S, Utility and Miscellaneous Group U, and Factory Group F provided they are thermally isolated from other occupancies within the same building. The provisions of the IECC shall apply to these other occupancies within the same building.
 - iv. Occupancy classification S-1, S-2, F-1, F-2, U.
- j. Historic buildings. Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, are exempt from this code.

(Ord. No. 6352, § 1, 3-20-17; Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-102. Intent.

The purpose of these codes is to establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment. They shall provide a minimum standard by regulating and controlling the design, construction, installation, quality of materials, location, energy efficiency, operation and maintenance or use of all systems addressed by these codes.

(Ord. No. 6352, § 1, 3-20-17; Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-103. Exemptions.

A building or structure shall not be constructed, extended, repaired, removed, maintained, or altered in violation of this article, except for repairs as provided in section 36-116. The raising, lowering, or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted, provided that the building or structure is not otherwise altered or its use or occupancy changed.

Sec. 36-104. Matters not provided for.

Any requirements that are essential for the structural, fire, sanitary, mechanical, or electrical safety of an existing or proposed building or structure, or for the safety of the occupants thereof, which are not specifically provided for by these codes, shall be determined by the building official.

Sec. 36-105. Workmanship.

All work shall be conducted, installed, and completed in a quality manner so as to secure the results intended by these codes and the referenced standards.

Sec. 36-106. Continuation of unlawful use.

The continuation of occupancy or use of a building or structure, or part thereof, contrary to the provisions of these codes, shall be deemed a violation and be subject to the penalties prescribed in division 8 of this article and chapter 26, article III of the Springfield City Code.

Sec. 36-107. Most restrictive regulations apply.

When the provisions herein specified for health, safety, and welfare are more restrictive than other regulations, these codes shall control; but in any case, the most rigid requirements of either these codes or other regulations shall apply whenever a conflict exists. Where, in any specific case, different sections of these codes specify different materials, methods or construction or other requirements the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 36-108. Referenced codes and standards.

The codes and standards referenced in these codes as adopted shall be considered part of the requirements of these codes to the prescribed extent of each such reference. Where differences occur between provisions of these codes and referenced standards, the provisions of these codes shall apply.

Exception:

When the enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation shall apply.

Sec. 36-109. Validity.

The provisions of these codes shall not be deemed to nullify any provisions of local, state, and federal law.

Sec. 36-109.1. Partial invalidity.

In the event that any part or provision of these codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof.
(Ord. No. 6352, § 1, 3-20-17)

Sec. 36-109.2. Segregation of invalid provisions.

Any invalidated part of these codes shall be segregated from the remainder of the code and the remainder shall remain effective.
(Ord. No. 6352, § 1, 3-20-17)

Sec. 36-109.3. Decisions involving existing structures.

The invalidity of any provision in any section of these codes as applied to existing buildings and structures shall not be held to affect the validity of such section in its application to buildings and structures hereafter erected.

Sec. 36-110. Approvals.

(a) *Approved materials and equipment.* All materials, equipment, and devices approved for use by the building official shall be constructed and installed in accordance with such approval.

(b) *Used materials and equipment.* Used materials, equipment, and devices shall not be reused unless they have been reconditioned, tested by an approved agency, placed in good and proper working condition, and approved for use by the building official.

(c) *Alternative materials and equipment.* The provisions of these codes are not intended to prevent the use of any material, method of construction, or equipment not specifically prescribed by these codes, provided that any such alternative has been approved in writing by the building official. An alternative material, method of construction, or equipment shall be approved when the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of these codes, and that the material and method of work offered is for the purpose intended, and at least the equivalent of that prescribed in these codes in quality, strength, effectiveness, fire resistance, durability, and safety.

(d) *Research and investigations.* The building official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the building official shall approve the use of such alternative subject to the requirements of these codes. The costs of all tests, reports, and investigations required under these provisions shall be paid for by the applicant.

(Ord. No. 6352, § 1, 3-20-17)

DIVISION 2. EXISTING STRUCTURES AND SYSTEMS**Sec. 36-111. Applicability.**

These codes shall apply to existing plumbing, mechanical, fuel gas, private sewage disposal, energy and electrical systems and existing structures as set forth in this division.

Sec. 36-112. Continuation of existing use.

The legal use and occupancy of any building, structure, system, or equipment existing on the date of adoption of these codes, or for which it has been heretofore approved, shall be permitted to continue without change, except as is specifically covered in these referenced codes and referenced standards, the International Fire Code or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public. Additions and/or alterations to existing systems and equipment shall conform to that required for new systems and equipment without requiring that the existing system or equipment comply with all of the requirements of these codes. Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of the code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions are made.

(Ord. No. 6352, § 2, 3-20-17)

Sec. 36-113. Change in use.

It shall be unlawful to make any change in the use or occupancy of any structure or portion thereof or to any system which would subject it to any special provisions of these codes, without approval of the building official, and the building official's certification that such structure or system meets the intent of the provision of the law governing building construction for the proposed new use and occupancy. Such change of use shall not result in any greater hazard to the public safety or welfare. Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with this Code. Where the use in a space changes from one use in International Energy Conservation Code Table C405.5.2(1) or (2) to another use in table International Energy Conservation Code C405.5.2.(1) or (2), the installed lighting wattage shall comply with section International Energy Conservation Code C405.5. Any non-conditioned space that is altered to become conditioned space shall be required to be brought into full compliance with the International Energy Conservation Code.

(Ord. No. 6352, § 2, 3-20-17; Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-114. Additions, alterations, or repairs.

Additions, alterations, or repairs to any structure or system shall conform to those required of a new structure or system without requiring the existing structure or system to comply with all of the requirements of these codes. Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of the code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions are made. No existing building shall be enlarged or extended to exceed the limitations for height, number of stories, and area specified in these codes for new buildings. Where additions or alterations subject parts of an existing system to exceed those permitted, such parts shall be made to comply with these codes. Additions, alterations or repairs to an existing structure that are structural or adversely affect any structural member or any part of the structure having a required fire resistance rating shall be made with materials required for a new structure.

Sec. 36-115. Historic buildings.

The building official shall be authorized to waive any of the provisions of these codes relating to the construction, alteration, enlargement, restoration, relocation, moving, or repair of existing building or structures identified and classified by the federal, state, or the city as an historic building or structure. Any proposed construction, alteration, enlargement, restoration, relocation, moving, or repair shall be consistent with any applicable guidelines and standards of the entities which have identified the building as historic. The proposed action will not cause the building or structure, in the opinion of the building official, to become unsafe or otherwise injurious to the public health and welfare.

Sec. 36-116. Repairs and maintenance.

(a) *Repairs to building or structure.* Application or notice to the building official is not required for ordinary repairs to buildings or structures, but such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any egress requirements.

(b) *Repairs to systems.* Minor repairs or replacement of any existing system shall be permitted in the same manner and arrangement as in the existing system. It shall not include the addition to, alteration of, replacement or relocation of any system or system appliances or other work affecting public health or general safety.

(c) *Permits.* The building official is authorized to require permits for any repairs regardless of value or extent if he deems the permit is necessary.

(d) *Maintenance.* All buildings, structures, and systems and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition. All service equipment, means of egress, devices, systems, and safeguards which are required by these codes in a building or structure, or which were required by a previous statute in a building or structure, when erected, altered, or repaired, shall be maintained in good working order in accordance with the standards in effect on the date of said erection, alteration or repair. Systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices, or safeguards which are required by the code, shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for the maintenance of systems. To determine compliance with this provision the building official shall have the authority to require a system to be re-inspected.

(e) *Owner responsibility.* The owner or the owner's designated agent shall be responsible for the safe and sanitary maintenance of the building or structure and its means of egress facilities and systems at all times.

(Ord. No. 6352, § 2, 3-20-17)

Sec. 36-117. Demolition of structures.

When a structure is demolished the following criteria shall apply.

- (a) *Service connections.* Before a structure can be demolished or removed, the owner or authorized agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until the sewer has been disconnected in an approved manner, all asbestos has been removed in an approved manner and a release is obtained from the utilities supplier stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed.
- (b) *Lot regulation.* Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of the building code. All materials used to restore the established grades shall be classified as "clean materials". The finish grade of the site shall be free of large rocks and finished to allow for mowing.
- (c) *Other regulations.* No structure shall be demolished or removed before all regulations that are prescribed by law or ordinance both within and without the jurisdiction of the department of building development services have been met.

Sec. 36-118. Moved structures—Compliance required.

Buildings and structures moved into or within the jurisdiction shall comply with the provision of these codes for new buildings and structures and shall not be used or occupied in whole or in part until the certificate of use or occupancy has been issued by the building official. Occupied structures annexed into the city shall be considered a legal structure and use until such time that a new certificate of use or certificate of occupancy is required. All manufactured housing used as dwellings shall be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974.

DIVISION 3. BUILDING OFFICIAL**Sec. 36-119. Building official defined.**

The director of the department of building development services of the City of Springfield shall be known as the building official. The building official may designate duly authorized representatives to act in his place or behalf in the performance of any authorized act.

Sec. 36-120. Building official—Duties and powers.

The building official shall enforce all of the provisions and shall act on any question relative to the use and enforcement of these codes except as otherwise specifically provided for by statutory requirements. The building official shall be permitted to approve specific software, worksheets, compliance manuals and other materials that meet the intent of the International Energy Conservation Code.

(Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-121. Applications and permits.

The building official shall receive applications and issue permits for the demolition, erection and alteration of buildings and structures, the installation of plumbing, fuel gas, private sewage disposal systems, mechanical and electrical systems and equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of these codes.

Sec. 36-122. Building notices and orders.

The building official shall issue all necessary notices or orders to insure compliance with all the code requirements for the health, safety, and general welfare of the public.

Sec. 36-123. Inspections.

The building official shall make all of the required inspections, or the building official may accept reports of inspection by approved agencies or licensed professional. All reports of such inspections shall be in writing and certified by a responsible professional of such approved

agency or by the licensed professional. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Sec. 36-124. Identification.

The building official and authorized representatives shall carry proper identification at all times in the performance of their duties under these codes.

Sec. 36-125. Rule-making authority.

(a) *Building official.* The building official shall have the power as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules, regulations, policies, and procedures, to interpret and implement the provisions of these codes to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules, regulations, policies, or procedures shall not have the effect of waiving requirements specifically provided for in these codes or of violating accepted engineering practice involving public safety. Such rules and regulations shall be effective upon conspicuous posting of the same in the offices of the Department of Building Development Services located at 840 Boonville Avenue, Springfield, Missouri and after having been filed in the office of the city clerk for two weeks.

(b) *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application by the owner or owner's representative. The building official shall first find that a special individual reason makes the strict letter of this code impractical. Such modifications must be in compliance with the intent and purpose of the code. Such modifications must not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building development services.

Sec. 36-126. Department records.

The building official shall keep official records in accordance with sections 109.200 through 109.3010 RSMo, or latest version thereof, known as the State and Local Records Law.

Sec. 36-127. Revocation of permits and utilities.

Whenever the building official has ordered a person to correct any violation and when such violations have not been corrected within the time specified by such order, the code official may institute an administrative action to revoke any and all permits issued by the city under which the activity is conducted. This may include business licenses, occupancy

permits, and the privilege of receiving utilities for the activity or structure wherein the activity is being conducted. The filing of a notice of institution of a contested case before an administrative hearing officer in accordance with article X of this Code will be required.
(Ord. No. 6352, § 3, 3-20-17)

DIVISION 4. PERMITS AND FEES

Sec. 36-128. When permit is required.

Any person who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, fuel gas, mechanical, private sewage disposal, or plumbing system, the installation of which is regulated by these codes, or to cause any such work to be done, shall first make application to the building official and obtain the required appropriate permit.

Exception:

Where equipment repairs and replacements must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the department of building development services.

- (1) *Annual permit.* In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the building official is authorized to issue an annual permit upon application to any person, firm, or corporation regularly employing one or more qualified trade person in the building, structure, or on the premises owned or operated by the applicant for the permit. Qualified trade persons are defined as those meeting the standards established in article IV, Building trades, appeals and licensing.
 - a. *Annual permit records.* The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.
 - b. *Annual permit fee.* The fee for an annual permit shall be determined by the building official by multiplying the estimated number of inspections per year, times four, times the cost of a minimum building permit according to the fee schedule on file with the city clerk. The estimated number of inspections will be established by the building official and may be changed on an annual basis depending on the extent of work being inspected and the amount of time required to perform those inspections.
- (2) *Special permit required.* All work required as described in a certificate of appropriateness, as issued by the Landmarks Board of Springfield, shall first make application to the building official and obtain the required permit, regardless if it is listed herein as work exempt from a permit or not.

- (3) *Work exempt from permit.* Exemptions from permit requirements of these codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of these codes or any other laws or ordinances of this jurisdiction. Work not listed herein shall be assumed to require a permit unless indicated otherwise in writing by the building official or his or her duly authorized representative. Permits shall not be required for the following:
- a. *Building:*
 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 100 square feet.
 2. Oil derricks.
 3. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
 4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
 5. Sidewalks, driveways, patios, and decks not over 30 inches (762) mm above grade and not over any basement or story below and which are not part of an accessible route.
 6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
 7. Temporary motion picture, television and theater stage sets and scenery.
 8. Prefabricated swimming pools accessory to a Group R-3, or a one- and two-family dwelling occupancy which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground.
 9. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
 10. Swings and other playground equipment accessories to one- and two-family dwellings.
 11. Window awnings supported by an exterior wall which do not project more than 54 inches from exterior wall and do not require additional support for use groups R-3 and U only.
 12. Movable cases, counters, and partitions not over five feet nine inches (1,753 mm) in height.
 13. Repair and replacement of existing sheetrock and other non-structural wall surface materials. Removal and replacement of all sheetrock or lath and plaster in a single habitable room or the entire structure will require a building permit and framing inspection.

b. *Electrical:*

1. Listed cord and plug connected temporary decorative lighting such as holiday lighting or temporary construction lighting.
2. Repair or replacement of branch circuit over current devices of the required capacity in the same location.
3. Temporary wiring for experimental purposes in suitable experimental laboratories.
4. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy on projects governed by the International Residential Code.
5. Replacement of bulbs and the ballast associated with the luminaries, not including the branch circuit supplying the luminaries.
6. The repair or replacement of existing receptacles, devices and fixtures, provided the load on the circuit is not increased. Installation of new branch circuits requires a permit.
7. The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus.
8. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

c. *Gas:*

1. Portable heating appliance.
2. The connecting or replacement of residential gas-fired appliances, except gas hot water heaters, supplemental space heaters, furnaces, or gas logs.
3. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
4. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

d. *Mechanical:*

1. Portable heating appliance.
2. Portable ventilation appliances and equipment.
3. Portable cooling unit.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

7. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and that are actuated by motors of 1.0 horsepower (746 W) or less.
 8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
 9. Residential single-family duct additions, extensions, or diffuser relocation.
- e. *Plumbing:*
1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace more than 24 inches of pipe with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the removal and replacement of a like fixture, provide such repairs and replacement does not involve or require the rearrangement of service valves or associated piping.

(G.O. 6308, § 1, 10-17-16; Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-129. Application for permit.

To obtain a permit, the applicant shall first file an application in writing on a form furnished by the department of building development services for that purpose along with the prescribed fee.

Sec. 36-130. By whom application is made.

(a) *Building permit.* Application for a building permit shall be made by the owner or lessee of the building or structure, or authorized agent, or by the building contractor or registered design professional employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit from the owner in fee or the authorized applicant or a signed statement of the qualified applicant witnessed by the building official or his designee to the effect that the proposed work is authorized by the owner in fee and the applicant is authorized to make such application.

(b) *Commercial buildings and one- and two-family dwellings plumbing, mechanical, fuel gas, private sewage disposal, and electrical permits.* Application for a permit shall be made by qualified trade persons to install all or part of any plumbing, mechanical, fuel gas, or electrical system. Qualified trade persons are defined as those meeting the standards established in article IV, building trades, appeals, and licensing.

(c) *Homeowner in residence permit.* The homeowner may apply for and obtain the following permits provided that the owner permanently resides in the residence at the time of the permit application and continues to reside at the permit address without the loss of a defined habitable space during the course of the work being done.

- (1) Electrical permits may be issued to homeowners to perform their own work for branch circuit wiring or repair of general wiring of their residence or accessory structure. Installation of service equipment must be done by a certified electrical contractor.
- (2) Plumbing permits may be issued to homeowners to perform their own work for plumbing work located within the interior of their residence or accessory structure.
- (3) Mechanical permits may be issued to homeowners for mechanical work located within the interior of their residence or accessory structure.
- (4) The homeowner shall not be permitted to perform furnace or water heater replacement, gas piping or related venting, sewer lateral or water service work.
- (5) If in the opinion of the building official or his representative, the project is deemed to be beyond the capabilities of the owner, a permit will not be issued to the owner. The homeowner will be advised to secure the services of a qualified trade person as defined in article IV, building trades, appeals, and licensing.

Sec. 36-131. Time limitation of application.

A permit application for any proposed work shall be deemed to have been abandoned 180 calendar days after the date of filing, unless such application has been diligently prosecuted, or a permit shall have been issued. The building official may grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

Sec. 36-132. Time limit of permit.

Permits shall automatically become invalid if the authorized work is not commenced within 180 calendar days, or if the authorized work is suspended or abandoned for a period of 180 calendar days. Permits for water heater, furnace, or rooftop unit replacement, or electric service repair shall automatically become invalid if the authorized work is not commenced within 45 calendar days, or if the authorized work is suspended or abandoned for a period of 45 calendar days. Suspended or abandoned work is defined as work done that has not had an inspection, required or otherwise, performed within the aforesaid 180-calendar-day or 45-day period. Any permit issued for the purpose of abating a nuisance shall become invalid if the work is not commenced and completed within the specified time period established by a notice or order to abate said nuisance. An invalid permit shall be considered revoked.

Sec. 36-133. Suspension or revocation of permit.

The building official is authorized to suspend or revoke a permit issued under the provisions of these codes wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provision of this code, or if any one of the following conditions exists:

- (1) The permit is used for a location or establishment other than that for which it was issued.
- (2) The permit is used for a condition or activity other than that listed in the permit.
- (3) Conditions and limitations set forth in the permit have been violated.
- (4) There have been any false statements or misrepresentations as to the material fact in the application for permit, plans submitted, or a condition of the permit.
- (5) The permit is used by a different person or firm than the name for which it was issued.
- (6) The permittee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
- (7) The permit was issued in error or in violation of an ordinance, regulation, or this code.

Sec. 36-134. Submittal documents.

For projects not governed by the residential code, submittal documents consisting of construction documents, statement of special inspections, geotechnical report where required, compliance certificates, and other data required by administrative ruling or otherwise by the building official shall be submitted in two or more sets with each permit application, or electronically using the city's ProjectDox system where required. The construction documents for projects not governed by and conforming to the adopted residential code shall be prepared, sealed and signed by a registered design professional consistent with the professional registration laws of the State of Missouri, and submitted electronically using the city's ProjectDox system. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared, sealed and signed by a registered design professional.

For projects governed by the residential code, submittal documents consisting of construction documents, and other data required by administrative ruling or otherwise by the building official shall be submitted in two or more sets with each permit application, or electronically using the city's ePlans - ProjectDox system.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

(Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-135. Information on construction documents.

Construction documents shall be dimensioned and shall be drawn upon suitable material where not required to be submitted electronically. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the adopted codes and relevant laws, ordinances, rules and regulations, as determined by the building official, and shall include information required by administrative ruling.

(Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-136. Action on application.

The building official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of all pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of these codes and all laws and ordinances applicable thereto, the building official shall issue a permit there for as soon as practicable. Permits are not transferable to another person, company, or location.

Sec. 36-137. Previous approvals.

These codes shall not require changes in the construction documents, construction or designated use of a building or system for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction or installation of which has been actively prosecuted within 60 calendar days after the effective date of this chapter and is completed with dispatch.

Sec. 36-138. Signature to permit.

The building official's signature shall be attached to every permit; or the building official shall authorize a subordinate to affix such signature or mark hereto.

Sec. 36-139. Examination and approval of construction documents.

The building official shall examine, or cause to be examined, the submittal documents. When the building official issues a permit, all sets of the construction documents for projects not governed by, and conforming to, the adopted residential code shall be stamped or endorsed "APPROVED". Construction documents that have not received a comprehensive review shall be stamped or endorsed "FOR REFERENCE ONLY". At least one set of such approved or for reference only construction documents shall be retained by the building official and one other set shall be kept at the building site, open to inspection of the building official or an authorized representative at all reasonable times.

Design professional in responsible charge. Where it is required that documents be prepared by a registered, design professional, the building official shall be authorized to

require the owner, or the owner's authorized agent, to engage and designate, on the building permit application, a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner, or the owner's authorized agent, shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner, or the owner's authorized agent, if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

(Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-140. Deferred submittals.

For the purpose of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittals documents have been approved by the building official.

Sec. 36-141. Phased approval.

The building official is authorized to issue a permit for the construction of foundations or phased construction before the documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or the phase documents shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Sec. 36-142. Amended construction documents.

Work shall be installed in accordance with the reviewed and approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted and approved as an amended set of construction documents prior to any work on those changes being done.

Sec. 36-143. Posting of permit.

A true copy of the building permit shall be kept on site and open to public inspection during the entire time of prosecution of the work and until the completion of the same.

Sec. 36-144. Requirements of street prior to issuance of permit.

No person shall construct a building nor shall any building permit be issued on any lot or parcel of land regardless of when the lot or parcel of land was created for the construction of any building unless the lot or parcel of land has access to and is adjacent to a street that is shown on the official street survey plan of the city; however, any person requesting a building permit may, in accordance with provisions of this chapter, obtain a building permit if the person has guaranteed the improvement of the street to city standards by escrow agreement, performance bond, platting agreement, or other assurances, prior to the occupancy of the building.

Sec. 36-145. Condition of permit.

- (a) *Payment of fees.* A permit shall not be issued until all fees have been paid.
- (b) *Compliance with code.* A permit is no more than a license to proceed with the work. In no way shall it be construed as authority to violate, cancel or set aside any of the provisions of these codes, whether shown on the approved construction documents or not, except as specifically stipulated by modification or legally granted variation as described in the application.
- (c) *Compliance with permit.* All work shall conform to the approved application and approved construction documents for which the permit has been issued and any approved amendments thereto. In no way, however, does this grant authority to violate these codes whether or not code violations were found during the review of the construction documents.
- (d) *Compliance with site plan.* All new work shall be located strictly in accordance with the approved site plan.

Sec. 36-146. Fees.

- (a) *General.* A building, plumbing, mechanical, fuel gas, or electrical permit shall not be issued until the fees prescribed in this section shall have been paid to the department of building development services or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee has been paid.
- (b) *Special fees.* The payment of fees to this department for permits shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance both within and without the jurisdiction of the department of building development services.
- (c) *Fees.* The fees for permits, plan review, and inspections shall be as prescribed in subsection (d) of this section, and the building official is authorized to establish by approved rules a schedule of unit rates for building and structures of all use groups and types of construction as classified and defined in the building code.

(d) *Fee schedule.* A fee for each permit, plan review, and inspection shall be paid in full in accordance with fees as adopted by the City of Springfield and on file with the city clerk prior to a permit being issued, plan reviewed, or inspection made.

(e) *Accounting.* The building official shall keep an accurate account of all fees collected and disposed of as required by law.

(f) *Refunds.* Refunds will not be made of any fee collected for plan review on any project that has been reviewed. If requested, permit fees that are abandoned before being started or inspected shall be made at 50 percent of the total fee paid excluding plan review fees, but in no case shall any refund be made after a period of 180 calendar days from the date of issuance of the permit.

(g) *Overtime fees.* All fees for overtime inspections, when requested by the permit holder, shall be as set forth in chapter 2 of the Springfield City Code.

(h) *Re-inspection fees.* When it becomes necessary to make more than one re-inspection on the same violation because it was not corrected after the first inspection, then the permit holder shall pay an additional re-inspection fee as set forth in chapter 2 of the Springfield City Code. All refunds shall be made in accordance with the fee-refund policies prescribed by the City of Springfield.

(G.O. 6308, § 2, 10-17-16; Ord. No. 6352, § 4, 3-20-17; Gen. Ord. 6553, § 1, 11-18-19)

DIVISION 5. INSPECTION

Sec. 36-147. Preliminary.

Before issuing a permit, the building official shall, if deemed necessary, examine or cause to be examined all buildings, structures, and sites for which an application has been filed for a permit.

Sec. 36-148. Required inspections and testing.

Construction or work for which a permit is required shall be subject to the following inspections by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these codes or of other ordinances of the jurisdiction. No inspection, nor any interpretation of such inspection, may authorize the violation, or cancellation of, the provisions of these codes or of other ordinances of the city. It shall be the duty of the person or contractor to whom a permit has been issued to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(1) *Footing or foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete, after poles or piers are set, or trenches or basement areas are excavated and any required reinforcing steel is in place. Prior to

placement of any concrete, for concrete foundations, any required forms shall be in place prior to inspection. The footing/foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment, and special requirements for wood foundations. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

- (2) *Concrete slab or under-floor inspection.* Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel excluding floor wire mesh reinforcement and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place and approved, but before any concrete is placed or floor sheathing installed, including the sub-floor.
- (3) *Lowest floor elevation.* In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required by the currently adopted building and residential codes, shall be submitted to the code official. The lowest floor elevation shall be as required in General Ordinance No. 5907 of the City of Springfield.
- (4) *Stem wall inspection.* A stem wall inspection shall be required at such time as all forms are set and reinforcement is in place. Stem wall forms shall be marked in such a manner as to denote the "top of wall." Concrete masonry unit foundation walls shall be inspected at such time as the top course has been installed and prior to any further vertical construction has taken place.
- (5) *Floor framing inspection.* Where framed floors are constructed over crawl spaces without a minimum vertical clearance of 32 inches from the bottom of floor joists to bottom surface of the crawlspace, and without a minimum vertical clearance of 18 inches from bottom of girders to bottom surface of crawlspace, a floor framing inspection shall be required before the floor framing is completely covered by subflooring and flooring. Until the floor framing is inspected and approved the subflooring and flooring shall remain uninstalled at each of the following and at two separate locations of each condition to allow access and inspection:
 - a. Corner foundation anchor bolts;
 - b. Girder to pier shim conditions;
 - c. Girder to foundation pocket;
 - d. Minimum of eight linear running length of foundation wall with typical anchor bolt installation.
- (6) *Blocking and sheathing inspection.* Blocking and sheathing shall be inspected prior to installation of any material that will conceal blocking or sheathing from view, and prior to frame and masonry inspection.
- (7) *Frame and masonry inspection.* Framing and masonry inspections shall be made after the roof deck or sheathings, masonry, all framing, fire-blocking, fire-stopping,

draft-stopping, and bracing are in place and pipes, chimneys, and vents to be concealed are complete and after the rough-in inspections are approved for the area inspected.

- (8) *Building envelope insulation and sealing inspection.* Insulation and sealing of the building envelope shall be inspected on projects governed by the adopted International Residential Code before installation of finishes or any element that will cover the sealing and insulation work and prevent inspection. If building construction fails to meet the requirements of the approved drawings and codes and the contractor does not correct the deficiencies the building inspector has the authority to require building envelope and duct leakage testing.
- (9) *Fire- and smoke-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (10) *Fire-resistance-rated construction inspection.* Where fire-resistance-rated construction is required, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.
- (11) *Inspections and testing of systems.* Systems shall include, but are not necessarily limited to, mechanical, electrical, plumbing, fire suppression, and fuel gas systems. The building official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.
 - a. *Service utilities.*
 1. *Connection of service utilities.* No person shall make connections from a utility, source of energy, or a fuel or power source to any building or system that is regulated by this code for which a permit is required, or until released by the building official.
 2. *Temporary connection.* The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, or fuel or power source.
 - b. *Underground and sub-slab system inspection.* Underground and sub-slab system inspections shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.

- c. *Rough-in system inspection.* Rough-in inspection shall be made after the roof, framing, fire-blocking, and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
- d. *Final system inspection.* Final inspection shall be made upon completion of the system.

Exception:

Ground-source heat pump loop systems tested in accordance with Section 1208.1.1 of the International Mechanical Code shall be permitted to be back-filled prior to inspection.

The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

- e. *Final building inspection.* The final building inspection shall be made after all work required by the building permits is completed.
- f. *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building development services.

(Ord. No. 6352, § 5, 3-20-17; Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-149. Testing.

Systems shall be tested as required in the adopted codes and related referenced standards except as otherwise allowed by the building official. Tests shall be made by, and at the expense of the permit holder and observed by the building official or authorized representative.

- (1) *Re-inspection and testing.* Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for inspection and testing.
- (2) *New, altered, extended, or repaired systems.* New systems and parts of existing systems, which have been altered, extended, renovated, or repaired, shall be tested as prescribed to disclose leaks and defects.
- (3) *Apparatus, material and labor for tests.* Apparatus, material, and labor required for testing a system or part thereof shall be furnished by the permit holder.

Sec. 36-150. Special inspections.

Special inspections shall comply with the International Building Code, as determined by the code official, and with administrative rulings.

- (1) *Inspection requests.* It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official at least 24 hours in advance of all required inspection including special inspections when the work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this code.
- (2) *Approval required.* Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fail to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.
- (3) *Inspection agencies.* The building official is authorized to accept reports of approved inspection agencies or licensed professional, provided such agencies or licensed professional satisfies the requirements as to qualifications and reliability. Agency or licensed professional approval must be granted by the building official prior to the inspection.

(Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-151. Prefabricated assemblies evaluation and follow-up inspection services.

Prior to the approval of a prefabricated construction assembly having concealed systems and the issuance of a mechanical, plumbing, fuel gas, electrical, and private sewage disposal permit, the building official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the mechanical, plumbing, fuel gas, electrical and private sewage disposal system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the building official to determine conformance to this code.

- (1) *Evaluation service.* The building official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.
- (2) *Follow-up inspection.* Except where ready access is provided to mechanical, plumbing, fuel gas, electrical, and private sewage disposal systems, service equipment, and accessories for complete inspection at the site without disassembly or dismantling, the building official may conduct the in-plant inspections as frequently as necessary to ensure conformance to the adopted codes and ordinance. The inspection agency

shall furnish the building official with the follow-up inspection manual and a report of inspections upon request, and the mechanical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

- (3) *Test and inspection records.* Required test and inspection records shall be available to the building official at all times.

Sec. 36-152. Right of entry.

(a) *Access.* Whenever necessary for the purpose of enforcing the provisions of these codes, or whenever the building official has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe or dangerous, the code official shall have the right, at all reasonable times, to inspect the same or to perform any duty imposed upon the building official by these codes. If such structures or premises are occupied, posted for "no trespassing" or locked or otherwise secured, the code official shall first present proper identification and request entry, except for emergencies to save lives or property. Notwithstanding such provisions, entry may be had by the building official into all public or commercial places, building or structures in those spaces or areas that are open and accessible to the public. If an inspection is required under these codes, then refusal to provide access for such inspection shall constitute cause to issue a stop work order, revoke, or refuse to issue the permit, license, or utilities under this code. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

(b) *Probable cause.* If an official who has a duty to perform under these codes has been refused access to a building, structure, or property or any part thereof, and if such official has probable cause to believe that there may be a violation of these codes, or unsafe or dangerous condition, or that there is a need to inspect as part of a routine inspection program of the city designed to protect the overall public health, safety and welfare of the community, then upon application by the city attorney to the municipal court judge and a showing of the above, the municipal court judge of the city shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours and only by an official of the department in the company of a uniformed police officer of the city.

Sec. 36-153. Coordination of inspection.

Whenever in the enforcement of these codes or another code or ordinance, where the responsibility of more than one inspector of the jurisdiction is involved it shall be the duty of the inspectors involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any

agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the finding to the building official having jurisdiction.

Sec. 36-154. Stop work order.

(a) *Notice to owner.* Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of these codes or in an unsafe and dangerous manner, or in conflict with approved construction documents, such work shall be stopped.

(b) *Form and content.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work and shall state the conditions under which work will be permitted to resume.

(c) *Unlawful continuance.* Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be punished as provided for in division 8 of this article.

DIVISION 6. CERTIFICATE OF USE AND OCCUPANCY**Sec. 36-155. New buildings.**

A building or structure hereafter erected shall not be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the building official. A certificate of occupancy will not be required for an accessory structure less than 400 square feet in area. A compliance certificate indicating that the building or structure was constructed in accordance with the drawings approved by the building official, signed by an authorized agent of the contractor, shall be submitted prior to issuance of a certificate of occupancy.
(Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-156. Buildings hereafter altered.

A building or structure hereafter enlarged, extended or altered to change from one use group to another or to a different use within the same use group, in whole or in part, and a building or structure hereafter altered for which a certificate of occupancy has not been heretofore issued, shall not be occupied or used until the certificate of use and occupancy shall have been issued by the building official, certifying that the work has been completed in accordance with the provisions of the approved permit. A compliance certificate indicating that the building or structure enlarged, extended or altered was constructed in accordance with the drawings approved by the building official, signed by an authorized agent of the contractor, shall be submitted prior to issuance of a certificate of occupancy.
(Gen. Ord. 6553, § 1, 11-18-19)

Sec. 36-157. Existing buildings.

Upon written request from the owner of an existing building or structure, the building official shall issue a certificate of use or occupancy provided that there are no violations of law or orders of the building official pending, and it is established after inspection and investigation that the alleged use of the building or structure has heretofore existed. These codes shall not require the removal, alteration or abandonment of, or prevent the continuance of, the use and occupancy of a lawfully existing building or structure, unless such use is deemed to endanger public safety and welfare.

Sec. 36-158. Changes in use and occupancy.

After a change of use has been made in a building or structure, the re-establishment of a prior use not permitted by any code of the city in a new building of the same type of construction is prohibited unless the building complies with all applicable provisions of these codes. A change from one prohibited use, for which a permit has been granted, to another prohibited use shall be deemed a violation of these codes.

Sec. 36-159. Temporary occupancy.

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

Sec. 36-160. Certificate required.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided therein. Issuance of a certificate shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. The certificate of occupancy shall be posted at the main entrance to the building.

- (1) *Certificate of occupancy.* After the building official inspects the structure, addition or remodel and finds no violations of the provisions of this code or other laws that are enforced by the department of building development services, for which a building permit has been issued, the building official shall issue a certificate of occupancy that shall contain the following:
 - a. The project number.
 - b. The address of the structure.
 - c. The name and address of the owner and or tenant.
 - d. A description of that portion of the structure for which the certificate is issued.

- e. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

- f. The name of the building official.

- g. The edition of the code under which the certificate of occupancy was issued.

Exception: When the code edition for the structure cannot be determined or the specific code criteria cannot be verified the certificate of occupancy shall state, "This structure has been inspected and found acceptable for the proposed use."

- h. The use and occupancy, in accordance with the applicable code.

- i. The type of construction as defined in the applicable code.

Exception: When the code edition for the structure cannot be determined or the specific type of construction cannot be verified the certificate of occupancy shall state, "This structure has been inspected and found acceptable for the proposed use."

- j. The occupant load, if other than a one- and two-family structure.

- k. Sprinkler system provided.

- l. Any special stipulations and conditions of the building permit.

- (2) *Existing structures of use Group A.* All buildings, classified as use Group A that change in ownership or tenant shall require a new certificate of occupancy. A design professional shall establish the allowed occupancy load for review by the code official if the design occupancy criteria is not on file with the city or the occupancy design criteria was established more than two years before the adoption of this ordinance.

- (3) *Floor and roof design loads.*

- a. *Live loads posted.* In commercial or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

Exception: Posting of live loads will not be required for first-floor-concrete-slab on grade nor in corridors for office, residential, and penal-institution uses.

- b. *Issuance of certificate of occupancy.* A certificate of occupancy shall not be issued until the floor-load signs have been installed.

- c. *Restrictions on loading.* It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this Code.

(Gen. Ord. 6553, § 1, 11-18-19)

**DIVISION 7. UNSAFE STRUCTURES—EMERGENCY MEASURES—POSTING
STRUCTURES—APPEALS****Sec. 36-161. Unsafe structures and systems.**

All buildings and structures that are or hereafter shall become unsafe, or deficient in adequate means of egress facilities, or which constitute a fire hazard, or are otherwise dangerous to human life, or have systems with materials and equipment regardless of type, that are unsanitary, worn, damaged, or defective, or which involve illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings, structures, or systems. All unsafe structures shall be taken down and removed or made safe and secure, and all unsafe systems shall be repaired and rehabilitated or removed in a manner prescribed in chapter 26, article III, dangerous, blighted and nuisance buildings, of the Springfield City Code.

- (1) *Abandoned systems.* All abandoned private sewage disposal systems shall be plugged or capped in an approved manner. All abandoned treatment tanks and seepage pits shall have the contents pumped and discarded in an approved manner. The top of entire tanks shall be removed and the remaining portion of the tank or excavation shall be immediately filled. If access to the tank cannot be achieved the nearest available inlet point to the tank shall be filled with concrete and the pipe capped in an approved manner.
- (2) *Failing systems.* When a private sewage disposal system fails or malfunctions, the system shall be corrected or use of the system shall be discontinued within that period of time required by the building official, but such period shall not exceed one year.

A failing private sewage disposal system shall be one causing or resulting in any of the following conditions:

- a. The failure to accept sewage discharges and backup of sewage into the structure served by the private sewage disposal system.
 - b. The discharge of sewage to the surface of the ground or to a drain tile.
 - c. The discharge of sewage to any surface or ground waters.
 - d. The introduction of sewage into saturation zones adversely affecting the operation of a private sewage disposal system.
- (3) *Examination and record of damaged structure.* The building official shall examine every building, structure, or system reported as dangerous, unsafe structurally, unsanitary, or constituting a fire hazard, and shall cause the report to be filed in a docket of unsafe structures and premises; the report shall state the use of the structure and the nature of the damages, if any, caused by collapse or failure.
 - (4) *Termination of utilities.* When it is found, after a hearing conducted as prescribed under article III of chapter 26 of the City Code, that a structure is dangerous, the

building official shall notify the utility company to disconnect all utilities to the structure. Such utilities will not be reconnected again until the structure is safe and the owner or his agent shall bear all costs of reconnection.

- (5) *Restoration of unsafe structure.* A building or structure identified by the building official as unsafe is permitted to be restored to a safe condition except that if the damage or cost of reconstruction or restoration is in excess of 50 percent of its replacement value, exclusive of foundations, such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.

Sec. 36-162. Emergency measures.

- (a) *Vacating structures.* When, in the opinion of the building official there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the building official is authorized and empowered to order and require the occupants to vacate the same forthwith. The building official shall cause to be posted at each entrance to such building a notice reading as follows:

"The structure is unsafe and its Use of Occupancy has been prohibited by the Building Official."

It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.

- (b) *Temporary safeguards.* When, in the opinion of the building official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the building official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been instituted.

- (c) *Closing streets.* When necessary for the public safety, the building official shall temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structures, and prohibit the same from being used.

- (d) *Emergency repairs.* For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

- (e) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the city as certified by the building official. The city attorney shall institute appropriate action against the owner of the premises where the unsafe building or structure is or was located for the recovery of such costs.

(Ord. No. 6352, § 7, 3-20-17)

Sec. 36-163. Service utilities.

(a) *Connection of service utilities.* No person shall make connections from a utility, source of energy, or a fuel or power source to any building or system that is regulated by this code for which a permit is required, or until released by the building official.

(b) *Temporary connection.* The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, or fuel or power source.

(c) *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and/or occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner and occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(d) *Connection after order to disconnect.* A person shall not make utility service or energy source connections to systems regulated by this Code, which have been disconnected, or ordered to be disconnected by the building official.

Sec. 36-164. Means of appeal—Application.

Any person shall have the right to appeal to the board of building, housing, and craft appeals from a decision of the building official refusing to grant a modification to the provisions of these codes covering the manner of construction or materials. Application to the hearings by the board of building, housing, and craft appeals shall be as established by article IV of this chapter. Should any court of competent jurisdiction deem that such appeals are not within the jurisdiction of said board, the city manager shall appoint a hearing examiner to hear said appeal.

DIVISION 8. VIOLATIONS**Sec. 36-165. Unlawful acts.**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, move, demolish, install, maintain use, or occupy any building, structure or system regulated by these codes, or cause same to be done, in conflict with or in violation of any of the provisions of these codes.

Sec. 36-166. Notice of violation.

With a "violation notice," the building official shall notify the person responsible for the erection, construction, alteration, extension, repair, removal, demolition, moving, use, or occupancy of a building, structure, or system in violation of a permit or certificate issued

under the provisions of these codes. The violation notice shall direct the discontinuance of the illegal action or condition and the abatement of the violation and shall not be required to prosecute a person for violation of any provision of these codes, except in cases such violation notice shall be required to prosecute a person for failure to comply with any order. A violation notice delivery may be by:

- (1) Personal delivery; or,
- (2) Postage prepaid United States certified mail, return receipt requested, and regular first class mail; or,
- (3) FedEx, UPS, or similar carrier; and,
- (4) Posting the violation notice in a conspicuous location on the property where the violation exists, unless there has been personal delivery.

(Ord. No. 6352, § 8, 3-20-17)

Sec. 36-167. Remedies.

If a person violates these codes or if a notice of violation is not complied with in the time specified by the building official, the building official may cause a municipal court summons to be issued and he may also request the city attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of these codes or of any order or direction made pursuant thereto.

Sec. 36-168. Prosecution of violation.

Any person violating any of the provisions of these codes, or this article, or failing to comply with any order issued pursuant to any section thereof; or who shall erect, construct, alter or repair a building, structure or system in violation of an approved plan or directive of the building official or of a permit or certificate issued under the provisions of these codes shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided for in section 1-7 of the City Code. Each day that a violation continues, after a service of notice as provided for in these codes, shall be deemed a separate offense. Notice as set forth in section 36-166 shall not be required in order to prosecute a person for a violation of any provision of this article or these codes, except such notice shall be required to prosecute a person for failure to comply with an order.

(Ord. No. 6352, § 8, 3-20-17)

Sec. 36-169. Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting appropriate action to: prevent unlawful construction; restrain, correct or abate a code violation; or, prevent illegal use or occupancy of a building, structure, or premises.

(Ord. No. 6352, § 8, 3-20-17)

Sec. 36-170. Responsibility.

Any person who shall be designated by the owner under the City Code as the local responsible agent or registered agent, shall be jointly and severally responsible for compliance with the provisions of these codes in the same manner as the owner.

Sec. 36-171. Penalty clause.

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 36-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

(Ord. No. 6352, § 8, 3-20-17; Gen. Ord. 6553, § 1, 11-18-19)

ADMINISTRATION AND ENFORCEMENT OF CODES

Table of History

[Editor's Note: Chapter 36, Article III, Land Development Code, Sub-Article XII, Administration and Enforcement of Codes has been amended and moved to Chapter 36, Land Development Code, Article I, Technical Codes Administration and Enforcements.]

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
5128	October 29, 2001	A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, by amending certain sections of Sub-Article XII, Administration and Enforcement of Codes and certain sections of Chapter 26, Buildings and Building Regulations, Article III, Dangerous Building Code, by adding or deleting language from certain sections to provide a process by which a vacant building may be boarded and declaring an emergency.
5198	July 1, 2002	Amended Sections 36-1229 and 36-1250 to consolidate information related to fees for services as administered by the Department of Building Development Services.
5337	January 12, 2004	A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, by Repealing Sub-Article XII, Administration and Enforcement of Codes in its entirety, and enacting in lieu thereof a new Sub-Article XII, Administration and Enforcement of Codes all pertaining to the same subject matter. Note: General ordinance 5337 repealed only general ordinance 5073, leaving general ordinance 5128 intact.
5457	May 2, 2005	A general ordinance amending Chapter 36, Article III of the Springfield City Code, known as the Land Development Code, by amending certain sections of Sub-Article XII, Administration and Enforcement of Codes.
5510	December 12, 2005	A general ordinance amending Sections 36-1229 and 36-1250 by adopting the proposed fee schedule in accordance with requirements and provisions in Section 2-425(a).
5633	December 11, 2006	A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, by amending certain sections of Article XII, Administration and Enforcement of Codes, all pertaining to the same subject matter.

SPRINGFIELD LAND DEVELOPMENT CODE

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
6015	September 24, 2012	Repealed Sub-Article XII, Technical Codes, Administration, and Enforcement in its entirety, and enacting in lieu thereof a new Sub-Article XII, Technical Codes, Administration, and Enforcement

ARTICLE II.

SUBDIVISION REGULATIONS*

Division 1. Generally

- Sec. 36-200. Short title.
- Sec. 36-201. Interpretation and purpose.
- Sec. 36-202. Scope.
- Sec. 36-203. Authority.
- Sec. 36-204. Application of regulations.
- Sec. 36-205. Enforcement.
- Sec. 36-206. Variances.
- Sec. 36-207. Conditions for recording.
- Sec. 36-208. Septic tank—Permission to construct and use.
- Sec. 36-209. Public improvements.
- Sec. 36-210. Subdivision or additions—Acceptance of subdivision.
- Sec. 36-211. Acceptance of streets.
- Sec. 36-212. Misrepresentation as to construction, supervision or inspection or improvements.
- Sec. 36-213. Penalty.
- Sec. 36-214. Amendments.
- Secs. 36-215—36-220. Reserved.

Division 2. Subdivision Application Procedure and Approval Process

- Sec. 36-221. Official duties of the director of planning and development.
- Sec. 36-222. Classification of subdivision.
- Sec. 36-223. Administrative subdivisions—Administrative approval of lot divisions, lot combinations, property line adjustments, tract certifications and administrative condominiums.
- Sec. 36-224. Procedure for approval of administrative subdivisions.
- Sec. 36-225. Procedure for review of minor subdivisions not subject to administrative approval.
- Sec. 36-226. Major subdivision review procedure.
- Sec. 36-227. Cluster subdivision review procedure.
- Secs. 36-228—36-230. Reserved.

Division 3. Assurance for Completion and Maintenance of Improvements

- Sec. 36-231. General.

***Editor's note**—Included herein is the Subdivision Regulations of the city, General Ordinance 1040, as adopted on March 26, 1956, as amended through January 13, 2014. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

SPRINGFIELD LAND DEVELOPMENT CODE

- Sec. 36-232. Subdivision improvement guarantees.
- Sec. 36-233. Improvements.
- Sec. 36-234. Withholding improvements until approved.
- Secs. 36-235—36-240. Reserved.

Division 4. Requirements for Improvements, Reservation and Design

- Sec. 36-241. General improvements.
- Sec. 36-242. Subdivision name.
- Sec. 36-243. Streets.
- Sec. 36-244. Alleys.
- Sec. 36-245. Easements.
- Sec. 36-246. Blocks.
- Sec. 36-247. Lots.
- Sec. 36-248. Public sites and open spaces.
- Sec. 36-249. Flood areas.
- Sec. 36-250. Improvements.
- Sec. 36-251. Access criteria for major streets.
- Sec. 36-252. Linear park trails and connections to linear park trails.
- Sec. 36-253. Stream buffers.
- Secs. 36-254—36-260. Reserved.

Division 5. Specifications for Documents to be Submitted

- Sec. 36-261. General.
- Sec. 36-262. Sketch plats.
- Sec. 36-263. Preliminary plats.
- Sec. 36-264. Final plat.
- Secs. 36-265—36-270. Reserved.

Division 6. Miscellaneous

- Sec. 36-271. Definitions.
- Sec. 36-272. Fees and charges.
- Sec. 36-273. Processing fees.
- Secs. 36-274—36-299. Reserved.

Table of History

DIVISION 1. GENERALLY**Sec. 36-200. Short title.**

This article shall be known and may be cited as the "Subdivision Regulations" of the City of Springfield, Missouri.

Sec. 36-201. Interpretation and purpose.

In their interpretation and application the provisions of this article shall be held to the minimum requirements adopted for the protection of the public health, safety, and welfare. To protect the public, among other purposes, such provisions are intended to provide for a permanently wholesome community environment, adequate municipal services and safe streets.

Sec. 36-202. Scope.

This article shall apply to all land which is subdivided if the subdivision is recorded after March 26, 1956, and to any lot or lots which are resubdivided after March 26, 1956. It is not intended by the article to repeal, abrogate, nullify or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this article, with private restrictions placed upon property by deed, covenants or other private agreement, or with restrictive covenants running with the land to which the city is a party. Where this article imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinances, contract or deed, the provisions of this article shall control. Subdivision regulation in effect prior to the effective date of this article shall apply to all land where an application has been made to the commission to subdivide the land prior to the effective date of this article provided a plat is recorded for such subdivision within 18 months after passage of this article.

Sec. 36-203. Authority.

Pursuant to the authority conferred by the Constitution and laws of the State of Missouri, and the Springfield City Charter, the Planning and Zoning Commission of Springfield, Missouri, hereinafter referred to as the planning commission or commission, is hereby designated as the administrative agency charged with the duty of making determinations and investigations concerning the design and improvements in proposed subdivisions.

Sec. 36-204. Application of regulations.

No person shall divide a tract or parcel of land or a lot into two or more lots, tracts or parcels nor shall any person install a new street, alley, easement, water line, sewers or any other public improvement except in conformity with this article; provided, the public acquisition of land for any purpose shall be exempt from such prohibition.

Sec. 36-205. Enforcement.

(1) *Recording of plat.* No property description of any subdivision shall be entitled to be recorded in the county recorder's office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved property description is recorded, it shall be considered invalid and the city attorney may cause proceedings to be instituted to have such plat or deed declared invalid.

(2) *Sale of land in subdivision.* No owner or agent of the owner of any land shall transfer, sell, offer, or agree to sell any land by reference to, exhibition of, or by use of a property description nor shall any person purchase such land or agree to buy such land before such property description has been approved and recorded in accordance with these regulations.

(3) *Permits.* The building development services department shall not issue permits for any structure except where a property description has been approved in the manner prescribed herein.

(4) *Public improvements.* The city and its boards, commissions and agents shall withhold all public improvements of whatever nature, including the furnishing or maintenance of streets, utilities and sewage facilities from all subdivisions subject to this article which have not been approved, and from all areas dedicated to the public which have not been accepted by the council, in the manner prescribed herein. Upon the director of planning and development notifying city utilities of the City of Springfield of a violation of this article, it shall be unlawful for city utilities to furnish utilities to property which has been subdivided in violation of these regulations.

(5) *Revision of plat after approval.* No changes, erasures, modifications or revisions shall be made in any final plat of a subdivision or in any metes and bounds description after approval has been given under the provisions of these regulations.

(6) *Hearing before director of planning and development.* The person(s) violating such section or person(s) owning property unlawfully subdivided shall request a hearing before the director of planning and development within 30 days after notice from the director otherwise the decision of the director shall become final. The director shall determine at such hearing if this article has been violated. The decision of the director shall be final and shall be subject to review under Chapter 536 of the Revised Statutes of Missouri.

Sec. 36-206. Variances.

(1) *General.* Deviations from and exceptions to the standards and procedures of this article may be granted by the city council, the planning commission or the director of planning and development, as set forth herein only if such deviations and exceptions conform to the following conditions and procedures. Such deviations and exceptions are referred to, for purposes of this article, as variances relative to zoning and other ordinances and codes effective in the City of Springfield. No application for preliminary plat which would create conditions requiring a variance or exception from zoning standards or other ordinances or

codes by the board of adjustment, shall be submitted to the planning and zoning commission unless and until the applicant's request for variance or exception shall have been first submitted to and approved by the board of adjustment.

(2) *Purpose and intent.* It is the purpose and intent of this variance procedure to provide relief from unusual hardship, inequitable construction procedures, design requirements which may be impractical and other conditions which occur with a specific parcel of land but do not occur in the normal subdivision process.

(3) *Conditions of variance approval.* No variance shall be granted unless it is found that:

- (a) There are special and unusual circumstances affecting said property such that the strict application of the provisions of this article would deprive the owner of the reasonable use of his land and is not the mere grant of a privilege; and
- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the owner; and
- (c) The granting of the variance would not be detrimental to the public safety, convenience or welfare or be injurious to other property in the vicinity.

(4) *Recording required.* When a variance from these regulations has been approved, the details of such variance shall be recorded in the office of the Recorder of Deeds of Greene County. No such variance shall be recorded, however, until a 30-day period shall have passed during which time said variance may be challenged in a court of competent jurisdiction.

(5) *Authority to grant variances.*

- (a) The planning commission shall be empowered to grant variances with respect to the improvements and the design standards relative to lot dimensions and arrangements, street location, alignment, the location and alignment of easements, building lines and similar standards.
- (b) City council shall review requests for variances only upon an appeal by an applicant from a denial of a request by the commission and only upon the written record made before the commission.

(6) *Procedure.*

(a) Variances shall be reviewed in accordance with one of the two following procedures:

1. Requests for variances may be submitted concurrently with the preliminary plat or final plat if it is a minor subdivision. The applications for variance shall be made on forms provided by the director and shall state precisely the provisions from which variance is requested along with the reasons therefor. Such variance application shall be reviewed and acted upon concurrently with the preliminary plat or final plat if a minor subdivision.
2. Requests for variances independent of plat review shall be permitted if the applicant can show good cause why such request was not made at the time of the

preliminary plat and shall be submitted on forms provided by the director along with a fee for administrative processing in the amount prescribed by ordinance. Such application shall be submitted to the commission.

3. Within 30 days after commission has acted on a variance, the city council may, by vote of council, elect to conduct independent review of any variances considered by the commission and may grant, reverse, modify or affirm the decision of the commission based on the provisions of this article and procedures for granting variances.

(G.O. 4675, 2-3-97)

Sec. 36-207. Conditions for recording.

No property description of any subdivision shall be entitled to be recorded in the county recorder's office or have any validity until the property description thereof has been prepared, approved and acknowledged in the manner herein prescribed. Recording of the property description approved in the manner herein prescribed shall be conclusive evidence of validity of the subdivision.

Sec. 36-208. Septic tank—Permission to construct and use.

Septic tanks and filtration beds can be constructed only after the site has been inspected and the plans and specifications for the construction of the same approved by the director of building development services as conforming to the sanitary code of the Division of Public Health of Missouri.

Sec. 36-209. Public improvements.

After the effective date of this article, no public improvements shall be made or permitted in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this article, unless such subdivision or street has been approved and recorded in accordance with the provisions contained herein.

Sec. 36-210. Subdivision or additions—Acceptance of subdivision.

No subdivision of land within the city shall be accepted or approved by the council, commission or by the director of public works unless the streets, avenues or alleys, sewers or other improvements in such addition or subdivision are improved, or constructed in a manner complying with the plans and specifications fixed by the director of public works or unless the subdivision or developer guarantees that such improvements will be constructed to comply with plans and specifications approved by the director of public works.

Sec. 36-211. Acceptance of streets.

No street, avenue, alley or public highway which has been improved shall hereafter be accepted by the city unless such improvements were constructed according to the plans and

specifications then in force for the doing of such work or making such improvement at the time the work or making such improvement was begun, and unless such improvements were constructed under the supervision and inspection of the city.

Sec. 36-212. Misrepresentation as to construction, supervision or inspection or improvements.

It shall be unlawful for any person, firm or corporation owning an addition or subdivision of land within the city to represent that any improvements upon any of the streets, alleys, or avenues of said addition or subdivision, or a sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the director of public works, or has been supervised or inspected by him, when such improvement is not so constructed, supervised or inspected.

Sec. 36-213. Penalty.

It shall be unlawful for any person to engage in any act or in any conduct prohibited by this article. Any person who engages in such acts or conduct or who violates the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$500.00.

Sec. 36-214. Amendments.

For the purpose of providing for the public health, safety and general welfare, the city council may from time to time amend the provisions imposed by this article. Public hearings on all proposed amendments shall be held by the planning and zoning commission and be approved or rejected by city council.

(G.O. 6304, § 1, 9-6-16)

Secs. 36-215—36-220. Reserved.

DIVISION 2. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

Sec. 36-221. Official duties of the director of planning and development.

(1) Unless otherwise stated, the provisions of these regulations shall be administered by the director of planning and development.

(2) The director, with the assistance of the city attorney, shall have all necessary authority to administer and enforce these regulations on behalf of the city. Said authority shall include the ability to order, in writing, the remedy of any condition found in violation of these regulations and the ability to initiate legal action to insure compliance with the provisions including injunctions or other action to set aside subdivisions or any illegal conveyance of land which violates provisions of this article. The authority includes injunction, abatement, or other appropriate actions or proceedings.

- (3) In the administration of these regulations, the director shall:
 - (a) Receive, review for completeness and substantial compliance, officially accept, and maintain current permanent files and records for all applications for subdivision approval.
 - (b) Conduct inspections of proposed subdivisions to determine compliance with these regulations.
 - (c) Insure that copies of the subdivision regulations are available for public distribution.
 - (d) Provide such technical and consultative assistance as may be required by the planning commission, the city council, and by the agencies of the city in the exercise of their duties relating to these regulations.
 - (e) Perform such other duties and functions as required by these regulations.

Sec. 36-222. Classification of subdivision.

- (1) Classification of the subdivision shall be made by the director in accordance with the definitions of this section.
- (2) Subdivisions shall be classified as a platted subdivision or administrative subdivision in accordance with the provisions of this section. Administrative subdivisions shall include an administrative re-plat, a lot combination, property line adjustment, tract certification, or administrative condominium in accordance with the provisions of this section.
 - (a) *Platted subdivision.* A subdivision of property into two or more tracts, parcels or lots, which is approved by the planning and zoning commission and city council and is recorded in the form of a plat at the office of the Greene County Recorder of Deeds.
 - (b) *Administrative subdivision.* A subdivision of property which the director of planning and development has the authority to approve in accordance with this article. Administrative subdivisions are limited to the following and shall meet the conditions for each as described herein:
 1. *Administrative re-plat.* The subdivision of land shall be classified as an administrative re-plat if an existing lot in a previously recorded subdivision is subdivided into not more than five tracts, parcels or lots, and does not include the dedication of a new street or other public way or change in existing streets, or alleys.
 2. *Lot combination.* The assembly or combination of contiguous existing tracts of record.
 3. *Property line adjustment.* Movement of a property line to correct an encroachment or property line dispute in which the property line is moved to change the dimensions of a tract while maintaining its original shape.
 4. *Tract certification.* The certification of a property description.

5. *Administrative condominium.* The subdivision of an existing structure or structures on a lot of record into units on a common element.

(3) Classification of a subdivision as anything other than a "platted subdivision" shall not be construed as a waiver of any requirements of these regulations nor the provisions of any other ordinance or statute pertaining to the property.

(G.O. 4581, 1-22-96; G.O. 5754, 5-19-08)

Sec. 36-223. Administrative subdivisions—Administrative approval of lot divisions, lot combinations, property line adjustments, tract certifications and administrative condominiums.

(1) *Administrative re-plats.* The director of planning and development has the authority to approve an administrative re-plat if it complies with one of the following requirements.

- (a) The configuration of the property was created by a court decree or order resulting from testamentary or intestate provisions.
- (b) All lots in the proposed subdivision are at least 40 acres.
- (c) The director finds the subdivision of land satisfies all of the following conditions.
 1. The proposed subdivision is part of a previously final platted and recorded subdivision.
 2. The proposed subdivision does not:
 - (i) Create more than five new lots from each lot created by a previously recorded subdivision; and
 - (ii) The aggregate total of new lots created does not exceed five tracts, parcels or lots from each lot created by a previously recorded subdivision if any of the area of the proposed subdivision was part of a prior administrative re-plat or lot division.
 3. The proposed subdivision does not include the dedication of a new street or other public way or change in existing constructed streets or alleys.
 4. The right-of-way adjacent to the proposed subdivision meets the widths prescribed by this article and by the city traffic engineer, or the proposed subdivision includes the dedication of additional right-of-way necessary to provide the prescribed right-of-way width.
 5. The proposed subdivision includes the dedication of any easements determined necessary by the director of public works or to provide utilities to serve the subdivision.
 6. Each lot of the proposed subdivision is already served by the following improvements:
 - (i) Public sanitary sewer, and
 - (ii) Potable water facilities.
 7. Each lot of the proposed subdivision is either:
 - (i) Already served by stormwater conveyance and/or detention facilities, whether public or private; or

- (ii) Construction of private stormwater conveyance and/or detention facilities is proposed to be deferred to time of development in compliance with the following conditions:
 - a. A plat note is included on the administrative re-plat requiring the construction of the private stormwater conveyance and/or detention facilities prior to issuance of a building permit;
 - b. The subdivider submits preliminary design plans with the application for the administrative re-plat sufficient to show that the proposed private stormwater conveyance and/or detention facilities can be engineered to function as proposed; and
 - c. The director of public works approves the concept set forth in the preliminary design.
- 8. Each lot of the proposed subdivision has sidewalks meeting current city standards, or security for the construction of sidewalks is provided as set forth in this section.
- 9. The proposed subdivision is in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the City of Springfield and no substandard tract, parcel or lot will be created.
- 10. The proposed subdivision will not result in substantial impact on public infrastructure nor interfere with the maintenance of existing service levels, e.g. additional curb cuts, repaving, etc.
- 11. The proposed subdivision is consistent with the surrounding area in terms of the size and dimension of lots previously developed, the layout and design of existing subdivisions and the degree of deviation from previous development.
- 12. The administrative re-plat is prepared for recording in accordance with the following standards:
 - (i) The document shall be entitled "Administrative Re-plat of _____ Lot of _____ [Prior Subdivision Name]";
 - (ii) The document shall conform to the requirements of section 36-264; and
 - (iii) If private stormwater conveyance and/or detention facilities are proposed to be deferred in accordance with subsection 36-223(1)(c)12, a plat note shall be included which states:

"Construction of private stormwater improvements have been deferred for each of the lots included in this Administrative Re-Plat. All private stormwater conveyance and/or detention facilities are required to be designed in accordance with the design standards adopted by the Department of Public Works and constructed, inspected and approved prior to issuance of building permits."

(2) *Lot combinations.* The director of planning and development has the authority to approve lot combinations in which the configuration of the property is created by the assembly or combination of existing tracts of record under the following circumstances.

- (a) *Court decree.* The configuration of the property was created by a court decree or other resulting from testamentary or intestate provisions; or
- (b) *Lot combination—No substantial impact.* A lot combination upon a finding by the director that the proposed lot combination does not substantially increase the potential for development or does not substantially increase demands on public infrastructure serving existing and proposed tracts, parcels or lots, and the following conditions are satisfied:
 1. The proposed lot combination is in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the City of Springfield and no substandard tract, parcel or lot will be created; and
 2. The proposed lot combination will not create any tract, parcel or lot which does not meet the minimum lot standards of the zoning district in which it is located; and
 3. The proposed lot combination shall not cause any construction over a public sanitary sewer line or sewer easement; and
 4. The proposed lot combination is consistent with the surrounding area. In determining consistency, the size and dimensions of lots previously developed, the layout and design of existing subdivisions and the degree of deviation from previous development shall be considered.
- (c) *Lot combination—Substantial impact.* A lot combination upon a finding by the director that the proposed lot combination substantially increases the potential for development or substantially increases demands on public infrastructure serving existing and proposed tracts, parcels or lots, and the following conditions are satisfied:
 1. The proposed lot combination is in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the City of Springfield and no substandard tract, parcel or lot will be created; and
 2. The proposed lot combination will not create any tract, parcel or lot which does not meet the minimum lot standards of the zoning district in which it is located; and
 3. The proposed lot combination shall not cause any construction over a public sanitary sewer line or sewer easement; and
 4. The proposed lot combination is consistent with the surrounding area. In determining consistency, the size and dimensions of lots previously developed, the layout and design of existing subdivisions and the degree of deviation from previous development shall be considered; and

5. The proposed lot combination does not include the dedication of a new street or other public way or change in existing streets or alleys; and
6. The right-of-way adjacent to the proposed lot combination meets the widths prescribed by this article and by the city traffic engineer, or the proposed subdivision includes the dedication of additional right-of-way necessary to provide the prescribed right-of-way width; and
7. The proposed lot combination includes the dedication of any easements determined necessary by the director of public works or to provide utilities to serve the new lots; and
8. Each lot of the proposed lot combination subdivision is adequately served by the following improvements:
 - a. Public sanitary sewer;
 - b. Public water facilities; and
 - c. Stormwater drainage and/or detention facilities, whether public or private; and
9. Each lot of the proposed lot combination has sidewalks meeting current city standards, or security for the construction of these improvements is provided as set forth in this section.

(3) *Property line adjustment.* The director of planning and development has the authority to approve a property line adjustment under the following circumstances:

- (a) The configuration of the property was created by a court decree or other resulting from testamentary or intestate provisions; or
- (b) Upon a finding by the director that the proposed property line adjustment is in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the City of Springfield and no substandard tract, parcel or lot will be created, and that the property line adjustment does not cause any private sewer lateral serving any property to cross another property; and
 1. The property line adjustment is necessary to settle a property line dispute as determined by the director; or
 2. The property line adjustment is necessary to correct an encroachment of a structure on a property line as determined by the director; or
 3. The property line adjustment is necessary to meet the minimum requirements of this article, the zoning ordinance or other applicable ordinances or regulations; or
 4. The property line adjustment is requested by both adjacent property owners to adjust their common property line provided the adjustment causes no encroachment of either driveway or other structure.

(4) *Tract certification.* The director of planning and development has the authority to approve a property description as a tract, parcel or lot of record under the following circumstances:

- (a) The property existed in its present configuration prior to its annexation into the city or prior to March 26, 1956, (the date of the adoption of the present subdivision regulations); or
- (b) The subdivision was lawful under this article at the time the existing property description was recorded; or
- (c) The tract:
 1. Is a remnant from a previously approved preliminary plat, but was not final platted, and includes all the property from such preliminary plat not final platted; and
 2. Meets all the requirements of the preliminary plat with respect to the dedication of easements and rights-of-way and construction of public improvements have been completed; and
 3. Is in compliance with this article, the zoning ordinance and all other ordinances and regulations of the City of Springfield in its current configuration; and
 4. The certification will not create any tract that does not meet the minimum requirements of the zoning ordinance; and
 5. Is adequately served by public water facilities, public sewer facilities, and stormwater drainage and/or detention facilities, whether public or private; and
 6. Is served by sidewalks meeting the current city standards; and
 7. All easements deemed necessary by the director of public works have been dedicated; and
 8. All rights-of-way necessary to meet current standards have been dedicated or will be dedicated prior to tract certification.

(5) *Administrative condominium plat.* The director of planning and development has the authority to approve an administrative condominium plat when all of the following requirements are met.

- (a) The proposed condominium plat is located on a lot of record.
- (b) The structures are in compliance with all other provisions of this article, the zoning ordinance and other ordinances and regulations of the city.
- (c) The proposed condominium plat does not increase the intensity of development on the property.
- (d) The proposed condominium does not require the dedication of a new street or other public way or change in existing constructed streets or alleys.

- (e) The lot of record on which the structures are located is served by public sanitary sewer and public water facilities.
- (f) The proposed condominium plat has sidewalks meeting current city standards.
- (g) A declaration of condominium in compliance with the zoning ordinance and this article is approved by the city law department.
- (h) The proposed condominium plat sets forth the condominium units and common elements in accordance with the following requirements:
 1. Eleven copies or prints, at least one of which must be a black line copy or print, of the proposed condominium plat drawn to a scale of not less than 50 feet to one inch.
 2. A property description of the property for the proposed condominium, plus a legal boundary survey of the proposed condominium plat which survey shall show traverse bearings and internal angles with dimensions in hundredths of feet. Error of closure shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys", Division of Geology and Land Survey, Missouri Department of Natural Resources. All bearings shall be referenced to true north or grid north according to the Missouri Coordinate System of 1983, Central Zone. The survey must tie the Administrative Condominium Plat to the Missouri Coordinate System of 1983, Central Zone. The ties are to be on a minimum of two permanent monuments within the plat and the corner used to tie the plat to the United States Public Land Survey corner as recognized by the Bureau of Land Management.
 3. The exterior boundary must close within .02 of one foot easting and .02 of one foot northing.
 4. The condominium plat must show the location, type, and widths of all easements existing or proposed within the condominium.
 5. The condominium plat must show the location of all existing property lines, buildings, sewer or water mains, gas mains or other underground structures, easements or other existing features within the area proposed for the condominium.
 6. The condominium plat must show the arrangement, location and dimensions of all proposed or existing lots and units. The condominium plat and condominium declaration must include designation of common elements, and denote common elements on the condominium plat drawing or by plat note.
 7. The condominium plat shall show all existing buildings, parking lots, parking spaces, driveways and all paved areas and other features pertinent to proper division.
 8. The condominium plat shall set forth all angular and linear data along the exterior boundaries of the building or buildings located or to be located on the parcel.

9. The condominium plat shall set forth the elevations or proposed elevations at, above or below official datum of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the actual or proposed finished or unfinished interior surfaces of the perimeter walls, and lateral extensions thereof, of every unit or proposed unit in the building or buildings, and the locations or proposed locations of such wall surfaces with respect to the exterior boundaries of the parcel projected vertically upward.
10. Every unit shall be identified on the plat by a distinguishing number or other symbol.
11. The name and address of both the owner and the developer with sufficient data to show ownership, and the name of the land surveyor preparing the condominium plat.
12. Scale, north arrow, date of preparation and other pertinent data.
13. The condominium plat shall be prepared for recording in accordance with the following standards:
 - i. The document shall be entitled with the name of the condominium, designation that it is an administrative condominium, and shall include reference to the underlying lot of record, e.g., "_____ Condominium, an administrative condominium plat of Lot _____ of _____ Subdivision, Springfield, Greene County, Missouri";
 - ii. Surveyor's Certificate on the condominium plat:

"SURVEYOR'S CERTIFICATION

"KNOW ALL MEN BY THESE PRESENTS:

"That I, _____, do hereby certify that I prepared this plat from an actual survey of the land herein described in accordance with Section 410.5 of the Subdivision Regulations, Article II, Chapter 36 of the City of Springfield, Greene County, Missouri, the Minimum Standards for Property Boundary Surveys promulgated by the State of Missouri Department of Natural Resources, and that this plat contains all information required by RSMo Section 448.2-109 for condominium plats";
 - iii. A signed statement of ownership of common area and common facilities for the condominium referencing the declarations of the condominium and clearly identifying the maintenance obligation of the condominium association and notice requirements, in a form approved by the city attorney;
 - iv. An express dedication to the city of any public easements or right-of-way shown on the condominium plat; and

- v. If property is conveyed by the plat, a certification that there are no suits, actions, liens, or trusts on the property conveyed herein, and warrant generally and specially all property conveyed by the plat and will execute such further assurances as may be required.

(G.O. 4066, 8-14-89; G.O. 4581, 1-22-96; G.O. 5668, 4-9-07; G.O. 5740, 2-25-08; G.O. 5754, 5-19-08; G.O. 5909, 12-13-10)

Sec. 36-224. Procedure for approval of administrative subdivisions.

(1) Application for administrative approval of a lot division, lot combination, property line adjustment and tract certification shall be filed with the director of planning and development on forms provided by the director. The director may require submission of any and all information, material and documents necessary to determine compliance with these regulations.

(2) The director shall review the application and may submit it for review and comment to other agencies and departments as he deems necessary. The director of planning and development shall, in writing, either approve or disapprove the application within 30 days of its submission.

(3) If approved, the director shall sign and furnish a certificate of approval, a certified and acknowledged copy of which shall be filed with the Greene County Recorder of Deeds, the director of building regulations, the city clerk, the department of planning and development and the applicant.

(4) In the event the director does not approve the application, he shall so inform the applicant in writing. The applicant may then prepare a final plat of the subdivision and proceed to planning and zoning commission and city council as set forth in section 36-225 of these regulations.

(5) The director of planning and development is authorized, at his discretion, to require the preparation and submission of a sketch plat, a survey, or the attachment of restrictions and conditions to the property description.

(6) Application for administrative approval of a lot division, or a lot combination in which at least one of the two or more tracts to be combined is not a lot in a recorded subdivision, or a property line adjustment in which at least one of the properties involved is not a lot of record in a recorded subdivision and/or there are existing structures on at least one of the properties involved, shall be accompanied by four copies of a survey performed by a Missouri Registered Land Surveyor. The survey shall depict or provide the following:

- (a) The precise nature, location and dimensions of existing and newly created tracts, parcels or lots; and
- (b) The exact location and distances of all structures and other physical improvements in relation to proposed lot lines; and
- (c) The legal description of all existing and proposed lots, parcels or tracts; and

- (d) The amount of square footage contained in each existing and proposed lot, parcel or tract; and
- (e) All existing easements, streets, sewers, sewer laterals, utility lines, alleys and access restrictions. If granted by a separate instrument, the recording information shall be provided; and
- (f) All platted building setbacks; and
- (g) All platted easements, streets, alleys or other public rights-of-way that have previously been vacated or relinquished, the ordinance number or recording information for each vacation or relinquishment shall be provided; and
- (h) Names of all abutting streets including location of right-of-way center line; and
- (i) Zoning district of subject properties and adjacent properties.

(7) *[Administrative approval.]* Application for administrative approval of the following shall not be required to be accompanied by a survey:

- (a) A lot combination in which all properties to be combined are lots in a recorded subdivision; or
- (b) A property line adjustment in which all properties involved are lots of record in a recorded subdivision and are vacant.

(8) *Tract certification.* Application for tract certification shall be accompanied by the legal description of the property to be certified.

(G.O. 4581, 1-22-96)

Sec. 36-225. Procedure for review of minor subdivisions not subject to administrative approval.

(1) In the event the director of planning and development does not approve the request for a minor subdivision, the subdivider, in order to proceed with subdivision of the land, shall apply to the planning and zoning commission for approval.

(2) The subdivider shall prepare a final plat together with improvement plans and other supplementary material as prescribed in division 5 of these regulations.

(3) Copies of the final plat and specified supplementary materials, together with a fee for administrative processing, shall be submitted to the director of planning and development. The application shall be in writing on forms provided by the director. Upon a determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the third such meeting following the date of filing of the application.

(4) The commission shall hold a public hearing on the final plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.

(5) The commission shall review the final plat and supplementary material, any recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, with conditions, or disapprove the final plat. If approved, the commission shall express its approval and state the conditions of its approval, if any. If disapproved, the commission shall express its disapproval and its reasons therefor. In any case, a notation of the action taken and the reasons therefor shall be entered in the records of the commission.

(6) If approved or approved with conditions acceptable to the applicant, then the final plat and supplementary material along with a record of the commission proceedings shall be forwarded to the city council for its consideration.

(7) If approved by city council, the director of planning and development and the city clerk shall affix their signatures to the plat.

(8) If the request is disapproved, the applicant may appeal to the city council within 90 days after commission action.

Sec. 36-226. Major subdivision review procedure.

All subdivision of land not otherwise classified as a minor subdivision shall be classified as a major subdivision and subject to the procedures prescribed in this section.

- (1) *Sketch plat.* The applicant may, upon payment of the prescribed fee and at its option, submit a sketch plat and supporting information prior to the preliminary plat which sketch plat and supporting information shall conform to section 36-262 and be reviewed by the city staff. The city staff shall prepare a report for the applicant which shall be placed in the file. Any fees paid by the applicant for review of the sketch plat shall be applied against the fees for the preliminary plat if the applicant applies for a preliminary plat within one year of the date of the sketch plat report.
- (2) *Pre-subdivision review.* Prior to application for preliminary plat review, the applicant or applicant's agent shall participate in a pre-subdivision review with city staff regarding the procedure for approval of a subdivision plat, the design standards and improvement requirements prescribed by these regulations and other issues relevant to the property proposed for subdivision.
- (3) *Preliminary plat.*
 - (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
 - (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is

complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.

- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.
- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore. In any case, a notation of the action taken, and the reasons therefore, shall be entered in the records of the commission.
- (e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.
- (f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.
- (g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.
- (h) Effective period of preliminary approval.
 1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.

2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.
 - (i) No person shall present testimony to council which is substantially and materially different from that presented to the commission at its hearing on the matter, and no exhibit will be accepted by council that has not been presented to the commission at its hearing on the matter. However, this subsection is not intended to prevent the introduction of new testimony, new exhibits, or other new evidence when there is a clear showing, as determined by a majority of council, that the introduction of such evidence before the commission was not in good faith reasonably possible.
 - (j) Should a person present testimony that is substantially or materially different from that presented to the commission at its hearing on the matter or should an exhibit be offered that has not been presented to the commission at its hearing on the matter, subject to the exception contained in subsection 36-226(i), any person on the opposing side of the matter before council may claim prejudice from such presentation or offering, and council shall upon such a claim have sole discretion to determine whether the person claiming prejudice has in fact been prejudiced from such presentation or offering. Upon a determination that prejudice exists, council shall refer the matter back to the commission for a new notice and hearing.
- (4) *Final plat.*
 - (a) After approval of the preliminary plat, the subdivider shall prepare a final plat together with improvement plans and supplementary material as prescribed in section 36-264. The final plat shall conform substantially to the preliminary plat as approved.
 - (b) The subdivider shall make application for final plat review upon forms provided by the director of planning and development. The application, along with the prescribed number of copies of the final plat and required supplementary material and fee for administrative processing in an amount prescribed by ordinance shall be submitted to the director of planning and development.
 - (c) The director of planning and development shall determine if the application is complete and if the final plat substantially conforms to the preliminary plat, including the conditions of approval if any, and upon such findings, he may approve the plat and upon such approval the plat may be recorded upon the applicant satisfying conditions for the recording of plats.
 - (d) In the event the director determines that the final plat does not substantially conform to the preliminary plat, including conditions of approval, if any, then the director shall reject the plat and state his reasons for such rejection in writing to the developer. The developer may appeal such decision to the

commission within 90 days from the date of the rejection. In such event, the director shall forward his recommendation to the commission along with his reasons therefor and supporting information.

- (e) The commission shall review the final plat and supporting material, the recommendations of the director of planning and development, recommendations from agencies or officials and testimony and exhibits submitted at the public hearing to determine if the final plat substantially conforms to the preliminary plat. The commission shall approve, approve with conditions or disapprove the final plat. If approved, the commission shall express its approval and state the conditions of such approval if any, or if disapproved, shall express its disapproval and its reason therefor. In any case, a notation of the action taken, and the reasons therefor shall be entered in the records of the commission.
 - (f) If approved by the commission, the final plat may be recorded upon the applicant satisfying conditions for recording the plats. If disapproved by the commission, such action is final unless appealed to the city council. Such appeal shall be made by the subdivider and shall be filed within 90 days of action by the commission. Review by the city council shall be limited to a determination as to whether or not the final plat substantially complies with the preliminary plat.
 - (g) Upon review of the final plat and supporting material, recommendations of the commission, recommendations of the director of planning and development, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing, the city council shall determine if the final plat substantially conforms to the preliminary plat.
 - (h) If approved, the director of planning and development and the city clerk shall affix their signatures to the plat and the plat may be recorded upon the applicant satisfying conditions for recording of plats.
 - (i) If disapproved, the director of planning and development shall attach to the plat a statement of the reasons for such action and return it to the subdivider.
- (5) *Sectionalizing of major subdivision plats permitted.* The final plat for any major subdivision that has received preliminary approval may be submitted in section or phases provided:
- (a) Each section or phase satisfies the requirements set forth in these regulations and other city ordinances;
 - (b) All required improvements are provided for the section or phase along with any other improvements necessary to the subdivision's orderly development and to the utility of lots within the subdivision; and
 - (c) Adequate assurances are made for completion of the section or phase in accordance with division 3 of these regulations.

The director of planning and development shall determine if the proposed sectionalization or phasing of the final plat satisfies these requirements.

(G.O. 4675, 2-3-97; G.O. 5029, 11-13-00; G.O. 5540, 4-17-06; G.O. 6494, § 1, 1-14-19)

Sec. 36-227. Cluster subdivision review procedure.

(1) Cluster subdivision applications submitted pursuant to division 14, article I, the zoning article, shall be in all cases classified as major subdivision applications and subject to those procedures established by section 36-226 of this article.

(2) Sketch plat submission and review shall be mandatory for cluster subdivision applications.

(3) An approved preliminary subdivision plat for a cluster development shall constitute the site plan for development of the subject property. Final plats(s) shall substantially conform to the preliminary subdivision plat.

(4) The variations and modifications from the standard requirements of the applicable zone regulations shown on an approved preliminary subdivision plat may be:

- (a) Amended upon petition by the applicant for subdivision;
- (b) Amended upon petition of a subsequent owner who is not subdividing the property; or
- (c) Withdrawn by the applicant at any time prior to the effectuation of the plan. Effectuation of the plan shall be deemed to have occurred when a final plat defining cluster open space is filed in the county land records or when construction of structures has been commenced on the site, whichever event occurs first.

(G.O. 3374)

Secs. 36-228—36-230. Reserved.

DIVISION 3. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Sec. 36-231. General.

Improvements may be installed only in accordance with a final plat that has been approved in accordance with the provisions of this article. Said improvements must be in accordance with construction plans approved by the director of public works and with the provisions of this article.

Sec. 36-232. Subdivision improvement guarantees.

Completion of the required improvements may be assured by one or more of the methods prescribed in this section.

Sec. 36-233. Improvements.

(1) Before the final plat of any subdivided area shall be recorded, the subdivider shall provide for public improvements to be extended to all lots in the area to be included in the final plat at no cost to the city.

(2) Public improvements shall be constructed to minimum standards as determined by the director of public works in the City of Springfield Design Standards for Public Improvements.

(3) If the director of public works so approves, in lieu of the final completion of public improvements before the plat is recorded, the subdivider, or other person who agrees with the city to make the public improvements on behalf of the subdivider, may post a surety bond with one or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an escrow agreement, letter of credit or other appropriate security agreement, approved by the city attorney and the city manager of the City of Springfield, which surety, escrow agreement or other appropriate security agreement will insure to the city that the improvements will be completed by the subdivider.

(a) The director of public works may require that any improvement be made before the final plat is recorded and refuse to accept security for such improvements when he determines the improvements are necessary for the immediate protection of the adjacent property or for compliance with any permits, codes, regulations, or laws, or if he determines delay of the improvements does not comport with sound engineering judgment.

(4) The amount of the corporate surety bond, escrow agreement, or other appropriate security agreement shall not be less than an amount providing for and securing the actual construction and installation of the improvements, said amount to be determined by the director of public works.

(5) All improvements, except sidewalks, must be completed within one year after the recording of the subdivision plat. Sidewalks must be completed within three years after the recording of the subdivision plat. The commission may, upon proof of hardship, extend the completion date set forth in said bond or agreements for a maximum period of one additional year; provided a request for said extension is made prior to the end of the one year following recordation and provided the amount of said security is revised pursuant to a revised estimate by the director of public works. The city attorney and city manager, acting in conjunction, may at any time during the period of such bond accept a substitution of principal or sureties on the bond or a substitution of a letter of credit, escrow or other approved security agreement.

(6) The release or reduction of said corporate surety bond, escrow agreement or other appropriate security agreement shall be in accordance with the following:

(a) When a petition for improvements by the tax bill method is filed for the improvements of this section and when said petition has passed the required remonstrance

petition assuring the city that all improvements will be installed, said bond or agreements posted by the subdivider to insure the city the improvements of this section may be released and returned to the subdivider.

- (b) Whenever the director of public works determines that any required improvement has been satisfactorily completed and the subdivider's engineer or surveyor has certified to said director, through submission of a detailed "as-built" survey plat of the subdivision indicating location, dimensions, materials and other information required by said director, that the layout of the line and grade of all public improvements are in accordance with construction plans for the subdivision and that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. The director shall release said bond or agreements posted by the subdivider to insure to the city that particular improvement. Said bond or agreements shall be released within 30 days of completion of each category of improvement, minus a maximum retention of five percent, which shall be released upon completion of all improvements.

(7) The commission may defer at the time of final approval, subject to appropriate conditions, the provision of any and all such improvements as, in its judgment, are not appropriate because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons. As a condition of deferral, the subdivider shall pay his share of the costs of the future improvements to the city prior to the signing of the final subdivision plat, or the subdivider may post an appropriate security approved in the same manner as stated above which shall insure completion of said deferred improvements upon demand by the city. If the improvements are not completed within the specified time, the city council may use the funds from said security, or any necessary portion thereof, to complete the same.

(8) Construction of private storm water drainage or detention facilities may be deferred to time of development and prior to issuance of a building permit, provided that:

- (a) A plat note is included on the plat filed in the recorder's office requiring the construction of the private stormwater drainage or detention facilities; and
- (b) The director of public works has approved preliminary design plans sufficient to show that the proposed private facilities can be engineered to function as proposed.

(9) Refer also to Springfield City Code, chapter 96, article I, detention and retention of stormwater.

(10) Completion of improvements. Sidewalk improvements shall be in compliance with subsection 5-3107 [36-471(7)] of the Springfield Zoning Ordinance.

(11) Fee in lieu of construction. Fee in lieu of construction of sidewalk shall be in compliance with subsection 5-3108 [36-471(8)] of the Springfield Zoning Ordinance.

(G.O. 3906, 3-14-88; G.O. 4462, 10-17-94; G.O. 5668, 4-9-07; G.O. 6094, 1-13-14; G.O. 6233, § 1(exh. A), 10-12-15)

Sec. 36-234. Withholding improvements until approved.

(1) The city, its boards, commission and agents shall withhold all city improvements or services of whatsoever nature, including the furnishing of sewer, water, electricity and gas from all additions which have not been approved as provided by these regulations; and further, no permits shall be issued by the building inspector of the City of Springfield on any property which has not been approved as provided by these regulations.

(2) Provided, however, the improvements and permits withheld above shall not be withheld by reason of the conditions therein stated when the commission finds one of the following situations to exist:

- (a) A tract of land under separate ownership prior to the passage of this article which is a portion of a larger tract of land which has been subdivided into separate ownerships prior to the passage of this article in such a manner that there is no workable subdivision plan apparent.
- (b) A tract of land so improved and/or so situated that to conform to the right-of-way requirements of the master thoroughfare plan would result in extraordinary loss to the property owners.
- (c) Where improvements are necessary to comply with other ordinances of the City of Springfield which carry a penalty for failure to comply.
- (d) Where leased property lies on railroad right-of-way and such property is adequately served by streets and utility easements.

(G.O. 3599)

Secs. 36-235—36-240. Reserved.

DIVISION 4. REQUIREMENTS FOR IMPROVEMENTS, RESERVATION AND DESIGN

Sec. 36-241. General improvements.

(1) *Conformance to applicable rules and regulations.* In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- (a) The zoning ordinance, building and all other applicable laws of the municipality.
- (b) The intent of the master plan and the capital improvements program of the municipality including all street, drainage, water and sewage systems as shown by the master plan, as adopted.
- (c) Any laws, rules and regulations of the city-county health department and/or appropriate state agencies.
- (d) The rules of the state department of transportation if the subdivision, or any lot contained therein, abuts a state highway or connecting street.
- (e) The standards and regulations adopted by all boards, commissions, agencies, and officials of the municipality.
- (f) Plat approval may be withheld if a subdivision is not in conformity with the above guides, and with the policies and purposes of these regulations as established in division 1 of these regulations.

(2) *Self-imposed restrictions.* If the owner places restrictions on any of the land contained in the subdivision greater than those required by the zoning ordinance or these regulations, such restrictions or reference thereto should be indicated on the subdivision plat.

(3) *Plats straddling governmental boundaries.* Whenever access to the subdivision is required across land in another local government's jurisdiction, the planning commission may request assurance from the city attorney that access is legally established, and from the director of planning and development that the access road is adequately improved, or that the applicant has fully executed a performance bond of sufficient quantity to assure the construction of the access road. Whenever possible, lot lines should conform to municipal boundary lines.

Sec. 36-242. Subdivision name.

The proposed name of the subdivision shall not duplicate nor too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The city council shall have final authority to approve the name of the subdivision which shall be a part of the preliminary plat approval process.

Sec. 36-243. Streets.

(1) *Conformity.* The arrangement character, extent, width, grade and location of all streets shall conform to the official map and master plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the official map or master plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

(2) *Relation to adjoining street system.* The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.

(3) *Projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.

(4) *Streets to be carried to property lines.* When a new subdivision adjoins unsubdivided land susceptible to being subdivided, new streets shall be carried to the boundaries of such tract.

(5) *Street jogs prohibited.* Street jogs with centerline offsets of less than 150 feet shall be prohibited.

(6) *Dead-end street or cul-de-sac.* Dead-end streets or cul-de-sacs, designed to be permanently, shall not be longer than 800 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 80 feet and street property line diameter of at least 100 feet. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street into adjoining properties. The director of public works may approve at his discretion and in accordance with established standards and sound engineering principles, alternate turn-

around standards and sound engineering principles, alternate turnaround configurations if necessary to achieve improved traffic circulation and better utilization of the land. The director of public works shall promulgate standards for alternate turnaround configurations.

(7) *Marginal access or service streets.* Where a subdivision abuts or contains an existing arterial street or highway the commission may require marginal access streets or other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(8) *Minor streets.* Minor streets shall be so laid out that through traffic will be discouraged.

(9) *Right-of-way widths.* The maximum right-of-way widths required at the time of platting shall be as follows:

<i>Street Type</i>	<i>Right-of-Way Width</i>
Expressway	130 feet
Arterial-Primary	100 feet
Arterial-Secondary	70 feet
Collector	60 feet
Collector-Local	50 feet
Local-Commercial/Industrial	60 feet
Local-Residential	50 feet
Marginal Access	40 feet
Residential Connector	40 feet
Downtown Streets	Additional right-of-way not required

Should the ARC determine that right-of-way width at time of platting or development may be reduced because less right-of-way than set out above will meet the needs for transportation, access, utilities, and future planning, it shall determine the amount the width may be reduced and include such on the preliminary plat to be approved by the commission or a certificate to be filed in the Greene County Recorder's Office. If the subdivider disagrees with the right-of-way width set by the ARC, the subdivider may file an objection with the preliminary plat to be reviewed by the commission, or to the certificate prior to filing, and the commission shall determine if the criteria for the reduction of the right-of-way exists and what reduction in right-of-way, if any may be allowed, to the width to be dedicated. A reduction in the right-of-way width shall be deemed approved by the city council upon its approval of the streets and easements set out on the preliminary plat. Additional right-of-way over what is required above shall not be required except where the director of public works determines the need for more and city council approves.

(10) *Street widths.* Street widths shall be in accordance with standards promulgated by the director of public works and consistent with the street's classification and its intended function.

- (11) *Intersections.* Street intersections shall be as nearly at right angles as practicable.
- (12) *Corner radius.* At each street intersection the property line at each block corner shall be rounded with a curve having a radius of not less than 15 feet.
- (13) *Subdivision into tracts larger than ordinary building lots.* Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and future subdivision.
- (14) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions approved by the planning commission and city council.
- (15) *Street grades.* Street grades shall be in accordance with specifications set forth in City of Springfield Design Standards for Public Improvements.
- (16) *Railroad on or abutting subdivision.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grade separation.
- (17) *Half-street prohibited.* Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations where the commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half street shall be platted within such tract.
- (18) *Street names and numbers.* Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street. In such cases, it shall carry the name of the existing street. House numbers shall be assigned in accordance with the house numbering system in effect in the city.
- (19) *Access to streets across ditches.* The subdivider shall provide access from all platted lots to all proposed streets, across all ditches, in accordance with standards of the public works department.
- (20) *Vacation of streets.* The commission shall not recommend the vacation of any street or part of a street dedicated for public use if a vacation will interfere with access to the public street of any abutting property or with the uniformity of the existing street pattern or any further street plans for the area.
- (21) *Private streets.* Private streets are discouraged and may be permitted only where the council finds:
 - (a) That private ownership, control and maintenance of street right-of-way is integral to the design and function of the subdivision;
 - (b) Provision has been made for the continuing and adequate maintenance of such streets;

- (c) There is evidence that the property rights, including rights of access of persons purchasing land within and adjacent to the subdivision, are safeguarded to the degree they would be protected if the streets were dedicated to the public;
- (d) The public interest and welfare is not jeopardized.

Private streets shall be improved in accordance with city standards and specifications.

(22) *Hardship to owners of adjoining property avoided.* Street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(23) *Street signs.* Street signs shall be provided in the subdivision by the subdivider in accordance with the standards of the director of public works. The subdivider may either install the signs or pay the city the city's actual cost to install said signs.

(G.O. 5652, 2-12-07; G.O. 5665, 4-9-07; G.O. 5207, 8-12-02; G.O. 6094, 1-13-14)

Sec. 36-244. Alleys.

(1) *Commercial and industrial districts.* Alleys shall be provided in commercial and industrial districts, except that requirements for such alleys may be waived where other definite and assured provision is made for service access, such as off-street loading, and parking consistent and adequate for the uses proposed.

(2) *Width.* The right-of-way width of an alley shall be 20 feet.

(3) *Dead-end.* Dead-end alleys shall not be permitted, except that the commission may waive this requirement where such dead-end alley is unavoidable and where adequate turnaround facilities have been provided.

(4) *[Intersecting alleys.]* Where two alleys intersect, a cut-off of not less than ten feet along each property line from the normal intersection of the property lines shall be provided.

Sec. 36-245. Easements.

(1) An easement for utilities, at least five feet wide, shall be provided along the side or the rear line of lots where necessary to form a continuous right-of-way, at least ten feet in width. If necessary for the extension of water main or sewer lines, or similar utilities, easements of greater width may be required along lot lines or across lots.

(2) Utility easements shall connect with easements established in adjoining properties.

(3) Where overhead power or telephone lines are to be provided, additional easements for pole guys shall be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall alongside lot lines.

(4) Drainage easements for storm sewers may be required. Easements for open channel drainage may be required where the cost for the installation of storm sewers is considered to be prohibitive. These easements may be along side lot lines, but usually the design should be such that the drainage will be carried along the rear of the lots. If open channel drainage is

to be carried in the street right-of-way, additional right-of-way width shall be provided. When the drainage is carried down the rear lot lines, the easement shall be of adequate width for service vehicles and equipment to enter the easement. The size and location of such easements for open channel drainage shall be determined by the director of public works.

(5) A drainage easement in addition to the provided right-of-way may be required where streets parallel streams or drainage areas. The width of such drainage easements shall be determined by the director of public works.

Sec. 36-246. Blocks.

(1) *Factors governing dimensions.* Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the zoning article and to provide for convenient access, circulation, control and safety of street traffic.

(2) *Lengths.* Block lengths shall not exceed 1,320 feet, nor be less than 300 feet, except under unusual conditions.

(3) *Arrangements.* A block shall be so designed as to provide two tiers of lots.

(4) *Crosswalks.* In blocks over 1,320 feet long, pedestrian crosswalks may be required in locations deemed necessary to public health, convenience and necessity. Such crosswalk shall be not less than six feet in width.

Sec. 36-247. Lots.

(1) *Dimensions.* The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- (a) Lot dimensions shall conform to the requirements of the zoning article if such requirements are more stringent, otherwise lot dimensions shall be as follows:
1. Residential lots shall be not less than the minimum width and area as permitted in the zoning ordinance.
 2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated but in no case shall the lot frontage on a public street be less than 36 feet.

(2) *Location.* All lots shall abut by their required frontage on a publicly dedicated street or a street that has received legal status as such.

(3) *Lines.* Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

(4) *Corner lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets. Lots abutting on a pedestrian walk-way shall be treated as a corner lot.

(5) *Lots subject to flooding.* Lots subject to flooding and deemed by the commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

(6) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

(7) *[Double frontage and reverse frontage lots.]* Double frontage and reverse frontage lots, shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. A planting screen reservation of at least ten feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such an arterial street or other disadvantageous use. A solid fence or other improvement (including walls, plantings, open fencing and plantings, or berms) shall be built and shall be depicted on the preliminary plat and installed by the subdivider within said reservation.

(8) *Building lines.* Shall be shown on all lots intended for residential use and in some cases may be required on lots intended for business use, and shall provide at least the setback required by the zoning article.

(9) *Larger lots.* Where the area is divided into larger lots than for normal urban building sites subdivision shall be such that the alignment of future streets may conform to the general street layout in the surrounding area.

(G.O. 6303, § 1, 9-6-16)

Sec. 36-248. Public sites and open spaces.

(1) *Shown on master plan.* Where a proposed park, playground, school or other public use shown in a master plan is located in whole or in part within a subdivision, the subdivider shall dedicate or reserve adequate space for such purpose in such area within the subdivision when the commission finds the requirement to be reasonably necessary to the public health and welfare.

(2) *Commission's action not constituting acceptance.* The requiring or the dedication of public spaces as provided in (1) above shall not constitute an acceptance of the dedication by the city.

Sec. 36-249. Flood areas.

(1) Special provisions shall apply within special flood hazard areas (SFHA) as shown on the flood insurance rate map (FIRM) adopted by the city, and within those areas outside the SFHA in which the director of public works designates as either unsuitable for development or where the requirements of the SFHA apply. In these areas, subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall

be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in an area of special flood hazard, any such proposal shall be reviewed to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage;
 - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; and
 - (d) All federal and state requirements related to water quality and stream protection are met.
- (2) All preliminary and final plats, and all other subdivision proposals and proposed new development (including minor subdivisions and proposals for manufactured home parks or subdivisions) shall include within such proposals base flood elevation data for areas as identified in paragraph (1) above.
 - (3) The director of public works shall have authority to designate areas which are unsuitable for development, and must be preserved as open space.

(G.O. 4026, 5-8-89; G.O. 5924, 3-21-11)

Sec. 36-250. Improvements.

The improvements required in any subdivision shall be in accordance with the following subsections and shall conform to the City of Springfield Design standards for public improvements which is hereby adopted as the design standards for public improvements required by this article, a copy of which is in file with the city clerk as a part of this article.

- (1) The subdivider shall grade and pave all new streets and alleys (if any) within the subdivision area. The paving on such streets and alleys shall be in accordance with the standards and specifications of the department of public works.
- (2) The subdivider shall, wherever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residential or other structures thereof.
- (3) If outlets are within reasonable distance, the subdivider shall install stormwater and sanitary sewers and provide a sanitary sewer connection for each lot. Such installation shall be in accordance with the standards and specifications of the department of public works and before the improvements are started the plan therefor shall be approved by the department of public works. In addition, when such sewers are not available, the subdivider shall install within the subdivision capped sewer mains and house connections to each lot in addition to other required onsite sewer facilities. Such installation shall be in accordance with the standards and specifications of the department of public works; and, before the improvements are

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started, the plan therefor shall be approved by the department of public works. If no outlets are within reasonable distance, the subdivider shall make such provisions for sanitation as will

satisfy the department of building regulations and before the plat shall be approved, the subdivider shall present to the commission an order from the department of building regulations showing that the provisions will properly care for and protect the health, safety, and welfare of the existing and probable future population within the subdivision and surrounding area.

- (4) The detailed plans for the proper disposal of stormwater affecting the proposed subdivision shall show the location of all open drainage channels, together with such improvements which may be necessary, such as detention basins or the widening, straightening, surfacing or other improvements of such channels, reconstruction or construction of new bridges or culverts, and the construction of all underground enclosed pipe sewers and surface accessories necessary to efficiently carry off the storm water and prevent ponding on the surface of the proposed subdivision and adjacent properties. The plans for these facilities shall be shown both in plan and profile with details of all necessary accessories and in conformance to the "City of Springfield Design Standards for Public Improvements". The data regarding the area to be served by the facilities and the estimated run-off from the area tributary to the facilities beyond the subdivision shall accompany the detailed plans.
- (5) Permanent markers and monuments. Markers and monuments shall conform to the "Missouri Minimum Standards for Property Boundary Surveys" promulgated by the Division of Geology and Land Survey, Missouri Department of Natural Resources.
- (6) Sidewalks. Sidewalks shall be in compliance with section 36-471 of the Springfield Zoning Ordinance and must be constructed in conformance with the most current City of Springfield Public Works Design Standards, Standards Drawing Details on file in the office of the city clerk and all current federal, state and local regulations in regards to accessibility.
- (7) Crosswalks. A crosswalk may be required whenever a proposed or existing block exceeds 1,320 feet in length or where necessary to provide direct access to a school or other public facility. Crosswalks shall be not less than six feet in width in a six-foot right-of-way and shall be constructed in accordance with city standards.
- (8) The subdivision of property zoned as "R-1, single-family" or "R-2, two-family" into tracts of ten acres or larger shall be exempt from the requirements of the section unless such improvements are otherwise specifically required by ordinance or regulation.

(G.O. 2796, 2-27-78; G.O. 6094, 1-13-14)

Sec. 36-251. Access criteria for major streets.

- (1) *All streets.* All existing tracts of record are guaranteed at least one driveway to a public street, either directly or by access easement, except as set forth below.
- (2) *Collector streets.* Access to existing properties fronting on collector streets is subject only to design and construction standards. However, when new tracts are created through the subdivision process, residential lots accommodating less than five dwelling units will not be allowed direct access to a collector street.

(3) *Secondary arterials.* One driveway is allowed for each 200 feet of frontage on secondary arterials. A minimum distance of 150 feet is required from the near right-of-way line of any intersecting street to edge of driveway, and from edge of driveway to edge of driveway. Tracts less than 200 feet wide must either share common access or take access from a local or collector street. Residential properties containing less than ten dwelling units will not be allowed direct access to an arterial unless it provides the only access available.

(4) *Primary arterials.* One driveway is allowed for each 250 feet of frontage on primary arterials. A minimum distance of 200 feet is required from the near right-of-way line of any intersecting street to edge of driveway, and from edge of driveway to edge of driveway. Tracts less than 250 feet wide must either share common access or take access from a local or collector street. Residential properties containing less than ten dwelling units will not be allowed direct access to an arterial unless it provides the only access available.

(5) *Expressways.* No direct access is allowed from any property to an expressway unless no other direct access or indirect access (via easement) is available. All other properties will be required to take access from a local, collector, or arterial street.

(G.O. 4682, 3-17-97)

Sec. 36-252. Linear park trails and connections to linear park trails.

(1) *Purpose.* The purpose of these requirements is to provide for the continuation of planned linear park trails and connectors necessary to access the linear park trails. Linear park trails provide options for recreation and non-motorized travel between where citizens live, shop, work, learn and recreate.

(2) *Linear park trail easement dedication.* An easement through property to be subdivided shall be dedicated for the construction of a linear park trail where:

- (a) A trail is to be constructed in a linear park as identified by the Springfield-Greene County Comprehensive Plan; and
- (b) A trail easement has not been previously dedicated.

The easement shall have a minimum width of 30 feet. New easements for linear park trails shall generally follow the alignment identified in the Springfield-Greene County Comprehensive Plan and/or be located within the property to be subdivided in such a manner that they align with previously established easements on adjacent properties. Easements for linear park trails shall be required by either:

- (c) The planning and zoning commission during review of a preliminary plat, or
- (d) The director of planning and development during review of an administrative re-plat subdivision.

(3) *Neighborhood linear park connectors.* Where there is a linear park trail on the property to be subdivided or the immediately adjacent property, an easement for a linear park connector shall be provided and a linear park connector constructed on the property to be subdivided.

- (a) A neighborhood linear park connector shall be required during:
 1. The planning and zoning commission review of a platted subdivision; or
 2. The director of planning and development review of a lot division administrative subdivision.
- (b) The easement to be dedicated shall extend between a public street within, or adjacent to, the property to be subdivided and to either:
 1. An easement for a linear park trail, if the linear park trail easement is located either on the subdivider's property or abuts the proposed subdivision and is on adjoining property; or
 2. The boundary of the property being subdivided, if the linear park trail easement is located on adjacent property and the linear park trail easement does not abut the property being subdivided.
- (c) If the neighborhood linear park connector is between a designated trailhead and a linear park trail, the easement for the connector shall be a minimum of 15 feet wide; otherwise the easement for a neighborhood linear park connector shall be of sufficient width to:
 1. Construct the neighborhood linear park connector;
 2. Provide any grading necessary for the connector; and
 3. Provide any stormwater drainage resulting from the connector.
- (d) An easement for a neighborhood linear park connector must permit free and unimpeded pedestrian access to both residents and nonresidents of the subdivision. Private linear park trail connectors, provided in addition to a neighborhood linear park connector, need not provide this pedestrian access.
- (e) Neighborhood linear park connectors are encouraged to be located on other types of easements provided the easements permit these connectors.
- (f) An easement for a neighborhood linear park connector is not required if a public street within the subdivision abuts an existing or proposed easement for a linear park trail located on abutting property.
- (g) The subdivider is encouraged to provide additional neighborhood linear park connectors.

(4) *Standards for neighborhood linear park connectors.*

- (a) A neighborhood linear park connector shall be constructed by the subdivider within the neighborhood linear park connector easement. The neighborhood linear park connector must be constructed from a sidewalk within street right-of-way located on the property to be subdivided to either:
1. The linear park trail, if the trail exists, and the easement for the linear park trail is located on the proposed subdivision or is located on adjacent property and the linear park easement abuts the property being subdivided; or
 2. To the easement for the linear park trail, if the trail does not yet exist but is identified in the Springfield-Greene County Comprehensive Plan; or
 3. To the subdivision boundary if the easement for the linear park trail is located on adjacent property and the linear park trail easement does not abut the property being subdivided.

If no sidewalk exists, the connector shall be constructed from the street pavement.

- (b) A neighborhood linear park connector shall be a minimum of six feet wide and shall be constructed to the standards for the design of sidewalks as set forth within the City of Springfield Design Standards for Public Improvements if the connector is between a designated trailhead and a linear park trail. If the connector is not between a designated trailhead and a linear park trail, a neighborhood linear park connector may be constructed with a smooth gravel surface which is as nearly level as possible.

(5) *[Related improvements.]* A neighborhood improvement district may be established to assist in paying for improvements related to neighborhood linear park connectors.

(6) *[Alternative recommendations.]* Ozark Greenways, Incorporated, or a similar organization designated by the city council which designation shall be on file with the director of planning and development, shall make a recommendation to the planning and zoning commission or the director of planning and development regarding alternatives to requiring a neighborhood linear park connector in conformance with this section where a connector is not feasible due to physical or natural barriers or where it creates an unsafe public use.
(G.O. 5793, 11-24-08)

Sec. 36-253. Stream buffers.

A stream buffer area shall be designated on any replay, preliminary plat or final plat in accordance with chapter 96, article 1, division 4 [of the Springfield Code of Ordinances].
(G.O. 6446, § 1, 4-9-18)

Secs. 36-254—36-260. Reserved.

DIVISION 5. SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED**Sec. 36-261. General.**

Applications and material submitted to the director of planning and development for processing under the provisions of this article shall conform to the specifications prescribed in this section. The director of planning and development shall make determinations regarding the completeness of applications.

Sec. 36-262. Sketch plats.

The sketch plat is intended to be conceptual in nature and while accuracy and legibility are essential, the submission of detailed and finished plans is discouraged. Rather, the material should provide information sufficient to determine general compliance with this article and with other city ordinances, regulations, standards and policies. Assistance by qualified professional persons is recommended but is not a requirement for sketch plat review. The

sketch plat shall include the property intended to be subdivided plus all immediately adjacent unplatte property owned by the same owner, and shall comply with the following submission requirements:

- (1) Five copies or prints of the proposed subdivision or development drawn to a scale of 100 feet to an inch shall be submitted to the director of planning and development. The information prescribed below shall be included:
 - (a) The sketch plat and all supporting maps shall show the map scale, north arrow and the date of preparation.
 - (b) The sketch plat shall show the proposed subdivision name, the name of the property as it is commonly or locally known or some other name by which the project may be identified, and the name and address of both the present owner and the subdivider.
 - (c) A map insert or description shall be provided accurately locating the property by lot, section, township, range or other appropriate description. Arterial and collector streets bounding the section in which the property is located should be shown, and properly named to identify the location of the project site. A metes and bounds description is not required.
 - (d) The sketch plat shall show:
 1. The general dimensions and configurations of the property including the location of property lines, existing easements, railroad and highway rights-of-way, cemeteries or burial grounds and other existing features within the area to be subdivided and similar facts regarding features on immediately adjacent property.
 2. The location of any natural features such as watercourses, floodprone areas, tree masses, steep slopes, rock outcroppings, sinkholes or other geological features within the area to be subdivided and similar facts regarding existing conditions on immediately adjacent property.
 3. The classification, location, dimensions and name of all existing or recorded streets and public ways within or immediately adjacent to the tract.
 4. Topography at approximately the same scale as the sketch plat. Contour intervals may be based on U.S.G.S. data and should not exceed five feet.
 5. The approximate location and nature of all utility rights-of-way, easements, facilities and structures on or immediately adjacent to the site.
 6. The approximate location and size of all existing sewer lines and water mains on or immediately adjacent to the site.
 7. The approximate location and size of culverts, storm sewers, impoundments and other stormwater management facilities on or immediately adjacent to the site.
 8. The approximate location and nature of utility rights-of-way, facilities or structures on or immediately adjacent to the site.

9. The approximate location, width and classification of proposed streets.
10. The approximate location, dimensions and configuration of all proposed or existing lots.
11. The approximate location and general layout of proposed water distribution systems, sewage collection and disposal systems, and stormwater management systems designed to serve the subdivision.

(G.O. 4143, 7-16-90)

Sec. 36-263. Preliminary plats.

- (1) The preliminary plat shall include the property intended to be subdivided plus all immediately adjacent unplatte property owned by the same owner.
- (2) Eleven copies or prints (12 copies if adjacent to a state highway), at least one of which must be a black line copy or print, of the proposed subdivision drawn to a scale of 100 feet to one inch and showing the following shall be submitted to the director of planning and development.
 - (a) A property description of the property to be subdivided, plus a legal boundary survey of the property proposed for platting which plat boundaries shall show traverse bearings and internal angles with dimensions in hundredths of feet. Error of closure shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys", Division of Geology and Land Survey, Missouri Department of Natural Resources. All bearings shall be referenced to true north or grid north according to the Missouri Coordinate System of 1983, Central Zone. The developer shall require his surveyor to tie the Final Plat to the Missouri Coordinate System of 1983, Central Zone. The ties are to be on a minimum of two permanent monuments within the subdivision and the corner used to tie the subdivision to the United States Public Land Survey corner as recognized by the Bureau of Land Management.
 - (b) The exterior boundary must close within .02 of one foot easting and .02 of one foot northing.
 - (c) The name and location of all adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to and within 200 feet of the tract proposed for subdivision in sufficient detail to show accurately the existing streets (with their right-of-way widths) and alleys and other features that may influence the layout and development of the proposed subdivision. Property lines and owners of record shall be shown for adjacent unplatte land. The impact on adjacent streets and intersections of additional traffic generated by the proposed addition shall accompany the preliminary plat in the format required by the director of public works.
 - (d) The location and widths of all streets, alleys, easements and ways existing or proposed within the subdivision limits.

- (e) The location of all existing property lines, buildings, sewer or water mains, gas mains or other underground structures, easements or other existing features within the area proposed for subdivision.
- (f) The arrangement, location and dimensions of all proposed or existing lots, including the lot area of the smallest residential lot to be platted.
- (g) The title under which the proposed subdivision is to be recorded, the name and address of both the owner and the subdivider with sufficient data to show ownership, and the name of the land surveyor preparing the plat.
- (h) Location and size of any proposed parks, playgrounds, churches, school sites and other special uses of land, including those to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
- (i) Scale, north arrow, date of preparation and other pertinent data.
- (j) Topography with contour intervals of not more than two feet, referred to U.S.G.S. datum for both on-site and off-site drainage features which shall include the locations of water courses, the 100-year floodplain and 100-year floodway, ravines, bridges, lakes, natural features, approximate acreage and such other features as may be pertinent to subdivision.
- (k) Approximate grade and gradients of each proposed street and location of proposed culverts and bridges.
- (l) The location of existing sewers (storm and sanitary), together with information regarding size and construction type of any existing channels, culverts, bridges, or underground facilities for disposing of either storm water or sanitary sewage, the location of proposed public and private sewers (storm and sanitary) and any necessary drainage facilities and sanitary sewer improvements, data regarding the area and design flow rates served by the facilities, the estimated volume and dimensions of detention facilities, and other similar information shall accompany the preliminary plat. Any easement necessary to accommodate the sewers, facilities, and improvements or underground construction for disposing of either stormwater or sanitary sewage shall be provided on the plat.

(G.O. 4413, 7-16-90; G.O. 5540, 4-17-06)

Sec. 36-264. Final plat.

Upon receiving approval of a preliminary plat as provided in section 36-226 of this article, the owner of the tract proposed for subdivision shall prepare and submit a final plat to the department of planning and development. The final plat shall be drawn upon sheets 8½ inches x 11 inches, 11 inches x 17 inches, 17 inches x 22 inches, or 24 inches x 36 inches, and shall be at a scale of at least 100 feet to one inch. Two originals, paper copies and one digital copy, shall be submitted. The number of paper copies shall be designated by the director of planning and development. The digital copy shall be to standards acceptable to the director of public works.

The requirement for a digital copy may be waived by the director of planning and development when deemed appropriate. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in continuous sections satisfactory to the director of planning and development. The final plat shall show the following:

- (1) *Drafting of plat.*
 - (a) Names of the subdivision.
 - (b) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
 - (c) Name of subdivider, owner and surveyor.
 - (d) Location by section, township, range, city, county, state, or if a resubdivision of an existing or approved subdivision, then by lot or block numbers and name of original subdivision.
 - (e) Names, location and dimensions of adjacent street rights-of-way within any adjoining subdivision.
 - (f) Plat boundaries shall show traverse bearings and internal angles with dimensions in hundredths of feet. Error of closure shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys", Division of Geology and Land Survey, Missouri Department of Natural Resources. All bearings shall be referenced to true north or grid north according to the Missouri Coordinate System of 1983, Central Zone. The developer shall require his surveyor to tie the final plat to the Missouri Coordinate System of 1983, Central Zone. The ties are to be on a minimum of two permanent monuments within the subdivision and the corner used to tie the subdivision to the United States Public Land Survey corner as recognized by the Bureau of Land Management.
 - (g) Date, scale, and north point.
 - (h) Proposed street center line bearings.
 - (i) Any closed figure within the survey drawing, including the exterior boundary and all interior closed figures and all lots must close within .02 of one foot easting and .02 of one foot northing.
- (2) *Survey data.*
 - (a) Dimensions and location of all arcs, radii, internal angles, points of curvature and tangent boundaries, and other pertinent survey information necessary to an accurate description and location. Survey data shall meet the standards promulgated by the State of Missouri, "Missouri Minimum Standards for Property Boundary Surveys", Division of Geology and Land Survey, Missouri Department of Natural Resources.

- (b) When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width at the building line shall be shown.
- (3) *Proposals.*
 - (a) All easements for right-of-way provided for public services or utilities, and any limitations of such easements.
 - (b) All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearing or angles to street and alley or crosswalk lines if other than 90 degrees.
 - (c) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.
 - (d) Building setback lines, with dimensions.
- (4) *Other information.*
 - (a) Protective covenants, if any, for recording.
 - (b) Surveyor's Certificate, to be placed on the plat.

"KNOW ALL MEN BY THESE PRESENTS:

"THAT I, _____, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED PREPARED BY _____ DATED _____ AND SIGNED BY _____ L.S. NO. _____ AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF _____ L.S. NO. _____ IN ACCORDANCE WITH SECTION 410.5 OF THE SUBDIVISION REGULATIONS, ARTICLE II, OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

"DATE PREPARED: _____

"SIGNATURE: _____

"MISSOURI L.S. NO. _____ "

- (c) An express dedication to the public for public use forever the streets, alleys, rights-of-way, easements and any parks, school sites, easements, and other public places shown on the attached plat.
- (d) The following note shall be placed on all final plats where access to collector and arterial streets has been limited by the city council: "LIMITS OF NO ACCESS." The lots and area affected by such limitation shall be clearly indicated. Appropriate release of such access limitation shall be included in the dedication on the plat.

- (e) A signed statement of conveyance of cluster open space, land, common area or common facilities to the appropriate public agency or cooperative association shall be placed on the final plat, if appropriate, as follows:

"OWNER'S NAME OWNER(S) OF THE PROPERTY SHOWN AND DESIGNATED HEREON, HEREBY DEDICATED, GRANT, AND CONVEY THE OPEN SPACE LAND, COMMON AREA OR COMMON FACILITIES SHOWN HEREON TO APPROPRIATE PUBLIC AGENCY OR COOPERATIVE ASSOCIATION. FURTHER, I OR WE CERTIFY THAT THERE ARE NO SUITS, ACTIONS, LIENS, OR TRUSTS ON THE PROPERTY CONVEYED HEREIN, AND WARRANT GENERALLY AND SPECIALLY THE PROPERTY CONVEYED TO _____ FOR PUBLIC USE AND WILL EXECUTE SUCH FURTHER ASSURANCES AS MAY BE REQUIRED."

A statement indicating that the land lies within an approved planned development district or cluster development area shall be placed on the final plat(s).

- (f) Other data. Such other certificates, affidavits, endorsements, or deductions waivers as may be required by the commission for the enforcement of these regulations.

- (g) Owner's certificate of deed of dedication. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property, whether owner or otherwise, and shall be acknowledged in the manner prescribed by the laws of the State of Missouri for conveyance of real property. Two true copies must be furnished with the original. In the case of lienholders, they must execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites, and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

1. Certificate of approval by the planning and zoning commission (to be placed on plat):

"APPROVED THE _____ DAY OF _____, 20____, BY
THE PLANNING AND ZONING COMMISSION OF SPRINGFIELD, MISSOURI."

DIRECTOR OF PLANNING AND DEVELOPMENT

2. A statement and express representation that the parties joining in such dedication deed or certificate of dedication are the sole owners of such tract of land.
3. Certificate of approval by the city council (to be placed on the plat):

"I, _____, CITY CLERK OF SPRINGFIELD, GREENE COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE PLAT OF

WAS PRESENTED TO, ACCEPTED AND APPROVED BY THE COUNCIL OF SAID CITY OF SPRINGFIELD, AND APPROVED BY SPECIAL ORDINANCE NO. _____ ON THE _____ DAY OF _____, 20____

CITY CLERK"

(G.O. 5029, 11-13-00)

Secs. 36-265—36-270. Reserved.

DIVISION 6. MISCELLANEOUS

Sec. 36-271. Definitions.

For the purpose of this section, the following terms, phrases, words, and their derivatives shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

Block: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, parks, or a combination thereof.

City: The City of Springfield.

City council: The City Council of Springfield, Missouri.

Common element: All portions of a condominium other than the units.

Designated trailhead: A linear park trailhead designated by Ozark Greenways, Incorporated.

Final plat: The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval, and which, if approved, will be submitted to the county recorder for recording.

Linear park trail: A multi-use path located within a linear park which accommodates a variety of non-motorized transportation options such as walking, cycling, skating, jogging, etc. Linear parks trails are an element of the linear park system and can be utilized for recreational purposes and as part of the off-street transportation network.

Lot: An undivided tract or parcel of land under one ownership having access to a street, whether occupied or to be occupied by a building or building group together with accessory buildings, which parcel of land is designated as a separate and distinct tract, and is identified by a tract or lot number or symbol in a duly approved subdivision plat filed of record.

Lot of record: A tract of land that has been certified or platted in accordance with this article.

Master plan: A comprehensive plan prepared by or under the direction of the planning commission and adopted by the city council which indicates the general locations recommended for the various functional classes of public works, places and structures, and the general physical development of the City of Springfield and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Neighborhood linear park connector: An element of the off-street pedestrian system similar to a sidewalk which may or may not be located within a public or private street right-of-way and is intended to provide pedestrian connections between subdivisions and linear parks trails.

Net acre: All land within a proposed subdivision, except land used for public or private streets, common area, or stormwater detention.

Official map: The map established by the city council showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the city council or additions thereto resulting from the approval of subdivision plats by the planning commission and city council, and the subsequent filing of such approved plats.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this article.

Planning commission or commission: Shall be deemed to refer to the planning and zoning commission of the City of Springfield.

Preliminary plat: The preliminary map, drawing or chart indicating the proposed layout of the subdivision initially required in the subdivision process.

Private stormwater conveyance and/or detention facilities: Facilities which serve only one lot and do not allow for conveyance and/or detention of any off-site run-off.

Public stormwater conveyance and/or detention facilities: All facilities which do not meet the definition of private stormwater conveyance and/or detention facilities.

Public improvements: Those things that are constructed, installed, or performed on land that is to become public in the subdivision process including street and alley pavement, street signs, curbs, storm drainage facilities, sidewalks, sanitary sewers, water mains, gas mains, power and telephone lines and including the grading of such land.

Property description: Description of a lot, or parcel by metes and bounds, by reference to a plat or by reference to government survey.

Setback line: A line on a plat generally parallel to the street right-of-way indicating the limit beyond which buildings or structures may not protrude.

Shall, may: The word "shall" shall be deemed as mandatory. The word "may" shall be deemed as permissive.

Streets and alleys: "Street" is a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

- (1) *Alley:* A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.
- (2) *Arterial - Major, primary or principal:* A street or highway primarily intended to provide for high volume, moderate speed and extended trip length traffic movement between major activity centers, with access to abutting property subordinate to major traffic movement.
- (3) *Arterial - Minor or secondary:* A street which interconnects with and augments the major arterial system. The secondary arterial is primarily intended to provide for moderate volume, moderate speed and short to moderate trip length while providing partially controlled access to abutting property.
- (4) *Collector:* A street which collects and distributes traffic to and from local and arterial street systems. The collector is primarily intended to provide for low to moderate volume, low speed and short length trips while providing access to abutting property.
- (5) *Cul-de-sac or dead-end street:* A minor street with only one outlet.
- (6) *Expressway:* A street or highway with limited or partially controlled points of access at arterial system intersections. The expressway is primarily intended to provide for high volume, moderate to high speed extended inter/intra city traffic between major activity centers with minimal impairment to movement.
- (7) *Freeway:* A divided highway with fully controlled access limited to grade-separated interchanges constructed at major thoroughfares. A freeway is primarily intended to provide for high volume, high speed intercity traffic movements.
- (8) *Local or minor:* A street primarily providing direct access to abutting property and designed to accommodate low volume, low speed traffic.
- (9) *Marginal access street or service road:* A minor street which is parallel and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.
- (10) *Easement:* A grant by the property owner to the public, a corporation, or persons, of the use of a portion of land for specific purposes.
- (11) *Crosswalkway or crosswalk:* A right-of-way, dedicated to or set aside for public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
- (12) *Collector - local:* A street which collects and distributes residential traffic between local streets and collector streets and arterial streets. Intended for low to moderate volume, low to moderate speed and short length trips while also providing access to adjacent streets and properties.

- (13) *Downtown streets:* Streets which provide frontage for adjacent businesses as well as providing for the movement of pedestrians, bicycles and transit as well as vehicles throughout and through downtown, more specifically within the area bounded by a line 990 feet north of the south section line of Sections 13 and 14 of Township 29 North, Range 22 West on the north, John Q. Hammons Parkway/Sherman Avenue on the east, Harrison/State Streets on the south, Grant Avenue on the west, and a line 990 feet west of the east section line of Sections 14 and 24 of Township 29 North, Range 22 West on the west except the following street segments:
- (a) Tampa Street east of Benton Avenue;
 - (b) Phelps Street east of Washington Avenue;
 - (c) Market Avenue between Walnut and State Streets;
 - (d) Main Avenue between Mount Vernon and State Streets;
 - (e) Mount Vernon Street between Grant and Campbell Avenues; and
 - (f) Harrison Avenue between Grant and Market Avenues and classified as designated by the major thoroughfare plan.
- (14) *Residential connector:* A street which provides a vehicular and pedestrian connection between two generally parallel local residential streets designed to accommodate very low volume and very low speed traffic within residential subdivisions. Residential connector streets are permitted only in single family or duplex residential developments. Their design shall discourage through traffic by not being extensions or continuations of higher classification streets and by not intersecting with expressway, arterial or collector streets. Lots shall not front on these streets nor shall driveways to adjacent properties be permitted.

Subdivider: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this article to the effect a subdivision of land hereunder for himself or for another.

Subdivision: The subdivision of land into two or more lots, tracts or parcels for the purpose of transfer of ownership or building development, or, if a new street or easement of access is involved, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Unit: A physical portion of a condominium designated for separate ownership or occupancy. (G.O. 4077, 9-11-89; G.O. 5207, 8-12-02; G.O. 5234, 11-18-02; G.O. 5602, 2-12-07; G.O. 5754, 5-19-08; G.O. 5793, 11-24-08)

Sec. 36-272. Fees and charges.

Charges established for processing of applicants' requests set forth in provisions of the subdivision ordinance in force and effect prior to passage of this article are hereby retained and codified in this section. The director of planning and development is hereby authorized to charge up to the amount established in this section for processing of certain types of

applications. The director of planning and development may charge less than the amount set forth in this section, it being intended that the processing fees are designed to recover the costs of the department of planning and development in the processing of such application. Such fees shall be effective upon the director of planning and development filing a copy of the fee schedule with the city clerk.

Sec. 36-273. Processing fees.

(See annual fee schedule ordinance.)

Secs. 36-274—36-299. Reserved.

SPRINGFIELD LAND DEVELOPMENT CODE

TABLE OF HISTORY

The subdivision regulations for the City of Springfield were originally adopted by General Ordinance No. 1040 on March 26, 1956. The following table sets out the amendments to the subdivision regulations since adoption.

<i>General Ordinance</i>	<i>Passed</i>	<i>General Ordinance</i>	<i>Passed</i>
1112	November 19, 1956	4026	May 8, 1989
1393	June 26, 1961	4066	August 14, 1989
1734	May 22, 1967	4077	September 11, 1989
1939	February 9, 1970	4143	July 16, 1990
1981	November 2, 1970	4432	May 31, 1994
2195	March 5, 1973	4462	October 17, 1994
2369	September 23, 1974	4581	January 22, 1996
2531	March 22, 1976	4675	February 3, 1997
2584	August 30, 1977	4682	March 17, 1997
2780	January 30, 1978	5029	November 13, 2000
2779	January 30, 1978	5207	August 12, 2002
2789	February 27, 1978	5234	November 18, 2002
3183	March 23, 1982	5540	April 17, 2006
3374	November 22, 1982	5652	February 12, 2007
3599	March 18, 1985	5665	April 9, 2007
3613	May 13, 1985	5668	April 9, 2007
3708	January 6, 1986	5740	February 25, 2008
3735	March 31, 1986	5754	May 19, 2008
3802	November 10, 1986	5793	November 24, 2008
3906	March 14, 1988	5909	December 13, 2010
3912	April 25, 1988	5924	March 21, 2011
3968	December 12, 1988	6094	January 13, 2014

CODE COMPARATIVE TABLE

PRIOR ORDINANCE

This table gives the location within this Article of those sections of the Prior Subdivision Ordinance.

Prior Ordinance Section	Section this Article	Prior Ordinance Section	Section this Article
100	36-200	503	36-263
101	36-201	504	36-264
102	36-202	600	36-271
103	36-203	700	36-272
104	36-204	701	36-273
105	36-205		
106	36-206		
107	36-207		
108	36-208		
109	36-209		
110	36-210		
111	36-211		
112	36-212		
113	36-213		
201	36-221		
202	36-222		
203	36-223		
204	36-224		
205	36-225		
206	36-226		
207	36-227		
301	36-231		
302	36-232		
303	36-233		
304	36-234		
401	36-241		
402	36-242		
403	36-243		
404	36-244		
405	36-245		
406	36-246		
407	36-247		
408	36-248		
409	36-249		
410	36-250		
411	36-251		
412	36-252		
501	36-261		
502	36-262		

ARTICLE III.

ZONING REGULATIONS*

Division 1. Intent, Purpose, and General Provisions

- Sec. 36-300. Title.
- Sec. 36-301. Purpose.
- Sec. 36-302. Regulated activities.
- Sec. 36-303. General provisions.
- Sec. 36-304. Other laws and regulations.
- Sec. 36-305. Establishment of districts.
- Sec. 36-306. Official zoning map and rules for interpretation.
- Sec. 36-307. Effect on existing building permits and applications.
- Sec. 36-308. Separability.
- Sec. 36-309. Effective date.
- Sec. 36-310. Establishment of use groups.
- Secs. 36-311—36-319. Reserved.

Division 2. Rules of Interpretation and Definitions

- Sec. 36-320. Rules of interpretation.
- Sec. 36-321. Definitions.
- Secs. 36-322—36-329. Reserved.

Division 3. Administration, Enforcement, and Review

Subdivision I. Administration and Enforcement

- Sec. 36-330. Zoning administration.
- Sec. 36-331. Required permits and plats.
- Sec. 36-332. Zoning certificate.
- Sec. 36-333. Certificate of occupancy.
- Sec. 36-334. Fees.
- Sec. 36-335. Zoning enforcement.
- Sec. 36-336. Reasonable accommodation policy and procedure.

***Editor's note**—Printed herein is a compilation of the general ordinances adopting and amending the zoning regulations of the city, including ordinances adopted through August 2014. The absence of a history note indicates material WAS adopted in the original General Ordinance 4488, adopted January 23, 1995. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance adopted in 1995. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. A complete Table of History is included at the back of this article. All ordinances adopted since March 4, 1996, are available through the city's website at www.springfieldmo.gov/clerk/records.html.

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Secs. 36-337—36-349. Reserved.

Subdivision II. Commissions and Boards

Sec. 36-350. Planning and zoning commission.
Sec. 36-351. Board of adjustment.
Sec. 36-352. Administrative review committee.
Sec. 36-353. Landmarks board.
Secs. 36-354—36-359. Reserved.

Subdivision III. Review, Appeals, and Amendments

Sec. 36-360. Site plan review.
Sec. 36-361. Cluster developments.
Sec. 36-362. Zero-lot-line construction.
Sec. 36-363. Conditional use permits.
Sec. 36-364. Appeals.
Sec. 36-365. Variances.
Sec. 36-366. Special exceptions.
Sec. 36-367. Amendments.
Sec. 36-368. Publication and posting of notices.
Secs. 36-369—36-379. Reserved.

Division 4. District Regulations

Subdivision I. Residential Districts

Sec. 36-380. R-SF - Single-family residential district.
Sec. 36-381. R-TH - Residential townhouse district.
Sec. 36-382. R-LD - Low-density multifamily residential district.
Sec. 36-383. R-MD - Medium-density multifamily residential district.
Sec. 36-384. R-HD - High-density multifamily residential district.
Sec. 36-385. R-MHC - Manufactured home community district.
Secs. 36-386—36-399. Reserved.

Subdivision II. Office, Institutional and Special Districts

Sec. 36-400. O - Office districts.
Sec. 36-401. GI - Government and institutional use district.
Sec. 36-402. UN - University combining district.
Sec. 36-403. UC - Urban conservation district.
Sec. 36-404. L - Landmarks.
Sec. 36-405. PD - Planned development district.
Sec. 36-406. AO - Airport overlay district.
Sec. 36-407. CO - Conditional overlay district.
Sec. 36-408. LWO - Live/work overlay district.
Sec. 36-409. WC - West College Street district.
Secs. 36-410—36-419. Reserved.

ZONING REGULATIONS

Subdivision III. Commercial Districts

- Sec. 36-420. LB - Limited business district.
- Sec. 36-421. GR - General retail district.
- Sec. 36-422. HC - Highway commercial district.
- Sec. 36-423. CS - Commercial service district.
- Sec. 36-424. CC - Center city district.
- Sec. 36-425. COM - Commercial street district.
- Secs. 36-426—36-429. Reserved.

Subdivision IV. Industrial Districts

- Sec. 36-430. RI - Restricted industrial district.
- Sec. 36-431. LI - Light industrial district.
- Sec. 36-432. GM - General manufacturing district.
- Sec. 36-433. HM - Heavy manufacturing district.
- Sec. 36-434. IC - Industrial commercial district.
- Secs. 36-435—36-449. Reserved.

Division 5. Supplemental District Regulations

- Sec. 36-450. Accessory structures and uses.
- Sec. 36-451. Home occupations.
- Sec. 36-452. Temporary uses.
- Sec. 36-453. Supplemental open space and yard regulations.
- Sec. 36-454. Signs.
- Sec. 36-455. Off-street parking requirements.
- Sec. 36-456. Off-street loading requirements.
- Sec. 36-457. Nonconformities.
- Sec. 36-458. Redevelopment areas.
- Sec. 36-459. Special regulations for retail liquor sales.
- Sec. 36-460. Adult entertainment.
- Sec. 36-461. Special regulations relating to vehicle repair activities.
- Sec. 36-462. Scrap, salvage, junk, and automobile wrecking yards.
- Sec. 36-463. Common open space and common improvement regulations.
- Sec. 36-464. Accessory apartments.
- Sec. 36-465. Residential group homes.
- Sec. 36-466. Telecommunication towers.
- Sec. 36-467. Noncommercial, not-for-profit neighborhood facilities.
- Sec. 36-468. Gates across private streets.
- Sec. 36-469. Single-family detached dwellings in alternative districts.
- Sec. 36-470. Community gardens.
- Sec. 36-471. Sidewalk/pedestrian walkways.
- Sec. 36-472. Stream buffers and water quality.
- Sec. 36-473. Short-term rentals.
- Sec. 36-474. Medical marijuana facilities.
- Sec. 36-475. Tiny home communities.
- Secs. 36-476—36-479. Reserved.

Division 6. Design and Development Standards

- Sec. 36-480. Screening and fencing.

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- Sec. 36-481. Reserved.
- Sec. 36-482. Landscaping and bufferyards.
- Sec. 36-483. Off-street parking and loading area design standards.
- Sec. 36-484. Lighting standards.
- Sec. 36-485. Noise standards.

Division 7. Grant Avenue Parkway District Standards

- Sec. 36-486. General provisions.
- Sec. 36-487. Bulk standards.
- Sec. 36-488. Permitted and conditional uses.
- Sec. 36-489. Use specific standards.
- Sec. 36-490. Building orientation, siting, and design.
- Sec. 36-491. Off-street parking.
- Sec. 36-492. Landscape.
- Sec. 36-493. Screening.
- Sec. 36-494. Signs.
- Sec. 36-495. Outdoor lighting.
- Secs. 36-496—36-499. Reserved.

Table of History

DIVISION 1. INTENT, PURPOSE, AND GENERAL PROVISIONS**Sec. 36-300. Title.**

This article, which has been adopted as article III of the Land Development Code as contained in Chapter 36, Community Development, Springfield City Code, and the official zoning map made a part hereof, shall be known and may be cited and referred to, as the Springfield Zoning Ordinance.

(Zoning Ord., § 1-1000; G.O. 10-29-01)

Sec. 36-301. Purpose.

This article is adopted in order to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residential, or other purposes by dividing the City of Springfield into residential, business, commercial, industrial, and other districts, each with their own regulations and restrictions with respect to the use and development of land within the city; to regulate and restrict the height, number of stories, size, and bulk of buildings and other structures; to restrict the percentage of a lot that may be occupied by buildings or structures; to require setbacks from highways and streets, and to specify the size of yards and open spaces and the spacing of buildings and structures; to regulate the density of population; to conserve and protect the value and economic use of property within the city; to preserve buildings and structures and features thereof, that have historical significance; to prevent or ameliorate traffic congestion; and to preclude or mitigate adverse environmental impacts from the conduct of business, commercial, and industrial enterprises.

(Zoning Ord., § 1-1100)

Sec. 36-302. Regulated activities.

(1) *Territorial application of regulations.* The regulations and restrictions in this article shall apply to all buildings, structures, land, and uses within the corporate limits of the City of Springfield.

(2) *Application to building, structures, and uses.* All buildings, structures, and uses shall comply with all of the regulations of this article, unless otherwise exempted or grandfathered by other provisions of this article.

(3) *Application to new uses of existing structures.* If a use of any building or structure is hereafter changed to another use, then the new use must comply with the use regulations of this article, but the establishment of a new use does not require an existing building or structure to conform to the lot size or open space requirements or the bulk regulations of this article.

(4) *Application for expansion or enlargement.* If any building or structure is expanded or enlarged after the effective date of this article:

- (a) The entire building or structure shall comply with the use regulations of this article; and

- (b) Any expansions or enlargements of a building or structure shall comply with the bulk and open space regulations of this article; and
- (c) The off-street parking facilities shall not be reduced below the requirements applicable to a similar new building, structure, or use.

(5) *Application to existing uses, buildings, and structures.* Any use, building, or structure that does not conform to the regulations and restrictions in this article, but which was lawful and conforming when established or constructed, may be continued subject to the restrictions and limitations of section 36-457, nonconformities, of this article.

(6) *Application to existing variances, special exceptions, and use permits.* Variances granted prior to the date of this article shall remain valid provided the use authorized by such variance has been established. Any building, structure, or use for which a special exception or use permit has been granted prior to the effective date of this article shall be deemed to be a lawful use and shall have the same status as that of a special exception or conditional use authorized pursuant to this article; provided, however, no such building, structure or use shall be altered, changed, or expanded unless a conditional use permit, therefore, has been granted pursuant to section 36-363, conditional use permits, of this article. Buildings, structures, or uses allowed by variances, special exceptions, or conditional use permits which are not permitted under this article may continue subject to the provisions of section 36-457, nonconformities, of this article.

(7) *Application to open land uses.* If any use of open land is established or if any use of open land is changed to another use after the effective date of this article, such new use shall comply with all of the regulations of this article.

(Zoning Ord., § 1-1200)

Sec. 36-303. General provisions.

(1) *Permitted uses.* No building or structure shall be built, moved, expanded, or enlarged after the effective date of this article, and no building, structure, or land shall be used, occupied, or designed for use or occupancy after the effective date of this article except in a manner which is permitted by this article.

(2) *Conditional uses.* No use of a building, structure or land that is designated as a conditional use in any zoning district shall be established after the effective date of this article and no existing conditional use shall be changed to another conditional use in such district after the effective date of the article unless a conditional use permit has been secured in accordance with the provisions of section 36-363, conditional use permits, of this article.

(3) *Use limitations.* No permitted or conditional use established, altered, modified, or enlarged after the effective date of this article shall be operated or designed so as to conflict with the use limitations for the zoning district in which such use is, or will be, located. No permitted or conditional use already established on the effective date of this article shall be altered, modified or enlarged so as to conflict with, or further conflict with, the use limitations for the zoning district in which such use is located.

(4) *Lot size requirements.*

- (a) Except as permitted by subsection 36-457(2), no building or structure, or part thereof existing on the effective date of this article, shall be built, moved, expanded, or enlarged, and no land that is vacant on the effective date of this article, shall be used, occupied, or designed for use or occupancy:
 1. On a lot which is smaller in area than the minimum lot area, or minimum lot area per dwelling unit, required in the zoning district in which the building, structure, or land is located; or
 2. On a lot which is narrower than the minimum lot width required in the zoning district in which the building, structure, or land is located; or
 3. On a lot which is shallower than the minimum lot depth required in the zoning district in which the building, structure, or land is located.
- (b) No existing building shall be expanded or enlarged after the effective date of this article so as to conflict, or further conflict, with the lot area requirements for the zoning district in which the building is located.

(5) *Bulk regulations.* In this article, bulk regulations are expressed in terms of maximum height, minimum setbacks and minimum front, side and rear yards. No building or structure, or part thereof existing at the effective date of this article, shall be built, moved, expanded, or enlarged and no land vacant at the effective date of this article shall be used, occupied, or designed for use or occupancy:

- (a) So as to exceed the maximum height specified for the zoning district in which the building or structure is located; or
- (b) So as to provide any setback or front, side or rear yard that is less than that specified for the zoning district in which such building or structure or use of land is located or maintained.

(6) *Spacing and open space requirements.* All buildings, structures, and uses shall observe the spacing and open space requirements in the zoning district in which such building, structure, or use is located.

(7) *Design requirements.* All buildings, structures, and uses shall comply with the design requirements in the zoning district in which such building, structure, or use is located.

(8) *Bufferyard requirements.* All buildings, structures, and uses shall provide and landscape the bufferyards required in the zoning district in which such building, structure, or use is located.

(9) *Accessory structures or uses.* No accessory building, structure, or use, as defined in section 36-450, accessory structures and uses, shall hereafter be built, moved, established, or enlarged unless such accessory building, structure, or use is permitted by section 36-450, accessory structures and uses, of this article.

(10) *Home occupations.* No home occupation, as defined by section 36-451, home occupations, shall hereafter be established, altered or enlarged in any residential district unless such home occupation:

- (a) Is allowed as a permitted home occupation in accordance with section 36-451, home occupations; and
- (b) Complies with the conditions and restrictions imposed by section 36-451, home occupations.

(11) *Temporary structures and uses.* No temporary building, structure, or use shall be built, established, moved, or remodeled, altered or enlarged after the effective date of this article unless such temporary building, structure, or use is permitted by section 36-452, temporary uses, of this article.

(12) *Signs.* No sign shall be built after the effective date of this article, and no existing sign shall be moved or remodeled, unless such sign complies, or will thereafter comply, with the restrictions imposed by section 36-454, signs.

(13) *Off-street parking and loading.* No building or structure shall be built or moved after the effective date of this article, and no building, structure, or land shall be used, occupied, or designed for use or occupancy after the effective date of this article unless the minimum off-street parking and off-street loading spaces required by sections 36-455, off-street parking requirements, and 36-456, off-street loading requirements, are provided. No building, structure, or use already established on the effective date of this article shall be enlarged unless the minimum off-street parking and loading spaces which would be required by section 36-455, off-street parking requirements, and section 36-456, off-street loading requirements, for such enlargements are provided.

(14) Number of structures and uses on a lot.

- (a) In the R-SF, R-TH and R-MHC (except in mobile home parks) districts, not more than one principal residential building shall be located on a single lot, nor shall a principal residential building be located on the same lot with any other principal building.
- (b) More than one townhouse per lot is prohibited.
- (c) In mobile home parks, multifamily districts and nonresidential districts, any number of buildings or structures and uses may be constructed or established on a single lot.

(15) *Driveways for nonresidential districts.* No land which is located in a residential district shall be used for a driveway or vehicular access to any land which is located in any nonresidential district.

(16) *Residential occupancy.*

- (a) *Intent.* This section is intended to reasonably regulate the number of persons who can live in a residential dwelling unit. Such regulation is needed to provide density

ZONING REGULATIONS

§ 36-303

control; preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children; protect safety and welfare; and maintain property values. Such

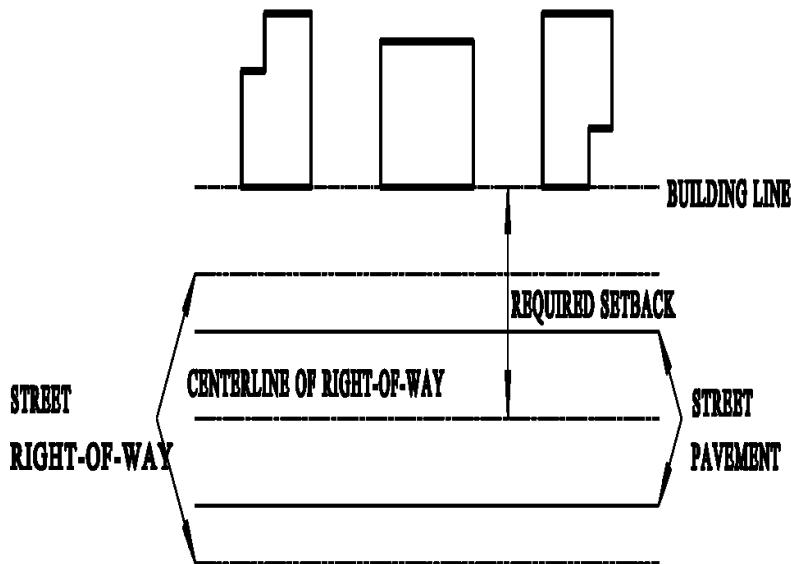
limits are also needed to insure that there are adequate public and private facilities including adequate off-street parking, utilities, and adequate lot size to accommodate the residents of each dwelling unit without impairing the character of the neighborhood. The city also finds there are a number of residential living arrangements other than the traditional biological family arrangement. This section is intended also to accommodate those alternative living arrangements.

- (b) *Occupancy.* A dwelling unit may not be occupied by more persons than one of the following family living arrangements:
 - 1. One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in any district.
 - 2. Three or less unrelated persons or two unrelated persons, plus their biological, adopted or foster children, or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit, in any district.
 - 3. Four persons or less living as a single housekeeping unit in the R-LD, R-MD, R-HD districts and nonresidential districts which permit multifamily dwellings provided the off-street parking requirements of this article are met, otherwise three persons or less are permitted.
- (c) *[Exclusions.]* A single housekeeping unit shall not be construed to mean a fraternity, sorority, club, or institutional group.

(17) *Measurement of setbacks.*

- (a) Notwithstanding any other provision of this article, the following setbacks, measured from the center line of the right-of-way (Figure 1-1), shall be maintained along the following streets and highways:

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Major collector	30 feet plus the required yard setback
Residential collector	25 feet plus the required yard setback
Commercial/industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Residential connector	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

Figure 1-1

- (b) *Reduction in setbacks.* If the required right-of-way for a street has been reduced below the adopted standards of the city by a preliminary plat or a plan adopted by city council after the effective date of this article, the setback requirement specified above may be reduced by a corresponding amount.
 - (c) *Private streets.* Notwithstanding any other provision of this article, the minimum setback shall be one-half the width of the private street easement plus 25 feet for private residential local streets and 30 feet for private commercial/industrial local streets, measured from the center line of the easement for the private street.
 - (d) *Vehicular use area.* Notwithstanding any other provisions of this article, the minimum setback for a vehicular use area shall be the total of either one-half of the required rights-of-way for the classifications of adjacent public streets, as measured from the streets, centerlines, or one-half of the required private street easement, as measured from the easements' centerlines, but as may be modified by subsection (b), plus any required perimeter landscaping or bufferyard area.
- (18) *Restrictions on allocation and disposition of required yards or open space.*
- (a) No part of required lot area, yards, open space, or off-street parking or loading space provided in connection with any building, structure or use shall be included as part of the minimum lot area, yards, open space, or off-street parking or loading space required for any other building, structure or use, except as specifically provided herein.
 - (b) All required lot area, yards, open space, off-street parking or loading space and septic systems provided in connection with any building, structure, or use shall be located on the same lot as such building, structure or use except as specifically provided by subsection 36-455(4).

- (c) No part of the lot area, yards, open space, or off-street parking or loading space provided in connection with any structure or use (including, but not limited to, any building, structure or use existing on the effective date of this article or of any amendment thereof) shall be subsequently reduced below the minimum requirements of this article for equivalent new construction unless a variance is granted.

(19) *Reserved.*

(20) *Exceptions to height regulations.* The following structures are not subject to the height limitations in this article:

- (a) When they are an integral part of a building: elevator machinery, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the buildings, and fire or parapet walls, skylights, towers (excluding radio, television and telecommunication towers), steeples, flagpoles, chimneys, and smokestacks. No space above the height limit shall be used to provide additional floor space for the use being conducted on the premises.
- (b) When they are a separate structure: water standpipes, water ground storage tanks, or similar structures.

(21) *Established frontage on street.* All lots to be used for building sites must abut by their full frontage on a public street as shown on the official street survey, except for lots fronting on private streets approved by city council through the subdivision process or other ordinances or where such lots have been approved under section 36-463, requirements for common open space and common improvements, of this article.

(22) *No public water or public sewer.* No use, which requires potable water or sewage disposal to operate, shall be established on a parcel of less than three acres unless both public water and public sewer are provided.

(23) *Travel trailer, camper, recreational vehicle, and other trailer parking.* The parking of a travel trailer, camper, or recreational vehicle for overnight accommodations or dwelling purposes in any district shall be prohibited except when such travel trailer, camper, or recreational vehicle is located in a licensed campground or recreational vehicle park. The parking or storing of a travel trailer, camper or recreational vehicle other than a mobile home in any district not in a licensed campground or recreational vehicle park, shall be permitted provided that no living quarters shall be maintained while such travel trailer, camper or recreational vehicle is parked or stored. No travel trailer, camper, recreational vehicle or any other trailer shall be parked in the required front yard of a lot or tract of land in any residential district or a lot or tract of land used for residential purposes in any other district except in a driveway leading to a required off-street parking space for a single-family detached, single-family semi-detached, duplex or townhouse dwelling unit or mobile home on an individual lot.

(24) *Commercial vehicle parking.* The storage or parking of a van, bus, truck, tractor or trailer or other vehicle used for commercial purposes with a gross vehicle weight of more than 19,500 pounds, or any single unit with more than one drive axle, in a residential district is prohibited. Any vehicle shall be exempted from this provision while providing repairs,

deliveries or other services to the premises in the district. Also exempted shall be all emergency vehicles, utility company vehicles, and vehicles on city or official government business.

(25) *Substandard structures.* No structure shall be constructed, erected or moved in or onto any location in the City of Springfield, if such structure does not conform with the building code or sanitary and health regulations of the city. Manufactured homes are not required to conform with the building code of the City of Springfield, but shall bear the seal of the State of Missouri public service commission, U.S. Department of Housing and Urban Development, or its agents.

(26) *Animals.* The purpose of this subsection is to regulate the districts in which household, farm and non-domestic animals are permitted. It is also the intent of this subsection to minimize potential adverse effects on adjoining property, the neighborhood, and persons in the vicinity from the improper management of such animals.

- (a) *Household animals (pets).* Household animals which are normally and customarily kept as household pets shall be allowed in any district. Household animals shall not be raised for commercial purposes or consumption in any district where such use is not specifically permitted by the district regulations.
- (b) *Farm animals.* Farm animals shall only be allowed in conjunction with an agricultural use as permitted by subsection (31).
- (c) *Non-domestic animals.* Non-domestic animals shall only be allowed in any lawfully established school, zoological garden, wildlife sanctuary, or other place where such animals are kept for treatment, exhibition, or amusement purposes.

(27) *Newly-annexed territory.*

- (a) *Zoning classification.* Whenever any territory shall be annexed to the City of Springfield after the effective date of this article, said territory so annexed shall maintain the zoning classification designated by the county in which the property is located until the city council has had an opportunity to classify the territory properly after its annexation.
- (b) *Building permits.* The owner, lessee, or any other person, firm or corporation owning, controlling, constructing, supervising or directing the construction of any building or structure in the process of construction and which is incomplete at the time the land upon which it is situated is annexed to the City of Springfield may proceed with the construction, alteration or completion thereof without obtaining a building permit from the department of building development services of the City of Springfield provided a building permit has been legally obtained from the county in which the property is located and all conditions and requirements of the permit are met. If construction has not commenced prior to annexation, a permit shall be obtained from the department of building development services of the City of Springfield.

(28) *Moratorium on designated development activities for public purposes in plan areas.* The city council may place a moratorium on designated development activities in all or a specific area of the city when a proposed or adopted plan or study recommends changes that will affect the designated development activities.

(29) *Exemptions in railroad rights-of-way.* Railroad track, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment are exempt from the regulations of this article. This exemption shall not include railroad terminals and locomotive service and storage facilities, railroad switching and classification yards, and railroad car and locomotive repair shops.

(30) *Utilities.*

(a) *Utility distribution facilities.* Utility distribution facilities shall be exempt from the requirements of this article except as follows:

1. In new subdivisions, electric power lines of 13,200 volts or less, telephone lines, fiber optic cables, or any other wires, cables or conduits for conveyance of electrical power or the communications of messages, data or signals, and appurtenant equipment shall be placed underground. Utility providers may grant waivers from the requirement for placing utilities underground if economic or technological factors found to exist on a site make placement underground not practically feasible. It is the intent of this subsection that all utility providers develop policies and programs to promote the placement of utilities underground. Temporary poles, overhead wires, and associated overhead structures, to be used in conjunction with construction projects or to provide emergency service shall be exempt from the requirements of this article.
2. All other new and relocated electric power lines of 13,200 volts or less, telephone lines, fiber optic cables, or any other wires, cables or conduits for conveyance of electrical power or the communications of messages, data or signals, and appurtenant equipment, shall, according to the utilities policies, be placed underground to the maximum extent practical.
3. Utility poles utilized for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables, and located within the rights-of-way or utility easements that serve as support structures for wireless telecommunications facilities. No attachment for wireless communications devices shall be attached on a pole closer than 400 feet from another pole attachment for wireless communications devices as measured along either side of the easement or rights-of-way. Such utility poles shall be placed in accordance with the following matrix based on the zoning classification in which the utility pole is located.

POLE HEIGHT

<i>Zoning Classification</i>	<i>Easement₍₁₎</i>	<i>ROW</i>
Residential (R-SF, R-TH, R-LD, R-MD, R-HD, WC-2, WC-3 and R-MHC)	50 feet	60 feet

<i>Zoning Classification</i>	<i>Easement₍₁₎</i>	<i>ROW</i>
Office/institutional (O-1, O-2 and GI)	70 feet	80 feet
Commercial (LB, GR, HC, CS, CC, WC-1, COM1 and COM2)	80 feet	90 feet
Industrial (RI, LI, GM, HM, and IC)	90 feet	100 feet
Planned development (based on use)	Individual case basis	Individual case basis

(1) Any easement utilized must adjoin rights-of-way.

4. Any equipment placed on the utility pole must be located at a sufficient height to meet any federal or state requirements or occupy no more than a 20-square foot area on the ground adjacent to the pole and not occupy any sight restrictions for adjacent driveways, access points and rights-of-way.
 5. Existing poles exceeding the matrix height criteria shall be considered conforming and may be replaced as needed with another pole of like size.
 6. This section 36-303 shall not apply to wireless telecommunications facilities used for internal utility operations.
- (b) *Utility substation facilities.* Utility substation facilities shall be permitted in any district and shall comply with the following requirements:
1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.
 2. When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.
- (c) *Utility transmission facilities.* Utility transmission facilities shall be exempt from the requirements of this article.
- (d) *Other facilities.*
1. *Exemptions.* The following utility uses are exempt from the requirements of this article provided the use meets the design requirements of the City of Springfield and its location is approved by the City of Springfield.
 - a. Facilities for the detention or collection of stormwater.
 - b. Civil defense warning sirens.
 2. *Lot size requirements and bulk regulations.* Notwithstanding any other provision of this article, none of the following public utility or public service uses shall be required to comply with the lot size requirements or bulk regulations of the zoning district in which they are located.
 - a. Water standpipes, and elevated, and ground-level, water storage tanks.

b. Stormwater detention, retention, and treatment facilities.

(31) *Agricultural uses.* Agricultural uses, as defined in this article, shall be permitted in any district provided:

- (a) The uses are located on at least 20 acres of land; and
- (b) No structure, other than a residence, that is accessory to or used in connection with an agricultural use, is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision; and
- (c) No agricultural use other than growing crops in the open is located closer than 300 feet to the lot boundary of a church, a school or a property zoned residential and used for residential purposes or platted for a residential subdivision.
- (d) Exemptions. The following uses are exempt from this subsection provided such use is in compliance with other city codes and state and federal laws:
 1. The keeping or raising of six or less chicken hens as an accessory use.
 2. Beekeeping (domestic honey bees, *Apis Mellifera*) as an accessory use in any district provided:
 - a. No more than two hives, with only one colony in each hive, are allowed on lots of 5,000 square feet or larger. One additional hive is permitted on each additional 5,000 square feet.
 - b. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.
 - c. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.
 - d. Hives that are located within 20 feet of a property line shall be screened at the property line by a six-foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least 20 feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive.
 3. Medical marijuana facilities as defined in this article.

(32) *Transitional housing.* Transitional housing is permitted in any district that allows residential uses provided it meets the same criteria for the residential use permitted in the district.

(33) *Overnight shelters.*

- (a) Overnight shelters may exceed their bed capacity as permitted under chapter 36 of the Springfield City Code, when the Springfield-Greene County Health Department

issues a heat or cold advisory or warning provided that said shelters shall not permit an occupancy for sleeping greater than permitted by City of Springfield building and safety codes.

- (b) Any overnight shelter, soup kitchen, transitional service shelter or combination of these three uses may exercise a transfer of development right to relocate all overnight shelter, soup kitchen or transitional service shelter uses from one location to another location that would be within the separations of such uses called for in said ordinance provided that city council finds, following a recommendation by planning and zoning commission, that:
 - 1. Such relocation is not being made to the center city or COM district; and
 - 2. The relocation of said use or uses will reduce the intensity of similar uses in the area of the original location; and
 - 3. That the relocation will not pose any greater impact on the area to be relocated to than is present at the original location from such uses; and
 - 4. The use will be no closer to a soup kitchen, overnight shelter, or transitional shelter or any combination thereof than said use is presently to such facilities.

(34) *Economic and housing access calamity.*

- (a) During such time that an economic and housing access calamity for the working poor and unemployed within the City of Springfield, Missouri, is declared by city council; individuals, agencies, or churches that are able to meet building, safety, and health codes for such a use, may establish facilities during the pendency of the calamity to provide food and lodging to the unemployed and working poor, who are without a permanent residence or dwelling, and such shall not be considered "shelters" as that term is defined in section 36-321 of the land development code, and are excepted from the general requirements of the city's building, zoning, health and fire codes herein.
- (b) The departments of fire, health, and building development services shall determine the applicability of the various city codes and whether a facility meets such code provisions, as well as whether any codes may be adjusted administratively on a site-by-site basis to meet the intent of this article.
- (c) In accordance with the goals and intent of this subsection, the director of building development services together with the departments of fire and health may exempt, modify or adjust existing codes after due consideration for (including, but not limited to) venue, density of population, intensity of use, ingress-egress, exit travel, fire safety, hours of operation, sanitary services and adjacent properties.
- (d) Any individuals, agencies or churches desiring to operate a facility under this subsection shall apply to the director of building development services for a certificate of occupancy at no cost and showing compliance or exceptions from certain code requirements. Such certificate must be renewed annually. Such applications shall be made on a form provided by the director of building development services.

- (e) Under no event shall a certificate of occupancy be issued for a shelter herein if it is less than 1,000 feet from an elementary or secondary school, unless said shelter is given written consent of the governing body of such school.
- (f) Upon the expiration of the declared economic and housing access calamity, all permitted shelters shall cease operations within 90 days.

(Zoning Ord., § 1-1300; G.O. 4570, 11-27-95; G.O. 4763, 12-15-97; G.O. 4775, 1-20-98; G.O. 5094, 7-9-04; G.O. 5127, 10-29-01; G.O. 5425, 11-15-04; G.O. 5652, 2-12-07; G.O. 5665, 4-9-07; G.O. 5978, 3-26-12; G.O. 6058, 6-17-13; G.O. 6128, 7-21-14; G.O. 6136, § 1(exh. A), 9-8-14; G.O. 6315, § 1, 11-14-16; G.O. 6335, § 1, 1-23-17; G.O. 6467, § 1(Exh. A), 7-16-18; G.O. 6484, § 1, 12-10-18; G.O. 6528, § 1, 5-20-19)

Sec. 36-304. Other laws and regulations.

The provisions of this article shall be considered the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare. Where the provisions of this article impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this article shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this article, the provisions of such statute, other ordinance or regulation shall be controlling.

(Zoning Ord., § 1-1400)

Sec. 36-305. Establishment of districts.

The City of Springfield is hereby divided into the following zoning districts, the location and boundaries of which are shown on the official zoning map, which map is incorporated in this article by this reference. The descriptions of the zoning districts set forth below are for explanation only. The regulations for each district are contained in division 4 of this article.

- (1) *R-SF - Single-family residential district.* A zone designed to accommodate single-family residential development at a maximum density of seven dwelling units per acre.
- (2) *R-TH - Townhouse residential district.* A district designed for single-family detached, single-family semi-detached, duplex and townhouse residences at a maximum density of 11 dwelling units per acre.
- (3) *R-LD - Low-density multifamily residential district.* A zone designed for townhouse and garden apartment development with a maximum density of 18 dwelling units per acre.
- (4) *R-MD - Medium-density multifamily residential district.* A zone designed for multifamily dwelling units (apartments) with a maximum density of 29 dwelling units per acre.
- (5) *R-HD - High-density multifamily residential district.* A zone designed for multifamily dwelling units (apartments) with a maximum density of 40 dwelling units per acre.

- (6) *R-MHC - Manufactured home community district.* A zone designed for manufactured home communities at a maximum density of eight units per acre.
- (7) *O-1 - Office district.* A zone designed for low-intensity office development.
- (8) *O-2 - Office district.* A zone designed to accommodate office uses in the vicinity of the center city district or other high-intensity use areas.
- (9) *GI - Government and institutional district.* A zone designed for governmental buildings, major medical facilities and colleges and universities.
- (10) *UN - University combining district.* A zone designed to be used in combination with multifamily residential zones that adjoin a college or university. Uses traditionally associated with such institutions are permitted.
- (11) *UC - Urban conservation district.* A zone designed to provide regulations that will encourage the conservation and enhancement of urban environments.
- (12) *L - Landmarks.* A designation to ensure the preservation of historically and architecturally significant structures and the ambience and character of areas of the city which are historically significant because of the architecture of the buildings or because the buildings are associated with persons and events that are historically significant.
- (13) *PD - Planned development district.* A zone in which the land use regulations and restrictions are designed to provide flexibility in development while ensuring that such development will not adversely impact nearby property or the planning policies of the city.
- (14) *AO - Airport overlay districts.* Zones designed to be used in combination with other zoning districts to regulate the development of noise-sensitive land uses in the vicinity of the Springfield Regional Airport.
- (15) *LB - Limited business district.* A zone designed to accommodate individual retail stores and personal service businesses that offer convenience goods and services that are normally a frequent or even daily necessity for residents of the surrounding neighborhood.
- (16) *GR - General retail district.* A zone designed for uses that provide community-wide personal and business services, shopping centers and specialty shops.
- (17) *HC - Highway commercial district.* A zone designed to accommodate business and commercial uses that depend upon high visibility and convenient sites on arterial streets in order to attract customers.
- (18) *CS - Commercial service district.* A zone designed to accommodate non-retail commercial and services uses.

- (19) *CC - Center city district.* A zone designed to accommodate the existing mix of uses in the Springfield Central Business District and Commercial Street area.
- (20) *RI - Restricted industrial district.* A zone designed to accommodate industrial uses that are conducted entirely within a building and that have no external impact whatsoever.
- (21) *LI - Light industrial district.* A zone designed to accommodate industrial uses that have no outdoor operations except storage.
- (22) *GM - General manufacturing district.* A zone designed to accommodate industrial development that should be effectively buffered from all but other industrial and heavy commercial uses because of the potential such uses may have for affecting the use and enjoyment of nearby property.
- (23) *HM - Heavy manufacturing district.* A zone designed to accommodate railroad terminal and yard facilities and intensive manufacturing uses that may have adverse impacts on nearby property unless properly located and buffered.
- (24) *IC - Industrial commercial district.* A zone designed to allow a combination of industrial and commercial uses in those areas where the combination of such uses is consistent with adopted policies and plans.

(Zoning Ord., § 1-1500; G.O. 6467, § 1(Exh. A), 7-16-18)

Sec. 36-306. Official zoning map and rules for interpretation.

(1) *Incorporation of official zoning map by reference.* The city is hereby divided into the districts listed in section 36-305, establishment of districts, of this article as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article.

The official zoning map shall be prepared, maintained and archived in a form approved by the city council and attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 36-306, Article III, Chapter 36, Springfield City Code." The official zoning map shall be adopted or readopted in its entirety by city council annually following an advertised public hearing.

Prior to its adoption by council, planning and zoning commission shall review said map after conducting a public hearing in accordance with subsection 36-350(4) of this article. Notice of such hearing shall be given in accordance with subsection 36-368(2)(b). Amendments to the district boundaries occurring between the annual adoptions of the official zoning map shall be maintained in the office of the city clerk. The district boundaries in the ordinances amending the official zoning map shall control over what appears on the map.

It shall be the duty of the secretary of the planning and zoning commission to facilitate the updating of the map.

No changes of any nature shall be made to the official zoning map or matters shown thereon except in conformity with the procedures set forth in this article. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this article.

Regardless of the existence of copies of the official zoning map which may from time to time be made or published, the official zoning map with amendments made to the district boundaries occurring between the annual adoptions which shall be located in the office of the secretary of the planning and zoning commission and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

(2) *Rules for interpretation of district boundaries.* Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines.
- (c) Boundaries indicated as following city limit lines shall be construed as following such city limits.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines of bodies of water shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in paragraphs (a) through (e) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined from the scale of the map.
- (g) Where physical or cultural features existing on the ground or the city's geographic information system (GIS) are at variance with those shown on the official zoning map, or in other circumstances not covered by paragraphs (a) through (f) above, the board of adjustment shall interpret the district boundaries.

(3) *Classification of vacated streets and alleys.* Whenever any street, alley or other public way is vacated by official action of the planning and zoning commission, the zoning district adjoining each side of such street, alley or public way or to the new property line created by the vacation of the street, alley or public way shall be automatically extended to the center of such vacated street, alley or public way and all areas included in the vacated street, alley or public way shall then and thence forth be subject to all regulations of the extended district.
(Zoning Ord., § 1-1600; G.O. 6069, 8-12-13)

Sec. 36-307. Effect on existing building permits and applications.

- (1) Nothing in this article shall be deemed to require any change in the plans, construction, or designated use of any building or structure if:
- A building permit for such building or structure was lawfully issued prior to the effective date of this article or the effective date of any amendment thereto;
 - Such permit had not by its own terms expired prior to such effective date; and
 - Such permit was issued on the basis of an application showing complete plans, when required, for the proposed construction.
- (2) When a building or structure is completed under a permit to which this section applies, an occupancy certificate shall be issued in accordance with the zoning and building regulations in effect at the time the building permit was issued.
(Zoning Ord., § 1-1700)

Sec. 36-308. Separability.

It is hereby declared to be the intention of the city council that the several provisions of this article are separable, in accordance with the following rules:

- If any court of competent jurisdiction shall adjudge any provision of this article to be unconstitutional, invalid, or illegal, such judgment shall not affect any other provisions of this article.
- If any court of competent jurisdiction shall adjudge the application of any provision of this article to a particular property, building or structure to be unconstitutional, invalid, or illegal, such judgment shall not affect the application of said provision to any other property or structure.

(Zoning Ord., § 1-1800)

Sec. 36-309. Effective date.

This article shall be in full force and effect as Chapter 36, Article III, Springfield City Code, from and after its passage and approval in the manner required by law.
(Zoning Ord., § 1-1900)

Sec. 36-310. Establishment of use groups.

(1) *Purpose.* This section classifies land uses and activities into use groups on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use groups provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use groups in the various zones is based on the goals and policies of the comprehensive plan.

(2) *Use group titles.* The names of the use groups start with capital letters throughout this article.

(3) *Classification of uses.*

(a) *Considerations.*

1. Uses are assigned to the group whose description most closely describes the nature of the primary use. The "characteristics" subsection of each use group describes the characteristics of each use group. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in paragraph (b) below. Accessory uses are addressed in paragraph (c) below.
2. The following items will be considered to determine what use group the use is in, and whether the activities constitute primary uses or accessory uses:
 - a. The description of the activity in relationship to the characteristics of each use group;
 - b. The relative amount of site or floor space and equipment devoted to the activity;
 - c. Relative amounts of sales from each activity;
 - d. The customer type for each activity;
 - e. The relative number of employees in each activity;
 - f. Hours of operation;
 - g. Building and site arrangement;
 - h. Vehicles used with the activity;
 - i. The relative number of vehicle trips generated by the activity;
 - j. Signs;
 - k. How the use advertises itself; and
 - l. Whether the activity would be likely to be found independent of the other activities on the site.

- (b) *Developments with multiple primary uses.* When all of the primary uses of a development fall within one use group, then the development is assigned to that use group. For example, a development that contains a retail bakery and a café would be classified in the retail sales use group because all the primary uses are in that group.

When the primary uses of a development fall within different use groups, each primary use is classified in the applicable group and is subject to the regulations for that group.

- (c) *Accessory uses.* Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the groups.
 - (d) *Use of examples.* The "examples" subsection of each use group provides a list of examples of uses that are included in the use group. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the retail sales group rather than the wholesale sales group. This is because the actual activity on the site matches the description of the retail sales group.
 - (e) *Administration.* The director of building development services shall determine the appropriate classification of uses. The decision of the director may be appealed to the administrative review committee.
- (4) *Residential use groups.* (Reserved.)
- (5) *Office use group.*
- (a) *Characteristics.* Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. General office uses are characterized by activities that generally focus on business, government, professional, or financial services. General office uses also include some activities that are less service-oriented and focus on the development, testing, production, processing, packaging, or assembly of goods and products, which may include digital products such as internet home pages, media content, designs and specifications, computer software, advertising materials, and others. The medical office use group includes medical and dental offices and clinics and is listed separately from general office because these uses tend to generate higher traffic counts and require more off-street parking.
 - (b) *Accessory uses.* Accessory uses may include cafeterias, health facilities, parking or other amenities primarily for the use of employees in the firm or building.
 - (c) *Examples.* Examples include uses from the two subgroups listed below:
 1. *General office:* Professional services such as lawyers or accountants; financial businesses such as lenders, brokerage houses, banks, or real estate agents; sales offices; government offices and public utility offices; blood collection facilities; software and internet content development and publishing; computer systems design and programming; graphic and industrial design; engineers, architects; telecommunications service providers; data processing; television, video, radio, internet, and recording studios and broadcasting; scientific and technical services; and medical and dental labs.

2. *Medical office:* Medical and dental offices and clinics.

(d) *Exceptions.*

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform services off-site are included in the general office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
3. Medical and dental laboratories and research facilities do not include the manufacture of pharmaceutical or other products for general sale or distribution. In addition, no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, shall be utilized in the research operations.

(6) *Commercial and services use groups.*

(a) *Retail sales use group.*

1. *Characteristics.* Retail sales firms are involved in the sale lease or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods.
2. *Accessory uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking. Restricted production and repair of goods sold on site or similar goods is also permitted as an accessory use.
3. *Examples.* Examples include, but are not limited to, pawn shops, stores selling, leasing or renting consumer, home, and business goods, including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles if outdoor activities are permitted by the district.
4. *Exceptions.*
 - a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.
 - b. Sales, rental, or leasing of heavy trucks and equipment is classified as wholesale sales.

(b) *Personal services use group.*

1. *Characteristics.* Personal service uses are establishments for the sale of personal services or establishments engaged in providing services involving the care of a person of his or her personal goods or apparel, but not including personal storage.
2. *Accessory uses.* Accessory uses may include offices, storage of goods and parking.
3. *Examples.* Examples include, but are not limited to, locksmiths; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; dance or music classes; and animal grooming.

(c) *Eating and drinking establishments use group.*

1. *Characteristics.* The eating and drinking establishments use group includes uses that are involved in the preparation and sale of food and drink primarily for consumption as a meal on premises; however this use group also includes uses that offer the sale of food for consumption off premises. This use group includes drive-in, pick-up window and drive-thru facilities unless restricted by the district.
2. *Accessory uses.* Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
3. *Examples.* Examples include, but are not limited to, restaurants, cafes, delicatessens, taverns, bars and coffee shops.

(d) *Entertainment-oriented use group.*

1. *Characteristics.* Service firms involved in providing entertainment-type activities to the general public.
2. *Accessory uses.* Accessory uses may include food and liquor sales for on-site consumption; parking.
3. *Examples.* Examples include, but are not limited to, the following uses: bowling alleys; dance halls; video game arcades; billiard parlors; roller skating and ice skating arenas; in-door movie theaters; athletic clubs; fitness centers; miniature golf if outdoor activities are permitted by the district; and other small-scale sports facilities.
4. *Exceptions.*
 - a. Major event venues, such as stadiums, arenas and fairgrounds, are classified as major event entertainment.
 - b. Drive-in movie theaters, golf driving ranges, archery ranges and similar uses are classified as commercial outdoor recreation.

(e) *Temporary lodging use group.*

1. *Characteristics.* The temporary lodging use group includes facilities where tenancy of all rooms may be arranged for periods of less than one month. The facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared.

2. *Accessory uses.* Accessory uses may include offices, food and liquor sales for on-site consumption, and recreational facilities for occupants, and parking.
 3. *Examples.* Examples include, but are not limited to, hotels, motels, inns and hostels.
 4. *Exceptions.*
 - a. If the facility is managed by a public or non-profit agency to provide short-term housing, with or without a fee, the facility shall not be considered temporary lodging.
 - b. Boarding house, lodging house, fraternity house and sorority house uses shall not be considered temporary lodging.
 - c. Bed and breakfast uses shall not be considered temporary lodging.
- (f) *Major event entertainment use group.*
1. *Characteristics.* Major event entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
 2. *Accessory uses.* Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.
 3. *Examples.* Examples include, but are not limited to, stadiums, sports arenas, coliseums, race tracks (auto, horse, dog, etc), auditoriums, exhibition and meeting areas and fairgrounds.
 4. *Exceptions.*
 - a. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as retail sales.
 - b. Banquet halls and meeting areas that are part of hotels or restaurants are accessory to those uses, which are included in the retail sales and temporary lodging categories.
 - c. Drive-in theaters are classified as commercial outdoor recreation.
- (g) *Commercial outdoor recreation use group.*
1. *Characteristics.* Commercial outdoor recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.
 2. *Accessory uses.* Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
 3. *Examples.* Examples include, but are not limited to, amusement parks, theme parks, golf driving ranges, drive-in movie theaters and archery ranges.

4. *Exceptions.*

- a. Uses which draw large numbers of people to periodic events, rather than on a continuous basis, are classified as major event entertainment.

(7) *Industrial use groups.*

(a) *Wholesale sales.*

1. *Characteristics.* Wholesale sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
2. *Accessory uses.* Accessory uses may include offices; product repair; warehouses; parking, minor fabrication services; and repackaging of goods.
3. *Examples.* Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
4. *Exceptions.*
 - a. Firms that engage primarily in sales to the general public are classified as retail sales.
 - b. Firms that engage in sales on a membership basis are classified as either retail sales or wholesale sales, based on a consideration of the characteristics of the use.

(8) *Storage use groups.* (Reserved)

(9) *Institutional use groups.* (Reserved)

(10) *Other use groups.* (Reserved)

(Zoning Ord., § 1-2000; G.O. 5879, 7-26-10)

Secs. 36-311—36-319. Reserved.

DIVISION 2. RULES OF INTERPRETATION AND DEFINITIONS

Sec. 36-320. Rules of interpretation.

When referring to this article, the following rules of interpretation shall be applied, except when the context clearly requires otherwise.

- (a) The particular shall control the general.

- (b) In the case of any difference of meaning or implication between the text of this article and any chart, graph, illustration or table, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Words used in the present tense shall include the future and words used in the singular include the plural and the plural the singular, unless the context clearly indicates the contrary.
- (e) The use of the male pronoun includes the use of the female pronoun.
- (f) The word "person" includes individuals, firms, corporation, associations, and any other similar entities.
- (g) The words "parcel, site," or "tract" are synonymous and are general terms for the description of land.
- (h) The word "city" means the area of jurisdiction of the City of Springfield, Missouri.
- (i) All public officials, bodies, and agencies to which reference is made are those of the City of Springfield, Missouri.

(Zoning Ord., § 2-1000)

Sec. 36-321. Definitions.

Words in the text or tables of this article shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Accessory apartment: A separate, complete dwelling unit that is substantially contained within the structure of a single-family-detached dwelling.

Accessory building: See "Accessory structure."

Accessory structure: An accessory structure serves a principal structure or a principal use by contributing to the comfort, convenience or needs to the occupants, business, or industry of the principal structure or use and is located on the same lot as the principal structure or use served.

Accessory use: An accessory use serves a principal structure or a principal use by contributing to the comfort, convenience or needs to the occupants, business, or industry of the principal structure or use and is located on the same lot as the principal structure or use served.

Acre: A measure of land area containing 43,560 square feet.

Acupuncture: The use of needles inserted into the body by piercing of the skin and related modalities for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology or pain by means of controlling and regulating the flow and balance of energy in the body so as to restore the body to its proper functioning and state of health.

Adult day care: The care, other than residential care, of an adult away from his own home on either a commercial or noncommercial basis for custodial purposes for only part of a 24-hour day.

Adult motion picture theater: An establishment, which shall be in an enclosed building, and which presents motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined, for observation by patrons therein.

Adult store: An establishment having as a substantial or significant portion of its stock in trade, books, photographs, pictures, magazines, and other periodicals or materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined under cabaret.

Agricultural use: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals, including, but not limited to: Forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program but excluding: feed lots, stockyards, and animal slaughter houses. Not to include medical marijuana facilities.

Airport runway: A surface used for landing or taking off of aircraft which is shown on a duly adopted airport master plan of the City of Springfield and includes all such runways shown thereon, whether existing or proposed, including extension of such runways.

Alley: A public way which extends only secondary means of access to abutting property.

Alteration (historic structure): Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any feature of the structure.

Alteration, structural: Any change in a load-bearing member of a structure.

Animal, farm: Any livestock or other domesticated animal raised for commercial or agricultural purposes.

Animal, household (pets): Any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, pheasants, cows, livestock, chinchillas, horses, goats, sheep, monkeys and other similar animals and fowl.

Animal, non-domestic: Any feline (other than a domestic house cat), nonhuman primate, bear, wolf, coyote, fox, venomous reptile, or any other animals or crossbreed of such animals which have similar characteristics of the animals specified herein or are dangerous or unsafe for contact with humans.

Animation: Refer to subsection 36-454(2) for the definition of this term.

Archaeological significance: Importance as an area, site, place, or landscape that has yielded or is likely to yield information concerning past patterns of human settlement, or artifacts or

information concerning previous cultures in Missouri or previous periods of the present culture. Areas, sites, or landscapes of archaeological significance may include, but are not limited to, aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations, or tailings, or other locations.

Architectural significance: Embodying the distinctive characteristics of a type, period, style, or method of construction or use of indigenous construction, or representing the work of an important builder, designer, architect, or craftsman who has contributed to the development of the community, county, state, or country.

Attached sign: Refer to subsection 36-454(2) for the definition of this term.

Automobile sales: The use of any building, land area or other premises, or portion thereof, for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

Automobile service garage: An establishment primarily engaged in automotive repair and services, including lubrication establishments.

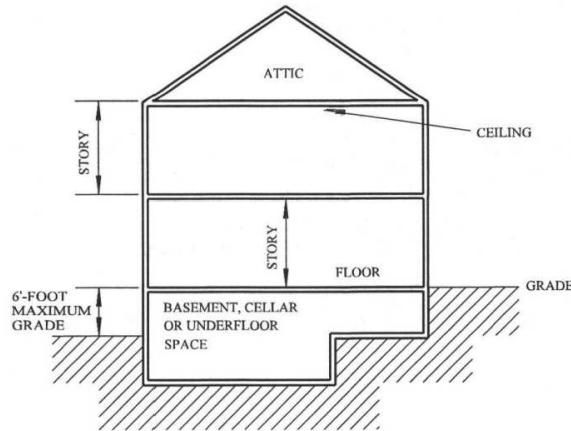
Automobile service station: Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

Automobile wrecking yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

Bar: See "Tavern."

Basement: A story partly or wholly below grade. For purposes of height measurement, a basement shall be counted as a story when the finished surface of the floor above the basement is (Figure 2-1):

- (a) More than six feet above the average grade.
- (b) More than six feet above the finished grade for more than 50 percent of the total building perimeter.
- (c) More than 12 feet above the finished grade at any point.

Figure 2-1

Bed and breakfast: A dwelling, or portion thereof, that contains guest rooms where short-term lodging, with or without meals, is provided for compensation.

Berm: A mound of earth, typically located in a bufferyard to shield or block noise, lights or other nuisances.

Bicycle locker: An enclosure capable of being locked that can be rented or reserved for the storage of one or more bicycles and serves as a parking facility that protects bicycles from theft and weather.

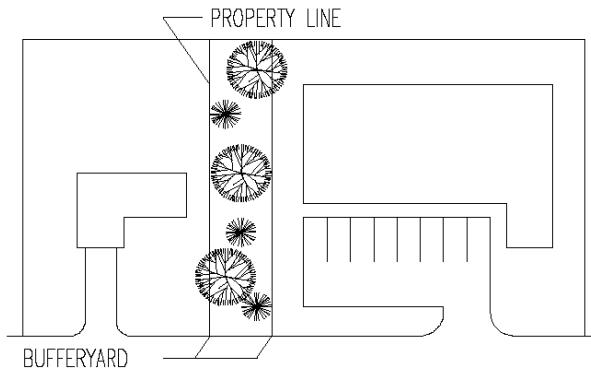
Bicycle rack: A bicycle parking facility that is fastened to a mounting surface, can accommodate up to two bicycles, can support each bicycle by its frame in two places and allows the use of a cable lock or U-shaped lock to protect bicycles from theft.

Bicycle space: An area that includes a bicycle rack and is free of obstructions to allow for the convenient and accessible parking of a bicycle.

Block: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Boarding house: An establishment or part thereof, in which lodging and meals is provided by the owner or operator for at least three but not more than 11 persons for compensation whether the compensation is paid directly or indirectly.

Bufferyard: Land area typically containing trees, shrubs and other plants, berms, fences or walls and used to visibly separate one use from another or to block noise, lights or other nuisances (Figure 2-2).

Figure 2-2

Buildable area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

Building codes: The building code of the City of Springfield, Missouri, together with the electrical code, plumbing code, fire code, and any related code(s) adopted by the Springfield City Council, and any regulations adopted in conformance therewith.

Building coverage: The horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot divided by the gross area of the lot.

Building floor area, gross leasable: In multitenant buildings, the total building floor area excluding non-leasable areas such as hallways, lobbies, malls, and rest rooms.

Building floor area, net usable: For office, government, institutional and commercial uses, the total building floor area used for or intended to be used for a service to the public, including areas occupied by fixtures and equipment used for display or sale of merchandise, for show windows, or for offices incidental to the management or maintenance of stores or buildings. Floors or parts of floors used principally for rest rooms or for utilities or for fitting rooms, dressing and alteration rooms, halls, storage rooms, file rooms, stairways, elevators shall be excluded.

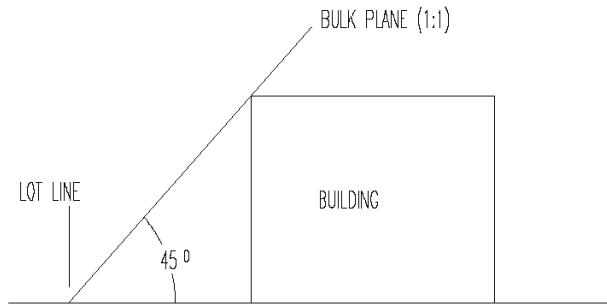
Building floor area, total: The total floor area of all floors of a building measured from the exterior face of exterior walls, but not including interior parking spaces, loading space for motor vehicles or any space where the floor to ceiling height is less than six feet.

Building materials: The physical characteristics which create the aesthetic and structural appearance of the resource, including, but not limited to, a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete, or stucco.

Building, principal: A building in which the primary use of the lot, on which the building is located, is conducted.

Bulk plane: A theoretical plane beginning at a lot line, or other locations as set forth in this Article, and rising over a slope determined by an acute angle measured up from the horizontal as set forth in this Article. The bulk plane defines the relationship of the height of a structure and the structure's setback from the lot line (Figure 2-3).

Figure 2-3



Bulk requirements: Standards that control the height, intensity, and location of structures.

Bulk storage: The storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale (wholesale) to distributors or retail dealers or outlets.

Business area: Refer to subsection 36-454(2) for the definition of this term.

Cabaret: An establishment which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below.

Specified anatomical areas:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities:

- (a) Human genitals in a state of sexual stimulation or arousal;

- (b) Acts of human masturbation, sexual intercourse or sodomy; and
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Campground and recreational vehicle park: Any property, including buildings or other structures, where one or more camping or recreational vehicle sites are rented or provided to recreational users for temporary or seasonal occupancy. Any action toward removal of wheels of a recreational vehicle other than a park model recreational vehicle (PMRV), or placement of the unit on a foundation, except for temporary purposes of repair, is prohibited. The owner shall designate a manager or operator who shall be responsible for any violation of the provisions of this article which may occur in the operation of such development. No owner, manager or operator of a campground and recreational vehicle park shall authorize or allow any person to occupy one or more recreational vehicles or PMRVs in a campground and recreational vehicle park for more than 180 days in any one-year period unless that person is a caretaker or host of the campground and recreational vehicle park. Notwithstanding the foregoing, a recreational vehicle located in a campground and recreational vehicle park, a manufactured home community or a manufactured home subdivision, which is used as a dwelling unit and existed on the date of passage of this ordinance [G.O. 6592], shall be considered a legal nonconforming use subject to section 36-457 despite the 180-day occupancy limitation contained herein. This legal nonconforming status shall expire and cease to be in effect 36 months after final passage of this ordinance [G.O. 6592]. Thereafter, no owner, manager or operator of a campground and recreational vehicle park shall authorize or allow any person to occupy one or more recreational vehicles or PMRVs in a campground and recreational vehicle park for more than 180 days in any one-year period unless that person is a caretaker or host of the campground and recreational vehicle park.

Candlepower: The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candle power emitted by any lamp, light source, or luminaire.

Carnival or circus: An amusement enterprise consisting of rides, acts, shows, games, amusement devices, or other similar devices or any combination of such devices.

Cemetery: Property used for the interring of the dead, including mausoleums.

Central business district: The commercial, office, and industrial area of Springfield centered on Park Central Square.

Central Springfield: The area of Springfield containing the central business district and most of the historically and architecturally significant resources of the city, specifically defined by the south boundary of the railroad right-of-way north of Commercial Street on the north, Glenstone Avenue on the east, Grand Street on the south and Kansas Expressway on the west.

Certificate of appropriateness: The official document issued by the landmarks board or the director of building development services, as provided for in subsection 36-404(3), approving any application for permission to construct, erect, demolish, relocate, reconstruct, restore, or alter any structure designated by the authority of this article.

Certificate of economic hardship: A certificate issued by the landmarks board, as provided for in subsection 36-404(4), authorizing an alteration, construction, removal or demolition even though a certificate of appropriateness has previously been denied or may be denied.

Child day care: The care of a child away from his own home on either a commercial or noncommercial basis for custodial purposes for only part of a 24-hour day.

Church: A building or structure, or groups of buildings or structures primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Clinic, medical or dental: An establishment where human patients are admitted for examination and/or treatment by one or more physicians, dentists, psychologists or social workers and where overnight lodging is limited to one night for minor surgery. Not to include medical marijuana facilities.

Clinic, veterinary: An establishment where animals are admitted for examination and treatment by one or more veterinarians and where animals are not lodged overnight.

Clubhouse: A structure accessory to a public or private noncommercial recreation area or facility and providing services to the patrons of such area or facility.

Cluster: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Cluster housing development: A form of residential development that permits a reduction in lot area and bulk requirements.

Cocktail lounge: See "Tavern".

College: An educational institution that provides a post-secondary instructional program, including classroom, laboratory and administration buildings, lecture halls, libraries, dormitories, dining halls, student centers, auditoriums, chapels, gymnasiums, stadiums, fraternities, sororities and other similar buildings and structures.

Commercial: Relating to the sale of goods or services.

Commercial garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public. Commercial gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Community treatment center: Definition deleted.

Commercial off-street parking lot or structure: A parking lot or structure where a fee must be paid for use of the parking spaces.

Commercial vehicle: Any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.

Commission: The Springfield Planning and Zoning Commission.

Community center: A place, structure, area, or other facility for social, educational, and recreational activities of a neighborhood or community or subdivision, provided any such use is not operated for commercial gain.

Community corrections facility: A facility licensed by the State of Missouri for the housing, supervision, counseling, rehabilitation of and job training for individuals in need of care necessary to return them to a productive role in society who are criminal offenders on probation, whose probation or parole has been revoked, who are within 120 days of their release from a prison, jail sentence or custody from the state department of corrections, or who are under supervision of state probation or parole or a similar agency, and who reside under the supervision of trained staff.

Community garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription or shares, but not for on-site distribution or sale to the general public. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include medical marijuana facilities.

Compensation: The receiving of goods, services, or money in exchange for or as a result of a service performed.

Comprehensive plan: The master plan, and its associated elements, of the City of Springfield, adopted by the planning and zoning commission and city council, containing analysis, recommendations, and policies for the community's population, economy, housing, transportation, community facilities and land use.

Conditional use: A use permitted in a particular zoning district only upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of such use as specified in this article and authorized by the city council.

Condominium: A building, group of buildings or property in which units are owned individually and the common elements are owned by all the owners on a proportional, undivided basis.

Construction: The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Copy: Refer to subsection 36-454(2) for the definition of this term.

Council: The city council of the City of Springfield.

Curb grade: The elevation of the top of the established curb in front of the building measured at the center of the building front. Where no curb grade has been established, the director of public works shall establish such curb grade or its equivalent for the purpose of this article.

Cutoff: The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

Cutoff angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff-type luminaire: A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.

Day care center: A facility other than the provider's permanent residence, where child or adult day care is provided for only part of a 24-hour day.

Day care home: A dwelling, occupied as a permanent residence by the child or adult day care provider, in which care is given to no more than ten children or five adults not related to the day care provider for only part of a 24-hour day.

Daylight hours: The hours between sunrise and sunset.

Degenerated beyond feasible limits for rehabilitation: When the conditions of the structure are such that the economics of restoration preclude the landowner from making any reasonable economic use of the property if restored, or the restoration is infeasible from a technical or mechanical standpoint.

Demolition (historic structure): Any act or process which destroys in part or in whole any building or structure or any act or process which threatens to destroy a historic site or historic landmark or a structure within a historic district by failure to maintain it in a condition of good repair and maintenance.

Density: The number of dwelling units per unit of land.

Detached sign: Refer to subsection 36-454(2) for the definition of this term.

Detail: Architectural aspects which, due to particular treatment, draw attention to certain parts or features of a structure.

Detention facility: See "Jail."

Directional sign: Refer to subsection 36-454(2) for the definition of this term.

Director: The director of building development services of the City of Springfield, Missouri, or his or her designated representative.

District: A part, zone, or geographic area within the City of Springfield, within which certain zoning regulations apply and are uniform.

Drive, circular: A driveway having two access points to a street.

Driveway, shared: A driveway which provides access to a street for more than one parcel of land.

Drive-in facility: A facility, typically accessory to a principal use, which encourages or permits customers to order, receive and consume services and goods, or be entertained while remaining in their motor vehicles.

Duplex: A structure on a single lot containing two dwelling units, each of which is totally separated from the other.

Dwelling: A building or portion thereof designed and used exclusively by individuals for no less than 30-day residential occupancy with complete cooking and sanitary facilities, excluding hotels; motels; boarding, rooming, and lodging houses; and institutional care facilities.

Dwelling, multifamily: A dwelling on a single lot containing three or more dwelling units each of which is totally separated from the others.

Dwelling, patio-court home: See "Dwelling, single-family semi-detached."

Dwelling, single-family detached: A dwelling unit entirely surrounded by open space on the same lot.

Dwelling, single-family semi-detached: A dwelling unit attached to one or more dwelling units by common vertical walls and each dwelling unit is located on a separate lot. This definition may include the term zero lot line house, twin house, or patio court house.

Dwelling, townhouse: A dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

Dwelling, twin house: See "Dwelling, single-family semi-detached."

Dwelling, two-family: See "Duplex."

Dwelling unit: One or more rooms located within a dwelling that creates an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Dwelling unit, efficiency: A dwelling unit consisting of not more than one habitable room.

Dwelling unit, micro-efficiency multifamily: A dwelling unit with a total floor area of 400 square feet or less.

Economic and housing access calamity: For purposes of subsection 36-303(4), a state of economic and housing access calamity exists only during such time as declared by the city council.

Economic and housing access calamity shelter: A shelter available during a declared economic and housing access calamity and operating under a certificate of occupancy which provides only lodging, or lodging and meals, but does not provide other services, is not located in a residential structure, and meets all other requirements of subsection 36-303(4).

Economic hardship: When the landowner cannot economically utilize the property and it is impractical to sell or lease it or no market exists for it at a reasonable price.

Effective area (signs): Effective area means the area enclosed by the minimum imaginary rectangle, or combination of contiguous rectangles, composed of vertical and horizontal lines which fully contain all extremities of the sign. This rectangle, or combination of contiguous rectangles, is to be calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for an orthographic projection shall be rotated horizontally around the sign to give the largest rectangle. For flat signs, this viewpoint is directly opposite the face. For cubic signs, this viewpoint is opposite a corner. If elements of the sign are movable or flexible, as a flag or string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plane of view. The sign seen from this viewpoint is then enclosed within the smallest rectangle, or combination of contiguous rectangles, which fully contains the sign. The area of the rectangle, or combination of contiguous rectangles, is the effective area of the sign. A combination of contiguous rectangles may be used with more than one surface containing copy. Any wireless facilities mounted on a sign shall be excluded when determining the effective area of a sign.

Electronic-message sign: Refer to subsection 36-454(2) for the definition of this term.

Erect: This term shall mean attach, alter, build, construct, reconstruct, enlarge, or move.

Establishment: An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

Exceptional tree: A tree which meets the minimum qualifications for size, location, condition, and species as defined below.

- (a) *Size:* The tree must equal or exceed 80 percent of the mature size for that species as defined by Michael A. Dirr in *Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses*, current edition, as amended from time to time.
- (b) *Location:* The tree must serve some specific function in the landscape as measured by the following criteria. A minimum of 14 of 20 total points must be scored from the following categories of the tree and landscape appraiser's guide for plant appraisal, eighth edition, as amended from time to time.

Three points each:

- Sun radiation and reflection control;
- Wind control;
- Privacy; and
- Noise attenuation.

Two points each:

- Erosion control; and
- Light and glare shield.

One point each:

- Drifting snow;
- Safety barrier;
- Air purification; and
- Traffic control.

- (c) *Condition:* Tree must score a minimum of 85 percent using the analysis of condition factors judging form developed by the Council of Tree and Landscape Appraisers and found in the *Guide for Plant Appraisal*, eighth edition, as amended from time to time.
- (d) *Species:* Tree must score a minimum of 80 percent using the values currently accepted by the Missouri Consulting Forester's Association.

Expressway: A limited-access highway with some grade crossings and signals at major intersections. Intended for high-volume, moderate- to high-speed traffic movement across the metropolitan area with minimal access to adjacent land.

Family: The following living arrangements shall constitute a family for the purposes of this article:

- (a) One or more persons related by blood, marriage, adoption or custodial relationship living as a single housekeeping unit; or
- (b) Three or less unrelated persons living as a single housekeeping unit; or

- (c) Two unrelated persons, plus their biological, adopted or foster children or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit.

Domestic servants, employed on the premises, may be housed on the premises without being counted as part of the family. The term family shall not be construed to mean a fraternity, sorority, club, or institutional group.

Farmers' market: A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as agricultural produce, seasonal fruits, fresh flowers, meat, eggs, and items customarily sold or dispensed at farmers markets from booths or vehicles located on-site. A farmers market may be conducted year-round in the same fixed location, or may be operated on an occasional or periodic basis as a seasonal, temporary use. Not to include medical marijuana facilities.

Feedlot: A confined land area for fattening cattle or other animals or temporarily holding such animals for shipping.

Fitness centers: Athletic facilities, which are primarily indoors, including, but not limited to, gyms, health and exercise clubs and martial arts centers.

Flag: Refer to subsection 36-454(2) for the definition of this term.

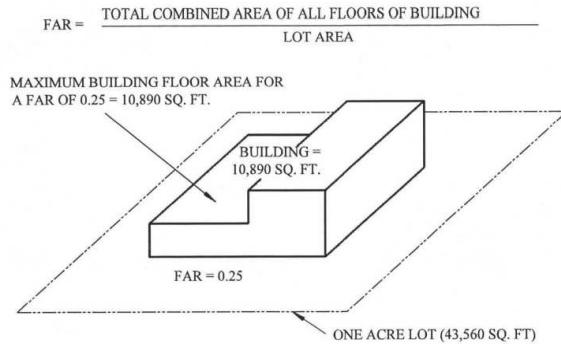
Flashing light: Refer to subsection 36-45(2) for the definition of this term.

Flea markets: An indoor establishment, not including shopping centers, individual retail operations or sales conducted by a nonprofit or charitable organization, that is open to the general public and composed of five or more stalls, rooms, stands or spaces used for the purpose of display and sale, exchange or barter of merchandise and where a fee may be charged to prospective buyers for admission and a fee may be charged for the privilege of offering or displaying such merchandise.

Floor area, gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

Floor area, net usable: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, storage areas, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor area ratio (FAR): The gross floor area of all buildings on a lot divided by the lot area. For the purposes of this article, parking decks are not included in calculating the floor area ratio (Figure 2-4).

Figure 2-4

Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Frame effect: Refer to subsection 36-454(2) for the definition of this term.

Fraternal organization: A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals, and formal written membership requirements.

Fraternity house: A dwelling maintained exclusively for fraternity members and their guests or visitors and affiliated with an academic or professional college, university or other institution of higher learning.

Freeway: A limited-access highway with no traffic stops and with grade-separated interchanges at major thoroughfares. Intended for high-volume, high-speed traffic movement between cities and across the metropolitan area, and not intended to provide direct access to adjacent land.

Frontage: That part of a lot or premises immediately adjacent to a street or streets without regard to access to, or elevation of, the street or streets.

Funeral home: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation, but shall not include facilities for cremation.

General public: Any and all individuals without any prior qualifications.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Not to include medical marijuana facilities.

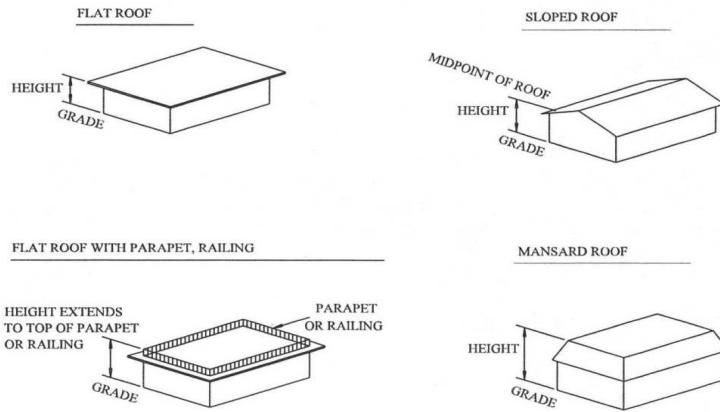
Group home, custodial: A dwelling in which unrelated mentally or physically handicapped, or otherwise mentally or physically impaired persons reside with houseparents or guardians.

Group home, residential: A single-family-detached dwelling in which no more than ten people reside, comprised of the following: eight or fewer unrelated mentally or physically handicapped persons, no more than two persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons, residing in the dwelling, and the children of the houseparents or guardians.

Hazardous substance:

- (a) Any material or waste which poses a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed;
- (b) Any material which is hazardous within the meaning of any federal, state, or local law, regulation or ordinance, including, but not limited to:
 - (1) The federal Resource Conservation and Recovery Act, as amended, 42 USC 6901, et seq.; or
 - (2) Substances regulated under the federal Toxic Substances Control Act, as amended, 15 USC 2601, et seq.; or
 - (3) Substances described or regulated as hazardous or toxic under Missouri state statutes or regulations; or
 - (4) Substances described or regulated as hazardous or toxic under the ordinances or regulations of the City of Springfield.

Height: The vertical distance of a structure measured from the average established grade at the street lot line or from the average natural ground level, if higher; or if no street grade has been established to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip or gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, telecommunication towers, ornamental cupolas, domes, or spires, elevator bulk heads, penthouses, tanks, water towers, and parapet walls not exceeding four feet in height (Figure 2-5).

Figure 2-5

Height limit: The vertical distance measured from the average ground level at the base of a structure above which no part of any structure shall extend.

Height of tower above grade or ground: The vertical distance between the highest point of the tower and the natural grade directly below this point.

Historic design guideline: A standard of appropriate activity that will preserve the historic architectural character of a structure or area.

Historic designation ordinance: An ordinance enacted by the city council pursuant to this article that provides for the nomination, designation, and protection of a historic landmark and/or historic district and that contains, at a minimum, the elements required by subsection 36-404(2)(c) of this article.

Historic district: An area designated as a historic district by ordinance of the city council, pursuant to procedures prescribed herein, and which is a geographically definable area possessing a significant concentration, linkage, or continuity of sites or structures united by past events, plan or physical development. A district may comprise individual elements separated geographically but linked by association, plan, design, or history. Designation as a historic district will be considered an overlay zoning district and binding review of exterior alterations and demolitions by the Springfield Landmarks Board, as provided for in section 36-404, landmarks, will be required.

Historic landmark: A property or structure designated as a historic landmark by ordinance of the city council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the city. Historic landmark status will be reserved for those properties displaying exemplary historic or architectural significance. Designation as a historic landmark will be considered an overlay zoning district and binding review of exterior alterations and demolitions by the Springfield Landmarks Board, as provided for in section 36-404, landmarks, will be required.

Historic significance: Character, interest or value as part of the development, heritage, or culture of the community, county, state or country; as the location of an important local, county, state or national event; or through identification with a person or persons who made important contributions to the development of the community, county, state or country.

Historic site: A property or structure designated as a historic site by resolution of city council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the city but which is of insufficient significance to merit historic landmark status.

Home occupation: An activity carried out for compensation in a residential dwelling unit.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. Not to include medical marijuana facilities.

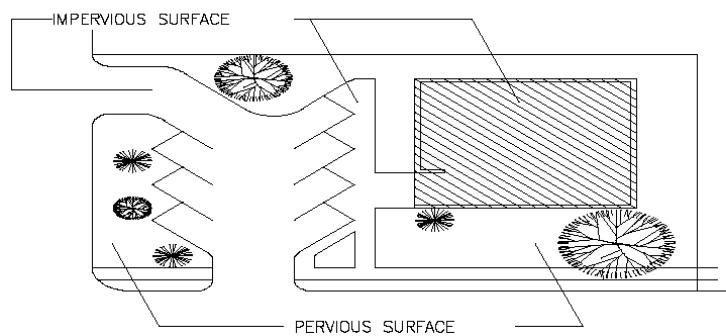
Hospital, animal: An establishment where animals are admitted for examination and treatment by one or more veterinarians and where there are facilities to lodge animals that are being treated.

Hotel: A facility offering transient lodging accommodations to the general public. Such facilities may contain suites with cooking facilities for extended lodging accommodations.

Ideological and noncommercial sign: A sign which does not name or advertise a product, service, or business but only expresses a viewpoint, noncommercial message, opinion or idea. This includes commemorative plaques, historic markers, holiday decorations, political signs, political or fraternal flags or emblems, or protective signs which are commonly associated with safeguarding the permitted uses of a premises, including, but not limited to, vicious dog, no trespassing, neighborhood watch, and authorized parking only.

Impervious surface: Any part of a lot that is covered by buildings, structures, parking areas, driveways and any other surfaces which reduce or prevent absorption of stormwater (Figure 2-6).

Figure 2-6



Inflatable display object: Refer to subsection 36-454(2) for the definition of this term.

Interior landmark: An interior, or part thereof, designated as an interior landmark by ordinance of the city council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the city and which remains substantially intact in terms of (1) original configuration, (2) original volume, (3) original architectural ornamentation and decoration; and which exhibits surviving original historical finishes or has the potential for research which could aid in the accurate restoration of such finishes. Interior landmark status will be reserved for those interiors displaying exemplary historic or architectural significance which are customarily open or accessible to the public, or to which the public is customarily invited (not including interiors utilized as places of religious worship). Each designation of an interior landmark shall specify in some detail which interior features are to be protected, and shall be accompanied by a file of photographs which permanently document such features. Designation as an interior landmark will be considered an overlay zoning district and binding review of alterations and demolitions by the Springfield Landmarks Board, as provided for in section 36-404, landmarks, will be required. Protected features may be covered temporarily or removed and placed into protected storage only if a certificate of appropriateness has been issued for the work.

Jail: Facilities in which persons accused or convicted of offenses are held in custody, confined or housed prior to or during trial or for incarceration after trial and conviction, excluding community corrections facilities and individuals confined to their own home by means of electronic surveillance or an equivalent thereto.

Kennel: An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Kindergarten: See "Preschool."

Landscape materials: Landscape materials include lawns, trees, plants, and other natural and decorative features. In addition, it can include non-living materials such as mulch, brick, concrete, stone, cobbles, wood blocks, gravel, and sand.

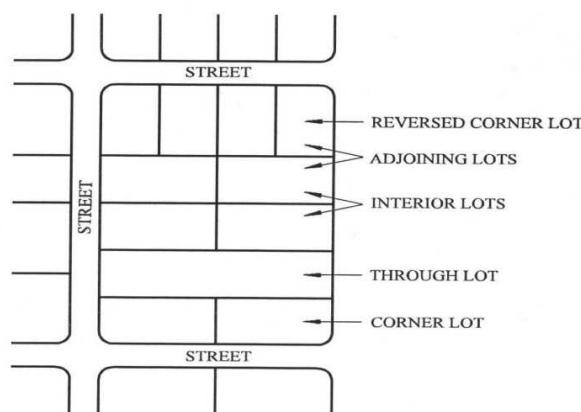
Layer: A range of depth of a lot within which certain elements are permitted as defined in each district.

Loading space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lodging house: An establishment or part thereof, in which lodging is provided by the owner or operator for at least three but not more than 11 persons for compensation, whether the compensation is paid directly or indirectly.

Lot: A parcel of land approved in accordance with the procedures set forth by chapter 36, article II, subdivision regulations, intended to be separately owned, developed, and otherwise used as a unit (Figure 2-7).

Figure 2-7



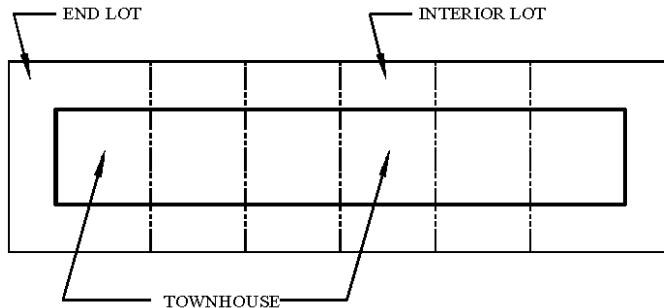
Lot area: The total horizontal area within the lot lines of a lot.

Lot, corner: A lot situated at the intersection of two or more streets (Figure 2-7).

Lot depth: The horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.

Lot, end: A lot on either end of a row of lots and intended for a townhouse attached on one side to another townhouse and with a yard on the opposite side. (Figure 2-8).

Figure 2-8



Lot, front of: The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, unless specifically noted otherwise on the final plat, the narrowest side fronting on the street shall be considered to be the front of the lot. In case the corner lot has equal frontage on two or more streets, unless specifically noted otherwise on the final plat, the lot shall be considered to front on that street with the greatest number of lots fronting between the closest intersecting streets.

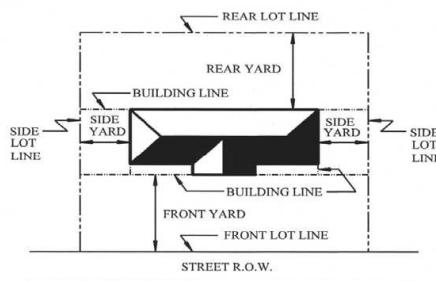
Lot, interior: A lot other than a corner lot (Figures 2-7 and 2-8).

Lot line: A boundary line of a lot.

Lot line, front: The lot line separating a lot from the street. On a corner lot, unless specifically noted otherwise on the final plat, the shortest lot line abutting a street is the front lot line; on a through lot, both lot lines abutting the streets are the front lot lines; on a flag shaped lot, the front lot line is also that lot line most parallel to the front lot line abutting the street (Figure 2-9).

Lot line, rear: Any lot line not a front or side lot line. The rear lot line for a triangular shaped lot shall be a line ten feet long drawn between the lot's side lot lines and parallel to the front lot line (Figure 2-9).

Figure 2-9



Lot line, side: The lot lines that intersect with a lot's front lot line (Figure 2-9).

Lot of record: A lot which exists as shown or described on a plat or deed in the records of the appropriate county recorder of deeds and as approved by chapter 36, article II, subdivision regulations.

Lot, reversed corner: A corner lot with a side street line which is substantially a continuation of the front lot line of the lot to its rear (Figure 2-7).

Lot, through: A lot having frontage on two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot (Figure 2-7). On a through lot, both lot lines abutting the streets are the front lot lines.

Lot width: The horizontal distance between the side lot lines, measured at right angles to the lot depth along a line parallel to the front lot line at the minimum required building setback line.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Manufactured home: A factory-built structure which bears the seal of the State of Missouri public service commission, U.S. Department of Housing and Urban Development, or its agent, and which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, contains 320 or more square feet, equipped with the

necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation.

Manufactured housing development: A site with required improvements and utilities for the long-term placement of manufactured homes or park model recreational vehicles for dwelling purposes. Services and facilities for residents of the development may also be included on the site.

Manufactured housing subdivision: A development containing lots intended primarily for the individual placement of manufactured homes or park model recreational vehicles for dwelling purposes.

Marijuana or marihuana: Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Master plan: See "Comprehensive plan."

Maximum permitted lumination: The maximum lumination measured in footcandles at the interior bufferyard line, or property line if no bufferyard is required, at ground level in accordance with the standards of subsection 36-484(2).

Medical marijuana: Marijuana allowed for the limited legal production, distribution, sale and purchase for medical use as governed by Article XIV of the Missouri State Constitution.

Medical marijuana cultivation facility: A facility licensed by the state to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana dispensary facility: A facility licensed by the state to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Medical marijuana-infused products: Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

Medical marijuana-infused products manufacturing facility: A facility licensed by the state to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility. All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

- a. *Type 1 extraction facility:* A facility which uses combustible gases, CO₂ or other hazardous substances in the marijuana extraction process.
- b. *Type 2 post-extraction facility:* A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO₂ or other hazardous substances. This would be permitted in the GR, HC, CS, CC, COM, RI, LI, GM, HM, and IC districts as either a retail sales use or manufacturing use depending upon its scope and volume of production, facility capacity and the primary customer (retail or wholesale).

Medical marijuana testing facility: A facility certified by the state to acquire, test, certify, and transport marijuana. All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.

Mobile home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 16, 1976.

Mobile home park: See "Manufactured housing development."

Mobile vendor: A food or vendor service operation that operates from a motorized vehicle.

Modular home: A factory-built transportable structure which bears the seal of the State of Missouri public service commission or is built to the building code as adopted by the City of Springfield and which does not have its own running gear and is designed to be used as a dwelling unit with a permanent foundation.

Motel: An establishment providing transient accommodations on a daily rate to the general public with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Noise level reduction (NLR): The reduction of outside noise transmitted inside a structure achieved through the incorporation of noise attenuation into the design and construction of the structure.

Non-business area: Refer to subsection 36-454(2) for the definition of this term.

Nonconforming building: Any structure that does not meet the limitations on structure size and location on a lot for the district in which such structure is located and for the use to which such structure is being put at the time the structure was established.

Nonconforming use: A use of land that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

Nursery: A place where trees, shrubs, or flowering plants are raised for commercial purposes from seed or otherwise in order to be transplanted or propagated. Not to include medical marijuana facilities.

Nursery school: See "Preschool."

Nursing home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Off-premises sign: Refer to subsection 36-454(2) for the definition of this term.

Office, administrative: An establishment primarily engaged in management and general administrative functions such as executive, personnel, finance and sales activities performed centrally for other establishments of the same company.

Office, business: An office for conducting the affairs of business or an establishment engaged in rendering services to business establishments such as advertising; data processing; employment service; management and consulting services and protective services.

Office, medical: An office for a physician, physical therapist, chiropractor, surgeon or any other medical professional of the same general character. Medical offices do not include significant diagnostics, testing or out-patient surgery facilities normally associated with medical clinics or hospitals. Not to include medical marijuana facilities.

Office, professional: An office of a member or members of a recognized profession such as an accountant, architect, attorney, engineer, insurance agent, real estate agent, personal or family counselor, public stenographer or any other profession which is of the same general character.

Office, sales: An office accessory to a manufacturing, production, processing, cleaning, servicing, testing, repair or storage activity where sales are primarily generated by telephone or off site by salespersons with only incidental retail sales on site.

Office/retail/warehouse combination: A facility that provides combined office, retail, and warehouse facilities for one or more small establishments.

On-premises sign: Refer to subsection 36-454(2) for the definition of this term.

Open space: Any occupied space on a lot that is unobstructed to the sky except for the ordinary projection of cornices and eaves. Open space shall not include areas covered by structures, decks, porches, parking areas, driveways, internal streets and other forms of impervious surface (Figure 2-6). Water bodies that are not subject to public ownership shall also be included as open space.

Ordinary maintenance and repair: Where the purpose of the work is stabilization or is normal, customary, and routine affecting the exterior of the structure or the outside of the site, except for items specifically requiring a certificate of appropriateness.

Orphanage: An institution licensed by the state for the care of orphans or other abandoned children placed in the institution by a court order or a state agency.

Overnight shelter: A shelter that provides lodging and meals; whose services are available for up to 30 days at any one time to any one resident.

Owner of record: The person, corporation, trustee, or other legal entity listed as owner of a lot in the records of the county recorder of deeds.

Package liquor store: An establishment where alcoholic beverages are sold for consumption off the property.

Park model recreational vehicle ("PMRV"): Also known as a "recreational park trailer", is a dwelling unit that has a floor area of 400 square feet or less and meets the American National Standards Institute (ANSI) recreational standard A119.5 park model recreational vehicle standard. For purposes of this definition, a park model recreational vehicle shall not be considered a recreational vehicle.

Paving: Brick, stone, concrete, asphalt, or other impervious dustless material placed on the surface of the land.

Pawn shop: Any establishment that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This classification does not include secondhand motor vehicles, parts, or accessories.

Peak hour trips: Total number of trip ends generated by a site during the hour when the adjacent street carries the maximum number of trips or during the hour when the site generates the maximum number of trip ends.

Permanent sign: Any sign which is not a temporary sign.

Person: Any individual, corporation, association, firm, partnership, institution, or other legal entity, singular or plural.

Personal garden: The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by the owner or occupant primarily for personal use.

Personal service establishment: An establishment for the sale of non-medically related personal services or an establishment primarily engaged in providing services involving the care of a person of his or her personal goods or apparel, but not including personal storage.

Pervious surface: Any material that allows the absorption of stormwater (Figure 2-6).

Pick-up window: A facility typically accessory to a commercial establishment designed solely for the distribution of goods to the customer in a motor vehicle.

Porch: A roofed, open area usually attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air conditioned or, if glazed, when the percentage of window area to wall area of the porch, not attached to the building, is less than 75 percent.

Porch, open: A porch where at least 75 percent of the sides of the porch not attached to the building are empty voids and whose voids are neither glazed nor screened.

Power/communications conduits: Electric power lines, telephone lines, fiber optic cables, or any other wires, cables or conduits for the conveyance of electric power or the communication of messages, data or signals, and appurtenant equipment.

Premises: A premises is any tract of land, consisting of one or more lots, under single or multiple ownership, which operates as a functional unit. When developed, a premises shall also possess one or more of the following criteria:

- (a) Shared parking;
- (b) Common management;
- (c) Common identification;
- (d) Common access; or
- (e) Shared circulation.

Preschool: A facility where educational services are provided for children below first grade not otherwise a part of the school system. For purposes of this article, such educational services and facilities shall be considered as child day care centers.

Preservation: The act or process of sustaining the form and extent of a structure essentially as it now exists.

Principal building: See "Principal structure."

Principal structure: A structure, or group of structures, in which the principal use of the lot on which it is located is conducted.

Principal use: The primary or predominant use of any lot.

Printing establishment: A large-scale establishment that utilizes printing presses and other equipment to print material and/or bind books.

Print shop: A typically small-scale retail establishment that provides duplicating or document production services using photocopy, blueprint, word processing or offset printing equipment or small printing presses, to include collating of booklets and reports.

Prison: See "Jail."

Private club: An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like.

Proportion: The relative physical sizes within and between buildings and building components (Figures 2-10a and 2-10b).

Figure 2-10a



Figure 2-10b



Protection: The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or vandalism, or to cover or shield the property from danger. In the case of structures, such treatment is generally temporary and anticipates future treatment; in the case of archaeological sites, the measure may be temporary or permanent.

Public: Maintained for or used by the people of the City of Springfield on a noncommercial basis.

Public improvement project: An action by the City of Springfield or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, or other portions of the public infrastructure.

Reconstruction: The act or process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.

Recreational vehicle: A motorized or towable vehicle that is designed to provide temporary living quarters for recreational, camping or travel use and is of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle. Such units are commonly described as RVs, travel trailers, campers, motor homes, tiny home on wheels, or other similar units.

Recycling center: A facility where recyclable material is collected or is separated and processed prior to shipment to other facilities.

Rehabilitation: The act or process of returning a property or structure to a state of utility, through repair or alteration, which makes possible an efficient contemporary use, while preserving those portions or features of the property that are significant historically, architecturally, or culturally.

Rehabilitation impracticable: Infeasibility of rehabilitation not only because of physical condition but also inability to turn the property or structure to use or account profitably.

Relocation: Any relocation of a structure, object, or artifact on its site or to another site.

Remodel: Any interior or exterior change to a structure not including a change in load-bearing member of a structure.

Resource recovery collection center, household: A facility incidental to a principal use where households deposit recyclable materials, such as cans, newspaper, plastic, and glass, for transportation to other locations for storage or processing. Limited processing of materials, such as material compacting, baling and grinding, to reduce the volume of material for shipment may occur.

Restaurant: An establishment where food and drink is prepared and served for consumption on or off the property. If alcoholic beverages are served, more than 50 percent of gross income must be derived from the sale of food and non-alcoholic beverages, for consumption on the property, for the establishment to be classified a restaurant.

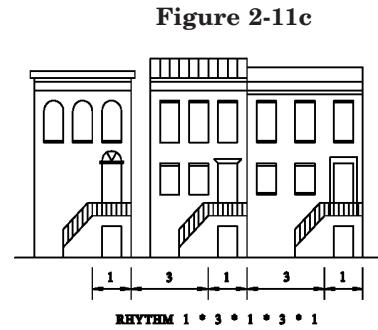
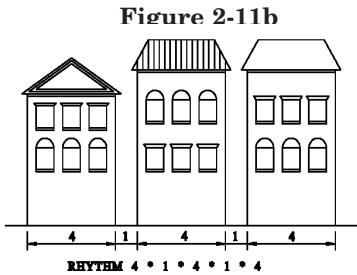
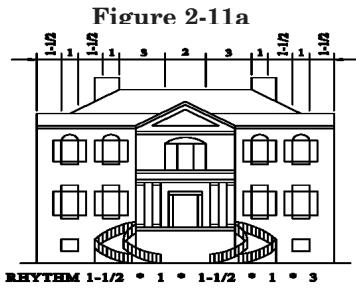
Restoration: The act or process of accurately recovering the form and details of a structure or property as it appeared at a particular period of time by removing later work and/or replacing missing original work.

Retail establishment: An establishment that provides goods and/or services directly to the consumer or where an order may be placed by the consumer for such goods and/or services and where such goods and/or services are available for immediate purchase and removal from the premises by the purchaser.

Retail trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retirement home: A facility designed to meet the needs of, and exclusively for, the residence of senior citizens and which may include convalescent care facilities.

Rhythm: A regular pattern of shapes including, but not limited to, windows, doors, projections, and heights, within a building, structure, or group of the same (Figures 2-11a, 2-11b, and 2-11c).



Rooming house: See "Lodging house.

Routinely disturbed: Ground surface that is traversed continuously throughout the course of daily business.

Satellite dish antenna: A device commonly parabolic in shape, typically mounted at a fixed point, usually on the ground, for the purpose of transmitting and/or receiving radio or radio or electromagnetic waves to and from satellite and earthbound communications facilities and serving the same or similar function as the common television antenna.

Scale: The harmonious proportion of parts of a building or structure to one another and to the human figure.

School, business: An establishment which provides instruction and training in office, clerical, managerial, sales, information technology, administrative skills or trades such as beauty school, barber college, beautician school or similar skills or trades.

School, industrial: An establishment which provides instruction and training in a skilled trade such as mechanics, carpentry, plumbing, service, construction, industrial or other skill related to assembling, processing, manufacturing, repair or similar skills or trades.

School system: A public or private school which provides education in at least the first through the sixth grades.

Secondhand store: Retail sales establishment of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Septic system: An underground system with a septic tank used for the decomposition of domestic wastes.

Septic tank: A water-tight receptacle that receives the discharge of sewage from a building, sewer or part thereof, and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

Setback: The required minimum horizontal distance between the lot line and the nearest front, side or rear line of the building, as the case may be.

Shelter: A building or other structure where lodging, or lodging and meals, are provided to a person or persons, unrelated by family to the provider, at no cost or at a charge that is less than the full cost of providing same, whether or not additional services are provided at that location. Such additional services may include, but are not limited to, counseling and drug or alcohol rehabilitation, except that "shelter" shall not include any of the following:

- (a) Residential or custodial group homes as defined in this section of the zoning ordinance;
- (b) Temporary lodging for non-Greene County resident families of patients, or patients themselves, of state-licensed health facilities within Greene County;
- (c) University or educational institution residence halls;
- (d) Fraternity or sorority houses;
- (e) State and city licensed nursing homes and day care centers;

- (f) Foster homes licensed under Chapter 210, RSMo;
- (g) Hospitals, mental institutions, residential care facility or institution that is licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;
- (h) Emergency shelters as certified and identified by the American Red Cross, Regional Mass Care Provider, that may provide lodging, meals and services related to relocation and are available during or after a fire or natural disaster for a limited duration. Any spacing requirements and maximum occupancies in this article shall not apply to emergency shelters; and
- (i) Facilities for victims of domestic violence.

Short-term rental: The rental of an entire dwelling, or any portion thereof, for a period of not more than 30 days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. Short-term rentals are further categorized as Type 1, 2, or 3 and subject to the conditions set forth in this article.

Sign: Refer to subsection 36-454(2) for the definition of this term.

Sign structure: Refer to subsection 36-454(2) for the definition of this term.

Significant exterior architectural feature: Those features which are important to or expressive of the architectural quality and integrity of the structure and its setting and which include, but are not limited to, building material, detail, proportion, rhythm, scale, setting, shape, and workmanship.

Site, historic: The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, group, or tribe, including, but not limited to, cemeteries, burial grounds, campsites, settlements, estates, gardens, groves, river crossings, routes, trails, caves, quarries, mines or significant trees or other plant life.

Solid screening: A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: solid fences, walls, berms, plantings, or other features. A chain link fence with plastic or wooden inserts shall not be considered solid screening.

Solid waste transfer station: A site or facility that is licensed by the city and permitted by the Missouri Department of Natural Resources, which accepts solid waste for temporary storage, or consolidation and further transfer of solid waste to a landfill.

Sorority house: A dwelling unit maintained exclusively for sorority members and their guests or visitors and affiliated with an academic or professional college, university or other institution of higher learning.

Soup kitchen: An establishment where meals are provided to a person or persons unrelated by family to the provider at no cost or at a charge that is less than the full cost of

providing same and that the provision of such meals is the principal service of the establishment, whether or not additional services are provided; however, lodging is prohibited.

Specified anatomical areas: See "Cabaret."

Specified sexual activities: See "Cabaret."

Stabilization: The act or process of applying measures to halt deterioration and to establish the structural stability of an unsafe or deteriorated structure while maintaining the essential form as it presently exists without noticeably changing its exterior appearance.

Storage container: A container, including what is sometimes referred to as storage "pods" or "portable on demand storage units"; any box van that has been disconnected from a chassis; and similar intermodal type shipping/cargo containers that are:

- (a) Designed and commonly used for storing, shipping or transporting products and materials, and
- (b) Typically transported by a separate motorized vehicle or upon a trailer.

Storage, self-service: A building or group of buildings, commonly referred to as mini-storage, consisting of individual, small, self-contained units that are available on a rental basis for the storage of business and household goods or contractors supplies.

Storage trailer: Includes any dry freight van, semi-trailer, tractor trailer, refrigerated van, or similar type trailer, whether connected to a chassis or trailer or not, used for storage and/or warehousing purposes or any purpose or intent other than that for which the container or trailer was originally designed, that being for the shipping and transporting of products and materials.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and ceiling next above it (Figure 2-1).

Streamers: Refer to subsection 36-454(2) for the definition of this term.

Street: A public or private way used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform as follows (Figure 2-13).

- (a) Local—Residential;
- (b) Local—Commercial/industrial;
- (c) Collector—Local;
- (d) Collector;
- (e) Secondary arterial;
- (f) Primary arterial;
- (g) Highway access;
- (h) Downtown street.

Street, collector: A street which collects and distributed traffic to and from local and arterial street systems and is primarily intended to provide for low- to moderate-volume, low-speed and short length trips while also providing access to abutting property (Figure 2-13).

Street, collector, local: A street which collects and distributes residential traffic between local streets and collector and arterial streets and is primarily intended for low- to moderate-volume, low-speed and short length trips while also providing access to abutting properties.

Street, commercial/industrial local: A street for low-volumes, low-speeds, and short-length trips to and from abutting properties in commercial and industrial areas.

Street, downtown: A street within the area bounded by a line 990 feet north of the south section line of Sections 13 and 14 of Township 29 North, Range 22 West on the north, John Q. Hammons Parkway/Sherman Avenue on the east, Harrison/State Streets on the south, Grant Avenue on the west, and a line 990 feet west of the east section line of Sections 14 and 24 of Township 29 North, Range 22 West on the west, except the following street segments:

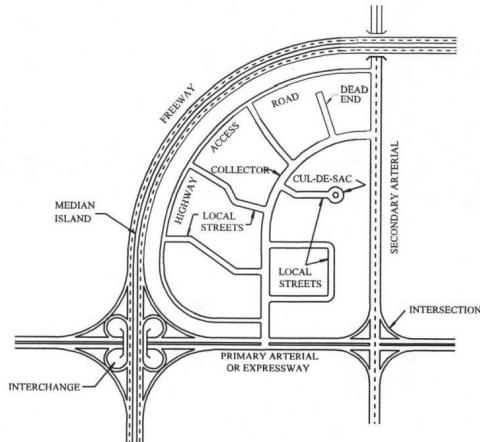
- (a) Tampa Street east of Benton Avenue;
- (b) Phelps Street east of Washington Avenue;
- (c) Market Avenue between Mount Vernon and State Streets;
- (d) Main Avenue between Walnut and State Streets;
- (e) Mount Vernon Street between Grant and Campbell Avenues; and
- (f) Harrison Avenue between Grant and Market Avenues, and classified as designated by the major thoroughfare plan.

Street grade: Refer to subsection 36-454(2) for the definition of this term.

Street, highway access: A minor street parallel and adjacent to a freeway, expressway, or arterial which provides access to abutting properties and protection from through traffic.

Street, local: A street primarily providing direct access to abutting properties and designed to accommodate low-volume, low-speed traffic (Figure 2-13).

Street, primary arterial: A street primarily intended to provide for high-volume, moderate-speed traffic, and moderate- to extended-trip length traffic movement between major activity centers. Access to abutting property is subordinate to major traffic movement and is subject to the necessary control of entrances and exits (Figure 2-13).

Figure 2-13

Street, residential connector: A street which provides a vehicular and pedestrian connection between two generally parallel local residential streets designed to accommodate very low volume and very low speed traffic within residential subdivisions.

Street, residential local: A street for low-volumes, low-speeds, and short-length trips to and from abutting properties in residential neighborhoods (Figure 2-13).

Street, secondary arterial: A street which interconnects with and augments and feeds the primary arterial system and is intended for moderate-volume, moderate-speed traffic, and short- to moderate-trip lengths. Access to abutting property is partially controlled (Figure 2-13).

Street width: The horizontal distance between the outside edges of a street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

Structural alteration: See "Alteration, structural."

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, houses, buildings, barns, backstops for tennis courts, bridges, fences, pergolas, parking lots, gazebos, radio and television antennae, signs, solar collectors, microwave antennae including supporting towers, roads, ruins or remnants (including foundations), swimming pools, walkways, septic systems or any similar item.

Substance abuse treatment facility: A facility, not accessory to a hospital, for treatment of alcohol or other substance abuse, with or without the use of drugs or other medical intervention, for one or more patients who are provided with care, meals and lodging and that is accredited by the State of Missouri, the Joint Chief Hospitals Operations Administration (JCHOA) or CARF. Additional services and programs may also be performed such as:

- (a) Outpatient substance abuse treatment;
- (b) Outreach to target populations to inform and facilitate access to services;

- (c) Prevention programs;
- (d) Support services including, but not limited to, vocational training, education, psychological or psychiatric services, child development and placement services.

Survey, historic: The systematic gathering of information on the architectural, historical, or archaeological significance of buildings, sites, structures, objects, or areas through visual assessment in the field and historical research for the purpose of identifying historic sites, historic landmarks, and historic districts worthy of preservation.

Swap meet: Any indoor or outdoor activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and where a fee may be charged to prospective buyers for admission and a fee may be charged for the privilege of offering or displaying such merchandise.

Tavern: An establishment where 50 percent or more of gross income is derived from the sale of alcoholic beverages by the drink, for consumption on the property, and where the serving of food and non-alcoholic beverages, for consumption on the property, and the sale of package liquors may be accessory uses.

Tea room: An establishment used primarily for the serving of non-alcoholic beverages by the drink for consumption on the premises with the sale of food for consumption on the premises is accessory to the primary use.

Temporary promotional use: An activity for the purposes of promoting business sales and/or raising funds for community service organizations or for the purpose of promoting any special event, any community educational campaign, any membership drive, or any other similar promotion and which activity is established for a fixed period of time with the intent to discontinue such activity upon the expiration of the time period.

Temporary sign (portable signs): A sign which either:

- (a) Is not permanently attached to any structure building, motor vehicle, or the ground; or
- (b) Is intended for a limited display period covering a special event; or
- (c) Is designed and constructed to be movable from one location to another.

Temporary vendor: A merchant selling merchandise (excluding the provision of services) and not located inside a permanent building or structure on private property.

Terrace: A level, landscaped or area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof or enclosed by temporary or permanent walls.

Tiny home: A principal residential dwelling constructed on or off-site that is 400 square feet or less, is built to the building code as adopted by the City of Springfield, and is designed to be used as a dwelling unit with a permanent foundation.

Tower: A structure with a fixed location which is designed primarily with the objective of obtaining an elevation above other objects to support an antenna or other device for receiving or transmitting radio, television, microwave or other telecommunications or signals. This definition does not apply to utility poles.

Transitional housing: A shelter which provides only lodging, or lodging and meals, for longer than 30 days at any one time for residents, but does not provide other services on a continuing basis.

Transitional service shelter: A shelter whose services are available for longer than 30 days at any one time to a resident, and which provides services in addition to lodging and meals, or lodging alone, in a group setting on the same premises, including, but not limited to, job counseling, life or parenting skill courses, drug or alcohol rehabilitation, money management, or job training. Such shelter may include office for staff of the providers and for counselors.

Trip ends: The total number of all trips entering plus all trips leaving a designated site over a given period of time.

Tutoring: The provision of instruction.

Undeveloped land: Land in its natural state before development.

Usable open space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Use: The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Utility distribution facilities: Utility facilities that provide retail utility services to customers. These facilities include distribution lines that route electrical, gas, telephone, water, sewer, cable TV, and similar services throughout neighborhoods and connect or provide the capability to connect with each customer. Distribution facilities consist of wires, cables, conduits, laterals, mains, and pipes with limited capacity and diameter, and associated hardware: poles, vaults, valves, transformers, relays, and similar equipment. Small substation facilities located within public rights-of-way or utility easements shall be considered distribution facilities.

Utility substation facilities: Utility facilities that reduce the strength, amount, volume, or configuration of utility flow from a bulk quantity in large-size, long-distance transmission facilities to small quantities in distribution facilities. Substation facilities include electrical substations, gas regulator stations, telephone switching and relay facilities, water and sewage pumps and lift stations.

Utility transmission facilities: Utility facilities that transfer large utility flows between generating or treatment facilities and substation facilities. Transmission facilities consist of wires, cables, conduits, vaults, laterals, pipes, mains, valves, poles, and similar equipment to convey large volumes of electricity, communications, gas, water, sewer, or slurry. Transmission facilities may serve local distribution facilities or be part of an intrastate or interstate utility system.

Vehicle: The same meaning as the term is given in chapter 22, of the Springfield City Code.

Vehicle repair activity: The maintenance, repair, painting, disassembling, or reassembling of a vehicle, engine, or components thereof in any manner.

Vehicle towing and storage service: A facility where towed or impounded vehicles are stored until they are claimed by their owners or otherwise disposed.

Vehicle use area: That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

Vehicular sign: Any sign on a vehicle which is traveling or lawfully parked where the primary purpose of such parking is not the display of any sign.

Vibration: The effect produced by any physical process characterized by a periodic, and usually rapid, oscillatory motion sufficient to cause annoyance or discomfort, however, excluding blasting operations for quarries and temporary construction activities.

Wall sign: A sign in a parallel plane to and attached, installed, painted, engraved or etched upon a structure's wall, awning, canopy, marquee, parapet, sun shield, window, door or similar item.

Wholesale trade: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Working days: The days of the week, excluding Saturdays, Sundays and recognized holidays, during which normal business is conducted by the City of Springfield. If only days are stated then Saturdays, Sundays and holidays shall be included.

Yard: An open space located on the same lot as and that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as otherwise provided herein (Figure 2-9).

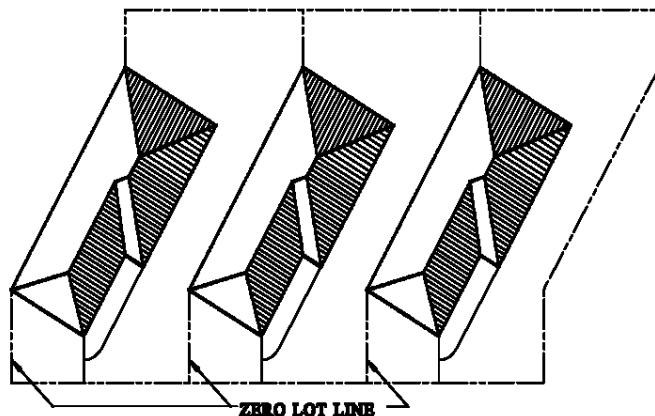
Yard, front: An open space extending the full width of the lot between the nearest principal building and the front lot line, and measured perpendicular to the front lot line. The minimum front yard required in each district of this article shall be unoccupied and unobstructed from the ground upward except as otherwise provided herein (Figure 2-9).

Yard, rear: An open space extending the full width of the lot between the nearest principal building and the rear lot line, and measured perpendicular to the rear building line. The minimum rear yard required in each district of this article shall be unoccupied and unobstructed from the ground upward except as otherwise provided herein (Figure 2-9).

Yard, side: An open space extending from the front yard to the rear yard between the nearest principal building and the side lot line, and measured perpendicular from the side lot line. The minimum side yard required in each district of this article shall be unoccupied and unobstructed from the ground upward except as otherwise provided herein (Figure 2-9).

Zero lot line: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line (Figure 2-14).

Figure 2-14



(Zoning Ord., § 2-1100; G.O. 4570, 11-27-95; G.O. 4685, 3-17-97; G.O. 4763, 12-15-97; G.O. 4828, 9-8-98; G.O. 4829, 9-8-98; G.O. 4925, 9-27-99; G.O. 5019, 10-23-00; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5165, 3-25-02; G.O. 5343, 1-12-04; G.O. 5355, 3-15-04; G.O. 5412, 10-18-04; G.O. 5425, 11-15-04; G.O. 5533, 4-3-06; G.O. 5585, 7-24-06; G.O. 5652, 2-12-07; G.O. 5665, 4-9-07; G.O. 5763, 6-30-08; G.O. 5811, 4-6-09; G.O. 5823, 6-15-09; G.O. 5834, 8-24-09; G.O. 5843, 11-9-09; G.O. 5866, 3-22-10; G.O. 5880, 7-26-10; G.O. 5881, 7-26-10; G.O. 5978, 3-26-12; G.O. 5895, 9-20-10; G.O. 5960, 12-12-11; G.O. 6010, 8-27-12; G.O. 6058, 6-17-13; G.O. 6092, 1-13-14; G.O. 6120, 5-12-14; G.O. 6195, Exh. D, 5-11-15; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19; G.O. 6592, § 1, 5-4-20; G.O. 6703, § 1, 1-24-22)

Secs. 36-322—36-329. Reserved.

DIVISION 3. ADMINISTRATION, ENFORCEMENT, AND REVIEW

Subdivision I. Administration and Enforcement

Sec. 36-330. Zoning administration.

(1) *Enforcement authority.* The department of building development services of the City of Springfield shall administer this article. The director of building development services shall be authorized to expend such duly appropriated funds as may be necessary to employ deputies and clerical assistants and to carry out the duties required under this article and such other duties as shall be approved from time to time by the city council.

(2) *Duties of the director of building development services.* In furtherance of this authority and in addition to the duties delegated to him under this article and other ordinances of the city, the director of building development services or his duly designated and authorized representative shall:

- (a) Receive applications for zoning certificates; receive applications for permits for the construction, erection, structural alteration, enlargement and removal of buildings, structures and signs; receive applications for permits for the use of any premises for an open sales lot, or other purposes where a building permit is not required; notify applicants of all city ordinances pertaining to said applications; issue as soon as practicable certificates required by this article when the plans are found to comply with the provisions of this article and all other city laws and ordinances applicable thereto; make and maintain records thereon; and in connection with such duties interpret the provisions of this article.
- (b) Receive applications for certificates of occupancy for buildings, structures and signs for which building permits have been issued, and which have been constructed, erected, structurally altered, enlarged or moved in accordance with such permits and are ready for use and occupancy, receive applications for certificates of occupancy for any premises developed or improved as an open sales lot or other purposes where a building permit is not required; notify applicants of city ordinances pertaining to said applications; issue certificates of occupancy applied for as soon as possible after verification of each written application; and in connection with such duties interpret the provisions of this article.
- (c) Provide such technical assistance to the city council, planning and zoning commission, board of adjustment and landmarks board as they may require in the performance of their duties under this article.
- (d) Conduct inspections of buildings, structures, and uses of any premises to determine compliance with the terms of this article.
- (e) Conduct inspections of buildings, structures, signs, and uses of any premises to determine compliance with the terms of any application, permit, or certificates issued by this office.

(f) Maintain permanent and current records of official actions on all zoning certificates, certificates of occupancy and applications therefor and all functions of the department of building development services related to the administration of this article.

(3) *Inspection and right of entry.* The director of building development services, and his duly authorized representatives, are hereby authorized to make inspections of all buildings, structures, and premises located within the city to determine their compliance with the provisions of this article. For the purpose of making such inspection, the director of building

development services, and his authorized representatives, are hereby authorized to examine and survey all buildings, structures, and premises within the city, subject to the following standards and conditions.

(a) Such inspections may take place if a complaint regarding said premises has been received by the director of building development services and such complaint, in his opinion, provides reasonable grounds for belief that a violation exists, or such inspection is undertaken as part of a systematic inspection program, by direction of the director of building development services or the city manager.

(b) Any person making such inspection shall furnish to the owner or occupant of the structure sought to be inspected sufficient identification and information to enable the owner or occupant to determine that he is a representative of the city and to determine the purpose of said inspection.

(4) *Administrative search and seizure warrants.* If the director of building development services has been refused access to a building, structure or premises or any part thereof, and if he has probable cause to believe that a violation of this article exists on the premises, then upon application by the city attorney to the municipal court judge and a showing of the above, the municipal court judge of the City of Springfield may issue an administrative search and seizure warrant, describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours and only by an official of the department in the company of a uniformed police officer of the City of Springfield.

(5) *Administrative rulings.* The director of building development services, and his duly authorized representatives, are hereby authorized to make administrative rulings where the application of this article is generally unclear. Such administrative rulings shall be considered binding on all similar future applications of this article until this article is amended to address the application or a new administrative ruling is made. Such administrative rulings shall be made in writing and be made available for public distribution with this article.

(6) *Duties of the director of planning and development.* In addition to the duties delegated to him under this article and other ordinances of the city, the director of planning and development or his duly designated and authorized representative shall:

(a) Receive applications for zoning ordinance map and text amendments pursuant to section 36-367, amendments, of this article, variances pursuant to section 36-365, variances, of this article, special exceptions pursuant to section 36-366, special exceptions, of this article, and conditional uses pursuant to section 36-363, conditional use permits, of this article; and

(b) Prepare and have available in book, pamphlet, or map form, on or before March 1 of each year:

1. The compiled text of the zoning ordinance and amendments thereto, including all amendments adopted through the preceding December 31, and

2. A zoning map or maps, showing the zoning districts and classifications in effect on the preceding December 31; and
- (c) Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning ordinance, and the rules of the board of adjustment, planning and zoning commission and landmarks board. A reasonable fee for each copy shall be charged to defray the cost of printing; and
- (d) Provide technical and expert assistance to the city council, planning and zoning commission, board of adjustment and landmarks board; and
- (e) Make recommendations with respect to city planning, zoning, land use and development to the city council, planning and zoning commission, city manager and other departments and agencies of the city; and
- (f) Maintain permanent and current records of official actions on all variances, special exceptions, appeals, zoning applications and other activities of the planning and zoning commission, board of adjustment and landmarks board and all functions of the department of planning and development related to the administration of this article.

(Zoning Ord., § 3-1000)

Sec. 36-331. Required permits and plats.

(1) *Building permits.* It shall be unlawful to start the construction of a new building, structure, parking lot or sign, or the enlargement or structural alteration of a building, structure, parking lot, or sign, without first filing a written application for, and obtaining, a zoning certificate from the director of building development services. No building permit shall be issued unless the director of building development services has examined the plot plan or the site plan, if one is required, and construction plans and has certified that such plans show compliance with all provisions of this article.

(2) *Plats.* No building permit shall be issued nor shall any construction be undertaken on any lot or parcel of land within the city unless such lot or parcel, in its entirety, meets the requirements of chapter 36, article II, subdivision regulations, Springfield City Code.

(3) *Plot plans.* Unless submission of a site plan is required by section 36-360, site plan review, all applications for zoning certificates or certificates of occupancy shall be accompanied by the plot plan, drawn to scale, showing the actual dimensions of the parcel of land to be built upon, or utilized, the size of the building or structure to be erected and its position on the lot, and such other information as may be necessary to demonstrate compliance with the provisions of this article.

(Zoning Ord., § 3-1100)

Sec. 36-332. Zoning certificate.

(1) *Authority.* The director of planning and development, or his duly authorized representative, shall have the authority to issue zoning certificates in accordance with the provisions of this section.

(2) *Purpose.* The zoning certificate is intended to provide official certification of the zoning of a particular property on the date the zoning certificate is issued. The zoning certificate also provides notice of any rezoning applications on file for the property in planning and development department office.

(3) *Procedure.*

- (a) *Application.* Applications for zoning certificates shall be submitted to the director of planning and development and shall be in such form and contain such information and documentation as shall be prescribed from time to time by the director.
- (b) *Action on application.* Following receipt of a completed application for a zoning certificate, the director of planning and development shall cause the application to be reviewed and shall issue a zoning certificate within five working days which shall state on its face the current zoning of the property, any pending rezoning applications and, in bold type, that:

"THIS CERTIFICATE DOES NOT SIGNIFY BUILDING CODE REVIEW OR APPROVAL NOR SUBDIVISION REVIEW OR APPROVAL AND IS NOT AN AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE EITHER IS REQUIRED.

BEFORE ANY STRUCTURE TO WHICH THIS CERTIFICATE IS APPLICABLE MAY BE OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED. SEE SECTION 36-333 OF ZONING ORDINANCE."

- (c) *Disposition of copies.* The director of planning and development shall stamp each copy of the application and shall return one copy to the applicant and shall retain one copy in his records for such period as he shall deem necessary.

(4) *Effect of issuance of zoning certificate.* The issuance of a zoning certificate shall not authorize the establishment or extension of any use nor the development, construction, relocation, enlargement, structural alteration or moving of any building or structure, but shall merely provide information necessary to the preparation, filing and processing of applications for any additional permits and approvals which may be required by the codes or ordinances of the city, including, but not limited to, a building permit, business license, or a certificate of occupancy.

(Zoning Ord., § 3-1200; G.O. 6069, 8-12-13)

Sec. 36-333. Certificate of occupancy.

(1) *Authority.* The director of building development services, or his duly authorized representative, shall have authority to issue certificates of occupancy in accordance with the provisions of this section.

(2) *Purpose.* The certificate of occupancy requirement provides a procedure for the inspection of completed premises to ensure their compliance with this article and any plans that were approved prior to commencement of the use or occupancy and to ensure that the proposed use is permitted by the zoning district in which the property is located.

(3) *Certificate required.* Unless a certificate of occupancy shall have first been obtained certifying compliance with the provisions of this article:

- (a) No building or structure, or addition thereto, constructed, reconstructed, enlarged, structurally altered, or moved shall thereafter be occupied or used for any purpose;
- (b) No vacant land shall be used or occupied for any purpose;
- (c) No use of any land or structure shall be changed to any other use, whether or not construction, reconstruction, enlargement, structural alteration or moving is involved; and
- (d) No home occupation shall be established.

(4) *Procedure.*

- (a) *Application.* Applications for certificates of occupancy shall be submitted to the director of building development services and shall be in such form and contain such information and documentation as shall be prescribed from time to time by him. Applications for business licenses include applications for certificates of occupancy and shall be submitted to the director of finance who shall transmit all applications to the director of building development services for review and approval.

In any case where the structure or use involved has been constructed or established pursuant to any special approval or relief required under this article, the application shall be accompanied by "as built" plans certified by a surveyor, engineer, architect, planner or owner-designer, as may be appropriate, to accurately depict the structure or use as built and certified to be in conformity in all respects to the special approval or relief granted.

- (b) *Action on application.* Following the receipt of a completed application or from when the owner has completed all work required by the building permit, the director of building development services shall cause the subject structure or premises to be inspected, if necessary, and shall take one of the following actions based on such inspection:
 1. If all work has been completed and the structure or premises is certified by the inspecting officer to be in full and complete compliance with all the applicable provisions of this article and other relevant codes and ordinances of the city, and with the applicant's plans as approved and with respect to such structure or premises, the director of building development services shall issue a certificate of occupancy.
 2. Otherwise, he shall inform the applicant in writing of the specific reasons why such certificate cannot be issued, citing the particular provisions of the codes and ordinances of the city, the particular items in the applicant's plans or the applicable special approval or relief conditions with respect to which compliance is lacking.

- (c) *Contents of certificate.* Each certificate issued pursuant to this section shall state any conditions imposed by any special approval or relief granted pursuant to this article.
- (d) *Temporary certificate of occupancy.* Notwithstanding the provisions of subsection (4)(b) above, where construction, reconstruction, enlargement or structural alteration of a structure does not require the vacating of the structure, or where parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, enlargement or structural alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this article, other relevant codes and ordinances of the city, the applicant's plans as approved and the conditions of any special approvals issued with respect to such structure or premises, a temporary certificate of occupancy may be issued for a period not to exceed six months from its date. Such temporary certificate shall bear on its face, in bold type, a statement of its temporary nature.
- (e) *Certificate of occupancy for existing uses.* The director of building development services may issue a certificate of occupancy certifying the lawful existence and use of any existing structure or property in accordance with this section with respect to new structures and uses. Such certificate shall be *prima facie* evidence of the facts contained in it with respect to any structure or use.
- (f) *Filing of certificates.* Every certificate issued pursuant to this section shall be kept on file in the office of the director of building development services and shall be a public record open to inspection by interested parties at reasonable times and upon reasonable notice.

(Zoning Ord., § 3-1300)

Sec. 36-334. Fees.

(1) *Fee required.* A fee shall be paid in connection with any appeal, application for amendment, permit, and approval pursuant to this article to defray the cost and expense of publication and expenses incurred in connection with review of any plans, drawings, and specifications submitted by the applicant. An application shall not be deemed complete unless accompanied by the fee, if required. A fee schedule shall be adopted by the city council.

(2) *Waiver of fee for zoning map appeal process.* For a period of one year from and after the adoption of the official zoning map, the fees for a zoning application shall be waived and the city shall pay the costs of advertising and providing the names and addresses of all owners of property within 185 feet of the subject property, under the following circumstances:

- (a) The director of planning and development, or his duly designated and authorized representative, determines that the applicant's property was zoned inconsistently with the principles that guided adoption of the official zoning map; or
- (b) The city council approves the zoning application and determines as follows:
 - 1. The zoning district was not translated to the zoning district with the most similar characteristics.

2. Existing land use was not considered, to minimize the number of nonconforming uses.
3. Adopted components of the city's master plan were not considered.

All applications alleging facts sufficient to support a waiver of fees shall be processed without prepayment, but the applicant's liability for the fees shall be waived only if the zoning application is granted and the above findings are made.

(Zoning Ord., § 3-1400)

Sec. 36-335. Zoning enforcement.

(1) *Notice of violation.* Whenever the director of building development services, or one of his authorized representatives, determines that there are reasonable grounds to believe that a violation of any provision of this article exists on any parcel of land within the city, he shall give notice of such alleged violation to the owner or agent of said parcel as hereinafter provided. Such notice shall:

- (a) Be in writing and include a statement of any alleged violations;
- (b) State not only the remedial action required to be taken, but shall also state that if such action is not taken within the time limit set forth in this Code, the remedial action may be taken by the city and the cost of correcting the violation may be assessed against the property on which the violation occurred, together with the inspection, collection and incidental costs, attorney's fees and court costs.
- (c) Allow a reasonable time for the correction of any violation or the performance of any other required act; and
- (d) Be served upon the owner or his agent; provided, that such notice shall be deemed to be properly served upon such owner or agent, if a copy thereof:
 1. Is served upon him personally; or
 2. Is sent by registered mail to his last known address; or
 3. Is posted in a conspicuous place in or about the building, structure or premises affected by the action.

(2) *Revocation of permits, utilities, and city license.* Whenever the director of building development services has ordered a person to correct a violation and when such violation has not been corrected within the time specified by such order, thereafter the director may institute an administrative action to revoke any and all permits issued by the city under which the activity is conducted, occupancy permits and the right to receive utilities for the activity of the building or structure wherein the activity is conducted by filing a notice of institution of a contested case before the administrative hearing officer in accordance with article X, chapter 36, Springfield City Code.

(3) *Abatement of violation.* If a person violates this article or if a notice of a violation is not complied with within the time specified by the director of building development services, the director may cause a municipal court summons to be issued, and he may also request the city

attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of any order or direction made pursuant thereto.

(4) *Fines and penalties.* Any person violating any of the provisions of this article, or failing to comply with any order issued pursuant to any section thereof, shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided in section 1-7, Springfield City Code, except, the court shall hear evidence concerning the economic value of continuing the violation, and shall assess a fine sufficient in the court's judgment to deter a continuation of the violation. Each day that a violation continues, after service of notice as provided for in this article, and filing of charges in municipal court, shall be deemed a separate offense. Notice as set forth in this section shall not be required in order to prosecute a person for a violation of any provision of this article, except such notice shall be required to prosecute a person for failure to comply with an order. However, the city shall attempt to give notice when the violation does not pose an imminent danger and the owner has not previously been notified either orally or in writing regarding a violation of the same section of this article.

(5) *Abatement of nuisance.* If, upon a hearing for the violation of this article, the hearing officer finds that a violation exists and that proper notice has been given as provided for in this article, and that there has been a failure to abate the nuisance, the hearing officer shall make an order directing the chief of police, the director of public health and welfare, the director of building development services or the director of public works to abate such nuisance forthwith. All of the cost of such abatement, including, but not limited to, costs of notices, inspections and abatement proceedings, shall be reported to the hearing officer who shall certify the amount thereof to the director of finance. The person causing, maintaining or permitting the violation shall be personally liable to the city for the cost of such abatement, and there shall also be from the time of such certification, a lien upon the land where such nuisance was abated, the same to run with the land for the full cost to the city for such abatement and in favor of the city upon which the city may take appropriate action in accordance with law.

(6) *Legal action.* The imposition of the fines herein prescribed shall not prevent the city attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or use of building or structure in or about any premises, in violation of this article.

(7) *Discontinuance of illegal use or occupancy.* Whenever any building, site, or portion thereof is being used or occupied contrary to the provisions of this article, the director of building development services shall order such use or occupancy discontinued by notice served on any persons using or causing such use or occupancy to be continued. Such person shall discontinue use or occupancy or make the building, site, or portion thereof comply with

the requirements of this article within the time period set forth in the notice. The time period may under appropriate circumstances be immediate but shall not exceed ten days after receipt of such notice.

(Zoning Ord., § 3-1500)

Sec. 36-336. Reasonable accommodation policy and procedure.

(1) *Purpose and scope.* This section implements the policy of the City of Springfield, Missouri on requests for reasonable accommodation in its rules, policies and procedures for persons with disabilities. Any person with a disability may request a reasonable accommodation with respect to the land use or zoning laws, rules, policies, practices or procedures of the city pursuant to this section. Nothing in this section requires persons with disabilities or operators of group homes for persons with disabilities which are operating in accordance with applicable zoning, licensing, and land use laws, to seek reasonable accommodation under this section.

(2) *Definitions.* For the purposes of this section the following definitions shall apply, unless specifically defined in this section all terms have the same meaning as contained in 36-321:

- (a) *Applicant.* An individual, group or entity making a request for reasonable accommodation pursuant to this section. This definition shall also include the disabled person making said request or a person acting on behalf of, and at the request of said disabled person.
- (b) *City.* The City of Springfield, Missouri.
- (c) *Department.* The department of building development services of the city.
- (d) *Disabled person.* Any individual:
 - 1. With a physical or mental impairment that substantially limits one or more major life activities;
 - 2. Individuals who are regarded as having such an impairment; and
 - 3. Individuals with a record of such an impairment.
- (e) *Major life activity.* Those activities that are of central importance to daily life, such as seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, and speaking. This list of major life activities is not exhaustive.
- (f) *Physical or mental impairment.* Includes, but is not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.
- (g) *Reasonable accommodation.* Means a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

(h) *Substantially limits.* Means that an individual's limitation is "significant" or to a "large degree".

(i) *Zoning ordinance.* The City of Springfield, Missouri Zoning Ordinance, as defined in [section] 36-300.

(3) *Requesting reasonable accommodations.*

(a) In order to make a dwelling available to one or more individuals with disabilities, an applicant may request a reasonable accommodation relating to the various land use or zoning rules, policies, practices or procedures of the city applicable to such housing.

1. A request by an applicant for reasonable accommodation made pursuant to this section shall be made in writing or orally to the director of the department.

2. When making a request for a reasonable accommodation pursuant to this section, an applicant shall provide:

a. The name and address of the owner of the property, if other than the applicant; and

b. Explain the type of accommodation requested; and

c. Explain the relationship between the requested accommodation and the disability, if the need for the accommodation is not readily apparent.

(b) All requests for reasonable accommodation made pursuant to this section shall be made in a manner that a reasonable person would understand to be a request for an exception, change, or adjustment to a rule, policy, practice, or service because of a disability.

(c) The department shall provide reasonable assistance necessary to an applicant in making a request for reasonable accommodation throughout the process.

(4) *Procedure.*

(a) The director of the department shall make an initial review of the request for reasonable accommodation upon receipt of such a request. The director may approve a request for reasonable accommodation upon the information provided in the application, if all the requirements needed to grant a request for reasonable accommodation are met by the application. The director may make such investigation or request such information from the applicant, as provided herein, to determine the disposition of the application.

1. The request for reasonable accommodation shall be forwarded to the administrative review committee (ARC) when:

a. The director does not have the authority to grant the request for reasonable accommodation, or

b. The director fails to grant the request for reasonable accommodation within 30 days of the receipt of the request.

2. Nothing in this section shall prohibit the director from consulting with the ARC regarding requests for reasonable accommodation or from consulting with the applicant to supplement their application, if possible.
- (b) The ARC, as established in section 36-352, shall have the authority to consider and act on requests for reasonable accommodation. The ARC shall issue a written determination within 30 after receiving the request for reasonable accommodation from the director of the department, and may: (1) grant the accommodation request; or, (2) deny the request.
1. ARC may approve a request for reasonable accommodation upon the information provided in the application, if all the requirements of the request for a reasonable accommodation are met by the application, without meeting with the applicant.
 2. In no event shall the ARC deny a request for reasonable accommodation without the applicant being afforded an opportunity to meet with the ARC.
- (c) If reasonably necessary to reach a determination on the request for reasonable accommodation, the ARC may, prior to the end of said 30-day period, request additional information from the applicant, specifying in detail what information is required. The applicant shall have 15 days after the date of the request for additional information to provide such information. In the event a request for additional information is made, the 30-day period to issue a written determination shall be stayed. The ARC shall issue a written determination within 30 days after receipt of the additional information. If the applicant fails to provide the requested additional information within said 15-day period, the ARC shall issue a written determination within 30 days after expiration of said 15-day period.
- (d) The ARC is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability.
1. If an applicant's disability is obvious, or otherwise known to the ARC, and if the need for the requested accommodation is also readily apparent or known, then the ARC shall not request any additional information about the applicant's disability or the disability-related need for accommodation.
 2. If the applicant's disability is known or readily apparent to the ARC, but the need for the accommodation is not readily apparent or known, the ARC may request only information that is necessary to evaluate the disability-related need for the accommodation.
 3. If the applicant's disability is not obvious, the ARC may request reliable disability-related information that:
 - a. Is necessary to verify that the person meets the definition of disability,
 - b. Describes the needed accommodation, and
 - c. Shows the relationship between the person's disability and the need for the requested accommodation.

- (e) Information provided to ARC for a request for accommodation under this section, shall be kept confidential, as permitted by law. The department shall provide written notice to the applicant, and any person designated by the applicant to represent the applicant in the application process, of any request received by the department for disclosure of any information or documentation which the applicant submitted in applying for a reasonable accommodation pursuant to this section. The department will provide reasonable cooperation with the applicant, to the extent allowed by law, in actions initiated by the applicant to oppose the disclosure of such information or documentation.
- (5) *Findings for reasonable accommodation.*
- (a) The following findings, while not exhaustive of all considerations and findings that may be relevant, shall be made before any action is taken to approve or deny a request for reasonable accommodation and shall be incorporated into the record relating to such approval or denial:
1. Whether the accommodation requested may be necessary to afford one or more persons with disabilities equal opportunity to use and enjoy a specific dwelling:
 - a. To show that a requested accommodation is necessary; there must be an identifiable relationship, or nexus, between the requested accommodation and the applicant's disability.
 2. Whether the requested accommodation would impose undue financial or administrative burdens on the city.
- (b) A request for reasonable accommodation, made pursuant to this section, shall be denied if it is found that:
1. The request for reasonable accommodation was not made by or on behalf of a person with a disability, or
 2. There is no disability-related need for the accommodation, or
 3. The requested reasonable accommodation is not reasonable.
 - a. A request for reasonable accommodation is not reasonable if:
 - i. The requested reasonable accommodation would impose an undue financial or administrative burden on the city, or
 - ii. The requested reasonable accommodation would require a fundamental alteration to the city's zoning regulations.
- (c) When a request for reasonable accommodation is denied, reasonable efforts shall be made to cooperate with the applicant to provide an alternative reasonable accommodation that will address the applicant's disability-related needs without resulting in a fundamental alteration to the city's zoning regulations or the imposition of an undue financial and administrative burden on the city.
1. If, after reasonable efforts, an alternative reasonable accommodation is not approved, the applicant's request for a reasonable accommodation shall be denied.

(d) Findings made, whether approving or denying the request for reasonable accommodation, shall be in writing and shall state the grounds thereof. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the applicant by certified mail, return receipt requested and by regular mail.

(6) *Appeals.*

(a) Within 30 days after the date the ARC mails a written adverse determination to the applicant, the applicant may appeal the adverse determination.

(b) Appeals shall be to the board of adjustment pursuant to section 36-364. All determinations on appeal shall address and review the findings made by the ARC pursuant to this section.

(c) The department shall provide reasonable assistance necessary to an applicant wishing to appeal a denial of a request for reasonable accommodation to the board of adjustment. The applicant is entitled to be represented at all stages of the proceedings identified in this section by a person designated by the applicant.

(7) *Fees.* The city shall not impose any fees or costs in connection with a request for reasonable accommodation under the provisions of this section or an appeal of a denial of such request by the ARC. Nothing in this section obligates the city to pay an applicant's attorney fees or costs.

(8) *Stay of enforcement.* While an application for reasonable accommodation or appeal of a denial of said application is pending, the city will not enforce the zoning ordinance against the applicant.

(9) *Record-keeping.* The city shall maintain records of all oral and written requests submitted under the provisions of this section, and the city's responses thereto, as required by state law.

(G.O. 6271, § 1, 4-4-16)

Secs. 36-337—36-349. Reserved.

Subdivision II. Commissions and Boards

Sec. 36-350. Planning and zoning commission.

(1) *Composition of commission.* The planning and zoning commission shall be constituted in accordance with Section 11.1, Article XI, Springfield City Charter. Members shall be appointed by the city council and shall serve without compensation. Members appointed on or after October 12, 2015, shall hold office for a term of four years. Members may be reappointed; however, no person shall be appointed for more than two consecutive four-year terms. The commission shall elect a chairman from its appointed members.

(2) *Procedure.* Meetings of the planning and zoning commission shall be held at the call of the chairman and at such other times as the commission may determine. All meetings of the commission shall be open to the public except as otherwise provided by law. The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every recommendation or decision of the commission shall be in writing and shall contain the findings of the commission in each case, which shall be immediately filed in the office of the commission and shall be a public record.

(3) *Powers and duties.* The planning and zoning commission shall have the powers and duties set out in Article XI, Springfield City Charter, and in implementation thereof the commission shall:

- (a) Hold public hearings and make recommendations with respect to proposed amendments to the Springfield Comprehensive Plan;
- (b) Hold public hearings and make recommendations with respect to proposed amendments to the text of the zoning ordinance or proposed amendments to the official zoning map;
- (c) Hold public hearings and make recommendations with respect to applications for conditional use permits;
- (d) Hear appeals from the director of building development services with respect to site plan review decisions; and
- (e) Review and make recommendations with respect to overall plans and historical themes for and the proposed designation of areas as historic districts and landmarks as submitted by the Springfield Landmarks Board.

(4) *Conduct of hearings by planning and zoning commission.* Public hearings conducted by the planning and zoning commission on any matter over which it has jurisdiction shall be subject to the following rules:

- (a) Any person who has an interest in the subject matter of the hearing shall be afforded an opportunity to present evidence, exhibits and argument, and to question, through the chairman of the commission, witnesses on all relevant issues, subject to the chairman's imposition of reasonable limitations on the number of witnesses, and the nature and length of testimony and questioning.
- (b) The commission shall have a written record of each public hearing and its deliberations thereon kept.
- (c) Members of the commission shall base their consideration of matters on which the commission conducts a public hearing upon the following information and evidence:
 1. Testimony, exhibits and argument presented at the hearing, and not upon direct or indirect communication with any party or representative of such party made outside of the hearing;

2. Reports, memoranda and other materials prepared by the director of planning and development, director of building development services, director of public works, other employees of the City of Springfield or consultants in connection with the application and made a part of the record at the time of hearing;
 3. Inspections of the site;
 4. The Springfield Comprehensive Plan and adopted goals, objectives and policies related to community development; and
 5. The knowledge of matters of fact held by members of the commission, provided any such factual matters shall be made a part of the record at the time of the hearing; and any party to the hearing shall be given the opportunity to refute, expand upon or explain any such factual matters.
- (d) The commission shall adopt, and may from time to time amend, such additional procedural rules as it may deem necessary or desirable for the efficient and orderly conduct of its business. Copies of such rules shall be available in the office of the director of planning and development.

(Zoning Ord., § 3-2000; G.O. 6235, § 1(exh. A), 10-12-15; G.O. 6272, § 1, 4-4-16)

Sec. 36-351. Board of adjustment.

(1) *Composition of board.* The board of adjustment shall consist of five members and up to three alternates to be nominated by the city manager and appointed by the city council. Members shall serve without compensation. The alternate members may serve on the board of adjustment in the absence of or upon the disqualification of any regular member, in the same capacity and with the same authority as the absent or disqualified regular member. Members and alternates shall hold office for a term of five years. The director of planning and development shall be an ex officio member without power of vote and as an ex officio member of the board shall act as secretary and shall set up and maintain a separate file for each application for appeal, special exception and variance received and shall record therein the names and addresses of all persons, and further keep a record of all notices published as required herein.

(2) *Procedure.* Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public except as provided by law. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every decision of the board shall be in writing and shall contain a full record of the findings of the board in each case, all of which shall be immediately filed in the office of the board and shall be a public record. The secretary of the board of adjustment shall notify in writing the city council, the planning and zoning commission, landmarks board and the department of building development services, as appropriate, of each decision, interpretation, appeal, special exception, and variance considered under the provisions of this article.

- (3) *Powers.* The board of adjustment shall have the following powers:
- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article in accordance with section 36-364, appeals, of this article;
 - (b) To decide any questions involving the determination of the location of any district boundary, if there is uncertainty with respect thereto in accordance with section 36-306, official zoning map and rules for interpretation, of this article;
 - (c) To grant variances from the strict application of the terms of this article in accordance with section 36-365, variances, of this article; and
 - (d) To allow special exceptions in accordance with section 36-366, special exceptions, of this article.

In considering and deciding appeals and applications for variances and special exceptions, the board acts in a quasi-judicial capacity.

(4) *Conduct of hearings by board of adjustment.* Public hearings conducted by the board of adjustment on any matter over which it has jurisdiction shall be subject to the following rules.

- (a) Any person, or his agent, who has an interest in the subject matter of the hearing shall be afforded an opportunity to present evidence, exhibits and argument, and to question, through the chairman of the board of adjustment, witnesses on all relevant issues, subject to the chairman's imposition of reasonable limitations on the number of witnesses, and the nature and length of testimony and questioning.
- (b) All testimony at the hearing shall be under oath, or by affirmation, administered by the chairman.
- (c) The board of adjustment shall have a written record of each public hearing and the deliberations of the board kept.
- (d) Members of the board of adjustment shall base their consideration of matters on which the board conducts a public hearing upon the following information and evidence:
 1. Testimony, exhibits, and argument presented at the hearing, and not upon direct or indirect communication with any party or representative of such party made outside of the hearing;
 2. Reports, memoranda and other materials prepared by the director of planning and development, director of building development services, director of public works, other employees of the City of Springfield or consultants in connection with the application and made a part of the record at the time of hearing; and
 3. Inspections of the site when all interested parties or their representatives have the opportunity to be present, or when no such parties or their representatives are present.

(e) The board of adjustment shall adopt, and may from time to time amend, such additional procedural rules as it may deem necessary or desirable for the efficient and orderly conduct of its business. Copies of such rules shall be available in the office of the director of building development services.

(5) *Required vote.* The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official of the city, or to decide in favor of the applicant on any matter upon which it is required to act under this article, such as granting a variance or allowing a special exception.

(6) *Limitation on refiling.* No appeal, request, or application to the board of adjustment shall be allowed with respect to the same parcel of land, building, or structure prior to the expiration of six months from the date of the ruling of the board unless a substantial change of circumstances or conditions can be demonstrated by the applicant.

(7) *Recordation of orders of the board.* Whenever the board of adjustment shall have acted upon an appeal, application for special exception, or variance the board shall cause its order granting or denying said appeal or application to be recorded in the land records of the county recorder of deeds, however, no order shall be recorded until the order has become final by the passage of 30 days from the date said order is filed in the department of planning and development without an action being filed in a court of competent jurisdiction challenging the issuance of said order or until a court of competent jurisdiction upholds said order if it is challenged within said 30-day period.

(Zoning Ord. § 3-2100)

Sec. 36-352. Administrative review committee.

(1) *Establishment.* There is hereby established an administrative review committee.

(2) *Intent.* It is the intent of this section to establish a method and procedure for administrative application and enforcement of chapter 36, land development code, Springfield City Code. It is further intended to permit a degree of administrative discretion on questions of a technical and administrative nature and where the application and operation of the land development code is unclear.

(3) *Membership.* The administrative review committee shall consist of the following department heads or their authorized representatives:

- (a) The director of building development services;
- (b) The director of public works; and
- (c) The director of planning and development.

(4) *Authority.* The administrative review committee may exercise the following authority.

(a) In those instances where:

1. The application and/or operation of the land development code is generally unclear; or

2. The application and/or operation of provisions of chapter 36, Springfield City Code, with regard to a particular situation is not clear; or
3. The application and/or operation of the regulations will produce results contrary to the intent of the land development code and to commonly accepted land development practice, the committee may make appropriate administrative rulings. In the exercise of this authority, the committee may conduct informal hearings for the purpose of obtaining factual information and expert opinion. All determinations shall be documented in writing and included in the project or permit file. Further, in the exercise of this authority, the committee may impose those restrictions and conditions necessary to achieve the intent of these regulations and may attach such plans and other documents as appropriate to the project or permit.
 - (b) Exercise authority expressly granted to the committee by ordinance.
 - (c) Conduct factual investigations, as appropriate, regarding matters relating to the land development regulations.
 - (d) Act in an advisory capacity to the city manager, city council, and the city's boards and commissions on matters relating to the land development code.

(5) *Committee not to supplant authority of administrative official.* Nothing in this section 36-352, administrative review committee, shall be construed to supplant, modify, or limit authority expressly granted to administrative officials. Neither shall the committee serve in any appeal capacity.

(6) *Unanimous consent required.* All rulings regarding application and operation of the land development regulations shall require unanimous agreement by the committee. Advisory recommendations do not require unanimous consent, but all dissenting opinions shall be documented.

(7) *Procedures.* The administrative review committee shall establish procedures for the exercise of the authority conferred upon it.

(8) *Solicitation of information and comment.* The committee may in the course of its deliberation and at its discretion request information and assistance from city officials, departments, agencies, boards and commissions.

(9) *Hearings.* The committee may in the course of its deliberation and at its discretion, conduct hearings for the purpose of obtaining factual information and expert opinions. The committee may notify individuals, officials, and organizations which, in the committee's judgment, can provide information pertinent to its proceedings, of the time and place of such hearing.

(10) *Documentation of rulings and findings of fact.* The committee shall document in writing all decisions. All such documentation shall be a public record.

(11) *Conditions.* The committee, to assure that the intent of the land development code is satisfied and to further the public interest, may impose reasonable conditions on any approval given or permits issued in the exercise of its authority.

(12) *Appeals.* Administrative decisions rendered by the committee may be appealed pursuant to applicable provisions of that portion of the land development code pertaining to appeal of administrative decisions, except for decisions regarding cooperative parking plans where it is stated that the officials are exercising their discretion as to a matter where the applicant does not have a right. Then the decision of the administrative officials regarding a cooperative parking plan shall be final and not subject to the jurisdiction of the board of adjustment.

(Zoning Ord., § 3-2200)

Sec. 36-353. Landmarks board.

(1) *Creation.* There is hereby created a landmarks board of Springfield. The landmarks board is the successor to the historical site board and historic district review board.

(2) *Membership.* The landmarks board shall consist of nine members. Membership shall include at least one architect with a professional degree in architecture plus at least two years of full-time experience in architecture, or a state license to practice architecture, one licensed real estate agent, one historian or architectural historian, one representative from the mid-town historic district, one representative from the Walnut Street historic district, and one representative from the Commercial Street historic district. For each historic district each member shall be a resident, merchant, or property owner within said historic district. A member from one of the historic districts may also serve as the architect, real estate agent or historian/architectural historian representative. In the event more than three historic districts are established by city council, one member for each additional district, shall be added to the original nine members. All members shall have an interest, competence, or knowledge in historic preservation. Members shall be appointed by city council and shall serve without compensation.

(3) *Terms of membership.* Each board member shall serve a three-year term. Members may be reappointed; however, no person shall be appointed for more than two consecutive three-year terms. Members may also be appointed to fill the remainder of vacant terms.

(4) *Powers, duties, and responsibilities.* The landmarks board shall have the following powers, duties, and responsibilities:

- (a) To adopt its own rules of procedure;
- (b) To establish advisory committees as it deems necessary, from both within and outside its membership;
- (c) To survey and identify historically and architecturally significant properties as described in subsection 36-404(2);
- (d) To recommend plans and policies with regard to historic preservation;

- (e) To prepare written recommendations to the council regarding designation of historical or architectural resources;
- (f) To recommend to the council the adoption of ordinances designating historic landmarks and historic districts;
- (g) To keep a register of all properties and structures which have been designated as historic sites, historic landmarks or historic districts, including all information required for each designation. This register shall be known as the Springfield Historic Register;
- (h) To prepare, keep current and publish a map or maps showing the locations and exact boundaries of both proposed and designated historic sites, historic landmarks and historic districts except that the board shall have the authority to exclude from the map or maps the location of archaeological sites or other prehistoric, historic, or natural features considered to be susceptible to damage, defacement or destruction;
- (i) To conduct a periodic review of the status of designated historic sites, historic landmarks and historic districts and provide periodic reports on the findings of such review, along with any resolutions or ordinances for action, as considered appropriate, to council;
- (j) To recommend the promulgation of standards for architectural review in addition to those cited in subsection 36-404(3)(d);
- (k) To consider applications for and to approve or disapprove certificates of appropriateness pursuant to subsection 36-404(3) and to prepare written reasons pursuant to that action;
- (l) To consider applications for and issue or deny certificates of economic hardship pursuant to subsection 36-404(4) and to prepare written reasons pursuant to that action;
- (m) To increase public awareness of the value of historical and architectural resources by developing and participating in public information programs and further, by placing monuments and markers at historic sites, historic landmarks and historic districts designated under this article;
- (n) To advise and assist owners of historic sites, historic landmarks and properties or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (o) To review, evaluate and comment on proposed zoning amendments, applications for special use permits or applications for zoning variances that affect proposed or designated historic landmarks and historic districts. The director of planning and development shall send such applications for use permits, rezonings or zoning variances to the landmarks board for comment prior to the date of hearing by the planning and zoning commission or board of adjustment;

- (p) To evaluate, comment and make recommendations concerning actions undertaken by other non-city public agencies with respect to the effect of such actions upon historical and architectural resources, including, but not limited to, reviewing applications for demolition permits for structures 50 years or older, or having historic significance as determined by the landmarks board;
- (q) To evaluate, comment, and make recommendations concerning actions undertaken by other city agencies with respect to the effect of such actions upon historical and architectural resources, including, but not limited to, reviewing applications for demolition permits (prior to issuance) for structures 50 years or older, or having historic significance as determined by the landmarks board;
- (r) To make recommendations to the council concerning grants from federal and state agencies, private groups and individuals and the utilization of budget appropriations to promote the preservation of historic and architectural resources;
- (s) To make recommendations to the council concerning the acquisition by gift, purchase, grant, bequest, devise, lease or otherwise the fee, any lesser interest, development right, easement, including scenic easement, covenant or other contractual right, including conveyance on conditions or with limitations or revisions, in any property in the city;
- (t) To investigate complaints, conduct hearings and recommend the commencement of actions to enforce the provisions of this article; and
- (u) To carry out any other action or activity necessary or appropriate to the implementation of this article or which may be specified by council.

(Zoning Ord., § 3-2300; G.O. 4666, 11-12-96; G.O. 5886, 8-9-10; G.O. 6273, § 1, 4-4-16; G.O. 6583, § 1(Exh. A), 4-6-20)

Secs. 36-354—36-359. Reserved.

Subdivision III. Review, Appeals, and Amendments

Sec. 36-360. Site plan review.

- (1) *Applicability.* Site plans, prepared and approved in accordance with the provisions of this section, shall be required to assist city administrative officials in the review of applications for building permits and to assure compliance with all applicable requirements and standards of this article in such instances as may be required by the terms of this article. Site plans, when required, shall be submitted with applications for building permits. Whenever a site plan is required by this section, or any other provision of this article, the city shall not issue any building permit until a site plan, which is in compliance with the applicable zoning district regulations, is approved.

(2) *Authority.*

- (a) The department of building development services, in consultation with the department of planning and development, department of public works and other appropriate city departments, shall, subject to the procedures, standards and limitations hereinafter set forth, review, and approve site plans for those uses listed under subsection (3).
- (b) Any site plan that is required by subsection (3) of this article shall not be approved until all appropriate city departments have reviewed the site plan and made a determination with respect to whether the plan complies with all codes and ordinances of the city.
- (c) Any applicant, owner of property within 185 feet of the subject site or other person, who is aggrieved by a decision of the department of building development services with respect to a site plan may, within 15 days of such decision, appeal to and have a determination made on the matters in dispute by the planning and zoning commission by submitting to the director of building development services a written statement setting forth the statute, ordinance, standard or other requirement alleged to have been violated or improperly applied by the decision of the director of building development services.
- (d) During the period of appeal, no building permit shall be issued.

(3) *Developments and uses requiring a site plan.* Site plan review and approval shall be required for any permitted, accessory, or conditional use in any zoning district or for any development for which a development plan has been approved pursuant to section 36-405, planned development district, in accordance with the provisions of this section, unless exempted by subsection (4).

(4) *Exempt development.* Notwithstanding any other provision of this article, the following activities and uses shall not require compliance with this section.

- (a) Construction of or additions to a single-family-detached or duplex dwelling on a lot of record.
- (b) Construction of or addition to any permitted accessory use to a single-family-detached or duplex dwelling on a lot of record.
- (c) Deposit and contouring of fill on land, provided all other regulations of the City of Springfield are met.
- (d) Remodeling of a building or structure if no enlargement or expansion is involved.
- (e) Any temporary use permitted by this article.

(5) *Contents of site plan application.* Whenever a site plan is required under subsection (3) above, the application for site plan approval shall include the following information and material:

- (a) The applicant's name and address and his legal interest in the subject property.
- (b) The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf.
- (c) The street address (or common description) of the property.
- (d) A legal description and a survey, certified by a registered land surveyor, showing property boundary lines and dimensions; and all easements, roadways, rail lines and public rights-of-way, any part of which, cross or are adjacent to, and affect, the subject property; and that all necessary easements can be obtained.
- (e) A location sketch showing sufficient area and detail to locate the property within the city.
- (f) The zoning classification and present use of the subject property.
- (g) The proposed use or uses and a general description of the proposed development.
- (h) Any proposed grading or regrading of the subject property; any significant natural, topographical or physical features of the property, including, at least, water courses, marshes, rock outcroppings and existing contours in excess of two feet in 100 feet.
- (i) Location, size, use and arrangement of all proposed buildings and computations showing height in stories and feet, total floor area, total square feet of ground area coverage of proposed and existing buildings which will remain, if any, and number and size of dwelling units and number of bedrooms, in residential uses, and building separations.
- (j) The minimum yard dimensions and, where relevant, relation of yard dimensions to the height of any building or structure.
- (k) The location, dimensions and number of all vehicular and pedestrian circulation elements, including streets, and roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles; sidewalks, walkways and pathways, including slope and gradient of vehicular elements; refuse storage locations; and total lot coverage of all circulation elements, divided between vehicular and pedestrian ways.
- (l) The location and size of existing and proposed water and sewer public utilities on and adjacent to the site and fire hydrant locations.
- (m) All existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention areas, showing size and dimensions of flow.
- (n) The location, size, and arrangement of all proposed outdoor signs.

- (o) The location, height and elevation drawings of proposed fences or screen or buffer plantings and the type or kind of building materials or plantings to be used for fencing or screening.
- (p) The location, designation, and total area of all usable open space.
- (q) A landscaping plan in accordance with section 36-482, landscaping and bufferyards.
- (r) An existing trees protection plan in accordance with section 36-483, landscaping and bufferyards.
- (s) A soil erosion control plan for the period during which construction will be taking place and after construction is complete.
- (t) An exterior lighting plan in accordance with section 36-484, lighting standards.
- (u) In the case of any use for which a conditional use permit has been granted, any information necessary to demonstrate compliance with all conditions imposed by the conditional use permit.
- (v) Any other information that may be required by the director of building development services to determine that the application is in compliance with the codes and ordinances of the city and which the director deems to be necessary or appropriate to a full and proper consideration and disposition of the particular application.

(6) *Procedures for processing site plans.* The following procedures shall govern the processing and approval of site plan applications:

- (a) *Pre-application conference.* Prior to filing a formal site plan application, the applicant may request an informal and non-binding pre-application conference with the director of building development services or his designee. The purpose of the pre-application conference shall be to assist the applicant in bringing the site plan into conformity with these and other regulations applying to the subject property and to define the specific submission requirements for site plan application.
- (b) *Application.* Applications for site plan approval shall be submitted to the director of building development services in five copies. All maps and graphics, submitted as part of the final site plan application, shall be to a scale deemed appropriate by the director of building development services. A nonrefundable application fee included in the building permit fee, as established from time to time by the city council to help defray administrative costs, shall accompany each application. If the director finds the application to be incomplete, he shall notify the applicant in writing, specifying those elements of standards needed to complete the application. The director of building development services shall not process any site plan application until said application is certified as complete.
- (c) *Action by the director of building development services.* Within 45 days following the certification of an application, or such longer time as may be agreed to by the applicant,

the director of building development services shall review the application and the attached site plan, in terms of the standards established by subsection (8) below. The director shall then either:

1. Approve the application; or
2. Approve it subject to the applicant obtaining further specified approvals pursuant to the provisions of this article; or
3. On the basis of written findings in accordance with subsection (8) below, approve it subject to specific modifications; or
4. On the basis of such findings, decline to approve the application.

Immediately upon the conclusion of the review by the appropriate city departments, the director of building development services shall return one copy of the applicant's plans to him marked to show either approval, or approval subject to modification, which modifications shall be made and permanently marked on such plans. If modifications are required, the director of building development services shall provide written comments to the applicant regarding such modifications. The failure of the director of building development services to act within said 45 days on any complete application, or such longer time as may be agreed to by the applicant, shall be deemed to be approval of the application.

- (d) *Conferences and modifications during review.* While reviewing such application, the director of building development services may, or at the request of the applicant shall, meet with the applicant for such conferences concerning the proposed site plan as may be appropriate and may accept amended plans in substitution of those originally submitted. Submission of amended site plans shall constitute a new complete application, and the director of building development services shall have 45 days to review the application from the date of submission of the amended site plan.
- (e) *Action by planning and zoning commission.* If the director of building development services declines to approve the application, or approves it subject to modifications which are not acceptable to the applicant, such action shall not be deemed final administrative action but shall entitle the applicant to have his application referred to the planning and zoning commission for review and decision of such matters as remained unresolved between the director of building development services and applicant. Such review may be secured by the applicant by filing a written request therefor with the director of building development services within 15 days of the decision by the director of building development services. Upon receipt of such request, the director shall refer, within 15 days, the application and the director of building development services' report thereon to the planning and zoning commission, which shall review and act upon the application in the same manner and subject to the same standards and limitations as those made applicable to the director of building development services, except that the commission shall have 65 days from the date of such referral within which to act. The decision of the planning and zoning commission shall be final.

(7) *Standards for site plan review.*

- (a) *Standards.* The director of building development services shall not deny, and the planning and zoning commission shall not deny, site plans submitted pursuant to this section except on the basis of specific written findings dealing with the following standards:
1. The application contains or reveals violations of this article or other ordinances of the city which the applicant has after written request, failed or refused to supply or correct.
 2. In the case of a site plan submitted in conjunction with an approved development plan, a conditional use permit, or any other regulations in this article that contain specific development standards, such as the UC, PD or L districts, the site plan does not adequately meet specified standards required by this article with respect to such development, or conditional use or district.
 3. The proposed site plan will result in an unauthorized encroachment or interference with an easement, roadways, rail lines, utilities and public or private rights-of-way.
 4. The proposed site plan does, or will, unnecessarily, and in specified particulars, destroy, damage, detrimentally modify, or interfere with significant natural, topographic, or physical features of the site including, but not limited to, sinkholes, natural springs, and drainage ways.
 5. The circulation elements of the proposed site plan unnecessarily, and in specified particulars, create, or will create: hazards to safety on or off the site; uncoordinated pedestrian or vehicular circulation paths on or off the site; or undue interference with or inconvenience to vehicular or pedestrian travel.
 6. The screening and buffer area landscaping of the site does not, or will not, as required in section 36-480, screening and fencing, and section 36-482, landscaping and bufferyards, provide adequate shielding from or for nearby uses with which the proposed use may be incompatible.
 7. The proposed site plan does, or will, and in specified particulars, creates drainage or erosion problems.
 8. In the case of site plans for approved development plans, the proposed site plan fails, in specified particulars, to conform to the approved planned development district.
- (b) *Alternative approaches.* In citing any of the foregoing standards, other than those of subsection (7)(a)1, as the basis for declining to approve or for disapproving a site plan, the director of building development services may suggest alternate site plan approaches which could be utilized to avoid the specified deficiency and may state the reasons why such deficiency cannot be avoided consistent with the applicant's objectives.

(8) *Effect of site plan approval.* If the director of building development services or the planning and zoning commission approves the application or approves it subject to further specified approvals or to modifications which are acceptable to the applicant, such approval shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, enlargement or moving of any building or structure, but shall authorize only the continued processing of applications for any further permits or approvals which may be required by the codes and ordinances of the city, including approvals such as a building permit, a certificate of occupancy or subdivision plat approval.

(9) *Limitations on site plan approval.* No site plan approval shall be valid for a period longer than 18 months from the date such approval is issued unless a building permit is issued and construction is begun within that period.

(10) *Amendment.* An approved site plan may be amended at any time in the same manner and subject to the same standards and limitations as provided in this section for original site plan approval.

(Zoning Ord., § 3-3000; G.O. 6467, § 1(Exh. A), 7-16-18)

Sec. 36-361. Cluster developments.

(1) *Purpose.* The purpose of cluster development is to permit a procedure for development which will result in improved living and working environments; which will promote more economic subdivision layout; which will encourage a variety of types of residential dwellings; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open space to serve recreational, scenic and public service purposes and other purposes related thereto, within the densities established for the cluster net tract area. To achieve these goals:

- (a) Variations in lot areas and lot widths are permitted;
- (b) Flexibility in forms of property ownership is permitted;
- (c) A greater variety of building types is permitted in residential zones;
- (d) Procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the subdivisions or for dedication to public use; and
- (e) Procedures are established to assure adequate protection of existing and potential developments adjoining the proposed cluster development.

(2) *Cluster housing development: dwelling types and size.*

- (a) Only uses specified in the particular zoning district are permitted.
- (b) Cluster developments shall consist of at least ten dwelling units except that cluster developments that are found by the planning and zoning commission to be a logical extension of an existing or approved cluster development may contain fewer dwelling units.

(3) *Cluster housing development: standards.*

- (a) *Modification of yard and lot requirements.* Modification of yard and lot requirements including minimum lot widths may be permitted. Such modifications and variations must be shown on the cluster preliminary subdivision plat.
- (b) *Minimum lot size.* The minimum size of a lot of record within a residential cluster development shall be:
 1. Three thousand square feet in the R-SF and R-MHC districts.
 2. Two thousand square feet in the R-TH and R-LD districts.
 3. One thousand square feet in the R-MD and R-HD districts.
- (c) *Public sewer and water required.* All dwellings and other buildings shall be served with public sewer and water facilities.

(4) *Cluster open space requirements: ownership.*

- (a) *[Minimum lot size.]* In each zone allowing cluster housing development, the lot size may be reduced from the minimum lot area prescribed for that zone to the minimum lot size for cluster development specified in subsection (3)(b). All such lot reductions shall be compensated for by an equivalent amount of land in open space or common area to be preserved and maintained for its scenic or historic value, for recreation or conservation purposes, or for schools, community buildings, historic buildings or sites, or related uses. Cluster open space or common area shall not include areas devoted to public or private vehicular streets or any land which has been, or is to be, conveyed to a public agency via a purchase agreement.
- (b) *Public ownership.* Open space or common area within cluster housing developments may be offered for dedication to the public at the time of application. The planning and zoning commission and city council or other appropriate public body may accept such dedication upon a finding that the size, location, type of development or cost of development or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
- (c) *Private ownership.* Cluster open space not dedicated to public use shall be protected by legal arrangements, satisfactory to the planning and zoning commission, sufficient to assure its maintenance and preservation for whatever purpose it is intended and in accordance with section 36-463, requirements for common open space and common improvements. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance, responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the planning and zoning commission and city council and any other specifications deemed necessary by the planning and zoning commission and city council.

(5) *Cluster developments: approval.*

- (a) No cluster development may be constructed except in accordance with a preliminary subdivision plat approved by the planning and zoning commission under chapter 36, article II, subdivision regulations.
- (b) An approved preliminary subdivision plat for a cluster development shall provide for a total environment better than that which can be achieved under standard regulations. If, in the opinion of the planning and zoning commission, the proposed plan could be improved, with respect to the criteria listed below, by the reasonable modifications of the location of cluster open space or buildings or configurations of lots, streets and parking areas, the proposed plan shall be so modified or denied.
- (c) A permit for a cluster development shall be granted only if evidence is presented which establishes that:
 - 1. The proposed development will be in harmony with the general purposes, goals, objectives and standards of the Springfield Comprehensive Plan, this article and the subdivision regulations;
 - 2. The proposed building or use complies with all applicable regulations of this article except as modified pursuant to the authority of this section;
 - 3. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
 - 4. The proposed cluster development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property, in accordance with the applicable district regulations;
 - 5. The proposed cluster development will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;
 - 6. The proposed cluster development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
 - 7. Individual lots, buildings, streets, and parking areas are designed and situated to minimize alteration of the natural site features to be preserved;
 - 8. The usability of cluster open space intended for recreation or public use is determined by size, shape, topographic and location requirements of the particular purpose proposed for the site;

9. Cluster open space shall include irreplaceable natural features located in the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of a significant size, and rock outcroppings);
10. Cluster open space intended for a recreation or public use is easily accessible to pedestrians, which accessibility shall meet the needs of the handicapped and elderly;
11. Diversity and originality in lot layout and individual building design is encouraged to achieve the best possible relationship between development and the land; and
12. Individual lots, buildings, and units are arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen the land area devoted to motor vehicle access.

(Zoning Ord., § 3-3100; G.O. 6467, § 1(Exh. A), 7-16-18)

Sec. 36-362. Zero-lot-line construction.

(1) *Purpose.* The purpose of zero-lot-line construction is to permit a procedure for development which will result in improved living and working environments; which will promote more economic subdivision layout; which will encourage a variety of types of residential dwellings; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open space to serve recreational, scenic and public service purposes and other purposes related thereto, within the densities established by the zoning district in which zero-lot-line construction is permitted.

(2) *Zero side yard.* The side yard setback in any residential district may be zero on one side of the lot provided that:

- (a) The lot adjacent to that side yard is also owned by the applicant or proof of consent is provided from the adjacent lot owner at the time of initial construction and the minimum side yard setback for such adjacent lot is either zero or not less than ten feet;
- (b) The adjacent side yard setback is perpetually maintained free and clear of any obstructions other than a three-foot eave encroachment, normal landscaping, patios, garden walls or fences unless it is a zero side yard;
- (c) The wall located at the zero side yard setback is constructed with easily maintained, solid material without windows;
- (d) No portion of the dwelling or architectural features project over any property lines; and
- (e) The zero side yard is not adjacent to a public or private street or alley right-of-way.

(3) *Zero rear yard.* The rear yard setback in any residential district may be zero provided that:

- (a) The lot adjacent to that rear yard is also owned by the applicant or proof of consent is provided from the adjacent lot owner at the time of initial construction and the minimum rear yard setback satisfies the rear yard setback requirements of the zoning district, however in no case shall the minimum rear yard be less than ten feet unless it is zero;
- (b) The adjacent rear yard setback is perpetually maintained free and clear of any obstructions other than a three-foot eave encroachment, swimming pools, normal landscaping, patios, garden walls or fences unless it is a zero rear yard;
- (c) The wall located at the zero rear yard setback is constructed with easily maintained, solid material without windows;
- (d) No portion of the dwelling or architectural features project over any property lines; and
- (e) The zero rear yard is not adjacent to a public or private street or alley right-of-way.

(4) *Location of zero yards.*

- (a) In the R-SF, R-TH, R-MHC, and R-LD residential districts, no lot may have both a zero side yard and a zero rear yard.
- (b) In the R-MD and R-HD residential districts, a lot may have both a zero side yard and a zero rear yard.

(5) *Recording maintenance and use easements.* Appropriate maintenance and use easements shall be included on the final plat for all affected properties.

(6) *Placement of zero yard wall.* The zero side or rear yard wall shall be placed precisely on the lot (property line) with a perpetual maintenance easement on the adjacent lot.

(7) *Application and review.* Before construction of a zero-lot-line dwelling commences, a major subdivision shall be submitted and approved per the subdivision regulations.

(Zoning Ord., § 3-3200; G.O. 6404, § 1, 11-13-17)

Sec. 36-363. Conditional use permits.

(1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located so as to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to

impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(2) *Authorized conditional uses.* The planning and zoning commission may recommend, and the city council may authorize, the establishment of those conditional uses that are expressly authorized to be permitted as a conditional use in a particular zoning district or in one or more zoning districts. No conditional use shall be authorized unless this article specifically authorizes such conditional use to be granted and unless such grant complies with all of the applicable provisions of this article.

(3) *Contents of application.* An application for a conditional use permit shall be filed with the department of planning and development. The application shall contain the following information as well as such additional information as may be prescribed by rule of the planning and zoning commission or the director of planning and development.

- (a) The applicant's name and address and his legal interest in the subject property.
- (b) The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf.
- (c) The street address (or common description) and a copy of the deed of record or legal description of the property as prepared by and certified by a land surveyor or attorney.
- (d) The zoning classification and present use of the subject property.
- (e) A description of the proposed conditional use.
- (f) The names and addresses of all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield, or attorney at law.
- (g) A site plan, pursuant to section 36-360, site plan review, of this article.
- (h) A statement as to why the proposed conditional use will comply with the applicable standards in subsection (10) [of this section].
- (i) A statement as to how the proposed conditional use is to be designed, arranged and operated in order to ensure that development and use of neighboring property in

accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected.

- (j) An identification of any potentially adverse effects that may be associated with the proposed conditional use, and of the means proposed by the applicant to avoid, minimize or mitigate such effects.

(4) *Hearing on conditional use permit application.* A public hearing on an application for a conditional use permit shall be held and notice thereof given in the manner and form required by section 36-368, publication and posting of notices, of this article. No public hearing on a conditional use permit application shall be held unless the director of planning and development, or his duly designated delegate, has certified to the planning and zoning commission that the application is complete and does not contain or reveal violations of this article or other applicable regulations.

(5) *Conditions and restrictions.* In granting a conditional use, the planning and zoning commission may recommend, and the city council may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to comply with the standards set out in subsection (10) of this article [section] to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the ordinance approving the conditional use permit.

(6) *Decisions and records.* The planning and zoning commission shall, after the public hearing is concluded, transmit to the city council its recommendation containing specific findings of fact on the proposed conditional use without unreasonable delay and in all cases, within 30 days from the close of the hearing. The secretary of the planning and zoning commission shall maintain complete records of all actions of the commission and the city council with respect to applications for conditional use permits.

(7) *Effect of issuance of a permit for a conditional use.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, structural alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals, which may be required by the codes and ordinances of the city, including, but not limited to, a building permit, a certificate of occupancy or subdivision approval.

- (8) *Period of validity.*

- (a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18 months period:
1. A building permit is obtained and the erection or alteration of a structure is started; or

2. An occupancy permit is obtained and the conditional use commenced.

The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.

- (b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.

(9) *Amendments.* Amendments or changes as to the use authorized by the conditional use process must follow the same process as the original conditional use application. Expansions or additions to structures associated with conditional uses may be approved by the director of planning and development without further conditional use authorization under the following circumstances:

- (a) Said proposed expansion is limited to a structural addition to an existing building not to exceed ten percent of the gross building floor area within the existing structure to be expanded.
- (b) Said proposed expansion is limited to one time subsequent to the original conditional use authorization.
- (c) Said proposed expansion is reviewed and approved by the director of planning and development with the determination that such expansion does not violate any of the conditions set forth in the original conditional use authorization, does not require further imposition of new conditions and does not adversely impact surrounding properties.

(10) *Standards.* An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

- (a) With respect to all proposed conditional uses, to the extent applicable:
1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan;
 2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;

3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control;
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage;
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district;

6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed;
7. The location, lighting and type of signs and the relationship of signs to traffic control is appropriate for the site;
8. Such signs will not have an adverse effect on any adjacent properties;
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use;
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare;
11. The proposed conditional use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls and fences on the site; and
 - b. The nature and extent of landscaping and screening on the site.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site;
13. The proposed conditional use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
14. The proposed conditional use otherwise complies with all applicable regulations of this article, including lot size requirements, bulk regulations, use limitations and performance standards;
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public;
16. Off-street parking and loading areas will be provided in accordance with the standards set out in sections 36-455, 36-456, and 36-483 of this article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect;
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;

18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel;
 19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way;
 20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield;
 21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (b) With respect to conditional use permit applications for the uses listed below, the proposed conditional use will, in addition, comply with the restrictions following each use.
1. *Towers exceeding 100 feet in height.*
 - a. *Purpose.* The purpose of these restrictions is to:
 - (i) Minimize the adverse effects of towers on aesthetic and property values through careful design, siting and vegetative screening;
 - (ii) Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
 - (iii) Lessen traffic impacts on local streets;
 - (iv) Maximize use of existing towers to reduce the number of towers needed; and
 - (v) Allow new towers in the center city area, as defined herein, only if a comparable site is not available outside the center city area.
 - b. *Applicability.* In all districts where towers are permitted a principal or accessory uses, a conditional use permit shall be required where:
 - (i) The tower exceeds 100 feet in height; or
 - (ii) the tower is on a building, exceeds 20 feet in height, as measured from the top of the building, and the combined height of the building and tower exceeds 100 feet.
 - c. *Exemptions.* An antenna and tower for the following uses are exempt from these requirements and are permitted uses in any district if accessory to a permitted use and if they comply with the applicable regulations of the district in which situated:
 - (i) Ham radios; and

- (ii) Citizen band radios.
- d. *Approval standards.* All applications for a conditional use permit for a tower shall comply with the following requirements. Site includes all property described by the legal description submitted with the conditional use permit application and may be only part of a larger parcel.
- (i) Structures shall be set back from adjoining residential-zoned property, public property, or streets sufficient to:
- A. Contain on-site substantially all ice-fall or debris from tower failure;
- B. Preserve the privacy of adjoining residential-zoned property. The site is of sufficient size to comply with this standard if:
- i. Accessory structures comply with the setback standards in the zoning district;
- ii. The tower base is set back from adjoining residential-zoned property, public property or a street by a distance equal to 50 percent of the height of the tower up to 100 feet, plus one foot for each foot over 100 feet in height, unless the tower is designed for collocation of at least two additional carriers in which case the setbacks for structures in the zoning district where the tower is located shall be complied with, or the distance between the tower base and guy wire anchors, whichever is greater;
- iii. The tower is set back from adjoining land in other districts by the rear yard setback required in the adjoining district;
- iv. Guy wire anchors are set back at least 25 feet from an adjoining residential-zoned property, public property or a street; and
- v. Guy wire anchors are set back at least the rear yard setback from adjoining land in other districts.
- C. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.
- (ii) The tower shall be set back from other on- and off-site towers and supporting structures far enough so one tower will not strike another tower or support structure if a tower or support structure fails.
- (iii) The tower shall have the least practicable adverse visual effect on the environment. A tower complies with this standard if it has a galvanized finish, is painted silver, or, if constructed of aluminum remains unfinished and is not artificially lighted, unless state or federal regulations require certain painting or lighting standards. If there is an existing building or proposed building on the site of the

proposed tower, every attempt shall be made to place the tower so that the building is located between the tower and the adjoining street or to incorporate the tower in the design of the building to reduce the visual impact of the tower. If more than one street adjoins the proposed site, the building should be sited between the tower and the street with the highest functional street classification as designated by the major thoroughfare plan. If two or more streets have the same functional street classification, the building should be sited between the tower and the street with the highest current traffic volumes.

- (iv) Existing on-site trees and shrubs shall be preserved to the maximum extent practicable.
- (v) Where the tower base or related facilities are located within 300 feet of residential-zoned property, public property or a street without an intervening building, the tower base and related facilities shall be landscaped as follows:
 - A. For all towers:
 - i. At least one row of evergreen shrubs spaced not more than five feet apart and capable of forming a continuous hedge at least five feet in height within two years of planting shall be located within 20 feet of the tower base and related facilities to provide a screen from residential-zoned property, public property or a street.
 - ii. At least one row of evergreen trees or shrubs, at least four feet high when planted and spaced not more than 15 feet apart shall be located within at least 50 feet of the tower base and related facilities.
 - B. For a tower greater than 200 feet tall, at least one row of deciduous trees, not less than one and one-half inches diameter measured three feet above grade, and spaced not more than 20 feet apart and located within 75 feet of the tower base and related facilities.
 - C. Vegetation, topography, walls, fences and features other than those required above may be used or the plantings required above may be located elsewhere on the site or the larger parcel of which the site is a part if the city council finds they:
 - i. Achieve about the same degree of or greater screening as the plantings required above;
 - ii. Affect the stability, security, or maintenance of guy wires;
 - iii. Are needed for surveillance and security of structures; or
 - iv. Are used for continued operation of a forest or agricultural uses.

- D. If city council finds the planting requirement specified above would serve no useful purpose, the requirement may be waived provided the applicant pays a fee-in-lieu equal to the developer's cost for purchasing and installing similar plantings. Such fee shall be paid in cash or cashier's check and shall be used to purchase and install plantings in public rights-of-way, parks, and schools as identified in the city's capital improvement program.
- E. All plant material shall be tended and maintained in a healthy growing condition and replaced when diseased, irreparably damaged, or dead. The buffer yard required above shall be planted in lawn unless ground cover is already established and shall be kept neat, clean and free from litter, debris, and noxious weeds.
- (vi) Traffic associated with the facility shall not adversely affect adjoining streets. Vehicular access shall be limited to a major street if the site adjoins both a major and local street.
- (vii) At least two off-street parking spaces and one additional space for each two on-site personnel shall be provided unless more than 30 spaces already exist on the same premises and use of such spaces for tower personnel is available and authorized by the owner of the premises. Parking shall be screened in accordance with section 36-480, screening and fencing.
- (viii) A tower shall be sited outside of Central Springfield unless it is demonstrated:
Sites outside the center city will not accommodate the proposed tower, considering size, topography and physical features; or
The proposed equipment or its equivalent on a tower outside the center city cannot function effectively or at least in parity with other similar equipment in place or approved by the Springfield City Council.
For the purposes of these restrictions, the Central Springfield is defined as the area of Springfield containing the central business district and most of the historically and architecturally significant resources of the city, specifically defined by the south boundary of the railroad right-of-way north of Commercial Street on the north, Glenstone Avenue on the east, Grand Street on the south and Kansas Expressway on the west.
Planned equipment will cause RF interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost.

- e. *Application contents.* An application for approval of a new transmission tower shall include:
 - (i) A site plan drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; and uses, structures, and land-use designations on the site and adjoining parcels;
 - (ii) A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features; and
 - (iii) Evidence that the planned transmission facilities cannot be accommodated on an existing or approved tower and that the planned tower cannot be accommodated on an existing or approved tower site. The city council may consider expert testimony to determine whether other towers or sites could accommodate the planned facilities and whether fees and costs associated with the use of an existing or planned tower or site are reasonable.
 - f. *Conflict with FCC or FAA regulations.* In the event there is a conflict between these regulations and Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations, the FCC or FAA regulations shall govern.
2. *Bed and breakfasts.*
 - a. *Purpose.* The purpose of these requirements is to minimize any possible adverse effects of a bed and breakfast on the surrounding neighborhood while providing opportunities to make better use of existing housing, particularly larger, older houses located on major streets.
 - b. *Approval standards.* All applications for a conditional use permit for bed and breakfasts shall comply with the following requirements.
 - (i) The use shall front on a primary arterial street, if the property is zoned R-SF, or on a collector street, if the property is zoned another zoning district, or a street with a higher functional classification as designated by the major thoroughfare plan.
 - (ii) There shall be a maximum of five guest rooms in the bed and breakfast.
 - (iii) The bed and breakfast shall be located in an existing structure, i.e. additions shall not be built to provide bed and breakfast rooms nor shall a new structure be built expressly for a bed and breakfast.
 - (iv) No exterior alterations that would change the single-family character of the bed and breakfast, other than those necessary to ensure the safety of the structure, shall be made.
 - (v) No residential structure shall be removed for parking or to expand the bed and breakfast.

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- (vi) Only short-term lodging shall be permitted, no monthly rentals.
- (vii) There shall be no individual cooking facilities.

- (viii) The facilities shall not be rented for receptions, parties, weddings or similar activities unless potential negative impacts, including, but not limited to, traffic, parking, and noise, have been addressed and the activity is specifically permitted in the use permit.
- (ix) One additional paved parking space per guest room shall be provided in the rear yard. Parking shall be screened in accordance with section 36-480, screening and fencing.
- (x) The operator shall live at the bed and breakfast.
- (xi) Only resident guests shall be served meals.
- (xii) Only one non-illuminated sign no larger than 25 square feet shall be permitted.
- (xiii) A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
- (xiv) No bed and breakfast shall be located within 500 feet of another bed and breakfast as measured along continuous public street rights-of-way from all streets abutting the bed and breakfast property, nor shall a bed and breakfast be located on property that abuts property on which another bed and breakfast is located.

3. *Jails, prisons, and detention facilities.*

- a. *Purpose.* The purpose of these regulations is to:
 - (i) Disperse such facilities in order to avoid concentration of uses that can have a negative effect on adjoining property values;
 - (ii) Avoid locating such facilities in close proximity to incompatible land uses; and
 - (iii) Ensure that such facilities are operated in a responsible manner.
- b. *Approval standards.* All applications for a conditional use permit for a jail, prison or detention facility shall comply with the following requirements.
 - (i) The facility shall not be located within a 2,000-foot radius, as measured from property lines, of another jail, prison or detention facility, or community corrections facility. However, a jail and a community corrections facility may locate within 2,000 feet of each other if they are located on the same property as each other, and owned and operated by the same person or entity.
 - (ii) The facility shall not be located within 750 feet, as measured from property lines, of an elementary or secondary school, park or residential district.
 - (iii) The facility shall be approved by the State of Missouri or other appropriate governmental agency.

4. *Adaptive use of nonresidential structures in residential districts.*
 - a. *Purpose.* The purpose of these regulations is to allow for the use of structures, originally constructed for nonresidential uses and currently located in residential districts, for selected nonresidential, multiple unit residential and mixed nonresidential and residential uses provided the review by the planning and zoning commission and city council determines the proposed use would not have significant adverse impacts on the surrounding neighborhood. The regulations provide opportunities to make productive use of nonresidential structures that could otherwise be a blight on the neighborhood if left vacant and are not maintained.
 - b. *Permitted uses.* The following uses may be permitted by a conditional use permit; however, a conditional use permit shall only be approved for the specific use requested in the application. A change to a use not specifically listed in the conditional use permit shall require a new application and review.
 - (i) Beauty parlors and barber shops.
 - (ii) Day care centers, in accordance with chapter 36, article XI, Springfield City Code.
 - (iii) Dry cleaning and laundry pick-ups.
 - (iv) Elementary and secondary schools and schools or development centers for persons with handicaps or development disabilities.
 - (v) Hearing aid and eye glass shops.
 - (vi) Museums, art galleries and libraries.
 - (vii) Pet grooming with sales of pet grooming products allowed as an accessory use (the following are not accessory to this use and are prohibited: overnight pet stays, the sale of breeding of pets, kennels, veterinarian services and outside activities).
 - (viii) Professional and business offices.
 - (ix) Residential uses including multiple units, as part of a mixed use development or as a stand-alone use.
 - (x) Retail establishments for the following uses: bakery, books, candy, flowers, gifts, and hobby materials.
 - (xi) Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
 - (xii) Shoe repair.
 - c. *Approval standards.* All applications for a use permit for the uses listed above shall comply with the following requirements:
 - (i) Hours during which the establishment is open to the public shall be limited to a daily period extending from 7:00 a.m. to 6:00 p.m. unless

specifically modified by the conditional use permit. The applicant shall demonstrate that additional hours are necessary and will not have an adverse impact on adjoining properties.

- (ii) Signage shall be limited to one free-standing sign with a maximum sign area of 20 square feet and wall signs with a maximum sign area of ten percent of the facade. Wall signs shall only be located on facades with street frontage. Signs shall not be internally lit or externally illuminated by any means unless specifically modified by the conditional use permit. The applicant shall demonstrate that lighting of signs is necessary and will not have an adverse impact on adjoining properties or those using the public rights-of-way.
 - (iii) Expansions not to exceed 20 percent of the existing floor area of the structure or 1,000 square feet, whichever is less, may be approved at the time the conditional use permit is granted.
 - (iv) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - A. The functional classification of the street on which the site is located;
 - B. The surrounding residential densities;
 - C. The location, nature, and height of buildings, structures, walls and fences on site;
 - D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - E. The nature and extent of landscaping and screening on the site.
- d. *Damage or destruction.* In the event that the principal building or structure on the property is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located and the property shall not continue to be used for the uses permitted by the provisions of this section.

5. *Overnight and transitional service shelters and soup kitchens.*

- a. *Purpose.* The purpose of these regulations is to:
 - (i) Provide opportunities for operation of overnight and transitional service shelters and soup kitchens while dispersing such facilities in order to avoid concentration of uses that can have a negative effect on

- adjoining property values and uses and to avoid stigma to the clients of such facilities based on a perception of any particular location of the city;
- (ii) Avoid locating such facilities in close proximity to incompatible or hazardous land uses; and
 - (iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.
- b. *Approval standards.* All applications for a conditional use permit for overnight and transitional service shelters and soup kitchens shall describe the type of service intended to be delivered at that location and comply with the following requirements.
- (i) The use shall front on a primary or secondary arterial street, if the property is zoned restricted industrial (RI), light industrial (LI), general manufacturing (GM), or heavy manufacturing (HM), or on a collector street or a street with a higher functional classification as designated by the major thoroughfare plan in any other district where permitted.
 - (ii) There shall be a maximum occupancy of 50 beds for overnight shelters in all districts.
 - (iii) Only residents of the shelter shall be served meals unless a soup kitchen is specifically approved as an activity at the time of the application for a use permit.
 - (iv) A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
 - (v) No overnight shelter or soup kitchen shall be located within 2,000 feet of another overnight shelter, soup kitchen, substance abuse treatment facility, or community corrections facility, or 2,000 feet from any transitional service shelter as measured from property lines.
 - (vi) No transitional service shelter shall be located within 2,000 feet of transitional service shelters, overnight shelters, or soup kitchens, substance abuse treatment facilities, or community corrections facilities as measured from property lines.
 - (vii) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - A. The functional classification of the street on which the site is located; and

- B. The surrounding residential districts; and
 - C. The location, nature and height of buildings, structures, walls and fences on site; and
 - D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - E. The nature and extent of landscaping and screening on the site; and
 - F. The number of visitor trips anticipated each day to the site for services other than lodging, or lodging and meals for clients of the shelter; and
 - G. The number of meals that will be served at a soup kitchen.
- (viii) At least one off-street parking space for every three beds a shelter is to be licensed or approved for or for every three seats a soup kitchen is authorized for the serving of meals except in those districts where there is no parking requirement.
 - (ix) That adjacent uses do not involve the manufacture, storage, or use of explosive compounds or combustibles which will pose a threat of bodily harm to the clients and visitors of the shelter or soup kitchen.
 - (x) Any structure is set back from adjoining land in other districts by the rear yard setback required in the adjoining district.
 - (xi) Existing on-site trees and shrubs shall be preserved to the maximum extent possible.
 - (xii) There will be no outside storage of equipment or materials or outdoor operations except as specifically authorized by the conditional use permit.
 - (xiii) In no event shall a certificate of occupancy be issued for an overnight shelter, transitional service shelter or soup kitchen herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.
6. *Community corrections facilities.*
- a. *Purpose.* The purpose of these regulations is to:
 - (i) Provide opportunities for the operation of community corrections facilities while dispersing such facilities in order to avoid concentration of uses that can have a negative effect on adjoining property values and uses;
 - (ii) Avoid locating such facilities in close proximity to residential, school, museum and library uses;
 - (iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.

- b. *Approval standards.* All applications for a conditional use permit for community corrections facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:
- (i) There shall be a maximum occupancy of 65 beds for all corrections facilities.
 - (ii) A business license shall be obtained annually and the owner shall verify that the conditions of the conditional use permit are still being met.
 - (iii) No community corrections facility shall be located within 2,000 feet of any other community corrections facility or any jails, prisons or detention facilities, emergency shelters, soup kitchens or substance abuse treatment facility as measured from property lines. However, a jail and a community corrections facility may locate within 2,000 feet of each other if they are located on the same property as each other, and owned and operated by the same person or entity.
 - (iv) No community corrections facility may be located in such close proximity to a legal residential use so as to adversely impact the residential use taking place. As a condition of the use permit, city council may require a buffer yard and/or screening to minimize the impact.
 - (v) No community corrections facility may be located within 750 feet of any elementary or secondary school, library, museum, or any residential zoning district.
 - (vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - A. The functional classification of the street on which the site is located; and
 - B. The surrounding residential districts and uses; and
 - C. The location, nature and height of buildings, structures, walls and fences on site; and
 - D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - E. The nature and extent of landscaping and screening on the site; and
 - F. The number of visitor trips anticipated each day to the site by visitors, staff and residents; and
 - (vii) Any structure shall be set back from adjoining land in other districts by the rear yard setback required in the adjoining district.

- (viii) Existing on-site trees and shrubs shall be preserved to the maximum extent possible.
- (ix) There will be no outside storage of equipment or materials or outdoor operations except as specifically authorized by the conditional use permit.

7. *Medical marijuana facilities.*

- a. *Purpose.* The purpose of these regulations is to:
 - (i) Permit legal sale of medical marijuana as set forth therein and provide detailed obligations for establishing rules and regulations for the manufacture, processing, infusing and sale, including tracking, testing, security and background checks;
 - (ii) Avoid locating such facilities in close proximity to elementary and secondary schools, churches and child day care center uses;
 - (iii) Ensure that such facilities are operated in a responsible manner for the needs of the clients and surrounding land uses by minimizing any possible adverse effects on the surrounding neighborhood.
- b. *Approval standards.* All applications for a conditional use permit for medical marijuana facilities shall describe the type of service intended to be delivered at that location and comply with the following requirements:
 - (i) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within 1,000 feet of any then-existing elementary or secondary school, child day care center, or church.
 - A. In the case of a freestanding facility, the distance between the facility and the school, child day care center, or church shall be measured from the external wall of the facility structure closest in proximity to the school, child day care center, or church to the closest point of the property line of the school, child day care center, or church.
 - B. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and school, child day care center or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.
 - C. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
 - D. For purposes of this subsection, a "child day care center" means a child-care facility, as defined by Section 210.201 RSMo., that is licensed by the State of Missouri.

- E. For purposes of this subsection, a "church" means a permanent building regularly used as a place or religious worship.
 - F. For purposes of this subsection, an "elementary or secondary school" means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the 12th grade, but does not include any private school in which education is primarily conducted in private homes.
- (ii) A business license shall be obtained annually, and the owner shall verify that the conditions of the conditional use permit are still being met.
 - (iii) The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
 - (iv) No medical marijuana facilities shall be located in a building that contains a residence.
 - (v) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of the City Code.
 - (vi) The proposed conditional use shall not be operated so as to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed use will dominate the immediate neighborhood, consideration shall be given to:
 - A. The functional classification of the street on which the site is located; and
 - B. The surrounding residential districts and uses; and
 - C. The location, nature and height of buildings, structures, walls and fences on site; and
 - D. The amount of parking needed for the proposed use and the amount of parking provided on site; and
 - E. The nature and extent of landscaping and screening on the site; and
 - F. The number of trips anticipated each day to the site.
 - (vii) No marijuana may be smoked, ingested, or otherwise consumer on the premises of a medical marijuana establishment.

- (viii) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- (ix) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

(Zoning Ord., § 3-3300; G.O. 4759, 11-10-97; G.O. 4763, 12-15-97; G.O. 4792, 4-13-98; G.O. 4829, 9-8-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5343, 1-12-04; G.O. 5425, 11-15-04; G.O. 5813, 4-6-09; G.O. 5865, 3-8-10; G.O. 6058, 6-17-13; G.O. 6283, 6-13-16; G.O. 6528, § 1, 5-20-19)

Sec. 36-364. Appeals.

- (1) (a) *Appeals from administrative ruling.* The board of adjustment shall be empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article. In this capacity, the board exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the article means and how the article applies to a particular fact situation.
- (b) *Application for appeal.* The application shall contain the following information and such additional information as the board of adjustment may, by rule, require:
 1. The order, requirement, decision, or determination from the administrative official which is allegedly in error.
 2. The name of the administrative official making the order, requirement, decision, or determination being appealed, and the date the order, requirement, decision, or determination was made.
 3. A description of why the order, requirement, decision, or determination made by the administrative official is in error.
 4. The names and addresses of all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law.
- (2) *Extent of the board's appeal powers.* In exercising the authority herein granted, the board may, in conformity with the provisions of this article, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as the board deems appropriate and to that end shall have all powers of the administrative official from whom the appeal is taken.
- (3) *When appeals may be taken.* Appeals to the board of adjustment may be taken by any person aggrieved or by an officer, department, board, or agency of the City of Springfield affected by a decision of an administrative officer. Appeals shall be taken within 30 days after the decision has been rendered by an administrative officer, by filing with the officer

from whom the appeal is taken and with the secretary of the board of adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall forthwith forward to the secretary of the board all the papers constituting the record upon which the action appealed from was taken.

(4) *Burden on applicant.* The applicant for an appeal shall bear the burden of producing evidence establishing the grounds of the appeal.

(5) *When appeals to stay proceedings.* A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed with him that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a proper court order.

(6) *Hearing on appeals.* Notice of appeals shall be submitted not less than 28 days prior to a regularly scheduled board meeting. The appellant shall be notified in writing by registered mail of the date, time, and place of the hearing.

(7) *Decision on appeal.* Within 30 days after the hearing on an appeal, the board of adjustment shall file with the director of planning and development its findings of fact and conclusions with respect to the appeal. The director of planning and development shall send by first-class mail a copy of the decision to the appellant and upon each other person who requests in writing to be notified. Where the board has determined there was an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article, the director of planning and development shall also refund the appeal application fee to the appellant.

(8) *Appeal from decision of board of adjustment.* Appeals from decisions of the board of adjustment may be taken in the manner provided by statute.

(Zoning Ord., § 3-3400; G.O. 5127, 10-29-01; G.O. 5813, 4-6-09)

Sec. 36-365. Variances.

(1) *Jurisdiction and authority.* The board of adjustment shall exercise the jurisdiction and authority to vary the strict or literal terms of this article in accordance with the procedures, standards, and limitations contained in this section and section 36-351, board of adjustment. A variance is the remedy created by this power and is part of the board's appellate jurisdiction. It is a discretionary privilege which is granted because strict and literal enforcement of the provisions of this article would, due to special conditions peculiar to a particular property, result in unusual difficulty or hardship.

(2) *Authorized variance.* Variances from the regulations and restrictions contained in this article may be granted by the board of adjustment in the following instances.

- (a) A variance of the applicable bulk regulations for buildings and structures, including maximum height, required yard areas, and other required open space.

- (b) A variance of the applicable minimum requirements for lot size, width and depth and setbacks from lot lines.
- (c) A variance of the applicable off-street parking and off-street loading requirements and ratios.
- (d) A variance of the applicable spacing and open space requirements.
- (e) A variance of the design requirements of this article.
- (f) A variance of the buffer area requirements.
- (g) A variance to permit the reconstruction of a nonconforming building which has been destroyed or damaged by fire or other casualty, or act of God or the public enemy, to the extent that the cost of restoration of the building to its condition prior to the destruction or damage does not exceed 75 percent of completely reconstructing the building.

(3) *Standards for variances.* The board of adjustment shall not vary the regulations of this article as authorized above unless and until it shall make written findings based upon the particular evidence presented to it in each specific case that:

- (a) The particular physical surroundings, shape, or topographical condition of the specific property involved would result in an unnecessary hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out; and
- (b) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same zoning classification; and
- (c) The purpose of the variance is not based exclusively upon a desire to enhance the value of the property, or increase the return or income therefrom; and
- (d) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located; and
- (e) The alleged hardship has not been created by any person presently having an interest in the property; and
- (f) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof; and
- (g) The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety; and
- (h) The variance, if granted, will not alter the essential character of the neighborhood; and
- (i) The variance requested is consistent with the purposes and intent of this article and the Springfield Comprehensive Plan.

(4) *Use variances not authorized.* The board of adjustment shall not be empowered to vary any of the provisions of this article relating to the use of land, buildings, or structures.

(5) *Burden on applicant.* The applicant for a variance shall bear the burden of producing evidence establishing that the requested variance satisfies the standards set out in subsection (3).

(6) *Application for variance.* An application for a variance may be filed by the owner, including a trustee, of the subject property or by a person having a contractual or possessory interest in the property. Any application filed by a person who is not the owner of the property for which the variance is sought shall be accompanied by evidence of the consent of and authority to act for the owner. The application shall contain the following information and such additional information as the board of adjustment may, by rule, require.

- (a) The particular provisions or requirements of this article which prevent the proposed construction on, or use of, the property.
- (b) The existing district classification of the property.
- (c) The special conditions, circumstances, or characteristics of the land, building, or structure that prevent compliance with the requirements of this article.
- (d) The particular hardship which would result if the specified provisions or requirements were to be applied to the subject property.
- (e) The extent to which it would be necessary to vary the requirements of this article in order to permit the proposed construction on, or use of, the property.
- (f) An explanation of how the requested variance conforms to each of the standards set out in subsection (3).
- (g) The names and addresses of all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law.
- (h) A site plan conforming to the requirements of section 36-360, site plan review, of this article.

(7) *Notice of hearing on variance application.* Variance applications shall be submitted not less than 28 days prior to a regularly scheduled board meeting. Upon certification by the director of planning and development that an application for a variance is complete, the director of planning and development shall notify the board of adjustment which shall hold a public hearing thereon at their next regularly scheduled meeting, after giving the notice required by section 36-368, publication and posting of notices.

(8) *Extent of variance limited.* The board, in exercising its authority to grant variances from this article, shall be empowered to vary the provisions of this article only to the extent necessary to relieve or alleviate the demonstrated hardship.

(9) *Conditions and restrictions.* The board of adjustment may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards set out in this article to reduce, minimize, or mitigate the effect of such variance upon other property in the neighborhood, and better to carry out the general intent of the article. Failure to comply with any such conditions and restrictions shall constitute a violation of this article.

(10) *Decision on variance.* Within 30 days after the public hearing on a request for a variance, the board of adjustment shall file its written decision on the requested variance, supported by findings of fact and conclusions and list of sections varied with respect to the standards in subsection (3), with the director of planning and development. The director of planning and development shall mail, by first-class mail, a copy of the decision to the applicant and upon each other person who requests in writing to be notified, and he shall also record the board's order in the land records of the county recorder of deeds.

(11) *Duration of variance.*

- (a) No order of the board of adjustment granting a variance shall be valid for a period of longer than one year from the date of such order unless the action that precipitated the request for the variance (subdivision of land, construction, change in use, etc.) is commenced within such period and pursued to completion without unnecessary delay on the part of the person holding the title or beneficial interest in the property for which the variance was granted.
- (b) After conducting a public hearing with the notice required by section 36-368, publication and posting of notices, the board of adjustment may vacate a previous order of the board granting a variance to be null and void if the board finds the conditions that created the need for a variance cease to exist and any actions permitted by the granting of the variance have not commenced.

(Zoning Ord., § 3-3500; G.O. 5127, 10-29-01; G.O. 5813, 4-6-09; G.O. 6467, § 1(Exh. A), 7-16-18)

Sec. 36-366. Special exceptions.

(1) *Jurisdiction and authority.* The board of adjustment shall have jurisdiction and authority to grant special exceptions from the terms of this article in the following instances:

- (a) *Off-street parking.* The board of adjustment may grant a special exception from the minimum off-street parking requirements if it can be shown that, due to unique circumstances, a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any special exception granted by the board of adjustment shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The board of adjustment may place conditions upon the granting of a special exception, and may require that the parking area not required upon the granting of the special exception be landscaped.

- (b) *Off-street church parking not located with church building.* The board of adjustment may grant a special exception to allow the use of property in any district for off-street parking of passenger cars for a church, provided the following conditions are met.
1. The property is owned by the church for which the parking is to be provided.
 2. The setback requirements of the district shall be met.
 3. The parking area shall not extend a distance greater than 500 feet from the lot upon which the church is located.
 4. Lighting shall be designed to reflect away from any adjacent residential areas and in accordance with section 36-484, lighting standards.
 5. The parking lot layout and drainage has been approved by the public works department.
 6. The parking area is to be paved with asphaltic or cement concrete and to be provided with a six-inch high curb to prevent vehicular encroachment into required yard areas.
 7. The parking area meets the requirements for bufferyards and landscaping in section 36-482, landscaping and bufferyards.
- (c) *Fences, walls and hedges in front yards.* In any multifamily or nonresidential zoning district, the board of adjustment may grant a special exception to permit a fence, wall, or hedge in a required front yard in excess of the height prescribed in subsection 36-453(6)(a)2 provided the following conditions are met:
1. The proposed fence, wall, or hedge, in no event, exceeds a height of seven feet.
 2. The proposed fence, wall or hedge either satisfies the requirements in subsection 36-453(6)(a)2 regarding open voids; or that the proposed fence, wall or hedge complies with the following:
 - a. It screens a parking lot.
 - b. The open voids are not needed for safety.
 - c. If the fence adjoins an R-SF, R-TH or R-MHC tract, then no part of the fence would be placed within a triangular area determined by measuring 25 feet from the right-of-way line down the side property line of the two tracts, and 100 feet along the right-of-way line of the subject tract, and by a diagonal connecting the outermost points of the two lines.
 3. The proposed fence, wall or hedge otherwise satisfies the requirements of subsection 36-453(6)(b) regarding sight triangles at intersecting streets and driveways intersecting public streets. In particular, no fence, structure, or plant shall be erected or allowed to grow above a point two feet above the lowest grade of two or more intersecting streets and/or driveways shall be permitted within the area of a triangle measuring 30 feet along the pavement edge of the intersecting streets or driveways.

4. The proposed fence, wall, or hedge shall not be located in the required right-of-way of the adjoining street based on the classification of the street (subsection 36-303(17)).
 5. The proposed fence is compatible with the general area and with adjoining properties. In particular, the fence shall not unduly obstruct views along the street to the detriment of the overall streetscape and shall not deviate substantially from the front yard treatment common to the street and for similar properties in the vicinity.
- (d) *Nonconforming use change.*
1. The board of adjustment may grant a special exception to allow a nonconforming use to be changed to any other use permitted in the zoning district in which the nonconforming use is allowed provided the proposed use is not more intense than the existing use in terms of activity, traffic generation, and other impacts on surrounding property.
 2. When a nonconforming use has been changed to any conforming use allowed by the district in which the property is located, it shall not thereafter be changed back to a nonconforming use.
- (e) *Height of accessory structures.* The board of adjustment may grant a special exception to allow an accessory structure in any district to exceed the height requirements for accessory structures provided all of the following conditions are met:
1. The proposed accessory structure shall not be within the front yard.
 2. The proposed accessory structure shall be setback as required by subsection 36-450(5), unless a greater setback is required by subsection 36-482(11). The board of adjustment may establish a greater setback to reduce any potential impacts on adjoining properties.
 3. The height and design of the proposed accessory structure shall be consistent with the height and design of the primary structure on the lot.
 4. The height and design of the proposed accessory structure shall be consistent with the character of the neighborhood.
 5. The proposed accessory structure otherwise conforms to all other applicable requirements of this article including section 36-450, accessory uses and structures.
- The board of adjustment may place conditions upon the granting of a special exception, and may require that a bufferyard be provided adjacent to any adjoining properties zoned residential.
- (f) *Setback of accessory structures.* The board of adjustment may grant a special exception to allow an accessory structure in any district to encroach on the setback requirements in either paragraph 1 or 2 as follows:
1. The proposed accessory structure shall replace an existing accessory structure that encroaches on the setback requirements provided that the proposed struc-

ture shall not be located closer to the property line than the existing accessory structure that it is intended to replace. For purposes of this paragraph (f), an existing foundation shall not be considered an existing building or structure.

2. In residential districts, accessory structures are permitted on the property line without an accessory structure on the abutting property located on the common property line, as permitted by subsection 36-450(5)(a)1., provided the owner of the property abutting the zero-lot line accessory structure dedicates a three-foot wide perpetual maintenance easement with that easement on the adjacent yard maintained free and clear of any obstructions.

The proposed accessory structure shall meet all other requirements of the applicable zoning district and a special exception shall not be approved pursuant to paragraph (e), above.

The board of adjustment may place conditions upon the granting of a special exception, and may require that a bufferyard be provided adjacent to any adjoining properties zoned residential.

(2) *Application for special exception.* An application for a special exception may be filed by the owner of the subject property. Any special exception filed by a person who is not the owner of the property for which the special exception is sought shall be accompanied by evidence of the consent of and authority to act for the owner. The application shall contain the following information and such additional information as the board of adjustment may, by rule, require.

- (a) The particular provisions or requirements of this article under which the special exception is being requested.
- (b) The existing district classification of the property.
- (c) The names and addresses of all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law.
- (d) A site plan conforming to the requirements of section 36-360, site plan review, of this article.

(3) *Burden on applicant.* The applicant for a special exception shall bear the burden of producing evidence establishing that the special exception satisfies the specific standards.

(4) *Notice of hearing on special exception.* Special exception applications shall be submitted not less than 28 days prior to a regularly scheduled board meeting. Upon certification by the director of planning and development that an application for a special exception is complete, the director of planning and development shall notify the board of adjustment which shall hold a public hearing thereon at their next regularly scheduled meeting, after giving the notice required by section 36-368, publication and posting of notices.

(5) *Conditions and restrictions.* The board of adjustment may impose such conditions and restrictions upon the premises benefitted by a special exception as may be necessary to comply with the standards set out in this article to reduce, minimize, or mitigate the effect of such special exception upon other property in the neighborhood, and better to carry out the general intent of the article. Failure to comply with any such conditions and restrictions shall constitute a violation of this article.

(6) *Decision on special exception.* Within 30 days after the public hearing on a request for a special exception, the board of adjustment shall file its written decision on the requested special exception, supported by findings of fact and conclusions with respect to the standards in section 36-366, special exceptions, with the director of planning and development. The director of planning and development shall mail, by first-class mail, a copy of the decision to the applicant and upon each other person who requests in writing to be notified, and he shall also record the board's order in the land records of the county recorder of deeds.

(7) *Duration of special exception.* No order of the board of adjustment granting a special exception shall be valid for a period of longer than one year from the date of such order unless special exception construction, change in use, etc. is commenced within such period and pursued to completion without unnecessary delay on the part of the person holding the title or beneficial interest in the property for which the special exception was granted.

(Zoning Ord., § 3-3600; G.O. 5127, 10-29-01; G.O. 5533, 4-6-06; G.O. 5813, 4-6-09; G.O. 5842, 11-9-09)

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 the city council elects to refer a matter back to the planning and zoning commission for further review.

(2) *Initiation of amendment.* Amendments may be proposed by the council, the planning and zoning commission, or by a person owning or having an interest in property in the City of Springfield. If the council initiates an amendment, its proposal shall be transmitted to the planning and zoning commission for the commission's report and recommendation.

(3) *Application for amendment.* Any person owning or having an interest in property or the planning and zoning commission may file an application for a text amendment or a change in zoning district classification with the secretary of the planning and zoning commission upon such forms as the commission may specify by rule. The application for amendment shall contain the following information depending on the type of application:

- (a) For changes in the zoning district classification (rezoning):
 1. Applicant's name and address and his interest in the subject property.
 2. The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf.
 3. The street address (or common description).
 4. Boundary description of the property to be rezoned, and supporting documents as follows:
 - a. If rezoning a complete existing lot(s) in a recorded subdivision, provide a copy of the platted subdivision indicating the lot(s) to be rezoned; or
 - b. In all other cases, a sketch created or approved by a professional land surveyor shall be submitted. The sketch need not be a boundary survey and may include a note to the surveyor's satisfaction stating that it: Is not to be considered a boundary survey; is intentionally not in compliance with Missouri Standards; and should not be used to determine land boundaries on the ground. The sketch should graphically represent the boundary in relation to the criteria described below:
 - (i) If in a subdivisions, the sketch shall show, at a minimum, the name of the subdivision, the lots and portions of lots involved, the book and page of the current deed of record, the description of the area to be rezoned, the name of adjacent streets and alleys, north arrow, and proposed zoning change.
 - (ii) If the property is unplatte, it shall show, at a minimum, the smallest aliquot part encompassing the parcel (typically, quarter section or quarter-quarter section or smaller), section Township and Range, the book and page of the current deed of record, the description of the area to be rezoned, the name(s) of adjacent streets and alleys, north arrow, and proposed zoning change.
 - c. When providing sketches as specified in subsection 4.b(i) and (ii), above, the professional land surveyor shall also submit a letter stating the following:

"I have reviewed the attached description and sketch provided for rezoning. In my professional opinion, the description property represents the boundary of the area to be rezoned and the sketch substantially conforms to the description."

5. The zoning classification and present use of the subject property.
 6. A description of the proposed use if any.
 7. The names and addresses, provided on legal-size envelopes and on a list, for all owners of real property, as shown on the records of the county assessor, adjacent or, or within 185 feet of the subject property. (The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law). These names shall be used for a letter as well as other mailings.
 8. A traffic impact analysis, prepared to standards as established by the director of public works.
 9. Such additional other information as the commission may, by rule, require.
- (b) For text amendments:
1. The name and address of the applicant.
 2. The section of the text of the ordinance proposed to be amended.
 3. The wording of the proposed amendment.
 4. An identification of any property owned, controlled, or occupied by the applicant that would be benefitted by the proposed amendment.
 5. An explanation of the extent to which other properties in the city that are subject to the regulations proposed to be amended would be affected by the proposed amendment.
- (4) *Procedure.* Applications for any change of district boundaries or classifications of property as shown on the zoning map, and for amendments to the text of this article, shall be submitted to the secretary of the planning and zoning commission. Each such application shall be verified by the applicant attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments initiated by the planning and zoning commission or city council shall be accompanied by a resolution of record of either body pertaining to such proposed amendment. All applications, except those initiated by the planning and zoning commission or city council, shall be filed at least 38 days prior to the public hearing to be held by the planning and zoning commission.
- (5) *Publication of notices.* The planning and zoning commission shall hold a public hearing on all proposed changes in zoning district classifications or the text of this article. Notice of the public hearing shall be given in the manner prescribed in section 36-368, publication and posting of notices.
- (6) *Recommendations.* Within 30 days after the public hearing, except when the applicant requests the amendment be tabled or there is a tie vote by the commission, the planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification or the text of this article:
- (a) Recommend against the proposed change in the zoning district classification or the text of this article.

- (b) Recommend a change in the zoning district classification or the text of this article.
 - (c) Recommend a change in the zoning district classification together with recommendations which, in the judgment of the planning and zoning commission, will protect adjacent property and ensure that the proposed amendment is consistent with the purpose and intent of this article.
- (7) *Findings by the commission.*
- (a) *Text amendments.* If the request is for an amendment of the text of this article, the recommendation of the planning and zoning commission may consider:
 1. Whether the proposed text amendment is consistent with the Springfield Comprehensive Plan;
 2. Whether the proposed text amendment is consistent with the intent and purpose of this article;
 3. The areas of the city that are most likely to be affected by the proposed text amendment and the manner in which those areas will be affected;
 4. Whether the proposed text amendment is necessitated by a change in conditions in the zoning districts affected and the nature of such changed conditions;
 5. Information submitted at the public hearing. - (b) *Rezonings.* If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:
 1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
 2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
 3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
 4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
 5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
 6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;
 7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
 8. Information submitted at the public hearing.

(8) *Report of action taken.*

- (a) Each such recommendation made by the planning and zoning commission shall be reported by the secretary of such commission to the city council and the applicant shall be notified of the action of the planning and zoning commission. The secretary of the planning and zoning commission shall set up and maintain a separate file for each application received, and all records and files herein provided shall be permanent and official files of the City of Springfield.
- (b) The secretary of the commission shall not forward the recommendation or recommendations of the commission to the council as required by paragraph (a), above, when at the hearing before the commission the applicant or his representative did not appear and present evidence in regard to the applicant's request for a change in zoning classification or district boundaries from that shown on the zoning map.

(9) *Notice of hearing before city council.* A public hearing shall be held by the city council before adopting any proposed amendment, supplement or change at which parties in interest and citizens shall have an opportunity to be heard. Notice of such hearing shall be given in the manner prescribed by section 36-368, publication and posting of notices.

(10) *Evidentiary matters before council.*

- (a) No person shall present testimony to council which is substantially and materially different from that presented to the commission at its hearing on the matter, and no exhibit will be accepted by council that has not been presented to the commission at its hearing on the matter. However, this subsection is not intended to prevent the introduction of new testimony, new exhibits, or other new evidence when there is a clear showing, as determined by a majority of council, that the introduction of such evidence before the commission was not in good faith reasonably possible.
- (b) Should a person present testimony that is substantially or materially different from that presented to the commission at its hearing on the matter or should an exhibit be offered that has not been presented to the commission at its hearing on the matter, subject to the exception contained in subsection 36-367(10)(a), any person on the opposing side of the matter before council may claim prejudice from such presentation or offering, and council shall upon such a claim have sole discretion to determine whether the person claiming prejudice has in fact been prejudiced from such presentation or offering. Upon a determination that prejudice exists, council shall refer the matter back to the commission for a new notice and hearing.

(11) *Action of city council.*

- (a) When the planning and zoning commission has recommended a change in the zoning district classification or the text of this article together with recommendations for additional requirements pursuant to subsection 36-367(6)(c), the city council shall have discretion to either accept, reject, or make other or additional requirements. Any such requirements shall become a part of the ordinance changing the zoning classification of such property. Such requirements shall be considered as an

amendment to this article insofar as it is applicable to such property. Such requirements shall not be considered conditions precedent to granting of the change in zoning or the granting of building permits on such property, but shall be construed as conditions precedent to the granting of a certificate of occupancy, and there shall be compliance with such requirements before a certificate of occupancy may be issued by the director of building development services for the use or occupancy of the building, land, or structure on such property.

- (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.

(12) *Two-thirds majority necessary when protest.* In case of a protest against such change, duly signed and acknowledged by the owners of 30 percent or more, either of the area of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by line drawn parallel to and 185 feet distance from the boundaries of the district proposed to be changed, such amendments shall not become effective except by the favorable vote of two-thirds of all the members of city council. The provisions of this subsection apply to the adoption of, additions to, changes or modifications of the official zoning map, whether such changes are initiated by the city council, the planning and zoning commission, or by petition.

(13) *Limitation on applications for rezoning.* No application for rezoning of any tract, lot or parcel of land within the City of Springfield other than an application initiated by the city council or the planning and zoning commission as set forth in subsection 36-367(2), shall be filed or allowed prior to the expiration of six months from the time that the city council shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel of ground, unless the application previously acted upon was initiated by the city council or the planning and zoning commission, or, during said six months interval, property adjoining or abutting the lot, tract or parcel of land or within 185 feet of the lot, tract or parcel of land shall have been rezoned by the city council.

(Zoning Ord., § 3-3700; G.O. 5127, 10-29-01; G.O. 5813, 4-6-09; G.O. 4570, 11-25-95; G.O. 5812, 4-6-09; G.O. 6450, § 1, 5-21-18; G.O. 6522, § 1, 4-22-19)

Sec. 36-368. Publication and posting of notices.

(1) *Board of adjustment.* Prior to holding a public hearing on any appeal or application for a variance or a special exception, the board shall cause notice of the hearing by the following means:

- (a) Notice of the hearing shall be posted by the applicant at least ten days prior to the hearing in conspicuous places on or in the immediate vicinity of the property which is the subject of the application. One sign shall be posted for each 150 feet of street frontage, or part thereof up to a maximum of three signs, provided at least one sign is posted on each frontage of the subject property. Further provided, for applications involving more than one block, one sign is required for each street bounding or contained within the area. The applicant must comply with standards and procedures provided and approved by the director of the planning and development department and on file in the city

clerk's office, regarding compliance with this section. Additional signs or alternate posting locations may be required at the discretion of the director of the planning and development department.

3. Notices of the hearing shall be sent by first-class mail, at least ten days prior to the hearing, to the owners of all real property, as shown on the records of the county assessor, adjacent to or within 185 feet of the subject property.

- (b) *Amendments to the text of the article.* Prior to holding a public hearing on any proposed amendment to the text of the zoning ordinance, the secretary of the commission shall give written notice of the public hearing by publishing a notice thereof in an official newspaper or a newspaper of general circulation in the City of Springfield at least 15 days prior to the public hearing.

- (3) *City council.* Prior to holding a public hearing on any rezoning or request to amend the text of the zoning ordinance, the council shall give written notice thereof in the same manner as is required for notices of public hearings before the planning and zoning commission by subsection (2).

- (4) *Establishment of urban conservation districts.* Written notice of a public hearing on the proposed adoption of a resolution with respect to the creation of an urban conservation district shall be published at least 15 days prior thereto in an official newspaper or a newspaper of general circulation in the city.

- (5) *Landmarks board.* Written notice of any public hearing before the landmarks board with respect to the establishment, modification, or elimination of any historic district or landmark, shall be given by the following means:

- (a) Notice of the hearing shall be posted by the applicant at least ten days prior to the hearing in conspicuous places on or in the immediate vicinity of the property which is the subject of the application. One sign shall be posted for each 150 feet of street frontage, or part thereof up to a maximum of three signs, provided at least one sign is posted on each frontage of the subject property. The applicant must comply with standards and procedures provided and approved by the director of the planning and development department and on file in the city clerk's office, regarding compliance with this section. Further provided, for applications involving more than one block, one sign is required for each street bounding or contained within the area. Additional signs or alternate posting locations may be required at the discretion of the director of planning and development department; and

- (b) Notices of the hearing shall be sent by first-class mail, at least ten days prior to the hearing, to the owners of all real property, as shown on the records of the county assessor, adjacent to or within 185 feet of the subject property.

- (6) *Content of notices.* All written notices required by this section to be published or mailed shall contain all of the following information:

- (a) The name of the applicant as it appears on the application.

- (b) The name of the owner, if different from the applicant, as it appears on the application. If there are multiple owners, only three names shall be listed, and a complete list of property owners shall be available in the office of zoning and subdivisions.
- (c) A street address or common description of the property involved.
- (d) A concise and accurate description of the nature of the request.
- (e) The date, time, and place of the public hearing.
- (f) The place at which further information with respect to the request can be examined or copies thereof secured.

In addition to the above, all written notices that are published shall include a legal description of the property involved.

(7) *Size and content of posted notices.* Whenever written notice is required to be posted by subsections (1), (2), or (3), such notice shall be at least 30 inches in height and 24 inches in width and shall contain in letters large enough to be readable from a distance of 50 feet the words "PUBLIC HEARING" and in addition the date, time, and place of the public hearing, and a telephone number where additional information can be secured.

(8) *Substantial compliance.* Requirements with respect to published, mailed, and posted notices of hearing are construed as directory and not mandatory, and any omission or failure to comply with such requirements shall not invalidate an ordinance or act of the City of Springfield.

(9) *Neighborhood meetings.*

(a) *Development applications.* Applicant(s) shall hold a neighborhood meeting prior to the planning and zoning commission public hearing on zoning map classification changes, planned developments, vacations of public right-of-way (that are not initiated by the city public works director) and conditional use permits.

- 1. A neighborhood meeting shall be held at least 21 days prior to the planning and zoning commission public hearing.
- 2. Notice of the meeting shall be sent by first-class mail, postage paid, at least ten days prior to the meeting, to at least one record owner of each real property within 500 feet of the development proposal, as shown on the records of the county assessor, and to the president or other association officer(s) of any neighborhood association(s) as on file with the director of planning and development.
- 3. It is recommended the meeting be held early enough to provide time for the applicant to consider any neighborhood input, allow any changes to be evaluated by staff, and to resolve any issues if possible.
- 4. The mailing shall be performed by the planning and development department; however, the letters and envelopes themselves must be prepared, and postage

placed on same by the applicant. The neighborhood letters shall be submitted to the planning and development department for mailing, one business day prior to the deadline as set forth in paragraph 2. A file copy of the letter shall be provided to the planning and development department. The notice letter shall contain the following at a minimum or any additional information as required by the director of planning and development:

- a. Description of existing conditions or zoning and proposed changes or proposed zoning.
- b. Meeting date, time and location.
- c. Applicant or their representative's contact information.
- d. Development review notice and comment cards.
5. The meeting shall be held on the property involved in the application or in the immediate vicinity. The meeting shall be scheduled from 4:00 to 6:30 p.m.
6. Following the neighborhood meeting and at least ten days prior to the planning and zoning commission public hearing, the applicant shall submit a summary of the meeting to the planning and development department using the following format as set forth below:
 - a. Development application.
 - b. Meeting date, time and location.
 - c. Number of invitations that were sent and how the mailing list was generated.
 - d. Number of neighbors in attendance with an attached sign-in sheet.
 - e. List of issues raised, any verbal comments and how applicant plans to respond.
 - f. Additional information, such as comment cards, letters from neighbors, shall be attached to the summary.

If the applicant does not submit the information listed above at least ten days prior to the planning and zoning commission public hearing, the application shall be considered incomplete and the commission shall table the case and may continue the public hearing to the next meeting or a later meeting agreed to by the applicant. The applicant shall be responsible for all fees related to notifying the neighbors that the application will automatically be tabled. This notice of tabling will be sent by the planning and development department.

(Zoning Ord. 3-3700; G.O. 4570, 11-27-95; G.O. 4592, 4-1-96; G.O. 4681, 3-3-97; G.O. 4828, 9-8-98; G.O. 5813, 4-6-09; G.O. 5954, 11-14-11; G.O. 6222, § 1(exh. A), 9-14-15)

Secs. 36-369—36-379. Reserved.

DIVISION 4. DISTRICT REGULATIONS

Subdivision I. Residential Districts

Sec. 36-380. R-SF - Single-family residential district.

(1) *Purpose.* This district is intended primarily for single-family detached dwellings at low residential densities of approximately seven units per acre. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and by consideration of the proper functional relationship and arrangement of the different uses permitted in this district.

(2) *Permitted uses.*

- (a) Single-family detached dwellings.
- (b) Single-family semi-detached dwellings, in accordance with section 36-361, cluster developments.
- (c) Accessory apartments in owner-occupied single-family detached dwellings, in accordance with section 36-464, accessory apartments.
- (d) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (e) Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
- (f) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
- (g) Day care homes, in accordance with chapter 36, article XI, Springfield City Code.
- (h) Duplex dwellings legally conforming at the time the district is mapped. As a conforming use, a duplex dwelling can be expanded or, if destroyed, replaced with another duplex within 18 months of being destroyed.
- (i) Group homes, residential, in accordance with section 36-465, residential group homes.
- (j) Home occupation uses, as permitted by section 36-451, home occupations.
- (k) Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of section 36-467, noncommercial not-for-profit neighborhood facilities.
- (l) Police and fire stations.

- (m) Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
- (n) Schools, elementary and secondary, and schools or development centers for elementary and secondary school-age children with handicaps or development disabilities, on a minimum of five acres of land.
- (o) Short-term rental type 1 or 2 in accordance with section 36-473.
- (p) Temporary uses, as permitted by section 36-452, temporary uses.
- (q) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
- (r) Transitional housing for single-family use.
- (s) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

- (a) Adaptive use of nonresidential structures in accordance with subsection 36-363(10)(b)4.
- (b) Bed and breakfasts in accordance with subsection 36-363(10)(b)2.
- (c) Cemeteries on a minimum of ten acres of land.
- (d) Clubhouses associated with any permitted use.
- (e) Community centers, non-profit.
- (f) Nurseries in relatively undeveloped sections of the city, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.
- (g) Public museums and libraries on a minimum of two acres of land.
- (h) Public service and public utility uses, as follows:
 - 1. Other towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with subsection 36-363(10)(b)1; and
 - 2. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(4) *Use limitations.*

- (a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (b) No use shall emit an odor than creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(5) *Lot size requirements.*

- (a) Minimum lot area: 6,000 square feet.
- (b) Minimum lot width: 50 feet.
- (c) Minimum lot depth: 80 feet.

(6) *Bulk and open space requirements.*(a) *Maximum structure height:*

1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade.
2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.

(b) *Minimum yard requirements* (additional bufferyard may be required by subsection (9)):

1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or with an approved preliminary plat in accordance with the city's subdivision regulations.
2. *Side yard:* Five feet or as required by section 36-453, supplemental open space and yard regulations.
3. *Rear yard:* Ten percent of the lot depth, but may not be less than ten feet nor shall more than 20 feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Highway access road	20 feet plus the required yard setback
Residential connector	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(c) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(d) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Density requirements.* The maximum density shall be 6,000 square feet per dwelling unit provided the requirements of subsection 36-303(22) are met.

(8) *Design requirements.*

(a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved for all uses except single-family detached dwellings.

(b) A plot plan meeting the requirements of subsection 36-331(3) shall be submitted and approved for all single-family detached dwellings.

(c) A landscaping plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved for all uses except single-family-detached dwellings.

(d) All off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with section 36-480, screening and fencing.

(e) Refuse storage areas for permitted nonresidential uses shall be screened from view in accordance with section 36-480, screening and fencing.

(f) Required front yards shall be landscaped with grass, ground cover, plants, shrubs, or trees. Decorative landscaping materials such as rock, bark, and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and, unless otherwise meeting the provisions of subsection 36-483(2), shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer.

- (g) Storage of maintenance or other equipment incidental to any permitted or conditional use except a single-family detached dwelling shall be screened from view in accordance with the provisions of section 36-480, screening and fencing.
- (h) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (i) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(9) *Bufferyard requirements.* Whenever any nonresidential development in an R-SF district is located adjacent to a residential use in the R-SF district or a different zoning district, screening, and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-1000; G.O. 4570, 11-27-95; G.O. 4759, 11-10-97; G.O. 4763, 12-15-97; G.O. 4852, 11-23-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5345, 1-26-04; G.O. 5355; 3-15-04; G.O. 5425, 11-15-06; G.O. 5471, 6-27-05; G.O. 5652, 2-12-07; G.O. 5665, 4-9-07; G.O. 5843, 11-9-09; G.O. 5882, 7-26-10; G.O. 5928, 4-18-11; G.O. 6032, 1-28-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6497, § 1, 1-28-19)

Sec. 36-381. R-TH - Residential townhouse district.

(1) *Purpose.* This district is intended to accommodate a variety of housing types, including single-family detached, single-family semi-detached, duplex, and townhouse dwellings, at low to moderate residential densities (approximately 11 units per acre). This district is also intended to function as a transition between the less intense single-family district and more intense multifamily districts. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhoods are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the residential character of the district.

- (2) *Permitted uses.*
 - (a) Single-family detached dwellings.
 - (b) Single-family semi-detached dwellings, such as patio-court homes and twin houses.
 - (c) Accessory apartments in owner-occupied single-family-detached dwellings, in accordance with section 36-464, accessory apartments.
 - (d) Accessory uses, as permitted by section 36-480, accessory structures and uses.
 - (e) Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
 - (f) Cluster subdivisions, in accordance with section 36-361, cluster developments.
 - (g) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
 - (h) Day care homes, in accordance with chapter 36, article XI, Springfield City Code.

- (i) Duplexes.
- (j) Group homes, residential, in accordance with section 36-465, residential group homes.
- (k) Home occupation uses, as permitted by section 36-451, home occupations.
- (l) Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of section 36-467, noncommercial not-for-profit neighborhood facilities.
- (m) Police and fire stations.
- (n) Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
- (o) Schools, elementary and secondary, and schools or development centers for elementary and secondary school-age children with handicaps or development disabilities, on a minimum of five acres of land.
- (p) Short-term rental type 1 or 2 in accordance with section 36-473.
- (q) Temporary uses, as permitted by section 36-452, temporary uses.
- (r) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
- (s) Townhouses.
- (t) Transitional housing for single-family or low to moderate residential density.
- (u) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

- (a) Adaptive use of nonresidential structures in accordance with subsection 36-363(10)(b)4.
- (b) Bed and breakfasts in accordance with subsection 36-363(10)(b)2.
- (c) Cemeteries on a minimum of ten acres of land.
- (d) Clubhouses associated with any permitted use.
- (e) Community centers, non-profit.
- (f) Nurseries in relatively undeveloped sections of the city, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.
- (g) Public museums and libraries on a minimum of two acres of land.

(h) Public service and public utility uses, as follows:

1. Other towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with subsection 36-363(10)(b)1; and
2. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(4) *Use limitations.*

- (a) There shall be a separate platted lot of record for each single-family semi-detached or townhouse dwelling unit.
- (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (c) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(5) *Lot size requirements.*

- (a) *Minimum lot area:*
 1. Single-family detached dwellings and residential group homes: 5,000 square feet.
 2. Duplexes: 7,500 square feet.
 3. Each single-family semi-detached dwelling on a separate platted lot: 3,750 square feet.
 4. Each townhouse on a separate platted lot:
 - a. End lots: 4,000 square feet.
 - b. Interior lots: 3,000 square feet.
 5. All other uses: 7,500 square feet.
- (b) *Minimum lot width:*
 1. Single-family detached and duplex dwellings and residential group homes: 45 feet.
 2. Townhouses:
 - a. End lots: 40 feet.
 - b. Interior lots with driveway in front yard: 30 feet.
 - c. Interior lots without driveway in front yard: 24 feet.
 3. Single-family semi-detached dwelling units: 30 feet.
 4. All other uses: 45 feet.
- (c) *Minimum lot depth:* 80 feet.

(6) *Bulk and open space requirements.*(a) *Maximum structure height:*

1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade.
2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.

(b) Minimum yard requirements (additional bufferyard may be required by subsection (9)):

1. *Front yard:*

- a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453.
- b. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or with an approved preliminary plat in accordance with the city's subdivision regulations.

2. *Side yards:*

- a. Townhouses: Six feet or as required by section 36-453, supplemental open space and yard regulations, provided that no side yard is required for a townhouse or attached single-family dwelling when a common wall is located on the lot line.
- b. All other uses: Five feet.

3. *Rear yard:* Ten percent of the lot depth but may not be less than ten feet nor will more than 20 feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Residential connector	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

- (c) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (d) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Density requirements.* The maximum density shall be 3,750 square feet per dwelling unit provided the requirements of subsection 36-303(22) are met.

- (8) *Design requirements.*
 - (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved for three or more townhouse dwelling units and all nonresidential uses.
 - (b) A plot plan meeting the requirements of subsection 36-331(3) shall be submitted and approved for all single-family detached, duplex, and single-family semi-detached dwellings.
 - (c) A landscaping plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved for structures containing three or more townhouse dwelling units.
 - (d) Storage of maintenance or other equipment incidental to any permitted or conditional use except a single-family detached, duplex, and single-family semi-detached dwellings shall be screened from view in accordance with the provisions of section 36-480, screening and fencing.
 - (e) The maximum length of any cluster of townhouse dwelling units shall not exceed six units, or 200 linear feet.
 - (f) Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be no more than two continuous townhouse dwelling units without break in the horizontal and vertical elevations of at least three feet.

- (g) All off-street parking lots for permitted nonresidential uses shall be screened from all residential uses in accordance with the provisions of section 36-480, screening and fencing.
 - (h) Refuse storage areas for permitted nonresidential uses shall be screened from view in accordance with section 36-480, screening and fencing.
 - (i) Required front yards shall be landscaped with grass, ground cover, plants, shrubs or trees. Decorative landscaping materials such as rock, bark and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and, unless otherwise meeting the provisions of subsection 36-483(2), shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer.
 - (j) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
 - (k) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
- (9) *Bufferyard requirements.* Whenever any development in an R-TH district is located adjacent to a different zoning district or a nonresidential use in the R-TH district is located adjacent to a residential use in the R-TH district, screening, and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.
- (Zoning Ord., § 4-1100; G.O. 4570, 11-27-95; G.O. 4759, 11-10-97; G.O. 4763, 12-15-97; G.O. 4852, 11-23-98; G.O. 5094, 7-4-01; G.O. 5127, 10-29-01; G.O. 5345, 1-26-04; G.O. 5355, 3-15-04; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5652, 2-12-07; G.O. 5665, 4-9-07; G.O. 5843, 11-9-09; G.O. 5882, 7-26-10; G.O. 5928, 4-18-11; G.O. 6032, 1-28-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6497, § 1, 1-28-19)

Sec. 36-382. R-LD - Low-density multifamily residential district.

(1) *Purpose.* The R-LD district is intended to accommodate multifamily developments at densities up to approximately 18 units per acre and is intended to serve as a transition between lower density and higher density residential districts. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. New single-family dwellings are not permitted to ensure that vacant land set aside for multifamily development is not preempted by less intense development. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhoods are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the residential character of this district. Applications for residential use after August 27, 2007, shall include sufficient information for staff to complete analysis under the multifamily development location and design guidelines.

(2) *Permitted uses.*

- (a) Single-family detached dwellings in accordance with section 36-469, single-family-detached dwellings in alternative districts.
- (b) Duplexes.
- (c) Single-family semi-detached dwellings, such as patio court homes and twin homes.
- (d) Multifamily dwellings.
- (e) Townhouses.
- (f) Accessory apartments in owner-occupied single-family detached dwellings, in accordance with section 36-464, accessory apartments.
- (g) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (h) Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
- (i) Clubhouses associated with any permitted use.
- (j) Community gardens without retail or wholesales on-site in accordance with the performance standards of section 36-470, community gardens.
- (k) Day care homes in accordance with chapter 36, article XI, Springfield City Code.
- (l) Group homes, custodial.
- (m) Home occupation uses, as permitted by section 36-451, home occupations.
- (n) Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of section 36-467, noncommercial not-for-profit neighborhood facilities.
- (o) Police and fire stations.
- (p) Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
- (q) Schools, elementary and secondary, and schools or development centers for elementary and secondary school-age children with handicaps or development disabilities, on a minimum of five acres of land.
- (r) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(a), if applicable.
- (s) Temporary uses, as permitted by section 36-452, temporary uses.
- (t) Tier I and II wireless facilities in accordance with section 36-466 telecommunication towers.

- (u) Transitional housing for multifamily use or for single-family use if existing at the time the district was mapped.

- (v) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

- (a) Adaptive use of nonresidential structures in accordance with subsection 36-363(10)(b)4.

- (b) Bed and breakfasts in accordance with subsection 36-363(10)(b)2.

- (c) Cemeteries on a minimum of ten acres of land.

- (d) Community centers, non-profit.

- (e) Day care centers in accordance with chapter 36, article XI, Springfield City Code.

- (f) Nurseries in relatively undeveloped sections of the city, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.

- (g) Public museums and libraries on a minimum of two acres of land.

- (h) Public service and public utility uses, as follows:

1. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities; and
2. Other towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with subsection 36-363(10)(b)1; and
3. Water reservoirs, water standpipes, and elevated and ground level water storage tanks.

(4) *Use limitations.*

- (a) Single-family detached dwellings are not permitted unless they exist at the time the district is mapped.

- (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

- (c) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(5) *Lot size requirements.*

- (a) *Minimum lot area:*

1. Each townhouse on a separate platted lot: 2,400 square feet.

2. Existing single-family detached dwellings: 5,000 square feet.

3. Duplexes: 6,500 square feet.
4. Single-family semi-detached dwellings: 3,750 square feet.
5. All other uses: 8,250 square feet.

(b) *Minimum lot width:*

1. Each townhouse on a separate platted lot.
 - a. End lots: 30 feet.
 - b. Interior lots with driveway in front yard: 26 feet.
 - c. Interior lots without driveway in front yard: 20 feet.
2. Single-family semi-detached dwelling units: 30 feet.
3. All other uses: 45 feet.

(c) *Minimum lot depth:*

1. Each townhouse on a separate platted lot: 75 feet.
2. All other uses: 80 feet.

(6) *Bulk and open space requirements.*

(a) *Maximum structure height:*

1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade.
2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
3. No portion of a multifamily dwelling shall be higher than allowed by a 45-degree bulk plane where the property adjoins an R-SF district. Any multifamily dwelling for which a building permit has been issued prior to July 1, 2009, that does not conform to the 45-degree bulk plane shall be considered conforming with regard to the 45-degree bulk plane.

(b) *Minimum yard requirements* (additional bufferyard may be required by subsection (9)):

1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permit, or with an approved preliminary plat in accordance with the city's subdivision regulations.

2. *Side yards:* Six feet or as required by section 36-453, supplemental open space and yard regulations, provided that no side yard is required for any building that has a common wall on a lot line.
3. *Rear yard:* Ten percent of the lot depth but may not be less than ten feet nor will more than 20 feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Residential connector	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

- (c) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (d) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Maximum density requirements.* The maximum density shall be 2,450 square feet per dwelling unit provided the requirements of subsection 36-303(22) are met. Density for property zoned after August 27, 2007, will be limited to 11 dwelling units per acre except when additional density is authorized in accordance with section 36-407, conditional use overlay.

(8) *Design requirements.*

- (a) A site plan meeting the requirements of section 36-330, zoning administration, shall be submitted and approved for all uses except improvements to duplex and single-family semi-detached dwellings and existing single-family detached dwellings.

- (b) A plot plan meeting the requirements of subsection 36-331(3) shall be submitted and approved for improvements to all duplex and single-family semi-detached dwellings and existing single-family detached dwellings.
- (c) A landscaping plan meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved for all uses except improvements to duplex and single-family semi-detached dwellings and existing single-family detached dwellings.
- (d) Off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (e) Storage of maintenance or other equipment incidental to any permitted or conditional use except for duplex and single-family semi-detached and existing single-family detached dwellings shall be screened from view in accordance with the provisions of section 36-480, screening and fencing.
- (f) The maximum length of any cluster of townhouse dwelling units shall not exceed 240 linear feet.
- (g) Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be no more than two continuous townhouse dwelling units without a break in the horizontal and vertical elevations of at least three feet.
- (h) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (i) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (j) Required front yards shall be landscaped with grass, ground cover, plants, shrubs, or trees. Decorative landscaping materials such as rock, bark, and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer.
- (k) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (l) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(9) *Bufferyard requirements.* Whenever any development in an R-LD district is located adjacent to another zoning district or a nonresidential use in an R-LD district is located adjacent to a residential use in an R-LD district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-1200; G.O. 4519, 6-12-95; G.O. 4570, 11-27-95; G.O. 4759, 11-10-97; G.O. 4763, 12-15-97; G.O. 4852, 11-23-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5345, 1-26-04; G.O. 5355, 3-15-04; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5652, 2-12-07; G.O. 5665, 4-9-07; G.O. 5701, 8-27-07; G.O. 5815, 4-6-09; G.O. 5843, 11-9-09; G.O. 5843, 11-9-09; G.O. 5868, 4-5-10; G.O. 5882, 7-26-10; G.O. 5928, 4-18-11; G.O. 6032, 1-28-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6497, § 1, 1-28-19)

Sec. 36-383. R-MD - Medium-density multifamily residential district.

(1) *Purpose.* The R-MD district is intended to accommodate multifamily developments at densities up to approximately 29 units per acre, and would accommodate typical garden apartment development. This district is intended to serve as a transition between major streets or commercial areas and lower density residential areas. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. New single-family dwellings are not permitted to ensure that vacant land set aside for multifamily development is not preempted by less intense development. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhoods are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the residential character of this district. Applications for residential use after August 27, 2007, shall include sufficient information for staff to complete analysis under the multifamily development location and design guidelines.

(2) *Permitted uses.*

- (a) Duplexes.
- (b) Multifamily dwellings.
- (c) Single-family detached dwellings in accordance with section 36-469, single-family detached dwellings in alternative districts.
- (d) Single-family semi-detached dwellings existing at the time the district is mapped. As a conforming use, single-family semi-detached dwellings can be expanded or, if destroyed, replaced with another single-family detached dwelling within 18 months of being destroyed.
- (e) Townhouses.
- (f) Accessory apartments in owner-occupied single-family detached dwellings, in accordance with section 36-464, accessory apartments.
- (g) Accessory uses, as permitted by section 36-450, accessory structures and uses.

- (h) Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
 - (i) Clubhouses associated with any permitted use.
 - (j) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
 - (k) Day care homes in accordance with chapter 36, article XI, Springfield City Code.
 - (l) Group homes, custodial.
 - (m) Home occupation uses, as permitted by section 36-451, home occupations.
 - (n) Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of section 36-467, noncommercial not-for-profit neighborhood facilities.
 - (o) Police and fire stations.
 - (p) Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
 - (q) Schools, elementary and secondary, and schools or development centers for elementary and secondary school-age children with handicaps or development disabilities, on a minimum of five acres of land.
 - (r) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(a), if applicable.
 - (s) Temporary uses, as permitted by section 36-452, temporary uses.
 - (t) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
 - (u) Transitional housing for multifamily use.
 - (v) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits of this article.
- (a) Adaptive use of nonresidential structures in accordance with subsection 36-363(10)(b)4.
 - (b) Bed and breakfasts in accordance with subsection 36-363(10)(b)2.
 - (c) Boarding, rooming, and lodging houses.
 - (d) Cemeteries on a minimum of ten acres of land.
 - (e) Community centers, non-profit.

- (f) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
 - (g) Nursing and retirement homes.
 - (h) Orphanages.
 - (i) Public museums and libraries on a minimum of two acres of land.
 - (j) Public service and public utility uses, as follows:
 - 1. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities; and
 - 2. Other towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with subsection 36-363(10)(b)1; and
 - 3. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (k) Transitional service shelters.
- (4) *Use limitations.*
- (a) Single-family detached and single-family semi-detached dwellings are not permitted unless they exist at the time the district is mapped.
 - (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (c) No use shall emit an odor than creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (5) *Lot size requirements.*
- (a) *Minimum lot area:*
 - 1. Each townhouse on a separate platted lot: 2,000 square feet.
 - 2. Existing single-family detached dwellings: 5,000 square feet.
 - 3. Duplexes: 5,500 square feet.
 - 4. Existing single-family semi-detached dwellings: 3,750 square feet.
 - 5. All other uses: 8,250 square feet.
 - (b) *Minimum lot width:*
 - 1. Each townhouse on a separate platted lot.
 - a. End lots: 30 feet.
 - b. Interior lots with driveway in front yard: 26 feet.
 - c. Interior lots without driveway in front yard: 20 feet.
 - 2. Existing single-family semi-detached dwelling units: 30 feet.
 - 3. All other uses: 45 feet.

(c) *Minimum lot depth:*

1. Each townhouse on a separate platted lot: 75 feet.
2. All other uses: 100 feet.

(6) *Bulk and open space requirements.*(a) *Maximum structure height:*

1. Thirty-five feet plus one additional foot for each additional two feet of setback provided on each side of the structure up to 75 feet. Above 75 feet, no additional setback is required.
2. No portion of a multifamily dwelling shall be higher than allowed by a 45-degree bulk plane where the property adjoins an R-SF district. Any multifamily dwelling for which a building permit has been issued prior to July 1, 2009, that does not conform to the 45-degree bulk plane shall be considered conforming with regard to the 45-degree bulk plane.

(b) *Minimum yard requirements* (additional bufferyard may be required by subsection (9)):

1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or with an approved preliminary plat in accordance with the city's subdivision regulations.
2. *Side yards:* Six feet or as required by section 36-453, supplemental open space and yard regulations, provided that no side yard is required for any building that has a common wall on a lot line.
3. *Rear yard:* Ten percent of the lot depth but may not be less than ten feet nor will more than 20 feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Residential connector	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

- (c) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (d) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Maximum density requirements.* The maximum density shall be 1,500 square feet per dwelling unit provided the requirements of subsection 36-303(22) are met. Density for property zoned after August 27, 2007, will be limited to 11 dwelling units per acre except when additional density is authorized in accordance with section 36-407, CO - conditional overlay district.

- (8) *Design requirements.*
 - (a) A site plan meeting the requirements of section 36-330, zoning administration, shall be submitted and approved for all uses except improvements to existing single-family detached, duplex, and single-family semi-detached dwellings.
 - (b) A plot plan meeting the requirements of subsection 36-331(3) shall be submitted and approved for improvements to all existing single-family detached, duplex, and single-family semi-detached dwellings.
 - (c) A landscaping plan meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved for all uses except improvements to existing single-family detached, duplex, and single-family semi-detached dwellings.
 - (d) Off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with section 36-480, screening and fencing.

- (e) Storage of maintenance or other equipment incidental to any permitted or conditional use except for existing single-family detached, duplex, and single-family semi-detached dwellings shall be screened from view in accordance with the provisions of section 36-480, screening and fencing.
- (f) The maximum length of any cluster of townhouse dwelling units shall not exceed 240 linear feet.
- (g) Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be no more than two continuous townhouse dwelling units without a break in the horizontal and vertical elevations of at least three feet.
- (h) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (i) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (j) Required front yards shall be landscaped with grass, ground cover, plants, shrubs, or trees. Decorative landscaping materials such as rock, bark, and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer.
- (k) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (l) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(9) *Bufferyard requirements.* Whenever any development in an R-MD district is located adjacent to another zoning district or a nonresidential use in an R-MD district is located adjacent to a residential use in an R-MD district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-1300; G.O. 4570, 11-27-95; G.O. 4759, 11-10-97; G.O. 4763, 12-15-97; G.O. 4793, 12-15-97; G.O. 4852, 11-23-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5345, 1-26-04; G.O. 5355, 3-15-04; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5701, 8-27-07; G.O. 5815, 4-6-09; G.O. 5843, 11-9-09; G.O. 5868, 4-5-10; G.O. 5882, 7-26-10; G.O. 5928, 4-18-11; G.O. 6032, 1-28-13; G.O. 6058, 6-17-13; G.O. 6173, Exh. A, 3-9-15; G.O. 6497, § 1, 1-28-19; G.O. 6521, § 1, 4-22-19)

Sec. 36-384. R-HD - High-density multifamily residential district.

(1) *Purpose.* The R-HD district is intended to accommodate multifamily developments at densities up to approximately 40 units per acre. The R-HD district is intended for high-rise apartment development, located primarily in and around the center city or other high-

intensity use areas specified in the comprehensive plan. This district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. New single-family dwellings are not permitted to ensure that vacant land set aside for multifamily development is not preempted by less intense development. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhoods are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the residential character of this district. Applications for residential use after August 27, 2007, shall include sufficient information for staff to complete analysis under the multifamily development location and design guidelines.

- (2) *Permitted uses.*
 - (a) Duplexes.
 - (b) Multifamily dwellings.
 - (c) Single-family detached dwellings in accordance with section 36-469, single-family detached dwellings in alternative districts.
 - (d) Single-family semi-detached dwellings existing at the time the district is mapped. As a conforming use, single-family semi-detached dwellings can be expanded or, if destroyed, replaced with another single-family detached dwelling within 18 months of being destroyed.
 - (e) Townhouses.
 - (f) Accessory apartments in owner-occupied single-family-detached dwellings, in accordance with section 36-464, accessory apartments.
 - (g) Accessory uses, as permitted by section 36-450, accessory structures and uses.
 - (h) Bed and breakfasts.
 - (i) Boarding, rooming, and lodging houses.
 - (j) Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
 - (k) Clubhouses associated with any permitted use.
 - (l) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
 - (m) Day care homes in accordance with chapter 36, article XI, Springfield City Code.
 - (n) Group homes, custodial.
 - (o) Home occupation uses, as permitted by section 36-451, home occupations.
 - (p) Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners

associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of section 36-467, noncommercial not-for-profit neighborhood facilities.

- (q) Orphanages.
- (r) Police and fire stations.
- (s) Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
- (t) Schools, elementary and secondary, and schools or development centers for elementary and secondary school-age children with handicaps or development disabilities, on a minimum of five acres of land.
- (u) Short-term rental type 3 in accordance to section 36-473, and subject to conditions in subsection (2)(c), if applicable.
- (v) Temporary uses, as permitted by section 36-452, temporary uses.
- (w) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
- (x) Transitional housing for multifamily use.
- (y) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits of this article.

- (a) Adaptive use of nonresidential structures in accordance with subsection 36-363(10)(b)4.
- (b) Cemeteries on a minimum of ten acres of land.
- (c) Community centers, non-profit.
- (d) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (e) Nursing and retirement homes.
- (f) Public museums and libraries on a minimum of two acres of land.
- (g) Public service and public utility uses, as follow
 - 1. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities; and
 - 2. Other towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with subsection 36-363(10)(b)1; and
 - 3. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(h) *Transitional service shelters.*

(4) *Use limitations.*

- (a) Single-family-detached and single-family-semi-detached dwellings are not permitted unless they exist at the time the district is mapped.
- (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (c) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(5) *Lot size requirements.*

(a) *Minimum lot area:*

1. Each townhouse on a separate platted lot: 2,000 square feet.
2. Existing single-family detached dwellings: 5,000 square feet.
3. Duplexes: 4,500 square feet.
4. Existing single-family semi-detached dwellings: 3,750 square feet.
5. All other uses: 8,250 square feet.

(b) *Minimum lot width:*

1. Each townhouse on a separate platted lot.
 - a. End lots: 30 feet.
 - b. Interior lots with driveway in front yard: 26 feet.
 - c. Interior lots without driveway in front yard: 20 feet.
2. Existing single-family semi-detached dwelling units: 30 feet.
3. All other uses: 45 feet.

(c) *Minimum lot depth.*

1. Each townhouse on a separate platted lot: 75 feet.
2. All other uses: 100 feet.

(6) *Bulk and open space requirements.*

(a) *Maximum structure height:*

1. None, except no structure shall exceed 35 feet plus one additional foot for each one foot of setback provided on each side of the structure when the property adjoins an R-TH or R-MHC district.
2. No portion of a multifamily dwelling shall be higher than allowed by a 45-degree bulk plane where the property adjoins an R-SF district. Any multifamily dwelling for which a building permit has been issued prior to July 1, 2009, that does not conform to the 45-degree bulk plane shall be considered conforming with regard to the 45-degree bulk plane.

- (b) *Minimum yard requirements* (additional bufferyard may be required by subsection (9)):
1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or with an approved preliminary plat in accordance with the city's subdivision regulations.
 2. *Side yard:* Six feet or as required by section 36-453, supplemental open space and yard regulations, provided that no side yard is required for any building that has a common wall on a lot line.
 3. *Rear yard:* Ten percent of the lot depth but may not be less than ten feet nor will more than 20 feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Residential connector	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

- (c) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (d) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Maximum density requirements.* The maximum density shall be 1,100 square feet per dwelling unit provided the requirements of subsection 36-303(22) are met. Density for property zoned after August 27, 2007, will be limited to 11 dwelling units per acre except when additional density is authorized in accordance with section 36-407, CO - conditional overlay district.

(8) *Design requirements.*

- (a) A site plan meeting the requirements of section 36-330, zoning administration, shall be submitted and approved for all uses except improvements to existing single-family detached, duplex, and single-family semi-detached dwellings.
- (b) A plot plan meeting the requirements of subsection 36-331(3) shall be submitted and approved for improvements to all existing single-family detached, duplex, and single-family semi-detached dwellings.
- (c) A landscaping plan meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved for all uses except improvements to existing single-family detached, duplex, and single-family semi-detached dwellings.
- (d) Off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (e) Storage of maintenance or other equipment incidental to any permitted or conditional use except for existing single-family detached, duplex, and single-family semi-detached dwellings shall be screened from view in accordance with the provisions of section 36-480, screening and fencing.
- (f) The maximum length of any cluster of townhouse dwelling units shall not exceed 240 linear feet.
- (g) Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be no more than two continuous townhouse dwelling units without a break in the horizontal and vertical elevations of at least three feet.
- (h) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (i) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (j) Required front yards shall be landscaped with grass, ground cover, plants, shrubs, or trees. Decorative landscaping materials such as rock, bark, and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and shall be limited to driveways leading to off-street parking areas located outside the

required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer.

- (k) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (l) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(9) *Bufferyard requirements.* Whenever any development in an R-HD district is located adjacent to another zoning district or a nonresidential use in an R-HD district is located adjacent to a residential use in an R-HD district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-1400; G.O. 4519, 6-12-95; G.O. 4570, 11-27-95; G.O. 4759, 11-10-97; G.O. 4763, 12-15-97; G.O. 4852, 11-23-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5345, 1-26-04; G.O. 5355, 3-15-04; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5652, 2-12-07; G.O. 6556, 4-9-07; G.O. 5701, 8-27-07; G.O. 5815, 4-6-09; G.O. 5843, 11-9-09; G.O. 5868, 4-5-10; G.O. 5882, 7-26-10; G.O. 5928, 4-18-11; G.O. 6032, 1-28-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6497, § 1, 1-28-19; G.O. 6521, § 1, 4-22-19)

Sec. 36-385. R-MHC - Manufactured home community district.

(1) *Purpose.* The R-MHC manufactured home community district is established for manufactured homes in manufactured housing communities, which include manufactured housing developments and manufactured housing subdivisions, at low residential densities of approximately eight units per acre unless associated with a tiny home community. It is intended that such manufactured housing communities shall be so located, designed, and improved as to provide:

- (a) A desirable residential environment;
- (b) Protection from potentially adverse neighboring influences;
- (c) Protection for adjacent residential properties;
- (d) Principal access for vehicular traffic to collector or higher classification streets; and
- (e) Accessibility equivalent to that for other forms of permitted residential development to public facilities, places of employment and facilities for meeting commercial and service needs not met within the manufactured housing community. Other residential and supporting uses may also be permitted in such district.

(2) *Permitted uses.*

- (a) Single-family detached dwellings, including mobile homes, on individual building lots.
- (b) Single-family semi-detached dwellings, in accordance with section 36-361, cluster developments.

- (c) Manufactured housing developments (mobile home parks).
- (d) Accessory apartments in owner-occupied single-family detached dwellings, in accordance with section 36-464, accessory apartments.
- (e) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (f) Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
- (g) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
- (h) Day care homes, in accordance with chapter 36, article XI, Springfield City Code.
- (i) Group homes, residential, in accordance with section 36-465, residential group homes.
- (j) Home occupation uses, as permitted by section 36-451, home occupations.
- (k) Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of section 36-467, noncommercial not-for-profit neighborhood facilities.
- (l) Outdoor storage areas in mobile home parks, including storage areas for recreational vehicles. Such areas shall be screened from adjoining uses and shall occupy, in total, not more than five percent of the area of the mobile home park. Use of such storage area shall be limited to the occupants of the mobile home park.
- (m) Police and fire stations.
- (n) Campground and recreational vehicle park in a manufactured housing development with direct access to a collector or higher classified roadway.
- (o) Schools, elementary and secondary, and schools or development centers for elementary and secondary school-age children with handicaps or development disabilities, on a minimum of five acres of land.
- (p) Short-term rental type 3 in accordance with section 36-473.
- (q) Temporary uses, as permitted by section 36-452, temporary uses.
- (r) Tiny home, park model recreational vehicle, or tiny home communities provided such use is in full accordance with the provisions of section 36-475 and notwithstanding the provisions of section 36-385.
- (s) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
- (t) Transitional housing for single-family use.

- (u) Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

- (a) Adaptive use of nonresidential structures in accordance with subsection 36-363(10)(b)4.
- (b) Cemeteries on a minimum of ten acres of land.
- (c) Clubhouses associated with any permitted use.
- (d) Community centers, non-profit.

- (e) Nurseries in relatively undeveloped sections of the city, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.
- (f) Public museums and libraries on a minimum of two acres of land.
- (g) Public service and public facility uses, as follows:
 - 1. Other towers and related facilities existing at the time the district is mapped, provided any modifications are made in accordance with subsection 36-363(10)(b); and
 - 2. Water reservoirs, water standpipes, and elevated and groundlevel water storage tanks.

(4) *Use limitations.*

- (a) In manufactured housing communities, manufactured home sales lots shall not be permitted.
- (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (c) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(5) *Minimum area requirements for R-MHC districts and for individual manufactured home communities; minimum number of lots or spaces to be available in manufactured housing development at time of opening.* Where the district is established, the minimum area shall be ten acres. In a manufactured housing development, the minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be 30.

For manufactured housing developments, the tract shall comprise a single plot except where the site is divided by public streets or alleys or where the total property includes separate parcels for necessary utility plants, maintenance or storage facilities, or the like, with appropriate access from the manufactured housing development, provided that all lands involved shall be so dimensioned as to facilitate efficient design and management.

(6) *Lot size requirements on individual lots.*

- (a) Minimum lot area: 5,000 square feet.
- (b) Minimum lot width: 45 feet.
- (c) Minimum lot depth: 75 feet.

(7) *Maximum density and lot size requirements in manufactured housing development.* Maximum density in any manufactured housing development shall not exceed eight units per gross acre provided the requirements of subsection 36-303(22) are met. For purposes of these regulations, gross acreage is to be computed as all area within the exterior boundaries of the property, including streets, common open space, lands occupied by management offices and community buildings, lands occupied by manufactured home lots, and lands occupied by

utilities installations. Lots for placement of manufactured homes in manufactured housing developments shall be at least 4,000 square feet in area with no dimension less than 40 feet. The limits of each manufactured home lot shall be shown on the site plan and shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.

(8) *Bulk and open space regulations on individual lots.*

(a) *Maximum structure height:*

1. When side yards do not exceed 15 feet in width: 35 feet or two and one-half stories above the finished grade.

2. When side yards exceed 15 feet in width: Three stories above the finished grade.

(b) Minimum yard requirements (additional bufferyard may be required by subsection (13)):

1. *Front yard:*

- a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453.

- b. Fifteen feet along a street classified as a local street or as required by section 36-453 (garages shall be set back a minimum of 20 feet).

- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or with an approved preliminary plat in accordance with the city's subdivision regulations.

2. *Side yards:* Five feet, or as required by section 36-453, supplemental open space and yard regulations.

3. *Rear yard:* Ten percent of the lot depth, but may not be less than ten feet nor shall more than 20 feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Residential connector	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

- (c) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (d) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(9) *Bulk and open space requirements in manufactured housing developments.*

- (a) *Maximum structure height:* Thirty-five feet or two and one-half stories above the finished grade.
- (b) *Minimum yard along exterior boundaries* (additional bufferyard may be required by subsection 36-385(13)): Twenty-five feet. Where a manufactured housing development adjoins a public street or a residential district, including a R-MHC district, without an alley or other permanent open space at least 25 feet in width, the required yard shall not contain garages, carports, recreational shelters, storage structures, or any other structure generally prohibited in yards adjacent to streets or in residential districts. No direct vehicular access to individual lots shall be permitted through such yards and no group parking facilities or active recreation areas shall be allowed therein. Where the adjoining district is nonresidential, such yards may be used for group or individual parking; active recreation facilities; or carports, recreational shelters, or storage structures.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below:

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Residential connector	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

- (c) *Minimum open space:* Not less than 20 percent of the total area of the manufactured housing development shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (d) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of water shall not exceed 80 percent of the total area of the manufactured housing development unless modified in accordance with subsection 36-482(15).
- (10) *Reserved.*
- (11) *Design requirements on individual lots.*
 - (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved for all uses except single-family detached dwellings and manufactured homes on individual lots.
 - (b) A plot plan meeting the requirements of subsection 36-363(3) shall be submitted and approved for all single-family detached dwellings and manufactured homes on individual lots.
 - (c) A landscaping plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved for all uses except single-family detached dwellings and manufactured homes on individual lots.
 - (d) All off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with section 36-483, off-street parking and loading area design standards.
 - (e) Refuse storage areas for permitted nonresidential uses shall be screened from view in accordance with section 36-480, screening and fencing.
 - (f) Required front yards shall be landscaped with grass, ground cover, plants, shrubs or trees. Decorative landscaping materials such as rock, bark and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and, unless otherwise meeting the provisions of subsection 36-483(2), shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer.

- (g) Storage of maintenance or other equipment incidental to any permitted or conditional use except a single-family detached dwelling or manufactured home on an individual lot shall be screened from view in accordance with the provisions of section 36-480, screening and fencing.
 - (h) Skirting shall be placed around manufactured homes that are not placed on a permanent foundation. Such skirting shall be similar in appearance to materials used for permanent foundations or the siding of the manufactured home to which it is to be attached.
 - (i) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
 - (j) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
- (12) *Design requirements in manufactured housing developments.*
- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
 - (b) A landscaping plan meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
 - (c) There shall not be less than 15 feet between manufactured homes or any other buildings located in a manufactured housing development, and location on the lot shall be suitable for the type of manufactured home proposed, considering size, and manner of support, and any improvements necessary on the lot for the support or anchoring of the type of manufactured home proposed shall be provided to the manufactured home so supported and/or anchored before occupancy. Parking spaces for each manufactured home do not have to be provided on each lot, however one of the two parking spaces required shall be located within 100 feet of the lot served.
 - (d) Storage of maintenance or other equipment incidental to any permitted or conditional use shall be screened from view in accordance with section 36-480, screening and fencing.
 - (e) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
 - (f) Lighting shall be designed to reflect away from any adjacent residential areas and in accordance with section 36-484, lighting standards.
 - (g) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
 - (h) Skirting shall be placed around manufactured homes that are not placed on a permanent foundation. Such skirting shall be similar in appearance to materials used for permanent foundations or the siding of the manufactured home to which it is to be attached.

- (i) Accessory buildings and structures shall meet the requirements of section 36-480, accessory structures and uses.

(13) *Bufferyard requirements.* Whenever any development in an R-MHC district is located adjacent to a different zoning district or a nonresidential use in an R-MHC district is located adjacent to a residential use in an R-MHC district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-1500; G.O. 4519, 6-12-95; G.O. 4570, 11-27-95; G.O. 4763, 12-15-97; G.O. 4852, 11-23-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5355, 3-15-04; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5652, 2-12-09; G.O. 5843, 11-9-09; G.O. 5882, 7-26-10; G.O. 5928, 4-18-11; G.O. 6032, 1-28-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6182, Exh. A, 4-13-15; G.O. 6497, § 1, 1-28-19; G.O. 6592, § 2, 5-4-20)

Secs. 36-386—36-399. Reserved.

Subdivision II. Office, Institutional and Special Districts

Sec. 36-400. O - Office districts.

(1) *Purpose.* Two office districts are established by said ordinance. The uses permitted in the two districts are the same, but they differ in the intensity of the development that is permitted. The O-1 district is designed to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas. The O-2 district is designed to allow more intense use of land that is in close proximity to the central city district or other high intensity use areas specified in the Springfield Comprehensive Plan.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Any residential dwellings existing at the time the district is mapped. As a conforming use, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (c) Cemeteries.
- (d) Churches and other places of worship, including parish houses and Sunday schools and overnight shelters for 50 or fewer residents and soup kitchens as accessory uses.
- (e) Colleges, universities, and business colleges.
- (f) Community centers, nonprofit.
- (g) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
- (h) Day care centers in accordance with chapter 36, article XI, Springfield City Code.

- (i) Educational, religious, cultural, public, or nonprofit institutions such as churches, museums, art galleries and libraries, but not including correctional institutions or hospitals.
- (j) Entertainment-oriented use group.
- (k) General office use group.
- (l) Medical office use group.
- (m) Nursing and retirement homes.
- (n) Personal services use group.
- (o) Police and fire stations.
- (p) Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
- (q) Public service and public utility uses, as follows:
 - 1. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (r) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- (s) Retail sales use group located in an office building provided the total floor area of such uses does not exceed ten percent of the gross floor area of all the office buildings on the same lot.
- (t) Schools, business.
- (u) Schools, elementary and secondary.
- (v) Schools or development centers for persons with handicaps or development disabilities.
- (w) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsections (2)(b) or (r), if applicable.
- (x) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - 1. Is located at least 2,000 feet from any other substance abuse treatment facility, emergency shelter, soup kitchen, transitional service shelter, substance abuse treatment facility, or any community corrections facility, jail, prison, or detention facility, as measured from property lines; and
 - 2. A plan of operation, including, but not limited to, administration contact information, patron access requirements, hours of operation and security measures, is on file with the City of Springfield Planning and Development Department.

- (y) Temporary uses, as permitted by section 36-452, temporary uses.
 - (z) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
- (a) Bed and breakfast.
 - (b) Funeral homes and mortuaries (crematoriums are permitted as accessory uses).
 - (c) Heliports.
 - (d) Temporary lodging use group.
 - (e) Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - (f) Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are set back from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - (g) Other towers, exceeding 100 feet in height, and related facilities, provided the maximum height does not exceed 200 feet; only one tower is permitted on a lot; and all other provisions of subsection 36-363(10)(b)1 are met.
- (4) *Use limitations.*
- (a) All activities and permitted uses except off-street parking and loading facilities, drive-thru facilities and day care activities shall be conducted entirely within a completely enclosed building.
 - (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (c) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (d) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
- (5) *Bulk and intensity of use restrictions.*
- (a) *Maximum structure height:*
 1. Principal buildings and parking garages:
 - a. O-1: Thirty-five feet, except that all structures shall remain below a 45-degree bulk plane as measured from the boundary of any R-SF or R-TH district.

- b. O-2: None.
- (b) *Minimum yard requirements* (additional bufferyard may be required by subsection 36-400(8)):
1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
 2. *Side yard:* Ten feet on each side of a lot or as required by section 36-453, supplemental open space and yard regulations, provided that no side yard is required for any building that has a common wall on a lot line.
 3. *Rear yard:* Twenty percent of the lot depth, but may not be less than ten feet nor more than 25 feet be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

- (a) *Minimum open space.* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.

- (b) *Maximum impervious surface.* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Design requirements.*

- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) A landscape plan meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) All off-street parking lots and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard requirements.* Whenever any development in an O district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-2000; G.O. 4763, 12-15-97; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5343, 1-12-04; G.O. 5425, 11-15-04; G.O. 5585, 7-24-06; G.O. 5652, 2-12-07; G.O. 6556, 4-9-07; G.O. 5861, 2-8-10; G.O. 5858, 2-8-10; G.O. 5879, 7-26-10; G.O. 5928, 4-18-11; G.O. 5952, 10-3-11; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6413, § 1, 12-11-17; G.O. 6497, § 1, 1-28-19)

Sec. 36-401. GI - Government and institutional use district.

(1) *Purpose.* The government and institutional use district is established to apply to those lands where federal, state or local government activities are conducted, where governments hold title to such lands, and to major public and private educational and medical facilities. This district is also intended to classify land that is vacant but has been designated for the activities listed above in an adopted plan. It is not intended to classify all lands owned by government into this district, but only those uses that are comparatively intensive or which

require substantial buildings. Park and recreational facilities would not ordinarily be placed in this zone. Certain nongovernmental and non-institutional uses are permitted to provide necessary services to governmental and institutional uses.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Airports.
- (c) Any residential dwellings existing at the time the district is mapped. As a conforming use, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (d) Art galleries, libraries, and museums.
- (e) Cemeteries.
- (f) Churches and other places of worship, including parish houses and Sunday schools and overnight shelters for 50 or fewer residents and soup kitchens as accessory uses.
- (g) Civic, convention, and cultural centers.
- (h) Colleges and universities.
- (i) Commercial off-street parking lots and structures.
- (j) Community centers, nonprofit.
- (k) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
- (l) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (m) Developed open space including arboreta and botanical and zoological gardens.
- (n) Entertainment-oriented use group.
- (o) Fraternities and sororities.
- (p) General office use group.
- (q) Hospitals with ambulance services as accessory uses.
- (r) Major event entertainment use group.
- (s) Medical office use group.
- (t) Multifamily dwellings.
- (u) Nursing and retirement homes.
- (v) Orphanages.
- (w) Police and fire stations.
- (x) Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.

- (y) Public service and public utility uses, as follows:
 - 1. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - (z) Retail sales, personal services and eating and drinking establishments use groups provided the total floor area devoted to the uses does not exceed ten percent of the total floor area permitted on the lot.
 - (aa) Schools, businesses.
 - (bb) Schools, elementary and secondary.
 - (cc) Short-term rental type 3 in accordance with section 36-473, and subject to subsection (2)(c), if applicable.
 - (dd) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - 1. Is located at least 2,000 feet from any other substance abuse treatment facility, emergency shelter, soup kitchen, transitional service shelter, substance abuse treatment facility, or any community corrections facility, jail, prison, or detention facility, as measured from property lines; and
 - 2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operation and security measures, is on file with the City of Springfield Planning and Development Department.
 - (ee) Temporary uses, as permitted by section 36-452, temporary uses.
 - (ff) Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - (gg) Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - (hh) Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 - (ii) Other towers, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.
- (a) Bed and breakfast.
 - (b) Heliports.

- (c) Reserved.
 - (d) Jails, prisons and detention facilities, in accordance with subsection 36-363(10)(b)3.
 - (e) Retail sales, personal service establishments and eating and drinking establishments use groups exceeding ten percent of the total floor area permitted on the lot are permitted with a conditional use permit provided they are not disruptive to the overall development of the GI district. These uses should be allowed if they primarily provide goods or services to and in support of other uses permitted in the district.
 - (f) Sanitary landfills on a minimum of 160 acres of land.
 - (g) Sewage treatment facilities.
 - (h) Stormwater treatment facilities.
 - (i) Temporary lodging use group.
 - (j) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (k) Other towers, exceeding 100 feet in height, and related facilities, provided the maximum height does not exceed 200 feet; only one tower is permitted on a lot; and all other provisions of subsection 36-363(10)(b)1 are met.
 - (l) Water treatment facilities.
- (4) *Use limitations.*
- (a) No landfill activities shall occur within 1,000 feet of a residential district.
 - (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (c) No use shall emit an odor than creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (d) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
- (5) *Bulk and intensity of use restrictions.*
- (a) *Maximum structure height:* None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
 - (b) *Yard requirements:* None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection (8), and, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Major collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

(a) *Minimum open space:*

1. Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
2. Not less than ten percent of the total lot area, with an approved conditional use permit in accordance with section 36-363, conditional use permits, shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.

(b) *Maximum impervious surface:*

1. The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified in accordance with subsection 36-482(15).
2. The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 90 percent of the total area, with an approved conditional use permit in accordance with section 36-363, conditional use permits, unless modified in accordance with subsection 36-482(15).

(7) *Design requirements.*

- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.

- (b) A landscape plan meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
 - (c) All off-street parking lots and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
 - (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
 - (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
 - (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
 - (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
- (8) *Bufferyard requirements.* Whenever any development in a GI district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.
- (Zoning Ord., § 4-2100; G.O. 4763, 12-15-97; G.O. 4829, 9-8-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5343, 1-12-04; G.O. 5425, 11-15-04; G.O. 5665, 4-9-07; G.O. 5773, 8-11-08; G.O. 5829, 7-13-09; G.O. 5879, 7-26-10; G.O. 5843, 11-9-09; G.O. 5928, 4-18-11; G.O. 5952, 10-3-11; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6467, § 1(Exh. A), 7-16-18; G.O. 6497, § 1, 1-28-19)

Sec. 36-402. UN - University combining district.

(1) *Purpose.* This district is an overlay district intended to be used in combination with any one of the multifamily residential districts. The principal function of this district is to permit in multifamily residential zones abutting colleges and universities the establishment of the types of uses which ordinarily cluster about a university, but which are not located on university property. This district permits increased densities for student housing in multifamily residential districts when they are related to a university without disturbing density in those multifamily residential districts when they are located elsewhere. Moreover, it preserves the lot size requirements and bulk regulations that would be applicable to private residential uses.

(2) *Permitted uses.* In addition to the uses allowed in the multifamily residential district with which this district is combined, the following uses are permitted:

- (a) Art galleries, libraries, and museums.
- (b) Boarding, rooming, and lodging houses.
- (c) Civic, convention, and cultural centers.

- (d) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
- (e) Dormitories.
- (f) Fraternities and sororities.
- (g) Noncommercial athletic fields and facilities.
- (h) Offices, meeting rooms, and other facilities for educational, fraternal, professional, religious and research organizations and institutions.
- (i) Parking lots and structures for passenger automobiles accessory to uses permitted in the GI district.
- (j) Private clubs for alumni, educational, and university/college related activities.

(3) *Conditional uses.* None, except such conditional uses as could otherwise be allowed in any multifamily residential district with which this district is combined.

(4) *Use limitations.*

- (a) Fraternities, sororities, private clubs, lodging houses and other permitted uses may have dining facilities, provided such facilities do not offer restaurant service to the general public.
- (b) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(5) *Lot size requirements.*

- (a) *Minimum lot area:*
 - 1. Buildings providing lodging rooms for students as permitted in subsection 36-402(2): 500 square feet of lot area per resident provided no lot shall be less than the minimum lot area required in the multifamily residential district with which this district is combined.
 - 2. All other permitted uses shall comply with the minimum lot area required in the multifamily residential district with which the UN district is combined.
- (b) *Minimum lot width:* All permitted uses shall comply with the minimum lot width required in the multifamily residential district with which the UN district is combined.
- (c) *Minimum lot depth:* All permitted uses shall comply with the minimum lot depth required in the multifamily residential district with which the UN district is combined.

(6) *Bulk regulations.* All buildings shall comply with the bulk regulations in the multifamily residential district with which the UN district is combined.

(7) *Spacing and open space requirements.* None, other than those applicable in the multi-family residential district with which the UN district is combined.

(8) *Design requirements.*

- (a) A site plan, meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) A landscape plan, meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) Any other design requirements applicable in the multifamily residential district with which the UN district is combined.

- (d) The bicycle parking reduction allowance permitted by subsection 36-455(2)(i) may be increased to allow up to 20 percent of the required automobile parking be substituted with bicycle parking at the same rate and in compliance with all other requirements of subsection 36-455(2)(i).

(9) *Bufferyard requirements.* All developments in the UN district shall comply with the bufferyard requirements in the multifamily residential district with which the UN district is combined.

(Zoning Ord., § 4-2200; G.O. 5843, 11-9-09; G.O. 6093, 1-13-14)

Sec. 36-403. UC - Urban conservation district.

(1) *Authority.* Establishment of an urban conservation district shall be in accordance with provisions set forth in this section. The UC district contemplates general notice of intent to designate the area under consideration, development of a plan for the area and implementing ordinances including zoning with formal designation of the area and other regulatory ordinances, if necessary.

(2) *Purpose.* The urban conservation plan and district, used in combination with another district or districts, are intended to promote the health, safety, economic, cultural, and general welfare of the public by encouraging the conservation and enhancement of the urban environment. The urban conservation plan and district are enacted pursuant to Article VI, Sections 19 and 21 of the Constitution of the State of Missouri and are intended to encourage urban conservation as further described in this section. The purpose of the plan and the district include but are not limited to the following:

- (a) To identify physical, social and economic resources within the urban environment that are worthy of conservation;
- (b) To maintain neighborhood character and integrity by focusing special attention on the maintenance of the physical environment; the enhancement of physical, social and economic resources and the accommodation of desirable change;
- (c) To prevent economic obsolescence and to promote reinvestment by fostering stable property values through a high level of economic activity, maintenance of essential urban services and by focusing financial assistance and other economic development programs;
- (d) To promote the efficient use of urban lands, including the encouragement of compatible infill development on vacant and passed-over parcels;
- (e) To encourage and to support rehabilitation of the physical environment and programs for the conservation and revitalization of urban areas;
- (f) To foster harmonious, orderly and efficient growth, development and redevelopment; and
- (g) To aid in the prevention or elimination of slums or blight.

(3) *Procedure.* Designation of an area as a UC district shall be accomplished as follows:

- (a) Adoption of city council resolution;
- (b) Preparation and adoption of urban conservation plan; and
- (c) Adoption of urban conservation district.

(4) *Initiation of urban conservation plan.* The initiation of a proposal for UC district consideration may be made by the Springfield City Council, the planning and zoning commission or by application of property owners and/or residents in the area or site to be designated. If the application is made by property owners and/or residents in the area, such application must contain signatures of property owners representing at least 50 percent of the property within the proposed UC district boundary area.

(5) *City council resolution.* The commission shall not prepare an urban conservation plan for an area unless the city council has first declared by resolution that the area is to be considered for UC district designation. The purpose of such resolution shall be solely for describing generally the area under consideration and to generally provide notice that formal hearings will thereafter be held before the commission and the city council in accordance with procedures set forth herein which may lead to the adoption of a plan for the area and adoption of UC district zoning and other regulatory ordinances. Such resolution shall be adopted only after published notice in accordance with the provisions of section 36-368, publication and posting of notices.

(6) *Urban conservation plan.* The commission shall, after the adoption of a resolution by city council, cause a UC plan to be prepared for the described area.

- (a) The UC plan shall be sufficiently complete to indicate objectives as set forth in subsection 36-403(2) and its relationship to appropriate land uses, preservation of historic sites and districts, improved traffic, public transportation, public utilities, recreation and community facilities, and other public improvements and proposed land uses and building requirements in the UC area and shall include without being limited to:
 1. The boundaries of the UC district, with a map showing the existing uses and condition of the real property therein;
 2. A land use plan showing proposed uses of the area;
 3. Information showing the standards of population densities, land coverage and building intensities in the area after redevelopment or urban renewal;
 4. A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances;
 5. A statement as to the kind and number of additional public facilities or utilities which will be required in the area; and

6. A statement of needs for urban conservation in the area and the relationship of the plan to urban conservation and the prevention of urban blight and decay as defined in Section 99.320 RSMo. 1978.
 - (b) The plan for the UC area shall conform with the general plan for the development of the community as a whole. The commission shall, upon adoption of the plan after public hearing, submit its recommendations with respect to the proposed UC plan to the city council for its consideration with its recommendations for zoning and other regulatory ordinances.
 - (c) Prior to recommending a UC plan to the city council for approval, the commission shall consider whether the proposed land uses and building requirements in the area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its environs which, in accordance with present and future needs, will promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations or insanitary areas, or conditions of blight or deterioration, and the provision of adequate, safe and sanitary dwelling accommodations.
 - (d) One of the following minimum criteria shall be satisfied before a UC plan or district may be adopted:
 1. The area is blighted by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or
 2. The area is insanitary by reason of a predominance of buildings and improvements which due to dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air sanitation or open spaces, high density of population and overcrowding of buildings, overcrowding of land, or the existence of conditions which endanger life or property by fire and other causes or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals and welfare; or

3. The area is not yet blighted or insanitary but is or may become detrimental to the public safety, health, morals or welfare because of a combination of any of the following factors: Dilapidation, obsolescence, deterioration, illegal use of structures; illegal conversion of residential structures; presence of structures below minimum code standards; abandonment, excessive vacancies, overcrowding of structures; overcrowding or excessive burdens on community facilities, lack of ventilation, light or sanitary facilities in structures, particularly residential structures, inadequate utilities, excessive land coverage, deleterious land use or layout, and depreciation of physical maintenance. Such an area shall be a conservation area; or
 4. If the area contains vacant land, two or more of the following factors shall be present: Obsolete platting, diversity of ownership preventing land assemblage, tax or special assessment delinquencies, deterioration of structures or site improvements, or immediately prior to becoming vacant the area would have qualified as a blighted, insanitary, or conservation area.
- (e) The recommendation of a UC plan by the commission to the city council shall be accompanied by the recommendations, if any, of the commission, concerning zoning and other regulatory ordinances.
 - (f) The city council shall hold a public hearing on such plan or substantial modification thereof recommended by the commission, after public notice in accordance with the provisions of section 36-368, publication and posting of notices.
 - (g) Following the hearing, the city council may approve a UC plan if it finds that the plan is feasible and in conformity with the general plan for the development of the community as a whole. A UC plan which has not been approved by the city council when recommended by the commission may be recommended again to the council with any modifications deemed advisable.
 - (h) A UC plan may be modified at any time by the commission, provided however, if such modification substantially changes the UC plan as previously approved by the city council, the modification shall be approved by the city council in accordance with procedures for adopting the original plan.
- (7) *Urban conservation district zoning.* Simultaneously with the adoption of the UC plan for the area or thereafter, the city council may change the zoning in the area to a UC district. Such zoning change shall be in accordance with procedures established for modifying zoning set out in section 36-367, amendments.
- (a) The zoning amendment shall identify the district boundaries and the property located therein.
 - (b) The UC district may include specific standards and controls to regulate the district, including provisions governing:
 1. The use of land;

2. Density and/or intensity of land use such as minimum lot size, maximum floor area, number of dwelling units per acre, minimum lot area per dwelling unit and other related provisions;
3. Area and bulk restrictions, including setbacks, height controls, open space requirements, and other related provision;
4. Accessory uses and yard utilization regulations such as landscaping, fencing, carports, access regulations, sidewalks, home occupations, animal regulations, signs and other related provisions;
5. Parking regulations such as number of required spaces per type of car, the location and design of parking areas, restrictions concerning recreational vehicles, trailers, boats, large trucks, and other related provisions;
6. Historic buildings, districts and regulations designed to protect the same; and
7. Planned development in whole or in part for the area as set forth in section 36-405, planned development district.

(8) *Other regulations.* Simultaneously with the adoption of the UC plan or thereafter, the city council may adopt other ordinances in order to implement the plan to provide for urban conservation which ordinances may include, but shall not be limited to, the following:

- (a) Regulation of the conversion of existing structures including provisions governing the use of converted structures, parking and/or other related provisions;
- (b) Special provisions, procedures and techniques relating to the city's building, electrical, fire, mechanical and plumbing codes and sewer, stormwater and street improvement requirements;
- (c) Procedures, techniques and devices for implementation and enforcement of this section, including the delegation of certain responsibility and authority to duly constituted commissions, boards, committees, associations, or officials; and
- (d) Other regulations as may be necessary to promote and protect the public health, safety, and welfare in the UC area.

Such regulations may be specifically directed to the prevention of the characteristics of blight and urban decay and may apply only in urban conservation districts.

(Zoning Ord., § 4-2300; G.O. 6467, § 1(Exh. A), 7-16-18)

Sec. 36-404. L - Landmarks.

- (1) *Purpose.* The purpose of this section is to:
 - (a) Promote the creation and use of historic sites, historic landmarks, interior landmarks, and historic districts for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of buildings, sites, monuments, structures, interiors, and areas of historic interest or importance within the City of Springfield;

- (b) Safeguard the city's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements, landscape features, and districts;
- (c) Preserve and enhance the aesthetic quality of neighborhoods;
- (d) Stabilize, improve, and sustain property values;
- (e) Strengthen the city's economic base by the stimulation of conservation and reuse of historic structures;
- (f) Insure the harmonious, orderly, and efficient growth and development of the municipality;
- (g) Foster civic pride in the beauty and the noble accomplishments of the past; and
- (h) Establish a visual archive of buildings, sites, monuments, structures, interiors, and areas of historic interest or importance within the City of Springfield which are slated to be removed from the landscape.

(2) *Designation of a historic site, historic landmark, interior landmark, or historic district.*

- (a) *Criteria for selection of a historic site, historic landmark, interior landmark, or historic district.* The landmarks board shall recommend to the city council that a site, structure, object, or district be designated if the proposed feature(s) meets one or more of the following criteria:
 - 1. Has significant character, interest, or value as part of the city, region, state or nation's history; or is associated with the life of a personality significant to the past; or
 - 2. Is the site of a historic event with a significant effect upon the development, heritage or cultural characteristics of the city, region, state, or nation; or
 - 3. Exemplifies the cultural, political, economic, social, or historic heritage of the community; or
 - 4. Portrays the environment in the era of history characterized by a distinctive architectural style; or
 - 5. Embodies those distinguishing characteristics of an architectural type or engineering specimen; or
 - 6. Is the work of a designer or architect or contractor whose individual work has influenced the development of the city, region, state, or nation; or
 - 7. Contains elements of design, detail, materials, or craftsmanship which represent a style unique to the past; or
 - 8. Is a part of or related to a square, park or other distinctive area and thus should be developed and preserved; or

9. Represents an established and familiar visual feature of the neighborhood, community, or skyline, owing to its unique location or singular physical characteristics; or
 10. Is part of or related to a distinctive, geographical area which should be developed or preserved according to a plan based on cultural, historic or architectural motif; or
 11. Has yielded, based upon physical evidence, or is likely to yield information important to history or prehistory;
 12. In addition, the landmarks board shall consider the site, structure, object, or district in light of its integrity of:
 - a. Location,
 - b. Design,
 - c. Setting,
 - d. Materials,
 - e. Workmanship,
 - f. Feeling,
 - g. Association, and
 - h. Its suitability for preservation and reuse.
- (b) *Nomination procedure.* Nomination of a site, structure, object, interior, or district for historic site, historic landmark, interior landmark, or historic district designation may be filed by any of the following methods:

1. Nomination by resolution of either the city council, the landmarks board, or the planning and zoning commission.
2. Nomination by the owner or owners of all fee interests in the property, or their authorized agent(s).
3. For a historic district, nomination by a verified petition of the owners or authorized agents of at least 30 percent of the property within the proposed district as measured by the land area of such property.

Prior to submitting the nomination application to the planning and development department, applicant shall notify property owners 15 days in advance by certified mail of the nominated site, landmark or district. The notification shall be made on forms established by the planning and development department and will detail the nomination process and regulations which result from such designation. The mailing shall be performed by the planning and development department; however, the letters and envelopes themselves must be prepared, and postage placed on the same by the applicant.

Nominations shall be filed with the planning and development department and shall be made on forms or pursuant to standards established by the landmarks board for this purpose. Nominations for historic landmarks, interior landmarks, or historic

districts initiated by property owners shall be accompanied by fees as required by section 36-334, fees, and to cover any advertising, notification of property owners, filing and other costs. The landmarks board shall notify property owners, ten days prior to the public hearing by certified mail, of the pending nomination and invite their comments. Owner consent is not, however, a requirement prior to listing on the Springfield Historic Register. The landmarks board may call witnesses to present testimony or documentary evidence to establish a record regarding the historical, architectural, cultural, or archaeological importance of the proposed historic site, historic landmark, interior landmark, or historic district.

- (c) *Landmarks board action on nominations.* The landmarks board shall make a decision regarding its designation recommendation within a reasonable time, preferably at the close of the hearing, provided that if the matter is not decided at the close of the hearing and is taken under advisement, no more than 28 days shall elapse before a decision is rendered.

If the landmarks board determines that the property does not meet the criteria for designation, the nomination will not be forwarded to the city council unless the applicant so requests within ten days of denial by the landmarks board.

For properties meeting the criteria for designation or for properties not meeting the criteria but for which the decision has been appealed by the applicant to city council, the landmarks board shall prepare and forward to city council a written recommendation concerning the nomination. The recommendation will include, at a minimum, the following items:

1. A statement that the nominated property does or does not meet the criteria for designation;
2. A statement of the attributes of the area or site as such attributes relate to and comply with the designation criteria;
3. A statement of the significant exterior architectural features of the nominated historic site or historic landmark or interior landmark or types of significant exterior architectural features of structures within a nominated historic district that should be protected;
4. A statement of whether or not, in the board's review, the designation is in compliance with prior actions of the city council approving plans and programs. It shall be the duty of the director of planning and development to report to the landmarks board as to the existence of such plans and programs which might have application to the property proposed for designation and further, to offer a professional opinion as to whether or not the proposed designation is in accordance with such plans and programs;
5. A statement of the relationship of the nominated historic site, historic landmark, interior landmark, or historic district to the ongoing effort of the landmarks board to identify and nominate all potential areas and structures that meet the criteria for designation;

6. A map showing the location of the nominated historic site, historic landmark, interior landmark, or the boundaries of the nominated historic district;
 7. A picture or pictures of the nominated historic site, historic landmark, interior landmark, or historic district;
 8. A list of property owners of the historic site, historic landmark, interior landmark, or historic district and a statement that all owners of record have been notified of the landmarks board's consideration of the property for designation. Any correspondence - pro or con - concerning property owners' stance on designation shall also be attached; and
 9. A recommendation that the property should or should not be listed as a historic site, historic landmark, interior landmark, or historic district.
- (d) *Historic sites designation and declaration of intent to designate historic landmarks or historic districts.* Upon receipt of the landmarks board's recommendations, the city council shall consider the nomination at their next regularly scheduled meeting. The city council shall:
1. Deny the nomination; or
 2. By resolution, designate the property as a historic site; or
 3. By resolution, declare their intent to designate the property as a historic landmark or historic district; or
 4. Table the nomination.
- The landmarks board's recommendation required in subsection 36-404(2)(c) will be attached and made a part of the historic site designation or declaration of intent to designate resolutions.
- In case of a protest against such nomination, notarized by the owners of the proposed historic site or 30 percent or more, either of the area of the land (exclusive of streets and alleys) included in such proposed, historic landmark or historic district or within 185 feet distance from the nominated site, landmark, or district, such resolution shall not become effective except by the favorable vote of two-thirds of all members of city council.
- (e) *Effect of historic site designation.* Properties designated as historic sites under the provisions of this section shall not be altered or demolished in whole or in part unless an application for a building or demolition permit is filed with the director of building development services and a certificate of appropriateness and/or certificate of economic hardship as provided for in subsections 36-404(3) and 36-404(4) is granted by the landmarks board. Upon approval of a certificate of appropriateness and/or certificate of economic hardship, or upon the expiration of 60 days from the date of the application for a certificate of appropriateness, the department of building

development services shall grant the building or demolition permit, subject to the requirements of any applicable provisions of the code or regulations. This provision shall not apply to interior alterations.

The provisions of this section shall not apply to the alteration, construction or demolition of any structure or feature on a historic site where a permit for the performance of such work was issued prior to the day that the city council passed a resolution designating the historic site and where such permit has not expired or been cancelled or revoked, provided that construction or demolition is started and diligently prosecuted to completion in accordance with the building code.

- (f) *Effect of declaration of intent to designate a historic landmark or historic district.* No building or demolition permit shall be issued by the department of building development services for alteration, construction, demolition, or removal of a nominated historic landmark or of any property or structure within a nominated historic district from the date a resolution declaring intent to designate is passed by city council until the final disposition of the nomination by the city council unless such construction, alteration, removal, or demolition is determined necessary for public health, safety and welfare and is approved by the procedures prescribed in subsections 36-404(4) and 36-404(5). In no event shall this interim control be in place for more than 180 days. This provision shall not apply to interior alterations.

The provisions of this section shall not apply to the alteration, construction or demolition of any structure or other feature on a historic landmark site or within a historic district where a permit for the performance of such work was issued prior to the day the city council passed a resolution declaring their intent to designate the historic landmark or historic district and where such permit has not expired or been cancelled or revoked, provided that construction or demolition is started and diligently prosecuted to completion in accordance with the building code.

- (g) Action required after declaration of intent to designate a historic landmark or historic district. Upon declaration of their intent to designate a historic landmark or historic district, the city council's resolution concerning the property shall be forwarded to the planning and zoning commission for their consideration. Designation of sites, structures, objects, or districts for historic landmark or historic district status shall then be made in the same manner prescribed for the designation of other zoning districts by this code and subject to compliance with this article.

Notice of consideration of a historic landmark or historic district designation shall be the same as is required for consideration of the adoption or amendment of zoning district boundaries by the planning and zoning commission as prescribed in section 36-367, amendments. As part of such notice, the director of planning and development shall notify the owner or owners of record of affected properties by mail of the proposed designation, including a copy of the proposed designation ordinance, a letter outlining the basis for the designation, and the obligations and restrictions which result from such designation.

The planning and zoning commission shall consider the nomination at their next regularly scheduled meeting and shall forward the nomination with its recommendations to the city council. The resolution declaring the city council's intent to designate and all exhibits pertaining thereto will be attached and made a part of the designating ordinance.

- (h) *Effect of designation as a historic landmark or historic district.* Designation of a site or tract as a historic landmark or historic district is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations of the underlying zoning district applicable to the subject parcel. All provisions of this section shall be applicable to this district.

Tracts, structures, or sites designated by the city council as being a historic landmark or historic district shall be so noted on the official zoning map of the city.

- (i) *Notification of designation of historic landmark or historic district.* Upon designation by the city council, the city clerk shall inform the owner or owners of all fee interests

in the property or properties designated of the designation by registered letter and shall also provide proper notice to the landmarks board and the directors of the departments of planning and development, public works and building development services of the City of Springfield. The city clerk shall also file a notarized certificate of notification or affidavit verifying the designation with the Greene County Recorder of Deeds to provide proper chain of title notice of such designation.

- (j) *Authority to amend or rescind decision.* The landmarks board shall have the authority to effect the amendment or repeal of any designation of a site, structure, object, or district in the same manner and according to the same procedure as provided herein for the original designation.

(3) *Certificate of appropriateness.*

- (a) *When required.* A certificate of appropriateness shall be required in the following instances before the commencement of exterior work upon any new or existing structure or outside work on any site or parcel designated as a historic landmark or as being within a historic district except for ordinary maintenance and repair:

1. Any construction, alteration, or removal affecting the exterior of a site or structure that requires a building or demolition permit from the City of Springfield including, but not limited to, the construction of new structures;
2. A material change to the exterior appearance of existing structures including but not limited to additions, reconstruction or alterations, which affects a significant exterior feature of a structure as specified in the materials attached to the ordinance designating the historic landmark or historic district;
3. Any action resulting in the application of paint to a previously unpainted brick or masonry exterior surface or the application of stucco or siding;
4. The construction or enlargement of a driveway or parking area or erection of fencing;
5. Work by the City of Springfield or any of its agencies or departments which would require a certificate of appropriateness if undertaken by a private citizen and any public improvement project, which, in the opinion of the director of planning and development would affect a historic landmark or historic district;
6. The placement or construction of any building 100 square feet or less in size upon the premises of a historic landmark or within any historic landmarks district, with the exception of animal enclosures, gazebos, children's playhouses, and green houses, and structures associated with the temporary use of street festivals so long as said structures are removed at the expiration of the applicable use permit issued by the director of building development services as established by section 36-452, temporary uses; and

7. A material change to the interior appearance of existing structures, including, but not limited to, additions, reconstruction, or alterations, if a significant interior feature of a structure was listed in the nomination for the historic landmark or historic district.
- (b) *Administrative review.* A person who is required to obtain a certificate of appropriateness shall submit an application to the director of planning and development, hereinafter referred to as director. Persons desiring to perform work on structures or parcels designated as historic landmarks or located within a historic district are required to contact the director in order to determine if a certificate is required. If the application is for work that will have no effect on exterior architectural details or is one of any number of items that the landmarks board has designated for action, then the director shall review the application and issue or deny a certificate of appropriateness. Such certificate shall be in addition to all other permits required by the city. If the request is within the director's jurisdiction and is denied by the director, the applicant may appeal such decision to the landmarks board. Permits required by the city involving items requiring a certificate of appropriateness shall not be issued by the city until the director has issued said certificate, has issued a certificate of economic hardship, or in the event of demolition being refused, the requisite time period has expired. If the director determines that the application is for action not designated for administrative review, then the director shall submit the application to the landmarks board. The director may require as a condition of processing the application that the applicant submit information as determined by the director. The director shall also have the authority to refer any building or demolition permit application for structures on a lot contiguous to any historic landmark or historic district to the landmarks board for the sole purpose of review and comment when, in his opinion, the proposed improvements would have a significant adverse impact on the historic landmark or historic district.
- (c) *Landmarks board review and action on certificates of appropriateness.* Applications for certificates of appropriateness must be complete and be received in the director's office no later than 15 days prior to a scheduled landmarks board meeting. Signs indicating the proposed action and the time, date, and place of the hearing shall be posted by the applicant on the property being considered not less than ten days prior to the hearing. The applicant must comply with standards and procedures provided and approved by the director of the planning and development department and on file in the city clerk's office, regarding compliance with this section. The landmarks board shall review the application and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this section.

If the certificate is denied, no permit for the work shall be issued and the applicant shall not proceed with the work. The landmarks board shall state the reasons for denial in writing to the applicant and shall also make suggestions in regard to appropriate changes.

- (d) *Review criteria.* The landmarks board in considering whether or not to issue a certificate of appropriateness shall be guided by the general purpose of this section and the following:
1. The secretary of interior's standards for rehabilitation as listed below.
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 2. Any design guidelines or standards that the landmarks board may establish and adopt.

3. For new construction, the landmarks board shall also consider the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this section to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.
4. For demolitions, the landmarks board shall also consider the following:
 - a. The degree to which the proposed removal would serve to destroy the integrity and continuity of the historic landmark or historic district of which it is part.
 - b. The nature of the resource as a representative type or style of architecture, socio-economic development, historical association or other element of the original designation criteria applicable to such structure or site.
 - c. The condition of the resource from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.
 - d. The ability of the subject structure or site to produce a reasonable economic return on investment to its owner, provided, however, that it is specifically intended that this factor shall not have exclusive control and effect, but shall be considered along with all other criteria contained in this section.
 - e. The post-demolition plans for the site and the relation of those plans to the surrounding area.

In the event the landmarks board concludes that the request, if granted, will have a detrimental effect upon the historic landmark or historic district or any adverse impact on an historical or architectural resource, then the landmarks board shall deny the request for a certificate.

- (e) *Certificate of appropriateness applications affecting archeological resources.* With regard to the development of a property containing a designated archaeological resource, a certificate of appropriateness shall be required prior to the issuance of the permit for which the applicant has applied; and further, the following requirements shall be satisfied:
1. The applicant shall consult with the state historic preservation officer concerning the effect of the proposed action on the site and what action(s) should be undertaken to record and/or preserve the site.
 2. All development affecting the designated archeological resource shall provide for the permanent preservation of the resources or provide for recordation of the site as advised by the state historic preservation officer.

3. Prior to the hearing by the landmarks board for issuance of the certificate of appropriateness, the applicant shall cause to have presented the comments and recommendations of the state historic preservation officer with respect to the resource under consideration and the application which would affect it.
- (f) *Work required to conform with certificate of appropriateness.* Work performed pursuant to the issuance of a certificate shall conform to the requirements of such certificate, if any. The director of building development services shall inspect from time to time any work performed pursuant to a certificate to assure such compliance. In the event that such work is not in compliance, the director of building development services shall issue a stop work order. A certificate shall become void unless construction is commenced within 180 days of date of issue. All city licenses shall be issued on condition that the person owning or occupying the premises will comply with conditions, if any, in the certificate.
- (g) *Applicant's action if application is denied.* In the event that a certificate is denied, the applicant may:
 1. Not resubmit a denied application without substantial change, but may change the original proposal and resubmit the application within 15 days of denial by the landmarks board; or
 2. Apply for a certificate of economic hardship; or
 3. File an appeal to the board of adjustment within 15 days of the denial by the landmarks board; or
 4. If the request is for a demolition permit to a historic landmark or within a historic district, the applicant may also wait 180 days, at which time said demolition permit shall be issued unless the city council has extended the time for demolition. The landmarks board may request that the demolition be delayed for an additional 120 days by action of the city council. The city council may, after receipt of such request, hold a public hearing and delay the demolition for an additional 120 days.
 5. If the request is for a demolition permit to a historic site, the applicant may wait 60 days from the date of the application of the certificate of appropriateness before the demolition permit is issued.
- (h) *Board's action during demolition delay.* In the event the demolition is delayed as provided in subsection 36-404(g)(5), the board shall take such steps as it deems necessary to preserve the structure concerned in accordance with the purposes of this section. Such steps shall include, but shall not be limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies and exploration of the possibility of moving one or more structures or other features to an appropriate location with respect to the integrity of the structure or features.

(4) *Certificate of economic hardship.*

- (a) *Application procedure.* Application for a certificate of economic hardship shall be submitted to the director of planning and development. Applications for certificates of economic hardship must be complete and received in the director's office no later than 15 days prior to a scheduled landmarks board meeting. Signs indicating the proposed action and the time, date and place of the hearing shall be posted by the applicant on the property being considered not less than ten days prior to the hearing. The applicant must comply with standards and procedures provided and approved by the director of the planning and development department and on file in the city clerk's office, regarding compliance with this section.
- (b) *Review criteria.* The landmarks board will review the application at a public hearing and may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:
 1. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the landmarks board for changes necessary for the issuance of a certificate of appropriateness.
 2. A report from a licensed engineer or architect with experience in recognized historic property rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 3. A report from a state-certified real estate appraiser as to the estimated market value of the property in its current condition, after completion of the proposed construction, alteration, demolition or removal, after any changes recommended by the landmarks board and, in the case of a proposed demolition, after renovation of the existing property for continued use.
 4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional, experienced in recognized historic property rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 5. If the property is income-producing, the annual gross income from the property for the previous two years, itemized operation and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 6. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
 7. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
 8. Assessed value of the property according to the two most recent assessments.
 9. Real estate taxes for the previous two years.

10. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.
 11. Amount paid for the property, date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 12. Annual debt service, if any, for the previous two years.
 13. Any consideration by the owner as to profitable adaptive uses for the property.
 14. Replacement construction plans for the property in question. Post-demolition plans shall include, but are not limited to, drawings or sketches with sufficient detail to show the exterior appearance and architectural design of the proposed building or use, but does not require construction documents to be completed.
 15. Financial proof of the ability to complete the replacement project, which may include, but not be limited to, a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution.
 16. Any other information considered necessary by the landmarks board to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (c) *Landmarks board review and action.* The landmarks board shall review all information and shall either approve, approve subject to conditions, or deny the application for a certificate of economic hardship. A certificate of economic hardship shall be issued when the structure or part thereof has degenerated beyond feasible limits for rehabilitation or rehabilitation is impracticable and there is an economic hardship.
- If approved, the director of the department of building development services will be instructed to issue a building or demolition permit, as requested, for the proposed work unless an appeal of the decision to the board of adjustment is filed within 15 days of the decision. If denied, the applicant shall have the right to appeal the decision to the board of adjustment. The board of adjustment shall conduct a full and impartial hearing on the matter before rendering a decision. The same standards shall be applied by the board of adjustment as established herein. The board of adjustment may affirm, reverse, or modify the decision of the landmarks board in whole or in part.
- (5) *Public safety.* Nothing in this section shall be construed to prevent the construction, alteration, or demolition of any site, building, structure, object, or district, or part thereof, deemed necessary or ordered by the city council or the director of building development services to ensure public safety. The director of building development services shall notify the landmarks board prior to issuing any such order affecting a designated historic site or historic landmark or property within a historic district to ensure that all alternatives have

been considered. When it reasonably appears that an immediate danger to the health, safety, and welfare of any person exists, the director of building development services may take emergency measures to vacate, repair, or demolish such a building or structure.

(6) *Enforcement and penalties.* Enforcement and penalties shall be as required by section 36-335, zoning enforcement, of this article.

(7) *Responsibility.* Any person who shall own a designated site or landmark or site or structure within a historic district shall be jointly and severally responsible for compliance with the provisions of this section and is expected to inform any purchaser of the designation.

(8) *Interpretation.* Questions of interpretation of this section may be referred to the administrative review committee.

(Zoning Ord., § 4-2400; G.O. 4519, 6-12-95; G.O. 4570, 11-27-95; G.O. 4592, 4-1-96; G.O. 4736, 9-2-97; G.O. 5125, 10-15-01; G.O. 5886, 8-9-10; G.O. 5954, 11-14-11; G.O. 6583, § 1(Exh. A), 4-6-20)

Sec. 36-405. PD - Planned development district.

(1) *Authority.* Upon enactment of an ordinance by the city council, a development plan for a planned development district may be approved in any district in the City of Springfield, subject to the procedures and standards in this section.

(2) *Purpose.* The intent of the planned development (PD) district is to encourage more creative and imaginative design than generally is possible under conventional zoning regulations.

It is intended to permit upon application and upon approval of site and use plans, the creation of PD districts. Suitability of such tracts for the PD district designation shall be determined by and shall be made in accordance with the comprehensive plan and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, other public requirements, and with a reasonable consideration being given to among other things, the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the city.

The procedures herein established are intended to substitute procedural protections for substantive regulations in recognition of the fact that traditional density, bulk, spacing, and use regulations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development or

redevelopment of parcels which lend themselves to an individual, planned approach. In addition, a development plan should be designed to ensure that the following general goals will be achieved:

- (a) The proposed development shall be of such design that it will promote achievement of the stated purposes of the Springfield Comprehensive Plan.
- (b) The development will efficiently utilize the available land, and will protect and preserve to the extent possible, natural features of the land such as trees, streams and topographic features.

- (c) The development shall provide for harmonious and coherent site and building design that creates a sense of place.
- (d) The development will be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
- (e) In determining whether a proposed PD district should be approved, the planning and zoning commission and the city council should consider the extent to which the proposed development plan is consistent with the Springfield Comprehensive Plan and the other adopted plans and policies of the city.
- (f) To achieve these purposes, the requirements for a PD district may vary from, and be either more or less restrictive than, the requirements of other district regulations in this article.

(3) *Effect of planned development district approval.* Approval of a PD district shall constitute an amendment to the zoning ordinance. Designation of a property as a PD district in accordance with an approved development plan shall supersede all existing and prior zoning classifications. Such property shall for zoning purposes be identified by the letters PD followed by an identifying number.

(4) *Uses and densities permitted.* The development plan shall specify both for the project as a whole and/or for sub-areas within the project, as appropriate, those principal and accessory uses and development densities that are to be permitted. The city council may include or exclude uses from the development plan or include uses with attached conditions as appropriate to achieve the intent of these provisions. In making its determination of the uses and development densities to be permitted within the PD district, the council may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the PD district, the appropriateness of permitted uses for the area in general and their overall impact on the community, and the consistency of the permitted uses with the Springfield Comprehensive Plan and other adopted plans and policies. Applications for any residential uses over 11 dwelling units per acre after August 27, 2007, shall include sufficient information for staff to complete analysis under the multifamily development location and design guidelines, and the density can exceed the maximum densities within other multifamily zoning districts.

(5) *Application.* An application for approval of a development plan may be filed by the owner of, or any person having a contractual interest in, the property which is the subject of the application.

(6) *Procedure.* Applications for PD district designation shall be processed pursuant to a three-step review process as specified in this section. The three-step process shall include:

- (a) A sketch plan;
- (b) A preliminary development plan; and

(c) A final development plan.

(7) *Sketch plan.* Prior to filing a preliminary development plan, the applicant shall prepare a sketch plan of the proposed planned development for review by the director of planning and development, or his deputy, and such other city department heads, or their deputies, as may be desirable. The director of planning and development shall coordinate sketch plan review of the proposed planned development. Upon completion of the sketch plan review, the director of planning and development shall provide the applicant with written comments with respect to the proposed planned development and shall also provide such recommendations as may inform and assist the applicant in preparing an application for approval of a PD district.

(8) *Preliminary development plan.*

(a) *Purpose and effect.* The preliminary development plan is intended to provide the applicant with an opportunity to submit a plan showing the basic concept, character, and nature of the entire proposed planned development without becoming involved in the preparation of detailed development plans or engineering drawings. In order to permit the city and the applicant to proceed with some assurance, approval of the preliminary development plan binds the applicant and the city with respect to the following development constraints:

1. Categories of uses to be permitted;
2. Overall maximum density of residential uses and intensity of nonresidential uses;
3. General location of vehicular and pedestrian circulation systems;
4. General location and extent of public and private open space;
5. General location of residential and nonresidential land uses; and
6. Staging of development.

(b) *Application.* Upon completion of the sketch plan requirements, an application for a preliminary development plan may be submitted. Five copies of applications for approval of a preliminary development plan shall be submitted to the director of planning and development.

The application for a preliminary development plan shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the director of planning and development in written rules but shall in all instances contain at least the following information and documentation, which information and documentation, taken together, shall constitute a preliminary development plan:

1. The applicant's name and address and his interest in the subject property.
2. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
3. The names and addresses of all professional consultants advising the applicant with respect to the proposed planned development.

4. The legal description of the subject property.
5. The names and addresses, provided on legal-size envelopes and on a list, for all owners of real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law. These names shall be used for a letter as well as other mailings.
6. The zoning district classification and present use of the subject property.
7. One or more maps at a scale of not less than one inch to 200 feet delineating the existing physical characteristics of the site, including:
 - a. Topography at contours not more than five feet;
 - b. Slopes of 15 percent or more;
 - c. Property boundary lines and dimensions; available utilities; and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property;
 - d. Water courses, drainage ways, sinkholes, groundwater recharge areas, ponds, lakes and bodies of water;
 - e. A generalized description of vegetation and tree cover;
 - f. Marshes and floodplains, including the delineation of the 100-year floodplain, where applicable;
 - g. Drainage patterns;
 - h. Other physical features that may affect the development of the property that the applicant may wish to delineate.
8. A map depicting both the existing development of the subject property and appropriate adjacent property and showing the approximate location of existing streets, property lines, easements, water mains and storm and sanitary sewers.
9. A written statement, with supporting graphics, generally describing the overall concept of the proposed planned development, the market which it is intended to serve, and its relationship to the Springfield Comprehensive Plan; the uses included and any limitations upon uses; a description of the general architectural design or theme to be employed; building types and prototypical site layouts, if appropriate; any proposed agreement, dedications or easements; any proposed private covenants and restrictions; and any other information required by this article or pertinent to a determination of compliance with this article.
10. One or more maps at a scale of not less than one inch to 200 feet and a written description of the proposed planned development describing the following features of the project:
 - a. A general land use plan with a description of the type, location, and nature of land use within each area of the development;

- b. A proposed traffic circulation concept which illustrates both external and internal trafficways related to the development, including proposed right-of-ways, travel lanes and other transportation improvements;
 - c. A generalized layout and description of water service, sanitary sewerage, utilities, refuse collection, management of stormwater runoff and similar essential services;
 - d. A generalized landscape plan for the development, including the buffer and perimeter areas;
 - e. A delineation and description of the minimum open space areas, including the buffer and perimeter area;
 - f. A description of screening and berthing adjacent to existing residential areas; and
 - g. A sign plan that coordinates the size, location, illumination, and relation to surrounding uses of signs within the proposed planned development.
11. A tabulation of the following information:
 - a. The approximate total number of dwelling units proposed by type of structure and approximate number of bedrooms for multifamily units;
 - b. The approximate total square feet of building floor area proposed for nonresidential uses by general type of use;
 - c. The total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential and nonresidential uses, by type of structure; streets; and off-street parking and loading areas; and
 - d. The proposed number of off-street parking and loading spaces for each proposed type of land use.
 12. If the planned development is proposed for construction in phases during a period extending beyond a single construction season, a proposed and tentative schedule for the development of such phases shall be submitted, stating the approximate beginning and completion date for each phase, the proportion of the total public and private open space and the proportion of each type of proposed land use to be provided or constructed during each such phase; and the overall chronology of development to be followed from phase to phase. All public improvements directly related to each phase shall be completed at the time the phase is developed and improvements serving the proposed planned development as a whole and any adjoining area in the planned development shall be completed in a sequence assuring full utility of the planned development as a whole and all areas within the planned development. All public improvements shall also be completed so that future public improvements required by this article and other applicable ordinances of the city are not compromised or rendered unduly difficult.

13. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed planned development, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including a current certified abstract of title or commitment for title insurance.
 14. A traffic impact analysis indicating the relationship of the proposed development to traffic and road use and plans in the immediate surrounding area.
- (c) *Public notice and hearing before planning and zoning commission.* After giving the notice required by section 36-368, publication and posting of notices, a public hearing on the development plan shall be set, advertised and conducted by the planning and zoning commission within 28 days of the filing of a complete application in accordance with the provisions of this section.
- (d) *Action by planning and zoning commission.* Within 30 days following the conclusion of the public hearing, unless a delay is requested by the applicant, the planning and zoning commission shall transmit to the city council its recommendation that the preliminary development plan either be approved, be approved subject to modifications, or not be approved. In considering the preliminary development plan and formulating its recommendation, the planning commission shall be guided by the standards made applicable to proposed planned developments by subsection 36-405(2). The failure of the planning and zoning commission to act within 30 days following the conclusion of such hearing, or such longer period as may be agreed to by the applicant, shall be deemed a recommendation for the denial of the preliminary development plan as submitted.
- (e) *Public notice and hearing before city council.* After giving the notice required by section 36-368, publication and posting of notices, a public hearing on the proposed development plan shall be set, advertised and conducted by city council within 45 days of action or failure to act by planning and zoning commission in accordance with the provisions of this section.
- (f) *Action by city council.* Within 30 days following the conclusion of the public hearing, unless a delay is requested by the applicant, the city council shall either refuse to approve the preliminary development plan; shall refer it back to the planning and zoning commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the preliminary development plan, with or without modifications to be accepted by the applicant as a condition of such approval; provided, however, that if such plan is approved with modifications, no application for approval of a final development plan shall be filed or considered until the applicant has filed with the director of planning and development his written consent to such modifications. In the event the city council shall fail to act within the time limit herein specified, the preliminary development plan shall be deemed finally denied.
- Within seven days of the city council's action, or its failure to act as above provided, the secretary of the planning and zoning commission shall mail notice thereof to all parties entitled thereto.

- (g) *Action by applicant.* When a preliminary development plan has been approved, or approved with modifications acceptable to the applicant, the applicant shall proceed to file a final development plan in accordance with the provisions of subsection (8) below.
- (h) *Effect of preliminary development plan approval.* Unless the applicant shall fail to meet time schedules for filing a final development plan or plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this section or any approval granted pursuant to it, a preliminary development plan which has been approved, or approved with modifications which have been accepted by the applicant, shall not be modified, revoked or otherwise impaired, pending the application for approval of a final development plan or plans, by any action of the city without the consent of the applicant.
- (i) *Standards for approval of a preliminary development plan.* A preliminary development plan shall contain at least the following provisions:
 - 1. For nonresidential development, the intensity of development may be regulated:
 - a. Reserved;
 - b. By specifying maximum square footage or gross leasable area;
 - c. By specifying setbacks, height and bulk restrictions; or
 - d. By a combination of such restrictions for the project as a whole or for components or sub-areas within the project. In addition, nonresidential preliminary development plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial, and other nonresidential activities. In making its determination regarding the intensity of development and appropriate performance standards, the city council may consider the character and scale of similar development, the character and scale of surrounding development and the area in general, the real or anticipated impact on public facilities and services.
 - 2. The maximum number of dwelling units permitted shall be computed based on the requirements of subsection 36-405(4)(b). The permitted number of dwelling units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this section. The preliminary development plan shall specify distribution of residential density for the project as a whole or for subareas within the project. In making its determination regarding the distribution of residential densities, the city council may consider the compatibility of residential densities with other uses within the district as well as outside the district, the impact of residential densities on public facilities and services.

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- (j) *Uses permitted.* For nonresidential development, the specific uses shall be listed. For residential uses, the types of dwellings shall be listed.

- (k) *Bulk, area, and height requirements.* The preliminary development plan shall specify bulk, area, and height restrictions for the project as a whole or for sub-areas and/or components of the project. In making its determination regarding such restrictions, the council may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, and the general character and scale of similar development within the area of the proposal.
- (l) *Public facilities.* The preliminary development plan shall specify conditions, restrictions, and standards relating to the timely provision of necessary public facilities. In making its determination regarding such conditions, restrictions and standards, the council may consider the adequacy of existing facilities, the timely provision of adequate facilities, the impact of the proposed development on existing and/or planned facilities and the overall cost to the community.
- (m) *Access to public thoroughfares.* The preliminary development plan shall specify the location and general design of ingress and egress to the project along with any proposed access restrictions. The city council may impose such access standards and restrictions as are necessary to protect the integrity and function of the city's thoroughfare system and to insure the safe and efficient circulation of vehicles and pedestrians within the PD district. In making its determination regarding such access standards and restrictions, the council may consider the classification and function of the thoroughfare system, existing and projected volumes, the condition and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns and the consistency with the Springfield Comprehensive Plan and other adopted plans and policies.
- (n) *Off-street parking and loading requirements.* Unless specifically modified by the preliminary development plan, the off-street parking and loading requirements imposed by this article shall apply. Reductions in off-street parking and loading standards may be approved only if it can be demonstrated that parking demand will be less due to design and/or occupancy characteristics of the project and/or the availability of public transportation.
- (o) *Sign requirements.* The sign plan shall be approved only if the general intent of the sign regulations, section 36-454, signs, regarding size, location, illumination, structural integrity, and relation to surrounding uses is satisfied.
- (p) *Landscaping and perimeter treatment.* The preliminary development plan shall specify the design and arrangement of landscaping on all open space areas in the PD district, and on all buffer and perimeter areas provided to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The city council may impose such standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

(9) *Final development plan.*

- (a) *Purpose.* The final development plan is intended to particularize, refine, and implement the preliminary development plan. A final development plan may be submitted for the entire planned development or in phases as approved in the preliminary development plan.

When approving the preliminary development plan, the city council may permit review and approval of the final development plan in its entirety or for specified portions of the project by the planning and zoning commission or the administrative review committee. Administrative review and approval shall be granted only if the preliminary development plan offers sufficient detail and assurances to adequately safeguard the public interest, or review procedures normally required by other regulations would offer adequate review to safeguard the public interest. Administrative review and approval shall not be construed to waive review procedures otherwise required by city ordinances.

- (b) *Application.* Upon approval of the preliminary development plan, the applicant shall submit an application for final development plan approval to the director of planning and development. The application for final development plan may include the entire area included in the approved preliminary development plan or one or more stages or units thereof in accordance with a staging plan approved as part of the preliminary development plan. The application shall contain a plan which refines, implements and is in substantial conformity with the approved preliminary development plan, and shall contain such information and documentation as shall be prescribed from time to time by the planning and zoning commission but shall in all instances contain at least the following information and documentation, which information and documentation, taken together, shall constitute a final development plan:

1. The applicant's name and address and his interest in the subject property.
2. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
3. A legal description of the property for which final development plan approval is sought.
4. The date on which preliminary development plan approval was granted.
5. A preliminary plat of subdivision that includes a survey certified by a registered land surveyor. A survey shall be required even if a plat is not necessary.
6. A tabulation of the following information with respect to the area included in the final development plan:
 - a. The total number of dwelling units proposed, by type of structure and number of bedrooms for multifamily;
 - b. The total square feet of building floor area proposed for nonresidential uses by general type of use;

- c. The total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; nonresidential uses; public and private open space; streets; and off-street parking and loading areas; and
 - d. The proposed number of off-street parking and loading spaces for each proposed type of land use.
7. A landscape plan specifying the design, description and arrangement of landscaping for all open space, buffer and perimeter areas in the PD district, including materials and techniques to be used. A statement and plan of the proposed treatment of the buffer and perimeter areas of the proposed planned development, including materials and techniques to be used. The plan shall be approved only if the general intent of the screening and fencing regulations, section 36-480, screening and fencing, and landscaping and bufferyard regulations, section 36-482, landscaping and bufferyards, is satisfied.
 8. When the proposed planned development, or stage thereof, includes provisions for public or private open space or service facilities, a statement describing the provision that is to be made for the dedication or care and maintenance of such open space or service facilities. If it is proposed that such open space be owned or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
 9. Copies of any restrictive covenants that are to be recorded with respect to property included in the final development plan.
 10. Utility plans, indicating placement of water mains, sanitary and storm sewerage, gas, electric and telephone lines, and related facilities.
 11. A statement summarizing all changes which have been made in any document, plan, data, or information previously submitted, together with revised copies of any such document, plan, or date.
 12. Proof of recording any easements and restrictive covenants prior to the sale of any land or structure or portion thereof within the planned development and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or private common open space or service facility.
 13. All certificates, seals, and signatures required for the dedication of land and recordation of documents.
 14. Such other and further information as the planning and zoning commission and city council shall find necessary to a full consideration of the entire proposed planned development or any stage or unit thereof.

- (c) *Substantial conformity defined.* A final development plan shall be deemed not to be in substantial conformity with an approved preliminary development plan if it:
1. Increases by more than five percent from the maximum density, approved in the preliminary development plan, except that in no event shall the maximum density exceed the density permitted for the underlying district by subsection (4)(b);
 2. Increases by more than five percent the maximum floor area to be devoted to any residential or nonresidential use;
 3. Increases height by more than five percent;
 4. Decreases by more than five percent the area approved for public and private open space or changes the general location of such areas;
 5. Relocates approved circulation elements to any extent that would decrease the ability of such elements to function efficiently, adversely affect their relation to surrounding lands and circulation elements, or would reduce their effectiveness as buffers or amenities;
 6. Significantly alters the arrangement of land uses within the planned development;
 7. Violates any provision of the codes and ordinances applicable to the proposed planned development; or
 8. Departs from the preliminary development plan in any other manner which the planning and zoning commission or city council shall, based on stated findings and conclusions, find to materially alter the plan or concept for the proposed planned development.
- (d) *Action by administrative review committee.* When administrative review and approval has been granted in the preliminary development plan, within 30 days following the submission of a complete application for the final development plan, or such longer period as may be agreed to by the applicant, the administrative review committee shall review the plan with respect to its conformity to the approved preliminary development plan; with respect to the merit or lack of merit of any departure of the final development plan from substantial conformity with the preliminary development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable federal, state and city codes, ordinances and regulations.

If the administrative review committee finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other

applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. Administrative review committee action shall constitute final approval of the final development plan.

If the administrative review committee shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the planning and zoning commission together with its recommendation that the final development plan be approved.

In any case, where the administrative review committee finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the planning and zoning commission, together with its recommendation that the final development plan not be approved.

- (e) *Action by planning and zoning commission.* Within 45 days following the submission by the applicant or referral from the administrative review committee of a complete application for the final development plan, or such longer period as may be agreed to by the applicant, the planning and zoning commission shall review the plan with respect to its conformity to the approved preliminary development plan; with respect to the merit or lack of merit of any departure of the final development plan from substantial conformity with the preliminary development plan; and with respect to compliance of the final development plan with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable federal, state and city codes, ordinances and regulations.

If the planning and zoning commission finds that there is substantial conformity between such plans and shall further find the final development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the preliminary development plan, and with the provisions of this article and all other applicable, federal, state and city codes, ordinances and regulations, it shall approve the final development plan. Planning and zoning commission action shall constitute final approval of the final development plan.

If the planning and zoning commission shall find that the final development plan lacks substantial conformity to the preliminary development plan but merits approval notwithstanding such lack of conformity, it shall transmit such plan to the city council together with its recommendation that the final development plan be approved.

In any case, where the planning and zoning commission finds that the final development plan lacks substantial conformity to the preliminary development plan and does not merit approval, it shall transmit such plan to the city council, together with its recommendation that the final development plan not be approved. The failure of the commission to act within the aforesaid time period shall be deemed a recommendation to the city council to deny the final development plan as submitted.

- (f) *Action by city council.* Within 45 days, or such longer period as may be agreed to by the applicant, following the action of the planning and zoning commission, or its failure to act as provided, the city council shall either refuse to approve the final development plan, shall refer it back to the planning commission for further consideration of specified matters; or shall, by ordinance duly adopted, approve the final development plan, with or without modifications to be accepted by the applicant, as a condition of such approval. The failure of the city council to act within the aforesaid time period shall be deemed a final denial of final development plan approval.
- (g) *Notice and recording of final development plan.* Within seven days following the final disposition of an application for final development plan approval, the secretary of the planning and zoning commission shall mail notice thereof to the applicant and to all city officials, departments, bureaus, boards and commissions whose duties might be affected by such disposition. When a final development plan is approved, the secretary shall, within ten days of its approval, file a copy of the entire final development plan in the permanent records of the planning and zoning commission.
- (10) *Building and other permits.* Upon, but not before, receiving notice from the secretary of the planning and zoning commission that the final development plan has been approved, and upon application by the applicant, all appropriate officials of the city may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final development plan; provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the city have been met which are applicable to the permit sought.
- (11) *Adjustments to plan during development.* During the construction of a planned development, the administrative review committee may authorize minor adjustments to the final development plan when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development.
- (12) *Amendments to final development plan.* In addition to the minor adjustments authorized by subsection (11) above, an approved final development plan may be amended, varied, or altered in the same manner, and subject to the same limitations, as any other regulation established by this article. In addition, an approved final development plan may be amended or altered pursuant to the procedures established by this section for its original approval.
- (13) *Compliance with final development plan.* The construction and operation of a planned development shall be in compliance with the approved final development plan at all times.

(Zoning Ord., § 4-2500; G.O. 4519, 6-12-95; G.O. 5127, 10-29-01; G.O. 5701, 8-27-01; G.O. 5813, 4-6-09; G.O. 6467, § 1(Exh. A), 7-16-18)

Sec. 36-406. AO - Airport overlay district.

(1) *Purpose.* The airport overlay districts are intended to regulate the development of noise-sensitive land uses, to promote compatibility between the Springfield-Branson National Airport and the surrounding land uses, to protect the Springfield-Branson National Airport from incompatible development and to promote the health, safety, and general welfare of property users.

(2) *Airport overlay zoning districts.* The airport overlay zoning districts shall be known and designated as AO-1 and AO-3 and shall be shown on the official zoning map. The AO-2 designation is not currently used.

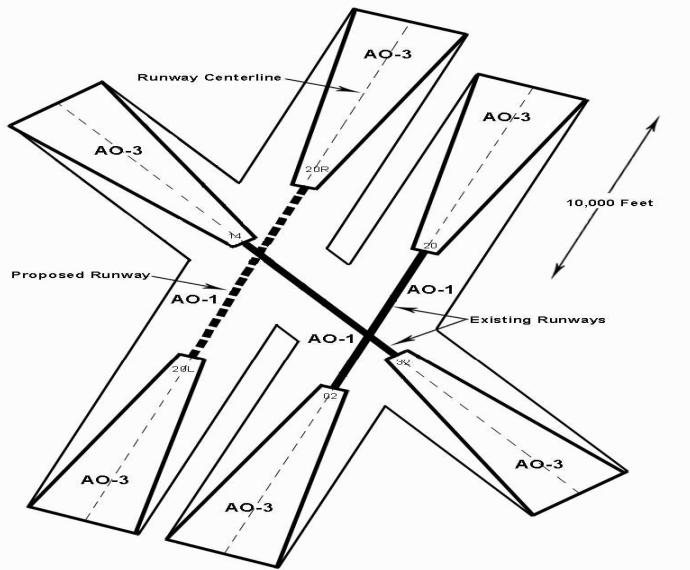
(3) *Overlay district boundaries.* The AO district boundaries shall include (Figure 4-1);

(a) *AO-1 district:* All areas within 2,000 feet of any airport runway centerline extending out 10,000 feet from both ends of any airport runway.

(b) *AO-2 district:* Not currently used.

(c) *AO-3 district:* All areas encompassing the airport zones defined in the Airport Zoning Law, Chapter 305 RSMo, defined as follows:

Beginning at a point on the end of any runway and on the centerline of the runway; thence to the right a distance of 500 feet on a course perpendicular to said centerline to a point; thence to a point 2,000 feet to the right of and perpendicular to the centerline extended which point is directly opposite a point 10,000 feet from the end of the runway on the said centerline extended away from the runway; thence to a point 2,000 feet to the left of and perpendicular to the centerline extended which point is directly opposite a point 10,000 feet from the end of the runway on the said centerline extended away from the runway; thence to a point 500 feet to the left of the point of beginning and perpendicular to the said centerline; thence to the point of beginning.

Figure 4-1

(4) Split-zoned tracts and structures.

- (a) Where a part of a tract of land lies within an airport overlay zoning district, the district requirements shall only apply within the part of the tract located in the district. The AO-3 district shall take precedence over the AO-1 district.
- (b) A structure which is located partly within an airport overlay zoning district and partly outside shall be considered to be entirely within an airport overlay zoning district. The AO-3 district shall take precedence over the AO-1 district.

(5) Allowed uses.

- (a) Within the airport overlay zoning districts as defined herein, no land shall be used and no structure or other object shall hereafter be erected, altered, converted, or modified other than for those compatible land uses permitted by the underlying zoning districts.
 - 1. The following land uses are prohibited in the AO-1 district, regardless of underlying zoning district, except as modified by the AO-3 district:
 - a. Residential:
 - Single-family residential, including mobile homes
 - Two-family, town houses and multifamily residential
 - Manufactured housing developments
 - Rooming, boarding and lodging houses
 - b. Public use:
 - Schools/colleges

Hospitals/clinics
Churches, auditoriums, and concert halls
Community center
Day care center/preschool
Libraries/museums
Group homes
Day care homes

c. Recreational:

Outdoor carnival/circus
Stadium
Drive-in theater

2. In the AO-3, no dwellings shall be permitted to be constructed other than single-family dwellings, including manufactured homes, each of which shall be on a lot or parcel of land of ten acres or more. When these uses are allowed within the AO-3 district, measures to achieve outdoor to indoor noise level reduction (NLR) as outlined in subsection 36-406(8) are required. If a lot of less than ten acres lawfully existed at the effective date of this article, a single-family dwelling or manufactured home may be placed on the lot provided:
 - a. An avigation easement has been granted to the city; and
 - b. Outdoor to indoor noise level reduction (NLR) as outlined in subsection 36-406(8) is installed during construction of the dwelling.
 3. The following land uses are prohibited in the AO-3 district, regardless of underlying zoning district:
 - a. Hotels and motels or enclosed off-street parking facilities in a building or structure. Accessory off-street parking lots or facilities open to the sky are allowed.
- (b) Subsection 36-406(5) does not apply to property within the official boundaries of the Springfield-Branson National Airport.
- (c) Conditional uses.
1. The following conditional use may be permitted in the AO-1 and AO-3 districts provided it is no closer than one and one-half miles (7,920 feet) from the ultimate end of any existing or planned runway shown on the most current airport layout plan as approved by the Federal Aviation Administration, and provided it meets the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:
 - a. Playfields.
 2. Upon receiving an application for a conditional use permit in the AO-1 or AO-3 districts, the department of planning and development shall forward the application to the Springfield-Branson National Airport Board. In considering

such an application, the Springfield-Branson National Airport Board shall review potential impacts to the airport and shall make its recommendation(s) to the planning and zoning commission, including any factual findings and reasoning upon which the recommendation was based, prior to a public hearing on the application. The airport board shall consider factors such as, but not limited to:

- a. Federal Aviation Regulations (FAR Part 77).
- b. Published instrument approach and departure procedures.
- c. Outdoor lighting.
- d. Radio signal or electronic emissions.
- e. Noise sensitive concerns.
- f. Public safety.

(6) *Additional land use regulations.*

- (a) When a subdivision plat or building permit is required for any property within an airport overlay zoning district, the property owner shall dedicate an aviation easement to the city over and across that property. This easement shall establish a height restriction on the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the Springfield-Branson National Airport.
- (b) Notwithstanding any other provisions of this article or other sections of the Springfield City Code, no use may be made of land, water, or structures within any zoning district established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the airport.
- (c) No building or structure shall be constructed nor shall any landscaping growth be maintained which exceeds 50 feet in height in an airport overlay zoning district.

(7) *Certification of plans.*

- (a) The director of building development services shall not issue a building permit for any structure within the zones set forth in subsections (2) and (3) unless the plans and specifications accompanying the application for said building permit have been certified by a registered professional engineer or registered professional architect in the State of Missouri as meeting the noise level reduction (NLR) standards specified in subsection (8).

- (b) The registered professional architect or engineer must certify that said plans and specifications shall reduce the noise impact from outdoor to indoor noise level, at least the minimum specified in this section, using commonly accepted engineering and architectural acoustical practices.
- (8) *Noise level reduction (NLR) standards.*
- (a) In an airport overlay zoning district, allowed residential land uses shall meet minimum construction standards to achieve a minimum outdoor to indoor NLR of 30 decibels. Customary residential construction can be expected to provide an NLR of 20 decibels, which assumes mechanical ventilation and closed windows year round. Therefore, the minimum outdoor to indoor NLR shall be ten decibels over standard construction. A base airport noise level of 70 Ldn is assumed until such time as a different base airport noise level is established based on completion of a noise study prepared by the Springfield-Branson National Airport or other individuals authorized by the board of such airport and filed with the office of the director of aviation of the City of Springfield, Missouri.
- (b) This subsection (8) shall not apply to property located within the official boundaries of the Springfield-Branson National Airport as established in the airport layout plan submitted to and on file with the Federal Aviation Administration and as amended from time to time.

(Zoning Ord., § 4-2600; G.O. 5471, 6-27-05; G.O. 5763, 6-30-08; G.O. 5833, 7-27-09; G.O. 6633, § 1, 1-25-21)

Sec. 36-407. CO - Conditional overlay district.

(1) *Purpose.* The conditional overlay district is intended to allow a floating zone to be established as an overlay to a base zoning district, which limits the particular uses to be established in accordance with specific standards and conditions. There are circumstances in which a base zoning district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations and the comprehensive plan.

(2) *Application.* The applicant may apply for an amendment to the base zoning classification and jointly apply for conditional overlay district. Property may be rezoned to a conditional overlay district only in response to and consistent with a petition submitted by the owners of all of the property to be included in the district. A petition for a conditional overlay district must specify the use or uses of the base zoning district that are intended for the property and any conditions that, in addition to all general zoning ordinance requirements, will govern the development and use of the property. A conditional overlay district can only reduce the uses of the base zoning district and not allow any uses not permitted in the base zoning district. If additional uses are desired that are not permitted in the base zoning district, a rezoning to a different base zoning district or a planned development is

required. A conditional overlay district may also be used to set density in accordance with the multifamily development location and design guidelines for R-LD, R-MD and R-HD districts and for planned developments, when multi-family uses are requested.

(3) *Required conditions.* A conditional overlay district may include some conditions from the following list or such other special restrictions as approved by city council:

- (a) Increased bufferyards.
- (b) Reduced height.
- (c) Increased setbacks.
- (d) Increased open space.

- (e) Restrictions on operation of the use, including but not limited to, limitations on days of operation, noise level, intensity of use, lighting, and signage.
- (f) Increased minimum lot area and dimensions.
- (g) Reduced building coverage.
- (h) Off-site improvements related directly to the intensity of development.
- (i) Modified design requirements.
- (j) Increases in the allowed density for multifamily uses not to exceed those stated in the following table:

<i>Zoning District</i>	<i>Maximum Density</i>
R-LD	18 DU/acre
R-MD	29 DU/acre
R-HD	40 DU/acre

(4) *Mapping.* Upon approval, a conditional overlay district shall be noted on the official map by the base zoning district designation with the addition of "-CO.

(Zoning Ord., § 4-2700; G.O. 5608, 10-30-06; G.O. 5701, 8-27-07)

Sec. 36-408. LWO - Live/work overlay district.

(1) *Purpose.* This district is an overlay district intended to be used in combination with any residential zoning district (R-SF, R-TH, R-LD, R-MD, R-HD or R-MHC) that permits single-family, duplex, townhouse or other types of dwelling units, i.e., multifamily units, where the work area can be established on the first or main floor or in an accessory building. The primary purpose of this district is to permit live/work units as defined and regulated by the building code as adopted, and in effect, by the City of Springfield. Specific work uses, standards, and conditions are established when a specific live/work overlay district is approved.

(2) *Application.* The live/work overlay district is intended to be applied to a residential neighborhood; sub-area of a neighborhood; or a multiunit, residential development that may be on a single property; and not to a single property containing one or two dwelling units.

(3) *Permitted uses.* In addition to all other uses allowed in the residential district with which this district is combined, live/work units are permitted. The uses permitted in the nonresidential area of the live/work units shall be established when the specific live/work overlay district is approved. A live/work unit is considered a residential use and does not have to comply with any requirements for nonresidential uses in the underlying residential district.

(4) *Use limitations.* The following use limitations may be established for the live/work unit that are more restrictive than the limitations established by the building code as adopted, and in effect, by the City of Springfield.

- (a) Maximum floor area of the live/work unit;

- (b) Maximum percentage of nonresidential floor area; and
 - (c) Maximum number of nonresidential workers or employees permitted to occupy the nonresidential area at any one time.
- (5) *Signage.* One sign may be permitted for each live/work unit.
- (a) The following sign requirements shall be established when the specific live/work overlay district is approved:
 1. Type of sign (detached or attached);
 2. Maximum effective sign face area;
 3. Maximum sign height; and
 4. Illumination.
 - (b) Signs may be required to be removed during times of day when the business is not open.
 - (c) Signs with ineffective sign face area of six square feet or less, and not illuminated, shall not require a sign permit.
- (6) *Parking.* Additional off-street parking may be required based on the number of employees, floor area of the work area or some other standard. Off-street parking requirements may vary in the specific live/work overlay district by sub-area. All off-street parking areas shall meet the design standards of the residential district.
- (7) *Design standards.* Design standards may be adopted to protect the character of the specific live/work overlay district.
- (8) *Mapping.* Upon approval, a live/work overlay district shall be noted on the official map by the base zoning district designation with the addition of "-LWO."
(Zoning Ord., § 4-2800; G.O. 6071, 8-12-13)

Sec. 36-409. WC - West College Street district.

(1) *Purpose.* This district is intended to be a mixed-use, urban district that accommodates a variety of residential and commercial uses. The three sub-areas established by this section are intended to encourage an eclectic mix of businesses, artist studios, architecture and residents consistent with the adopted College Street Corridor Plan. WC-1, the mixed-use sub-area, is designed to accommodate a mix of commercial and residential uses. WC-2, the live/work sub-area, is designed to provide for a transition between the higher intensity mixed-use area on the north side of the street and residential uses on Walnut Street. This sub-area will provide for employment opportunities in conjunction with a dwelling. WC-3, the residential sub-area, is designed to provide for a variety of residential uses including single-family, and townhouses. This sub-area permits multi-family and nonresidential uses on the first floor frontage along College Street with the approval of a conditional use permit.

(2) *WC-1, Mixed-use sub-area.*(a) *Permitted uses.*

1. Office use group (this group would include medical and dental clinics).
2. Retail sales use group (this use group would include pet stores).
3. Personal services use group (this use group would include pet grooming).
4. Eating and drinking establishments use group.
5. Automobile service garages, including body and fender repair and paint shops if a legally conforming use at the time of the passage of this ordinance provided a conditional use permit is obtained for any expansion of the structure for said use.
6. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
7. Commercial gardens and/or farmers market.
8. Bed and breakfast.
9. Colleges, universities and business colleges.
10. Funeral homes and mortuaries, excluding crematoriums.
11. Educational, cultural, public or nonprofit institutions such as museums, art galleries and libraries.
12. Community centers, nonprofit.
13. Upholstery shops.
14. Glass and mirror sales.
15. Single-family detached dwellings.
16. Single-family semi-detached dwellings, such as patio-court homes and twin houses.
17. Duplexes.
18. Townhouses.
19. Multifamily dwellings.
20. Any establishment which provides supplies and/or services such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
21. Short-term rental type 3 in accordance with section 36-473.

(b) *Use limitations.*

1. All activities and permitted uses except for the following shall be conducted entirely within a completely enclosed building:
 - a. Occasional outdoor sales on private property.

- b. Off-street parking and loading facilities.
 - c. Outdoor eating and drinking facilities.
2. All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 3. No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (c) *Bulk regulations.*
1. Maximum structure height:
 - a. Two and one-half stories or 35 feet above the finished street grade.
 - b. Maximum of four stories, or 55 feet above the finished street grade with the approval of a conditional use permit in accordance with section 36-363, conditional use permits.
 2. Maximum density for residential uses shall not exceed 29 dwelling units per acre.
 3. Yard requirements.
 - a. Front yard: None.
 - b. Side yard: None.
 - c. Rear yard: None.
- (d) *Open space requirements.*
1. *Minimum open space:* Not less than ten percent of the gross site area shall be devoted to open space unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets or areas containing plants for display or sale. Open space shall contain living ground cover and other landscaping materials.
 2. *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 90 percent of the total area unless modified in accordance with subsection 36-482(15).
- (e) *Design requirements.*
1. A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
 2. A landscape plan meeting the requirements of section 36-483, off-street parking and loading area designs standards, shall be submitted and approved.
 3. Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.

4. Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with section 36-480, screening and fencing.
5. Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
6. Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
7. The maximum length of the frontage of any building along College Street shall not exceed 100 linear feet. The length of a building may exceed 100 feet with the approval of a conditional use permit if it can be shown the design of the building incorporates the scale and other features consistent with the intent of this district and the College Street Corridor Plan.
8. Any new structure within this district shall adhere to the following: Facades that face streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features: windows, entrances, arcades, arbors, awnings (over windows or doors), changes in color or materials, distributed along the façade at least once every 25 feet. Site plan elevations of buildings shall be approved by the administrative review committee.

(f) *Bufferyard requirement.* None.

(g) *Parking requirements.* There shall be at least one off-street parking space for each dwelling unit.

(3) *WC - 2, live/work sub-area.* Purpose. A live/work is a business conducted within a dwelling unit by occupants of the dwelling unit. A live/work is distinguished from a home occupation primarily in that a live/work use can include employees who are not residents of the home and involve a greater number of customers.

(a) *Live/work standards.*

Development within this district shall comply with the live/work unit provisions of the International Building Code.

Live/work unit: A dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant.

Commercial vehicles: Commercial vehicles accessory to the business activity may be kept at the dwelling site provided off-street parking for the vehicles can be accommodated on site.

Off-site effects: No live/work use activity shall result in offsite dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazardous or nuisances as determined by the director of building development services.

Signage: Signage shall be in accordance with section 36-454, signs.

(b) *Permitted uses.*

1. Art and craft work such as ceramics, painting, photography, sculpture, woodwork, and similar cottage industries that may involve minor use of hazardous or flammable substances as regulated by the International Building Code and the International Fire Code; or operations which generate noise, dust, or odors provided they are determined to be compatible with the surrounding land uses.
2. Office uses by architects, attorneys, consultants, engineers, writers and owners of electronic commerce businesses, computer programming and data processing, and similar uses.
3. One-on-one and group services such as music, art, and dance lessons, tutors, licensed counseling and massage therapy, etc.
4. Tailoring, sewing, washing and ironing.
5. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
6. Direct sale product distribution (Amway, Avon, Tupperware, etc.).
7. Furniture refinishing/antique restoration.
8. Hair salons and day spas.
9. Mail order, not including retail sales from site.
10. Renting sleeping rooms and serving meals to not more than two persons not members of the family occupying the dwelling unit for more than 30 days provided one off-street parking space is provided for each person.
11. Telephone answering services.
12. "Work at home" activities where employees of a business, located at another location, perform work for the business in their own residence, provided all physical contact between the business and the employee occurs at the place of business and not the residence, other than the initial installation of any equipment or other work facilities. The work activities of the employee shall conform with all other requirements of this district.
13. Other live/work uses determined by the administrative review committee to be of a similar and compatible nature to those uses described herein.
14. Single-family detached dwellings.
15. Single-family semi-detached dwellings, such as patio court homes and twin houses.
16. Accessory apartments in owner-occupied single-family detached dwellings, in accordance with section 36-464, accessory apartments.
17. Accessory uses, as permitted by section 36-450, accessory structures and uses.
18. Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property

owners associations and maintenance facilities operated by a neighborhood or community organization or property owners association in accordance with the provisions of section 36-467, noncommercial not-for-profit neighborhood facilities.

19. Townhouses.
20. Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.
21. Any use that is existing at the time this ordinance is adopted and is a permitted use within the live/work district can continue as a stand-alone use on the lot provided that a conditional use permit is obtained for any expansion of said use.
22. Short-term rental type 3 in accordance with section 36-473.

(c) *Conditional uses.*

1. Adaptive use of nonresidential structures in accordance with subsection 36-363(10)(b)4.
2. Bed and breakfasts in accordance with subsection 36-363(10)(b)2.
3. Stand-alone nonresidential use. Any of the permitted uses within this district may be permitted as a stand-alone use provided a conditional use permit is approved in conformance with subsection 36-363(10).

(d) *Use limitations.*

1. There shall be a separate platted lot of record for each single-family semi-detached or townhouse dwelling unit.
2. All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
3. No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
4. Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
5. All activities and permitted uses except for the following shall be conducted entirely within a completely enclosed building:
 - a. Occasional outdoor sales on private property.
 - b. Off-street parking and loading facilities.
 - c. Outdoor eating and drinking facilities.

(e) *Bulk regulations.*

1. *Maximum structure height:* 35 feet or two and one-half stories above the finished street grade.

2. *Minimum yard requirements:*
 - a. *Front yard:* 15 feet. The front yard setback maybe reduced below the minimum required if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
 - b. *Side yard:* None.
 - c. *Rear yard:* Ten feet.
 3. *Minimum lot area:*
 - a. *Single-family detached dwelling:* 5,000 square feet.
 - b. *Each single-family semi-detached dwelling on a separate platted lot:* 3,750 square feet.
 - c. Each townhouse on a separate platted lot:
 - i. End lots: 4,000 square feet.
 - ii. Interior lots: 3,000 square feet.
 - d. All other uses: 7,500 square feet.
 4. *Minimum lot width:*
 - a. *Single-family detached dwellings:* 45 feet.
 - b. Townhouses:
 - i. End lots: 40 feet.
 - ii. Interior lots with driveway in front yard: 30 feet.
 - iii. Interior lots without driveway in front yard: 24 feet.
 - c. Single-family semi-detached dwelling units: 30 feet.
 - d. All other uses: 45 feet.
 5. Minimum lot depth: 80 feet.
- (f) *Open space requirements.*
1. *Minimum open space:* Not less than ten percent of the total lot area shall be dedicated to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
 2. *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 90 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(g) *Design requirements.*

1. A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved for three or more townhouse dwellings units, live work uses and all nonresidential uses.
2. A plot plan meeting the requirements of subsection 36-331(3) shall be submitted and approved for all single-family detached and single-family semi-detached dwellings.
3. A landscaping plan meeting the requirements of section 36-483, off-street parking and loading area design standards shall be submitted and approved for structures containing three or more townhouse dwelling units, live/work uses and all nonresidential uses.
4. Storage of maintenance or other equipment incidental to any permitted or conditional use except single-family detached and single-family semi-detached dwellings shall be screened from view in accordance with the provisions of section 36-480, screening and fencing.
5. The maximum length of any cluster of townhouse dwelling units shall not exceed six units, or 200 linear feet.
6. Façades that face streets or connecting pedestrian frontage that are greater than 25 feet in length shall be subdivided and proportioned using at least one or more of the following features: windows, entrances, arcades, arbors, awnings (over windows and doors), changes in color or materials, distributed along the façade at least once every 25 feet. Site plan elevations of the building shall be approved by the administrative review committee.
7. All off-street parking lots for permitted live/work uses and nonresidential uses shall be screened from all residential uses in residential districts in accordance with the provisions of section 36-480, screening and fencing.
8. Required front yards shall be landscaped with grass, ground cover, plants, shrubs, or trees. Decorative landscaping materials such as rock, bark and mulch are also permitted. Impervious surfaces required in front yards shall be minimized and, unless otherwise meeting the provisions of subsection 36-483(2), shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular driveways are permitted if sufficient frontage is available and if approved by the traffic engineer.
9. Accessory buildings and structures shall meet the requirements of section 36-36-450, accessory structures and uses.

(h) *Bufferyard requirements.* None.(i) *Parking requirements.* There shall be at least one off-street parking space for each dwelling unit.

(4) *WC - 3, residential sub-area.*(a) *Permitted uses.*

1. Single-family detached dwellings.
2. Single-family semi-detached dwellings, in accordance with section 36-361, cluster developments.
3. Accessory apartments in owner-occupied single-family detached dwellings, in accordance with section 36-464, accessory apartments.
4. Accessory uses, as permitted, as permitted by section 36-450, accessory structures and uses.
5. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
6. Cluster subdivisions, in accordance with section 36-361, cluster subdivisions.
7. Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
8. Duplexes.
9. Group homes, residential, in accordance with section 36-465, residential group homes.
10. Home occupation uses, as permitted by section 36-451, home occupations.
11. Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners associations and maintenance facilities operated by a neighborhood or community organization or a property owners association in accordance with the provisions of section 36-467, noncommercial not-for-profit neighborhood facilities.
12. Police and fire stations.
13. Public and private parks, and playgrounds, excluding golf courses, miniature golf courses and driving ranges.
14. Short-term rental type 3 in accordance with section 36-473.
15. Temporary uses, as permitted by section 36-452, temporary uses.
16. Townhouses.
17. Zero-lot-line construction, in accordance with section 36-362, zero-lot-line construction.

(b) *Conditional uses.*

1. Adaptive use of nonresidential structures in accordance with subsection 36-363(10)(b)4.
2. Bed and breakfasts in accordance with subsection 36-363(10)(b)2.

3. Clubhouses associated with any permitted use.
4. Community centers, non-profit.
5. Nonresidential uses on the first floor frontage of buildings that front on College Street provided there is at least one residential unit above or behind the nonresidential use. Nonresidential uses include the office, retail sales, personal services and eating and drinking establishments use groups.
6. Multifamily dwellings provided it can be shown the unusual configuration of the lot will support a greater density without overpowering the surrounding development and the proposed development conforms to the intent of the College Street Corridor Plan.

(c) *Use limitations.*

1. There shall be a separate platted lot of record for each single-family semi-detached or townhouse dwelling unit.
2. All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
3. No use shall emit an odor that creates a nuisance as determined by chapter 24, article X, Springfield City Code.
4. All activities and permitted uses except for the following shall be conducted entirely within a completely enclosed building:
 - a. Occasional outdoor sales on private property.
 - b. Off-street parking and loading facilities.
 - c. Outdoor eating and drinking facilities.

(d) *Bulk regulations.*

1. *Maximum structure height:*
 - a. Two and one-half stories or 35 feet above the average elevation of the depth of the lot.
 - b. Maximum of four stories, or 55 feet above the finished street grade with the approval of a conditional use permit in accordance with section 36-363, conditional use permits.
2. *Minimum yard requirements:*
 - a. *Front yard:* None, provided there is at least 30 feet from the centerline of College Street.
 - b. *Side yards:* None.
 - c. *Rear yard:* Minimum 15 feet.
3. *Minimum lot area:*
 - a. *Single-family detached dwellings:* 5,000 square feet.
 - b. *Duplexes:* 7,500 square feet.

- c. *Each single-family semi-detached dwelling on a separate platted lot:* 3,750 square feet.
 - d. *Each townhouse on a separate platted lot:*
 - i. End lots: 4,000 square feet.
 - ii. Interior lots: 3,000 square feet.
 - e. *All other uses:* 7,500 square feet.
4. *Minimum lot width:*
 - a. *Single-family detached and duplex dwellings and residential group homes:* 45 feet.
 - b. *Townhouses:*
 - i. End lots: 40 feet.
 - ii. Interior lots with driveway in front yard: 30 feet.
 - iii. Interior lots without driveway in front yard: 24 feet.
 - c. *Single-family semi-detached dwelling units:* 30 feet.
 - d. *All other uses:* 45 feet.
 5. *Minimum lot depth:* 80 feet.
 6. *Maximum density for multifamily development:* Shall be limited to 18 dwelling units per acre.
- (e) *Open space requirements.*
1. *Minimum open space:* Not less than ten percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.
 2. *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 90 percent of the total lot area unless modified in accordance with subsection 36-482(15).
- (f) *Design requirements.*
1. A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved for three or more townhouse dwelling units and all nonresidential uses.
 2. A plot plan meeting the requirements of subsection 36-331(3) shall be submitted and approved for all single-family detached, duplex, and single-family semi-detached dwellings.

3. A landscaping plan meeting the requirements of section 36-483, off-street parking and loading area design standards, shall be submitted and approved for structures containing three or more townhouse dwelling units.
4. Storage of maintenance or other equipment incidental to any permitted or conditional use except a single-family detached, duplex, and single-family semi-detached dwellings shall be screened from view in accordance with the provisions of section 36-480, screening and fencing.
5. The maximum length of any cluster of townhouse dwelling units shall not exceed six units, or 200 linear feet.
6. All off-street parking lots for permitted nonresidential uses shall be screened from all residential uses in residential districts in accordance with the provisions of section 36-480, screening and fencing.
7. Refuse storage areas for permitted nonresidential uses shall be screened from view in accordance with section 36-480, screening and fencing.
8. Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
9. Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(g) *Bufferyard requirements.* None.

(h) *Parking requirements.* There shall be at least one off-street parking space for each dwelling unit.

(Zoning Ord., § 4-2900; G.O. 4759, 11-10-97; G.O. 5355, 3-15-04; G.O. 5425, 11-15-04; G.O. 5843, 11-9-09; G.O. 4882, 7-26-10; G.O. 6077, 9-9-13; G.O. 6091, 12-16-13; G.O. 6156, § 1(exh. A), 11-24-14; G.O. 6467, § 1(Exh. A), 7-16-18; G.O. 6497, § 1, 1-28-19; G.O. 6520, § 1, 4-22-19)

Secs. 36-410—36-419. Reserved.

Subdivision III. Commercial Districts

Sec. 36-420. LB - Limited business district.

(1) *Purpose.* This district is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood sales and service uses permitted in this district. This district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. This district should be located along or at the intersections of collector or higher classification streets.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Any residential dwellings at the time the district is mapped and any single-family detached dwelling subject to subsection 36-469(3). As conforming uses, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (c) Churches and other places of worship, including parish houses, Sunday schools but excluding overnight shelters.
- (d) Community centers, nonprofit.
- (e) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
- (f) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (g) Eating and drinking establishments use group, excluding drive-in, pick-up window, or drive-thru facilities.
- (h) General office use group, excluding banks and financial institutions with automatic teller machines and drive-thru facilities.
- (i) Personal services use group.
- (j) Police and fire stations.
- (k) Public and private parks, playgrounds, and golf courses, excluding miniature golf courses and driving ranges.
- (l) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- (m) Retail sales use group, excluding convenience stores with gas pumps.
- (n) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(b) or (i), if applicable.
- (o) Temporary uses, as permitted by section 36-452, temporary uses.
- (p) Tier I and II wireless facilities in accordance with section 36-466, telecommunication towers.
- (q) Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

- (a) Eating and drinking establishments use group, including drive-in, pick-up window, or drive-thru facilities.
- (b) Funeral homes and mortuaries (crematoriums are permitted as accessory uses).
- (c) General office use group, including banks and financial institutions with automatic teller machines and drive-thru facilities.
- (d) Medical office use group.

- (e) Public service and public utility uses, as follows:
 - 1. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities; and
 - 2. Other towers and related facilities existing at the time the district is mapped, in accordance with subsection 36-363(10)(b)1.
 - (f) Residential uses on the first floor frontage of a building.
 - (g) Retail sales use group, including convenience stores with gas pumps.
- (4) *Use limitations.*
- (a) All activities and permitted uses except off-street parking and loading facilities, drive-thru facilities, and day care activities shall be conducted entirely within a completely enclosed building.
 - (b) No individual retail store, personal service establishment or other permitted use shall have a gross floor area greater than 5,000 square feet.
 - (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
 - (f) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
- (5) *Bulk and intensity of use restrictions.*
- (a) *Maximum structure height:*
 - 1. Principal building: 25 feet.
 - 2. Except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
 - (b) Minimum yard requirements (additional bufferyard may be required by subsection (8)):
 - 1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations.

- c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
- 2. *Side yard:* None, except as required by section 36-453, supplemental open space and yard regulations.
- 3. *Rear yard:* 20 percent of the lot depth or ten feet whichever is greater. No more than 25 feet shall be required.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

- (a) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (b) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified in accordance with subsection 36-482(15).

(7) *Design requirements.*

- (a) A site plan, meeting the requirements of section 36-363, site plan review, shall be submitted and approved.
- (b) A landscape plan, meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.

- (c) All structures in the LB district shall be constructed using materials, surface textures, and colors similar in nature to surrounding residential development. Consideration shall also be given to the scale, orientation, and proportion of surrounding development. Design review shall be performed as part of the site plan review required by section 36-360.
- (d) All off-street parking lots and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (e) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (g) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (h) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard regulations.* Whenever any development in a LB district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-3000; G.O. 4570, 11-27-95; G.O. 4852, 11-23-98; G.O. 5127, 10-29-01; G.O. 5345, 1-26-04; G.O. 5425, 11-15-04; G.O. 5665, 4-9-07; G.O. 5843, 11-9-09; G.O. 5879, 7-26-10; G.O. 5861, 2-8-10; G.O. 5881, 7-26-10; G.O. 5928, 4-18-11; G.O. 5094, 7-9-01; G.O. 5952, 10-3-11; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6413, § 1, 12-11-17; G.O. 6497, § 1, 1-28-19)

Sec. 36-421. GR - General retail district.

(1) *Purpose.* This district is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. This district is also intended for on-site production of handcrafted items in conjunction with retail sales. Commercial uses permitted in this district are generally required to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets. Areas zoned GR are intended to be at least five acres in size unless the zoning is based on an adopted plan or comprehensive zoning scheme.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Any residential dwellings existing at the time the district is mapped. As conforming uses, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (c) Art galleries, libraries, and museums.

- (d) Bed and breakfast.
- (e) Catering businesses.
- (f) Churches and other places of worship, including parish houses and Sunday schools but excluding overnight shelters.
- (g) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (h) Commercial off-street parking lots and structures.
- (i) Community gardens without retail or wholesale sales on-site in accordance with the performance standards of section 36-470, community gardens.
- (j) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (k) Eating and drinking establishments use group.
- (l) Entertainment-oriented use group.
- (m) Flea markets entirely within enclosed buildings.
- (n) Funeral homes and mortuaries (crematoriums are permitted as accessory uses).
- (o) General office use group.
- (p) Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing.
- (q) Medical office use group.
- (q) Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school or within 200 feet of a then-existing child day care center or church, and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (s) Medical office use group.
- (t) Personal services use group.
- (u) Police and fire stations.
- (v) Private clubs and lodges.
- (w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

- (x) Public service and public utility uses, as follows:
 - 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers;
 - 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities;
 - 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater; and
 - 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (y) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- (z) Retail sales use group.
 - (aa) Schools or development centers for persons with handicaps or development disabilities.
 - (bb) Schools, business.
 - (cc) Seasonal outdoor sales and related storage as permitted by section 36-452, temporary uses.
 - (dd) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(b) or (y) if applicable.
 - (ee) Taxidermists.
 - (ff) Temporary lodging use group.
 - (gg) Temporary uses, as permitted by section 36-452, temporary uses.
 - (hh) Temporary vendors as permitted under subsection 36-452(3)(b)2.
 - (ii) Towers other than wireless facilities, less than 100 feet in height, and related facilities provided telecommunication towers comply with section 36-466, telecommunication towers.
 - (jj) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the

physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

- (a) Automobile service garages.
- (b) Automobile service stations.
- (c) Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
- (d) Reserved.
- (e) Residential uses on the first floor frontage of a building.
- (f) Self-service storage facilities.
- (g) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (h) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:
 - 1. The maximum height does not exceed 200 feet; and
 - 2. Only one tower is permitted on a lot; and
 - 3. All other provisions of subsection 36-363(10)(b)1. are met.

(4) *Use limitations.*

- (a) All outdoor automobile parking areas used for the purpose of retail or wholesale storage or sale of motorized or commercial vehicles shall be prohibited. Other outdoor activities that are not specifically permitted may only be allowed as an accessory use to the permitted uses as provided in subsection 36-421(2), permitted uses, as follows:
 - 1. If any portion of the premises abuts any residential zoning district, the outdoor activities may be permitted, provided they meet the provisions of, and a conditional use permit is issued pursuant to section 36-363, conditional use permits, of this article. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.

2. If the premises abuts only nonresidential zoning districts, the outdoor activities may be permitted. A conditional use permit will not be required. A building permit(s) showing compliance with all applicable codes and ordinances may be required as determined by the director of building development services.
 - (b) No outdoor storage except as provided in subsection 36-421(2), permitted uses, and subsection 36-421(3), conditional uses.
 - (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
 - (f) Streets through an adjacent residential area shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
- (5) *Bulk and intensity of use.*
- (a) *Maximum structure height:* None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
 - (b) *Minimum yard requirements* (additional bufferyard may be required by subsection 36-421(8)):
 1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
 2. *Side and rear yards:* None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection 36-421(8).

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

- (a) *Minimum open space:* Not less than 20 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials.
- (b) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified in accordance with subsection 36-482(15).

(7) *Design requirements.*

- (a) A site plan, meeting the requirements of section 36-363, site plan review, shall be submitted and approved.
- (b) A landscape plan, meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses, in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard requirements.* Whenever any development in a GR district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-3100; G.O. 4519, 6-12-95; G.O. 4570, 11-27-95; G.O. 4852, 11-23-98; G.O. 4925, 9-27-99; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5585, 7-24-06; G.O. 5665, 4-9-07; G.O. 5744, 3-24-08; G.O. 5773, 8-11-08; G.O. 5843, 11-9-09; G.O. 5861, 2-8-10; G.O. 5879, 7-26-10; G.O. 5880, 7-26-10; G.O. 5928, 4-18-11; G.O. 5952, 10-3-11; G.O. 6001, 6-4-12; G.O. 6048, 5-3-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6413, § 1, 12-11-17; G.O. 6467, § 1(Exh. A), 7-16-18; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Sec. 36-422. HC - Highway commercial district.

(1) *Purpose.* This district is intended for commercial uses which depend upon high visibility, generate high traffic volumes, or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets. This district is also intended for on-site production of handcrafted items in conjunction with retail sales. Areas zoned HC are intended to be at least five acres in size unless the zoning is based on an adopted plan or comprehensive zoning scheme.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Ambulance services.
- (c) Any residential dwellings existing at the time the district is mapped. As conforming uses, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (d) Art galleries, libraries, and museums.
- (e) Auction sales and flea markets entirely within enclosed buildings.
- (f) Automobile service garages.
- (g) Automobile service stations.
- (h) Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
- (i) Awning and canvas sales and rental.
- (j) Bed and breakfast.
- (k) Boarding, rooming, and lodging houses.
- (l) Bus stations.
- (m) Campgrounds and recreational vehicle parks.
- (n) Catering businesses.

- (o) Cemeteries.
- (p) Churches and other places of worship, including parish houses, and Sunday schools.
- (q) Civic, convention, and cultural centers.
- (r) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (s) Commercial off-street parking lots and structures.
- (t) Commercial outdoor recreation use group.
- (u) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (v) Eating and drinking establishments use group.
- (w) Entertainment-oriented use group.
- (x) General office use group.
- (y) Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing.
- (z) Manufactured housing (mobile home) and trailer sales, leasing and service with no storage.
- (aa) Major event entertainment use group.
- (bb) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (cc) Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (ee) Medical office use group.
- (ff) Nurseries, greenhouses, and garden stores.
- (gg) Other towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (hh) Personal services use group.
- (ii) Police and fire stations.

- (jj) Private clubs and lodges.
- (kk) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (ll) Public or private vehicle and boat storage garages, yards or lots.
- (mm) Public service and public utility uses, as follows:
 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two (additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (nn) Residential uses provided such uses are located above the first floor or behind nonresidential uses so as to create a continuous nonresidential facade, on the first-floor level. When a lot has multiple street frontages, first-floor nonresidential uses will be required on the street with the highest classification. All other street frontages may contain residential uses.
- (oo) Retail sales use group.
- (pp) Schools, business.
- (qq) Schools or development centers for persons with handicaps or development disabilities.
- (rr) Self-service storage facilities.
- (ss) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(c) or (nn), if applicable.
- (tt) Swimming pool sales and displays.
- (uu) Taxi dispatch yards and offices.
- (vv) Taxidermists.
- (ww) Temporary lodging use group.
- (xx) Temporary uses, as permitted by section 36-452, temporary uses.
- (yy) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(zz) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

(aaa) Upholstery shops.

(bbb) Veterinary clinics, animal hospitals, pet daycare services, pet grooming facilities, and kennels. No outside activities shall be permitted for kennels. Veterinary clinics, animal hospitals, pet daycare services, and pet grooming facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(ccc) Wholesale sales.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

(a) Body and fender repair and paint shops.

(b) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.

(c) Go-cart tracks.

(d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed, and subject to all other requirements in section 36-474, medical marijuana facilities.

(e) Pest control services with a retail component provided that at least 50 percent of the floor area of the business is devoted to retail sales and related support areas and that all service vehicles associated with the business are located behind the front building line.

- (f) Reserved.
 - (g) Residential uses on the first floor frontage of a building.
 - (h) Soup kitchens.
 - (i) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
 - (j) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, provided:
 1. The maximum height does not exceed 200 feet;
 2. Only one tower is permitted on a lot; and
 3. All other provisions of subsection 36-363(10)(b)1. are met.
 - (k) Truck stops.
- (4) *Use limitations.*
- (a) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.
 - (b) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.
 - (c) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
 - (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
 - (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
 - (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
- (5) *Bulk and intensity of use restrictions.*
- (a) Maximum structure height: None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts.
 - (b) Minimum yard requirements (additional bufferyard may be required by subsection (8):
 1. *Front yard:*
 - [a.] [Reserved.]

- b. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
 - c. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations.
 - d. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
2. *Side yard:* None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection (8).
 3. *Rear yard:* None, except as required by the bufferyard requirements in subsection (8).

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

- (a) *Minimum open space:* Not less than 20 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, storage, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials.
- (b) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified in accordance with subsection 36-482(15).

(7) *Design requirements.*

- (a) A site plan, meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) A landscape plan, meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) Off-street parking and vehicular use areas shall be screened from all residential uses, in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard requirements.* Whenever any development in an HC district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-3200; G.O. 6413, § 1, 12-11-17; G.O. 6467, § 1(Exh. A), 7-16-18; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Sec. 36-423. CS - Commercial service district.

(1) *Purpose.* This district is intended for business uses which provide essential commercial services and support activities but which do not necessarily require high visibility and may have higher environmental impacts in terms of noise, dust, glare, etc., which make them incompatible with the office or retail character of the other business districts. This district is intended for on-site production of handcrafted items in conjunction with retail sales. This district is also intended for businesses that combine wholesale and retail sales and that conduct extensive outdoor activities. This district is intended to function as a transition between industrial development and commercial development. Areas zoned CS are intended to be at least five acres in size unless the zoning is based on an adopted plan or comprehensive zoning scheme.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Any residential dwellings existing at the time the district is mapped. As conforming uses, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.

- (c) Ambulance services.
- (d) Any establishment which provides supplies and/or services primarily to commercial and industrial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
- (e) Auction sales, flea markets entirely within enclosed buildings, and swap meets.
- (f) Automobile service garages, including body and fender repair and paint shops.
- (g) Automobile service stations.
- (h) Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
- (i) Awning and canvas sales and rental.
- (j) Bus stations.
- (k) Campgrounds and recreational vehicle parks.
- (l) Carpenter and cabinet shops.
- (m) Catering businesses.
- (n) Cemeteries.
- (o) Churches and other places of worship, including parish houses, and Sunday schools.
- (p) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (q) Commercial laundry and dry cleaning establishments.
- (r) Commercial off-street parking lots and structures.
- (s) Commercial outdoor recreation use group.
- (t) Construction equipment storage yards.
- (u) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (v) Eating and drinking establishments use group.
- (w) Entertainment-oriented use group.
- (x) Feed stores.
- (y) Frozen food lockers, for use by the general public.
- (z) Funeral homes, mortuaries, and crematoriums.
- (aa) General office use group.
- (bb) General or medical office/retail sales/warehouse combinations, provided however, that if more than 85 percent of the gross building floor area for each establishment is used for warehouse purposes, a use permit shall be required.
- (cc) Glass and mirror sales.

- (dd) Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing.
- (ee) Linen, towel, and diaper services.
- (ff) Manufactured housing (mobile home) and trailer sales, leasing, service and storage.
- (gg) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center, church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (hh) Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (ii) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (jj) Medical office use group.
- (kk) Monument sales.
- (ll) Newspaper and magazine distribution agencies.
- (mm) Nurseries, greenhouses and garden stores.
- (nn) Personal services use group.
- (oo) Pest control services.
- (pp) Police and fire stations.
- (qq) Private clubs and lodges.
- (rr) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (ss) Public or private vehicle and boat storage garages, yards or lots.
- (tt) Public service and public utility uses, as follows:
 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(uu) Retail sales use group.

(vv) Repair shops, home appliance.

(ww) Repair shops, small-engine.

(xx) Schools or development centers for persons with handicaps or development disabilities.

(yy) Schools, business and industrial.

(zz) Self-service storage facilities.

(aaa) Short-term rental type 3 in accordance with section 36-473 and subject to conditions in subsection (2)(b), if applicable.

(bbb) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(ccc) Swimming pool sales and display.

(ddd) Taxi dispatch yards and offices.

(eee) Taxidermists.

(fff) Temporary uses, as permitted by section 36-452, temporary uses.

(ggg) Temporary vendors as permitted under subsection 36-452(3)(b)2.

(hhh) Towers other than wireless facilities, less than 100 feet in height and related facilities.

(iii) Overnight shelters or transitional service shelters for 50 or fewer residents, which are located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter or transitional service shelter shall locate within a 2,000-foot radius of another transitional service shelter, soup kitchen, overnight shelter, substance abuse treatment facility or community correctional facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.

In no event shall a certificate of occupancy be issued for a transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.

- (jjj) Truck stops.
- (kkk) Upholstery shops.
- (lll) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.

- (mmm) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

- (a) Overnight or transitional service shelters for 50 or fewer residents, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.
- (b) Go-cart tracks.
- (c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (d) Soup kitchens.
- (e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.
- (h) Warehouses, storage and distribution centers.

(4) *Use limitations.*

- (a) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.
- (b) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved or otherwise improved with an all-weather, dust-free surface.
- (c) No vibration, glare, or heat shall be detectable at the district boundary line.
- (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
- (g) Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

(5) *Bulk and intensity of use regulations.*

- (a) *Maximum structure height:* None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH districts.
- (b) *Minimum yard requirements:*
 1. *Front yard:* None.
 2. *Side yard:* None, except as required by the bufferyard requirements in subsection (8).
 3. *Rear yard:* None, except as required by the bufferyard requirements in subsection (8).

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

- (a) *Minimum open space:* Not less than 15 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, storage, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials.
- (b) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 85 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Design requirements.*

- (a) A site plan, meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) A landscape plan, meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard requirement.* Whenever any development in a CS district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-3300; G.O. 4763, 12-15-97; G.O. 4852, 11-23-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5343, 1-12-04; G.O. 5471, 6-27-05; G.O. 5585, 7-26-06; G.O. 5665,

4-9-07; G.O. 5702, 8-27-07; G.O. 5744, 3-24-08; G.O. 5773, 8-11-08; G.O. 5843, 11-9-09; G.O. 5861, 2-8-10; G.O. 5879, 7-26-10; G.O. 5880, 7-26-10; G.O. 5928, 4-18-11; G.O. 5952, 10-3-11; G.O. 6026, 12-17-12; G.O. 6048, 5-6-13; G.O. 6053, 6-3-13; G.O. 6058, 6-17-13; G.O. 6093, 6-3-13; G.O. 6094, 1-13-14; G.O. 6467, § 1(Exh. A), 7-16-18; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Sec. 36-424. CC - Center city district.

(1) *Purpose.* This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for older commercial and light industrial areas, particularly the central business district and commercial street area that tend to accommodate a wide variety of uses. These areas generally developed early in the city's history and do not display the characteristics typical of modern suburban development. These areas may also be experiencing or be in need of rehabilitation or redevelopment. This district is intended to accommodate the transition that must occur if these areas are to contribute to the vitality of the city.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Auction sales and flea markets entirely within enclosed buildings.
- (c) Awning and canvas sales and rental.
- (d) Bed and breakfasts.
- (e) Boarding, rooming, and lodging houses.
- (f) Bus garages.
- (g) Bus stations.
- (h) Catering businesses.
- (i) Cemeteries.
- (j) Churches and other places of worship, including parish houses and Sunday schools.
- (k) Civic, convention, and cultural centers.
- (l) Colleges, universities, and business colleges.
- (m) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (n) Commercial off-street parking lots and structures.
- (o) Community center, nonprofit.
- (p) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (q) Eating and drinking establishments use group.

- (r) Educational, cultural, public, or nonprofit institutions such as museums, art galleries, libraries and elementary and secondary schools, but not including correctional institutions.
 - (s) Overnight shelters and soup kitchens legally conforming at the time of the passage of said ordinance provided that a use permit is obtained for any expansion of said use.
 - (t) Entertainment-oriented use group.
 - (u) Funeral homes and mortuaries (crematoriums are permitted as accessory uses).
 - (v) General office use group.
 - (w) Glass and mirror sales.
 - (x) Group homes, custodial.
 - (y) Hospitals with ambulance services as accessory uses.
 - (z) Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing.
 - (aa) Major event entertainment use group.
 - (bb) Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
 - (cc) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
 - (dd) Medical office use group.
 - (ee) Personal services use group.
 - (ff) Police and fire stations.
 - (gg) Private clubs and lodges.
 - (hh) Public and private parks, playgrounds and golf courses, including miniature golf courses and driving ranges.
- (ii) Public service and public utility uses, as follows:
1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (jj) Repair shops, home appliance.
- (kk) Residential uses except those which require a conditional use permit in accordance with subsection 36-424(3).
- (ll) Retail sales use group.
- (mm) Schools or development centers for persons with handicaps or development disabilities.
- (nn) Schools, business.
- (oo) Schools, elementary and secondary.
- (pp) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(kk), if applicable.
- (qq) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
- (rr) Taxi dispatch yards and offices.
- (ss) Temporary uses, as permitted by section 36-452, temporary uses.
- (tt) Temporary lodging use group.
- (uu) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (vv) Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

(ww) Wholesale sales.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

- (a) Any manufacturing, production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products which is not allowed as a permitted use.
- (b) Automobile service garages.
- (c) Automobile service stations.
- (d) Residential uses on first floor frontage of buildings that front on Commercial Street or front on Olive, Park Central, McDaniel and Walnut Streets between Campbell and Jefferson Avenues or front on Campbell, South, Boonville and Jefferson Avenues between Water Street and Pershing Street.
- (e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (g) Transitional service shelter.
- (h) Warehouses, storage and distribution centers.

(4) *Use limitations.*

- (a) All activities and permitted uses except the following shall be conducted entirely within a completely enclosed building.
 - 1. Automobile servicing, but not repair.
 - 2. Drive-in, pick-up window, or drive-thru facilities.
 - 3. Occasional sidewalk sales.
 - 4. Off-street parking and loading facilities.
 - 5. Outdoor eating and drinking facilities.
 - 6. Outdoor live or amplified music provided a permit for such activity has been obtained from the city manager pursuant to chapter 2, article I, section 2-10, permits for outdoor music and any regulations promulgated by the city manager and on file with the city clerk.
 - 7. Playgrounds associated with a school or day care center.
 - 8. Street vendors licensed by the City of Springfield.
- (b) No vibration, glare, or heat shall be detectable at the lot line.
- (c) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.

- (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (e) All flammable petroleum products and petrochemicals shall be stored in a fireproof enclosure and no more than 50 gallons of such products shall be so stored except at automobile service stations.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(5) *Bulk regulations.*

- (a) *Maximum structure height:* None.
- (b) *Yard requirements* (additional bufferyard may be required by subsection (8)):
 - 1. *Front yard:* None.
 - 2. *Side yard:* None.
 - 3. *Rear yard:* None.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

- (6) *Open space requirements.* None.

(7) *Design requirements.*

- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) If required, a landscape plan, meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.

- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard requirement.* Whenever any development in a CC district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-3400; G.O. 4763, 12-15-97; G.O. 4825, 8-17-98; G.O. 4852, 11-23-98; G.O. 4915, 7-19-99; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5343, 1-12-04; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5665, 4-9-07; G.O. 5773, 8-11-08; G.O. 5843, 11-9-09; G.O. 5880, 7-26-10; G.O. 5855, 7-26-10; G.O. 5879, 7-26-10; G.O. 5952, 10-3-11; G.O. 5928, 4-18-11; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Sec. 36-425. COM - Commercial street district.

(1) *Purpose.* This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

(2) *Permitted uses.*

- (a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.
 - 1. Accessory uses, as permitted by section 36-450, accessory structures and uses.
 - 2. Athletic clubs, fitness centers, and indoor sports facilities.
 - 3. Auction sales and flea markets entirely within enclosed buildings.
 - 4. Banks and financial institutions, including automatic teller machines.
 - 5. Catering businesses.
 - 6. Colleges, universities, and business colleges.
 - 7. Commercial amusements, including bowling alleys, dance halls, video game arcades, billiard parlors, roller skating and ice skating arenas, and motion picture theaters, excluding drive-in theaters.
 - 8. Day care centers in accordance with chapter 36, article XI, Springfield City Code.
 - 9. Educational, cultural, public, or nonprofit institutions such as museums, art galleries, and libraries, but not including elementary and secondary schools and correctional institutions.
 - 10. Overnight shelters and soup kitchens legally conforming at the time of the passage of said ordinance provided that a use permit is obtained for any expansion of said use.
 - 11. Glass and mirror sales.
 - 12. Governmental buildings and uses.
 - 13. Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
 - 14. Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
 - 15. Offices, administrative, business, finance, and professional.
 - 16. Offices, medical and dental.
 - 17. Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.

18. Pet stores and pet grooming.
 19. Police and fire stations.
 20. Recording studios.
 21. Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.
 22. Retail sales use group excluding convenience stores with gas pumps.
 23. Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
 24. Schools, business.
 25. Taverns and cocktail lounges.
 26. Temporary uses, as permitted by section 36-452, temporary uses.
 27. Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with subsection 36-480(3). No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.
 28. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
- (b) The following uses are only permitted above the first floor or in the second layer of the first floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit for the use set out in this subsection. The first layer of the first floor is the first 50 feet of lot depth measured from the front of the lot. The second layer is located behind the first 50 feet of lot depth measured from the front of the lot. An entrance and hallway through the first layer to provide access to the second layer or upper floors is permitted.
1. Any commercial establishment that provides supplies and/or services primarily to commercial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 2. Bed and breakfasts.
 3. Commercial off-street parking lots and structures.
 4. Community center, nonprofit.
 5. Cultural centers.
 6. Medical and dental clinics.
 7. Medical and dental laboratories and research facilities, not including the manufacture of pharmaceutical or other products for general sale or distribu-

tion, provided no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, are utilized in the research operations.

8. Office equipment repair.
9. Private clubs and lodges.
10. Repair shops, home appliance.
11. Residential uses.
12. Restricted production and repair establishments (for retail sale on the premises only), including the following types of activities: Custom tailoring and alteration of clothing, jewelry from precious metals, watches, dentures, and optical lenses.
13. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
14. Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(b), if applicable.

(3) *Conditional uses.*

- (a) The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article and the requirements of this subsection 36-425(3):
 1. Any manufacturing, production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products which is not allowed as a permitted use.
 2. Automobile service garages.
 3. Automobile service stations.
 4. Awning and canvas sales and rental.
 5. Banks and financial institutions, including automatic teller machines, with drive-thru facilities.
 6. Boarding, rooming, and lodging houses.
 7. Bus stations.
 8. [Repealed by G.O. 6173.]
 9. Construction equipment storage yards or other outdoor storage in COM-2 district only.
 10. Convenience stores with gas pumps.
 11. Reserved.
 12. Funeral homes and mortuaries.

13. Group homes, custodial.
14. Hospitals with ambulance services as accessory uses.
15. Hotels, motels, and inns.
16. Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing.
17. Public service and public utility uses, as follows:
 - a. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 - b. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - c. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater. Repair shops, home appliance, located in the first layer of the floor of buildings that front on Commercial Street and Boonville Avenue.
 - d. Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
18. Restaurants with drive-in, vehicular pick-up window, and drive-thru facilities.

19. Schools or development centers for persons with handicaps or development disabilities.
20. Structures greater than three stories in height.
21. Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - a. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 - b. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
22. Television and radio studios with transmitting facilities.
23. Towers, other than wireless facilities, and related facilities, in accordance with subsection 36-363(10)(b)1.
24. Transitional service shelter.
25. Warehouses, storage and distribution centers.
26. The following uses located in the first layer of the first floor of buildings that front on Commercial Street and Boonville Avenue:
 - a. Any commercial establishment that provides supplies and/or services primarily to commercial customers, including janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - b. Bed and breakfasts.
 - c. Cultural centers.
 - d. Medical and dental clinics.
 - e. Medical and dental laboratories and research facilities, not including the manufacture of pharmaceutical or other products for general sale or distribution, provided no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, are utilized in the research operations.
 - f. Office equipment repair.
 - g. Private clubs and lounges.
 - h. Residential uses.

- i. Restricted production and repair establishments (for retail sale on the premises only), including the following types of activities: custom tailoring and alteration of clothing, jewelry from precious metals, watches, dentures, and optical lenses.
 27. Any use allowed in the district and involved in development projects greater than 10,000 square feet of total building floor area, whether new construction, rehabilitation of an existing structure or a combination of new construction and rehabilitation. A development project is typically a development where the property is under single ownership or management. A development project may include a single use or multiple uses and may be in a single building or multiple buildings, on one lot or multiple lots. The ARC shall determine if a development project with multiple uses meets the criteria to require a conditional use permit. Expansion of a development project, existing at the date of adoption of this district, shall not require a conditional use permit provided the expansion does not involve more than 2,000 square feet of total building floor area.
- (b) In addition to all other requirements for review and approval of a conditional use permit, the following shall apply:
1. The proposed use shall generally conform to the goals and policies of the commercial street strategy for success and any other plans or polices in place at the time of approval of the conditional use permit.
 2. For development projects greater than 10,000 square feet, the applicant shall submit plans to provide parking and security for customers/occupants of the development project. City council may waive the requirement for one or both plans, at the time of approval, if one or both plans are deemed unnecessary.
 3. The following organizations, and similar organizations that may be formed in the future, shall be notified of a conditional use permit application in conformance with the notification requirements of section 36-368, publication and posting of notices:
 - a. Commercial club.
 - b. Commercial Street community improvement district board.
 - c. Midtown neighborhood association.
 - d. Grant Beach neighborhood association.
 - e. Woodland Heights neighborhood association.
 - f. Urban districts alliance.
- (4) *Use limitations.*
- (a) All activities and permitted uses except for the following shall be conducted entirely within a completely enclosed building.
1. Automobile servicing, but not repair.
 2. Drive-in, pick-up window, or drive-thru facilities.

3. Occasional sidewalk sales.
 4. Off-street parking and loading facilities.
 5. Outdoor eating and drinking facilities.
 6. Outdoor live or amplified music provided a permit for such activity has been obtained from the city manager pursuant to chapter 2, article I, section 2-10, permits for outdoor music and any regulations promulgated by the city manager and on file with the city clerk.
 7. Playgrounds associated with a school or day care center.
 8. Street vendors licensed by the City of Springfield.
- (b) No vibration, glare, or heat shall be detectable at the lot line.
- (c) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.
- (d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (e) All flammable petroleum products and petrochemicals shall be stored in a fireproof enclosure and no more than 50 gallons of such products shall be so stored except at automobile service stations.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
- (5) *Bulk regulations.*
- (a) *Maximum structure height:* Three stories unless a conditional use permit for more stories is approved.
- (b) *Yard requirements* (additional bufferyard may be required by subsection (8)):
 1. *Front yard:* None.
 2. *Side yard:* None.
 3. *Rear yard:* None.
- (6) *Open space requirements.* None.
- (7) *Design requirements.*
- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) If required, a landscape plan, meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.

- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
- (h) The COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:
 - 1. Building façades. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building façade or wall:
 - a. Changes in color, texture, and material; or
 - b. Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
 - c. Groupings of windows or fenestration.
 - 2. On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage. This does not include Blaine Street frontage.
 - 3. The building façade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
 - 4. The portions of the building façade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
 - 5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.

6. Fenestration on the ground floor facades shall comprise a least 40 percent, but not more than 90 percent of the façade area, measured as a percentage of the façade between floor levels.
7. Fenestration on the upper floor facades shall comprise a least 20 percent, but not more than 60 percent of the façade area, measured as a percentage of the façade between floor levels.
8. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
9. The maximum story height for the ground story is 20 feet.
10. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.
11. Building materials and colors.
 - a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15 percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
 - (i) Customary brick masonry;
 - (ii) Natural or cast stone;
 - (iii) Oversized brick;
 - (iv) Split-faced block;
 - (v) Architectural pre-cast concrete; and
 - (vi) Accent materials such as glass block and ceramic tiles.
 - b. Façade colors shall have low reflectance. High-intensity, metallic, black or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.
12. The use of galvanized chain link fencing shall be prohibited. The use of vinyl-coated chain-link fencing shall be allowed in green, black, and brown. No fencing shall be allowed in the front yard of the building.

(8) *Bufferyard requirement.* Whenever any development in the COM district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480 and 36-482.

(Zoning Ord., § 4-3500; G.O. 4763, 12-15-97; G.O. 5094, 7-9-01; G.O. 5343, 1-12-04; G.O. 5471, 6-27-05; G.O. 5585, 7-24-06; G.O. 5843, 11-9-09; G.O. 5879, 7-26-10; G.O. 5880, 7-26-10; G.O. 5881, 7-26-10; G.O. 6025, 12-17-12; G.O. 6026, 12-17-12; G.O. 6043, 4-8-13; G.O. 6048, 5-6-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6290, 7-11-16; G.O. 6467, § 1(Exh. A), 7-16-18; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Secs. 36-426—36-429. Reserved.

Subdivision IV. Industrial Districts

Sec. 36-430. RI - Restricted industrial district.

(1) *Purpose.* This district is intended primarily for uses engaged in light manufacturing, assembling, and fabrication, warehousing, wholesaling, and service operations which conduct all activities within a building with no external impact or effect. Such uses would include but not be limited to the manufacture or servicing of business machines, cloth or leather products, medical appliances, musical instruments, non-alcoholic beverages, novelties, optical and photographic equipment, pharmaceuticals and plastic products. This district is intended to serve as a transition between more intense industrial development and commercial, office, or multi-family residential development.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and business and sales offices accessory thereto.
- (c) Any residential dwellings existing at the time the district is mapped. As a conforming use, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (d) Auction sales, flea markets, and swap meets.
- (e) Automobile service garages including body and fender repair and paint shops.
- (f) Awning and canvas sales and rental.
- (g) Cemeteries.
- (h) Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
- (i) Commercial off-street parking lots and structures.
- (j) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (k) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (l) Entertainment-oriented use group.
- (m) Funeral homes, mortuaries, and crematoriums.
- (n) General office/retail sales/warehouse combinations provided not more than 25 percent of the gross building floor area shall be used for retail activities.
- (o) General office use group.

- (p) Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing, (non-household resource recovery collection centers are permitted by (c) above).
- (q) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (r) Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (s) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (t) Medical marijuana testing facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (u) Pest control services.
- (v) Police and fire stations.
- (w) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (x) Public service and public utility uses, as follows:
 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

- (y) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
- (z) Schools or development centers for persons with handicaps or development disabilities.
 - (aa) Schools, industrial and business.
 - (bb) Self-service storage facilities.
 - (cc) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(c), if applicable.
 - (dd) Swimming pool sales and display.
 - (ee) Taxidermists.
 - (ff) Temporary uses, as permitted by section 36-452, temporary uses.
 - (gg) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (hh) Upholstery shops.
- (ii) Veterinary clinics, animal hospitals, and kennels, with no outside activities.
- (jj) Warehouses, storage and distribution centers.
- (kk) Wholesale sales.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article.

- (a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.
- (c) Soup kitchens.
- (d) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (e) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.

(4) *Use limitations.*

- (a) All activities and permitted uses, except off-street parking and loading facilities and household resource recovery collection centers, shall be conducted entirely within a completely enclosed building.
- (b) No outdoor storage of products, materials, or supplies, except refuse disposal areas, shall be permitted.
- (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(5) *Bulk regulations.*

- (a) *Maximum height:* 40 feet.
- (b) *Minimum yard requirements* (additional bufferyard may be required by subsection (8)):
 - 1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
 - 2. *Side yard:* Ten feet or as required by section 36-453, supplemental open space and yard regulations.
 - 3. *Rear yard:* Ten feet.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(b).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

- (a) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (b) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Design requirements.*

- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) A landscape plan meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard regulations.* Whenever any development in a RI district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.
(Zoning Ord., § 4-4000; G.O. 4519, 6-12-95; G.O. 4763, 12-15-97; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5516, 1-26-06; G.O. 5585, 7-24-06; G.O. 5665, 4-9-07; G.O. 5758, 6-2-08; G.O. 5843, 11-9-09; G.O. 5861, 2-8-10; G.O. 5880, 7-26-10; G.O. 5928, 4-18-11; G.O. 6042, 4-8-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Sec. 36-431. LI - Light industrial district.

(1) *Purpose.* The LI Light industrial district is intended to allow industrial operations and activities that do not create applicable nuisances or hazards. All industrial operations and activities are permitted provided they are conducted inside a building, although related outdoor storage is permitted. Areas zoned LI are intended to be at least five acres in size unless they adjoin a GM, general manufacturing, or HM, heavy manufacturing district or the zoning is based on an adopted plan or comprehensive zoning scheme.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and business and sales offices accessory thereto.
- (c) Any residential dwellings existing at the time the district is mapped. As a conforming use, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (d) Auction sales, flea markets, and swap meets.
- (e) Automobile service garages including body and fender repair and paint shops.
- (f) Cemeteries.
- (g) Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
- (h) Commercial off-street parking lots and structures.
- (i) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (j) Construction equipment storage yards.
- (k) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (l) Entertainment-oriented use group.
- (m) Funeral homes, mortuaries, and crematoriums.
- (n) General office use group.

- (o) Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing, (non-household resource recovery collection centers are permitted by (c) above).
- (p) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (q) Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (r) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (s) Medical marijuana testing facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (t) Pest control services.
- (u) Police and fire stations.
- (v) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (w) Public service and public utility uses, as follows:
 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

- (x) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
 - (y) Schools, industrial and business.
 - (z) Self-service storage facilities.
 - (aa) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(c), if applicable.
 - (bb) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including but not limited to: administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
 - (cc) Swimming pool sales and display.
 - (dd) Temporary uses, as permitted by section 36-452, temporary uses.
 - (ee) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (ff) Upholstery shops.
 - (gg) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - (hh) Warehouses, storage and distribution centers.
 - (ii) Wholesale sales and distribution.
 - (jj) Wholesale sales use group.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to section 36-363, conditional use permits, of this article:
- (a) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a

then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.

- (b) Overnight shelters or transitional service shelters for 50 or fewer residents in accordance with subsection 36-363(10)(b)5.
- (c) Motor freight terminals.
- (d) Soup kitchens.
- (e) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (f) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (g) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

- (a) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (b) All activities and permitted uses, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
- (c) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in a LI, GM, or HM district.
- (d) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (e) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (f) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(5) *Bulk regulations.*

- (a) *Maximum structure height:* 50 feet.
- (b) *Minimum yard requirements* (additional bufferyard may be required by subsection 4-410(8)).
 - 1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permit, or an approved preliminary plat in accordance with the city's subdivision regulations.
 - 2. *Side yards:* Ten feet or as required by section 36-453, supplemental open space and yard regulations.
 - 3. *Rear yards:* Ten feet.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Residential connector	25 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

- (a) *Minimum open space:* Not less than 15 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.

- (b) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, storage, loading and other paved areas shall not exceed 85 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Design requirements.*

- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) A landscape plan meeting the requirements of sections 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) All outdoor storage and refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent or nearby residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard regulations.* Whenever any development in a LI light industrial district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-4100; G.O. 4763, 12-15-97; G.O. 4570, 11-27-95; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5343, 1-12-04; G.O. 5425, 11-15-05; G.O. 5471, 6-27-05; G.O. 5516, 1-23-06; G.O. 5585, 7-26-06; G.O. 5652, 2-12-07; G.O. 5758, 6-2-08; G.O. 5843, 11-9-09; G.O. 5861, 2-8-10; G.O. 5864, 3-8-10; G.O. 5879, 7-26-10; G.O. 5880, 7-26-10; G.O. 5928, 4-18-11; G.O. 6042, 4-8-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Sec. 36-432. GM - General manufacturing district.

(1) *Purpose.* The GM general manufacturing district is designed as the basic manufacturing district for Springfield. The use limitations for this district are set so that most industrial uses that are reasonably careful with respect to housekeeping and external impacts will be able to comply. Areas zoned GM are intended to be at least ten acres in size unless they adjoin an HM, heavy manufacturing district, or the zoning is based on an adopted plan or comprehensive zoning scheme.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Airports.
- (c) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and business and sales offices accessory thereto.
- (d) Any residential dwellings existing at the time the district is mapped. As a conforming use, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (e) Auction sales, flea markets, and swap meets.
- (f) Automobile service garages including body and fender repair and paint shops.
- (g) Bus garages.
- (h) Cemeteries.
- (i) Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters.
- (j) Commercial off-street parking lots and structures.
- (k) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (l) Commercial outdoor recreation use group.
- (m) Construction equipment storage yards.
- (n) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, and located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for an overnight shelters, transitional service shelters or soup kitchens herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.
- (o) Entertainment-oriented use group.
- (p) Feed stores.
- (q) General office use group.
- (r) Heliports.
- (s) Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing (non-household resource recovery collection centers are permitted by (d) above).

- (t) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (u) Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (v) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (w) Medical marijuana-infused type 2 post-extraction facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (x) Medical marijuana testing facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (y) Motor freight terminals.
- (z) Pest control services.
- (aa) Police and fire stations.
- (bb) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (cc) Public service and public utility uses, as follows:
 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.

4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (dd) Recycling centers.
- (ee) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.
- (ff) Schools, industrial and business.
- (gg) Self-service storage facilities.
- (hh) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(d), if applicable.
- (ii) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 2. A plan of operation, including but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
- (jj) Swimming pool sales and display.
- (kk) Temporary uses, as permitted by section 36-452, temporary uses.
- (ll) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (mm) Upholstery shops.
- (nn) Vehicle rental, towing and storage services.
- (oo) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
- (pp) Warehouses, storage and distribution centers.
- (qq) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:

- (a) Bulk storage of flammable liquids for wholesale, subject to the provisions of the City and State Fire Codes.
- (b) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5.
- (c) Increase permitted floor area ratio to 1.5 for all permitted and conditional uses in the GM district.
- (d) Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
- (e) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (f) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (g) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
- (h) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (i) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (j) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

- (a) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an LI, GM, or HM district.
- (b) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (c) No junk, scrap, salvage or automobile wrecking yard shall be located within 500 feet of any residential district.
- (d) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (e) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(5) *Bulk regulations.*

- (a) *Maximum height:* None.
- (b) Minimum yard requirements (additional bufferyard may be required by subsection (8)):
 - 1. *Front yard:*
 - a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities and recording, television and radio studios:
 - (i) Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
 - (ii) Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations.
 - (iii) The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
 - b. All other uses: None.

2. *Side yard:*
 - a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities, and recording, television and radio studios: Ten feet or as required by section 36-453, supplemental open space and yard regulations.
 - b. All other uses: None.
3. *Rear yard:*
 - a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities, and recording, television, and radio studios: Ten feet.
 - b. All other uses: None.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

- (a) Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities, and recording, television, and radio studios.
 1. *Minimum open space:* Not less than 15 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
 2. *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking storage, loading and other paved areas shall not exceed 85 percent of the total lot area unless modified in accordance with subsection 36-482(15).
- (b) All other uses.
 1. *Minimum open space:* None.

2. *Maximum impervious surface:* None.

(7) *Design requirements.*

- (a) A site plan, meeting the requirements of section 36-360, site plan review, has been approved.
- (b) A landscape plan, meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, has been approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent or nearby residential area and in accordance with section 36-480, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard regulations.* Whenever a development in a GM district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-4200; G.O. 4519, 6-12-95; G.O. 4570, 11-27-95; G.O. 4763, 12-15-97; G.O. 4792, 4-13-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5343, 1-12-04; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5516, 1-23-06; G.O. 5585, 7-24-05; G.O. 6555, 4-9-07; G.O. 5758, 6-2-08; G.O. 5773, 8-11-08; G.O. 5879, 7-26-10; G.O. 5843, 11-9-09; G.O. 5861, 2-8-10; G.O. 5880, 7-26-10; G.O. 5928, 4-18-11; G.O. 6042, 4-8-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Sec. 36-433. HM - Heavy manufacturing district.

(1) *Purpose.* This district is intended for heavy industrial uses and other uses not otherwise provided for in the other industrial districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts wherever possible with good accessibility provided to major rail, air facilities and highways. Areas zoned HM are intended to be at least 20 acres in size unless the zoning is based on an adopted plan or comprehensive zoning scheme.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Airports.

- (c) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and business and sales offices accessory thereto.
- (d) Any residential dwellings existing at the time the district is mapped. As a conforming use, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (e) Auction sales, flea markets, and swap meets.
- (f) Automobile service garages including body and fender repair and paint shops.
- (g) Battery recycling and reprocessing.
- (h) Bulk storage of flammable liquids for wholesale, subject to the provisions of the city and state fire codes.
- (i) Bus garages.
- (j) Cemeteries.
- (k) Central mixing plants for cement, asphalt, or paving material.
- (l) Churches and other places of worship, including parish houses, and Sunday schools.
- (m) Commercial off-street parking lots and structures.
- (n) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (o) Commercial outdoor recreation use group.
- (p) Construction equipment storage yards.
- (q) Electric and steam power plants.
- (r) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, and located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 of any other overnight shelter, transitional service shelter, soup kitchen, or substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for an overnight or transitional service shelter herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.
- (s) Entertainment-oriented use group.
- (t) Feed stores.
- (u) General office use group.
- (v) Grain elevators.
- (w) Heliports.

- (x) Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing, (non-household resource recovery collection centers are permitted by (d) above).
- (y) Junk yards and automobile wrecking yards (no limitation on floor area for retail sales), in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.
- (z) Manufacturing and production of paving, roofing and other construction materials, using asphaltic and petroleum based coatings and preserving materials.
- (aa) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (bb) Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (cc) Medical marijuana-infused products manufacturing type 1 extraction facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (dd) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (ee) Medical marijuana testing facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (ff) Motor freight terminals.
- (gg) Pest control services.
- (hh) Police and fire stations.
- (ii) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals.
- (jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.

(kk) Public service and public utility uses, as follows:

1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.

(ll) Railroad terminals, railroad switching and classification yards, and railroad cars and locomotive repair shops.

(mm) Recycling centers.

(nn) Retail sales use group provided the sale of products is related to the principal use and provided that the gross amount of floor area devoted to sales and display does not exceed 25 percent of the gross floor area of the structure or 10,000 square feet, whichever is less. Products related to the principal use include products produced, distributed or sold wholesale on-site by the principal use.

(oo) Schools, industrial and business.

(pp) Scrap and salvage yards, in accordance with section 36-462, scrap, salvage, junk and automobile wrecking yards.

(qq) Self-service storage facilities.

(rr) Short-term rental type 3 in accordance with section 36-473, and subject to conditions in subsection (2)(d), if applicable.

(ss) Stockyards or feed lots.

(tt) Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

1. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
2. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

(uu) Swimming pool sales and display.

- (vv) Temporary uses, as permitted by section 36-452, temporary uses.
 - (ww) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
 - (xx) Upholstery shops.
 - (yy) Vehicle rental, towing and storage services.
 - (zz) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
 - (aaa) Warehouses, storage and distribution centers.
 - (bbb) Wholesale sales.
 - (ccc) Wood preserving operations using formulations of Chrome-Copper-Arsenate (CCA), pentachlorophenol (PENTA), creosote, and related chemicals.
- (3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, section 36-363, conditional use permits, of this article:
- (a) Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous substances from off-site sources and radioactive substances.
 - (b) Community corrections facilities in accordance with subsection 36-363(10)(b)6.
 - (c) Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, which are located within 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility, as measured from property lines, in accordance with subsection 36-363(10)(b)5.
 - (d) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
 - (e) Medical marijuana-infused products manufacturing type 1 extraction facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
 - (f) Jails, prisons or detention facilities in accordance with subsection 36-363(10)(b)3.

- (g) Permanent storage or disposal of hazardous substances, (as defined under the Federal Resource Conservation and Recovery Act, Subpart D, 40 C.F.R. 261.30; 261.31; 261.32; 261.33), industrial or municipal sludges.
- (h) Processing, reprocessing and storage of PCB containing oils.
- (i) Quarries and mining operations. Quarries existing at the effective date of this article shall only be required to apply for a use permit if the property is enlarged and the use is expanded onto the new property.
- (j) Solid waste transfer station as defined in this article provided the city council shall make a determination that the issuance of a use permit is consistent with the integrated solid waste management system plan of the city as defined in said plan.
- (k) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (l) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (m) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

- (a) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises, and their family, may reside on the premises in conformance with subsection 36-450(3)(b)6. Existing nonconforming residential uses may be expanded up to ten percent of the floor area existing at the time the district is mapped to provide enlarged cooking and sanitary facilities but not bedrooms or other living space.
- (b) No junk, scrap, salvage, or automobile wrecking yard shall be located within 500 feet of any residential district.
- (c) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.
- (d) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (e) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(5) *Bulk regulations.*

- (a) *Maximum height:* None.

- (b) *Minimum yard requirements* (additional bufferyard may be required by subsection (8)):

1. *Front yard:*

- a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities and recording, television and radio studios:
 - (i) Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
 - (ii) Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations.
 - (iii) The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.

- b. All other uses: None.

2. *Side yard:*

- a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities and recording, television and radio studios: Ten feet or as required by section 36-453, supplemental open space and yard regulations.
- b. All other uses: None.

3. *Rear yard:*

- a. Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities, and recording, television, and radio studios: Ten feet.
- b. All other uses: None.

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

- (6) *Open space requirements.*
- (a) Offices, as a principal use, athletic clubs, fitness centers, indoor sports facilities, and recording, television, and radio studios.
1. *Minimum open space:* Not less than 15 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
 2. *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking storage, loading and other paved areas shall not exceed 85 percent of the total lot area unless modified in accordance with subsection 36-482(15).
- (b) *All other uses.*
1. *Minimum open space:* None.
 2. *Maximum impervious surface:* None.
- (7) *Design requirements.*
- (a) A site plan, meeting the requirements of section 36-360, site plan review, has been approved.
- (b) A landscape plan, meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, has been approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) Refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent or nearby residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
- (8) *Bufferyard regulations.* Whenever any development in an HM district is located adjacent to any other district, screening, and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.
(Zoning Ord., § 4-4300; G.O. 4570, 11-29-95; G.O. 4763, 12-15-97; G.O. 4792, 4-13-98; G.O. 4829, 9-9-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5343, 1-12-04; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5516, 1-23-06; G.O. 5585, 7-24-06; G.O. 5665, 4-9-07; G.O.

5758, 6-2-08; G.O. 5773, 8-11-08; G.O. 5834, 8-24-09; G.O. 5843, 11-9-09; G.O. 5861, 2-8-10; G.O. 5879, 7-26-10; G.O. 5880, 7-26-10; G.O. 5928, 4-18-11; G.O. 6042, 4-8-13; G.O. 6058, 6-17-13; G.O. 6094, 1-13-14; G.O. 6467, § 1(Exh. A), 7-16-18; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Sec. 36-434. IC - Industrial commercial district.

(1) *Purpose.* This district is intended to allow industrial operations and activities in combination with commercial uses in those areas where the combination of such uses is consistent with adopted policies and plans. This district is designed primarily to accommodate land that both meets the above intent and was zoned for industrial uses prior to the enactment of said ordinance. All industrial operations are permitted provided they are conducted inside a building, although related outdoor storage is permitted. Areas zoned IC are intended to be located primarily at major intersections in or adjacent to industrial areas and on land that is designated as a mixed industrial/commercial use area in the comprehensive plan. Areas zoned IC are intended to be at least five acres in size unless they adjoin a LI, light industrial, GM, general manufacturing, or HM, heavy manufacturing district, or the zoning is based on an adopted plan or comprehensive zoning scheme.

(2) *Permitted uses.*

- (a) Accessory uses, as permitted by section 36-450, accessory structures and uses.
- (b) Ambulance services.
- (c) Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, and business and sales offices accessory thereto.
- (d) Any residential dwellings existing at the time the district is mapped. As a conforming use, such a dwelling can be expanded or, if destroyed, replaced with another dwelling of the same type within 18 months of being destroyed.
- (e) Auction sales, flea markets, and swap meets.
- (f) Automobile service garages including body and fender repair and paint shops.
- (g) Automobile service stations.
- (h) Automobile washing businesses, including automatic, coin-operated, and moving-line facilities.
- (i) Awning and canvas sales and rental.
- (j) Bus stations.
- (k) Catering businesses.
- (l) Cemeteries.
- (m) Churches and other places of worship, including parish houses, Sunday schools, and overnight shelters.

- (n) Commercial gardens and/or farmers markets with retail and/or wholesale sales on-site.
- (o) Commercial off-street parking lots and structures.
- (p) Commercial outdoor recreation use group.
- (q) Construction equipment storage yards.
- (r) Day care centers in accordance with chapter 36, article XI, Springfield City Code.
- (s) Eating and drinking establishments use group.
- (t) Entertainment-oriented use group.
- (u) Funeral homes, mortuaries, and crematoriums.
- (v) General office use group.
- (w) Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with section 36-480, screening and fencing, (non-household resource recovery collection centers are permitted by (c) above).
- (x) Manufactured housing (mobile home) and trailer sales, leasing and service with no storage.
- (y) Medical marijuana cultivation facility when not located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (z) Medical marijuana dispensary facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (aa) Medical marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (bb) Medical marijuana testing facility. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (cc) Medical office use group.
- (dd) Nurseries, greenhouses and garden stores.
- (ee) Upholstery shops.

- (ff) Personal services use group.
- (gg) Pest control services.
- (hh) Police and fire stations.
- (ii) Private clubs and lodges.
- (jj) Public and private parks, playgrounds, and golf courses, including miniature golf courses and driving ranges.
- (kk) Public or private vehicle and boat storage garages, yards, or lots.
- (ll) Public service and public utility uses, as follows:
 1. Tier I wireless facilities in accordance with section 36-466, telecommunication towers.
 2. Tier III wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 3. Tier IV wireless facilities in accordance with section 36-466, telecommunication towers, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater.
 4. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- (mm) Retail sales use group.
- (nn) Schools, professional, commercial, industrial and trade.
- (oo) Schools or development centers for persons with handicaps or development disabilities.
- (pp) Self-service storage facilities.
- (qq) Short-term rental type 3 in accordance with section 36-473 and subject to conditions in subsection (2)(d), if applicable.
- (rr) Swimming pool sales and display.
- (ss) Taxi dispatch yards and offices.
- (tt) Taxidermists.
- (uu) Temporary lodging use group.
- (vv) Temporary uses, as permitted by section 36-452, temporary uses.
- (ww) Towers other than wireless facilities, less than 100 feet in height, and related facilities.
- (xx) Upholstery shops.

- (yy) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, motel, or restaurant, or from a property zoned residential or a building used for residential purposes.
- (zz) Warehouses, storage and distribution centers.
- (aaa) Wholesale sales use group.

(3) *Conditional uses.* The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant, to section 36-363, conditional use permits, of this article.

- (a) Overnight shelters and transitional service shelters for 50 or fewer residents, in accordance with subsection 36-363(10)(b)5.
- (b) Go-cart tracks.
- (c) Medical marijuana cultivation facility when located adjacent to or across the street from any residential district. No facility shall be located within 1,000 feet of a then-existing elementary or secondary school, child day care center or church and as prescribed and subject to all other requirements in section 36-474, medical marijuana facilities.
- (d) Motor freight terminals.
- (e) Soup kitchens.
- (f) Tier V wireless facilities in accordance with section 36-466, telecommunication towers.
- (g) Towers other than wireless facilities, exceeding 100 feet in height, and related facilities, in accordance with subsection 36-363(10)(b)1.
- (h) Truck stops.
- (i) Veterinary clinics, animal hospitals and outdoor kennels provided that at the time the use is established any outdoor activities are clearly accessory to the primary use and provided that no outdoor activities are located closer than a 300-foot radius from a building used for a church, school, hotel, or motel, or from a property zoned residential or a building used for residential purposes, or closer than a 100-foot radius from a building used for a restaurant.

(4) *Use limitations.*

- (a) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.
- (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards.

- (c) All industrial operations and activities, except off-street parking and loading facilities and storage, shall be conducted wholly inside a building, or buildings.
- (d) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property, except property located in an IC, LI, GM, or HM district.
- (e) All outdoor storage shall be at least 100 feet from any residential district boundary.
- (f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
- (g) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- (h) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).

(5) *Bulk regulations.*

- (a) *Maximum structure height:* None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of any R-SF or R-TH district.
- (b) *Minimum yard requirements* (additional bufferyard may be required by subsection (8)).
 - 1. *Front yard:*
 - a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space and yard regulations.
 - b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space and yard regulations.
 - c. The front yard setback may be reduced below the minimum required above if a conditional use permit is approved in accordance with section 36-363, conditional use permits, or an approved preliminary plat in accordance with the city's subdivision regulations.
 - 2. *Side yards:* None, except as required by section 36-453, supplemental open space and yard regulations, and the bufferyard requirements in subsection (8).
 - 3. *Rear yards:* None, except as required by the bufferyard requirements in subsection (8)).

However, in no event may a structure be erected closer to the centerline of an existing or planned street than as prescribed below, except as permitted by subsection 36-303(17)(b) and subsection 36-303(17)(d).

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Freeway	150 feet plus the required yard setback

<i>Street Classification</i>	<i>Required Setback from Right-of-Way Center Line</i>
Expressway	65 feet plus the required yard setback
Primary arterial	50 feet plus the required yard setback
Secondary arterial	35 feet plus the required yard setback
Collector	30 feet plus the required yard setback
Commercial/ industrial local	30 feet plus the required yard setback
Residential local	25 feet plus the required yard setback
Highway access road	20 feet plus the required yard setback
Downtown streets	Required yard setback from right-of-way line

(6) *Open space requirements.*

- (a) *Minimum open space:* Not less than 15 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
- (b) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, storage, loading and other paved areas shall not exceed 85 percent of the total lot area unless modified in accordance with subsection 36-482(15).

(7) *Design requirements.*

- (a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved.
- (b) A landscape plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted and approved.
- (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening and fencing.
- (d) All outdoor storage and refuse storage areas shall be screened from view in accordance with section 36-480, screening and fencing.
- (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening and fencing.
- (f) Lighting shall be designed to reflect away from any adjacent or nearby residential area and in accordance with section 36-484, lighting standards.
- (g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.

(8) *Bufferyard regulations.* Whenever any development in an IC industrial commercial district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.

(Zoning Ord., § 4-4400; G.O. 4329, 4-5-93; G.O. 4763, 12-15-97; G.O. 4852, 11-23-98; G.O. 5094, 7-9-01; G.O. 5127, 10-29-01; G.O. 5425, 11-15-04; G.O. 5471, 6-27-05; G.O. 5516, 1-23-06; G.O. 5585, 7-26-06; G.O. 5665, 4-9-07; G.O. 5773, 8-11-08; G.O. 5861, 2-8-10; G.O. 5879, 7-26-10; G.O. 5843, 11-9-09; G.O. 5888, 7-26-10; G.O. 5928, 4-18-11; G.O. 6042, 4-8-13; G.O. 6058, 6-17-13; G.O. 6076, 9-9-13; G.O. 6082, 10-7-13; G.O. 6094, 1-13-14; G.O. 6173, Exh. A, 3-9-15; G.O. 6467, § 1(Exh. A), 7-16-18; G.O. 6497, § 1, 1-28-19; G.O. 6528, § 1, 5-20-19)

Secs. 36-435—36-449. Reserved.

DIVISION 5. SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 36-450. Accessory structures and uses.

(1) *Purpose.* This section is designed to collect in one place the regulations with respect to accessory structures and uses and to list those common accessory structures and uses that are specifically allowed.

(2) *Definition.* An accessory structure or use serves a principal structure or a principal use by contributing to the comfort, convenience or needs to the occupants, business, or industry of the principal structure or use and is located on the same lot as the principal structure or use served.

(3) *Permitted accessory structures and uses.* Any structure or use that meets the definition in section 36-452 may be allowed as an accessory structure or use.

- (a) Accessory structures include, but are not limited to, the following list of examples:
 1. Buildings or structures incidental to a principal structure, such as storage buildings, workshops, studios, carports or garages incidental to a permitted use.
 2. Children's playhouses.
 3. Private swimming pools and bath houses.
 4. Guest houses or servant's quarters in any residential district or rooms for guests in an accessory structure provided such facilities:
 - a. Are used for the occasional housing of guests or servants of the occupants of the principal structure; and
 - b. Are not used as rental units or for permanent occupancy as housekeeping units; and
 - c. Are on a lot which exceeds 10,000 square feet in area.
 5. Greenhouses.

6. Guard stations.
 7. Food lockers.
- (b) Accessory uses include, but are not limited to, the following list of examples:
1. Storage of boats, boat trailers, camping trailers, small house trailers, and recreational vehicles provided the equipment is not used for living, sleeping or housekeeping purposes when parked or stored.
 2. Restaurants, drug stores, gift shops, cocktail lounges, news stands and other similar uses located in a permitted office building provided that the total floor area devoted to accessory uses does not exceed ten percent of the gross floor area on the lot.
 3. Employee restaurants and cafeterias when located in a permitted business or manufacturing building.
 4. A day care center located in a permitted business or manufacturing building, providing day care for children of employees employed on the premises, and as permitted by chapter 36, article XI, Springfield City Code.
 5. A day care center, hourly care center, preschool, nursery school or kindergarten located on the same lot as a church or school and as permitted by chapter 36, article XI, Springfield City Code.
 6. An apartment or living quarters for a guard, caretaker or other person employed on the premises, and their family, and which is clearly secondary to the commercial or manufacturing use of the property.
 7. Automobile service and repair when operated as part of a variety, discount, or department store which sells automobile parts and accessories.
 8. Home occupation uses as permitted by section 36-451, home occupations.
 9. Outdoor dining with permitted restaurants in the general retail zoning district provided the additional required parking for the outdoor dining area is met and the food and drink served outdoors are prepared inside the permitted restaurant.
 10. Personal gardens when accessory to a residential use.
 11. On-site storage in storage trailers and storage containers shall be permitted if in compliance with subsection 36-450(6).
 12. The keeping of six or fewer chicken hens, but no roosters, in all districts.
 13. Fundraising activities for non-profit organizations.
 14. Garage sales or yard sales as permitted by the City Code.
 15. Street festivals.
 16. Hot air balloon launchings provided the launch site is at least 1,000 feet from an occupied dwelling that is zoned for residential use.

17. An outdoor carnival or circus provided there is a dust-free or paved area for off-street parking for not less than 300 cars.
 18. Temporary seasonal outdoor sales and related storage necessary to a permitted use.
- (c) None of the following shall be permitted as an accessory use:
1. The storage or overnight parking of a commercial truck, van, bus or vehicle, with a gross volume vehicle weight of more than three-fourths ton, in a residential district. Church and school buses are permitted provided they are parked on church or school property.
 2. Outdoor storage, except as specifically permitted by the district regulations.
 3. Living quarters in any district other than a residential district unless specifically permitted.

(4) *Use limitations.* All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located and with the following additional use limitations:

- (a) No accessory structure shall be constructed or occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
- (b) No accessory use shall be permitted in any required front yard unless it is permitted by section 36-453, supplemental open space and yard regulations.
- (c) An existing accessory structure may remain as a nonconforming structure following the destruction, or removal, of the principal structure provided it is not injurious, noxious, or offensive to the neighborhood and also provided it is not used for any illegal purpose.
- (d) A subdivision which results in an existing accessory structure on a lot without a principal structure may be approved by the planning and zoning commission provided a principal structure is constructed on the same lot as the existing accessory structure within a period of 18 months from the date of commission's approval provided the accessory structure is not used for any purpose during this time period. The accessory structure shall be removed from the lot if a new principal structure is not constructed and issued a certificate of occupancy under section 36-333, certificate of occupancy, during this time.

(5) *Bulk, setback, and spacing regulations.* All accessory structures shall comply with the following regulations:

- (a) *Residential districts.*
 1. Minimum yard requirements, except clubhouses in subsection 36-450(5)(a)2.c. below:
 - a. *Rear and side:* Three feet. An accessory structure may be located on the lot lines provided the abutting residential zoned property also has an

accessory structure abutting the common lot line and provided both accessory structures abut one another for the entire length of their abutting walls.

- b. *Front:* No accessory structure shall be permitted in any front yard unless it is permitted by section 36-453, supplemental open space and yard regulations.
 - c. On a corner lot, no accessory structure shall project beyond the front yard of adjacent lots to the rear of the corner lot.
 2. Maximum structure height, except as permitted by subsection 36-366(1)(e):
 - a. The height limit for hip or gable roofs shall be 16 feet.
 - b. The height limit for flat, single slope or mansard roofs shall be 12 feet.
 - c. Clubhouses in a permitted multifamily development shall not exceed the height limit of any multi-family structure within the same development and also provided the clubhouse structure shall remain below a 45-degree bulk plane as measured from the boundary of any R-SF, single-family residential or R-TH, residential townhouse district.
 3. Maximum floor area:
 - a. No more than four accessory structures are permitted on a lot, and
 - b. No single accessory structure may exceed two-thirds of the principal structure's footprint square footage.
 - c. None of the above shall result in authorization to exceed the permitted maximum impervious surface area allowed per lot.
 4. If vehicular access is provided to the accessory structure, it shall be done in such a manner that will not result in any portion of the vehicle extending into or blocking a public way or having to access any neighboring property to enter the accessory building.
- (b) *All other districts.*
1. Minimum yard requirements.
 - a. Rear and side: Same yards as is required for principal structures located on the lot.
 - b. Front: No accessory structure shall be permitted in any front yard unless it is permitted by section 36-453, supplemental open space and yard regulations.
 - c. On a corner lot, no accessory structure shall project beyond the front lot lines on the adjacent lots.
 2. Maximum structure height, except as permitted by subsection 36-366(1)(e):
 - a. In office and limited business districts: Fifteen feet.
 - b. In all other districts: The same height as allowed for principal structures.

(6) *On-site storage in storage trailers and storage containers.*(a) *General provisions.*

1. It shall be unlawful for any person to place a storage trailer or storage container on any property except in compliance with this section.
2. Storage trailers and storage containers used as construction site offices, or for the storage of tools or building supplies needed for a construction project, or personal property of the owner or tenant of a building which is being remodeled, during the course of a project on a lot for which a valid building permit exists, are permitted until the expiration of 30 days after a certificate of use and occupancy has been issued by the city. The director of building development services may authorize

the placement of a storage trailer or storage container used for a construction project on property other than the property where the construction project is located upon determining that the location is necessary and reasonable under the circumstances.

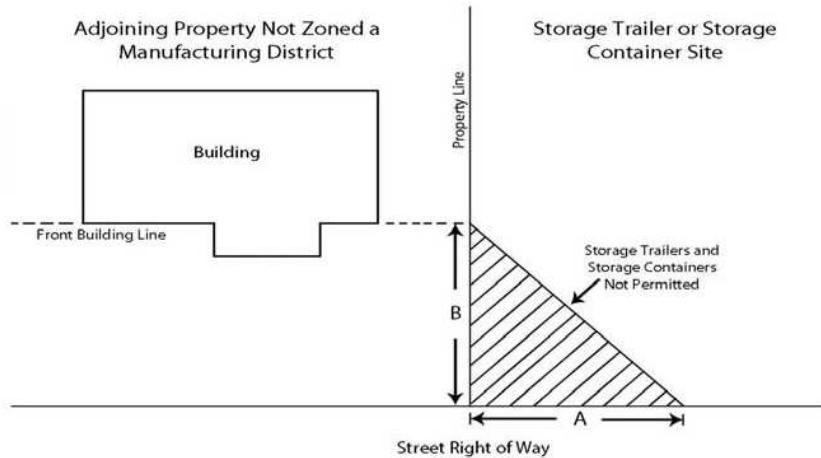
3. Storage trailers and storage containers located on railroad property or right-of-way; or in a rail terminal, whether owned by a railroad or some other entity, shall be exempt from the requirements of this subsection.
- (b) *Nonresidential zoning districts.* Storage trailers and storage containers are permitted in nonresidential zoning districts subject to the following restrictions, requirements, and limitations.
 1. No storage trailer or storage container shall be located on property in such a manner so as to occupy any required:
 - a. Parking space;
 - b. Open space;
 - c. Sight triangle;
 - d. Circulation aisle;
 - e. Setback;
 - f. Easement;
 - g. Detention area;
 - h. Bufferyard; or
 - i. Perimeter landscaping areas
 - as defined in this article or in the design standards for public improvements for the City of Springfield. No storage trailer or storage container shall be located within ten feet of the right-of-way of a public street.
 2. No storage trailer or storage container shall be located on property so as to be in conflict with the Fire Code of the City of Springfield or any other provisions of this article.
 3. Hazardous materials shall not be stored in storage trailers and storage containers unless in compliance with the fire code and building code of the City of Springfield.
 4. Storage trailer or storage container used for the purpose of storing quantities of hazardous materials shall be properly labeled on the exterior in accordance with National Fire Protection Agency (NFPA) guidelines indicating the level of health, flammability, and reactivity of the materials contained therein, or placarded with the appropriate United States Department of Transportation (US DOT) placard if the materials stored are regulated by the US DOT. If in the opinion of the fire chief or his representative the on-site storage of these materials pose a significant threat to the health, welfare, and safety of any person, he may order the

immediate removal or disposal of said materials, or both. Every storage trailer and storage container shall be clearly marked so that it is clear to all emergency response personnel what hazard(s) may exist.

5. No storage trailer or storage container shall be used for the storage, production, or manufacture of any controlled substance as defined by state and federal law.
6. No utility services shall be provided to a storage trailer or storage container unless it has been converted into a building and meets all provisions of this article and all applicable building codes. Providing temporary attachment or electricity for the purposes of loading and unloading shall not be considered a violation.
7. No storage trailer or storage container shall be physically connected, in any manner, to any structure or building or another storage trailer or storage container. When transfer facilities utilizing trailers for temporary hazardous materials storage are not occupied, the door between the facility and the trailer, as well as the door to the trailer, shall be properly closed and secured in order to create a separation.
8. Merchandise, pallets, furniture, tires, equipment, fixtures, products, trash, debris, or other materials shall not be stacked under or on top of any storage trailer or storage container. Such items shall also not be placed in a fire lane or within ten feet of a storage trailer or storage container.
9. No storage trailer or storage container shall be used, maintained, or placed in a manner so as to negatively impact access or visibility from a major street for any properties adjoining the site. Conformance with the requirement of maintaining visibility for the adjoining property shall only be required when the adjoining property is not zoned a manufacturing district. The visibility requirement shall be met by not placing storage trailers or storage containers on the site within a triangle defined by (Figure 5-1):
 - a. The common property line with the adjoining property;
 - b. The street right-of-way line; and
 - c. A line that originates on the street right-of-way line 100 feet from the common property line with the adjoining property, or the width of the site, whichever is less; and ends where the front building line on the adjoining property intersects the common property line, or at the rear property line of the site or the adjoining property, or 100 feet from the street right-of-way line, whichever is less. The front building line is defined using the longest plane of the front building facade and excludes minor projections such as entry ways, porches, and bays.
10. No storage trailer or storage container shall be stacked on top of another storage trailer or storage container, or on top of any building. Storage trailers and storage containers may be stacked when stored on the sites where the provision of such storage trailers or storage containers is a principle use if the trailers and containers are empty and properly secured based on accepted industry standards.

11. No storage trailer or storage container shall be used, maintained, or placed in a manner so as to constitute a public nuisance under any provision of the City Code.

Figure 5-1.



A = One hundred (100) feet or the width of the site, whichever is less.

B = The front building line on the adjoining property; or
the rear property line of the site or the adjoining property; or
one hundred (100) feet from the street right-of-way line, whichever is less.

- (c) *Residential districts.* Storage trailers and storage containers are permitted in all residential zoning districts subject to the following restrictions, requirements and limitations.

1. *Short-term loading and unloading.*
 - a. Up to three trailers or containers may be placed on a property to be loaded or unloaded at the same time.
 - b. The trailers or containers shall not be on the property for a period of more than 72 hours.
 - c. The trailers or containers shall be sited on a hard surface and meet all other requirements for placement of containers.
 - d. The use of trailers or containers for loading and unloading shall not be counted towards the 60-day limitation set below.
2. *Short-term storage.*
 - a. Only one storage trailer or storage container may be located on a property at any given time.

- b. No storage trailer or storage container shall be located on a property for a period of more than 60 consecutive days. No property shall be permitted to have a storage trailer or storage container for more than two 60-day periods in any 12-month period.
 - c. The storage trailer or storage container shall be located in a legal parking space on the property.
 - d. No storage trailer or storage container shall be located within 15 feet of the edge of pavement or back of curb of any street.
 - e. No storage trailer or storage container shall be located in any sight triangle of intersecting rights-of-way as defined in this article.
 - f. No storage trailer or storage container shall be used in conjunction with, or associated with, a home occupation.
 - g. No hazardous materials shall be stored in a storage trailer or storage container placed on the property.
- (d) *Construction projects not requiring a building permit.* Storage trailers and storage containers are permitted in conjunction with construction projects subject to the following restrictions, requirements, and limitations.
- 1. The use of storage trailers and storage containers is limited to the storage of tools or building supplies needed for a construction project or personal property of the owner or tenant of the building on the property that is being built on or remodeled.
 - 2. All storage trailers and storage containers shall be located on the property where the work is being performed.
 - 3. In nonresidential zoning districts, storage trailers and storage containers used in conjunction with construction projects must be located on the property in such a manner so as to not occupy:
 - a. Open space;
 - b. Sight triangles;
 - c. Easements;
 - d. Detention facilities;
 - e. Bufferyard;
 - f. Perimeter landscaping areas; or
 - g. Required parking as defined in this article and in the design standards for public improvements for the City of Springfield. If located in residential zoning districts, the location shall be as stipulated in paragraph (c).
 - 4. No storage trailer or storage container may be stacked one on top of another storage trailer or storage container or on top of any building.
 - 5. All storage trailers or storage containers shall be removed from the property within 14 days of completing the construction project.

6. No hazardous materials shall be stored in the storage trailer or storage container placed on the property.
- (e) *Recycling containers.* Storage trailers and storage containers used as recycling containers are permitted in all nonresidential zoning districts subject to the following restrictions, requirements, and limitations.
1. The use of the storage trailer and storage containers is limited exclusively to materials to be recycled.
 2. All storage trailers and storage containers shall be located on the property in such a manner so as to not occupy setback, required parking spaces, open space, sight triangle, easement, detention facilities, bufferyard or perimeter landscaping areas as defined in this article and in the design standards for public improvements for the City of Springfield.
 3. No storage trailer or storage container may be stacked one on top of another storage trailer or storage container or on top of any building.
 4. Each storage trailer or storage container must be located on the property in a location that is in compliance with the fire code and this article.
 5. No storage trailer or storage container may be located in the required front yard. All storage trailers and storage containers must be a minimum of 25 feet from any street and a minimum of 50 feet from any residential district.
 6. The storage trailer or storage container shall not be used for any purpose other than that of recycling as specified in this subsection.
- (f) *Signage.* For the purpose of this section, all signage on storage containers and storage trailers shall be in accordance with subsection 36-454(4)(h) of this article.
- (g) *Nonconforming storage trailers and storage containers.* Storage trailers and storage containers that are not lawfully conforming at the time of the adoption of this subsection must come into compliance or be removed by March 20, 2011.
- (Zoning Ord., § 5-1000; G.O. 4733, 8-18-97; G.O. 5127, 10-29-01; G.O. 5425, 11-15-04; G.O. 5533, 4-3-06; G.O. 5671, 4-23-07; G.O. 5842, 11-9-09; G.O. 5895, 9-20-10; G.O. 5900, 10-4-10; G.O. 6195, Exh. D, 5-11-15; G.O. 6467, § 1(Exh. A), 7-16-18)

Sec. 36-451. Home occupations.

(1) *Purpose.* This section is designed to define what constitutes a home occupation and to enumerate the particular home occupations that are permitted. A home occupation is a privilege granted to a resident which should not be a nuisance to other residents. A home occupation may be continued for only so long as it is conducted lawfully and does not produce a condition which causes a nuisance including, but not limited to, those enumerated in chapter 74, Springfield City Code. Violations of this section may result in the loss of the ability to operate the home occupation. No home occupation shall be permitted if it:

- (a) Changes the outside appearance of the dwelling or is visible from the street;

- (b) Generates traffic, parking, sewage, water use, or noise in excess of what is normal in a residential neighborhood;
 - (c) Creates a hazard to person or property, results in electrical interference or becomes a nuisance; or
 - (d) Results in outside activities, storage, or display.
- (2) *Definition.* An activity carried out for compensation in a residential dwelling unit.
- (3) *Home occupations permitted.* Home occupations include, but are not limited to, the following occupations:
- (a) Home offices for architects, engineers, lawyers, realtors, insurance agents, brokers, ministers, rabbis, priests, salesmen, sales representatives, manufactures representatives, home builders, home repair contractors, trash haulers and similar occupations.
 - (b) Artists, sculptors, authors, photographers and composers.
 - (c) Computer programming and data processing.
 - (d) Direct sale product distribution (Amway, Avon, Tupperware, etc.) provided parties for the purpose of selling merchandise or taking orders shall not be held more than once a month, shall be limited to ten customers and shall be held between the hours of 9:00 a.m. and 10:00 p.m.
 - (e) Dressmakers, seamstresses, and tailors.
 - (f) Home crafts, such as model making, rug weaving, woodworking, ceramics (with a kiln up to six cubic feet) and similar activities, provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home, including machinery or equipment that would ordinarily be employed in connection with a hobby or avocation not conducted for gain or profit.
 - (g) Mail order, not including retail sales from site.
 - (h) Music and art teachers or other tutoring services.
 - (i) Renting sleeping rooms and serving meals to not more than two persons not members of the family occupying the dwelling unit for more than 30 days provided on off-street parking space is provided for each person.
 - (j) Telephone answering.
 - (k) Washing and ironing.
 - (l) "Work at home" activities where employees of a business, located at another location, perform work for the business in their own residence, provided all physical contact between the business and the employee occurs at the place of business and not the residence, other than the initial installation of any equipment or other work facilities. The work activities of the employee shall conform with all other requirements of this section.

- (m) Performing any acts of cosmetology or acupuncture for compensation, provided:
 - 1. Only one customer is allowed in the home at a time; and
 - 2. Hours of operation for this home occupation shall be limited to 7:00 a.m. to 7:00 p.m.; and
 - 3. Use is limited to single-family homes; and
 - 4. The use complies with all building and other applicable city codes and State of Missouri regulations and standards.
 - (n) Preparation of food for sale, operating in compliance with Springfield-Greene County Health Department and adopted Missouri Food Code with the following restrictions:
 - 1. Only non-potentially hazardous processed food may be sold, sampled, or served, including, but not limited to breads, cookies, fruit pies, jams, jellies, preserves, fruit butters, honey, sorghum, cracked nuts, packaged spices and spice mixes, dry cookie, cake, bread, and soup mixes, but excluding low acid canned and/or acidified foods as specified in the Code of Federal Regulations, Title 21, Part 113 and 114 respectively;
 - 2. Only the individual actually producing the food, or an immediate family member residing in the producer's household with extensive knowledge about the food, may sell, sample or serve food;
 - 3. Food may only be sold, sampled or served directly to the end customer;
 - 4. All processed packaged foods shall bear a label stating the name and address of the manufacturer/processor preparing the food, common name of the food, name of all the ingredients in the food in order of predominance, the net weight of the food in English or metric units, and a statement that the product is prepared in a kitchen that is not subject to inspection by the Springfield-Greene County Health Department. It is recommended that honey manufacturers/processors include this additional statement to their product label: "Honey is not recommended for infants less than twelve (12) months of age"; and
 - 5. The consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to inspection by the Springfield-Greene County Health Department if the foods specified in subsection 36-451(3)(n)1., are sold, sampled or served in unpackaged, individual portions. The Springfield-Greene County Health Department shall have final authority in determining whether a food is non-potentially hazardous and may enjoin individuals who violate the provisions of this subparagraph from selling, sampling or serving these foods.
- (4) *Use limitations.*
- (a) No person other than someone related by blood, marriage, adoption, or custodial relationship to the person conducting the home occupation and who also resides in the dwelling unit shall be employed in the home occupation.

- (b) The home occupation shall be conducted entirely within the principal residential building or in a permitted accessory building.
 - (c) No manufacturing or processing of any sort whatsoever shall be done, except as permitted by subsection 36-451(3)(f).
 - (d) No sign shall advertise the presence or conduct of the home occupation.
 - (e) No stock in trade shall be displayed or sold.
 - (f) No stock in trade, except articles produced by members of the family residing on the premises, shall be stored on the premises.
 - (g) No alteration of the principal residential building shall be made which changes the character thereof as a dwelling, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation unless specifically required by state licensing provisions.
 - (h) The home occupation shall not produce offensive noise, vibration, smoke, electrical interference, dust, odors or heat. Any noise, vibration, smoke, electrical interference, dust odors, or heat detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure, shall constitute a violation of this section.
 - (i) No mechanical or electrical equipment other than normal domestic or household equipment shall be used.
 - (j) There shall be no outdoor storage of equipment or materials used in the home occupation.
 - (k) The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery service, or private vehicles with a gross vehicle weight rating of 10,000 pounds or less.
 - (l) Not more than one vehicle shall be utilized in the business.
 - (m) No customer waiting areas shall be provided.
 - (n) No vehicles shall be parked and no equipment or materials shall be stored for trash haulers, home builders, home repair contractors, and similar occupations.
 - (o) A business license shall be obtained, if required, by other ordinances.
 - (p) No more than 20 percent of the total floor area of the dwelling unit and garage shall be devoted to the home occupation. A garage shall not be used for a home occupation if such use has the effect of eliminating required parking.
 - (q) Appropriate plans, showing conformance with this section, shall be approved by the director of building development services.
- (5) *Particular home occupations prohibited.* Permitted home occupations shall not in any event be deemed to include the following types of activities and uses:
- (a) Animal hospitals, stables, or kennels.

- (b) Auto repairing and painting.
- (c) Boarding and lodging houses, unless specifically permitted by the district regulations.
- (d) Dancing schools and studios.
- (e) Dispatching of transfer and moving vans.
- (f) Furniture repairing and refinishing.
- (g) Medical offices for doctors, dentists, and veterinarians.
- (h) Nursery schools and day care centers, unless specifically permitted by the district regulations.
- (i) Palm reading or fortune telling.
- (j) Photofinishing.
- (k) Portrait studios.
- (l) Preparation of food for sale, except as permitted by section 36-451(3).
- (m) Private clubs.
- (n) Radio and television repair shops.
- (o) Raising animals for sale.
- (p) Restaurants.
- (q) Shops for contractors and tradesmen, such as electricians, plumbers, and carpenters.
- (r) Sign painting.
- (s) Trash hauler operations other than a home office.
- (t) Escort services.

(Zoning Ord., § 5-1100; G.O. 4781, 3-2-08; G.O. 5594, 8-21-06; G.O. 6497, § 1, 1-28-19; G.O. 6520, § 1, 4-22-19; G.O. 6574, § 1, 2-24-20; G.O. 6624, § 1, 11-30-20; G.O. 6703, § 2, 1-24-22)

Sec. 36-452. Temporary uses.

(1) *Purpose.* This section is designed to gather into one section regulations regarding those land uses and structures which are needed, or are in place, for only short periods of time. Some of such uses are permitted in all zoning districts either because they are useful or necessary or because they do not adversely impact surrounding property. Other temporary uses that may substantially impact nearby properties are permitted only in districts in which they are compatible with the permanent permitted uses. Such temporary uses, except temporary vendors, shall be permitted without requiring additional off-street parking. Temporary vendors shall be permitted only if the required parking for the uses on the subject property, including temporary vendors, is not reduced.

(2) *Site plan review not required.* Site plan review, under the requirements of section 36-360, site plan review, is not required for temporary uses regulated by this section because of the temporary nature of such 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:
 1. Contractor's office and equipment trailers and sheds (containing no sleeping or cooking accommodations) accessory to a construction project are permitted only during the duration of such project and shall be located on the same property or on property in a district in which the use being constructed is allowed.
 2. Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing or other development to continue only until the sale or lease of all dwelling units in the development.
 3. Mixing plants for cement, asphalt or paving material, staging areas and materials storage areas subject to the following restrictions:
 - a. The temporary use is accessory to a project for the construction of streets or other public improvements.
 - b. The temporary use is located on the same property or right-of-way, or directly adjacent to the same property or right-of-way, as the construction project.
 - c. The temporary use shall be removed upon completion of the construction project.
 - d. The applicant shall provide a plan for controlling traffic between the temporary use and the construction project, approved by the traffic engineer, and adequate evidence that said plan will be implemented.
 - e. The applicant shall provide a plan for adequately ensuring that during actual operations there will be no adverse environmental impact on adjacent and nearby properties. Said plan shall include provisions for noise abatement, sanitary needs, dust, and litter controls. Any violation of said plan shall provide grounds for an immediate revocation of a permit granted under the provisions of this section.
 - f. A permit for such use has been issued by the director of building development services finding that all of the foregoing conditions have been, or will be, satisfied.
 4. Temporary wireless facilities towers for special events provided the temporary tower does not exceed 60 feet in height and a permit shall not be issued for a period of time exceeding two days preceding and following the special event.

Temporary towers may also be located on the same site as an approved permanent tower during the period that the permanent tower is being constructed.

5. Farmers' markets, subject to the following restrictions:
 - a. The farmers' market may only be located on the same site as a legally established nonresidential use(s).
 - (i) A site plan shall be submitted to, and approved by, the building development services department showing conformance with the requirements of the zoning ordinance, adopted standards, and other city codes;
 - (ii) All farmers' market uses shall be in compliance with all applicable codes and standards of the Springfield City Code; and
 - (iii) A permit for such use has been issued by the director of building development services finding that all of the standards have been, or will be, satisfied. The director of building development services is authorized to issue a cease and desist order to any party violating the adopted standards along with any other enforcement measures available to the director or the city.
 - b. Every farmers' market vending site shall be required to have a building or site permit issued by the director of building development services prior to commencement of operation. The property owner shall apply for the building or site permit.
 6. Automated teller machines (ATMs), subject to the following restrictions:
 - a. Must be located on ten 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 nonconforming status to the site, and under no circumstance shall the use exist longer than 24 months as set forth in subsection d.
- (b) The following uses of land are permitted in the specific zoning districts listed, subject to the restrictions in this section and the other applicable restrictions in the district or districts in which the temporary use is permitted:
- 1. In residential districts. Non-profit, fund-raising events on residential properties, such as, the Springfield Symphony Guild's Designer's Showcase, subject to the following restrictions:
 - a. No more than one permit shall be issued on the same property in a 36-month period, and the permit shall not exceed a period of 21 days exclusive of a reasonable period to prepare the property prior to the event and restore the property after the event is complete.
 - b. Activities related to the event shall be limited to a daily period extending from 9:00 a.m. to 10:00 p.m.
 - c. Lighting, activities, noise, or increased traffic associated with an event shall not unreasonably disturb surrounding residential neighborhood.
 - d. The applicant shall provide a reasonable plan for traffic control and parking approved by the traffic engineer and adequate evidence that said plan will be implemented.
 - e. The applicant shall provide a plan for adequately ensuring that during actual operations there will be no adverse environmental impact on adjacent and nearby properties. Said plan shall include provisions for noise abatement, sanitary needs, dust, and litter controls. Any violation of said plan shall provide grounds for an immediate revocation of a permit granted under the provisions of this section.
 - f. A permit for such event has been issued by the director of building development services finding that all of the foregoing conditions have been, or will be, satisfied.

2. Temporary vendors, sites in the GR, HC, CS, GI, CC, COM, LI, GM, HM and IC districts, subject to the following restrictions:
 - a. A site plan providing the following information shall be submitted to, and approved by, the building development services department showing conformance with the requirements and standards of the zoning ordinance and other city codes;
 - (i) The legal description of the site.
 - (ii) A full site plan showing the proposed location of the temporary vendor site and showing that the site does not encroach into the required setbacks of site triangles.
 - (iii) Show that the vendor site location will not encroach into the required parking spaces.
 - (iv) Submit a parking schedule indicating the total number of parking spaces for the site, the total spaces required for the permanent business and the use of the permanent business.
 - (v) Show the location of the accessible restroom facilities for each gender. They must be located within 500 feet of the temporary vendor site and within a permanent structure.
 - b. All temporary vendor uses shall be in compliance with all applicable codes and standards of the Springfield City Code.
3. In the GI, GR, HC, CS, LI, GM, HM, and IC districts.
 - a. Christmas tree sales for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of this article, provided, that no tree shall be displayed within 30 feet of the intersection of the curb line of any two streets or any sight triangle required by subsection 36-453(6).
 - b. Temporary promotional activities subject to the following restrictions:
 - (i) No permit shall be granted for a period exceeding six days exclusive of a reasonable period during which the promotional uses are erected or taken down.
 - (ii) No more than two permits for a temporary promotional use for the same property shall be issued during any six-month period.
 - (iii) Temporary promotional uses shall be limited in number to not more than five carnival rides, amusement rides, or other similar amusements, and no games, side shows, tents shelters, concessions, or other similar uses shall be employed or associated therewith. Carnival rides, amusement rides, and other similar amusements shall not be located within 400 feet of the lot line of occupied residential property except as permitted by [paragraph] (viii) below.
 - (iv) Reserved.

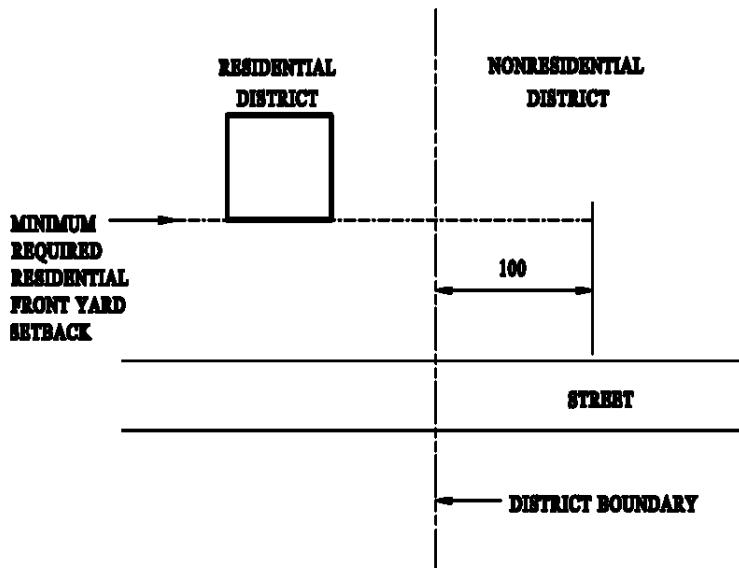
- (v) Retail businesses may display merchandise that is for sale within the building in the area immediately adjacent to the building subject to the following conditions:
 - A. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such use from the director of building development services.
 - B. No food or drink may be displayed outside the building except in accordance with standards and prior written approval of the department of public health and welfare.
 - C. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, appliances, housewares, or other second-hand merchandise in those districts which do not otherwise permit such uses.
- (vi) In granting a permit for a temporary promotional use, the director of building development services shall determine that pedestrian and vehicular traffic will not be impaired by such temporary use. The director of building development services must also determine that the applicant has a reasonable plan for traffic control approved by the traffic engineer and has provided adequate evidence that said plan will be implemented.
- (vii) No permit shall be granted where the lighting, promotional activities, noise or increased traffic associated therewith will unreasonably disturb the surrounding residential neighborhoods.
- (viii) No temporary promotional use shall be located within 300 feet of the lot line of occupied residential property, except for the display of goods and merchandise where a building is located between the temporary promotional use and the occupied residential property so that the occupied residential property is completely shielded from the temporary promotional use.
- (ix) Each temporary promotional use shall cease its daily operation for more than one-half hour after the closing of the associated commercial uses, except in no event shall the promotional use operate after 10:00 p.m. or prior to 8:00 a.m.
- (x) Reserved.
- (xi) A permit for such activity has been issued by the director of building development services finding that all of the foregoing conditions have been, or will be, satisfied.

(4) *Temporary and mobile vendor requirements.* All temporary and mobile vendors must be located on an approved temporary vendor site and shall not occupy an approved vendor site for a period of time greater than 180 days in a calendar year.

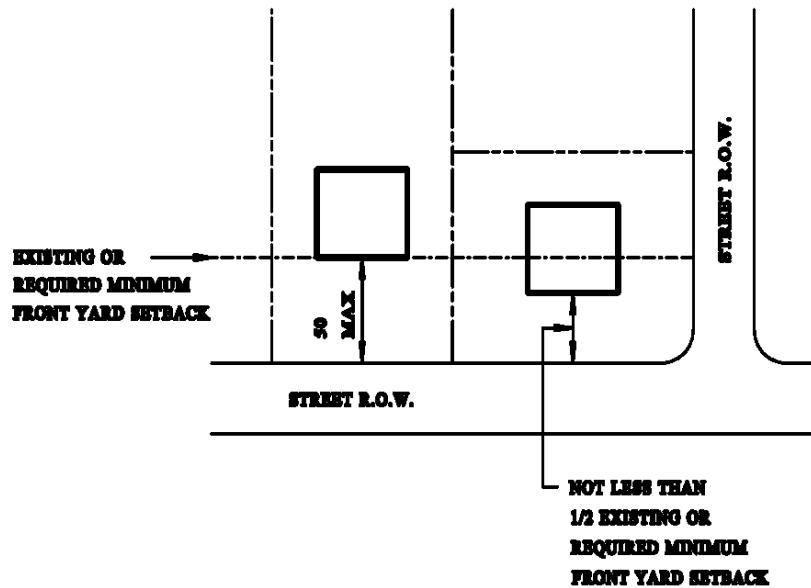
(Zoning Ord., § 5-1200; G.O. 4925, 9-27-99; G.O. 5019, 10-23-00; G.O. 5127, 10-29-01; G.O. 5823, 6-15-09; G.O. 5094, 7-9-01; G.O. 5880, 7-26-10; G.O. 6010, 8-27-12; G.O. 6195, Exh. D, 5-11-15; G.O. 6495, § 1, 1-14-19)

Sec. 36-453. Supplemental open space and yard regulations.

- (1) *Front yard regulations.* All property shall have a front yard of not less than prescribed by this article unless otherwise permitted within this section:
- (a) On interior lots, a new building other than garages or carports may be erected, structurally altered, or enlarged within the minimum required front yard setback only if both adjacent lots fronting the same street are developed and the existing front yard setback on both lots is less than the minimum front yard setback required by the zoning district. In such case, the front yard setback line shall not be less than the setback of the two adjacent developed lots fronting the same street.
 - (b) On corner lots, a new building other than garages or carports may be erected, structurally altered, or enlarged within the minimum required front yard setback only if the adjacent lot fronting the same street is developed and the existing front yard setback on the lot is less than the minimum front yard setback required by the zoning district. In such case, the front yard setback line shall not be less than the setback of the adjacent developed lot fronting the same street; nor, shall the building be located in any area formed by a triangle measured 25 feet along the right-of-way lines from the intersection of adjacent right-of-way lines.
 - (c) Where property on one side of the street between two intersecting streets, is located in a nonresidential district and a residential district, the front yard setback required in the residential district shall apply to the nonresidential district. This requirement shall not apply beyond the first 100 feet of frontage zoned nonresidential (Figure 5-2). No parking is permitted within the required front yard setback.

Figure 5-2

- (d) On cul-de-sacs, the front yard setback line shall be located on the lot so that it is parallel to a line drawn tangent to the cul-de-sac right-of-way line at the center of the lot frontage. The front yard setback line shall be located at a distance from the cul-de-sac right-of-way line where the length of the front yard setback line is equal to the minimum lot width required in the zoning district and the resulting front yard setback is at least equal to the minimum required in the zoning district.
- (2) *Side yards—Corner lots.*
- (a) On a corner lot, the side yard requirement shall be the same as for interior lots except when the lot to the rear of the corner lot faces the street adjacent to the side of the corner lot, in which case the corner lot shall have a side yard, adjacent to the street, equal to not less than one-half the existing or required front yard setback of the lot to the rear of the corner lot, whichever is greater. However, existing buildings with a front yard setback greater than 50 feet shall be figured at 50 feet when determining the average setback line (Figure 5-4).

Figure 5-4

- (b) Garage doors for residential uses shall be located a minimum of 20 feet from the side lot line, unless the required setback is greater, when the vehicular access to a lot is from a street adjacent to the side lot line and the garage door is generally parallel to the side lot line.

(3) *Yards open.* Except as specified in this section, yards required by this article shall be open and unobstructed to the sky.

(4) *Exceptions as to yard regulations.* The following exceptions shall be made as to yard and area regulations:

- (a) *Peculiar shape of yard.* Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape or location on hillside lots, such regulations may be modified or determined by the board of adjustment, as provided in section 36-365, variances.
- (b) *Variations from major thoroughfare plan.* Where the city council has adopted right-of-way of greater or lesser width from those established by the major thoroughfare plan of the city, the right-of-way as established by the city council shall apply. That right-of-way width shall be used in determining yard requirements.
- (c) *Lot width regulation modified.* Where an odd-shaped lot has more than the required area for its particular district, the width of such lot may be computed in the most buildable portion having minimum area requirements; provided it complies with all bulk and open space requirements for the particular district.

- (d) *Parking area in rear yard.* A parking area may occupy a required rear yard or any part thereof if in conformance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.
- (e) *Loading space in rear yard.* A loading space may occupy a required rear yard or any part thereof provided the adjacent rear lot is designated the same or a more intense zoning classification and if in conformance with sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards.
- (f) *Building line established on approved final plat.* If a building line, on an approved final plat, establishes a setback greater than required by this article, the setback on the final plat shall be required.

(5) *Permitted projections and structures in required yards.* The following shall not be considered to be obstructions when located in a required yard:

- (a) In all yards.
 - 1. Cornices, eaves, gutters, belt courses, sills, awnings, canopies or other similar architectural features, shall not extend or project into a required side yard more than two feet and shall not extend or project into a required front or rear yard more than three feet.
 - 2. Open, unenclosed fire escapes shall not extend or project into any front, side or rear yard more than four feet.
 - 3. Open, unenclosed stairways or balconies, not covered by a roof or canopy, shall not extend or project into a required rear yard more than three feet, and such balconies shall not extend into a required front yard more than three feet.
 - 4. Enclosing or temporary enclosing of open porches, steps, platforms, carports or landing places and outside open stairways which extend into minimum required yards is prohibited.
 - 5. Any retaining wall shall be permitted in any required yard.
 - 6. Any fence or hedge, in the front yard shall comply with the provisions of subsection 36-453(6).
 - 7. Fixed awnings, canopies, and marquees shall be located at least eight feet above the sidewalk and shall not project closer than two feet to the curb line.
 - 8. Attached or detached pump island canopies and customer service shelters in commercial and industrial districts may extend to the vertical plane of the front and side property lines subject to the following conditions:
 - a. The minimum height from the underside of the roof to the average ground level shall be 13½ feet.
 - b. No portion of the structure shall be located in or over any existing or required utility easement without prior written approval of the appropriate agency.

- c. No portion of the structure shall be located in or over the required right-of-way of an adjacent street based on the classification of the street (subsection 36-303(17)).
 - d. The area beneath the roof shall be open and unobstructed to the ground level except for pump islands, fuel pumps, tables, chairs, and trash receptacles.
 - e. Decorative boxes and plantings shall not exceed three feet above ground level.
 - f. Attendant service booths located on the service island may be permitted and shall not be located closer to the front property line than the minimum required building setback line.
 - g. Advertising signs shall be prohibited on any portion of the roof and supporting posts or columns.
 - h. Two vertical clearance signs and two customer directional signs not exceeding one and one-half square feet in area and located at least eight feet above ground level shall be permitted.
 - i. Structures shall not occupy more than 50 percent of the area between the required building setback line and the vertical plane of the front property line.
- 9. Open terraces, not including permanently roofed-over terraces or porches, shall not extend more than ten feet into a required yard provided said terrace is at least ten feet from the rear or front lot line, three feet from the side lot line on interior lots and five feet from the side lot line adjacent to the street on corner lots and not over four feet above the average level of the adjoining lot.
 - 10. One-story bay windows shall not project more than 30 inches into a yard.
 - 11. Chimneys may project 18 inches or less into the yard, provided that such projection does not reduce the width of a side yard to less than three feet.
 - 12. Statuary, arbors and trellises.
 - 13. Flag poles.
 - 14. Signs, when permitted by section 36-454, signs.
 - 15. Open porches, platforms, landing places and carports that do not extend above the first floor of the building shall not project more than ten feet into any yard provided, and said projection shall be at least ten feet from the rear or front lot line, three feet from the side lot line on interior lots and five feet from the side lot line adjacent to the street on corner lots.
 - 16. Air conditioning machinery located on an exterior pad.
 - 17. Surface parking in an office, institutional, business, commercial or industrial zoning district.
 - 18. Automatic teller machines (ATMs).

19. Telephone booths.

(b) In any yard except a front yard:

1. A child's playhouse or a storage building not exceeding 100 square feet in gross floor area and ten feet in height.
2. Recreational equipment and clotheslines.
3. Fences not exceeding seven feet in height and which comply with the provisions of subsection (6).

(6) *Vision obstruction restrictions.*

(a) *Front yards.*

1. *No obstructions in front yards.* On any lot on which a front yard is required by this article, no wall, fence or other structure shall be erected and no hedge, tree, shrub, or other growth or object of any kind shall be maintained in such location within such required front yard so as to obstruct the view, except as permitted by this subsection.
2. *Fences in front yards.*
 - a. Open fences not exceeding 50 percent screening and four feet in height above yard grade shall not be deemed to obstruct the view.
 - b. The square footage of the open voids shall be measured by taking the total square footage of an area defined by the length of the fence and a height of four feet above yard grade, and subtracting the total square footage of screening within the fence. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the area calculated above, and multiplying this figure by 100. The fence's framing (the vertical posts supporting the fence from the ground and no more than two horizontal cross bars between the posts) shall not be included in the calculation of the total square footage of screening, provided the framing posts and cross bars do not exceed a four-inch width and the posts are spaced at least eight feet apart. If the fencing is placed between brick or stone pillars, these pillars shall be included in the calculation of the total square footage of screening.
 - c. Questions regarding the yard grade shall be resolved by the director of the department of building development services.
 - d. A building permit, at no charge, shall be required to construct a fence in any required front yard.
3. *Vegetation in front yards.* Hedges, shrubbery, flowers, or other similar vegetation planted to form a continuous line of growth shall not exceed a height of four feet.

(b) *Sight triangles.*

1. *Street intersections.* Standards for street intersection sight triangles shall reflect the street classification as identified in the major thoroughfare plan. The

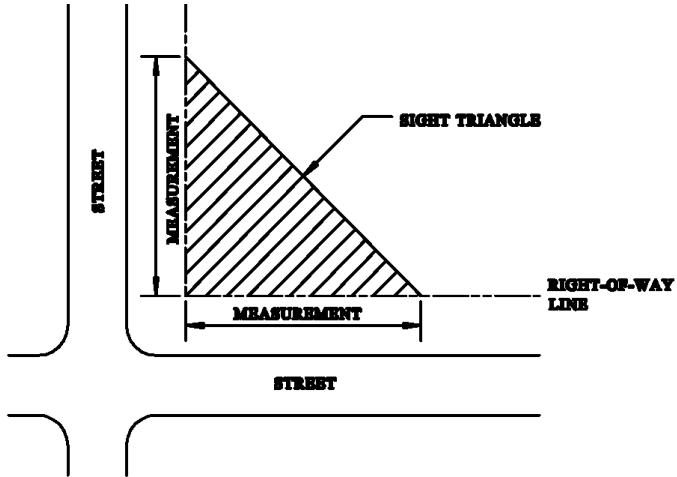
conditions below indicate the minimum requirements for sight triangles as measured along the required right-of-way (Figure 5-5). The city traffic engineer may require additional triangle area for clear sight and safety as determined by a traffic study for special conditions. The administrative review committee may, upon concurrence of the city traffic engineer, modify the sight triangle requirements if it can be demonstrated to the satisfaction of the administrative review committee that the modified sight triangle will provide clear sight and safety.

Sight Triangle Requirements

<i>Intersecting Street</i>	<i>Express-way</i>	<i>Primary Arterial</i>	<i>Second-ary Arte-rial</i>	<i>Major Collector</i>	<i>Residen-tial Col-lector</i>	<i>Commer-cial/In-dustrial Local</i>	<i>Residen-tial Local</i>	<i>Low-Volume Residen-tial Local</i>
Expressway	A	A	A	B	B	B	B	B
Primary arterial	A	A	A	B	B	B	C	C
Secondary arterial	A	A	B	B	C	C	C	C
Collector	B	B	B	C	C	C	C	C
Commercial/ industrial local	B	B	C	C	C	C	C	-
Residential local	B	C	C	C	C	C	-	-
Low-volume residential local	B	C	C	C	-	-	-	-

Key: A - 100' x 100' Sight Triangle
 B - 30' x 30' Sight Triangle
 C - 10' x 10' Sight Triangle

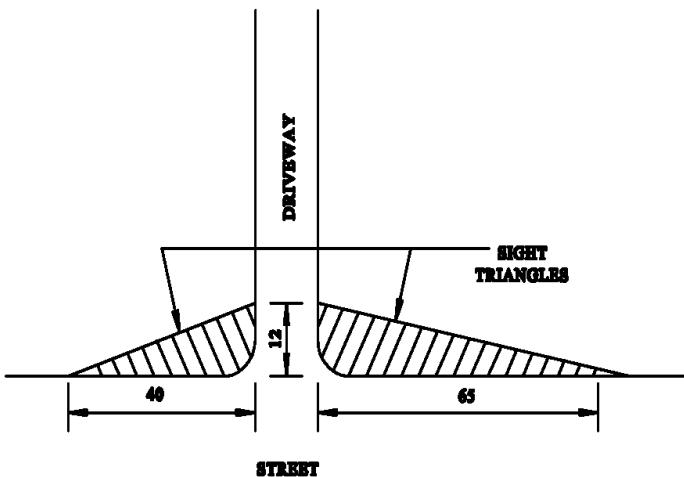
Figure 5-5



2. *Street/driveway intersections.* A street/driveway sight triangle is the triangle formed by the intersection of a public street and a driveway where the triangle area is that area encompassed within two intersecting lines formed by the edge of the pavement, curb, roadway, or projection thereof, and extending 40 feet down the street from the right edge of the driveway when standing in the

driveway facing the street, and extending 12 feet from the edge of the street up the driveway pavement, and a third imaginary line connecting the extremities of the other two without overlaying the pavement. On the left side of the driveway, the triangle shall be calculated by measuring 65 feet down the street pavement from the edge of the driveway and measuring 12 feet down the driveway pavement from the edge of the street, and a third imaginary line connecting the extremities of the other two without overlaying the pavement (Figure 5-6). The administrative review committee may, upon concurrence of the city traffic engineer, modify the sight triangle requirements of this section if it can be demonstrated to the satisfaction of the administrative review committee that the modified sight triangle will provide clear sight and safety.

Figure 5-6



3. *No obstructions permitted.* No wall, fence, other structure, hedge, tree, shrub, flower, other vegetation, or landscaping materials over two feet in height shall be placed within the sight triangle formed by the intersection of two public streets, as defined in subsection (6)(b)1. or within the sight triangle formed by the intersection of a public street and a driveway, as defined in subsection (6)(b)2. However, a single tree having a single trunk shall be allowed in a sight triangle provided the tree is pruned to a height of eight feet above the lowest grade of such intersecting streets.

(7) *Yard requirements for open land.* If a lot is, or will be, occupied by a permitted use without buildings or structures, then the minimum front, side and rear yards that would otherwise be required for such lot shall be provided and maintained unless some other provision of this article requires or permits a different minimum front, side or rear yard. Front, side, and rear yards shall not be required on lots used for garden purposes without structures, or on lots used for open public recreation areas.

(Zoning Ord., § 5-1300; G.O. 5127, 10-29-01; G.O. 5345, 1-26-04; G.O. 5846, 12-14-09; G.O. 5928, 4-18-11; G.O. 6284, 6-13-16; G.O. 6576, § 1, 3-9-20)

Sec. 36-454. Signs.

(1) *Purpose.* Signs use private land and the sight line created by public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards. The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Springfield, and to achieve the following:

- (a) *Safety.* To promote the safety of persons and property by providing that signs:
 1. Create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
 2. Obstruct firefighting or police surveillance;
 3. Impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals; and
 4. Otherwise interfere with or detract from the safety of persons or property.
- (b) *Communications efficiency.* To promote the efficient transfer of information in sign messages by providing that:
 1. Customers and other persons may locate a business or service;
 2. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
 3. The messages in signs may otherwise be communicated efficiently.
- (c) *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:
 1. Do not interfere with scenic views;
 2. Do not create a nuisance to persons using the public rights-of-way;
 3. Do not constitute a nuisance to occupancy of adjacent property by their brightness, size, height, or movement;
 4. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
 5. Do not negatively affect the city's tourism industry;
 6. Do contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;
 7. Do otherwise protect and preserve a quality landscape in the city; and
 8. Do otherwise enhance the appearance and economy of the city.

(2) *Definitions.* Words in the text or tables of this article shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined within this article, the standard dictionary definition shall prevail.

Animation: Any action or motion other than flashing lights, automatic changeable copy, or indexing that attempts to develop a pictorial scene through the movement of lights or parts of a sign.

Attached sign: Any sign substantially and permanently attached to, applied to, applied on, structurally connected to, painted on, engraved on, etched on, or supported by, any part of a building.

Business area: Any premises that is not defined as a non-business area.

Copy: The letters, figures, characters, representation, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design, logo, illustration, or device illuminated or non-illuminated which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or, any emblem or painting designed to advertise, communicate, identify, or convey information.

Detached sign: Any sign other than an attached sign, including any inoperable vehicle or any trailer located for the primary purpose of advertising.

Directional sign: Any sign which serves solely to designate the location of, or direction to, any premises or area.

Electronic message sign: A sign that can be electronically or mechanically changed by remote or automatic means.

Flag: A single piece of flexible material displaying a design, symbol or script that signifies a nation, state, political subdivision, or entity.

Flashing: A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.

Frame effect: A visual effect on an electronic-message-center sign applied to a single frame to transition from one message to the next.

Inflatable display object: A device designed to be inflated and erected to attract public attention.

Non-business area: A premises which is zoned as R-SF, R-TH, R-LD, R-MD, R-HD, R-MH.

Off-premises sign: A sign advertising goods and services not located on the premises where the sign is located.

On-premises sign: A sign advertising goods and services located on the premises where the sign is located.

Sign: Any words, numbers, figures, devices or trademarks (by which anything is made known) used to designate an individual, a professional firm, a business, or a commodity, visible from any public street.

Sign structure: Any device which supports, or is designed to support a sign, including any decorative cover, exclusive of any copy.

Streamers: Multiple pieces of fabric, plastic, tinsel or other material designed to either flap, move, wiggle or spin in the wind, which are suspended outdoors from a single structure, pole, rope, wire or string, for the purpose of attracting public attention to the site where they are displayed.

Street grade: The highest altitude of the street vertically under any portion of the sign or its supports.

(3) *General sign provisions.* The provisions of this section shall apply to all signs in the city, without regard to their location in a residential or commercial zoning district.

- (a) General prohibition. All signs are prohibited except as allowed by this article.
- (b) Public areas. No sign other than a government sign or a neighborhood identification sign reviewed and approved by the director of public works shall be allowed within or

over public property or right-of-way. This section shall not be construed to prohibit the placement of signage and markings on encroachment authorized pursuant to article VII of chapter 98 of the City Code, provided that said signage and markings must comply with all other applicable provision of this section. No such signs are allowed in the right-of-way of any thoroughfare designated as a part of the Federal Aid Urban (FAU) system. When the building is located on or within three feet of the right-of-way line and the director of public works grants consent, signs may project into the right-of-way as follows:

1. A horizontal separation of two feet from the inside curb line to the closest edge of the sign shall be maintained.
 2. The sign shall be at least ten feet above the highest level of the ground under the sign's lowest point.
 3. A license agreement shall be executed between the sign owner and/or the property owner and the City of Springfield.
- (c) Parking spaces. No detached sign shall occupy a parking space necessary to satisfy the minimum off-street parking requirements nor shall it project over the rooftop or wall of a building.
- (d) Prohibited signs. The following signs are prohibited, which:
1. Concern unlawful activity;
 2. Operate or employ any motion picture projection in conjunction with any advertisements;
 3. Employ any searchlights or strobe lights;
 4. May be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle by reason of their size, location, movement, content, coloring, or manner of illumination;
 5. Hide from the view of those to whom the device is directed, any traffic or street sign or signal or similar device;
 6. Are temporary, except as specifically allowed in this Code.
- (e) Compliance with building codes. All signs shall be erected or affixed and maintained in compliance with the building codes and this article. In the case of conflict, the more restrictive article or code shall apply.
- (f) Streamers. Streamers are prohibited regardless of color, design, or script displayed on the streamers.
- (g) Wall signs. Wall signs do not include signs on the inside of a window.
- (h) Any sign permitted in this article may contain ideological or noncommercial copy in lieu of any other copy.

- (i) A detached sign may be located over an internal drive aisle provided a minimum of 17 feet of clearance is maintained from the bottom of the sign to the drive aisle pavement.
- (j) Off-premises signs requiring a state permit shall be separated from all other state permitted off-premises signs by 1,500 feet measured radially on all state controlled routes except I-44 which shall be 2,500 feet.

- (k) All detached signs shall be located no closer to the centerline of a street than that allowed by the right-of-way line established by the major thoroughfare plan.

Street Classification Centerline of Right-of-Way to Setback Line

Residential local	20 feet
Commercial/industrial local.....	30 feet
Collector	30 feet
Secondary arterial	35 feet
Primary arterial.....	50 feet
Expressway	65 feet
Freeway	150 feet

- (l) A detached sign cannot be located in or above a utility easement unless permission is granted by director of public works or board of public utilities or the utility owning the easement.
- (m) Additional setback requirements may be mandated by the director of public works or board of public utilities if a public improvement project is scheduled to be implemented within a two-year timeline after the issuance of a sign permit.
- (n) Signs containing off-premises advertising along a state controlled route must have a valid state permit before submitting for the required city sign permit.
- (o) Detached signs located in a non-business area shall advertise only as an on-premises sign.
- (p) Detached signs located in a business area on a route not controlled by the state shall be permitted to advertise on-premises advertising only.
- (q) Detached signs located on a state controlled route as permitted by the state are permitted to advertise both on and off-premises advertising.
- (r) Detached signs located on a state controlled route that do not require a state permit but do require a city permit shall advertise only on-premises advertising.
- (s) No portion of detached sign requiring a state permit shall be located within 125 feet from any non-business area as measured radially from any portion of the sign or sign structure.
- (t) A detached sign requiring a state permit shall be located a minimum of 25 feet from all rights-of-way.
- (u) A detached sign requiring a state permit shall only be permitted within 660 feet along interstate and primary highways where the city is mandated by state law to allow off-premises signs as defined in RSMo Chapter 226.500 to 226.000. If the intersecting street is not a state controlled route the state permitted sign shall not be located within an area created by a 660-foot right triangle. One side of the right triangle shall be located along the street that is not a state controlled route and the adjoining side of the triangle shall be located 660 feet from the state controlled route right-of-way.

- (v) Any sign permitted under this article may contain ideological or non-commercial copy in lieu of any other copy.

(4) *Exempt signs.* The following signs do not require a sign permit, but must conform to all other sign regulations and the building code. These signs are allowed in all zoning districts in addition to all other signs allowed under this article.

- (a) *Political signs.*

1. The maximum effective area allowed in a non-business area shall be six square feet. For purposes of this section, non-business areas are properties zoned residential (R-SF, R-TH, R-LD, R-MD, R-HD, R-MHC WC3 or PD with areas designated as residential uses). A premises that has 250 feet or more frontage along one street or five acres or more, may have a sign up to 34 square feet in size.
2. The maximum effective area allowed in a business area shall be 34 square feet. Business areas are those properties with zoning other than residential.
3. Signs are prohibited in the city's right-of-way.
4. Sign illumination is prohibited.
5. Signs shall not be located within the required sight triangles.
6. Signs must be removed within 48 hours after the election to which they were directed.

- (b) *Directional signs.* Detached directional signs shall not exceed five square feet in effective area. No part of the sign shall exceed four feet in height above street grade. If the grade level at the base of the sign is greater than 12 inches above the street grade, the sign shall not exceed four feet in height. Any logo, business name, product, or service identification, or other advertising shall not exceed 20 percent of the effective area.

- (c) *Flag.* Flags may be displayed to show allegiance, respect, or patriotism to the particular symbol or person displayed on the flag. They may not be displayed for advertising or to attract attention of the public to a particular site.

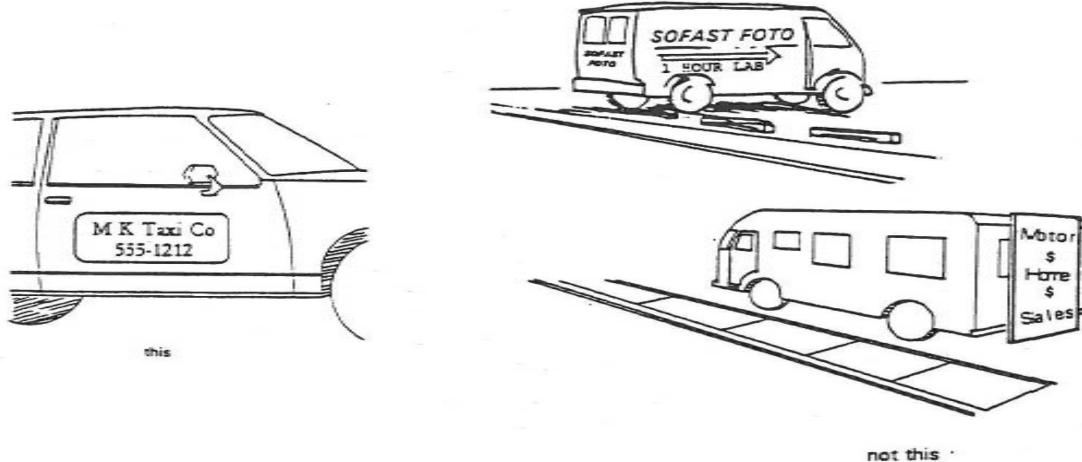
- (d) *Government signs.* Any sign erected or maintained by or for any agency for any governmental function or required or authorized by law, ordinance, or governmental regulation.

- (e) *Internal signs.* Any premises sign, the copy of which is not legible from a street right-of-way or adjoining residential property, but excluding mall signs as covered by the building codes. The sign copy shall be considered legible if the sign content exceeds one inch per 30 feet of distance from the public right-of-way.

- (f) *Real estate sale, lessee, and construction signs.* A non-illuminated, temporary, sign pertaining to the construction, sale, or lease, of that premises is allowed as follows:

1. The sign shall not exceed 34 square feet in effective area in all zoning districts except the residential, single-family zoning district (R-SF).

2. The sign shall not exceed six square feet in effective area in the residential, single-family zoning district (R-SF).
 3. All signs shall be removed within 14 days after the closing of the sale or lease or within 30 days after the issuance of an occupancy permit or erection of a permanent sign, whichever occurs first.
 4. The sign must be located on the premises of the sale, lessee or construction.
- (g) *[Now hiring signs.]* "Now hiring" signs shall not exceed six square feet in size.
- (h) *Vehicular signs.* Vehicular signs must not contain any flashing or blinking lights, nor any animation. The sign may not increase the size of the surface area or alter the shape of the motor vehicle, except that a roof sign not to exceed two square feet in effective area shall be allowed. This exemption shall not include signs in transit to a site of permanent use. Provided, however, nothing in this section shall limit the use, size, or shape of political signs on vehicles.



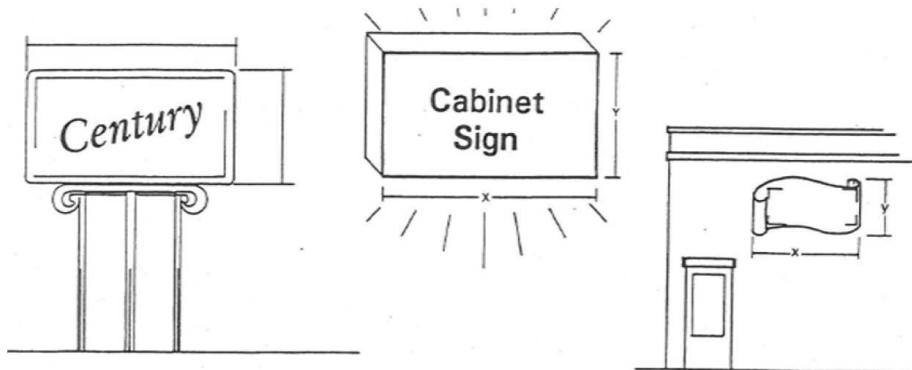
- (i) *Machinery and equipment signs.* A sign located on machinery or equipment that is necessary or customary to the business, including such devices as gasoline pumps or vending machines, which devices do not increase the size of the surface area or alter the shape of the machine or equipment. Such signage shall advertise products sold on the premises where the machines are located.
- (j) *Parking lot light pole banners.* Parking lot light pole banners shall be located a minimum of 50 feet from any public right-of-way, and not exceed a total of ten square feet in effective area. The bottom of the banner shall be a minimum of ten feet above the parking lot grade.
- (k) *City park sign.* A sign on facilities located in city parks that provides information incidental to a sponsored activity, such as scoreboards, time clocks, benches, or signs in concessions stands.

- (l) *Special event, temporary sign.* A temporary sign not exceeding ten square feet (residential districts) and 34 square feet (commercial districts) in background area advertising drives, grand openings, or events of a civic, philanthropic, educational, religious, political or similar nature, provided that said sign is posted only during said drive or event for no more than 30 days per year and is removed within 24 hours after an event.
 - (m) *Attached, incidental signs.* Signs that pertain to goods, products, services, or facilities available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business. These signs may not exceed a total of four square feet in effective area per business.
 - (n) *Window signs.* Lettering on the exterior face of a window stating the days and times that the business is open.
- (5) *Temporary signs.*
- (a) *Temporary signs in non-business areas—General provisions.* Any premises in a non-business area may display one non-illuminated, temporary sign of up to four square feet in effective area for up to two consecutive days twice each calendar year. No permit is required for this sign. No other temporary signs may be used in non-business areas except those specifically allowed under subsection 36-454(4).
 - (b) *Temporary signs in business areas—General provisions.*
 - 1. Any premises in a business area may use a banner sign composed of highly flexible, lightweight material, up to four square feet in effective area for not more than 30 days per calendar year, without obtaining a permit.
 - 2. Except for exempt signs under subsection (4), a permit is required for each temporary sign. A permit allows a temporary sign to be displayed for 15 or 30 days. Each premises containing more than one business, and each business, may have up to six permits each calendar year.
 - 3. Each business may display one temporary sign of no more than 35 square feet in effective area.
 - 4. All temporary signs shall either be attached to a building as an attached sign or be attached at each side or corner within the supports of the sign structure for a permanent sign.
 - 5. No person shall erect, maintain, or display an inflatable-display object with or without sign copy outdoors for commercial purposes at the same site in any three month period for more than seven days. The inflatable display object shall be located on grade and appropriately anchored. A temporary sign permit is required.
 - (c) *Temporary signs in business areas—Unusual situations.*
 - 1. In business areas, a temporary business with a valid business license and a temporary building permit may apply for and obtain a special permit to allow the use of a temporary sign for the period of the building permit. Such sign must be attached to a temporary or permanent structure.

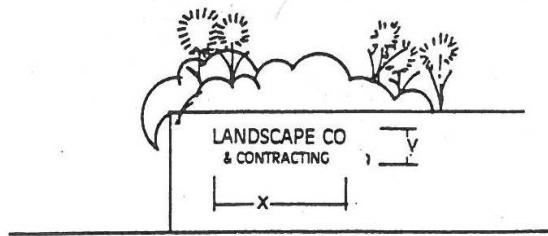
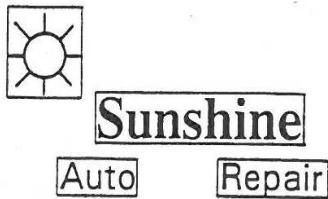
2. In business areas, a temporary business with a valid business license but no structure may apply for and obtain a special permit to allow the use of a temporary sign. Such sign must be attached to a nearby temporary or permanent structure, or attached to the business' vehicle. This attachment to the permanent sign structure or to the vehicle must be done in a workmanlike manner, with adequate bolting, welding, and strapping to support the sign with clearance from grade so that the support is totally gained from the permanent structure or from the vehicle.
3. In the event a sign or business is substantially damaged through fire, flood, act of God, insurrection, riot, or similar emergency beyond the control of the business owner or occupant, a temporary sign shall be allowed for a period of time not to exceed 60 days, unless the time period is extended by the director of building development services for a continuing hardship.
4. In business areas, a temporary business located on a temporary vendor site may have temporary signs when the vendor is on the site. The signs must be located on the temporary vendor site. No permit will be required for these signs.

(6) *Sign measurement effective area criteria.* These criteria may be subject to the specific type of sign and location restrictions.

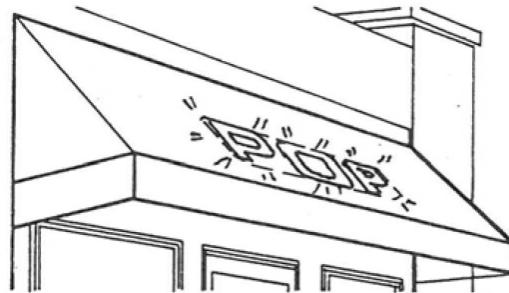
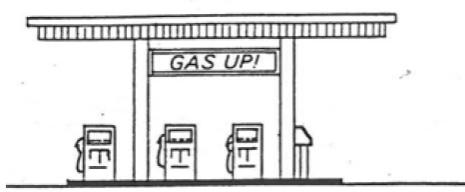
- (a) Sign copy mounted, affixed or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background, excluding the frame material that secures the copy panel. A registered trademark element that is not a part of the sign copy panel shall be considered as copy.



- (b) Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for a sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.

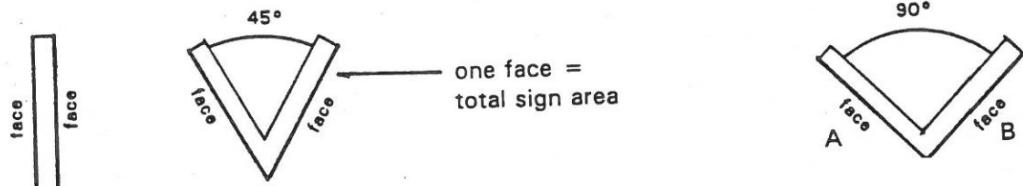


- (c) Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains copy. Such elements may include, but are not limited to, lit canopy fascia signs, spanner board signs, and/or interior lit awnings.

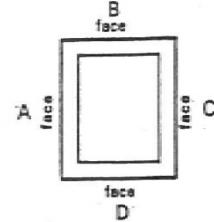
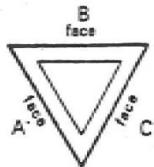


- (d) Multi-face signs are measured as follows:

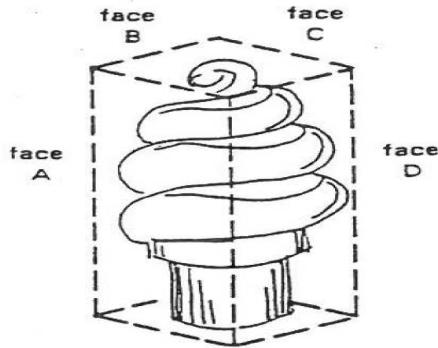
1. If the interior angle between the two sign faces is 45 degrees or less, the sign area has only one face. If the angle of the two sign faces is over 45 degrees, the sign area is the sum of the areas of the two sign faces.



2. For three or four face signs, the sign area shall be calculated at 50 percent of all sign faces.



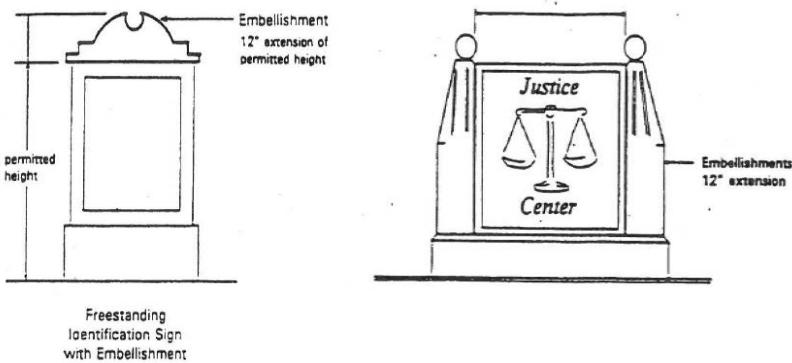
3. Spherical, free-form, sculptural, or other non-planar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.



- (7) *Sign height criteria.* These criteria may be subject to sign and location restrictions.
- (a) Sign height is the distance measured from grade at the base of a sign to the topmost portion of a sign excluding decorative embellishments as permitted in subsection 36-454(7)(e). The height of any monument sign base or other structure erected to support or adorn the sign shall be measured as part of the sign height.
 - (b) Exit and entrance ramps from a freeway or expressway are part of a freeway or expressway. For purposes of determining the sign height, the elevation of the right-of-way line nearest to the sign shall be utilized.
 - (c) The minimum height to the bottom of a detached sign over an on-site drive aisle or required parking space shall be 16 feet above the finished pavement.
 - (d) No part of a detached sign or sign structure shall exceed the height shown below as determined by the street classification from the grade of the highest paved portion of right-of-way adjacent to the property where the sign is installed or located. Where the natural grade of the sign structure location is more than 20 feet higher than the adjacent street grade, no part of the sign or sign structure shall exceed a height of 20 feet from natural grade.

• Local, collector and secondary arterial.....	25 feet
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- Primary arterial, expressway and freeway 40 feet
- (e) A detached sign may extend above the allowable height and the design width for the purposes of sign structure enhancement or embellishment only if such extension does not exceed 12 inches on any side.



(8) *Sign illumination.* Illuminated signs shall be designed, located, and constructed to eliminate or significantly reduce glare.

(a) *Provisions for non-business areas.*

1. Electronic message center signs fronting on a local or collector street shall be subject to a conditional use permit for nonresidential uses, subject to the following limitations:
 - a. Such signs shall be limited to static images only. Such static images shall hold on the display for a period of at least eight seconds before transitioning to another static image. The uses of frame effects and animation are prohibited.
 - b. The use of flashing is specifically prohibited in all locations.
 - c. Such signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
 - d. No such signs shall exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot-candle meter at a preset distance depending on sign size. The measuring distance shall be determined using the following equation: the square root of the product of the sign copy area and 100. (Example using a 12-square-foot sign: square root of the product 12 x 100 equals 34.6 feet measuring distance.)
 - e. The electronic message center portion of the detached sign shall not exceed 40 percent of the proposed sign copy area.

(b) *Provisions for signs in business areas.*

1. Electronic message center signs shall be permitted in all business areas subject to all applicable provisions of this ordinance as well as the following provisions:
 - a. Animated, electronic message center signs shall be limited to at least ten feet above street grade and shall not be utilized within 125 linear feet of a non-business area.
 - b. Electronic message center signs within 100 linear feet of a non-business area shall display static copy that stays on the display for at least three seconds per copy frame, but may utilize frame effects to transition from one static image to the next. Transitions shall last no longer than two seconds.
 - c. All electronic message center signs placed less than ten feet above street grade shall be limited to static images only. Such static images shall hold on the display for a period of at least eight seconds before transitioning to another static image. The uses of frame effect and animation are prohibited.
 - d. The use of flashing is specifically prohibited in all locations.
 - e. All electronic message center signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
 - f. No electronic message center sign shall exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot candle meter at a preset distance depending on sign size. The measuring distance shall be determined using the following equation: the product of the square root of the sign copy area times 100.

(9) *Sign maintenance.* No person shall maintain or allow to be maintained on any premises owned or controlled by that person, any dangerous or defective sign.

- (a) All signs, together with all their supports, braces, connections, or anchors, shall be kept in good repair.
- (b) Unsafe signs, damaged, or deteriorated signs, or signs in danger of breaking apart or falling, shall be removed or repaired by their owner.
- (c) Any fading, chipping, peeling, or flaking of paint, plastic, or glass; or any mechanical, electrical, or structural defect shall be corrected upon written notice by the director of building development services.
- (d) Abandoned or discontinued, which occurs whenever:
 1. A detached sign and sign structure is not removed within six months of the removal of the structure and a new building permit has not been issued.
 2. The sign faces have been removed for a period of six months.

(10) *Legal nonconforming signs.*

- (a) Any sign which was lawfully erected or affixed prior to such time as it came within the purview of this article and which sign complied with all regulations in force at the time it was erected or affixed, but which fails to conform to all applicable regulations and restrictions of this article, shall be considered a legal nonconforming sign. A legal nonconforming sign may be continued and shall be maintained in good condition, but shall not be:
1. Structurally altered (except to meet safety requirements) to prolong the life of the sign. Sign composition materials may not be changed after the date the sign becomes a nonconforming sign;
 2. Altered so as to increase the degree of nonconformity of the sign;
 3. Expanded in size or effective area;
 4. Relocated;
 5. Repaired if materials and labor repair costs in any continuous 12-month period would exceed 75 percent of the depreciated value of the sign. Upon written request, the sign owner must submit to the director of building development services specified substantiating information or documentation sufficient for the director of building development services to determine the percentage of value expended for repair;
 6. Signs that are nonconforming because of their illumination shall be brought into compliance with this article within 60 days after the effective date of this article. Nonconforming, temporary signs shall also be brought into compliance within 60 days.
 7. A legal nonconforming sign may be structurally altered if the:
 - a. Height of the sign is reduced to meet the requirements of section 36-454, which will make it a conforming sign.
 - b. If the nonconformity is the size of the effective area of the sign, the effective area shall be reduced in size to meet the requirements of section 36-454. If this is done, the sign shall be classified as a conforming sign.
 - c. If the nonconformity is the spacing between signs, number of signs on the premises, or location of the sign, the sign shall be relocated to meet the requirements of section 36-454 or the effective area shall be reduced to 75 percent of the allowable effective area of a conforming sign, or shall be reduced by 30 percent of the current sign's effective area, whichever is greater. If the effective area of the sign is reduced to 75 percent of the allowable effective area of a conforming sign, or 30 percent of the current sign's effective area, the sign continues to be classified as a nonconforming sign, but structural alterations shall be permitted. All structural alterations must meet the requirements of section 36-454.

(11) *Signs at street intersections and driveways.* Standards for sight triangles at street intersections shall reflect the street classification as identified in the major thoroughfare plan. The conditions below indicate the minimum requirements for sight triangles as measured along the required right-of-way. The city traffic engineer may require additional triangle area for clear sight and safety as determined by a traffic study or special condition.

With the approval of said engineer, signs may be erected in the:

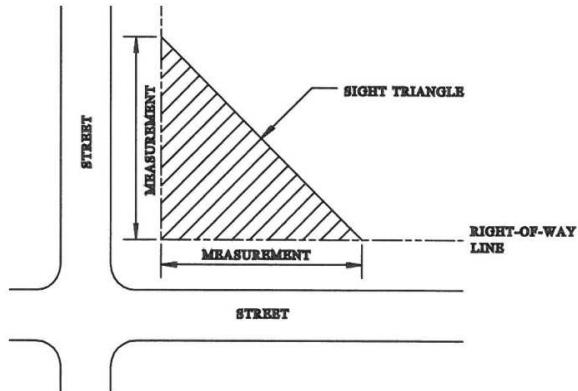
- (a) Street intersection sight triangles only if such sign is at least ten feet above street grade, except for supports, which may not exceed one foot in width or diameter or be spaced less than ten feet apart from any other stationary object; or
- (b) Street/driveway sight triangles. Any sign must be at least ten feet above street grade except for supports, which may not exceed one foot in width or diameter or be spaced less than ten feet apart from any other stationary object.

Sight Triangle Requirements

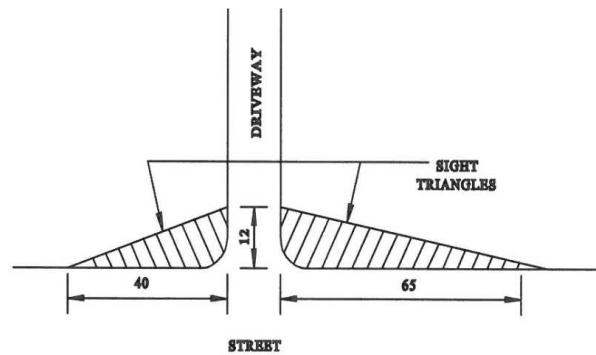
<i>Intersecting Street</i>	<i>Express-way</i>	<i>Primary Arterial</i>	<i>Secondary Arterial</i>	<i>Major Collector</i>	<i>Residential Collector</i>	<i>Commercial/ Industrial Local</i>	<i>Residential Local</i>
Expressway	A	A	A	B	B	B	B
Primary arterial	A	A	A	B	B	B	C
Secondary arterial	A	A	B	B	C	C	C
Collector	B	B	B	C	C	C	C
Commercial/industrial local	B	B	C	C	C	C	C
Residential local	B	C	C	C	C	C	C

Key: A - 100' x 100' Sight Triangle
 B - 30' x 30' Sight Triangle
 C - 10' x 10' Sight Triangle

- (c) *Exit and entrance ramps.* Exit and entrance ramps from a freeway or expressway shall be treated as part of a freeway or expressway. For purposes of determining the elevation, the elevation of the right-of-way line which is nearest to the sign shall be utilized.



- (d) On the right side of a driveway a street/driveway-sight triangle has these three sides:
 - 1. The edge of the pavement, curb, roadway, or projection extending 40 feet down the street from the right edge of the driveway when facing the street;
 - 2. The edge of the driveway moving 12 feet towards the house from the same spot as one; and
 - 3. A third, imaginary line connecting the extremities of the other two without overlaying the pavement.
- (e) On the left side of a driveway, the triangle has the same three sides, except the side along the street is 65 feet.



(12) *Historic landmark signs.* One free-standing or façade-mounted sign identifying a premises of historical significance located in any locally or nationally designated historic district in the City of Springfield and at any duly-designated historic site, historic landmark or interior landmark located elsewhere within the City of Springfield. All such signs shall, at a minimum, identify the original owner, the current owner, and circa the year the house was

built. No such sign may be more or less than two square feet in sign area. Lettering styles, logos, and design motifs should be black on a white background and in keeping with the character of the era in which the building was constructed.

- (a) All signage illumination must be provided from the exterior, and the lighting should be done in a manner which does not result in any glare (either directly from the light fixture or indirectly off the sign), and which minimizes the visibility of the light fixture used to illuminate the subject sign.
- (b) Façade-mounted signs must be in harmony with the design of the corresponding façade and should not obscure any significant architectural elements. Such signs shall not extend completely to the edge of any façade.
- (c) Free-standing signs are only permitted for structures having a front yard setback of 20 feet or more. Such signs must have a minimum setback of two feet from the public right-of-way line or any lot line, may not interfere with sight distances at street intersections, and may not have a height greater than 30 inches.

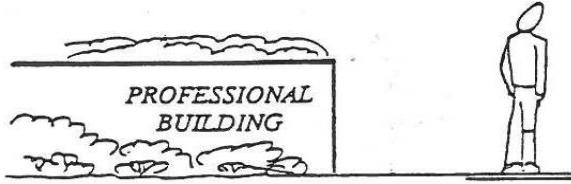
(13) *Neighborhood identification signs.* A neighborhood identification sign shall be a detached sign, masonry wall, landscaping or similar material or features that are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall identify the neighborhood, tract or historic district.

- (a) These signs may only be located in R-SF and R-TH zoning districts.
- (b) The maximum effective area of the sign shall be 50 square feet.
- (c) The maximum height of the sign shall be five feet. The maximum height may exceed five feet if the sign is mounted on a wall being used as a retaining wall for the site.

(14) *Directional signs.* Detached, directional signs in excess of five square feet of effective area shall be allowed in any area, provided such signs do not name or advertise any product, service, or business, and the total allowable effective area of detached signs on the premises is not exceeded. A site plan locating all detached signs, including existing and proposed directional or instructional signs, shall be required prior to issuance of a sign permit.

(15) *Landscape wall signs.* A landscape wall sign shall consist of individual letters mounted on a screen or perimeter wall which may be attached or detached from a building, but which is architecturally integrated with the overall development.

Multiple signs are permitted, however, the percentage of wall surface area occupied by the sign or signs, shall not exceed 40 percent of the background area provided on the landscape wall. All such signs are counted in the aggregate, building-mounted-wall signs allowed.



(16) *Provisions for non-business areas.*

- (a) *General provisions.* These provisions shall apply to permanent signs in non-business areas:
 - 1. Dwelling units in the R-SF and R-TH zoning districts shall be allowed to utilize any non-business sign described in subsection 36-454(4), but shall not be allowed to display any other sign.
 - 2. Flashing lights and animation are not allowed.
- (b) *Detached signs.* Detached signs are allowed in non-business areas as follows:
 - 1. Each premises containing a multifamily use, permitted nonresidential use, or legal nonconforming use shall be allowed one detached sign.
 - a. Premises which are used as a church or school with more than 425 feet of frontage along a single public street may have one additional detached sign.
 - b. A minimum of 300 feet of separation, measured radially, shall be maintained between signs.
 - c. A minimum setback of 25 feet from adjacent property line shall be maintained for all signs.
 - d. No sign shall exceed 25 feet in height above street grade.
 - 2. The size of the detached sign shall be based on one square foot of effective area per linear foot of street frontage on which the sign is located, with the following limitations: the maximum permitted size shall be as designated by the city's major thoroughfare plan.
 - a. One hundred square feet on local and collector streets;
 - b. Two hundred square feet on secondary arterial streets;
 - c. Two hundred fifty square feet on primary arterial streets.
 - d. In the case where the street adjacent to the sign is a frontage street between the site and a freeway, as designated by the city's major thoroughfare plan, the maximum size sign permitted shall be 250 square feet.
- (c) *Attached signs.* Attached signs are allowed in non-business areas as follows:

Each premises containing a multifamily use, permitted nonresidential use, or a legal nonconforming use shall be allowed one wall sign per wall.

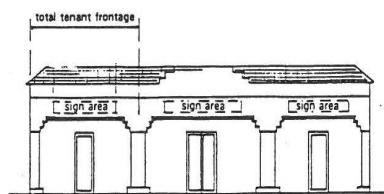
1. The sign may contain the name and logo of the establishment, business, or use and nothing else.
2. The sign shall project no further than 18 inches from the wall.
3. A wall sign shall not project beyond the wall edge.
4. When the premises has no detached sign, the total effective area of all wall signs shall not exceed two square feet per lineal foot of the wall length along the street or streets upon which the business fronts.
5. When the premises has a detached sign, the total effective area of all wall signs shall not exceed one square foot per lineal foot of the wall length along the street or streets upon which the business fronts.
6. Roof signs shall be prohibited.

(17) *Provisions for signs in business areas.*

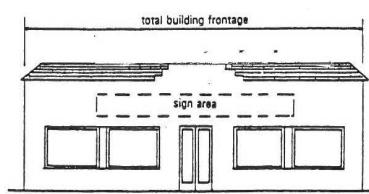
- (a) *General provisions.* These provisions shall apply to all permanent signs in business areas as defined in the article.
 1. A sign in a business area that does not require a state permit shall conform to regulations for a sign in a non-business area if any part of the sign or sign structure is within 25 feet of a non-business area.
 2. Animation or flashing lights shall be located a minimum of ten feet above street grade.
 3. Sign regulations enforced by the Missouri Highways and Transportation Commission along the interstate and primary highway system in the city shall take precedence over any less restrictive requirements of this article.
 4. Each premises with frontage on any street shall be allowed at least one permanent detached sign.
 5. Premises which have more than 425 feet of frontage along a primary arterial, expressway or freeway street, where the first sign is located, may have one additional detached sign for each additional 425 feet of frontage, provided a minimum of 300 feet of separation is maintained between all detached signs on a given premises. Each sign shall be located a minimum of 25 feet from the adjacent property line. The 300-foot spacing of all detached signs on a given premises shall be measured radially from the center of the sign.
 6. A premises with frontage along both an expressway and an arterial, an expressway and a freeway, a freeway and an arterial, two expressways, two freeways or two arterials as designated by the major thoroughfare plan, shall be allowed one detached sign per street provided such location meets the separation requirements of subsection (17)(a)5 above. In the event a second detached sign is permitted by the application of subsection (17)(a)5 above, this subsection shall not be construed to allow any additional detached signs.
 7. All sign illumination shall conform to subsection (8), sign illumination.

8. In the center city (CC) and Commercial Street (COM1) zoning districts and along College Street between Grant and Nettleton Avenue, each premises which has multiple businesses located on the ground floor with direct exterior public access shall be allowed a projecting sign not to exceed ten square feet in size per business, provided it meets the provisions of subsection (3)(b) regardless of detached signs that are allowed on the premises. If the premises consist of only one business located on the ground floor with direct public access, a projection sign not to exceed 30 square feet in size may be permitted. The minimum clearance shall be ten feet above the highest level of the ground below the sign.
 9. Signs that are located on a designated historic building or are located in a designated historic district must be approved by building development services before submittal and approval by the landmarks board.
 10. One- and two-family dwelling units located in a business area shall be allowed to utilize any non-business sign described in subsection (4), but shall not be allowed to display any other sign.
- (b) *Detached signs.* Detached signs are allowed in business areas, based upon the classification of the street they front upon as designated in the major thoroughfare plan, as follows:
1. A premises fronting on a local, collector, or secondary arterial street shall be allowed a detached sign with an effective area determined by adding 50 square feet to a ratio of one square foot of effective area per lineal foot of frontage along the local, or collector or secondary arterial street. In the case of a double-frontage premises, only the frontage on which the sign is placed shall be used in calculating the effective area.
 2. A premises fronting on a primary arterial, expressway, or freeway shall be allowed a detached sign with an effective area determined by adding 100 square feet to a ratio of two square feet of effective area per lineal foot of frontage along the arterial expressway or freeway. In the case of a double-frontage lot, only the frontage on which the sign is placed shall be used in calculating the effective area.
 3. If the premises is a corner lot and the sign is located an equal distance from the edges of two intersecting streets, the street with the highest classification as defined by the major thoroughfare plan shall be used to size the effective area of the sign. If the streets are of the same classification, the street with the longest frontage shall be used to size the effective area of the sign.
 4. The maximum effective area, based on the street classification, for any detached business sign shall be as follows:
 - Local, collector, or secondary arterial: 250 square feet.
 - Primary arterial, expressway, or freeway: 400 square feet.
 5. A tract identification sign shall be considered the same as a detached sign.

6. If the premises is located on a state-controlled route and contains a state-allowed, detached, off-premises sign or signs, as defined by the state and as originally permitted, one additional detached sign advertising the on-site businesses shall be permitted.
 - a. The sign shall be located a minimum of 100 feet from the off-premises sign.
 - b. The maximum height shall be 25 feet.
 - c. The maximum effective area shall be 250 feet.
 7. If the premises is located on a non-state-controlled route and contains an existing legal, nonconforming, detached off-premises sign or signs, as originally permitted as a state defined off-premises sign, one additional detached sign advertising the on-site businesses shall be permitted.
 - a. The sign shall be located a minimum of 100 feet from the off-premise sign or signs.
 - b. The maximum height shall be 25 feet.
 - c. The maximum effective area shall be 250 feet.
- (c) *Attached signs.* Attached signs are allowed in business areas in accordance with the following provisions:
1. Each business shall be allowed wall signs on any wall. In the event the business does not front on a street, it shall be allowed signage as if it fronted on a local street.
 - a. These signs shall extend no further than 18 inches from the wall.
 - b. A wall sign shall not extend beyond the wall edge.
 - c. Wall signs do not include signs on the inside of windows.
 - d. Wall signs on the exterior face of windows are not permitted. Lettering on the exterior face of a window stating the days and times that the business is open is permitted.
- [2.] [Reserved.]
3. The total effective area of all wall signs allowed for a business shall be calculated based upon the lineal footage of each wall having frontage on a public or private street. The effective area shall not exceed three square feet per lineal foot of the wall length.

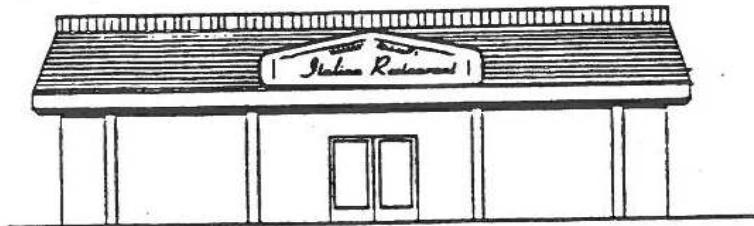


Multiple Store Fronts



Wall Mounted Sign Length

4. Individual channel letters located along a roof edge, which is not the primary roof of a structure, shall be considered a wall sign. If a sign bar is utilized it shall be located at the base of the letters and shall not exceed six inches in height. The maximum allowable height of the individual letters shall not exceed 12 inches.
5. A premises may have a roof sign only if it does not have a detached or projecting sign. A roof sign is any sign erected upon, against or directly above a roof. Roof signs shall be set back from the outside walls of the building no less than four feet and no part of the sign shall extend beyond any roof edge. The methodology used to determine the effective area allowed for detached signs shall be used to calculate the effective area allowed for roof signs. All roof signage shall comply with appendix H of the adopted edition of the International Building Code.
6. A business may have a projecting sign only if it does not have a roof sign or a maximum number of allowable detached signs for that premises. A projecting sign is a sign which is attached to and projects from a surface or building face. Where a premises frontage would allow the use of two or more detached signs, a projecting sign may be substituted for one of the detached signs. Projecting signs shall have a minimum clearance of ten feet above the highest level of the ground under the sign at the sign's lowest point and shall not exceed 20 square feet in effective area.
7. A sign mounted on the lower one-third of a mansard roof shall be considered a wall sign. The sign shall not project above the top of the roof feature on which it is placed.



- (d) *Suspended signs.* A sign attached to the underside of a lintel, arch or other overhead spanning member of a porch or walkway, and which is hung either perpendicular or parallel to a vertical wall surface shall have a minimum clearance of seven feet above the walking surface

(18) *Relocating signs due to public improvement projects.* Detached signs that must be removed because of a public-improvement project may be relocated provided that a permit is issued at the discretion of the administrative review committee (ARC) upon a finding that the requirements of this section are met. If the detached sign is located in a business area, the sign may be considered for relocation whether the sign is currently a conforming or nonconforming sign. If the detached sign is located in a non-business area, the sign may only be considered for relocation if it is a conforming sign. Relocation of a detached sign may only be approved if:

- (a) The sign will be relocated on the same lot of record; and

- (b) Its effective area is altered only to conform to the requirements of this section; and
- (c) No electronic or digital media is included as a part of the sign, other than that existing at the time of relocation; and
- (d) The sign is lighted only with lighting that existed prior to the relocation; and
- (e) Any lighting from the sign in the relocated site does not create a nuisance for any residentially zoned properties; and
- (f) The sign pole is replaced only if ARC determines that to be necessary in order to accomplish sign relocation; and
- (g) The relocated sign height does not exceed the originally located sign height in relation to the roadway grade, as measured from the roadway the sign is oriented towards. The height is to be determined from the roadway as rebuilt or the state or city's approved, engineered design for a roadway under construction, if such roadway is not already in place at the time of relocation; and
- (h) There has been no determination by the city that the sign in question is a dangerous structure or should be removed due to blighting of adjacent properties, unrelated to the public improvement project.

The administrative review committee (ARC) shall review all proposed sign relocations for conformance with this subsection. A conforming sign may become legal nonconforming as a result of such relocation. The creation of any additional nonconformity on the lot of record as a result of such relocation, such as reduced parking or perimeter landscaping, should be minimized to the greatest extent practical in the determination of the ARC. A relocated sign shall be considered legal nonconforming if it does not conform to the provisions of this section. If the ARC determines that it is in the best interest of the community that the sign should not be relocated under this subsection, the sign shall not be relocated without approval of the planning and zoning commission. The decision of the planning and zoning commission shall be final, subject only to city council review. If the sign is allowed to be relocated, the provision of subsection 36-454(21) shall not apply to the sign, except as provided in this subsection. This subsection does not accrue property rights for individual property owners or owners of signs affected by the public-improvement project to require relocation of any sign, but shall only provide an opportunity for review and possible relocation if, in the discretion of the ARC, or planning and zoning commission, or city council, when the issue is before one of those bodies, the requirements of this subsection are met.

(19) *Freeway commercial sign district.*

- (a) *Purpose.* The purpose of the "freeway commercial sign district" is to permit detached signs in proximity to the intersection of qualifying major commercial streets with a freeway or interstate highway. Larger and taller detached signs are deemed

appropriate in these areas due to the orientation of the commercial activity located at these intersections. This does not include freeways within the scenic corridor overlay district is subsection (20).

- (b) *General provisions.* All signs located in the freeway commercial sign districts shall conform to subsection (17) except as set forth in (c) below.
- (c) *Locations and exceptions.* The following exceptions to subsection (17) shall apply in the following areas, which are designated as "freeway commercial sign districts:"
 - 1. Property within a 660-foot radius from the intersection of the following rights-of-way of Interstate 44 (I-44) and Kansas Expressway; Kearney Street and Schoolcraft Freeway (U.S. Highway 65); Sunshine Street and Schoolcraft Freeway (U.S. Highway 65); Southwest quadrant of Chestnut Expressway and Schoolcraft Freeway (U.S. Highway 65); and Interstate 44 (I-44) and Mulroy Road.
 - a. The maximum height for any detached sign in a business area shall be 70 feet in height above street grade of the closest street to the sign. The maximum effective area for any detached sign in a business area shall be 600 square feet.
 - 2. Property with frontage on Glenstone Avenue between the northern right-of-way of Kearney Street and 100 feet north of the northern right-of-way of McClernon Street, and property within a 1,800-foot radius from the center of the intersection of the rights-of-way of Interstate 44 (I-44) and Glenstone Avenue.
 - a. The maximum height for any detached sign in a business area shall be 70 feet in height above street grade of the closest street to the sign. The maximum effective area for any detached sign in a business area shall be 600 square feet; or
 - b. Any premises in this area may erect two detached signs, provided one sign is over 50 feet in height but not higher than 70 feet and the other is not more than 25 feet in height. The total effective area permitted for the premises shall not be considered in reviewing the shorter sign, which may have an effective area up to 100 square feet.
 - 3. Property at the southwest quadrant of Interstate 44 (I-44) and Schoolcraft Freeway (U.S. Highway 65) within a 1,800-foot radius from the center of the intersection of the rights-of-way of these two highways.

(20) *Scenic corridor overlay district.*

- (a) *Purpose.* The scenic corridor overlay district is intended to promote the health, safety, and general welfare of the public by encouraging the conservation, preservation and enhancement of the scenic qualities and landscape of scenic roadway areas. The purposes of this district are to:
1. Preserve the scenic character of designated roadways and, where possible, preserve scenic views from the roadways and to implement the parkway concept as set forth in the city's comprehensive plan;
 2. Maintain the natural beauty of the landscape as it currently exists along designated roadways;
 3. Encourage development this is compatible with and, where possible, enhances such natural beauty; and
 4. Encourage safe and efficient traffic flow along designated scenic roadways for all modes of travel.
- (b) *General provisions.* Off-premises signs located within a scenic overlay district shall conform to the standards and regulations set forth in subsections (17)(a) and (d) unless such regulations are in conflict with the regulations set forth in this section. In the event of a conflict in regulations, the regulations contained in this section shall control. No off-premises advertising shall be oriented toward James River Expressway.
- (c) *Location.* These regulations shall apply to any property within 660 feet off the nearest edge of the right-of-way of the designated scenic roadway, notwithstanding any other provision of this article. Off-premises detached signs that would be oriented towards streets other than the designated scenic corridor are permitted only if the signs surface containing copy is not visible or oriented towards the designated scenic corridor. The ARC, in consultation with the Missouri Highway and Transportation Department, shall publish a map showing those properties falling within the 660 feet of the right-of-way within the scenic corridors.
1. No off-premises sign along any scenic corridor shall be closer than 2,500 feet from any other off-premises sign including those outside the scenic corridor overlay district as measured radially from the nearest portion of the signs or sign structures.
 2. The maximum effective area of the sign shall be 128 square feet.
 3. The maximum height of the sign and sign structure along any designated scenic corridor shall be 20 feet above the highest paved portion of right-of-way adjacent to the property where the sign is installed.
 4. These roadways where the city is mandated by state law to allow off-premises signs shall be included in the "scenic corridor overlay district."
 - a. James River Freeway and U.S. 60;
 - b. West By-Pass and U.S. 160; and

- c. Kansas Expressway north of the nearest paved area of I-44 and south of the nearest paved area of the James River Freeway and U.S. 60.

(d) *Exceptions.*

1. Off-premises signs oriented towards streets not within the "scenic corridor overlay district" shall be permitted within any scenic corridor overlay district. The administrative review committee shall review all proposed off-premises detached signs within the "scenic corridor overlay district" to determine whether the requirements of this section are met. An off-premises detached sign shall be permitted if it is oriented generally perpendicular to a street not within the "scenic corridor overlay district" and the sign cannot be read from a roadway within the "scenic corridor overlay district" down its length for an extended distance.
2. The city shall have the option to allow the relocation of existing off premises detached signs impacted by a state or city highway improvement project within the "scenic corridor overlay district," irrespective of the provisions of subsection (21), based on the requirements of subsection (18). If the sign is allowed to be relocated, the provisions of subsection (21) shall not apply to the sign, except as provided in subsection (17).

(21) *Master sign plans.*

- (a) *Purpose.* A master sign plan application may be approved for the purpose of establishing consistent, logical, and equitable signage for:
1. Multiple uses on a single property;
 2. A building group of a single use or multiple uses that may involve multiple properties; or
 3. A large tract that contains a single use with multiple services.

The main intent of a master sign plan is to provide clarity of communication regarding tenants and services to users of the premises or building group. A master sign plan is not intended to provide special or additional signage allowance in terms of total effective area than would otherwise be permitted by this section 36-454, signs.

(b) *General provisions.*

1. The planning and zoning commission may, by resolution, approve the establishment of a master sign plan for:
 - a. Two or more commercial, office, or industrial uses on a single property;
 - b. An identifiable building group, such as a medical, university or college campus, industrial or office park, or shopping center; or
 - c. Any other site containing at least five acres of land area.

2. Except for specifically permitted variations from the spacing and number of signs in the approved master sign plan, all other signs within the area defined within the plan shall comply with all provisions of this article.
3. Master sign plans shall prescribe the size, number, and types of signage permitted. No other signs shall be permitted, except exempt signs, which are listed under subsection (4).
4. No detached sign shall exceed the maximum effective area permitted by this section 36-454, signs, nor shall the total effective area of detached, projecting, and roof signs exceed what this section 36-454, signs, would otherwise permit.
5. No sign shall exceed the maximum 40-foot height permitted by this section 36-454, signs. If signs are spaced closer than 300 feet, the first sign may be up to 40 feet high and additional signs must comply with this table:

# of signs	Maximum height in feet
1	20
2	15
3	10
4	8

No more than five additional signs are permitted within a distance of 300 feet.

6. The provisions of this subsection only apply to signs relating to activities within the area that the master sign plan is to serve.
 7. The support structure for detached signs shall be constructed of similar materials or be of a similar design if the construction materials are coordinated with the buildings the signs serve. Detached signs supported by a pole are not permitted unless the pole is concealed. Different types of signs, as identified by the specific master sign plan (development identification, tenant identification, directional, etc.), may be constructed of different materials.
 8. Any electronic message center sign shall be subject to all applicable provisions for the area in which it is placed.
- (c) *Contents of application.* All applications shall be filed at least 31 days prior to a regularly scheduled, public meeting where the application will be reviewed by the planning and zoning commission. The application shall contain the following information as well as such additional information as may be described by rule of the planning and zoning commission or the director of planning and development:
1. The applicant's name and address and his legal interest in the subject property;
 2. The owner's name and address, including trustees, and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf;

3. The street address(es) (or common description) and a copy of the deed of record or legal description(s) of the property as prepared by a certified land surveyor or attorney;
 4. The zoning classification(s) of the subject property(ies);
 5. The current and proposed use of the subject property(ies);
 6. A statement from the applicant describing how the proposed master sign plan:
 - a. Addresses the eight review criteria listed in paragraph (d), below; and
 - b. Provides more consistent, logical, and equitable signage than would be permitted by applying the sign requirements of this section 36-454, signs.
 7. A scaled site plan showing:
 - a. Location of the buildings, parking lots, property lines, easements, driveways and landscaped areas on the subject property(ies);
 - b. Any additional information necessary to address the eight review criteria listed in paragraph (d), such as significant natural topographic or physical features of the site; and
 - c. The proposed location of each current and proposed sign of type.
 8. The standards of consistency among all signs with regard to:
 - a. General location of each sign on buildings and structures;
 - b. Effective area limitations, which may be based on length of street frontage, area of building, or some other form of calculation; and
 - c. Materials to be used for detached, sign support structures.
- (d) *Review of master sign plan application.* The planning and zoning commission shall review and either approve, deny, or amend all applications for master sign plans. No review of a master sign plan application shall be done by the planning and zoning commission unless the director of planning and development, or his duly designated delegate, has certified to the planning and zoning commission that the application is complete (based on the information required by paragraph (c), above) and does not contain or reveal violations of this article or other applicable regulations. The planning and zoning commission in considering whether or not to approve, deny or amend an application for a master sign plan shall be guided by the general purpose of this section and the following:
1. The proposed master sign plan will be consistent with the adopted policies of the Springfield Comprehensive Plan;
 2. The proposed master sign plan has the potential to improve the safety and convenience of the motoring public and of pedestrians using the property and the area immediately surrounding the property;
 3. The location, lighting and type of signs proposed and the relationship of signs to traffic control is appropriate for the property;

4. The proposed signs will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations;
 5. The proposed signs, as shown by the application, will not destroy, damage, detrimentally modify, or interfere with the enjoyment or function of any significant natural topographic or physical features of the site;
 6. The proposed signs will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance;
 7. The proposed signs, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities, and public or private rights-of-way;
 8. The proposed signs will not have any substantial or undue adverse effect upon, or will not lack amenity or be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare; and,
 9. Review and approval by building development services must be granted before review by the planning and zoning commission.
- (e) *Conditions and restrictions.* In approving a master sign plan application, the planning and zoning commission may impose conditions and safeguards to comply with the requirements of this article or to avoid, minimize, or mitigate any potentially adverse or injurious effect of such master sign plan upon other property in the neighborhood, and to carry out the general purpose and intent of this article. Such conditions shall be set out in the resolution approving the master sign plan application.
- (f) *Decisions and records.* The planning and zoning commission shall, within 30 days after the public hearing is concluded, approve by resolution, or deny, an application for a master sign plan. If the application is denied, the planning and zoning commission shall state the reasons for denial in writing to the applicant and shall also make suggestions in regard to appropriate changes. In the event that an application is denied, the applicant may:
1. Resubmit a revised application within ten working days of denial by the commission for reconsideration by the commission; or
 2. File an appeal to the city council within 15 days of the denial by the planning and zoning commission.
- The secretary of the planning and zoning commission shall maintain complete records of all actions of the commission with respect to applications for master sign plans.
- (g) *Effect of approval of a master sign plan application.*
1. After approval of a master sign plan application, no sign shall be erected, placed, reconstructed, structurally altered, or moved except in conformance with the master sign plan.

2. ARC may approve new signs not specifically identified on the master sign plan provided the new signs comply with all standards established by the master sign plan. If a new sign involves expansion of a master sign plan to include additional property, the master sign plan must first be amended as prescribed below.
 3. The approval of a master sign plan application shall not authorize the erection, placement, reconstruction, structural alteration, or moving of any sign, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals, which may be required by the codes and ordinances of the city, including, but not limited to, a building or sign permit. Each sign shall be required to have a separate permit.
 4. In case of any conflict between the provisions of a master sign plan and any other provisions of this article, the article shall prevail.
- (h) A master sign plan may be amended by filing a new master sign plan application that conforms to all requirements of this article.
- (22) *Sign permits and inspection.*
- (a) *Permits required.*
1. Except as otherwise provided in this code, it shall be unlawful for any person to erect, repair, improve, maintain or convert, any sign, or cause the same to be done, without first obtaining a sign permit for each such sign from the director of building development services. No sign permit shall be issued except to a person licensed to do business in the City of Springfield or to a person exempt from the city licensing provisions.
 2. Every sign permit issued by the director of building development services shall become null and void if work on the sign is not commenced within 180 days from the date of such permit. If work authorized by such permit is suspended or abandoned for 90 days after the work is commenced, the sign shall be considered abandoned unless a new permit shall be first obtained to proceed with the work on the sign, and the fee will be one-half of the original fee, provided that no changes have been made in the original plans.
- (b) *License.* No person shall perform any work or service for any person or for any government entity in connection with the erection, repair, improvement, maintenance, or conversion, of any sign in the city, or any work or service in connection with causing any such work to be done, unless such person shall first have obtained a business license and paid the license fees provided for by the city, or shall be represented by a duly-licensed person.
- (c) *Application for permit.* Application for a permit shall be made to the director of building development services upon a form provided by the director of building development services, and shall be accompanied by such information as may be required to insure compliance with all appropriate laws and regulations of the city.

The director of building development services shall issue a permit for work to be done on a sign when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the city.

- (d) *Denial or revocation.* The director of building development services may, in writing, suspend, deny, or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact, fraud, or noncompliance with this article.

When a sign permit is denied by the director of building development services, he shall give written notice of the denial to the applicant, together with a brief written statement of the reason for the denial. Such denials shall refer to the section of the sign code or other pertinent code used as the basis of denial.

- (e) *Exempt operations.* The following operations shall not require the issuance of a sign permit:

1. Changing of the copy describing products or services on an existing permitted sign which is specifically designed for the use of manually or automatically changeable copy including billboard panels and posters; but, not including changes in the structure, size, placement, or location of the sign.
2. Maintenance, including repainting, cleaning, or other normal repair of a sign not involving structural changes. Maintenance includes all face changes, but does not include changes in the structure, size, placement, materials, or location of the sign.

(Zoning Ord., § 5-1400; G.O. 4592, 4-1-96; G.O. 6120, 5-12-14; G.O. 6502, § 2, 2-11-19; G.O. 6543, § 3, 8-12-19; G.O. 6694, § 1(Exh. B, Att. 2), 11-29-21)

Sec. 36-455. Off-street parking requirements.

(1) *Applicability.* In all zoning districts except the CC, GI and COM-1 districts, all uses established after the effective date of this article shall provide off-street parking solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees in accordance with the following regulations. In all zoning districts, all uses, unless otherwise exempted in subsection (8), shall provide facilities for the parking of bicycles. When an existing structure or use is expanded, or an existing use is changed to a new use, off-street parking shall be provided in accordance with the following regulations for the area or capacity of such expansion.

- (2) *Required spaces.*

- (a) *Residential and lodging uses.*

<i>Use</i>	<i>Number of Required Spaces</i>
1. Single-family, townhouse and two-family dwellings and mobile homes on individual lots.	One for each dwelling unit.

<i>Use</i>	<i>Number of Required Spaces</i>
2. Multifamily dwellings.	
a. Micro-efficiency dwelling unit.	One for each dwelling unit.
b. Efficiency and one-bedroom dwelling units.	One and one-half for each dwelling unit.
c. Dwelling units with two or more bedrooms.	Two for each dwelling unit.
The number of spaces required for multifamily dwellings may be reduced by one percent for each ten dwelling units over 50 dwelling units (excluding micro-efficiency dwelling units). But the reduction in parking shall not exceed 20 percent of the total parking requirement.	
3. Boarding, rooming and lodging houses.	One for each one lodging room.
4. Dormitories, fraternities, sororities and other unmarried student housing.	Two for each three occupants based on the designed capacity of the building plus any additional parking required to meet public assembly requirements of this article.
5. Hotels and motels.	One for each sleeping room, plus any required for restaurants, cocktail lounges, meeting rooms, etc.
6. Mobile homes in mobile home parks.	Two for each mobile home.

(b) *Business and commercial uses.*

<i>Use</i>	<i>Number of Required Spaces</i>
1. Antique stores and flea markets.	One for each 500 square feet of total building floor area.
2. Animal hospitals and veterinary clinics.	One for each 300 square feet of total building floor area.
3. Automobile service stations.	Two for each service bay plus one for each employee but not less than five.
4. Automobile washing establishments.	Queuing spaces for waiting automobiles equal to three times the maximum capacity for each wash rack, measured by the greatest number of automobiles undergoing some phases of laundering at the same time plus one for each two employees.

<i>Use</i>	<i>Number of Required Spaces</i>
5. Banks and financial institutions.	One for each 300 square feet of total building floor area. Drive-up windows shall have five queuing spaces in addition to one space at the service window. The number of queuing spaces may be reduced by 20 percent for each additional window provided; however, there shall be at least two queuing spaces at each window.

<i>6. Barber shops and beauty parlors.</i>	<i>Five for each two chairs.</i>
7. Bowling alleys.	Five for each alley, plus any required for restaurants, cocktail lounges, etc.
8. Business or professional offices and public administration buildings (except medical and dental offices).	One for each 350 square feet of total building floor area or, alternatively, one space per employee plus ten percent additional spaces plus one space for each vehicle kept on the premises for the business.
9. Cleaning and laundry pick-up stores, tailor and dressmaking shops, and shoe repair shops.	One for each 250 square feet of total building floor area.
10. Convenience food stores.	One for each 250 square feet of total building floor area. Service areas at gas pumps can be counted as parking spaces.
11. Dance halls and indoor skating rinks.	One for each 200 square feet of total building floor area.
12. Furniture and appliance stores.	One for each 500 square feet of total building floor area.
13. Hardware and building supply stores.	One space for each 300 square feet of total building floor area.
14. Health and fitness facilities (youth and/or adult).	One for each 200 square feet of total building floor area.
15. Medical and dental offices and clinics.	One for each 250 square feet of total building floor area.
16. Mortuaries and funeral homes.	One for each four seats, plus one for each employee.
17. New and used motor vehicle, mobile home and trailer sales, and rental establishments.	One for each 400 square feet of enclosed total building floor area, plus one for each 3,000 square feet of open sales lot area.
18. Restaurants. a. With no pick-up window or drive-thru service.	One for each 80 square feet of total building floor area, or one for each two and one-half seats, whichever is greater.

<i>6. Barber shops and beauty parlors.</i>	<i>Five for each two chairs.</i>
b. With pick-up window or drive-thru service and on-site seating.	One for each 70 square feet of total building floor area but not less than ten. For drive-thru service, each window shall have six queuing spaces in addition to one space at the service window. The number of queuing spaces for drive-thru service may be reduced by 20 percent for each additional window provided; however, there shall be at least two queuing spaces at each window. For pick-up service, each window shall have three queuing spaces in addition to one space at the service window.
c. With pick-up window or drive-thru and no on-site seating.	One for each employee on the largest shift but not less than six. For drive-thru service, each window shall have nine queuing spaces in addition to one space at the service window. The number of queuing spaces for drive-thru service may be reduced by 20 percent for each additional window provided; however, there shall be at least two queuing spaces at each window. For pick-up service, each window shall have five queuing spaces in addition to one space at the service window.
19. Retail uses (unless listed separately).	One for each 250 square feet of total building floor area or one for each 200 square feet of net usable building floor area, whichever requires less parking spaces.
20. Self-service storage.	One for each 25 storage units without vehicular access plus one for each employee and two if a resident manager is present plus two additional at the office.
21. Supermarkets and grocery stores.	One space for each 250 square feet of total building floor area.

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<i>6. Barber shops and beauty parlors.</i>	<i>Five for each two chairs.</i>
22. Taverns and cocktail lounges.	One for each 75 square feet of total building floor area, or spaces equal to 35 percent of the capacity in persons, whichever is greater.
23. Theaters.	

<i>Use</i>	<i>Number of Required Spaces</i>
a. Indoor.	One for each four seats.
b. Outdoor.	Overflow and employee parking spaces equal to ten percent of the vehicular capacity of the theatre.
24. Regional shopping centers	A regional shopping center is a planned and integrated group of commercial establishments of 500,000 square feet or more, not separated by public or private streets and under common management. An integrated grouping shall consist of common access, common circulation, and common facilities. Regional shopping centers shall provide one off-street parking space for each 222 square feet of gross leasable area.

(c) *Industrial and warehouse uses.*

<i>Use</i>	<i>Number of Required Spaces</i>
1. Cartage and express facilities.	Two for each three employees plus one for each vehicle kept on the premises.
2. Manufacturing uses, and any establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products.	Two for each three employees on the largest shift, plus one for each vehicle kept on the premises.
3. Railroad terminals, yards, shops, and engine houses.	Two for each three employees.
4. Truck terminals.	Two for each three employees, plus one for each truck or semi-trailer kept on the premises.
5. Warehouse and storage establishments.	One for each employee plus one for each vehicle kept on the premises.
6. Wholesale establishments.	Two for each three employees, plus one for each 800 feet of building floor area in excess of 4,000 square feet and one for each vehicle kept on the premises.

(d) *Schools, institutions, and places of assembly.*

<i>Use</i>	<i>Number of Required Spaces</i>
1. Athletic clubs (indoor), gymnasiums, and similar uses.	One for each 250 square feet of floor area.

<i>Use</i>	<i>Number of Required Spaces</i>
2. Auditoriums, stadiums, gymnasiums, convention halls, and other places of assembly.	
a. With fixed seats.	One for each four seats.
b. Without fixed seats.	One for each three persons based upon designed maximum capacity.
3. Churches, temples, and other places of worship.	One for each four seats.
4. Colleges and universities.	One space for each employee on the largest shift, plus two spaces for each three commuting students of the largest class attendance period. Parking for dormitories, fraternities, sororities and other living quarters shall be calculated separately.
5. Day care homes.	One for each employee or staff member plus any required for the residence.
6. Elementary and junior high schools.	Two for each classroom or one for each five seats of the largest place of public assembly (stadium, auditorium or gym), whichever requires the greatest number of parking spaces.
7. High schools.	One for each eight students based on the maximum number of students for which the school is designed plus two for each classroom or one for each five seats of the largest place of public assembly (stadium, auditorium or gym), whichever requires the greatest number of parking spaces.
8. Hospitals.	Two and one-half for each one bed for inpatient care facilities and one for each 250 square feet of total building floor area for outpatient facilities.
9. Libraries, art galleries, and museums.	One for each 300 square feet of total building floor area.
10. Not-for profit neighborhood facilities.	One for each employee of the facility working during one shift plus one for each 20 homes within the subdivision served by this use, but not less than six.
11. Nursing homes, convalescent centers, and similar facilities.	One for each three beds plus one for each two employees on the longest shift.

<i>Use</i>	<i>Number of Required Spaces</i>
12. Nursery schools and day care centers.	One for each employee and staff member plus one for each five children.
13. Outdoor recreation (unless listed separately).	One for each three persons, at maximum design capacity.
14. Parks, playgrounds and athletic fields.	One for each 5,000 square feet of gross land area or one for each four persons at maximum design capacity, whichever is greater.
15. Private clubs and lodges.	One for each three persons, at maximum design capacity.
16. Swimming pools.	One for each 38 square feet of pool area.
17. Tennis courts and clubs (outdoor).	One for each 5,000 square feet of gross land area.

- (e) *Other uses.* The number of parking spaces for any use not listed above shall be determined by the administrative review committee taking into account the number of employees, the number of spaces reasonably required by the visiting public, the number required for the most nearly comparable use and nationally accepted standards.
- (f) *Computation.* When determination of the number of off-street parking spaces required by this article results in a requirement of a fractional space, the fraction shall be counted as one parking space.
- (g) *Shared parking areas.* The parking spaces required of two or more uses located on the same lot may be combined and used jointly, provided, however:
 - 1. Where off-street parking space is combined and used jointly by two or more uses having different standards for determining the amount of off-street parking space required, the parking space shall be adequate in area to provide the aggregate number of off-street parking spaces required for all such uses.
 - 2. Where off-street parking space is combined and used jointly by two or more uses having the same standard for determining the amount of off-street parking space required, all such uses, for the purposes of this section, shall be considered as a single use and the gross floor area of all such uses in all structures on the same lot or the number of employees of all such uses in all structures on the same lot as fixed by the applicable standard, shall be taken as a single total for the purpose of determining the number of off-street parking spaces required.
- (h) *Employee parking.* Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

- (i) *Bicycle parking reduction allowance.* Up to ten percent of required automobile parking may be substituted with bicycle parking at a rate of two bicycle spaces for each required automobile space. The reduction allowance is applicable only to those land uses that are required by subsection 36-455(8) to provide bicycle parking; and to parking lots that contain at least ten or more automobile spaces.
- (3) *Exceptions.*
- (a) The off-street parking requirements in this section shall not apply to structural changes in existing buildings which do not expand the building horizontally or vertically or increase the usable floor space or to changes in occupancy of a building unless the use is changed.
 - (b) When a building or structure is located within an established public parking benefit district and there is sufficient parking available for all uses within the district as determined by provisions of the ordinances establishing the public parking benefit district such public parking established by the benefit district shall be deemed to meet the parking requirements of this section.
 - (c) Buildings and structures in a zone that has been designated as a historic district that do not have the number of accessory off-street parking spaces required by this section shall not be required to provide any additional parking that would otherwise be required by a change in use, an expansion of the building or structure, or reconstruction after the building or structure has been destroyed or damaged by fire or other casualty, provided:
 1. The number of existing off-street parking spaces is not diminished;
 2. An attempt has been made to provide all required spaces, but more parking would significantly change the character of the site as viewed from the street or another historical perspective; and
 3. A certificate of appropriateness is issued by the landmarks board pursuant to subsection 36-404(3) of this article.
- (4) *Cooperative parking facilities.*
- (a) *Shared parking.* Not less than one for each 250 square feet of total building floor area or one for each 200 square feet of net usable building floor area, whichever requires less parking spaces shall be provided onsite if a cooperative parking plan has been approved in accordance with this section. Two or more uses may share the same off-street parking spaces and each of such uses may be considered as having provided such shared spaces individually. Such shared parking spaces, however, shall not be considered as having been provided individually unless the schedules of operation of all such uses are such that they are not normally open, used, or operated during the principal operating hours of the other use or facility. The use of shared parking shall not be a matter of right, it being intended that the city shall have the discretion to give credits of the required number of parking spaces for shared parking based upon review of plans and information submitted by the applicant in light of off-street

parking needs. Uses sharing a parking facility do not need to be contained on the same lot, but each use shall be a maximum of 500 feet from a point of access to the structure measured from the closest parking space in the lot providing the shared spaces.

- (b) *Mixed uses or joint uses.* In the case of mixed uses or joint uses, the total number of off-street parking spaces required shall be the sum of the requirements of the various uses computed separately in accordance with the table in subsection (2) and off-street parking spaces for one use shall not be considered as providing required parking facilities for any other use except as herein specified for joint use. Persons providing off-street parking for joint use or mixed uses shall have an approved cooperative parking plan.
- (c) *Cooperative parking plan.* The arrangement for sharing of off-street parking spaces as described in this section shall be known as a cooperative parking plan.
- (d) *Application for approval of cooperative parking plan.* An application for approval of a cooperative parking plan shall be filed with the director of building development services by the owner or owners of the entire land area to be included in and served by the cooperative parking plan, the owner or owners of all buildings and structures then existing on such land area, and all parties having a legal interest in such land area and structures. Evidence establishing the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the use, buildings, or structures for which shared off-street parking spaces are to be provided, or the location of the off-street parking spaces, and a parking demand schedule. Where joint use is based on hours of operations, an affidavit shall be filed, signed by all property owners, certify the hours of operation of each tenant and their understanding that the hours of operation for each tenant cannot change unless the cooperative parking agreement is amended.
- (e) *Parking demand schedule.* The parking demand schedule required by this section shall contain the following information:
 1. The hours of operation of each building, structure, or use which is to be a party to the cooperative parking plan.
 2. The projected parking demand for each building, structure, or use during each hour of each day. Hourly parking demand may be averaged for weekdays, but shall be separately stated for Saturday and Sunday.
- (f) *Review of application.* The application shall be reviewed by, and approved or disapproved by the director of building development services.
- (g) *Registration of cooperative parking plan.* Upon approval of a cooperative parking plan, a copy of such plan shall be registered on the permanent records of the director of building development services, recorded in the land records of Greene County, Missouri, and shall thereafter be binding upon the applicants, their heirs, successors and assigns. Such registration shall limit and control the issuance and validity of

permits and certificates and shall restrict, limit and control the use and operation of all land and structures included within such cooperative parking plan. Applicant shall pay the cost of the recording fee charged by the Greene County Recorder.

- (h) *Amendment or withdrawal of cooperative parking plan.* Pursuant to the same procedure and subject to the same limitations and requirements by which the cooperative parking plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all parties to the cooperative parking plan consent, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this section.

(5) *Special exception for off-street parking.* The board of adjustment may grant a special exception from the minimum off-street parking requirements if it can be shown that, due to unique circumstances, a particular activity would not reasonably be expected to generate parking demand sufficient to justify the parking requirement. Any special exception granted by the board of adjustment shall not allow a greater building area than would have been possible had the original parking requirement been enforced. The board of adjustment may place conditions upon the granting of a special exception, and may require that the parking area not required upon the granting of the special exception be landscaped.

(6) *Change in intensity of use.* Additional off-street parking spaces, to conform with the requirements of subsection (2), shall be provided for a use, structure or building whenever a change takes place which requires 15 percent more off-street parking spaces than were required prior to the change. Such change requiring additional off-street parking be provided may include increases in:

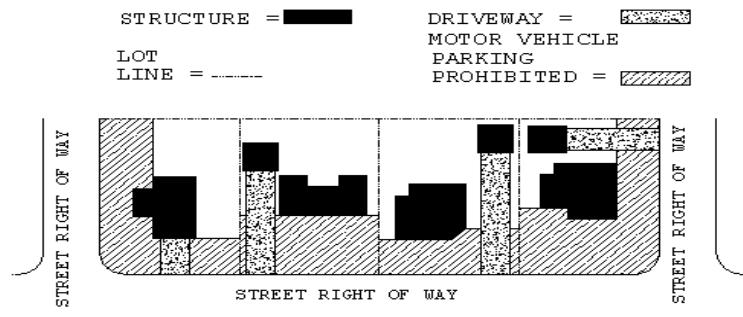
- (a) The number of employees within 12 months of the date of completion of the building or structure;
- (b) The floor area of the building or structure; or
- (c) Any other unit of measurement specified in subsection (2) to calculate the required off-street parking.

(7) *Motor vehicles and trailers on a residential lot.* As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. For purposes of determining the prohibited yard area, a line shall be established for each side of the structure fronting a street.

- (a) *Portions of a yard where motor vehicles and trailers are prohibited.* Motor vehicles shall not be parked in that portion of a yard, on a lot or a tract of land in any residential district or a lot or tract of land used primarily for residential purposes in any other district, in the open space between the street right-of-way and a line, as established in this section, extending from one side of the lot to the opposite side of the lot.

As viewed from the street, the line shall start at a point on the left lot line, and shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line (Figure 5-8).

Figure 5-8



- (b) *Portions of a yard where motor vehicles and trailers are permitted.* Notwithstanding the provisions in this subsection, motor vehicles or trailers in any residential district or a lot or tract of land used primarily for residential purposes in any other district may be located in all portions of a yard where not otherwise prohibited and if accessed in a manner that does not result in the creation of dust, mud, silt or standing water within those areas described in subsection 36-455(7)(a).
- (c) *Other portions of a residential lot where motor vehicles and trailers are permitted.* Motor vehicles and trailers may be located in any portion of a residential lot, including those areas otherwise prohibited by subsection 36-455(7)(a), if said motor vehicles and trailers are on one of the following:
 - 1. An area excluding the front yard visually screened from adjacent streets by a solid fence or wall, not less than six feet in height and meeting the requirements of subsection 36-453(6), and if accessed in a manner that does not result in the creation of dust, mud, silt or standing water within those areas described in subsection 36-455(7)(a).
 - 2. An off-street parking area for residential uses meeting the requirements of subsection 36-483(2).
- (d) *Legal nonconforming parking in the yard.* Parking or storage use for motor vehicles and trailers that are previously established in a residential district or a lot or tract of land used primarily for residential purposes in any other district, and made nonconforming by the adoption of the provisions in subsections (7)(a) and (b), may be permitted to continue under one of the following circumstances:
 - 1. The off-street parking space, and driveway leading thereto, does not meet the provisions of subsections 36-455(7)(a)–(c) but adheres to the surfacing requirement in subsection 36-483(1)(f).

2. The off-street parking space, and driveway leading thereto, meets the locational provisions of subsections 36-455(7)(a)–(c) but does not adhere to the surfacing requirement in subsection 36-483(1)(f).
- (e) *Abatement of violation.* No person shall allow a motor vehicle or trailer to remain on property in violation of this section.
- (8) *Off-street bicycle parking.*
- (a) *Purpose.* Off-street bicycle parking spaces shall be required in order to promote effective traffic circulation, reduce congestion, encourage a reduction of impervious automobile parking area, provide facilities that promote alternative transportation options and endorse a healthy lifestyle.
- (b) *Required bicycle parking spaces.* Unless otherwise exempted by subsection 36-455(8)(d), bicycle parking spaces shall be required for all uses in all zoning districts whenever off-street automobile parking is provided; or, for existing structures in all zoning districts, except the center city district, where the floor area is increased.

<i>Required Off-Street Bicycle Spaces</i>	
<i>Total Bicycle Spaces Required</i>	<i>Total of Off-Street Automobile Spaces Provided</i>
2	1—50
3	51—75
4	76—100
5	101—200
6	201—300
1 Additional space per each additional 100 spaces or fraction thereof	

- (c) *Center city district bicycle parking requirements.* Within the CC district, off-street bicycle parking shall be provided for new structures containing the following uses regardless of whether off-street automobile parking is provided: Auditoriums, stadiums, gymnasiums, and convention halls. The number of off-street bicycle parking spaces required shall be based on the number of off-street automobile parking spaces that would typically be required for said uses in other zoning districts by subsection 36-455(2) unless provisions for bicycle parking are made in accordance with subsection 36-455(8)(e).
- (d) *Uses exempted from bicycle parking requirements.* Bicycle parking spaces shall not be required for single-family dwellings, townhouses, duplexes, and mobile homes.
- (e) *Multi-level parking structures.* When multi-level parking structures are provided in order to meet one or more uses for off-street automobile parking space requirements as established in subsection 36-455(2), said structure shall be designed to include the applicable established off-street bicycle parking requirement. Bicycle parking spaces

within a multi-level parking structure that serve any combination of uses, may be used to satisfy up to 50 percent of the off-street bicycle parking requirements for each of the uses that it is intended to serve.

(Zoning Ord., § 5-1500; G.O. 4519, 6-12-95; G.O. 5127, 10-29-01; G.O. 5165, 3-25-02; G.O. 5355, 3-15-04; G.O. 5412, 10-18-04; G.O. 5671, 4-23-07; G.O. 5829, 7-13-09; G.O. 5881, 7-26-10; G.O. 6025, 12-17-12; G.O. 6092, 1-13-14; G.O. 6234, § 1(exh. A), 10-12-15; G.O. 6326, § 1, 12-12-16)

Sec. 36-456. Off-street loading requirements.

(1) *Applicability.* In any zoning district, all structures built and all uses established hereafter, shall provide necessary accessory off-street loading facilities. When an existing structure is expanded, accessory off-street loading facilities shall be provided in accordance with the following regulations for the area of such expansion.

(2) *Off-street loading berth requirements.*

- (a) Schools, elementary and secondary, shall provide at least one off-street loading space for passenger automobiles for each 50 students and one queuing space for each ten students based upon the designed maximum capacity of the school. Queuing spaces may be provided in the driving aisles of parking lots associated with the facility.
- (b) Churches and other places of assembly shall also provide at least one off-street loading space for passenger automobiles for each 50 people and one queuing space for each ten people based upon the designed maximum capacity of the facility. Queuing spaces may be provided in the driving aisles of parking lots associated with the facility.
- (c) On the same lot with every building, or part thereof, erected hereafter in any office, commercial or industrial district, adequate space shall be provided on the lot for motor vehicles to load and unload in order to avoid interference with traffic in the public streets or alleys in accordance with the design standards in section 36-483, off-street parking and loading area design standards.

(Zoning Ord., § 5-1600)

Sec. 36-457. Nonconformities.

(1) *Purpose.* Within the districts established by this article, there exist buildings and uses that could not be built or established under this article but that were lawful when built or established under the provisions of a prior ordinance. Future amendments to this article may be expected to create additional such nonconformities.

The purpose of this section is to recognize the legitimate interests of those who have lawfully established structures or uses which are nonconforming by permitting such nonconformities to be continued. However, nonconformities do substantially and adversely affect the orderly development, maintenance, use, and taxable value of other property in their vicinity, property that is itself subject to the zoning regulations. Therefore, it is

necessary to subject nonconforming buildings and uses to restrictions that are designed to prevent the expansion or extension of such buildings and uses and to enhance the probability that such buildings and uses will eventually be converted into conforming buildings and uses.

(2) *Nonconforming lots of record.*

(a) In the R-SF, R-TH, and R-MHC residential districts.

1. In the R-SF, R-TH, and the R-MHC residential districts, notwithstanding the regulations imposed by any other provision of this article, a single-family-detached dwelling which complies with the restrictions in subsection 36-457(2)(b) may be erected on a lot that:

- a. Is shown by a recorded plat or deed to have been created prior to December 5, 1956, when the creation of a lot of such dimensions at such location would not have been prohibited by this article; and
 - b. Fronts on a local or collector street or can be provided with vehicular access via an alley or an access easement.

Off-street parking shall not be required when on-street parking is available within 300 feet of the subject property on a street with a minimum pavement width of 24 feet.

2. Construction permitted by subsection 36-457(2)(a) shall comply with all of the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which the lot in question is located; provided, however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable.

- a. The dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling.
 - b. The sum of the widths of the two side yards on each lot shall be not less than the smaller of:
 - (i) Twenty-five percent of the width of the lot, or
 - (ii) The minimum total for both side yards prescribed by the bulk regulations for said zoning district.
 - c. No side yard shall be less than ten percent of the width of the lot, and in no case less than three feet.

(b) *In other districts.*

1. In any district other than those listed in subsection 36-457(2)(a), notwithstanding the regulations imposed by any other provision of this article, a building designed for any permitted use may be erected on a lot of the type described in subsection 36-457(2)(a)1.

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2. Construction permitted by subsection 36-457(2)(b)1 shall comply with all of the regulations (except lot area, width and depth) applicable in the zoning district in which the lot in question is located; provided, however, that if the zoning district

requires a minimum lot width, the width of any side yard need not be greater than that derived by applying the following formula (wherein the width of any side yard required = X):

$$\frac{X}{\text{Actual Lot Width}} = \frac{\text{Minimum Side Yard Required by District Regulations}}{\text{Minimum Lot Width Required by District Regulations}}$$

(3) *Nonconforming buildings and structures.*

- (a) *Authority to continue.* Any building or structure which is devoted to a use which is permitted in the zoning district in which it is located but which does not comply with applicable bulk regulations, or which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions in subsections 36-457(3)(b) through 36-457(3)(d) of this article.
- (b) *Maintenance, repair, remodeling and structural alterations.* Any building or structure described in subsection 36-457(3)(a) may be maintained, repaired or remodeled, or structurally altered. Any such maintenance, repair, remodeling or structural alteration shall conform to all requirements of the zoning district and shall not increase the nonconformity of the existing building or structure except that for buildings or structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be determined by subsection 36-457(2)(a)2. or 36-457(2)(b)2., whichever is applicable.
- (c) *Expansion or enlargement.* Any building or structure described in subsection 36-457(3)(a) may be expanded or enlarged provided such expansion or enlargement conforms to all requirements of the zoning district and does not increase the nonconformity of the existing building or structure unless it is required by the codes and ordinances of the City of Springfield and except that for buildings or structures located on a lot that does not comply with the applicable lot size requirement, the side yard requirements shall be determined by subsection 36-457(2)(a)2. or 36-457(2)(b)2., whichever is applicable. Any building or structure described in subsection 36-457(3)(a) shall not be required to conform to the requirements of the article as a condition for expansion or enlargement.
- (d) *Damage or destruction.* In the event that any building or structure described in subsection 36-457(3)(a) is damaged or destroyed, by any means, to the extent of more than 75 percent of the replacement cost of the building or structure at the time such damage occurred, such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. Structures located on a lot that does not comply with the applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements in subsection 36-457(2)(a)2. or 36-457(2)(b)2., whichever is applicable.

cable. When a building or structure is partially damaged to the extent of 75 percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within 12 months after the date of such partial destruction and is diligently pursued to completion.

- (e) *Moving.* No building or structure described in subsection 36-457(3)(a) shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire building or structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

(4) *Nonconforming uses.*

- (a) *Authority to continue.* Any lawfully existing nonconforming use of part or all of a building or structure or any lawfully existing nonconforming use of land, not involving a building or structure or only involving a building or structure which is accessory to such use of land, may be continued, so long as it is otherwise lawful, subject to the regulations contained in subsections 36-457(4)(b) through 36-457(4)(l).

(b) *Ordinary repair and maintenance.*

1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any building or structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection 36-457(4)(b)1. shall not be deemed to authorize any violation of subsections 36-457(4)(c) through 36-457(4)(i) of this article.
2. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition (where such restoration will not be in violation of subsection 36-457(4)(f) of this article).

- (c) *Remodeling.* No building or structure that is devoted in whole or in part to a nonconforming use shall be remodeled, if structural alteration is required, unless the entire building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located.

- (d) *Extension.* A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

1. Extension of such use to any building or structure or land area other than one occupied by such nonconforming use on the effective date of this article (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming) except as permitted by subsection 36-457(4)(e);
2. Extension of such use within a building or structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this article (or on the effective date of a subsequent amendment hereto that causes

such use to become nonconforming) except as permitted by subsection 36-457(4)(e) and provided, however, that such use may be extended throughout any part of such building or structure that was lawfully and manifestly designed or arranged for such use on such effective date; and

3. Operation of such nonconforming use in such manner as to conflict with any performance standards established for the zoning district in which such use is located. Nor shall a nonconforming use be operated in such a manner so that it further conflicts with any performance standards established for the district in which such use is located if it already conflicts on the effective date of this article (or on the effective date of a subsequent amendment hereto that results in such use becoming nonconforming).
- (e) *Exemptions.* Notwithstanding the provisions of this section, where a use is conforming but is made nonconforming on the effective date of this article, such use may be increased by 25 percent in terms of building floor area, number of employees or other measure of intensity provided the use conforms to all other regulations of this article.
- (f) *Enlargement.* No building or structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such building or structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- (g) *Damage or destruction.* In the event that any building or structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed by any means, to the extent of more than 75 percent of its replacement cost at the time of such damage, such building or structure shall not be restored unless such building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 75 percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to its completion.
- (h) *Moving.* No building or structure that is devoted in whole or in part to a nonconforming use, shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire building or structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
- (i) *Change in use.*
 1. The board of adjustment may grant a special exception to permit a nonconforming use to be changed to any other use permitted in the zoning district in which the nonconforming use is allowed provided the proposed use is not more intense than the existing use in terms of activity, traffic generation, and other impacts on surrounding property.

2. When a nonconforming use has been changed to any conforming use allowed in the district in which the property is located, it shall not thereafter be changed back to a nonconforming use.
- (j) *Abandonment or discontinuance.* When a nonconforming use of land or of a building or structure is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use except as provided in (g) above), such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land, building or structure shall comply with the regulations of the zoning district in which it is located.
- (k) *Nonconforming accessory uses.* No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
- (l) *Termination of nonconforming use for nuisance or illegality.* The right to continue a nonconforming use is conditional and may be continued for only so long as the nonconforming activity is conducted lawfully and does not produce a condition which constitutes a nuisance. The use of any building, structure or land in a manner set forth below shall constitute constructive abandonment of the use, shall terminate the right to continue the nonconforming use, and nothing contained in subsection 36-457(4)(j) shall be construed to require such constructive abandonment to continue for 12 consecutive months:
1. Use in any manner which produces a condition constituting a nuisance subject to chapter 74, Springfield City Code, prohibiting the creation of a nuisance.
 2. Use for any activity which is in violation of law or ordinance.
- (5) *Status of existing conditional uses.* Where a use exists at the effective date of this article, or on the effective date of a subsequent amendment hereto that causes such use to become a conditional use, and is permitted by this article only as a only as a conditional use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming and duly authorized conditional use in such zoning district.
- (6) *Occupancy certificates for nonconforming uses.*
- (a) *Survey.* As soon as practicable after the adoption of this article, or after the adoption of any other ordinance which renders nonconforming any previously lawful use or structure, the city council shall use its best efforts to survey potential legal nonconforming uses for the purpose of making a permanent record of the existence and extent of such uses.
- (b) *Notice.* The owners of record of all properties containing a use or structure that are deemed to be nonconforming shall be given written notice of that fact by the director of building development services. Within 90 days after the receipt of such notice said owners of record shall submit applications, on forms made available in the office of the director of building development services for a certificate of occupancy for any nonconforming use or structure.

- (c) *Application information.* The application for such certificate shall designate the location, nature, and extent of such nonconforming use or structure; information sufficient to document the fact that the nonconforming use was a lawful use at the time it was commenced: and such other details as may be necessary for the issuance of the certificate of occupancy.
- (d) *Effect of occupancy certificate.* Issuance of a certificate of occupancy pursuant to subsection 36-457(6)(c) shall be deemed to establish conclusively that the use in question was a legal nonconforming use, and the extent thereof, as of the date of the occupancy certificate.
- (e) *Failure to apply.* If any owner of a nonconforming use or structure fails to apply for a certificate of occupancy in the manner set out above, such use shall be presumed to be illegal until such time as the property owner establishes the legality of the nonconforming use in a proper procedure before the board of adjustment.
- (f) *Certificate recorded.* A copy of the certificate of occupancy for a nonconforming use or structure shall be recorded by the city with the recorder of deeds of Greene County against the property in question.
- (g) *Determination of legal nonconformity.* Within 60 days after the receipt of an application, the director of building development services shall determine whether or not a use is legal nonconforming. If a use is not found to be legal nonconforming, the owners of record shall have 90 days to discontinue the illegal use. The owners of record may appeal the decision of the director of building development services as provided in section 36-364, appeals.

(Zoning Ord., § 5-1700; G.O. 4748, 1-15-97; G.O. 5127, 10-29-01; G.O. 5345, 1-26-04; G.O. 5471, 6-27-05; G.O. 5901, 10-4-10)

Sec. 36-458. Redevelopment areas.

The city council may permit, in an area where there is an approved redevelopment plan, a modification of the requirements of this article as the council may deem necessary to encourage the conservation and preservation of urban resources, to promote the stabilization and economic development of urban areas and to provide for housing especially for the elderly and for low and moderate income families, provided the following conditions are satisfied:

- (a) The project complies with an approved redevelopment plan;
- (b) The project complies with all ordinances except those provisions which are to be modified;
- (c) The project does not interfere with easements, roadways, rail lines, utilities, and public or private rights-of-way;
- (d) The project does not destroy, damage, detrimentally modify, or interfere with the enjoyment of significant natural, topographic, or physical features of the site;

- (e) The project is not injurious or detrimental to the use and enjoyment of surrounding property;
- (f) The circulation elements of the project do not create hazards to safety on or off the site; dependence on automobile travel; or interferences and inconveniences to pedestrian travel;
- (g) The project makes adequate provision for the creation or preservation of open space and for its continued maintenance;
- (h) The project does not create drainage or erosion problems;
- (i) A site plan and a description of the project has been submitted to the planning and zoning commission for its recommendations and approved by city council. The site plan and description shall make specific reference to the provisions of this article to be modified.
- (j) The city council may impose any conditions to achieve the intent of the city ordinances and the redevelopment plan, to safeguard surrounding properties, to minimize any adverse impact on services and facilities, and to achieve other public purposes. The city council must find that the applicant has complied or has provided adequate assurances that he will comply with any conditions set forth by city council.

(Zoning Ord., § 5-1800)

Sec. 36-459. Special regulations for retail liquor sales.

(1) *Applicability.* No license shall be issued for the sale of intoxicating liquor at retail in any form notwithstanding that the proposed establishment is within the zone appropriate therefore under this article nor shall any such use be conducted in any zone of the city unless the following procedures shall be followed.

(2) *Location with regard to R-SF, R-TH, R-MHC, or PD districts.* Whenever any application shall be received by the city for the establishment of a place for the sale of intoxicating liquor at retail in any form, it shall be determined by the officer charged with the responsibility of issuing such licenses whether or not the proposed establishment is located within 200 feet of any property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district under this article. In the event there shall be no such property within 200 feet from the proposed location and the application shall otherwise be appropriate and authorized by the laws of the city, then the license may be issued.

(3) *Application fee.* If the proposed establishment is within 200 feet of property zoned R-SF, R-TH, R-MHC, or designated for single-family or two-family residential use in a PD district, then the person charged with the responsibility of accepting applications for such establishments on behalf of the city shall require to be filed therewith a fee of \$107.00 plus the actual costs of publication for legal notices required by law for the processing of said application, which fee is in addition to the license fee required by ordinances of the city. The additional fee shall be for the costs of processing the application.

(4) *Public notice.* Thereupon, the applicant shall cause to be posted in four places in the vicinity of the property which is so zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, and which is within 200 feet of the proposed establishment a notice setting forth the proposed application and advising that persons within said 200 feet owning property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, shall have the right within 21 days from the date that the notice shall first be posted in which to protest the granting of a license for the establishment and the use of the land therefore. In addition, the said notice shall be advertised in an official newspaper or a newspaper of general circulation in the City of Springfield, Missouri, said notice to be given for at least five straight consecutive issues and the time to protest shall commence with the date of the first said publication and shall terminate on the twenty-first day thereafter.

(5) *Protest requirements.* If within the 21 days aforesaid there shall be filed with the officer of the city charged with receiving applications for liquor licenses a protest to granting the license for the proposed establishment signed by at least 50 percent of the owners of the land so zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, and located within 200 feet of the proposed establishment, then the application shall be forwarded to city council for its resolution in favor or against said application. If, however, no such protest shall be filed within 21 days or if the same shall be insufficient, thereupon the license may issue, all other requirements of the law of the City of Springfield having been met and complied with.

The official of the City of Springfield charged with the responsibility of accepting applications for licenses for the sale of intoxicating liquor at retail shall have the authority from time to time to prepare forms to implement this section including protest forms, application forms, and forms for notice, forms for proof of ownership, and other appropriate requirements. Forms of protest shall in any event be acknowledged by some person other than a protesting owner located within the 200 feet area acknowledging the signatures of the persons contained thereon to be the free act and deed of the persons so signing. In determining those persons entitled to be counted in such protest, only those persons who are owners of the land of record on the date that the application shall have been filed shall be entitled to protest.

Notwithstanding the provisions of this section, the director of finance may issue a license for the same location to any purchaser of a retail liquor establishment which was duly licensed at the time of the purchase providing the purchaser makes proper application and is qualified and eligible to hold a license and providing that the provisions of section 10-36 [of the] Springfield City Code shall have been complied with; nor shall the provisions of this section prohibit the reissuance of licenses for previously existing duly licensed establishments.

(6) *Exemption from notice.* The applicant shall be exempted from the notice and publication requirements herein, and only those requirements, if 100 percent of all owners of residential property as set forth herein, file a notarized waiver of protest setting forth the case or license

number, address of establishment, and indicating they have no opposition to the proposed use, and the license may issue providing the applicant has complied with all other applicable requirements.

(Zoning Ord., § 5-1900; G.O. 6034, 2-11-13)

Sec. 36-460. Adult entertainment.

(1) *Purpose.* The purpose of these regulations is to protect residential property values by restricting the location of adult entertainment businesses. Local and national studies indicate that such businesses are perceived to have a negative impact on residential property values. Dispersion of adult businesses is also required in order to avoid concentration of uses that have a negative impact on adjoining property values.

(2) *Location.* An adult motion picture theater, adult store, or cabaret, as defined in section 36-301, definitions, may locate only in GR, HC, CS, RI, LI, GM and HM zoning districts. Such uses are prohibited within the area circumscribed by a circle which has a radius of 2,000 feet from any residential zoning district, school, park, or church, or any legally platted subdivision in which 75 percent or more of the developed lots are used for residential purposes. A developed lot shall be defined as a lot upon which a habitable building or dwelling house is constructed. No more than one such use may locate in each 1,000 feet.

(3) *Distances.* The distances provided in this section shall be measured by following a straight line, without regard to intervening structures or objects, from the adult motion picture theater, adult store, or cabaret to the nearest point of the parcel of property containing a school, park, or church, or the residential zoning district boundary line.

(Zoning Ord., § 5-2000; G.O. 4691, 4-14-97)

Sec. 36-461. Special regulations relating to vehicle repair activities.

(1) No person shall perform repair activity upon any vehicle, engine, or components thereof, upon property located within any district where vehicle repair is not specifically permitted. Provided, however, that a person may perform repair activity upon his own vehicle, engine, or components thereof, so long as the repair activity is not undertaken for compensation. Repair activity includes the maintenance, repair, disassembling or reassembling of a vehicle, engine, or components thereof in any manner.

(2) A presumption that a violation of this section has been committed by the person or persons in possession of property is created when there is evidence that establishes that repair activity has taken place upon a vehicle that does not display a license plate, or upon a vehicle that is not registered in the name of the person or persons in possession of the property.

(Zoning Ord., § 5-2100)

Sec. 36-462. Scrap, salvage, junk, and automobile wrecking yards.

(1) Purpose. The purpose of these regulations is to protect the health, safety, aesthetics, and economic well-being of the community from the adverse impacts of salvage yards. These uses involve the outside storage of junk and salvage materials. Although these uses may be

beneficial to the economic life of the community, the clutter of junk and salvage materials, poorly constructed and maintained fences, the storage of hazardous materials, noise, dust, and lack of separation between storage areas and residential uses create a negative image for the community, endanger the health and safety of residents and reduce the value of adjoining properties.

(2) No salvage yard shall operate at any location unless the salvage yard is operated in accordance with the following provisions:

- (a) A minimum setback of 35 feet shall be maintained from the right-of-way of any street. Off-street parking may be provided in the area between the street right-of-way and the storage area, provided all off-street parking requirements of this article are met.
- (b) A minimum bufferyard of 35 feet shall be maintained from any adjacent residential zoning district or from any adjacent lot used for residential purposes, located in any zoning district. Such bufferyard shall not be required adjacent to a lot in a nonresidential zoning district used for mixed residential and nonresidential purposes, unless the nonresidential use is a bona fide customary home occupation, nor shall it be required so long as the owner of the land where the salvage yard is located also owns the residential property. The bufferyard shall be landscaped with at least five canopy trees, eight understory trees, 32 shrubs and 16 evergreen/conifers per 100 linear feet of common property line. The bufferyard also shall be seeded with lawn unless ground cover is already established and shall be kept neat, clean and free from litter, debris, and noxious weeds. All plant material shall be tended and maintained in a healthy growing condition and replaced when diseased, irreparably damaged, or dead. The bufferyard shall be located between the business' fence and the residential zoning district or the residential use.
- (c) Items to be stored shall be limited to those which do not create a nuisance as defined by the laws of the State of Missouri or the City of Springfield. All salvage yards shall comply with the provisions of chapter 29C, article II, Springfield City Code.
- (d) The requirements of paragraphs (a) and (b) of this subsection shall not apply to businesses exempt from the provisions of section 29C-21, Springfield City Code.

(Zoning Ord., § 5-2200)

Sec. 36-463. Common open space and common improvement regulations.

(1) *General provisions.* The regulations set forth in this section shall apply in all developments where the following features are held in common ownership by persons owning property within a development.

- (a) All lands in common open space, not a part of individual lots, designed for the mutual benefit of a group of persons owning property within a development, where such lands are not dedicated to or conveyed for public use whether or not such lands are required by the provisions of this article; and

(b) All private streets, driveways, parking facilities, and buildings or portions thereof, as may be provided for the common use, benefit and/or enjoyment of the occupants of the development; whether or not such improvements are required by the provisions of this article.

(2) *Condominium Property Act.* Except where it can be demonstrated that the provisions of this section can be satisfied by other means, all lands and improvements, as set forth in this section, shall be established and maintained in accordance with the Condominium Property Act, Chapter 448, Missouri State Statutes or subsequent amendments.

(3) *Subdivision approval required.* All subdivision of property containing common open space and common improvements shall be subject to review in accordance with the provisions of chapter 36, article II, subdivision regulations.

(4) *Property owners' association.* If common open space and common improvements are not dedicated to and accepted for public use, they shall be protected by legal arrangements, satisfactory to the planning and zoning commission and city council city attorney sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify ownership of the common open space and common improvements; method of maintenance, responsibility for maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain common open space and common improvements will not be dissolved without the consent of the city; and other specifications deemed necessary by the city attorney, planning and zoning commission and city council.

(5) *Covenants, rules and by-laws.* The director of planning and development and the city attorney shall review and approve the restrictive covenants, rules and by-laws of the unit ownership, as prepared in accordance with this section and Chapter 448, Missouri State Statutes. This approval shall be obtained before any final plat is recorded or final site plan approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.

(6) *Content of covenants and restrictions.* The covenants and restrictions, when submitted, shall specify the ownership of the common open space and common improvements, shall be prepared in accordance with this section and Chapter 448, Missouri State Statutes, shall provide: for establishment of the condominium or property owners' association or trust prior to the sale of any part of the property; for the method of maintenance; that open space restrictions and maintenance shall be permanent; that the property owners are liable for the payment of maintenance fees and capital assessments; that unpaid property owners' fees and assessments will be a lien on the property of the delinquent property owners; that the association or trustee shall be responsible for liability insurance, taxes and perpetual maintenance; that membership shall be mandatory for each property owner and any successive buyer; that each property owner, at the time of purchase, shall be furnished with a copy of the approved restrictions or conditions; and that any association or trust formed to own and maintain common open space and common improvements will not be dissolved without the consent of the city. In addition, such covenants and restrictions shall provide that in the event the association fails to maintain

the common areas, opens space/improvements, or should be dissolved for any reason and the common areas and space/improvements are not maintained in reasonable condition, the city may enter and maintain same in accordance with the procedure set forth in subsection 36-463(7), and assess the costs ratably against the properties within the development that have a right to enjoy or use the common area or open space/improvements, which assessment shall constitute a lien against such properties.

(7) *Maintenance of common open space and common improvements.*

- (a) If the planning and zoning commission and city council determines that the public interest requires assurance concerning adequate maintenance of common open space areas and improvements, the planning and zoning commission and city council may require that the restrictive covenants, rules and by-laws creating the unit ownership shall provide that if the unit owners establish and maintain such common open space improvements, or any successor unit owners, shall at any time after establishment of the development fail to maintain the common open space/improvements in reasonable order and condition in accordance with the approved plans, the city may serve a notice in writing upon such unit owners. Said notice shall describe how the unit ownership has failed to maintain the common open space/improvements in reasonable condition, shall require that such deficiencies of maintenance be remedied within 30 days thereof, and shall state the date and place of a public hearing. Said hearing shall be held within 20 days of notice.
- (b) At such hearing the city council may modify the terms of the original notice concerning the deficiencies and may grant an extension of time to remedy these deficiencies.
- (c) If said deficiencies are not corrected, the city may enter upon said common open space and maintain the same for one year in order to preserve the taxable values of the properties within the development and to prevent the common open space/ improvement from becoming a public nuisance.
- (d) Said entry and maintenance shall not grant the public any rights to use the common open space/improvements unless the owners voluntarily dedicate the same to the public and such dedication is accepted by the city.
- (e) Before the expiration of said one-year period and upon its initiative or upon the request of the unit owners theretofore responsible for the maintenance of the common open space/improvements, the city council shall call a public hearing upon notice in writing to such organization or to owners of the unit ownership. At said hearing, the unit owners shall show cause why such maintenance by the city shall not, at the election of the city council, continue for a succeeding one-year period.
- (f) If the city council determines that said unit ownership is ready and able to maintain the common open space/improvements in reasonable condition, the city shall cease to maintain the common open space/improvements at the end of said one-year period or at an earlier date prescribed by the city council.

- (g) If the city council determines that such organization is not ready and able to maintain the common open space/improvements in a reasonable condition, the city council may, at its discretion, continue to maintain the common open space improvements during the next succeeding year, subject to a similar hearing and determination in each year thereafter.
 - (h) The rules and by-laws creating the unit ownership shall further provide that the cost of such maintenance by the city shall be assessed ratably against the individual properties within the development that have a right of enjoyment of the common open space/improvements. This assessment shall become a charge on said properties, and such charge shall be paid by the owners of said properties within 30 days after receipt of same. Such assessments shall constitute a lien against all properties within the unit ownership.
- (8) *Maintenance responsibility.*
- (a) Except as provided in subsection 36-463(7), the city shall not be responsible for the maintenance of any common open space/improvements required by this article.
 - (b) Initial maintenance of the common open space/improvements within a development shall be the responsibility of the developer. The restrictive covenants, rules, and bylaws of the unit ownership may prescribe a method for transfer of maintenance responsibility to a duly constituted property owners' association. In the event no method for transfer or maintenance responsibility is prescribed, the developer shall retain this responsibility until 50 percent of the development has been sold to the unit owners or other clients. When at least 50 percent of the development has been sold, the established unit ownership, comprised of the development's unit owners shall be deeded the common open space/improvements and such owners shall become fully responsible for its maintenance and upkeep.
 - (c) The maintenance responsibilities of the developer listed in this section shall be specifically indicated in a letter of agreement between the developer and the city. The developer shall submit said letter to the planning and zoning commission and the director of planning and development at the time of final plat review. All principal access shall be from an arterial highway or street and no truck traffic shall be routed through any adjacent residential areas. Streets through adjacent residential areas shall not be used to provide principal access for truck traffic to any nonresidential use in this district except on streets classified as expressways, arterials, or collectors.

(Zoning Ord., § 5-2300; G.O. 5425, 11-15-04; G.O. 5770, 7-28-08)

Sec. 36-464. Accessory apartments.

- (1) *Purpose.* The purpose of allowing accessory apartments is to improve the ability of homeowners to maintain and remain in their homes by permitting a portion of a home to be rented as an apartment. It is also the intent to allow accessory apartments in historic carriage

houses to encourage their preservation. The requirements of this section are also designed to protect the single-family character of the neighborhood in which a home or carriage house containing an accessory apartment is located.

(2) *Accessory apartment requirements.* Only one accessory apartment shall be permitted on a lot in an R-SF or R-MHC district in accordance with the following regulations.

- (a) Owners wishing to create an accessory apartment shall submit an application and site plan to the administrative review committee demonstrating that the following conditions have been met or provisions made therefore:
1. The accessory apartment or the single-family-detached dwelling located on the lot where the accessory apartment is located shall be actually and physically occupied by at least one owner of record who possesses at least an estate for life or a 50 percent fee simple ownership interest. Under no circumstances shall the owner receive compensation for the occupancy of more than one unit.
 2. One additional off-street parking space for each bedroom in the accessory apartment, located behind the building setback line, shall be provided.
 3. The accessory apartment shall be clearly incidental to the principal dwelling and meet the following criteria:
 - a. An accessory apartment may be created only in a single-family dwelling or in an existing carriage house if the carriage house was constructed prior to January 1, 1940, and the lot on which the carriage house is located is designated a historic site, landmark, or district.
 - b. An accessory apartment may be created only on a lot of 6,000 square feet or more. The zoning district within which the lot is located may require a greater minimum lot size.
 - c. If the accessory apartment is to be located in a dwelling, the single-family detached dwelling shall have a floor area of 2,000 square feet or more, excluding garage space and any other space that is not habitable.
 - d. If the accessory apartment is to be located in a dwelling, no more than 30 percent of the single-family detached dwelling shall be used for the accessory apartment.
 - e. Other than historic carriage houses, no accessory buildings such as garages and sheds shall be used for an accessory apartment.
 - f. The accessory apartment shall contain complete cooking and sanitary facilities.
 - g. If the accessory apartment is to be located in a dwelling, any additional entrance resulting from the creation of an accessory dwelling unit may face the side of the lot fronting on the street only if such entrance is adequately and appropriately screened in a manner that does not substantially detract from the single-family appearance of the dwelling.

- h. No historic carriage house shall be expanded or enlarged or its exterior appearance altered in a manner that detracts from its historic character in order to create an accessory apartment.
 - i. Accessory apartments must meet applicable city codes.
 4. No accessory apartment shall be established concurrent with the customary home occupation of renting rooms.
- (b) Accessory apartments shall be registered annually with the city finance director. In addition to the requirements of chapter 18, Springfield City Code, the owner shall verify that the conditions noted in subsection 36-464(2)(a) are still being met.
- (Zoning Ord., § 5-2400)

Sec. 36-465. Residential group homes.

(1) *Purpose.* It is necessary and desirable to provide suitable sites for residential group homes, as defined in section 36-321, definitions, in single-family residential areas provided that, in furtherance of the goals of de-institutionalization of handicapped persons and allowing residential group homes to be integrated throughout the community, residential group homes are not concentrated in particular neighborhoods.

(2) *Residential group home location requirement.* Residential group homes are permitted in the R-SF, R-TH, and R-MHC districts provided that no residential group home shall locate within a one-quarter mile radius of another residential or custodial group home.

(Zoning Ord., § 5-2500)

Sec. 36-466. Telecommunication towers.

(1) *Legislative findings.* On February 8, 1996, Congress enacted the federal Telecommunications Act of 1996, P.L. No. 104-458. The purpose of the Act is to deregulate the telecommunications industry, providing a more competitive environment for wired and wireless telecommunication services in the United States.

- (a) A concomitant effect of increased competition in the market for wireless telecommunications services is an increased demand for antenna sites on towers and other antenna support structures necessary for providing wireless service.
- (b) New personal wireless telecommunications technologies, such as personal communications systems, or (PCS) require antenna sites to be denser than previous technologies required. However, due to the uniqueness of the wireless telecommunications industry and constantly changing technology, local regulatory efforts must be sufficiently flexible to allow for the continuing development of the wireless telecommunications industry.
- (c) The Telecommunications Act of 1996 preserves the authority of the city to regulate the placement, construction, and modification of towers, antenna sup-

port structures and telecommunications facilities and to protect the health, safety and welfare of the public and which is granted to the city under the Constitution and statutes of the State of Missouri and the Charter.

- (d) Consistent with the Telecommunications Act of 1996, regulation of towers and telecommunications facilities in certain areas of the City of Springfield as provided in this article, will not have the effect of prohibiting any person from providing wireless telecommunications services.
- (e) The Federal Communications Commission (FCC) has exclusive jurisdiction over:
 - 1. The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
 - 2. The regulation of radio signal interference among users of the radio frequency spectrum.
- (f) The uncontrolled proliferation of towers in the City of Springfield could diminish property values, the aesthetic quality of the city, and could otherwise threaten the health, safety, and welfare of the public.
- (G) The presence of telecommunications towers, large enclosures, satellite dishes and other large unmovable objects other than standard wood utility poles on the rights-of-way, rather than on private utility easements or fee simple title interests are a danger to the traveling public and an interference with the use and enjoyment of the rights-of-way by abutting landowners and members of the public.

(2) *Legislative purposes.* The general purpose of this section 36-466, telecommunication towers, is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Springfield.

Specifically, the purposes of this section 36-466, telecommunication towers, are:

- (a) To direct the location of towers and telecommunications facilities in the city;
- (b) To protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
- (c) To minimize adverse visual impacts of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
- (d) To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
- (e) To avoid potential damage to adjacent properties caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed.

- (f) To the greatest extent feasible, ensure that towers and telecommunications facilities are compatible with surrounding land uses.
- (g) To the greatest extent feasible, ensure that proposed towers and telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.
- (h) To create a licensing process which allows the city to more efficiently administer this section 36-466, telecommunication towers.

(3) *Applicability.*

- (a) All towers, antenna support structures and telecommunications facilities, any portion of which are located within the City of Springfield, are subject to this article. All towers within the City of Springfield, Missouri at the time of passage of said ordinance, or are annexed at a later date, shall be registered with the city finance director within 60 days from the effective date hereof together with the height, width and location thereof and a registration fee of \$50.00. Failure to register an existing tower shall raise a presumption that said tower, was not a legal nonconforming use on the date of passage of said ordinance. However, said ordinance shall not apply to tower structures used, or to be used, solely for services provided pursuant to a broadcast radio or television license issued by the Federal Communications Commission or to towers and antennas used for private telecommunications services when the equipment is located on the premises of the entity using said private telecommunication service, or the towers and antennas, support structure or masts are located on the primary business premises of a provider of communications services if used to monitor the provider's services and the equipment used by the broadcaster, private telecommunicator or provider is in compliance with any federal, state or local laws, and does not encroach on the public rights-of-way.
- (b) Except as provided in this section 36-466, telecommunication towers, any current legal use being made of an existing tower or antenna support structure on the effective date of this section 36-466, telecommunication towers, (herein "nonconforming structures") shall be allowed to continue, even if in conflict with the terms of this section 36-466, telecommunication towers. Any tower site that has received city approval in the form of either a conditional use permit or building permit, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.

(4) *Definitions.* For the purposes of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

- (a) *Act* means the federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may, from time to time, be amended.

- (b) *Antenna support structure* means any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
- (c) *Applicant* means any person that applies for a tower license pursuant to subsection 36-466(8) of this article.
- (d) *Application* means the process by which an applicant submits a request and indicates a desire to be granted a license to construct, own, or operate a tower within the city. An Application includes all written documentation made by an applicant to the city concerning such a request.
- (e) *City* means the City of Springfield, a municipal corporation, in the State of Missouri, acting by and through its city manager or his designee.
- (f) *Code* means the City of Springfield Code of Ordinances.
- (g) *Communications or telecommunications* means the transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.
- (h) *Council* means the Springfield, Missouri, City Council.
- (i) *Director* means the director of department of building development services.
- (j) *Engineer* means any engineer licensed by the State of Missouri.
- (k) *FCC* means the Federal Communications Commission and any legally appointed, designated, or elected agent or successor.
- (l) *Licensee* means any person who has lawfully obtained a tower license pursuant to subsection 36-463(8).
- (m) *Person* is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.
- (n) *Site* means the actual location of a tower and may be only part of a larger parcel or premises.
- (o) *Stealth* means any tower or telecommunications facilities which are designed to blend into the surrounding environment.
- (p) *Telecommunications facilities* means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the wireless transmission or reception of wireless telecommunications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term telecommunications facilities shall not include:
 - 1. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned and used for industrial or commercial purposes;

2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category;
 3. Any satellite earth station in excess of two meters in diameter which is utilized for the reception of broadcast television, video or radio signals and which is an ancillary use to a structure on the premises of the holder of the broadcast license.
- (q) *Tower* means a self-supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission. The "term" tower does not include utility poles that are owned by a utility provider and are primarily utilized for the support of electrical, telephone, cable television, street lighting, or other similar cables or wireless telecommunications facilities, are located on public rights-of-way or easements for that purpose and are a part of a system of such utility poles throughout the City of Springfield, Missouri.

(5) *Permitted, conditional, and accessory uses.*

- (a) *Generally.* The allowable use of towers and placement of telecommunications facilities as either permitted uses or conditional uses in the several zoning districts shall be as set forth in this article based on the following table except that no telecommunications towers shall be allowed on any right-of-way. All other utility facilities, regardless of type, shall meet the standards and requirements of the zoning district in which they are located. Any utility facility, equipment, or structure that is to be located above ground on the public right-of-way or private easement with a length or width in excess of 47 inches must receive approval of the council prior to installation. Multiple locations may be approved in one application process.

<i>Tier</i>	<i>Wireless Facilities and Telecommunications Towers</i>
I	Wireless facilities and antennas mounted on buildings or other structures, including existing towers, public buildings and structures, school buildings and structures, and churches.
II	Cell towers of a stealth design that are not greater than 60 feet in height, located on the same premises or parcel as public buildings and structures, school buildings and facilities, church buildings and noncommercial, not-for-profit residential neighborhood facilities and approved by ordinance.
III	Cell tower of a monopole or stealth design that are less than 100 feet in height.
IV	Cell towers of a stealth or monopole design that are 100 feet or greater in height.
V	Cell towers that are: <ol style="list-style-type: none">a. Not of a stealth or monopole design; or

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Tier Wireless Facilities and Telecommunications Towers

- b. One hundred feet or greater in height and not setback from any residential district at least two feet for every one foot of height; or

Tier Wireless Facilities and Telecommunications Towers

- c. Not able to collocate at least one additional provider if the tower height is 100 feet or greater or at least two additional providers' facilities if the tower height is 120 feet or greater.
- (b) *Telecommunications facilities.* Any telecommunications facilities which are not attached to a tower shall be a permitted accessory use to any commercial, industrial, professional, institutional, or multifamily structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located and without having to obtain any prior authorization from the city; provided that the person making such accessory use files a written certification with the city establishing the following:
 - 1. That the total height of the antenna support structure and telecommunications facilities do not exceed the structural height limitations in the applicable zoning district under this article by more than 20 feet;
 - 2. That the antenna support structure and telecommunications facilities comply with the city building code and any applicable state law, does not encroach on the public rights-of-way, and a building permit has been obtained from the department of building development services; and
 - 3. That any telecommunications facilities and antennas located on the roof of a building shall comply with setbacks required by the city building code, if any, and do not extend more than 50 inches in the horizontal plane from the side of such an antenna support structure unless the purpose of said protrusion is to permit signal coverage in an area that will not receive such coverage but for an extension beyond 50 inches. Any extension beyond 50 inches must be approved by the administrative review committee of the city prior to construction of said antenna and such approval shall be dependent upon a showing that coverage is unavailable but for the extension, the extension does not violate any other building code of the city, state or federal law that is applicable, encroach upon public rights-of-way and does not pose any danger to the traveling public.
 - 4. That the telecommunications facilities will utilize camouflaging techniques or will be side-mounted to an antenna support structure in order that the telecommunications facilities harmonize with the character and environment of the area in which they are located if technically feasible and such techniques will not degrade or distort the service signal. Antennas and support structures shall be painted to blend with the color of the building if such painting will not interfere with functioning of the antenna or support structure.
- (6) *Collocation.*
 - (a) *Collocation of facilities.* New towers constructed within the city with height in excess of 60 feet should be capable of accommodating two additional carriers or telecommu-

nlications facilities for more than one other provider of communications services (hereinafter referred to as "additional capacity"). Such additional capacity, if any, shall be designated on the application and site plans presented to the city prior to construction of the tower.

(b) *Collocation or installation.*

1. Any licensee whose tower in excess of 60 feet which is constructed after the effective date of this section and which has been built in accordance with setbacks and special conditions granted to towers with collocation capabilities under this Article, and has available additional capacity for installation or collocation of telecommunications facilities as demonstrated at the time the application for construction was granted, shall agree to allow other persons to install or collocate telecommunications facilities on such a tower subject to reasonable terms and conditions negotiated between the parties including the suitability of the proposed tenant, the credit worthiness and technical abilities of the proposed tenant. However, in no event shall a licensee be required to allow collocation of facilities if to do so would result in technical interference with the delivery of licensee's service. Failure to permit collocation or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for collocation may result in any enforcement action as permitted in subsections 36-335(2), 36-335(3), 36-335(4), 36-335(5), 36-335(6) and 36-335(7) or termination of utilities following a hearing as permitted in subsection 36-466(6)(f) hereof.
2. For the purpose of collocation of antennas, a legal nonconforming tower may be used.
3. Failure to comply with the provisions of this subsection 36-466(6)(b) constitutes a material violation of this section 36-466, telecommunication towers, et seq., for the purposes of subsection 36-466(9).

(c) *Exception from height and bufferyards/requirements for collocation.*

1. A licensee of an existing tower may modify the height of its tower to accommodate collocation of additional telecommunications facilities as long as the total height of the tower and telecommunications facilities attached thereto do not exceed the maximum height allowed in the applicable zoning district under the code by more than 20 feet.
2. Permission to exceed the maximum permitted height pursuant to this section shall not require an additional distance separation as set forth in subsection 36-466(7)(c)5, nor additional buffer yards or landscaping above that required for the original tower. The tower's premodification height shall be used to calculate such distance separations.

(d) *Same tower type.* A tower which is modified to accommodate the collocation of additional telecommunications facilities shall be of the same tower type as the existing tower. However, a different type of tower may be permitted by the approval of the

administrative review committee if it is demonstrated that permitting a different tower type will not exceed the height permitted in subsection 36-466(6)(c), and will permit the collocation of more carriers than could be accomplished by the modification of the same tower type as the existing tower.

(e) *Movement of tower.*

1. A tower which is being rebuilt to accommodate the collocation of additional telecommunications facilities may be moved on the same premises as it was constructed on, or an adjacent premises, within 50 feet of its existing location as long as required setbacks and buffer yards are maintained.
2. A tower that is relocated pursuant to subsection 36-466(6)(e)1 hereof shall continue to be measured from the original tower site for the purpose of calculating the separation distances between towers pursuant to subsection 36-466(7)(c)5. The relocation of a tower under this subsection shall in no way be deemed to cause a violation of subsection 36-466(7)(c)5.
3. A tower that is relocated on the same premises it was constructed on which comes within the separation distances established in subsection 36-466(7)(c)5 shall only be permitted when notarized written consent is obtained from affected residential property owners.

(f) *Appeal process.* Any applicant who is denied a tower application, or who is determined by the director of building development services to be in violation of this section shall have the right of a hearing before an administrative hearing examiner appointed by the city manager and mutually agreeable to the applicant or tower owner. Said hearing examiner shall set the hearing date no later than 20 days following the denial of an application, or the determination of a violation and shall consider, in addition to a determination of whether or not a violation exists or the application was improperly denied, the question of the technical or economic feasibility of compliance with this section. In the event the hearing examiner finds that the tower was constructed in accordance with setback and other provisions relating to towers designed for collocation, and said tower is not being made available for joint use or collocation as indicated at the time of application, the hearing examiner shall order utilities disconnected until such time as the tower is used jointly for collocation as originally stated in the application. The hearing examiner's final decision shall be subject to review pursuant to Chapter 536, RSMo. Any appeal under said chapter shall be filed within 30 days from the date of the hearing examiner's decision. Enforcement of the decision of the hearing examiner may be stayed by the posting of a supersedes bond in an amount determined by the hearing examiner to be sufficient under the facts of the case to protect the interests of the public and any third party in the matter whose rights would be adversely affected by such a stay as demonstrated during any hearing on a request for said bond.

(7) *Construction standards.*(a) *Setbacks.*

1. All towers shall be set back a distance equal to:
 - a. Fifty percent of the height of the tower up to 100 feet, plus one foot for each foot over 100 feet in height; or
 - b. The distance between the tower base and guy wire anchors, whichever is greater, with the guy wire anchors set back at least 25 feet from adjoining residential districts, public property or a street or at least the rear yard setback from adjoining land in other districts, unless the tower is designed for collocation.

In the event a tower is capable of being used for collocation for at least two additional carriers, the setbacks for structures in the zoning district where the tower is located shall be complied with for the tower base and any guy wire anchors.

2. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.

(b) *Structural requirements.* All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the city's building code, any applicable state and federal laws, and other standards outlined in the City Code. A building permit must be obtained before construction may begin.

(c) *Separation or buffer requirements.*

1. Towers shall be separated from the types of areas and comply with the minimum standards established in the table set forth below unless: (1) constructed on the same site as another tower designed for the same purpose, (2) the second tower is permitted by the zoning district, and (3) the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located:

<i>Designated Area</i>	<i>Separation Distance</i>
Single-family or duplex residential units in a residential district ¹	300 feet. If the tower is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100 percent of the height of the tower.
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	300 feet. If the tower is of a stealth design or is designed for collocation of an additional carrier, then the separation distance may be reduced to 100 percent of the height of the tower.

<i>Designated Area</i>	<i>Separation Distance</i>
Vacant unplatted residentially zoned land and residential units in nonresidential zoned districts ³	200 feet or 100 percent of tower ² , whichever is greater.
Existing multifamily residential units greater than duplex units	100 feet or 100 percent height of tower, whichever is greater.
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply.
Approved heliports	100 feet or 100 percent of the height of tower, whichever is greater.

¹ Includes modular homes and mobile homes used for living purposes. Separation from a unit for purposes of this chart is to be measured from the edge of the building or structure itself.

² Separation measured from the center of the tower to closest building setback line.

³ Includes any unplatted residential use properties without a valid preliminary plat or valid development plan approval and any multifamily residentially zoned land greater than duplex.

2. The minimum tower separation distances above listed shall be calculated and applied irrespective of city and county jurisdictional boundaries.
3. Measurement of tower separation distances for the purpose of compliance with this section 36-466, telecommunication towers, shall be measured from the center of a tower to the closest point of a designated area as specified in the table above set forth.
4. Separation distances from other uses set forth in this subsection may be reduced for towers designed for the collocation of telecommunications facilities of other carriers by obtaining a conditional use permit which will require demonstrating that the separation distances will:
 - a. Have the effect of preventing service to an area of the city; or
 - b. Constitute a barrier to entry into the market place by the applicant; or
 - c. Will constitute a technical or economic hardship on the applicant.

Additionally the applicant must demonstrate that (1) the location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located, and that landscaping techniques will be used to screen the tower from any adjacent residential use, and (2) the proposed tower will accommodate at least two additional carriers of various telecommunications services.

The city council shall consider the information presented by the applicant and determine if a special exception would conflict with the purposes of this section, would create a blight on adjacent property, or interfere with adjacent uses, within

the separation area. If the tower requires a use permit, then said showing shall be made to the planning and zoning commission and city council as a part of the conditional use permit process.

5. Proposed towers must meet the following minimum separation requirements from towers existing at the time a license is granted pursuant to section 36-466, telecommunication towers, unless constructed for the purpose of providing collocation capacity on the same site as another tower designed for the same purpose, the second tower is permitted by the zoning district, and the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located. However, an exception from separation distances between towers may be obtained from city council if the applicant can demonstrate that such an exception is necessary for the engineering design of the system the tower is to be a part of, or that no other option is available to provide coverage for the service area. An exception to the separation requirements shall be approved or denied by ordinance.

		EXISTING TOWERS-TYPES			
		Lattice or Guyed 150 ft. in Height or Greater	Lattice or Guyed less than 150 ft. in Height	Monopole towers 75 ft. in Height or Greater	Monopole Towers Less Than 75 ft. in Height
PROPOSED TOWERS-TYPES	Lattice	3,000 ft.	2,500 ft.	1,500 ft.	750 ft.
	Guyed	3,000 ft.	2,500 ft.	1,500 ft.	750 ft.
	Monopole 75 ft. in height or greater	1,500 ft.	1,500 ft.	1,500 ft.	750 ft.
	Monopole less than 75 ft. in height	750 ft.	750 ft.	750 ft.	750 ft.

For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the center of the existing tower and the center, of the proposed tower.

- (d) *Method of determining tower height.* The height of the tower shall be measured as follows: The vertical distance between the highest point of the tower and the natural grade below this point.
- (e) *Illumination.* Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA) and provisions of the City Code except that seasonal lighting may be permitted as approved by the city. At time of construction of a tower,

dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower which is equal to three times the proposed height of the tower.

- (f) *Finished color and tower markings.* Towers not requiring FAA painting or marking shall have either a galvanized steel finish or be painted an off-white, light gray, silver or white finish. No commercial signs or advertising shall be allowed on any towers or telecommunications facilities.
- (g) *Fencing and screening.* Fences must be constructed around or upon parcels containing towers, antenna support structures or telecommunications facilities and shall be constructed in accordance with section 36-480, screening and fencing, of this article.
- (h) *Bufferyard and landscape.* All landscaping on parcels containing towers, antenna support structures or telecommunications facilities shall be in accordance with the applicable buffer yard requirements in the zoning district where the tower, antenna support structure or telecommunications facilities are located. Existing vegetation shall be maintained to the extent possible. However, the city may require additional landscaping if to do so would make the tower, antenna support structure or telecommunications facility more reasonably compatible with the surrounding area, but in no event shall additional landscaping exceed any bufferyard requirements as set out in sections 36-482, landscaping and bufferyards, et seq., and, if a conditional use permit is required, subsection 36-363(10)(b)1. All vegetation used in the landscaping shall be located outside any fenced area.
- (i) *Security.* All towers must be secured to protect against trespass or unauthorized use of the property, tower, or telecommunications facilities.
 - 1. If high voltage is necessary for the operation of a tower or telecommunications facilities and it is presented in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every 25 feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE: DANGER"
 - 2. Identification tags or signs shall be posted on all communications towers and telecommunications facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, the latitude and longitude of the tower, and the name, address, and telephone number of the tower owner. The identification tags shall be posted on the perimeter fence and shall be constructed of durable materials.
- (j) *Access.* All parcels upon which towers are located must provide access to at least two vehicular parking spaces located within 100 feet of the tower. Traffic associated with the facility shall not adversely affect traffic on adjacent streets.
- (k) *Interference with public safety radio services.* In order to ensure that the city's public safety radio services will be free from objectionable technical interference, all applicants requesting a permit to site a tower or telecommunications facilities shall agree:
 - 1. To demonstrate compliance with good engineering practices;

2. To provide the city a copy of all intermodulation studies submitted to the FCC;
3. Not to induce objectionable technical interference to the city's public safety radio services;
4. To comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI);
5. In the case of co-location of telecommunications facilities either in the same location or on the same tower as the city's, to not cause or permit to be caused by its transmissions or other activities on the premises, objectionable technical inference of any kind whatsoever to the broadcasting transmission, reception, or electromagnetic communications of the city;
6. To pay for any studies requested by the city manager to determine if the applicant's telecommunications facilities are causing objectionable technical interference;
7. Upon notification by the city manager, if the operations of the applicant are causing objectionable technical interferences, to immediately undertake all steps necessary to determine the cause of and eliminate such interference at the cost of the applicant. If said interference continues for a period in excess of 48 hours after notice from the city manager, the city shall have the right to cause the applicant to cease operating the equipment that is causing the objectionable technical interference or to reduce the power sufficiently to ameliorate the objectionable technical interference until the condition causing said interference has abated.

(l) *Certifications and inspections.*

1. All towers shall be certified by a structural engineer to be structurally sound and in conformance with the requirements of the city building code and all other construction standards set forth by the City's Code and federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to subsection 36-466(8)(b)1 and every ten years thereafter; for existing monopole towers, such certification shall be submitted within 60 days of the effective date of said ordinance and then every ten years thereafter; for new lattice or guyed towers, such certification shall be submitted with an application pursuant to subsection 36-466(8)(b)1 and every ten years thereafter; and for existing lattice or guyed towers, such certification shall be submitted within 60 days of the effective date of said ordinance and then every ten years thereafter. The tower owner may be required by the city to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is or has been jeopardized.

2. The city and its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the city's building code and all other construction standards provided by the City's Code and federal and state law.
3. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the tower ordinance. All expenses related to such inspections by the city shall be borne by the tower owner.

(m) *Maintenance.*

1. Licensees shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
2. Licensees shall install and maintain towers, telecommunications facilities, wire, cables, fixtures, and other equipment in compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.
3. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

(n) *Drainage.* All parcels upon which towers are located must contain adequate drainage facilities, which are approved by the director of public works.

(o) *Stealth design.* All licensees shall make every reasonable effort to design and construct new towers and telecommunications facilities to blend into the character and environment of the area in which they are located, including the use of camouflage techniques, path array antennas and side mounting antennas unless such use shall create a hazard for the traveling public or it is not technically feasible to use such design and collocate other facilities on the tower.

(8) *Licensing requirement.*

(a) *License required.* No person may own or operate a tower, or place wireless telecommunications facilities on a tower, without first obtaining from the city a license to do so pursuant to this section (herein referred to as "tower license" or "license"). This requirement applies both to new towers and to existing towers or nonconforming structures on the date of passage of this section. Unless otherwise expressly provided elsewhere in this section 36-466, telecommunication towers, the license required by this section is in addition to the procedures and approval required pursuant to this article of the City Code pertaining to zoning and development and the requirement for a building permit to construct the tower itself. A license may be denied if the applicant is not in compliance with section 20-146 or any other provision of the Springfield City Code regarding the use or provision of towers, telecommunications services or public

property, health or safety. The license required under this section shall not be in lieu of a license to conduct business in the City of Springfield, Missouri. Owners of existing towers shall have six months from passage of said ordinance to obtain a license as required by this subsection. A license shall be for a term of not more than five years. A renewal must be made in compliance with this section 36-466, telecommunication towers, and an applicant must demonstrate an existing tower or telecommunications facilities are needed and reasonable alternatives will not meet their needs for continued service capability.

- (b) *Applications.* In order to construct and operate a tower after the effective date of this section, a person must file the following applications:

The application shall also provide the following:

1. *License application.* Prior to the construction of any tower, a license application and fee in the amount of \$200.00 shall be submitted to the director of finance. This is an initial license application fee and an additional fee shall be due from the applicant should the city's actual costs of approval of the license exceed the fee of \$200.00. The city reserves the right to employ an outside consultant to review any application. The applicant shall submit a fee in the amount of the city's estimated expense related to such review as an additional application fee prior to the city incurring such expenses. All tower license applications shall include the following information and documentation:
 - a. The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner, and the name, address, telephone number of the owner, shall be evidenced in the application. The application shall also contain an affirmative statement indicating that both the owner and applicant are aware of and agree to comply with the provision of subsection 36-466(11) regarding abandonment.
 - b. An affirmative statement of whether or not the applicant will be developing the tower for its own use or for the use of others.
 - (i) If for applicant's use, the following is required:
 - A. A description of the use.
 - B. A description of the network the proposed tower will be part of.
 - C. A description of the technological design proposed and description of alternatives.
 - D. Evidence of drive-by tests or other studies relating to the proposed tower which support location on the proposed property.
 - E. Construction date or schedule.
 - (ii) If the applicant is developing the proposed tower for the use of another, in addition to the information required in paragraph "a", the applicant will identify whether or not the intended tower use is based on a lease

or other contract or for speculation. The city may require evidence of the schedule for implementing the use of a tower and commitments for its use.

- c. The legal description, parcel identification number, and address of the parcel of land upon which the tower is to be situated.
- d. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures which are capable of providing a location to construct the telecommunications facilities that are planned to be housed or located on the tower within a 3,000-foot radius of the proposed new tower site, including city-owned property.
- e. Written documentation that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on city-owned towers or useable antenna support structures or made diligent, but unsuccessful efforts to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by other persons.
- f. Written documentation containing the following information:
 - (i) Whether the applicant's telecommunications facilities are technically capable of being installed or collocated on another person's tower or useable antenna support structure.
 - (ii) If the applicant asserts that its telecommunications facilities are economically or technically infeasible of being installed or collocated on another person's tower or useable antenna support structure, a written statement from the applicant setting forth in detail the reason(s) with regard to each person contacted, why such installation or collocation is technically or economically infeasible. "Technically infeasible" for the purpose of this subsection means that the collocation or installation of applicant's telecommunications facilities on another person's tower or useable antenna support structure would not comply with sound engineering principles, would materially degrade or unreasonably impair the tower or useable antenna support structure's current or planned use, or interfere operationally with applicant's planned use. City may require additional evidence of collocation being technically infeasible if, in the opinion of the administrative review committee that additional information is necessary to determine that collocation is technically infeasible. "Economic infeasibility" for purposes of this section shall mean that the cost of collocation is not a reasonable business decision from an economic standpoint when all factors are considered.
 - (iii) If the tower is designed to accommodate one or more additional carriers or capacity for the location of telecommunications facilities

other than that of the applicant and, if so, the application shall designate the nature, quality, and location of the collocation that will be accommodated.

- (iv) An affidavit submitted with written technical evidence from a radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within the search area and must be located at the proposed site in order to avoid prohibiting or effectively prohibiting the provision of personal wireless service by the applicant.
 - (v) Written technical evidence from a structural engineer that the proposed structure meets the standards set forth in this section 36-466, telecommunication towers, and the applicable requirements of the department of building development services.
 - (vi) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed facilities meet the standards set forth in this section 36-466, telecommunication towers, and the applicable requirements of the department of building development services.
 - (vii) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
 - (viii) Written technical documentation of any Federal Aviation Administration (FAA) approvals and lighting requirements and, if applicable, documentation of approval or denial of dual mode lighting as provided in this section 36-466, telecommunication towers, and a statement whether an FAA "Determination of No Hazard to Aviation" is required by 47 C.F.R. part 17 of the tower. If such a determination is required, no building permit for the tower shall be issued until a copy of the determination is filed with the city.
- g. A map of the city and the first half-mile of all bordering communities showing the design of the applicant's entire existing or proposed wireless telecommunications network. Such map shall, at minimum, indicate the exact location of all proposed or existing tower and antenna sites, their dimensions, specifications, and signal area coverage.
- h. A site plan drawn to scale specifying the location of tower(s), its planned height, guy anchors (if any), transmission building(s), all telecommunica-

tions facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences and zoning designation of adjacent land.

- i. Two alternative camouflaging techniques or stealth designs for the proposed tower and all associated telecommunications facilities if technically feasible and any explanation as to why the use of same would be technically or economically infeasible.
- j. Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property or properties and from adjacent roadways.
- k. The identity of all adjacent property owners.
- l. If the proposed tower is sited within Central Springfield, evidence that:
 - (i) Sites outside Central Springfield will not accommodate the proposed tower, considering size, topography and physical features; or
 - (ii) The proposed equipment or its equivalent on a tower outside Central Springfield cannot function effectively or at least in parity with other similar equipment in place or approved by the Springfield City Council.
 - (iii) For the purposes of these restrictions, Central Springfield is defined as the area of Springfield containing the central business district and most of the historically and architecturally significant resources of the city, specifically defined by the south boundary of the railroad right-of-way north of Commercial Street on the north, Glenstone Avenue on the east, Grand Street on the south, and Kansas Expressway on the west.
- m. A maintenance bond in the amount of ten percent of the cost of construction of the tower to ensure that the tower is maintained in a condition that complies with all applicable building standards and regulations, including, but not limited to, the provisions of said ordinance.
- n. A bond or irrevocable letter of credit in an amount determined by the city manager to ensure that, should the tower be abandoned pursuant to this section 36-466, telecommunication towers, removal of said tower will be guaranteed.
- o. An applicant shall only be required to maintain one maintenance bond pursuant to subparagraph m. and one removal bond pursuant to subparagraph n for all of the applicant's towers in the city; provided, however, the applicant must maintain the initial level of such bonds if drawn upon by the city for any reason.

- p. Proof of general liability insurance for claims for injury or death and property damage in an amount approved by the city, but not less than \$300,000.00 per occurrence for personal injury and \$300,000.00 per occurrence for property damage with the city listed as an additional insured.
- q. A statement that the applicant has no outstanding and overdue debt to the city.
- r. An acknowledgment that, by signing a permit application, the applicant agrees to indemnify and hold harmless the city consistent with indemnification language in the application.
- s. The tower and/or landowner shall promptly notify the city by certified or registered mail of the sale, transfer, or assignment of any tower or telecommunications facility. Each sublease shall be conditioned upon the sublease obtaining the necessary approvals for the subject facility or site from the city prior to siting such facility.

Within 45 days after a license application for a tower not requiring a conditional use permit or a tower other than a Tier II tower is filed with the director of finance, the director shall approve or deny the application if the director of finance determines that the applicant meets all the requirements of subsection 36-466(8)(b). If the application is for a Tier II tower or a tower requiring a use permit, the license application shall be approved or denied within 14 days of the granting of a Tier II or conditional use permit for said tower. If the application is approved, the director of finance shall issue the license itself after all requirements for the tower are complete.

- 2. *Conditional use permit application.* If the zoning district in which the tower is proposed to be located requires a conditional use permit, a conditional use permit application and fee shall be submitted to the director of planning and development in accordance with subsection 36-363(10)(b) of this article.
- 3. *Tier II tower permit application.* An application for a Tier II tower shall be reviewed by the city council and approved or denied by ordinance following a publication of notice in the same manner as for a conditional use permit application and a public hearing before council. The application shall include the stealth technology being used, a site plan showing the location of the tower(s) on the premises in relation to existing structures and adjacent residential uses, the landscaping plan, and demonstrate that the granting of a permit will not have any adverse impact on adjacent property uses or functions. No public hearing shall be held before city council until a complete application containing all required information and a \$100.00 deposit for costs has been filed. No Tier II

permit shall be issued until the costs to the city of review of such permit is paid by the applicant. The city council may grant a Tier II tower application upon the applicant demonstrating to the satisfaction of the city council that:

- a. The tower is to be located on a premises or parcel where public buildings, facilities or structures, school buildings or facilities, church buildings or a noncommercial, not-for-profit residential neighborhood facilities are located; and
 - b. The tower height will not exceed 60 feet; and
 - c. The stealth design blends into the surrounding area and the structures existing on the premises where the tower is to be located; and
 - d. The site plan minimizes the impact of the presence of the tower on adjacent uses; and
 - e. If there is to be more than one tower on a premises, the presence of more than one tower structure (if more than one is to be built) on the same site or premises is a part of the overall stealth design to be utilized on the premises such as, but not limited to, a series of light standards utilized as tower structures; and
 - f. A request for reduction of the separation requirements of subsection 36-566(7)(c)5 for towers on the same premises is a part of the stealth design to be utilized on said site; and
 - g. A request for reduction of the separation requirements of subsection 36-466(7)(c)5 for towers not located on the same premises is necessary for providing service to an area of the city, the separation requirements constitute a barrier to entry into the market place by the applicant, or will constitute a technical or economic hardship on the applicant; and
 - h. Any light or noise from the tower will not violate light and noise standards of the land development code or other codes of the city; and
 - i. The landscaping plan minimizes the impact of the tower location on the appearance of the premises or site on which the tower is to be located.
4. *Building permit application.* After a conditional use or tier II tower permit has been approved or if such a permit is not required, a building permit application and fee shall be submitted to the director of building development services. The application shall include sealed plans prepared by an engineer licensed in the State of Missouri for the tower construction and site. The tower site plan included with the building permit application shall show the design for, or present existence of, adequate drainage facilities which have been approved by the director of public works. The applicant shall also provide evidence that the applicant has all required licenses. The application shall also include items a through s listed above under subsection 36-466(8)(b). The application shall also include items (a) through (s) listed above.

- (c) *Applications for wireless facilities on towers.* No person shall construct or maintain a wireless facility on a tower without first obtaining a license from the director of finance for such wireless facilities. An application shall include the name and address of the applicant, a statement by a qualified engineer or other professional that the addition of such wireless facilities meets all conditions of the City Code, the location of the tower and the location on the tower itself where the wireless facilities will be located, the location on the site for any supporting equipment and utility for said wireless facility, and the approximate length of time the applicant plans to use the tower to locate its wireless facilities. The fee for this license shall be \$50.00 and shall be renewable every five years in accordance with subsection 36-466(8)(g).
- (d) *Inspections.* By applying for a conditional use permit, Tier II permit, building permit, or tower license, an applicant grants the city authority to enter onto its property to inspect the tower for the purpose of determining whether it complies with the applicable state law and all other construction standards provided by the City Code and federal law. The city reserves the right to conduct such inspections at any time.
- (e) *Filing requirement.* A licensee shall certify in writing that its tower is structurally sound and conforms to the requirements of the applicable state law and all other construction standards set forth by the City Code, federal and state law every five years by filing, by January 1 of every fifth year following the date of the grant of its tower license a sworn statement by the licensee or his representative to that effect. All licensees or owners of towers in existence on the effective date of this section 36-466, telecommunication towers, shall submit a statement by December 15, 1997, and by January 1 every five years thereafter that said tower is free from hazards and that the tower does not pose an imminent threat to the surrounding area or public health and safety. Together with this statement, every licensee shall provide a certificate of liability insurance for no less than \$300,000.00 coverage for injury to persons or and an additional \$300,000.00 coverage for property as a result of any tower failure or malfunction or defect which lists the city as an additional insured. Licensee shall list city as a party who must be notified should this insurance be canceled or discontinued for any reason 30 days before the expiration of coverage.
- (f) *Discontinuance of use.* In the event the licensed use of a tower is discontinued by the licensee, the licensee shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.
- (g) *License renewal fee.* On or by January 1 of every fifth year following the granting of an initial tower or wireless telecommunications facilities license for a new or existing tower or facilities placed on a new or existing tower, each licensee shall submit license renewal fee of \$50.00. In no event shall a license be revoked or considered expired for failure to pay the fee unless the licensee has received at least 30 days' written notice of the proposed action.

(9) *Revocation of license.* The city may at any time revoke a tower license for failure to comply with the provisions of this section 36-466, telecommunication towers, or any other city code or state or federal law. To properly revoke a tower license, the city must comply with the procedures set forth below:

- (a) The director of finance shall provide licensee with written notice of all causes for revocation and the intent to revoke and shall allow licensee 60 days subsequent to receipt of the notice in which to correct the violations or to provide adequate assurance of performance in compliance with said ordinance. Together with the notice required herein, the director of finance shall provide licensee with written findings of fact which are the basis of the revocation.
 - (b) The city shall provide the licensee with the right to a public hearing before the hearing examiner appointed for that purpose by the city manager and mutually agreed to by the parties, which public hearing shall follow the 60-day notice required in subsection 36-466(9)(a). All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.
 - (c) After the public hearing, the hearing examiner shall, within 30 days after the public hearing date, issue a written order setting forth his findings of fact and conclusions of law forming the basis for his decision.
 - (d) Upon written determination by the hearing examiner to revoke a license, the licensee may appeal the decision to a court of competent jurisdiction pursuant to Chapter 536, RSMo. The hearing examiner may provide for a supersedes bond in an amount deemed by said examiner to be sufficient to protect the interests of the public, and such third parties whose interests were identified during any hearing on such a request to post a bond, to permit the stay of enforcement of any revocation or enforcement action by the city.
 - (e) Upon satisfactory correction by licensee of the violation upon which said notice was given as determined in the director of finance's sole discretion, the initial notice shall become void.
 - (f) Upon licensee's failure to correct a violation as found by the hearing examiner, the city manager or his designee may issue an order to disconnect utilities to said tower to any utility company providing same unless a supersedeas bond in an amount determined by the hearing examiner under subsection 36-466(9)(d) is provided. As long as said bond is in full force and effect, and an appeal is pending under Chapter 536, RSMo, no order to disconnect utilities shall be made. Said order shall not be issued prior to 30 days from the date of the hearing examiner's written determination. Said order shall be served upon the chief executive officer thereof, together with the licensee at the last known address, and have attached to it the findings of the hearing examiner.
- (10) *Transfer of license.* A tower license may not be sold, transferred, leased, or assigned to any other person, without the consent of the director of finance, such consent not to be unreasonably withheld.

(11) *Abandonment of tower.*

- (a) In the event the use of any tower has been discontinued for a period of one year, or in the event that a licensee has taken no action within 180 days after the revocation of a tower license pursuant to subsection 36-466(9) to appeal the decision of the hearing examiner or to remedy or correct the violations resulting in the revocation, such tower shall be deemed abandoned.
- (b) The city shall provide the tower owner three months' notice and an opportunity to be heard before a hearing examiner appointed by the city manager for the purpose and agreeable to the tower owner if he/she may be located, before initiating such action. After such notice has been provided, the city shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the then fair market value, to approve the sale of the tower to a third party or in the alternative, order the demolition of the tower and all appurtenances.
- (c) The city shall provide the tower owner with the right to a public hearing before the hearing examiner, which public hearing shall follow the three-month notice required in subsection 36-466(11)(b). All interested parties shall be allowed an opportunity to be heard at the public hearing.
- (d) After a public hearing is held pursuant to subsection 36-466(11)(a)2, the hearing examiner may order the forfeiture to the city or demolition of the tower. The city may draw upon any maintenance bond as provided in subsection 36-466(8)(b)1.n. or performance bond or letter of credit filed pursuant to subsection 36-466(14) or may otherwise require licensee to pay for all expenses necessary to acquire or demolish the tower. The tower owner may stay such a draw or enforcement of an order of abandonment if he/she posts a supersedeas bond in an amount set by the hearing examiner sufficient to protect the interests of the public. However, in no event shall the removal of a tower which is determined to create a danger to the public or adjacent property be stayed due to the filing of such a bond.

(12) *Variances and special exceptions.* Any request to deviate from any of the requirements of this section shall require either a variance approval in conformance with the procedures set forth in this article or the granting of a special exception under subsection 36-466(7)(c)4.

(13) *Location of towers on city-owned property.* The city manager or his designee may authorize any person to locate a tower, antenna support structure or telecommunications facilities on publicly owned property, subject to the application process set forth in subsection 36-466(8), and subject to the terms and conditions of any lease agreement executed between the city and such person, provided no tower shall be permitted on public right-of-way.

(14) *Miscellaneous.*

- (a) *Dangerous structures.* All towers within the city limits of Springfield, Missouri shall be subject to the procedure set forth in chapter 26, article III of the Springfield City Code. Should the city have to take action under said code provision to remove a dangerous structure or abate a nuisance or health hazard, then a tax bill may be assessed in the

same manner as for a building that is demolished or for the abatement of a nuisance. In addition, the city may draw upon any bond or letter of credit on file with the city for payment of the costs of such abatement or removal.

- (b) *Non-waiver.* Nothing in this section shall preclude the city from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this section.

(15) *Enforcement and reservation of rights.*

- (a) The provisions of this section 36-466, telecommunication towers, shall be enforced against all owners as operators of towers or telecommunications facilities within the city and all owners of land upon which towers or telecommunications facilities are sited within the city. The city shall have the right to withhold any approvals with respect to any application by any such party in the event that it shall find that the party is not in compliance with the provision of this section 36-466, telecommunication towers, until such noncompliance has been cured.
- (b) The city reserves the right to impose any other reasonable conditions it determines are necessary for the proper placement, construction, or modification of towers or telecommunications facilities, and to impose any other reasonable conditions on the issuance of a permit or conditional use permit issued by the city for placement, construction, or modification of a tower or telecommunications facilities.

(Zoning Ord., § 5-2600; G.O. 4740, 9-2-97; G.O. 5094, 7-9-01; G.O. 6136, § 1(exh. A), 9-8-14)

Sec. 36-467. Noncommercial, not-for-profit neighborhood facilities.

(1) *Purpose.* The purpose of these requirements is to provide opportunities for necessary and desirable noncommercial, not-for-profit neighborhood facilities while minimizing any possible adverse effects of such facilities on the surrounding neighborhood.

(2) *Noncommercial, not-for-profit neighborhood facilities standards.* An application and seven copies of a site plan shall be submitted to the administrative review committee demonstrating that the following standards have been met or provisions made for:

- (a) The application shall describe the neighborhood, the membership of the organization or association and describe the proposed intensity of use.
- (b) The application shall describe how the maintenance of these facilities shall remain the responsibility of the developer or an organization or association meeting the requirements of section 36-463, common open space and common improvement regulations.
- (c) The proposed structures will not be located within any front or rear yards required by this article or within ten feet of the property lines adjacent to the side yards of the lot on which the structures are located, unless section 36-453, supplemental open space and yard regulations, requires a greater side yard. Swimming pool pump and filter operations will adhere to these standards but in no event will they be located closer than 20 feet to a side or rear property line.

- (d) Any outdoor swimming pool will be enclosed by a fence or wall with a minimum height of six feet to prevent uncontrolled access to the pool by children. All gates shall be self-closing and latching.
- (e) Outdoor facilities will not be used for any purposes between the hours of 10:00 p.m. and 8:00 a.m.
- (f) There will be no outside storage of equipment or materials or outdoor operations except as specifically authorized by the approval by the administrative review committee.
- (g) The screening, fencing, landscaping, and bufferyard requirements of sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards, shall be met.

(3) *Review procedure.* No approval for a noncommercial, not-for-profit neighborhood facility can be given by the administrative review committee unless the following procedures are followed:

- (a) *Notification.* Owners of all real property, as shown on the records of the county assessor, adjacent to, or within 185 feet of the subject property shall be sent a notice by first class mail at least 15 days prior to the hearing held by the administrative review committee about the proposed neighborhood facility. The names and addresses shall be compiled by an abstract company, title company, county assessor's office, City of Springfield or attorney at law. These owners shall have the right to protest its development. If no protest is received, the administrative review committee may approve the application if the committee finds that the provisions of this section have been met.
- (b) *Result of protest.* If any record owner notifies the administrative review committee in writing of their protest to the proposed facility, the committee shall not approve the application.
- (c) *Appeal.* If the administrative review committee cannot approve the application, either as a result of a finding that the provisions of this section have not been met by the application, or as a result of a protest, the applicant may file a conditional use permit application following the requirements and standards of section 36-363, conditional use permits, in addition to the standards in this section.

(Zoning Ord., § 5-2700; G.O. 4759, 11-10-97; G.O. 5813, 4-6-09)

Sec. 36-468. Gates across private streets.

(1) *Purpose.* This section is designed to gather into one section regulations regarding the approval, construction, maintenance, and operation of gates across private street or vehicular access points to public streets and which serve residential dwelling units.

(2) *Applicability.* All gates across private streets established or approved after the effective date of said ordinance shall adhere to the following regulations whether the gate is to be constructed in a new or existing subdivision or development containing more than one residential dwelling unit, or any other area of the city where vehicular public access to more

than one residential dwelling unit will be restricted by a gate. Any private gate approved by council through grant of a permit, license, or preliminary plat shall comply with all building code provisions applicable to gates across private streets or vehicular access points to public streets not in conflict with previously approved preliminary or final plats. Any gate across the vehicular access point to a public street for more than one residential dwelling unit, which are not served by a private street must receive a positive recommendation by the chiefs of the fire and police departments, and directors of building development services and public works in accordance with applicable building, fire and City Code provisions, and turning radius requirements for emergency vehicles prior to any issuance of a permit. In the event a gate design or placement shall be denied, the reasons therefore shall be provided to the applicant in writing within ten days of notification of the denial.

(3) *Gates across private streets permitted when.* No gate may be permitted across any private street serving more than one residential dwelling unit without the consent of the city council. City council shall have sole discretion to determine when a gate may be permitted across any private street and exclusive jurisdiction to grant any variance from the conditions of this article. Such consent or variance shall only be granted by approval of a preliminary plat for a new development showing the gate(s) placement, or the passage of a resolution when the development or subdivision pre-exists the request for a gate or gates. Council may review a request for a variance in accordance with the procedures and standards set forth in section 36-365, variances, but shall not be bound by the provisions of said section in its determination or exercise of its discretion.

(4) *Public works standards.* All gates across vehicular or access points to the public street system from private streets or driveways covered by this article must meet standards adopted by the director of public works and on file with the city clerk's office. No such standard shall become effective until on file with the city clerk's office at least 30 days prior to its effective date. The first set of standards to be used by the city in the implementation of this section are attached hereto as Exhibit A [on file with the city] and incorporated herein as though fully set forth. Such standards shall become effective upon passage of said ordinance.

(5) *[Deeds and restrictive covenants.]* Deeds and restrictive covenants to contain the following conditions:

- (a) All gated private streets shall be deemed to be common areas and subject to all requirements set forth in section 36-463, common open space and common improvement regulations. Additionally, a property owners' association shall be required for all lots or residential units served by a gated private street or vehicular access point to the public street system. The property owners association may not be dissolved without the consent of the city.
- (b) Each owner of any lot or part thereof within the subdivision or development area to be served by the gated private street shall be jointly and severally liable to indemnify and hold harmless, the City of Springfield, Missouri, any governmental entities, medical providers and public utilities, their agents, officers and all employees for all sums for which such persons and entities shall be obligated to pay by reason of liability imposed

by law and expenses and costs of defense for any and all claims arising out of the existence of a gate on a private street including, but not limited to, damages of all kinds. This obligation may be enforced as a personal debt of the property owner, or through a lien on the property itself, or both, at the discretion of the city council. This requirement for indemnity shall be contained in the covenants of any gated community and shall be written in such a way as to make each lot subject to the terms of this subsection. This portion of the covenants may not be altered without the consent of the city.

- (c) A covenant running with the land containing the language of the requirement to indemnify and hold harmless the city, its officers, agents and employees, other governmental entities, medical personnel and public utilities, in addition to language complying with the specific requirements of subsection 36-463(8), required to be on the final plat by subsection 36-468(6), shall be recorded. Nothing herein shall require the city to enter and repair any portions of the gated subdivision or development and the city does not assume a duty to do so by approval of any gate.
- (d) The covenant referred to in subsection 36-468(5)(c) shall also contain a requirement that for a gate to continue to be operational across a private street, the owners of the benefitted lots shall pay to the city a user fee set by the city council for the additional costs, if any, of providing services within the gated area such as police, fire, dispatch and rescue operations, utility or sewer service, which are the direct result of the gate's presence. This fee shall be set by the city council in the same manner as other fees for recovery of costs.

(6) *Requirements of plat.*

- (a) *Hold harmless.* On the subdivision final plat shall be language whereby the property owners' association, as owner of the private streets and appurtenances, and the individual lot owners agree to release, indemnify, defend and hold harmless, from liability imposed by law, the city, governmental entity, medical services provider or public utility, and their respective employees, officials and agents, for damages and injury (including death), arising from the condition or use or the existence of a restricted access or gates across private streets; for damages and injury (including death) arising out of the use by the city, governmental entity or public utility, their respective employees, officials and agents, or emergency medical personnel of any restricted access gate or entrance; and for damages and injury (including death) arising out of the use of the subdivision by the city, governmental entity, medical personnel or public utility of any restricted access gate or entrance. Further, such language shall provide that all lot owners shall release the city, governmental entities, public utilities, their respective employees, officials and agents, and medical personnel for such damages and injuries. The indemnifications contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity, medical personnel or public utility, or their representatives, officers, employees or agents.

- (b) *Waiver of service.* The subdivision final plat, property deeds, and property owner association documents shall note that certain city services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports. All private traffic regulatory signs shall conform to the City of Springfield Standards for Traffic Control Devices. Depending on the characteristic of the proposed development, other services may not be provided.

(Zoning Ord., § 5-2800; G.O. 5116, 9-17-01)

Sec. 36-469. Single-family detached dwellings in alternative districts.

(1) *Purpose.* It is necessary and desirable to promote the continued use or re-use of single-family detached dwellings to ensure that the housing stock is maintained in areas of older neighborhoods that are in transition. Many of the center city neighborhoods were rezoned in the past to higher-intensity zoning districts to encourage redevelopment to higher-intensity uses around the center business district when it was the economic center of the city. In recent years, significant portions of many of these older neighborhoods have been rezoned to R-SF, single-family residential, districts to reflect the dominant use of those neighborhoods, but many neighborhood areas that are in transition continue to be zoned higher-intensity districts. While it may not be appropriate at this time to rezone these areas to R-SF, it is appropriate to attempt to maintain the older housing stock, particularly if it has historic significance. Older single-family detached dwelling units are at greater risk of deterioration or demolition when the zoning allows more intense use because of the adverse effects of overcrowding. Overcrowding of former single-family structures also has an adverse effect on the surrounding neighborhood. Typically, the higher-intensity zoning districts have not permitted reversion of single-family detached structures back to their originally intended use after the structure has been used for a more intense use permitted in the zoning district. The purpose of this section is to allow single-family detached dwellings in the R-LD, R-MD, R-HD, and LB districts to be preserved and to promote their intended use in spite of land use patterns that are in transition.

(2) *Existing single-family detached dwellings.* Structures that are being utilized as single-family detached dwellings at the time an R-LD, R-MD and R-HD district is mapped, shall be considered a permitted use. As a conforming use, a single-family detached dwelling can be expanded or, if destroyed, replaced with another single-family detached dwelling within 18 months of being destroyed.

(3) *Existing single-family detached structures.* Structures within an R-LD, R-MD, R-HD, and LB district may be converted to single-family dwellings, and shall be considered a permitted use, if such structure was originally constructed as a single-family detached structure. As a conforming use, a single-family detached dwelling can be expanded or, if destroyed, replaced with another single-family detached dwelling within 18 months of being destroyed.

(Zoning Ord., § 5-2900; G.O. 5345, 1-26-04)

Sec. 36-470. Community gardens.

(1) *Purpose.* The purpose of these requirements is to enable community gardens while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

(2) *Community garden performance standards.* Community gardens as defined shall follow the regulations of this article except as modified herein.

- (a) The property owner shall file an application with director of building development services to establish the community garden use. A no cost permit is required to be issued. The property owner has the responsibility to follow all performance standards. Community gardens shall adhere to all performance standards and shall not create any adverse impact on adjoining properties. The director of building development services is authorized to issue a cease and desist order to any party violating the performance standards listed heretofore along with any other enforcement measures available to the director or the city.
- (b) Structures utilized for community gardens shall be permitted subject to the accessory structure requirements of section 36-450, accessory structures and uses. If no principal structure is located on the lot, the combined area of all structures shall not exceed 40 percent of the lot area.
- (c) No structures may be located in the required front and side yard setbacks as defined in each zoning district of this article. The rear yard setback shall be a minimum of three feet for structures.
- (d) Retail and wholesale sales to the general public shall be prohibited on-site, except fundraising sales limited to no more than two events in a calendar year and no more than two consecutive days are allowed.
- (e) The hours of operation shall be limited to one-half hour before sunrise until one-half hour after sunset daily.
- (f) Signage shall conform to section 36-454, signs, of this article.
- (g) The city's storm water, sediment and erosion control standards shall apply.
- (h) No use shall emit an odor that creates a nuisance in compliance with Springfield City Code.
- (i) The community garden site shall be maintained free of high weeds and grass in compliance with Springfield City Code.
- (j) Compost bins and other material storage areas shall be maintained in such a manner as to not attract insects, vermin, reptiles and other animals or create a nuisance.
- (k) All uses shall operate in accordance with the lighting standards contained in section 36-484, lighting standards, of this article.
- (l) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards, of this article.

- (m) Community gardens shall be subject to the vision obstruction restrictions as defined in subsection 36-453(6) of this article.
- (n) No parking is required unless the cultivated area exceeds one acre in size. Then a minimum of two off-street parking spaces shall be provided. An additional two parking spaces shall be provided for each additional acre of cultivated area.
- (o) No bufferyards shall be required.
- (p) All other City Codes shall apply.

(3) *Review procedure for community gardens.* No approval for a community garden may be given by the director of building development services unless the following procedures are followed:

- (a) *Application.* The director of building development services upon receipt of a complete application, and agreement by the applicant to follow and adhere to all performance standards contained herein shall permit a community garden.
- (b) *Denial or revocation.* The director of building development services may, in writing, suspend, deny or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact, fraud, or noncompliance with this article.

When a community garden permit is denied by the director of building development services, written notice shall be given of the denial to the owner, together with a brief written statement of the reason for the denial. Such denials shall have referenced the section of this article or other pertinent code used as a standard for the basis of denial.

- (c) *Appeal.* If the director of building development services denies, suspends or revokes the application, the owner may file an appeal request with the city's board of adjustment.

(Zoning Ord., § 5-3000; G.O. 5843, 11-9-09; G.O. 6166, Exh. A, 2-9-15)

Sec. 36-471. Sidewalk/pedestrian walkways.

(1) *Purpose.* The purpose of these requirements is to ensure continuity in the existing sidewalk system and compliance with the following goals:

- (a) Promoting the safety of pedestrian access, movement and protection for the physically able, physically challenged, children and seniors within the community;
- (b) Promoting that minimum ADA guidelines being met for all sidewalk or pathway installations, existing and proposed;
- (c) Promoting attractive and well-constructed sidewalks or pathways that correspond to the character, aesthetic qualities, natural, environmental and historical features of developing or existing neighborhood;

- (d) Connecting to existing and projected sidewalks or pathways whenever the opportunity arises to insure an interconnected pedestrian system;
- (e) Insuring that all development actively implements the building of sidewalks for new construction, reconstruction or rehabilitation.

(2) *Pedestrian access required.* Pedestrian walkways shall be required in accordance with the current adopted Building Codes of the City of Springfield for accessible routes between passenger loading zones, public streets and sidewalks and accessible building entrance served.

(3) *General requirements.* The following general requirements shall apply for the construction of sidewalks within the City of Springfield;

(a) *Residential development.*

- 1. Sidewalks shall be constructed along public street frontage of all new primary building construction sites.
- 2. Public improvement plans are not required for sidewalk construction that does not require other infrastructure improvements. Sidewalk plans may be included in building or plot plans submitted to building development services for approval by public works.
- 3. Public improvement plans are required for sidewalk construction if it is part of a project that includes other infrastructure improvements and must be submitted to public works for approval.
- 4. Sidewalks will be required at the time of platting or subdivision if new streets are involved. If no new streets are involved, sidewalks will be required at development.
- 5. Developers may escrow funds for sidewalk construction if more than one lot is being platted. Construction shall be completed within three years or the city will retain escrowed funds and construct sidewalks as required.

(b) *Commercial development.*

- 1. Sidewalks shall be constructed along public street frontage of all new construction and any redevelopment of a site with existing uses or structures involving site work including but not limited to parking lot changes or additions or landscaping that require a building permit.
- 2. Public improvement plans are not required for sidewalk construction that does not require other in public infrastructure improvements. Sidewalk plans can be included in building plans submitted to building development services for approval by public works.
- 3. Public improvement plans are required for sidewalk construction if it is part of a project that includes other infrastructure improvements and must be submitted to public works for approval.

4. Sidewalk required at subdivision may be escrowed to receive plat approval and constructed at development. However, if development does not occur within three years of the final plat, the city will retain the escrowed funds and construct sidewalks as required by this article when a public infrastructure project is undertaken that may include such work.
5. Sidewalk may be constructed at the time of development or issuance of a building permit for a lot. A right-of-way permit under the City Code will be required and may be applied for prior to construction.
6. An occupancy permit will not be granted until sidewalk as required is constructed and accepted by the City of Springfield unless funds have been escrowed in a form and amount approved by the director of public works and the city attorney.
7. If a developer can show that unusual circumstances associated with redevelopment of or modifications to an existing building or site warrant a reduction or waiver from the requirement of constructing sidewalks or paying the fee in lieu of constructing sidewalks, a letter may be submitted to the director of public works for consideration. If the director of public works determines unusual circumstances exist, the property owner shall apply to the ARC for approval of a reduction or waiver of the sidewalk requirement or fee in lieu of constructing sidewalks. If the director of public works or ARC denies the request, the property owner may then appeal to the planning and zoning commission within ten days of the decision. The commission shall review the denial only on a claim that the denial was arbitrary and capricious and a submission of sufficient facts and evidence to establish that the director or the ARC has acted in such fashion. If the commission finds by an affirmative vote of five that the director or the ARC did act in an arbitrary and capricious fashion, a reduction or waiver of the sidewalk requirement or fee in lieu of constructing sidewalks may be granted by the commission.

(4) *Sidewalk placement.* When sidewalks are required to be constructed, they shall be located as determined by the director of public works. Sidewalks are required as follows:

- (a) In residential zoning districts and planned development districts permitting residential uses:
 1. On one side of a street:
 - a. Classified as local where the design density is five dwelling units or less per net acre; or
 - b. All cul-de-sacs in R-SF and R-TH districts fronted by six or less dwelling units regardless of the design density of the subdivision.
 2. On two sides of a street:
 - a. Classified as local where the design density is more than five dwelling units per net acre except on cul-de-sacs in R-SF and R-TH districts fronted by six dwelling units or less; or

- b. Classified as collector or arterial; or
 - c. Classified as local and is not defined in subsection 36-471(4)(a)1.a.
- (b) In nonresidential zoning districts, except CC and GI, COM-1, COM-2 and within planned development districts permitting nonresidential uses;
- 1. On one side of a street:
 - a. Classified as local;
 - b. Classified as collector within RI, LI, GM and HM zoning districts.
 - 2. On two sides of a street:
 - a. Classified as a collector except within RI, LI, GM, and HM zoning districts;
 - b. Classified as an arterial:
- (c) In CC, COM-1, COM-2, and GI zoning districts and within planned development districts permitting non-residential uses found within the CC and GI zoning districts:
- 1. On two sides of a street for all street classification.
- (5) *Cul-de-sac.* Where a sidewalk is required only on one side of a cul-de-sac street, the sidewalk shall either be extended until it intersects with the bulb of the cul-de-sac, with a wheelchair ramp constructed to the street, or extended until it intersects with the first driveway within the bulb of the cul-de-sac.
- (6) *Sidewalks on freeways.* A sidewalk is not required on that portion of a public or private street whose right-of-way directly abuts a State of Missouri controlled or MoDOT route classified as a freeway by the major thoroughfare plan unless specifically required by a state agency or MoDOT.
- (7) *Assurance of completion and maintenance of improvements.* Whenever any sidewalk is required to be constructed in a subdivision and the sidewalk has not been completed at the time of recording of the final plat for the subdivision, the subdivider shall submit to the city, in cash or cashier's check, security or escrow as allowed by City Code or approved by the city attorney's office for the cost of construction of such sidewalks in an amount estimated by the director of public works as necessary to complete such work. The city shall construct the sidewalks at such time as deemed reasonable and appropriate. Provided, however, that the director of public works may authorize any subdivider to construct sidewalks, and upon acceptance of the sidewalks, the city will return the funds deposited by the subdivider in accordance with section 31-4.3 of the Springfield City Code.
- (8) *Optional fee in lieu of construction.*
- (a) If the property owner feels a hardship exists that hinders the construction of a sidewalk, the property owner may submit a request to pay a fee in lieu of construction of sidewalks together with such information and studies as the

administrative review committee (ARC) may deem necessary to consider the request. Upon filing a complete application, this request will be reviewed and approved or denied by the ARC based on the following criteria:

1. No sidewalks exist on adjoining properties or in the neighboring area; or
2. The city plans to construct public improvements in the area which would result in damage or destruction of the proposed sidewalk; or
3. The cost to construct the proposed sidewalk would be at least 25 percent greater than the average cost of sidewalk construction; or
4. The street is edged by a shoulder and ditch rather than a curb and gutter.

If the ARC denies the request, the property owner may then appeal to the planning and zoning commission within ten days of the decision. The commission shall review the denial only on a claim that the denial was arbitrary and capricious and a submission of sufficient facts and evidence to establish that the ARC has acted in such fashion. If the commission finds by an affirmative vote of five that the ARC did act in an arbitrary and capricious fashion, a fee in lieu shall be allowed.

- (b) The fee shall be calculated as a fixed amount per linear foot as approved by city council.
- (c) The fee shall be held by the City of Springfield Finance Department in an account to be used for sidewalk construction only.

(9) *Use of fees paid in lieu of sidewalk construction.* At a time to be determined by the city manager and/or director of public works, collected fees in lieu of shall be used to construct sidewalk in the same city council zone as the property from where the fee was collected if it is not used to construct sidewalk adjacent to said property.

(10) *Design standards.* Design standards shall comply with the most current version of the City of Springfield Department of Public Works Design Standards and standard drawing details on file in the office of the city clerk and all current federal, state and local regulations in regards to accessibility.

(Zoning Ord., § 5-3100; G.O. 6094, 1-13-14; G.O. 6224, § 1(exh. A), 9-14-15)

Sec. 36-472. Stream buffers and water quality.

Stream buffers and water quality stormwater control measures may be used for open space and/or bufferyards when they exist in the same location and are in conformity with chapter 36 [of the Springfield Code of Ordinances], open space and bufferyard standards, and chapter 96 [of the Springfield Code of Ordinances], stream buffer and water quality standards. In the event the minimum requirements of chapter 96 [of the Springfield Code of Ordinances] stream buffer standards, or water quality standards for redevelopment sites, as

defined in the Flood Control and Water Quality Protection Manual, are otherwise infeasible on a proposed site plan, the lot will be considered conforming if approved by the administrative review committee ("ARC") using the following design requirements.

(a) *Design requirements.*

1. For stream buffer standards only, the height of buildings may be increased above maximum height restrictions for the district provided it does not exceed any required bulk plane restriction or density requirement. Additional building square footage/floor area is allowed in building height in direct proportion to the area (square footage) that is being used for the stream buffer, provided the height is not increased more than one story above the required height limit; or
2. Off-street parking area may be reduced in direct proportion to the area that is being used for the stream buffer and/or water quality stormwater control measure for redevelopment, not to exceed a 20-percent reduction in required parking. For every 167 square foot area of stream buffer or water quality stormwater control measure, a reduction of one parking space will be allowed.

(G.O. 6446, § 2, 4-9-18; G.O. 6716, § 1(Exh. B, att. 2), 4-4-22)

Sec. 36-473. Short-term rentals.

(1) *Short-term rental type 1.*

(a) This section shall apply to a short-term rental use that:

1. Is rented for periods of less than 30 consecutive days; and
2. Is located within a R-SF or R-TH zoning district; and
3. Is an owner-occupied primary residence and is not rented for more than 95 days in a calendar year when the owner is absent from the premises; or
4. If the owner is present on the premise during the entire time it is rented, there is no limit on the number of rental days per year.

(b) The following provisions shall apply to a short-term rental type 1:

1. A short-term rental type 1 shall only be located in the primary structure or a historic carriage house per section 36-464.
2. No exterior alterations that would change the single-family character of the short-term rental type 1, other than those necessary to ensure the safety of the structure, shall be made.
3. No residential structure shall be removed for parking or to expand the short-term rental type 1.
4. A short-term rental type 1 shall not be rented solely for receptions, parties, weddings or any similar activities.
5. The owner of a short-term rental type 1 shall provide notification as required by subsection 36-472(4).

6. It shall be a violation of this section for an owner to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 1 which is not in compliance with the provisions of this section.
 - (c) An affidavit certifying that the primary residence, legal accessory apartment or historic carriage house will not be rented for more than 95 days in a calendar year when the owner is absent from the premise.
 - (d) Annual business license shall be obtained.
- (2) *Short-term rental type 2.*
- (a) This section shall apply to a short-term rental use that:
 1. Is rented for periods of less than 30 consecutive days; and
 2. Is located within a R-SF or R-TH zoning district; and

3. Is not an owner-occupied residence or is an owner-occupied primary residence, legal accessory apartment or historic carriage house and is rented for more than 95 days in a calendar year when the owner is absent from the premise.
- (b) A certificate of occupancy shall be obtained in accordance with section 36-333, certificate of occupancy.
- (c) Annual business license shall be obtained.
- (d) The following provisions shall apply to a short-term rental type 2:
 1. Density limitations: A short-term rental type 2 shall be limited to no more than one STR type 2 or bed and breakfast per eight residential structures on the block face in R-SF or R-TH districts. No STR type 2 shall be permitted on a block face with fewer than four residential structures unless an appeal is granted by city council (i.e. one to three: No STR; four to eight: One STR; nine to 15: One STR; 16 to 23: Two STR). For purposes of this section, block face shall be defined as one side of a street, from one intersection to the next, not including alleys. Residential structures' block face shall be determined by the mailing address assigned to each.
 2. A short-term rental type 2 shall only be located in the primary structure or a historic carriage house per section 36-464.
 3. No exterior alterations that would change the single-family character of the short-term rental type 2, other than those necessary to ensure the safety of the structure, shall be made.
 4. No residential structure shall be removed for parking or to expand the short-term rental type 2.
 5. A short-term rental type 2 shall not be rented solely for receptions, parties, weddings or any similar activities.
 6. The owner of a short-term rental type 2 shall provide notification as required by subsection 36-472(4).
 7. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 2 which is not in compliance with the provisions of this section.
- (e) A short-term rental type 2 permit shall be required for short-term rental type 2 uses.
 1. Application fee. A fee of \$350.00 or as set forth in the schedule of fees, shall accompany any short-term rental type 2 application and is in addition to the license and certificate of occupancy fee required by this section. The additional fee shall be for the costs of processing the application.
 2. Applicant(s) shall hold a neighborhood meeting at the property involved in the application or in the immediate vicinity. Notice of the meeting shall be sent by first-class mail, postage paid, at least ten days prior to the meeting, to at least

one record owner of each real property within 500 feet of the short-term rental property, as shown on the records of the county assessor, and to the president or other association officer(s) of any neighborhood association(s) as on file with the director of planning and development.

3. Notice of the neighborhood meeting shall be posted by the applicant at least ten days prior to the meeting and 21 days after for a total of at least 31 days in conspicuous places on or in the immediate vicinity of the property which is the subject of the short-term rental type 2. One sign shall be posted on each street frontage of the subject property. Additional signs or alternate posting locations may be required at the discretion of the director of the planning and development department. Such notice shall be at least 18 inches in height and 24 inches in width and shall contain the words "NEIGHBORHOOD MEETING" and in addition the date, time, and place of the public meeting, and a telephone number where additional information can be secured.
4. It is recommended the meeting be held early enough to provide time for the applicant to consider any neighborhood input, allow any changes to be evaluated by staff, and to resolve any issues if possible. The meeting shall be scheduled from 4:00 p.m. to 6:30 p.m.
5. The mailing shall be performed by the planning and development department; however, the letters and envelopes themselves must be prepared, and postage placed on same by the applicant. The neighborhood letters shall be submitted to the planning and development department for mailing, in sufficient time to allow for mailing for at least ten days prior to the date of the neighborhood meeting. A file copy of the letter shall be provided to the planning and development department. The notice letter shall contain the following at a minimum and any additional information as required by the director of planning and development:
 - a. Description and details of proposed short-term rental operation including number of days per month to be rented and any other proposed changes.
 - b. Meeting date, time and location.
 - c. Applicant or their representative's contact information.
 - d. Information sheet provided by the city.
6. No more than ten days following the neighborhood meeting, the applicant shall submit a summary of the meeting to the planning and development department using the following format as set forth below:
 - a. Meeting date, time and location.
 - b. Number of neighbors in attendance with an attached sign-in sheet.
 - c. List of issues raised, any verbal comments and how applicant plans to respond.

- d. Additional information, such as comment cards and letters from neighbors shall be attached to the summary.
 - e. Notarized affidavit containing signatures of at least 55 percent of adjacent residential property owners, including those adjoining and immediately across the street.
7. If the applicant does not submit the information listed above within ten days of the neighborhood meeting, the application shall be considered incomplete and the applicant will be required to conduct a new meeting.
 8. If the signatures of at least 55 percent of neighboring property owners cannot be secured the applicant may apply to the city council to obtain a resolution granting the STR type 2 permit.
 9. The city shall have the authority from time to time to prepare forms to implement this section including a sample affidavit form, application forms, and forms for notice, forms for proof of ownership, and other appropriate requirements.

(3) *Short-term rental type 3.*

- (a) This section shall apply to a short-term rental use that:
 1. Is rented for a period of less than 30 consecutive days; and
 2. Is not located in an R-SF or R-TH zoning district.
- (b) The following provisions shall apply to a short-term rental type 3:
 1. No more than two short-term rental type 3 units are allowed on a premises.
 2. A short-term rental type 3 shall provide notification as required by subsection 36-472(4).
 3. A short-term rental type 3 unit shall not be rented solely for receptions, parties, weddings or any similar activities.
 4. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 3 which is not in compliance with the provisions of this section.
- (c) A certificate of occupancy shall be obtained in accordance with section 36-333, certificate of occupancy.
- (d) Annual business license shall be obtained.

(4) *Short-term rental notification requirements.*

- (a) The owner of a short-term rental shall post, conspicuously in each rental unit the following information:
 1. The names and contact information of the person or persons responsible for the day-to-day operations of the short-term rental;

2. The certificate of occupancy and business license number;
3. The restrictions on noise applicable under section 36-485, noise standards, including limitations on the use of amplified sound;
4. Any applicable parking restrictions;
5. Trash collection schedule;
6. That the short-term rental unit may not be rented solely for receptions, parties, weddings or other similar events.

(5) *Short-term rental revocation, suspension or denial of a license.*

- (a) The director of building development services may immediately revoke or suspend the license, or deny either the issuance or renewal thereof, if it is found that:
 1. The owner or operator failed to comply with the short-term rental requirements in this section or any other city codes and ordinances. The director may suspend, revoke or deny an application to renew a short-term rental license for a period of 12 months. During that time, another short-term rental may be established following the requirements and cause the revoked or denied short-term rental from being re-established due to the separation requirement.
 2. The director of building development services may, in writing, suspend, deny or revoke a license issued under provisions of this section whenever the license is issued on the basis of a misstatement of fact, fraud, or noncompliance with this article.
 3. When a short-term rental license is denied by the director of building development services, written notice shall be given of the denial to the owner, together with a brief written statement of the reason for the denial. Such denials shall have referenced the section of this article or other pertinent code used as a standard for the basis of denial.
 4. If the director of building development services denies, suspends or revokes the license, the owner may file an appeal request to city council.

(6) *Transferability.*

- (a) The owner of a licensed short-term rental may transfer the property along with the permitted use to another, subject to the transferee completing an application and providing all required information to the city. This transfer does not trigger a new certificate of occupancy inspection by virtue of the transfer alone.

(7) *Implementation.*

- (a) For the purpose of the implementation of the short-term rental uses and fairness in dealing with potential conflicts based on density limitations. Applications for short-term rentals shall commence two weeks after the passage of this ordinance.
- (b) Implementation and suspension of density limitations. Applicants filing an application for a short-term rental type 2 within the first 30 days following passage of this

ordinance shall not be subject to the density limitations set forth in subsection 36-472(2)(d)(1). Applications received after this initial period will be subject to this density.

(G.O. 6497, § 1, 1-28-19)

Sec. 36-474. Medical marijuana facilities.

(1) *Purpose.* The purpose of these requirements is to allow medical marijuana facilities while minimizing any possible adverse effects of such uses on the surrounding neighborhood.

(2) *Medical marijuana facility standards.* Medical marijuana facilities as defined shall follow the regulations of this article.

- (a) A business license shall be obtained annually, and the medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- (b) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist as sufficient to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- (c) Unless otherwise permitted, no new cultivation, infused products manufacturing, dispensary, or testing facility shall be sited, at the time of application for zoning approval, within 1,000 feet of any then-existing elementary or secondary school, child day care center, or church.
 1. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the external wall of the facility structure closest in proximity to the school, child day center or church to the closest point of the property line of the school, child day care center, or church.
 2. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, child day care center, or church to the facility's entrance or exit closest in proximity to the school, child day care center, or church.
 3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
 4. For purposes of this section, a "child day care center" means a child care facility, as defined by Section 210.201 RSMo., that is licensed by the State of Missouri.
 5. For purposes of this section, a "church" means a permanent building regularly used as a place of religious worship.

6. For purposes of this section, an "elementary or secondary school" means any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth grade, but does not include any private school in which education is primarily conducted in private homes.
 - (d) No medical marijuana business shall be located in a building that contains a residence.
 - (e) All medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises during that time.
 - (f) No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana establishment.
 - (g) All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
 - (h) If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
 - (i) All other City Codes shall apply.
- (G.O. 6528, § 1, 5-20-19)

Sec. 36-475. Tiny home communities.

(1) *Purpose.* The purpose of this section to allow for tiny homes and park model recreational vehicles in planned development districts and manufactured home community districts so as to facilitate the creation of a diverse housing type.

(2) *Tiny home general standards.* A tiny home community, for purposes of section 36-475, is defined as two or more tiny homes or park model recreational vehicles on a single lot. Such tiny home communities shall be subject to the following:

- (a) *Allowed.* Tiny home communities shall only be allowed in planned development districts (PD), in full compliance with the provisions of section 36-405 and 36-475, where said planned development district has specifically identified that tiny home communities are allowed as a permitted use in such district, and in a manufactured home community district (R-MHC) in full compliance with section 36-475 and notwithstanding the provisions of section 36-385.
- (b) *Maximum density.* The maximum density for a tiny home community shall not exceed 11 dwelling units per acre, unless the increased density is permitted by an approved planned development and in compliance with section 36-405.
- (c) *Site plan—Required.* A site plan meeting the requirements of section 36-360 shall be submitted and approved as a part of any application to engage in a tiny home community use.

- (d) *Parking.* A minimum of 0.8 off-street parking space shall be provided for each tiny home or park model recreational vehicle. This minimum off-street parking requirement shall be rounded to the nearest whole number in the event of a fractional total. All off-street parking lots and vehicular use areas for permitted nonresidential uses shall be screened from all residential uses in accordance with section 36-483. Any other uses in the tiny home community shall comply with the off-street parking requirements of section 36-455.
- (e) *Setback.* All structures within a tiny home community shall provide a building setback of at least 25 feet from the property line along a street classified as a collector or higher classification street or 15 feet along a street classified as a local street and ten feet from other property lines along the outer perimeter of the tiny home community site.
- (f) *Separation standards.* Each tiny home or park model recreational vehicle shall be at least ten feet away from any other home or structure located in the tiny home community.
- (g) *Minimum open space.* Not less than 20 percent of the total area of a tiny home community shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials. The maximum impervious combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of water shall not exceed 80 percent of the total area of the tiny home community.
- (h) *Maximum structure height.* Thirty-five feet above the finished grade.
- (i) *Bufferyard and landscaping.* A bufferyard and landscaping plan meeting the requirements of section 36-385 shall be provided as required for a R-MHC district.
- (j) *Accessory structures.* Any accessory buildings and structures located in the tiny home community shall meet the requirements of section 36-450.

(3) *Exception.* Notwithstanding any other provision to the contrary, tiny home communities shall be permitted in any legal nonconforming manufactured housing development or manufactured housing subdivision which existed on the date of passage of this ordinance [G.O. 6592]. The use allowed by this exception shall comply with all the provisions of sections 36-457 and 36-475.

(G.O. 6592, § 3, 5-4-20)

Secs. 36-476—36-479. Reserved.

DIVISION 6. DESIGN AND DEVELOPMENT STANDARDS

Sec. 36-480. Screening and fencing.

(1) *Purpose.* To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses, regulations are prescribed herein for the location and type of various screening devices to be used when required by this article.

(2) *Location and height of required screening.* The following shall be required in addition to any bufferyard required by section 36-482, landscaping and bufferyards, unless a screening structure is provided as a part of the bufferyard design.

(a) *Off-street parking and vehicular use areas.*

1. Where an open off-street parking or vehicular use area for a residential use contains four or more off-street parking spaces and is in or adjacent to an R-SF, R-TH, or R-MHC district, screening of not less than four feet in height and meeting the requirements of subsection 36-453(6), shall be erected separating the use from the adjacent residential district or residential use. Screening is also required for open off-street parking or vehicular use areas adjacent to a street or alley if the right-of-way width is 70 feet or less.
2. Where an open off-street parking or vehicular use area for a nonresidential use is in or adjacent to any residential district or residential use, screening of not less than four feet in height and meeting the requirements of subsection 36-453(6) shall be erected separating the use from the adjacent residential district or residential use. Screening is required for open off-street parking or vehicular use areas adjacent to a street or alley if the right-of-way width is 70 feet or less.

(b) *Refuse storage areas.* For all uses other than single-family, two-family and townhouse dwellings, refuse storage areas visible from the property line shall be visually screened by a solid fence or wall, not less than the height of the refuse storage containers, on all sides except the side used for refuse pick-up service. Such side shall not be required to be screened.

(c) *Household resource recovery collection centers.* Unless inside a building, collection containers and any equipment for household resource recovery collection centers shall be visually screened by a solid fence or wall six feet high on all sides except the side used for drop-off of resources. Such side shall not be required to be screened. The collection containers and equipment shall be arranged so that they are screened from residential districts and public rights-of-way. Signs, advertising the collection center and materials collected, may be placed on the fence or wall in addition to any freestanding signs on the property.

(d) *Mechanical and electrical equipment.* Mechanical and electrical equipment, such as air conditioning units, shall be screened from public view.

1. Screening of mechanical and electrical equipment for single-family detached and duplex dwellings meets the screening requirements of this section if the equipment is located behind the front building line of the main structure.
2. Mechanical or electrical equipment for other residential and nonresidential uses shall be visually screened from all residential districts, when the equipment is located within 200 feet of a residential district, and public rights-of-way by a wall, fence or landscaping not less than the height of the

mechanical or electrical equipment. Screening is required whether the equipment is located on the ground or on the roof of a structure. For the purpose of this article, mechanical and electrical equipment includes equipment that provides service to building, such as air conditioning units and does not include industrial processing equipment, such as conveyors and dust collectors.

3. Window-mounted air conditioning units are exempt from these requirements.

(e) *Maintenance and other equipment.* Unless stored in an enclosed building, maintenance and other equipment shall be visually screened from adjoining property and public rights-of-way if required by the zoning district in which the property is located.

(3) *Screening standards.* Any of the following types of screening will satisfy the requirements of subsection 36-480(2).

(a) *Screening alternate A.* Screening alternate A shall consist of a solid masonry or concrete wall.

(b) *Screening alternate B.* Screening alternate B shall consist of a landscaped earthen berm. Side slopes of berms shall have a minimum of two feet of horizontal distance for each one foot of height. Berms shall contain such drainage provisions as may be required by the ordinances of the city.

(c) *Screening alternate C.* Screening alternate C shall consist of a solid wood fence.

(d) *Screen alternative D.* Screening alternative D shall consist of an evergreen hedge at least two-thirds the minimum height required at the time of planting and shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which shall be at least the minimum height required within two years after time of planting.

(4) *Maintenance.* The owner of the property shall be responsible for maintaining, in a neat and orderly manner at all times, all required screening materials. Plant materials which die shall be replaced with healthy plant material of similar variety and meeting the size requirement of this section.

(5) *Additional screening and fencing.* The planning and zoning commission may recommend and the city council may require screening and fencing requirements in any zoning case in addition to or in lieu of screening or fencing requirements set out specifically in each use district when the nature and character of surrounding or adjacent property dictate a need to require such devices in order to protect such property and to further provide protection for the general health, welfare and morals of the community in general.

(6) *Buffer areas.* Whenever section 36-482, landscaping and bufferyards, of this article requires the installation of a buffer area, the screening required by this section should be construed to be an additional requirement.

(Zoning Ord., § 6-1000; G.O. 5127, 10-29-01; G.O. 6365, § 2, 5-15-17)

Sec. 36-481. Reserved.**Sec. 36-482. Landscaping and bufferyards.**

(1) *Purpose.* It is the purpose of this section to establish certain regulations pertaining to the landscaping that must be provided in connection with the open space, buffer area and landscape plan requirements of this article. These regulations provide standards and criteria for landscaping which are intended to enhance the value of property, provide buffers between dissimilar uses, improve the physical appearance of the city, and maintain an ecological balance. Maintaining and re-creating an ecological balance is of increasing concern because of land coverage of pavement and structures. These impervious surfaces create an increase in air temperatures, water runoff, flooding, erosion, water pollution, and ground water depletion. Vegetation effectively alters these imbalances through oxygen replenishment, water absorption, and abatement of noise, glare, and heat. Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques are encouraged.

(2) *Applicability.* The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction occurring within the city except that single-family detached and duplex dwellings shall be exempt because such uses rarely fail to comply with the requirements set forth in this section.

(3) *Enforcement.*

- (a) The provisions of this section shall be administered and enforced by the director of building development services or his designee.
- (b) If, at any time after the issuance of a certificate of occupancy, the director of building development services determines that the approved landscaping does not conform to the standards and criteria in this section, the director shall issue a notice to the owner and to any known tenant or agent, citing the violation and describing what action is required to comply with this section., The owner, tenant, or agent shall have 30 days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time or arrangements have not been made in conformance with subsection 36-482(4), such person shall be in violation of this article. It is the responsibility of the owner of the property that these requirements are complied with.

(4) *Permits.*

- (a) No permits shall be issued for the improvement of any site, the construction of any building, or the establishment of any use for which a landscaping plan is required by this article until such plan has been submitted to and approved by the director of building development services.
- (b) Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan required in subsection 36-482(5).

- (c) In any case in which a certificate of occupancy is sought at a season of the year or at any time the prevailing weather conditions (including, but not limited to, drought, heat, rain) which the director of building development services determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, or a water emergency exists as set forth in chapter 110, article IV, division 2, sections 110-131 through 110-139 Springfield City Code; a temporary occupancy certificate may be issued, notwithstanding the fact that the landscaping required by the landscape plan has not been completed, provided the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping. Such letter of credit or escrow deposit shall be conditioned upon the installation of all landscaping required by the landscape plan within six months of the date of the application, as determined by the city, and shall give the city the right to draw upon the letter of credit or escrow deposit to complete the said landscaping if the applicant fails to do so. Such period may be extended once at the sole discretion of the director of building services, provided that the letter of credit or escrow deposit likewise is extended.

(5) *Landscape plans.*

- (a) The landscape plan may be submitted concurrently with the site plan, if required by section 36-360, site plan review, to the department of building regulations. The director of building development services, or his designee, shall review such plans and shall approve them if the plans are in accordance with criteria in this section. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary to bring the plans into compliance.

- (b) Landscape plans shall contain the following information:
 - 1. A minimum scale of one inch equal to 50 feet;
 - 2. The location of all trees to be preserved;
 - 3. The location of all plant and landscaping materials to be used including plants, paving, or other landscape features;
 - 4. The type of all plant material (canopy, understory, ornamental or evergreen tree; shrub; grass; etc.) to be used;
 - 5. The size of all plant material to be used;
 - 6. The spacing of plant material where appropriate; and
 - 7. The person or persons responsible for the preparation of the landscape plan.
- (c) The landscape plan shall provide, to the maximum extent practicable, for the preservation of existing trees. It is the intent to discourage the practice of removing all existing trees in the improvement or development of properties within the city. A landscape plan which provides for clear cutting of existing trees shall be approved by the director of building development services only if the developer or contractor establishes by clear and convincing evidence that the prohibition of clear cutting substantially and unreasonably restricts his ability to develop the property, and that the development will not be economically viable unless clear cutting is permitted.
- (d) Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques (known as xeriscape) are encouraged. Landscape design standards for xeriscape are contained in the arborcultural design guidelines of the City of Springfield.

(6) *Maintenance.* The owner of the property shall be responsible for maintaining, in a neat and orderly manner at all times, the landscaping required by this article. Plant materials shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant materials which die shall be replaced with healthy plant material of similar variety and meeting the size requirement of this section.

(7) *General standards.* The following criteria and standards shall apply to landscape materials and installation. More specific criteria and standards are contained in the arborcultural design guidelines of the City of Springfield.

- (a) *Quality.* All trees and shrubs used in conformance with the provisions of this article shall have well-developed leaders and tops, and roots characteristic of the species, cultivar or variety and shall show evidence of proper nursery pruning. All plant materials must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.
- (b) *Coverage.* Grass, ground cover, shrubs, and other living landscape materials shall be used to cover all open ground. Landscaping materials, such as mulch, bark, etc., can be incorporated into a landscape plan where appropriate.

- (c) *Trees.* Trees referred to in this section shall be of a species common to or adapted to this area of Missouri, on a tree list provided by the city forester or director of building development services or as approved by the city forester or director of building development services. Caliper measurements shall be taken six inches above grade. Trees shall have the following characteristics:
1. Canopy trees shall be deciduous trees that have a minimum height of 30 feet at maturity. All canopy trees shall have a minimum caliper width of one and one-half inches at time of planting.
 2. Under-story trees shall be deciduous trees that have a maximum height of less than 30 feet at maturity. All under-story trees shall have a minimum caliper width of one inch at time of planting.
 3. Ornamental trees shall be flowering deciduous trees. All ornamental trees shall have a minimum caliper width of one inch at time of planting.
 4. Evergreen or conifer trees shall have a minimum height of 20 feet at maturity. All evergreen or conifer trees shall be at least six feet high at time of planting.
- (d) *Shrubs and hedges.* Shrubs shall be a minimum of 18 inches in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be at least three feet high within one year after time of planting.
- (e) *Ground cover.* Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after time of planting.
- (f) *Lawn grass.* Grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales, berms or other areas subject to erosion.
- (g) *Credit for existing trees.* Any trees preserved on a site in required bufferyards and perimeter landscaping areas and meeting the specifications in this section may, at the discretion of the director, be credited toward meeting the tree requirements of any landscaping provision of this section. Any tree for which credit is given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this section.

<i>Existing Tree</i>	<i>Size*</i>	<i>Credit**</i>
Canopy	2"—3"	1
	3"—6"	2
	> 6"	3
Understory	1.5"—3"	1
	3"—6"	2
	> 6"	3

<i>Existing Tree</i>	<i>Size*</i>	<i>Credit**</i>
Ornamental	1"-2"	1
	2"-5"	2
	> 5"	3
Evergreen	5-8 feet	1
	8-12 feet	2
	> 12 feet	3

* Size in inches is the diameter of the tree measured six inches above grade.

** To receive credit for bufferyard plantings, existing trees must be located in the bufferyard.

1. Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age or species located anywhere on the site may, at the discretion of the director, be credited as four trees in computing the minimum requirements in bufferyards and perimeter landscaping areas.
2. Existing trees which are preserved and receive credit shall be marked on the landscape plan and the amount of credit shall be indicated. Any trees which receive credit and are later removed shall be replaced with the number of trees for which credit was received.
3. Existing trees that are to receive credit for preservation shall be protected during construction as follows:
 - a. A temporary fence shall be constructed around the root zone of each tree to be preserved prior to any grading or construction on the property.
 - b. No heavy equipment shall be used or stored within the area enclosed by the temporary fence.
 - c. No building materials or soil shall be stored within the area enclosed by the temporary fence.
 - d. Installation of underground utilities should be avoided within the area enclosed by the temporary fence. If installation of underground utilities is necessary, tunneling shall be used as soon as roots one inch or greater in diameter are encountered, except that in the vicinity of trees less than six inches in diameter at six inches above grade, tunneling shall be used under the entire canopy. Tunneling must occur below the main lateral level of roots or at least two feet below the surface, whichever is greater. Tunneling shall be done from both directions. Soil shall be backfilled in the tunnels to the same compactness as before removal. Fertilizer shall be added to the backfill in tunnels.
 - e. Road and grade cuts (for basements and foundations) shall be outside the area enclosed by the temporary fence and at least one foot away from the tree bole (trunk) for each one foot of depth of the cut.

- f. No grading shall be done that impounds water during wet periods or increases the drainage rate so that water tables are lowered.
 - g. Fill may be placed within the area enclosed by the temporary fence provided the fill material consists of good topsoil, high in organic matter and of loamy texture, and does not exceed six inches of depth.
- (h) *Substitution of smaller plantings.* Relocation of plantings may be approved by the director of building development services where the applicant establishes that the location of driveways or unique physical characteristics of the property would not allow the plantings required.
- (i) *[Waiver of rules.]* The director may waive rules regarding setbacks and bufferyards to preserve trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age, or species when written consent has been received from all owners of abutting property. Where such written consent is not filed, waiver may be granted by the board of adjustment, as a variance according to standards, notice requirements, and procedures pertaining to variances.

(8) *Minimum open space requirements.*

- (a) *In general.* All property shall comply with the minimum open space requirements of the district in which the property is located, except as exempted by subsection 36-482(15). The open space requirement includes, and is not in addition to, the areas of the property containing bufferyards and interior and perimeter landscaping for parking and vehicular use areas. The district open space requirements are not the maximum open space that may be required. In rare instances, extensive bufferyards may be required that could result in open space that exceeds the minimum district open space requirement. Also, properties in all districts, except lots in the center city district which are two acres or less, are required to provide interior and perimeter landscaping for parking and vehicular use areas even if there is no minimum open space required.
- (b) *Substitutions for required open space.* Up to 25 percent of the required open space area may be substituted by the following. The substitution shall be on a one square foot for one square foot basis.
1. Green roof, in conformance with the department of public works public improvement design standards.
 2. Pervious pavement system, in conformance with the department of public works public improvement design standards.

The administrative review committee may approve other alternatives that achieve the same result as the alternatives listed above. These other alternatives shall only be approved after a proposed alternative is posted on the city's web site and the public is allowed 30 days to comment.

(9) *Minimum requirements for off-street parking and vehicular use areas.* The interior and perimeter of parking lots and vehicular use areas, for uses requiring site plans, shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards. These standards shall only apply to parking lots and vehicular use areas constructed after the effective date of this article.

(a) *Interior landscaping.* In all districts except the CC, center city district, sites containing parking and vehicular use areas totaling 30 or more parking spaces or the gross area is 12,000 or more square feet shall provide interior landscaping. In the CC district, interior landscaping shall be required if the site contains 50 or more parking spaces or the gross area is 20,000 or more square feet. A minimum of five percent of the parking or vehicular use area shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs, and trees. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. The following additional criteria shall apply to the interior of parking and vehicular use areas:

1. A landscaped area must abut paved areas on at least three sides or more than 75 percent of the landscaped area perimeter to qualify as an interior landscape area.
2. Interior landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
3. There shall be a minimum of two understory trees or one canopy tree planted for each 30 parking spaces or 12,000 square feet of parking or vehicular use area, or fraction thereof.
4. Interior areas of parking and vehicular use areas shall contain planting islands located so as to best relieve the expanse of paving. Interior planting areas shall be a minimum of 100 square feet for each understory tree and 200 square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.

(b) *Perimeter landscaping.*

1. Perimeter landscaping shall be provided where a parking lot or vehicular use area is within 50 feet of a public right-of-way, excluding alleys, and there is not an intervening building. Perimeter landscaping areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
2. All districts except CC, center city district. The perimeter landscape treatment shall consist of the following. The location of the perimeter landscaping shall be based on the existing street right-of-way or the street right-of-way standard for the street functional classification, whichever is greater.
 - a. A landscape area located within 30 feet of the adjacent street right-of-way containing at least ten square feet of open space for each one foot of street frontage. The landscape area shall be arranged to create a strip at least five feet wide directly adjacent to the street right-of way and to accommodate the

required plantings. Preference shall be given to massing landscape areas at access drives to the site. The perimeter landscape area shall not be counted towards the required interior landscaping area for the parking or vehicular use area.

- b. The plantings within the perimeter landscape area shall consist of at least one canopy tree, one understory, ornamental, or evergreen tree and four shrubs per 100 linear feet of street frontage.
 - c. The landscape area located directly adjacent to the street right-of-way may be reduced to less than five feet in width but not less than two feet in width when at least 12 square feet of open space for each one foot of street frontage is provided. At least 75 percent of the required landscape area shall be located within 30 feet of the adjacent street right-of-way. The remaining 25 percent of the required open space shall be provided elsewhere on the site. In addition to the landscaping required above, four shrubs shall be planted on the site with preference given to locations within or adjacent to the parking area.
 - d. Necessary accessways from the public right-of-way shall be permitted through all such landscaping. All accessways shall comply with chapter 31, article III, Springfield City Code.
3. *CC, center city district.* The perimeter of parking lots and vehicular use areas shall be designed and constructed to create an edge along street rights-of-way that minimize the disruption of the urban environment created by the wide expanse of parking lots and vehicular use areas. The perimeter treatment shall be consistent with any adopted streetscape plans for adjacent rights-of-way and with the materials and colors of the existing streetscape and surrounding structures. The perimeter treatment shall consist of one of the following:
 - a. A perimeter landscape area located adjacent to the street right-of-way, at least six feet in width and containing one understory tree and ten shrubs per 50 linear feet of street frontage; or
 - b. A perimeter landscape area located adjacent to the street right-of-way, at least three feet in width and containing ten shrubs plus one understory tree in the sidewalk on the public right-of-way per 50 linear feet of street frontage; or
 - c. A decorative wall or fence at least 30 inches high located adjacent to the street right-of-way, plus one understory tree in the sidewalk on the public right-of-way per 50 linear feet of street frontage.

Alternatives b. and c. are only permitted if the sidewalk is at least ten feet wide to accommodate the planting of trees or the curb along the street is modified to extend out into the street to create suitable areas for planting trees and maintain adequate pedestrian circulation. Tree openings in the sidewalk should be a minimum of five by five and contain an accessible tree grate or surfacing around the tree sufficient to allow

pedestrian circulation while protecting the tree and the opening. Examples include cast iron tree grates, dry-laid brick or pavers and seat walls. Alternative b. may be permitted by the city traffic engineer for sidewalks less than ten feet in width if the trees are planted partially in the three-foot perimeter landscape area so that the accessible tree grates or surfacing do not create unacceptable impediments to pedestrian circulation.

Solid decorative walls or fences shall not exceed a height of 42 inches, although railings and decorative elements are permitted above the solid wall or fence provided they contain at least 50 percent open voids and the overall height does not exceed seven feet. Walls and fences shall also be designed and constructed to ensure adequate visibility of pedestrian and vehicular traffic at all driveways.

- (c) *Reduction in interior and perimeter landscaping due to public improvement projects.* On existing developed properties where a public improvement project has resulted in the elimination of required interior landscaping, perimeter landscaping or open space due to the acquisition of street right-of-way, the property shall not be considered nonconforming with regard to the interior landscaping, perimeter landscaping or open space requirements. If additional development is proposed on the property, the interior landscaping, perimeter landscaping and open space shall not be further reduced. If the buildings on the property are removed and the property is proposed to be redeveloped, the interior landscaping, perimeter landscaping and open space requirements shall be met.

(10) *Alternative method for determining open space and landscaping requirements.*

- (a) *Purpose.* The purpose of these requirements is to provide some flexibility in providing open space and landscaping on a site due to the unique characteristics of the site and the design of the proposed use. It is not the intent of these requirements to allow a reduction in the width, intensity of plantings or screening requirement of a required bufferyard.
- (b) *Zoning district minimum open space and landscaping requirements.* When a site plan is submitted it shall meet the minimum open space requirements of the district in which the property is located and the landscaping requirements of subsection 36-482(9) or achieve the minimum total points for the district, as listed below, using the design standards of this subsection. This method is not applicable in districts that do not have an open space requirement.

<i>Minimum Total</i>	
<i>District</i>	<i>Points Required</i>
R-SF	250
R-TH	240
R-LD	230
R-MD	210

<i>Minimum Total District</i>	<i>Points Required</i>
R-HD	200
R-MHC	250
O-1	200
O-2	200
GI	200
LB	200
GR	200
HC	200
CS	150
CC	Not Applicable
LI	160
RI	200
GM	Not Applicable
HM	Not Applicable

(c) *Design standards.*

1. *Open space.* Points for open space shall be awarded as shown in the table below. No points shall be awarded for more than 20 percent open space.

<i>Standard</i>	<i>Points Awarded</i>
Each one percent of lot area in open space up to ten percent	8
Each additional one percent of lot area in open space up to 20 percent	6

2. *Interior landscaping of parking and vehicular use areas.* Points for interior landscaping of parking and vehicular use areas shall be awarded as shown in the table below. The maximum intensity of plantings for which points shall be awarded shall be three canopy trees or six understory, ornamental or evergreen trees per 30 parking spaces or 12,000 square feet of parking or vehicular use area. If the parking and vehicular use areas on the site total less than 30 spaces or 12,000 square feet, no plantings are required and 16 points shall be awarded.

<i>Standard</i>	<i>Points Awarded</i>
Each one percent of interior landscaped area	2
Each canopy tree per 30 parking spaces or 12,000 square feet of parking or vehicular use area	6
Each understory, ornamental or evergreen tree per 30 parking spaces or 12,000 square feet of parking or vehicular use area	4

3. *Perimeter landscaping of parking and vehicular use areas.* Points for perimeter landscaping of parking and vehicular use areas shall be awarded as shown in the table below. The maximum intensity of plantings for which points shall be awarded is two canopy trees or four understory, ornamental or evergreen trees and 12 shrubs per 100 feet of street frontage. If all or part of the perimeter landscaping is not required because the parking lot or vehicular use area is more than 50 feet from a public right-of-way, 18 points shall be awarded for the front yard, 12 points for the side and rear yards and 12 points for plantings.

<i>Standard</i>	<i>Points Awarded</i>
Each five feet of width along the front yard	6
Each five feet of width along the side and rear yards	4
Each canopy tree per 100 feet of street frontage	6
Each understory, ornamental or evergreen tree per 100 feet of street frontage	4
Each four shrubs per 100 feet of street frontage	2

Table of Bufferyard Requirements

Zoning District of Proposed Development		Adjacent Zoning District																				
		R-SF	R-TH	R-LD	MHC	R-MD	R-HD	O-1	O-2	GI	LB	GR	HC	CS	CC	COM	RI	LI	GM	HM	IC	
R-SF	(D)	(C)	(C)	(C)	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
R-TH	(D)	(C)	(C)	(C)	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
R-MHC ¹	B	(C)	(C)	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
R-LD	B	B	(C)	(C)	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
R-MD	C	B	B	B	(B)	(B)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
R-HD	D	C	C	B	B	(B)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
O-1	C	B	B	B	B	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
O-2	D	D	C	C	B	B	B ²	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
GI	D	D	C	C	B	B	B ²	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
LB	D	C	C	B	B	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
GR	F	E	C	C	C	B ²	B ²	B ²	*	*	*	*	*	*	*	*	*	*	*	*	*	
HC	F	E	C	C	C	B ²	B ²	B ²	B ²	*	*	*	*	*	*	*	*	*	*	*	*	
CS	G	F	F	D	D	B ²	*	*	*	*	*	*	*	*	*	*						
CC	J	J	J	J	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
COM	J	J	J	J	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
RI	F	E	C	C	C	C ²	B ²	B ²	B ²	*	*	*	*	*	*	*	*	*	*	*	*	
LI	G	F	F	D	D	C	C	C	C	B	B	*	*	*	*	*	*	*	*	*	*	
GM	H	H	H	H	G	C	C	C	C	B	B	*	*	*	*	*	*	*	*	*	*	
HM	I	I	I	I	H	C	C	C	C	B	B	B ²	*	*	*	*	*	*	*	*	*	
IC	G	F	F	D	D	C	C	C	C	B	B	*	*	*	*	*	*	*	*	*	*	

() Bufferyard required when permitted nonresidential use locates adjacent to residential use or vacant land except park property and community gardens.

* No bufferyard required.

¹ For mobile home subdivisions, bufferyard requirements of the R-TH District shall apply.

² Bufferyard shall be waived between abutting properties in different districts if a joint access agreement between the properties is established and six additional evergreen shrubs per 100 linear feet of street frontage are planted in the perimeter landscape strip. The waiver shall be approved by the director of building development services.

(11) *Bufferyards.*

- (a) Bufferyards shall be required as shown on the table of bufferyard requirements where different zoning classifications abut or are separated by an alley. A bufferyard required by the table shall be provided by the proposed development when it is located in a zoning district listed in the left-most column of the table and the development abuts or is separated by an alley from a zoning district listed across the top of the table.
- (b) Where a proposed development is located adjacent to a planned development district, a bufferyard shall be required based on the existing uses in the area adjacent to the proposed development or the most intense uses permitted by the PD district if the area adjacent to the proposed development is vacant. The bufferyard required shall be based on the table of bufferyard requirements using the zoning district in which the existing or proposed uses permitted in the PD district are first permitted.
- (c) A bufferyard shall be required adjacent to a street (excluding alleys) for nonresidential uses in residential districts and all uses in nonresidential districts as shown on the table below, when:
 - 1. The property across the street is zoned residential and is vacant or developed with residential uses; and
 - 2. The right-of-way width of the street is 70 feet or less.

<i>Bufferyard Requirements Adjacent to a Street</i>	
<i>Zoning District of Proposed Zoning Use</i>	<i>Bufferyard Required</i>
Residential districts (development is nonresidential use)	S ₁
O-1, O-2 and GI	S ₁
LB, GR, HC, CS, CC, RI, LI and IC	S ₂
GM and HM	S ₃

- (d) A bufferyard is not required when there is an intervening public street with a right-of-way width greater than 70 feet or railroad rights-of-way (does not include railroad spurs on private property) between two districts.
- (e) Plantings shall be located so as not to conflict with the requirements of subsection 36-453(6).
- (f) A driveway is permitted to traverse a bufferyard to provide access between adjoining properties provided the driveway is:
 - 1. Generally perpendicular to the property line;
 - 2. Not more than 27 feet in width; and
 - 3. Separated by at least 150 feet from another driveway located in the same bufferyard.

Driveways shall also be located a sufficient distance from any access driveways to a public or private street, on the subject property or the adjoining property, so as to not

create traffic operational problems at the access driveways to the public or private street. The administrative review committee may approve a driveway greater than 27 feet in width where an applicant demonstrates projected traffic volumes require additional lanes or the size of vehicles require wider turning radii. Required plantings from the area where the driveway is located shall be planted in other areas of the bufferyard through which the driveway passes.

- (g) Where an access easement is dedicated along the common property line between properties in different zoning districts, the required bufferyard shall be relocated directly adjacent to the access easement for the length of the access easement. The bufferyard is not required where a driveway traverses a bufferyard to access the easement. Driveways that traverse bufferyards shall generally not exceed 27 feet in width, and there shall be at least 150 feet of separation between driveways that traverse a bufferyard. The administrative review committee may approve a driveway greater than 27 feet in width where an applicant demonstrates projected traffic volumes require additional lanes or the size of vehicles require wider turning radii. Required plantings from the area where the driveway is located shall be planted in other areas of the bufferyard through which the driveway passes.
- (h) A private walkway is permitted to traverse a bufferyard to provide access to an adjoining property, provided such walkway is:
1. Generally perpendicular to the property line;
 2. Not more than five feet in width; and
 3. Separated by at least 100 feet from another walkway located in the same bufferyard.

If a private walkway is placed generally parallel to and within a bufferyard and said bufferyard is less than 20 feet in width, the width of the entire bufferyard shall be increased by the same amount as the width of the sidewalk. Planting requirements shall not be reduced as a result of a private walkway in a bufferyard.

(12) *Bufferyard standards.* Bufferyard standards are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet. The requirements of a bufferyard may be satisfied by any of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in width of that yard. The number of plant materials required shall be rounded up when a fraction is calculated. The type and quantity of plant materials required by each bufferyard, and each bufferyard option, are specified in this section. These standards are minimum requirements. More plantings, wider bufferyards, or higher structures may be provided.

If a bufferyard listed below does not require a solid screen, the width of the bufferyard may be reduced by five feet if a solid screen at least six feet in height is provided the length of the bufferyard where the width is reduced. If the resulting width of the bufferyard is less than 15 feet, each required canopy tree shall be replaced by two understory or evergreen trees.

If a solid screen at least six feet in height is provided along the property line the length of the bufferyard, understory, or evergreen trees may be substituted for shrubs at a rate of one understory or evergreen tree for each five shrubs. The substitution is not permitted when the plantings are to be placed between the solid screen and the adjoining property line.

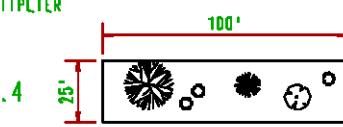
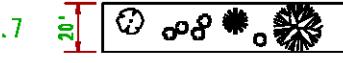
(a) *Bufferyard A.*

One canopy tree per lot for lots 40 feet wide or greater.

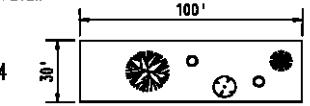
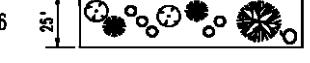
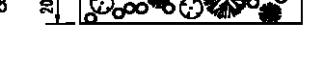
One understory tree per lot for lots less than 40 feet wide.

Trees must be planted within 20 feet of the lot line adjoining the adjacent zoning district.

(b) *Bufferyard B.*

<i>Required Plantings per 100 Linear Feet</i>	
1 Canopy Tree	PLANT UNIT MULTIPLIER
1 Understory Trees	.4 
1 Evergreen Tree	.7 
6 Shrubs	1 

(c) *Bufferyard C.*

<i>Required Plantings per 100 Linear Feet</i>	
1 Canopy Trees	PLANT UNIT MULTIPLIER
2 Understory Trees	.4 
2 Evergreen Trees	.6 
10 Shrubs	.8 
	1 

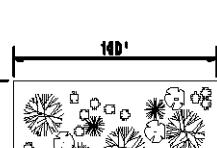
(d) *Bufferyard D.*

<i>Required Plantings per 100 Linear Feet</i>		
2 Canopy Trees	.7	PLANT UNIT MULTIPLIER
2 Understory Trees	10'	STRUCTURE REQUIRED
2 Evergreen Trees		
14 Shrubs		
Required Structure		
F ₁ Six-foot solid wood fence or six-foot solid masonry/brick wall or six-foot solid evergreen hedge		

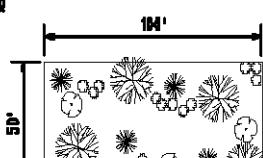
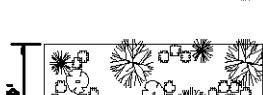
(e) *Bufferyard E.*

<i>Required Plantings per 100 Linear Feet</i>		
3 Canopy Trees	.8	PLANT UNIT MULTIPLIER
2 Understory Trees	10'	STRUCTURE REQUIRED
2 Evergreen Trees		
16 Shrubs		
Required Structure		
F ₁ Six-foot solid wood fence or six-foot solid masonry/brick wall or six-foot solid evergreen hedge		

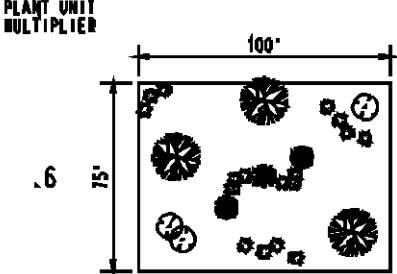
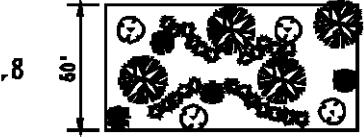
(f) *Bufferyard F.*

Required Plantings per 100 Linear Feet		
	PLANT UNIT MULTIPLIER	STRUCTURE REQUIRED
3 Canopy Trees		
3 Understory Trees		
4 Evergreen Trees		
20 Shrubs		
Required Structure		
F ₁ Six-foot solid wood fence or six-foot solid masonry/brick wall or six-foot solid evergreen hedge.		
	.7	
	.9	
	1	
	.9	 F ₁

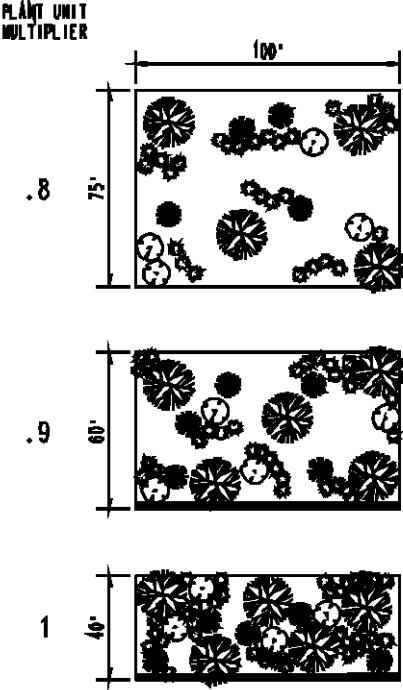
(g) *Bufferyard G.*

Required Plantings per 100 Linear Feet		
4 Canopy Trees		
3 Understory Trees		
4 Evergreen Trees		
24 Shrubs		
Required Structure		
F ₁ Six-foot solid wood fence or six-foot solid masonry/brick wall or six-foot solid evergreen hedge.	.3	
B ₁ Three-foot earthen berm with required plantings and perennial groundcover sown on the berm.	.8	
	1	

(h) *Bufferyard H.*

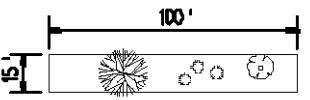
<i>Required Plantings per 100 Linear Feet</i>	
4 Canopy Trees	
4 Understory Trees	
5 Evergreen Trees	
28 Shrubs	
Required Structure	
F ₁ Six-foot solid wood fence or six-foot solid masonry/brick wall or six-foot solid evergreen hedge.	
B ₁ Three-foot earthen berm with required plantings and perennial groundcover sown on the berm.	
	
	
B ₂ Five-foot earthen berm with required plantings and perennial groundcover sown on the berm.	

(i) *Bufferyard I.*

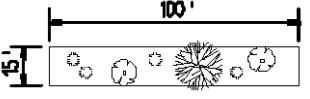
<i>Required Plantings per 100 Linear Feet</i>		
	PLANT UNIT MULTIPLIER	STRUCTURE REQUIRED
5 Canopy Trees 4 Understory Trees 5 Evergreen Trees 34 Shrubs Required Structure <i>F₁</i> Six-foot solid wood fence or six-foot solid masonry/brick wall or six-foot solid evergreen hedge. <i>B₁</i> Three-foot earthen berm with required plantings and perennial groundcover sown on the berm. <i>B₂</i> Five-foot earthen berm with required plantings and perennial groundcover sown on the berm.	.8 .9 1	 <i>B₁</i> OR <i>F₁</i> <i>B₂</i> OR <i>F₁</i>

(j) *Bufferyard J.* Unless a building is located on the property line, a six-foot solid wood fence or six-foot solid masonry/brick wall or six-foot solid evergreen hedge shall be provided.

(k) *Bufferyard S₁.*

<i>Required Plantings per 100 Linear Feet</i>		
	PLANT UNIT MULTIPLIER	STRUCTURE REQUIRED
1 Canopy Tree 1 Understory Tree 3 Shrubs	.15	

(l) *Bufferyard S₂.*

<i>Required Plantings per 100 Linear Feet</i>		
	PLANT UNIT MULTIPLIER	STRUCTURE REQUIRED
1 Canopy Tree 2 Understory Trees 4 Shrubs	.15	

(m) *Bufferyard S₃*.

<i>Required Plantings per 100 Linear Feet</i>	
1 Canopy Tree 3 Understory Trees 6 Shrubs	

(13) *Sight distance and visibility.*

- (a) Strict compliance with these landscaping requirements shall not be required if it would cause visibility obstructions and/or blind corners at intersections. Whenever an accessway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, a sight triangle shall be required in conformance with subsection 36-453(6).
- (b) Landscaping, except required grass and low ground cover, shall not be located closer than five feet from the edge of any accessway pavement.
- (c) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the director of public works, the requirements set forth herein shall be modified to the extent necessary to remove the conflict.

(14) *Utility easements.* Utility easements shall be agreed to with the affected utility prior to submission of landscape plans. Within utility construction requirements, easements shall be provided at locations that minimize their impact on required bufferyards and perimeter landscaping. Plantings on utility easements shall be limited to ornamental trees, shrubs and hedges, ground cover, and lawn grass. Each required canopy tree may be replaced by two understory or ornamental trees to reduce conflicts with overhead utilities. Plantings in or adjacent to a utility easement shall be coordinated with the utility.

(15) *Existing developed areas—Nonconformance, compliance required.* All property with existing development, on the effective date of this article, which is not in compliance with the provisions of this section shall be considered nonconforming uses and allowed to continue so long as all of the requirements of section 36-457, nonconformities, are met or until a building permit is issued for enlargement of a structure or building. At such a time, the following requirements shall be met. If enlargement of an existing structure or building requires open space be provided, it is the intent of this subsection that the bufferyard, parking lot and perimeter landscaping requirements be met to the maximum extent feasible without requiring existing structures or buildings to be removed or moved and that existing pavement only be removed as a last recourse. It is also the intent that the open space be widely distributed throughout the site and not concentrated in only a few locations.

- (a) No open space or bufferyard, except screening as required by paragraph (h) below, shall be required if existing buildings and structures are replaced with new buildings and structures with the same total floor area provided a building permit for replacement is applied for within one year after the existing buildings are removed.

- (b) No additional open space or bufferyard shall be required if a use expands into or is established in existing floor area that was previously unfinished or otherwise not available for occupancy.
- (c) No open space or bufferyard, except screening as required by paragraph (h) below, shall be required if:
 - 1. The lot is enlarged by less than 25 percent or by less than 20,000 square feet, whichever is greater; and
 - 2. The floor area, whether all new floor area or a combination of existing and new floor area, is enlarged by less than 25 percent or by less than 2,000 square feet, whichever is greater.
- (d) Fifty percent of the open space required for the entire property by the zoning district shall be provided on the property in such a way as to meet the bufferyard, parking lot and perimeter landscaping requirements of this section if:
 - 1. The lot is enlarged by 25 percent or by 20,000 square feet, whichever is greater; or
 - 2. The floor area, whether all new floor area or a combination of existing and new floor area, is enlarged by 25 percent or by 2,000 square feet, whichever is greater.

If a bufferyard is required on the property by subsection 36-482(11), the open space shall be distributed to attempt to provide at least 50 percent of the bufferyard width required by subsection 36-482(11). Plantings may also be reduced proportional to the width or as permitted by paragraph (f) below.

- (e) One hundred percent of the open space required for the entire property by the zoning district shall be provided on the property in such a way as to meet the bufferyard, parking lot and perimeter landscaping requirements of this section if:

- 1. The lot is enlarged by 50 percent or by 45,000 square feet, whichever is greater; or
- 2. The floor area, whether all new floor area or a combination of existing and new floor area, is enlarged by 50 percent or by 5,000 square feet, whichever is greater.

If a bufferyard is required on the property by subsection 36-482(11), the open space shall be distributed to attempt to provide 100 percent of the bufferyard width and plantings as required by subsection 36-482(11). Exemptions are provided by paragraph (f) below.

- (f) Open space shall be provided on the property in such a way as to substantially meet the bufferyard, parking lot and perimeter landscaping requirements of this section. The priorities for open space distribution shall be in the following order:
 - 1. Bufferyards;
 - 2. Perimeter parking lot landscaping; and
 - 3. Interior parking lot landscaping.

To meet the bufferyard, parking lot and perimeter landscaping requirements, existing buildings are not required to be removed or moved and removal of existing paving should be minimized. If the resulting bufferyard is less than 15 feet wide, screening shall be provided in accordance with paragraph (h) below and plantings shall be provided as follows:

<i>Required Plantings per 100 Linear Feet</i>				
<i>Bufferyard Width</i>	<i>Canopy Trees</i>	<i>Understory Trees</i>	<i>Evergreen Trees</i>	<i>Shrubs</i>
10 to less than 15 feet	0	1	2	10
5 to less than 10 feet	0	0	0	15
Less than 5 feet	0	0	0	0

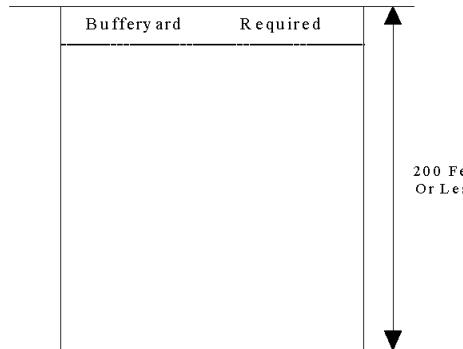
If during site plan review the location of open space cannot be agreed upon between the director of building development services and the applicant, the location of open space areas shall be determined by the administrative review committee as part of the site plan review.

- (g) Enlargements of the lot or floor area shall be cumulative, and when the above thresholds are reached, the required open space shall be provided.
- (h) If a bufferyard is required on the property by subsection 36-482(11), a six-foot solid wood fence, masonry/brick wall or evergreen hedge shall be provided if the minimum bufferyard required by subsection 36-482(11) is not provided as a result of the enlargement or replacement of floor area.

(16) *Exemption for narrow or shallow properties.* Properties are not required to provide a bufferyard greater than specified below, regardless of the requirement in subsection 36-482(11)(d) provided:

- (a) The property dimension, perpendicular to the property line where the bufferyard is required, does not exceed D at any point (Figure 6-1); and
- (b) The property dimension, perpendicular to the property line where the bufferyard is required, has not been reduced since the effective date of this article or since the adjoining property was rezoned so as to require a greater bufferyard.

<i>Required Plantings per 100 Linear Feet</i>					
<i>Dimension D</i>	<i>Bufferyard Width</i>	<i>Canopy Trees</i>	<i>Understory Trees</i>	<i>Evergreen Trees</i>	<i>Shrubs</i>
Greater than 150 to 200 feet	15 feet	1	1	2	10
Greater than 100 to 150 feet	10 feet	0	1	2	10
100 feet or less	5 feet	0	0	0	15

Figure 6-1

A six-foot solid wood fence, masonry/brick wall or evergreen hedge shall also be provided if the minimum bufferyard required by subsection 36-482(11) is not provided as a result of the provisions of this subsection.

(17) *Maximum bufferyard area required.* In order to ensure that the development of smaller properties in the industrial districts (RI, restricted industrial; LI, limited industrial; GM, general manufacturing; HM, heavy manufacturing; and IC, industrial commercial) is not unreasonably restricted by the bufferyard requirements of this section, the required bufferyard area provided on a property may be modified as follows:

- (a) In districts that require a minimum open space of 20 percent or greater, the required bufferyard area shall not be required to exceed 20 percent of the total property area.
- (b) In districts that require a minimum open space of less than 20 percent, the required bufferyard area shall not be required to exceed 15 percent of the total property area.
- (c) A six-foot solid wood fence, masonry/brick wall or evergreen hedge shall be provided if the minimum bufferyard required by subsection 36-482(11) is not provided as a result of the provisions of this subsection.
- (d) The administrative review committee (ARC) shall review and approve the modified bufferyard, including the width and plantings based on the total property area calculations. The ARC shall evaluate the width and bufferyard plantings that are most similar to the required bufferyard standard as in subsection 36-482(12), provided:
 1. No bufferyard width shall be less than ten feet unless permitted by subsection 36-482(16); and
 2. The proposed bufferyard plantings per 100 linear feet shall be based on the most similar bufferyard standard width but not greater than the calculated width.

(Zoning Ord., § 6-1200; G.O. 4519, 6-12-95; G.O. 4685, 3-17-97; G.O. 5127, 10-29-04; G.O. 5652, 2-12-07; G.O. 5858, 2-8-10; G.O. 6025, 12-17-12; G.O. 6047, 5-6-13; G.O. 6112, 3-24-14; G.O. 6126, 7-7-14; G.O. 6134, 8-18-04)

Sec. 36-483. Off-street parking and loading area design standards.

- (1) *Off-street parking area design standards.*
 - (a) *Location of required parking.* All off-street parking spaces required by this section shall observe the following requirements with respect to location:
 1. In all residential districts, all required off-street parking spaces shall be located on the same lot as the principal structure or use requiring such parking.
 2. In all other districts, the following requirements shall apply. All required parking spaces shall be located on the same lot occupied by the principal structure or use requiring such parking unless a co-operative parking plan has been approved pursuant to subsection 36-455(5).
 - a. In all office, business and commercial districts, and the government and institutional district, all off-street parking spaces shall be located on the same lot as the structure or use requiring such parking or within 300 feet of a point of access to such structure or use.
 - b. In all industrial and manufacturing districts, off-street parking spaces shall be located on the same lot as the structure or use requiring such parking or within 600 feet of a point of access to such building.
 - c. No off-street parking facilities for a building, structure, or use permitted only in office, government and institutional, business and commercial, and industrial and manufacturing districts shall be permitted to locate as a matter of right in any residential district.
 3. In all districts, no required parking or required perimeter landscaping shall be located in the required right-of-way of an adjacent street based on the classification of the street in accordance with subsection 36-303(17).
 - (b) *Size.* A standard off-street parking space shall be at least nine feet in width, at least 18.5 feet in length, exclusive of access drives or aisles, ramps, or columns, and shall have a vertical clearance of at least eight feet. A compact car off-street parking space shall be at least eight feet in width, at least 16 feet in length, exclusive of access drives or aisles, ramps, or columns, and shall have a vertical clearance of at least eight feet. For employee parking only, not more than 40 percent of the required off-street parking spaces, after the first 100 standard size, off-street parking spaces have been provided, may be compact car spaces. All compact car spaces shall be designated by signs on poles or walls. The parking lot layout and distribution of standard and compact spaces shall comply with standards as established by the director of the public works.
 - (c) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All driveways shall comply with chapter 31, article III, division 3, Springfield City Code.
 - (d) *Open and enclosed parking.* Off-street parking facilities may be open to the sky or enclosed in a building or structure. Off-street parking facilities open to the sky may be

located in any yard except that in residential districts no such parking facilities, including circulation lanes, shall be permitted in a required front yard or a required side yard adjacent to a street only if meeting the provisions of subsection 36-483(2). Enclosed or semi-enclosed buildings and structures, and carports containing off-street parking facilities shall be subject to the setback and yard requirements applicable in the district in which they are located.

- (e) *Design.* Off-street parking facilities shall comply with such design standards relating to curb length, stall depth, aisle width, island width, barriers, and ingress and egress as may be established from time to time by the director of public works, and adopted by the planning and zoning commission. Turn-arounds shall be provided in multifamily (three or more units) and nonresidential parking lots to allow vehicles to enter and exit the parking lot without backing from or onto a public street.
- (f) *Surfacing.* All off-street parking areas, shall be graded for proper drainage, provided with an all-weather, hard surface; and maintained in a condition to retain the original surface and to prevent the release of dust, mud or silt; and to be free of dust, mud, silt, standing water, trash and debris. The following materials constitute an acceptable all-weather hard surface material.
 - 1. Asphalt.
 - 2. Concrete.
 - 3. Pervious or permeable pavement such as pervious concrete, permeable interlocking concrete and brick pavers, and other pervious or permeable paving systems capable of withstanding the normal wear and tear associated with the parking and maneuvering of vehicles and which is appropriate for traffic loads and frequency of use. All materials shall be designated, installed, and maintained per current industry standards. Appropriate soils and site conditions shall exist for the pervious or permeable pavement to function. When designed to meet stormwater requirements for flood control detention or water quality, pervious or permeable pavement systems must be designed in accordance with the City Code, including chapter 96.
 - 4. Ribbon driveways that consist of two wheel tracks with a median are allowed for each drive lane for single-family detached, single-family semi-detached, duplex or townhouse dwelling units or mobile homes. Each wheel track shall meet the surfacing requirements of this section and shall be at least three feet in width. The median shall not exceed three feet in width with a surface of grass, gravel, or other approved pervious materials.
- (g) *Screening.* Off-street parking areas, open to the sky, shall be screened in accordance with the requirements of section 36-480, screening and fencing. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into any wall, fence, or hedge built or planted as screening.

- (h) *Landscaping.* Off-street parking areas, open to the sky, shall be landscaped in accordance with section 36-482, landscaping and bufferyards.
 - (i) *Lighting.* Any lighting used to illuminate off-street parking areas shall comply with section 36-484, lighting standards.
- (2) *Supplemental off-street parking area design standards for residential uses.*
- (a) *General provisions.* In addition to the provisions of subsection 36-483(1), these provisions shall apply only to single-family detached, single-family semi-detached, duplex or mobile home dwellings.
 - (b) *Design.* In addition to the requirements of subsection 36-483(1)(d), a driveway may be widened and utilized as impervious parking area where the widened portion of the driveway aisle does not lead to a required off-street parking space. Such widened driveways shall not exceed a total width of 18 feet and shall be permitted except under the following conditions:
 1. The property can be provided with additional vehicular access via a public alley; or
 2. The property is located on a public street with curb and gutter where 24 hour on-street parking is permitted on at least one side of the street. Properties shall be determined to have access to such on-street parking if it is located within 100 feet of the front door of a home as measured along the path of travel. - (c) *Modification of existing driveways.* All portions of any existing driveway that is modified as provided within this subsection, or is otherwise expanded, shall be required to meet the surfacing requirements of subsection 36-483(1)(f), except that gravel driveways which existed prior to March 7, 1995, or which existed at the time the property served by such driveway was annexed into the city, may include similar materials as that used to gravel such driveway provided that;
 1. There is a defined edge provided and maintained to contain the gravel material from migrating outside both the existing and expanded vehicular parking area into other areas of the yard;
 2. A permit is obtained for such modification from the director of building development services; and
 3. Parking occurs only in the area permitted for vehicular parking.
- (3) *Off-street bicycle parking design standards.*
- (a) *Location.*
 - 1. Unless located within a multi-level parking structure, off-street bicycle parking spaces shall be located and positioned so that they are in close proximity to and within sight of a public entry but do not impede pedestrian traffic. Bicycle parking spaces may alternatively be installed within the structure that they serve if located in a common or public space within sight of a public entry.

2. Bicycle parking spaces are not required to be located on impervious areas. Bicycle parking spaces may be located within interior common areas and landscaping treatments so long as all required planting materials are provided and the bicycle parking space dimensions established in subsection 36-483(3)(b) can be met.
 3. Where a structure or use has multiple public entries, bicycle parking spaces shall be distributed among said entries. A portion of bicycle parking spaces may also be distributed to designated employee entries when such entries are separate from any public entry.
 4. If located within or directly adjacent to an automobile parking area, bicycle parking spaces shall be separated by a physical barrier in the form of curbs, wheel stops, poles or other similar features.
- (b) *Design of bicycle parking spaces.* Bicycle parking spaces shall be arranged as illustrated in Figure 6-2. Each bicycle parking space shall be at least 24 inches in width and six feet in length. In addition, bicycle parking spaces shall be accessed on at least one side via an area of clearance not less than 48 inches.
- Figure 6-2**
-
- The diagram illustrates a rectangular bicycle parking space. On the left, a vertical dimension line indicates a height of 72 inches. On the bottom left, a horizontal dimension line indicates a width of 24 inches. On the bottom right, a vertical dimension line indicates a depth of 48 inches, labeled "48\" AREA OF CLEARANCE". The space is divided into two sections by a central vertical line. Each section contains a bicycle rack with two vertical posts and a horizontal crossbar. A person is shown standing next to the racks, providing a visual scale. Dashed lines indicate the overall boundaries of the space.
- (c) *Bicycle parking rack.* Each bicycle rack shall be designed to support a bicycle by its frame in two places and allow the use of a cable lock or U shaped lock. The bicycle rack shall be anchored so they cannot be easily removed, vandalized, or stolen. Permitted individual rack elements include those types illustrated in Figure 6-3 except that an alternative rack or bike locker may be approved by the director of building development services.

Figure 6-3(4) *Off-street loading area design standards.*

- (a) *Location.* Off-street loading areas may occupy all or any part of any required yard space, other than a required front yard or a side yard adjoining a street or the required setback from the right-of-way center line of a street in accordance with subsection 36-303(17).
- (b) *Access.* Except in the center city district, all off-street loading areas shall be accessed without requiring any backing from or onto a public street and without any portion of a vehicle projecting onto a public street while being loaded. Off-street loading areas shall be provided with driveways that comply with chapter 31, article III, division 3, Springfield City Code.
- (c) *Grading and surfacing.* All off-street loading areas shall be graded for proper drainage, provided with an all-weather, dust-free surfacing material and maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash, and debris.
- (d) *Screening.* All off-street loading areas on property located adjacent to a residential district shall comply with the screening requirements in section 36-480, screening and fencing.
- (e) *Landscaping.* All off-street loading areas shall be landscaped in accordance with section 36-482, landscaping and bufferyards.
- (f) *Lighting.* Any lighting used to illuminate off-street loading areas shall comply with section 36-484, lighting standards.

(Zoning Ord., § 6-1300; G.O. 5165, 3-25-02; G.O. 5355, 3-15-04; G.O. 5412, 10-18-04; G.O. 6302, § 1, 9-6-16)

Sec. 36-484. Lighting standards.

(1) *Purpose.* The purpose of this section is to regulate the placement and arrangement of lighting. These regulations are intended to:

- (a) Protect the public health, safety, and general welfare;
- (b) Enable the fair and consistent enforcement of these regulations;
- (c) Control light spillover and glare;

- (d) Encourage lighting systems which conserve energy and costs;
- (e) Preserve community character; and
- (e) Provide for nighttime safety, utility, security, and productivity.

(2) *Exterior lighting objectives.* Lighting arrangements shall be arranged in the following manner:

- (a) To minimize light spillover onto any adjacent premises; and
- (b) So that light from any illuminated source shall be so shaded, shielded or directed that the light intensity or brightness will not adversely affect adjoining property.

(3) *Exterior lighting standards.* All exterior lighting upon any premises, regardless of zoning classification, shall be subject to the following conditions and limitations:

- (a) When a light source or luminary does not have a cutoff the following standards shall be met:
 1. Maximum mounting or pole height of the light source or luminary: Fifteen feet.

2. Maximum permitted lumination:
 - a. Three-tenths footcandle at any point along the perimeter of the property where it adjoins a residential zoning district or is separated from a residential zoning district by a right-of-way of 70 feet or less.
 - b. One footcandle at any other point along the perimeter of the property.
- (b) When a light source or luminary has total cutoff of light at an angle so that the bare bulb, lamp, or light source is completely and opaquely shielded from the direct view of an observer at ground level at the perimeter of the property, the following standards shall be met:
 1. Maximum mounting or pole height of the light source or luminary: Sixty feet.
 2. Maximum permitted lumination:
 - a. One-half footcandle at any point along the perimeter of the property where it adjoins a residential zoning district or is separated from a residential zoning district by a right-of-way of 70 feet or less.
 - b. One footcandle at any other point along the perimeter of the property.
 - c. There are no maximum lamination limits at the common property line of a premises.
- (c) Building and landscape light fixtures, including ground lighting for signs, flagpoles and statues, shall be equipped with shields or shutters to minimize spillover. The maximum permitted lumination as a result of reflected light resulting from such fixtures shall be:
 1. One-half footcandles at any point along the perimeter of the property where it adjoins a residential zoning district or is separated from a residential zoning district by a right-of-way of 70 feet or less; and
 2. One footcandle at any other point along the perimeter of the property.
- (d) The maximum permitted average lumination of all parking lots shall be five footcandles.
- (e) There shall be no lighting of a blinking, flashing, rotating or fluttering nature, including changes in light intensity, brightness, or color except for public safety purposes.
- (f) Light sources or luminary shall not be located within bufferyard areas except on pedestrian walkways.
- (g) A site lighting plan for uses requiring site plan review shall be submitted and shall provide the following information:
 1. Proposed location on premises of all exterior light fixtures;
 2. Description of illumination devices, fixtures, lamps, supports, reflectors and lens, mounting height and wattage;

3. Photometric design layout for the site of all illuminated vertical and horizontal surfaces showing the design footcandle levels.
 - (h) For uses requiring site plan review, lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. The lighting plan submitted for review shall note where this distinction occurs.
- (4) *Existing lighting.* Any existing lighting fixture that is moved or replaced shall meet the requirements of this section.
- (5) *Exemptions.*
- (a) *Outdoor recreational uses.* Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, and tennis courts shall be exempt from the exterior lighting standards of subsection 36-484(3) above. These outdoor recreational uses must meet all other requirements of this section and of this article.
 - (b) *Private outdoor lights.* Private outdoor lights installed by a public utility on private property for security purposes are exempt from the exterior lighting standards of subsection 36-484(3) above, provided the installation is approved by all property owners of residential property from which the light source can be viewed directly.
 - (c) *Emergency warning lights.* Safety signal and warning device lighting shall be exempt from the exterior lighting standards of subsection 36-484(3) above.
 - (d) *Temporary seasonal/holiday lighting.* Temporary seasonal/holiday lighting is exempt from the exterior lighting standards of subsection 36-484(3) above.
 - (e) *Search lights.* Search lights for promotional purposes and special events shall be exempt from the exterior lighting standards of subsection 36-484(3) above provided the lights are not located in a residential zoning district and the lights are directed so that they do not illuminate any structure that is not located on the same property as the lights.

(Zoning Ord., § 6-1400; G.O. 5127, 10-29-01; G.O. 5425, 11-15-04; G.O. 6223, § 1(exh. A), 9-14-15)

Sec. 36-485. Noise standards.

- (1) *Purpose.* The purpose of these noise standards is to provide measurable criteria to ensure that noise resulting from an activity does not have an adverse impact on adjoining properties.
 - (2) *Applicability.*
- (a) *New uses.* All uses hereafter established shall comply with the noise standards of this section.
 - (b) *Existing conforming uses.* Any existing use which, on the effective date of this article, complies with the applicable noise standards of this section shall continue to so

comply. If, at such time, the operations of any lawful existing use violates the noise standards of the section, such operations shall not be varied or changed in such a way as to increase the degree of violation. The fact that the operations of a lawful existing use violate the noise standards of this section shall not of itself make such use subject to the requirements of section 36-457, nonconformities, of this article relating to nonconformities.

- (c) *Existing nonconforming uses.* Any use that is located in a zoning district in which such use is not permitted but which is a lawful nonconforming use and which complies, on the effective date of this article, with all of the noise standards for the use shall continue to comply. If, at such time, the operations of such lawful nonconforming uses violate such standards, then such operations shall not be varied or changed in such a way as to increase the degree of such violation.
- (d) *Nuisance not permitted.* Notwithstanding the provisions of paragraphs (b) and (c) above, any noise source that exceeds the applicable noise standards of this section and, in the opinion of the director, constitutes a nuisance shall be abated. Nothing contained herein shall be construed to overrule provisions of other city noise ordinances which shall be harmonized and enforced by the court to the fullest extent in order to prevent unnecessary noise.

(3) *Noise standards.*

- (a) *Maximum noise level.* No operation or activity shall cause or create noise in excess of the sound levels prescribed below.
- (b) *Sound level standards.* The maximum permitted sound level shall be at a volume so as to not unreasonably and knowingly disturb or alarm another person or persons by loud noise.
- (c) *Variations and exemptions.*
 - 1. The following uses and activities shall be exempt from the sound level standards:
 - a. Noises not directly under the control of the property user;
 - b. Noises emanating from construction and maintenance activities between 7:00 a.m. and 11:00 p.m.;
 - c. The noises of safety signals, warning devices, emergency pressure relief valves and emergency electric generators; and
 - d. Noises from moving sources such as automobiles and trucks on public right-of-way, railroad equipment on railroad right-of-way and railroad spurs on private property, and airplanes.

(Zoning Ord., § 6-1500; G.O. 4855, 12-14-98; G.O. 5475, 7-11-05; G.O. 6195, Exh. D, 5-11-15)

Division 7. Grant Avenue Parkway District Standards**Sec. 36-486. General provisions.**

(1) *GAP district generally.* The Grant Avenue Parkway District shall have the boundaries shown on the official zoning map maintained by the department. In case a property is included in two or more subdistricts, and the provisions of which conflict, the provisions of the more restrictive subdistrict shall apply.

(2) *GAP district purpose and intent.* The purpose of the GAP - Grant Avenue Parkway District is to regulate the development of the parcels along Grant Avenue Parkway between College Street and Fassnight Park. The GAP district is intended to provide greater flexibility in use by requiring high-quality design that fosters sense of place to promote reinvestment and redevelopment that leverages the new parkway as an asset.

(3) *Establishment of subdistricts.*

(a) *Subdistricts generally.* The GAP district is comprised of unique areas with varying patterns of development, architectural styles, and visions as established in the City of Springfield Grant Avenue Parkway Corridor Plan. In order to better regulate these areas, the GAP District is further divided into six subdistricts as detailed below. The purpose of the subdistricts is to capitalize on the unique character of each portion of the GAP district and accommodate existing development while encouraging additional opportunities for redevelopment and reinvestment.

(b) *Grant Avenue Parkway District Subdistricts.*

1. *Subdistrict A.* Subdistrict A, generally located from College Street to Walnut Street at the north end of the GAP district, shall be prioritized for mixed use development. New development in this subdistrict shall complement nearby downtown urban-scale development and provide for the integration and transition of these uses into a more traditional neighborhood form.
2. *Subdistrict B.* Subdistrict B, generally located from Walnut Street to Elm Street, is intended to accommodate the renovation of existing residential structures or their conversion to neighborhood-scale home businesses. The subdistrict also accommodates mixed use or multifamily residential development to create a seamless transition to adjacent subdistricts A and C.
3. *Subdistrict C.* Subdistrict C, generally located from Elm Street to Mt. Vernon Street is intended to be a local-serving, mixed use neighborhood center that is compatible with the West Central neighborhood. The subdistrict allows for the conversion of existing properties to preserve their historic integrity and extend their economic life by allowing owners to justify expenditures for repairs and modernization.
4. *Subdistrict D.* Subdistrict D, generally located from Mt. Vernon Street to Grand Street, is intended to be a mixed residential corridor. This subdistrict is

intended to accommodate reinvestment in existing homes and new development of higher density housing types that blend seamlessly with existing nearby residences.

5. *Subdistrict E.* Subdistrict E, generally surrounding the intersections of Grant Avenue and Grand Street and Grant Avenue and Catalpa Street, is intended to accommodate local-serving, mixed use neighborhood centers that benefit from traffic along Grand Street and the connection of Fassnight Park at Catalpa Street. New development in this subdistrict should complement the entrance to Fassnight Park and connect to the Fassnight Creek Greenway trail.
6. *Subdistrict F.* Subdistrict F, generally located along Grant Avenue at Delmar Street and Loren Street and along Catalpa Street west of Grant Avenue, is intended to accommodate higher density development to support the adjacent neighborhood retail nodes.

(4) *Figures.* Figures are included in this division to clarify written text. In the case of conflict between the figures and written text within this division, the written text shall govern.

(5) *Definitions.* The definitions included in table 36-486(5), definitions shall be utilized in the interpretation of this division. If a term is utilized in this division and is not defined in table 36-486(5), definitions, the definitions included in division 2 of Article III of the city's land development code shall be utilized.

Table 36-486(5) Definitions

<i>Term</i>	<i>Definition</i>
Artisan Manufacturing	Small-scale businesses that produce artisan goods such as artisan leather, glass, wood, paper, ceramic, textile, or yarn products; specialty foods; or baked goods, primarily for direct sales to consumers. This land use includes the design, processing, fabrication, assembly, treatment, and packaging of products as well as the incidental storage, sales, and distribution of such products.
City of Springfield Grant Avenue Parkway Corridor Plan	A plan formally adopted by the City of Springfield City Council that defines the City's land use goals within the Grant Avenue Parkway Corridor.
Department	The Planning and Development Department of the City of Springfield, Missouri.
Farm Product	Any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.
Farm Product, Value Added	A farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.
Farm Stand	An area accessory to a residential garden that is used to sell farm products and value-added farm products.
Food Truck	A mobile vehicle, trailer, or pushcart operated to sell food or beverages with or without food preparation or cooking. Examples include mobile food establishments, mobile retail food establishments, and mobile pushcarts.

Table 36-486(5) Definitions

<i>Term</i>	<i>Definition</i>
Grant Avenue District	A district created by the City of Springfield to regulate land use within the Grant Avenue Parkway Corridor of the City.
General Office, Conversion	A general office use located in a structure constructed prior to 1930 as a single-family dwelling unit.
Non-Agricultural Item	Any item offered for sale other than farm products and value-added farm products.
Restaurant, Delivery/ Carry-out only	An establishment that by the design of its physical facilities or service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises.
Seasonal Sales	Christmas tree, pumpkins, and similar, temporary (typically recurring on an annual basis) sales for a period not to exceed thirty (30) days.
Sign, Awning or Canopy	A sign that is mounted, painted, or attached to an awning or canopy. This includes any projecting canvas or other material over a structural framework used for a small amount of shelter or shade on a facade that has signage displayed on the visible surface.
Sign, Banner	A temporary sign which is not attached to a permanently mounted backing. Banner signs may be ground-mounted or wall-mounted.
Sign, Billboard	Any sign that displays sign copy based on a temporary lease or rental agreement between the sign owner/operator and the sign copy content creator or owner.
Sign, Box	A sign which includes a frame or box-like external structure which encloses the functional elements of the sign, including internal illumination, where the sign content is affixed on a face or panel.
Sign, Electronic Message Board	A sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations that can be changed or rearranged electronically without altering the face or surface of such sign.
Sign, Feather	A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and upon which temporary sign copy is displayed. Such banners are also known and sold under names that include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.
Sign, Monument	A freestanding sign, other than a pole/pylon sign, with a support structure that is wider than the sign face.
Sign, Moving, Rotating, or Animated	Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement by use of lighting, or that exhibits intermittent or sequential flashing of natural or artificial light or color effects by any means whatsoever.
Sign, Nonconforming	Any sign that does not meet the standards for area, height, setbacks, illumination, or other standards for the sign types in the governing zoning district but existed prior to the adoption of the regulation to which it does not conform.
Sign, Off-Premises	A sign that constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located.
Sign, On-Site Traffic Directional	A sign on a lot that directs the movement or placement of pedestrian or vehicular traffic in order to protect the public health, safety, and welfare.
Sign, Permanent	A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
Sign, Post	A freestanding, moveable sign affixed to the ground with one or no more than two wood stakes or poles with an arm from which the sign hangs.
Sign, Prohibited	Any sign type expressly disallowed under Division 7 of the City of Springfield Zoning Regulations.

Table 36-486(5) Definitions

<i>Term</i>	<i>Definition</i>
Sign, Projecting	A sign, other than a wall sign which is attached to and projects more than one foot, generally perpendicular from a structure or building face.
Sign, Pylon or Pole	A freestanding sign, other than a monument sign, with a support structure that is narrower than the sign face.
Sign, Sidewalk	A type of portable sign that is intended to be placed on a hard surface, most commonly a sidewalk. These signs include A-frame signs, signs that are suspended from the top member of an A-frame, signs with weighted bases, and comparable signs.
Sign, Snipe	An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.
Sign, Temporary	A sign displayed for a certain short period of time. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary.
Sign, Wall	A sign mounted parallel to a building facade or other vertical building surface.
Sign, Window	A sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one foot of the interior of a window, which can be seen through the window from the exterior of the structure.
Sign, Yard	A temporary portable sign constructed of paper, vinyl, plastic, wood, metal, or other comparable material, and designed or intended to be displayed for a short period of time.
Solar Energy Collection System, Canopy	A solar energy collection system consisting of elevated solar panels installed above parking lots, carports, and other paved areas.
Solar Energy Collection System, Roof Mounted	A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure. It is typically installed parallel to the roof with a gap of several inches.
Title Loan/Short-Term Lending	An establishment that provides to the customer an amount of money that is equal to the face value of the check, warrant, draft, money order, or other commercial paper securing the same purpose, or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, whereby the check casher refrains from depositing a personal check written by a customer until a specific date. Such establishments may also engage in money transfers, payday advances, and issuance of money orders. This use shall not include a state or federally chartered bank, savings association, credit union, industrial loan association, or rental-purchase company and shall not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a nominal flat fee as a service to customers incidental to the main use of the establishment.
Use Specific Standards	A series of requirements formally codified within the City of Springfield Zoning Regulations that define parameters for a land use regulated under the Zoning Regulations.

(6) *Site plan review process.*

- (a) *Applicability.* Development within the GAP District shall be required to certify compliance with all applicable provisions of this division through the site plan review process established in section 36-360.
- (b) *Submittal requirements.* In addition to the submittal requirements detailed in section 36-360 the applicant shall be required to submit a building elevation plan showing the height, façade design, exterior building materials, signage, and window specifications for all proposed buildings.

- (c) *Review criteria.* In addition to the review criteria detailed in section 36-360 alignment with the Grant Avenue Parkway Corridor Plan shall be considered in the site plan review process.

(G.O. 6661, § 1(Exh. B), 6-28-21)

Sec. 36-487. Bulk standards.

Table 36-487. Bulk standards addresses the requirements applicable to development of a lot per subdistrict.

<i>Table 36-487 GAP District Bulk Standards</i>						
<i>Standard</i>	<i>Subdistrict A</i>	<i>Subdistrict B</i>	<i>Subdistrict C</i>	<i>Subdistrict D</i>	<i>Subdistrict E</i>	<i>Subdistrict F</i>
Lot Standards						
Lot Area	n/a	n/a	n/a	n/a	n/a	n/a
Lot Width	n/a	n/a	n/a	n/a	n/a	n/a
Yard Setbacks (Figures 1 and 2)						
Front, minimum (ft)	0	15 ¹	0	15	10	15
Front, maximum (ft)	10 ³	25 ¹	10	25	20	25
Exterior Side, minimum (ft)	0	15 ¹	0	15	10	15
Exterior Side, maximum (ft)	10 ³	25 ¹	10	25	20	25
Interior Side, minimum (ft)	6 ²	6 ²	6 ²	6 ²	6 ²	6 ²
Rear, minimum (ft)	n/a	n/a	n/a	n/a	n/a	n/a
Building Standards						
Height, minimum (stories or ft)	2 ³	2 ³	2	2	3	3 or 35 ft.
Height, maximum (stories)	n/a	4	3	3	4	4
Notes						
1.	The setback of new development shall align with the setback of existing development in the subdistrict that is closest to the public right-of-way.					
2.	If party-wall exists, 0' minimum shall be permitted.					
3.	Expansion or enlargement of structures existing at the time of the adoption of this ordinance [G.O. 6684] shall be exempt from this requirement.					

ZONING REGULATIONS

§ 36-487

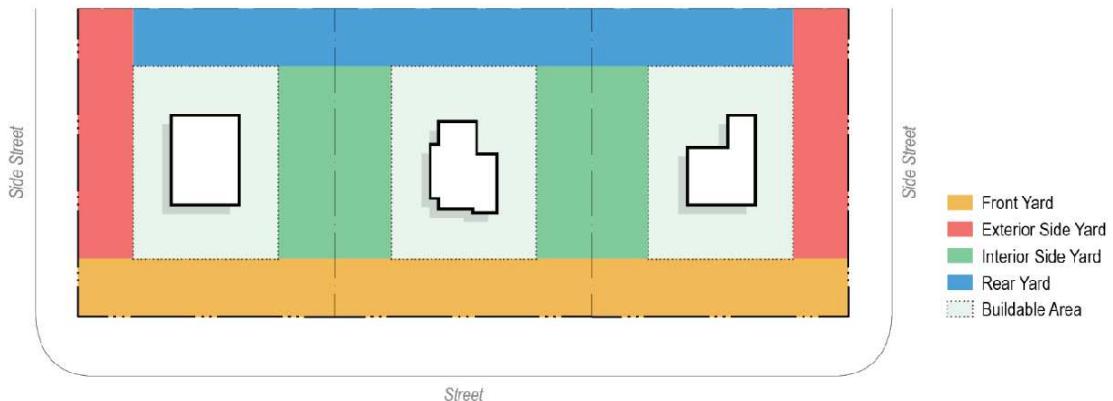


Figure 1: Required Yard



Figure 2: Build-To-Zones

(G.O. 6661, § 1(Exh. B), 6-28-21; G.O. 6684, § 1(Exh. B), 9-20-21; G.O. 6792, § 1, 6-26-23)

Sec. 36-488. Permitted and conditional uses.

The following key is to be used in the interpretation of table 36-488, permitted and conditional uses below.

- (1) *Permitted uses.* Uses which are marked as "P" in the table shall be allowed subject to all applicable regulations of this article.
- (2) *Conditional uses.* Uses which are marked as "C" in the table shall be allowed upon the approval of a conditional use permit as detailed in section 36-363.
- (3) *Prohibited uses.* A blank space in the table indicates that a use type is not allowed in the respective subdistrict.
- (4) *Uses not listed.* If a proposed use is not listed in the tables, the administrative review committee shall determine if the use is substantially similar to a use listed in the tables. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
- (5) *Conversions.* Structures existing at the time of the adoption of this ordinance [G.O. 6684] in subdistricts A, B, and/or C may be converted to any use permit in that subdistrict.
- (6) *Additional regulation.* If uses have use specific standards they are referenced in this column. Use specific standards shall apply to permitted and conditional uses. Where use specific standards conflict with district specific standards, the district specific standards shall be followed.

Table 36-488. GAP District Permitted and Conditional Uses

Use	Additional Regulation	Subdistrict F	Subdistrict E	Subdistrict D	Subdistrict C	Subdistrict B	Subdistrict A
Residential Uses							
Dwelling, Live Work	36-489(1)		P	P	P		
Dwelling, Multifamily, stand-alone fronting Grant Avenue		C	C	C	P		P
Dwelling, Multifamily, stand-alone not fronting Grant Avenue		P	P	P	P	P	P
Dwelling, Multifamily as a part of mixed use	36-489(2)	P	P	P		P	P
Dwelling, Multifamily conversion	36-489(3)		P	P	P		
Dwelling, Single-Family Semi-detached			P	P	P		
Dwelling, Single-Family Detached existing	36-489(4)		P	P	P		
Dwelling, Single-Family Detached new development				C	P		
Group Home		P	P	P	P	P	P
Lodging Uses							
Bed and Breakfast	36-489(5)		P	P	P		
Hotel	36-489(6)	P	P	P		C	C
Short-Term Rental Type 1	36-473				P		

Table 36-488. GAP District Permitted and Conditional Uses

<i>Use</i>	<i>Additional Regulation</i>	<i>Subdistrict F</i>	<i>Subdistrict E</i>	<i>Subdistrict D</i>	<i>Subdistrict C</i>	<i>Subdistrict B</i>	<i>Subdistrict A</i>
Short-Term Rental Type 2	36-473			P			
Short-Term Rental Type 3	36-473	P	P	P	P	P	
Commercial Retail and Entertainment Uses							
Adult Oriented Uses							
Entertainment Oriented Use Group, less than 10,000 sq. ft.		P	P	P		P	
Entertainment Oriented Use Group, greater than 10,000 sq. ft.		C	C				
General Retail Use Group, less than 10,000 sq. ft.		P	P	P		P	P
General Retail Use Group, greater than 10,000 sq. ft.		C	C				
Medical Marijuana Dispensary Facility	36-474	P	P	P		P	P
Package Liquor							
Pawn Shop							
Commercial Service and Office Uses							
Community Centers, nonprofit							P
Daycare				P			
Personal Service Use Group, less than 10,000 sq. ft.		P	P	P		P	P
Personal Service Use Group, greater than 10,000 sq. ft.		C	C				
Medical/Dental Office		P	P	P		P	P
General Office		P	P	P		P	P
General Office, above ground floor as a part of mixed use		P	P	P		P	
General Office, conversion	36-489(7)	P	P	P	P	P	P
Title Loan/Short Term Lending							
Eating and Drinking Uses							
Restaurant/Bar/Brewpub		P	P	P		P	P
Restaurant, drive-thru							
Vehicle Oriented Uses							
Autobody Repair/Service Station							
Car Sales/Rental							
Car Wash							
Gas Station							
Commercial Off-Street Parking Lots	36-489(8)	P					
Commercial Off-Street Parking Structures above ground floor as a part of mixed use		P					
Industrial Uses							
Artisan Manufacturing	36-489(9)	P	P	P		P	P
Brewery/Winery/Distillery		P					
Medical Marijuana Cultivation Facility	36-474	P					
Medical Marijuana Infused Product Manufacturing Type 2 Post Extraction Facility	36-474	P					

Table 36-488. GAP District Permitted and Conditional Uses

<i>Use</i>	<i>Additional Regulation</i>	<i>Subdistrict F</i>	<i>Subdistrict E</i>	<i>Subdistrict D</i>	<i>Subdistrict C</i>	<i>Subdistrict B</i>	<i>Subdistrict A</i>
Medical Marijuana Testing Facilities	36-474	P					
Personal Storage							
Accessory Uses							
Accessory Structures and Uses	36-450	P	P	P	P	P	P
Home Occupations		P	P	P	P	P	P
Outdoor Display/Sale of Merchandise, Permanent							
Outdoor Storage							
Solar Energy Collection System, canopy	36-489(10)	P	P	P	P	P	P
Solar Energy Collection System, roof	36-489(11)	P	P	P	P	P	P
Temporary Uses							
Farm Stand	36-489(12)				P		
Farmers Market		P	P	P		P	P
Food Truck		P	P	P		P	P
Outdoor Display/Sale of Merchandise, Temporary		P	P	P		P	P
Seasonal Sales		P	P	P		P	P

(G.O. 6661, § 1(Exh. B), 6-28-21; G.O. 6684, § 1(Exh. B), 9-20-21; G.O. 6792, § 2, 6-26-23)

Sec. 36-489. Use specific standards.

- (1) *Dwelling, live work.*
 - (a) *Occupancy.* A live work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator.
 - (b) *Sale or rental of portions of unit.* No portion of a live work unit may be separately rented or sold as a commercial space for any person not living in the unit or as a residential space for any person not working in the same unit.
 - (c) *Nonresident employees.* Up to two persons who do not reside in the live work unit may work in the unit. The employment of three or more persons who do not reside in the live work unit may be permitted subject to conditional use permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live work unit shall comply with all applicable building code requirements.

(2) *Dwelling, multifamily as part of mixed use.*

- (a) To create a continuous nonresidential façade along Grant Avenue, multifamily dwelling units may be a component of mixed use developments but shall be located either:
1. Above the ground floor; or

2. In a portion of the ground floor which does not front Grant Avenue with the exception of building entries and hallways which lead to residential units.
 - (b) The nonresidential portion of the ground floor shall have a minimum depth of 50 feet.
- (3) *Dwelling, multifamily conversion.*
- (a) *Applicability.* Single-family dwellings built prior to 1930 may be converted to three or more units in accordance with the standards set forth below. The units shall be located only in the existing structure, additions shall not be built to provide units.
- (b) *Size.* Each residential unit shall be a minimum of 800 square feet. Smaller units may be approved as a conditional use.
- (c) *Location of entrances.* Only one entrance shall be located on the front façade of the structure. The front façade of the structure shall face Grant Avenue.
- (d) *Exterior alterations.* No exterior alterations that would change the single-family character of the dwelling, other than those necessary to ensure the safety of the structure, shall be made.
- (e) *Driveways.* Each dwelling unit shall be served by one common driveway connecting all units to a public road, vehicular cross access drive, or alley.
- (4) *Dwelling, single-family detached existing.* If a single-family detached dwelling that exists prior to the date of adoption of this division is destroyed by a natural hazard outside of human control, it may be rebuilt within 18 months of the incident. After 18 months, the lot shall be developed in a manner which complies to the standards of this division.
- (5) *Bed and breakfast.*
- (a) *Applicability.* Single-family dwellings built prior to 1930 may be converted to bed and breakfast establishments in accordance with the standards set forth below. The bed and breakfast establishment shall only be located in the existing structure. Additions shall not be built to provide bed and breakfast rooms, and a new structure shall not be built expressly for a bed and breakfast.
- (b) *Location of entrances.* Only one entrance shall be located on the front façade of the structure. The front façade of the structure shall face Grant Avenue.
- (c) *Guest rooms.* There shall be a maximum of five guest rooms in the bed and breakfast.
- (d) *Exterior alterations.* No exterior alterations that would change the single-family character of the bed and breakfast, other than those necessary to ensure the safety of the structure, shall be made.
- (e) *Duration of stay.* Only short-term lodging shall be permitted, no monthly rentals.
- (f) *Signs (figure 3).* Bed and breakfast establishments shall be permitted one monument sign in accordance with the standards set forth below.
 1. *Area.* The monument sign shall not exceed six square feet in area.
 2. *Height.* The monument sign shall not exceed four feet in height.

3. *Location.* The monument sign shall be located a minimum of five feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; shall not be placed on any sidewalk or pedestrian walkway; and shall provide safe site distance where driveway curb cuts intersect public rights-of-way.
4. *Sign base.* The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of ten percent and a maximum of 25 percent of the width of the sign face. The base of the monument sign shall be constructed from masonry, stone, or similar high-quality materials in keeping with the exterior cladding materials and design of the primary building.
5. *Landscape.* The monument sign shall have a landscape area equal to the area of the sign surrounding the sign base. A minimum of 80 percent of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.

(g) *Other provisions.*

1. There shall be no individual cooking facilities.
2. The operator shall live at the bed and breakfast.
3. A business license shall be obtained annually, and the operator shall verify that the standards established in this division are still being met.

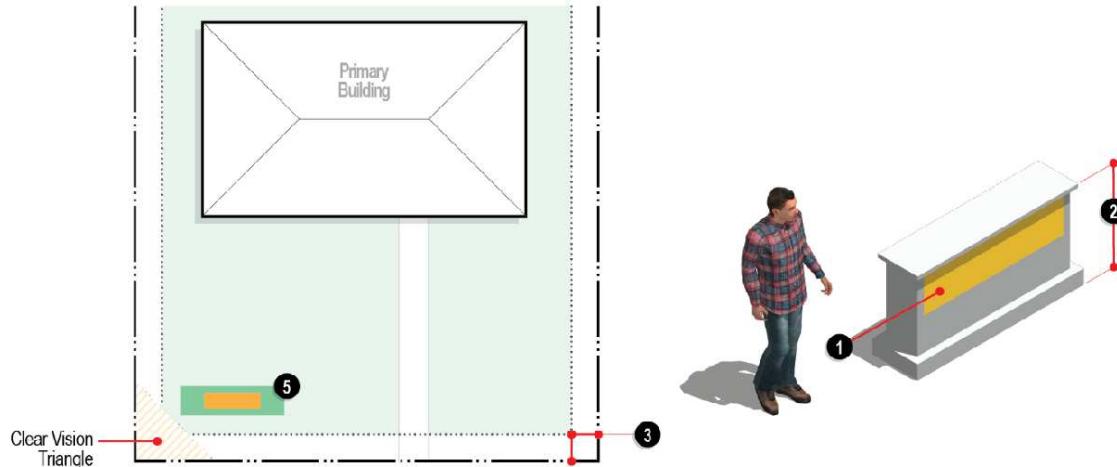


Figure 3: Bed and Breakfast Monument Signs

(5) *Hotel.*

- (a) If the facility is managed by a public or non-profit agency to provide short-term housing, with or without a fee, the facility shall not be considered a hotel.

- (b) Bed and breakfast, boarding house, lodging house, fraternity house and sorority house uses shall not be considered hotels.

(6) *General office conversion.*

- (a) *Applicability.* Single-family dwellings built prior to 1930 may be converted to general office(s) uses in accordance with the standards set forth below. The office space(s) shall be located only in the existing structure, additions shall not be built to provide office space(s).
- (b) *Location of entrances.* Only one entrance shall be located on the front façade of the structure. The front façade of the structure shall face Grant Avenue.
- (c) *Exterior alterations.* No exterior alterations that would change the single-family character of the dwelling, other than those necessary to ensure the safety of the structure, shall be made.
- (d) *Outdoor storage.* No outdoor storage shall be permitted in conjunction with a general office conversion use.
- (e) *Signs (figure 4).* General office conversion uses shall be permitted one monument sign in accordance with the standards set forth below.
1. *Area.* The monument sign shall not exceed six square feet in area.
 2. *Height.* The monument sign shall not exceed four feet in height.
 3. *Location.* The monument sign shall be located a minimum of five feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; shall not be placed on any sidewalk or pedestrian walkway; and shall not be located in a clearance sight triangle as detailed in subsection 36-490(1)(f).
 4. *Sign base.* The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of ten percent and a maximum of 25 percent of the width of the sign face. The base of the monument sign shall be constructed from masonry, stone, or similar high-quality materials in keeping with the exterior cladding materials and design of the primary building.
 5. *Landscape.* The monument sign shall have a landscape area equal to the area of the sign surrounding the sign base. A minimum of 80 percent of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.

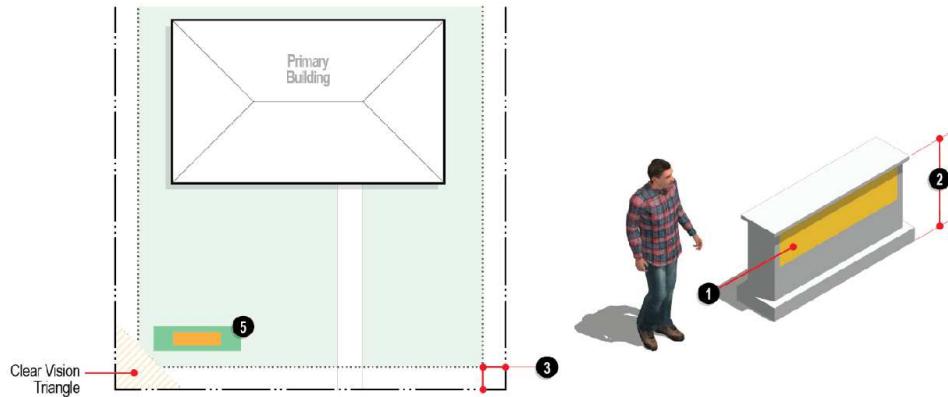


Figure 4: General Office Conversion Monument Sign

(7) *Commercial off-street parking lots.* Commercial off-street parking lots shall provide all of the landscape required in section 36-492 as well as the screening and landscape elements detailed below in areas adjacent to public rights-of-way, excluding alleys:

- (a) A fully opaque wall or fence with a height of four feet shall be used in conjunction with required parking lot perimeter area landscaping. Plant materials shall be installed between the sidewalk and the wall or fence to provide a softening effect.
- (b) Four understory trees shall be planted for every 100 lineal feet of right-of-way adjacent frontage, excluding alley rights-of-way, and shall be clustered at points of pedestrian ingress and egress.
- (c) Points of pedestrian ingress and egress shall be provided outside of vehicular curb cuts.
- (d) Screening standards established above shall be provided to the greatest extent possible, so as to provide safe site distance where driveway access intersect public rights-of-way.

(8) *Artisan manufacturing.*

- (a) Gross floor area shall not exceed 10,000 square feet unless approved as a conditional use.
- (b) Outdoor storage and/or outdoor operations or activities shall be prohibited.
- (c) Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of 15 percent of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.

(9) *Solar energy collection system, canopy (figure 5).*

- (a) The height of canopy solar energy collection systems shall not exceed the height of the primary building that the parking area serves.

- (b) The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

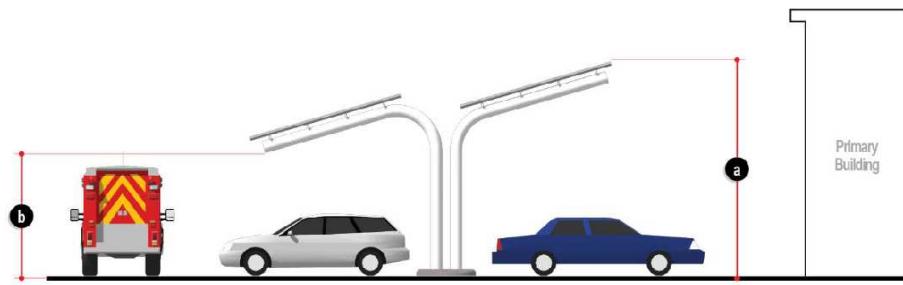


Figure 5: Solar Energy Collection System, Canopy

- (10) *Solar energy collection system, roof mounted (figure 6).*
 - (a) Roof-mounted solar energy collection systems may be located on any roof face of principal or accessory buildings.
 - (b) Systems should be flush mounted when possible. Systems on residential structures shall not extend beyond 12 inches parallel to the roof surface of a pitched roof or flat roof. Systems on nonresidential structures shall not extend beyond 36 inches parallel to the roof surface of a pitched roof or flat roof. Systems on all structures shall not extend above the highest peak of a pitched roof.
 - 1. Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
 - (c) All materials used for racking, mounting, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

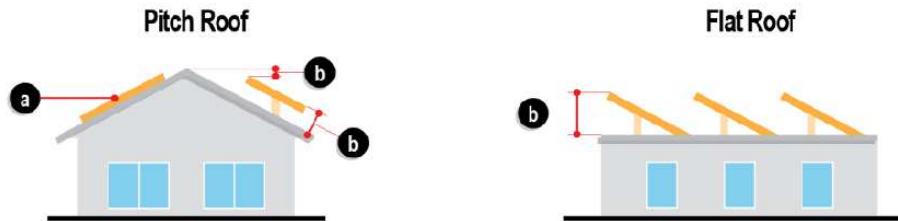


Figure 6: Solar Energy Collection System, Roof-Mounted

- (11) *Farm stand.*
 - (a) *Farm products sold.* Goods sold at a farm stand shall be farm products or value-added farm products grown and/or processed on the parcel on which the farm stand shall be located only. The sale of non-agricultural items or products produced off site shall be prohibited.

- (b) *Farm stand structure.* Any structure associated with a farm stand shall:
 - 1. Not occupy greater than 100 square feet in floor area.
 - 2. Not exceed eight feet in height.
 - 3. Comply with all required setbacks of the primary building.
 - 4. Be removed from display during the time period outside of the established hours of operation as detailed in (c) below.
- (c) *Hours of operation.* A farm stand may be in operation between the hours of 7:00 a.m. and 7:00 p.m. only.
- (d) *Signs.* No signs, other than signs otherwise permitted for single-family uses as detailed in table 36-494(3), shall be permitted.

(G.O. 6661, § 1(Exh. B), 6-28-21; G.O. 6684, § 1(Exh. B), 9-20-21)

Sec. 36-490. Building orientation, siting, and design.

- (1) *All uses.*
 - (a) *Subdistrict A.* In subdistrict A, the expansion or enlargement of structures existing at the time of adoption of this ordinance [G.O. 6684] shall be exempt from the requirements of this section (36-490).
 - 1. In subdistrict E, all new development shall utilize a mixed-use building type. A mixed-use building type is a multi-story building which accommodates nonresidential uses on the ground floor and residential or nonresidential uses on upper floors.
 - 2. In subdistrict F, all new development shall utilize a mixed use or multifamily building type. A mixed-use building type is as characterized in subsection 1, above. A multifamily building type is a building with multiple dwelling units that are vertically arranged and accessed by shared/common entrances.
 - (b) *Building orientation.* The primary building entrance(s) of all development on lots with a property line fronting Grant Avenue shall be oriented towards Grant Avenue. If the lot does not front on to Grant Avenue, the primary building entrance shall be oriented towards the primary street to which the lot is adjacent.
 - (c) *Frontage types.* The primary façade of all development shall meet the standards of one of the frontage types allowed in the applicable subdistrict as detailed in table 36-490(1)(c), frontage types by subdistrict.

<i>Table 36-490(1)(c) GAP District Frontage Types by Subdistrict</i>					
<i>Frontage Type</i>	<i>Subdistrict A</i>	<i>Subdistrict B</i>	<i>Subdistrict C</i>	<i>Subdistrict D</i>	<i>Subdistrict E</i>
Projecting Porch		•		•	•

Table 36-490(1)(c) GAP District Frontage Types by Subdistrict

<i>Frontage Type</i>	<i>Subdistrict A</i>	<i>Subdistrict B</i>	<i>Subdistrict C</i>	<i>Subdistrict D</i>	<i>Subdistrict E</i>	<i>Subdistrict F</i>
Engaged Porch		•	•	•	•	•
Integral Porch	•	•	•	•	•	•
Balcony	•	•	•	•	•	•
Forecourt			•		•	•
Shopfront	•	•	•		•	•

1. *Projecting porch (figure 7).* The primary façade of the building is sufficiently setback from the property line to accommodate the projecting porch within the front yard build-to-zone. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch is open on three sides and has a roof form that is separate from the main house. A projecting porch shall encroach into the front yard build-to-zone. The following minimum standards shall apply to projecting porches.
 - a. *Width.* Ten feet.
 - b. *Depth.* Eight feet.

- c. *Height.* Eight feet.
 - d. *Finish level above sidewalk.* Eighteen inches.

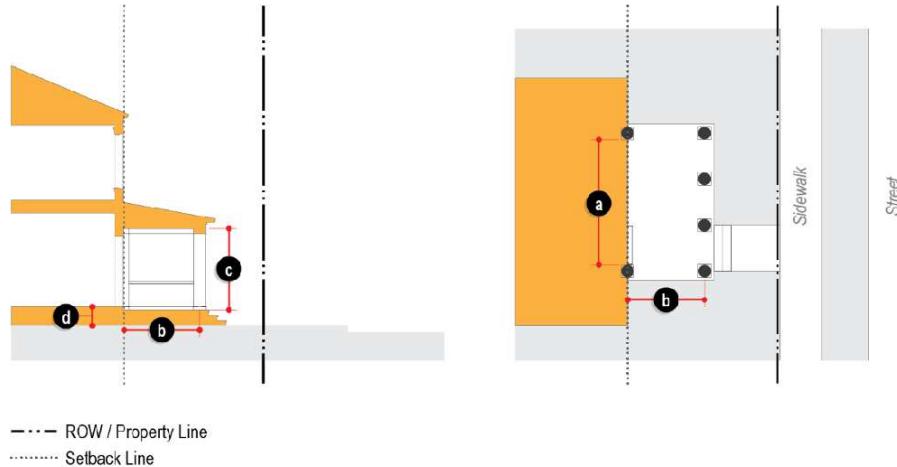


Figure 7: Projecting Porch Frontage Type

2. *Engaged porch* (*figure 8*). The primary façade of the building is built to the minimum front yard setback, or is located a minimum of ten feet from the property line, whichever is more. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The porch is partially or fully enclosed on two sides and has a roof. An engaged porch may not encroach into the required front yard. The following minimum standards shall apply to engaged porches.
 - a. *Width*. Ten feet.
 - b. *Depth*. Eight feet.
 - c. *Height*. Eight feet.
 - d. *Finish level above sidewalk*. Eighteen inches.

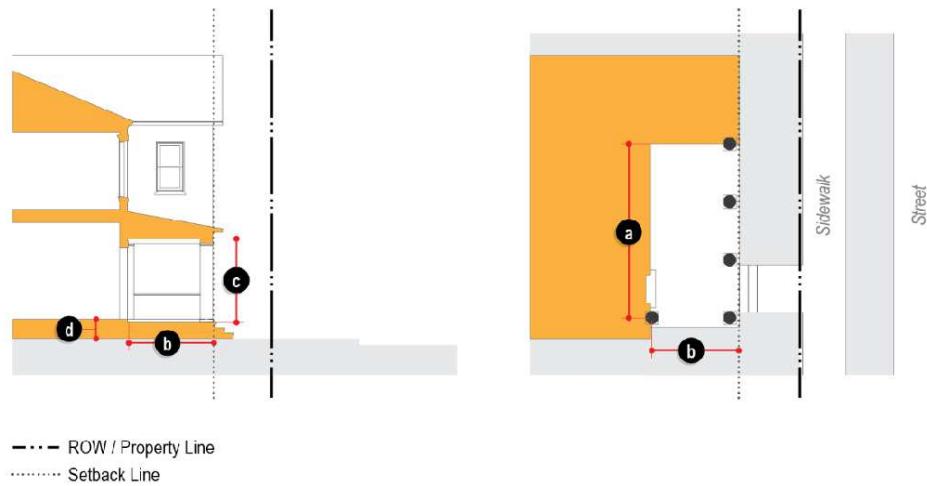


Figure 8: Engaged Porch Frontage Type

3. *Integral porch (figure 9).* The primary façade of the building is built to the minimum front yard setback, or is located a minimum of ten feet from the property line, whichever is more. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. An integral porch is part of the overall massing and roof form of a building. It is not possible to remove an integral porch without major changes to the overall roof form. An integral porch may not encroach into the required front yard. The following minimum standards shall apply to integral porches.
 - a. *Width.* Eight feet.
 - b. *Depth.* Eight feet.
 - c. *Height.* Eight feet.
 - d. *Finish level above sidewalk.* Eighteen inches.

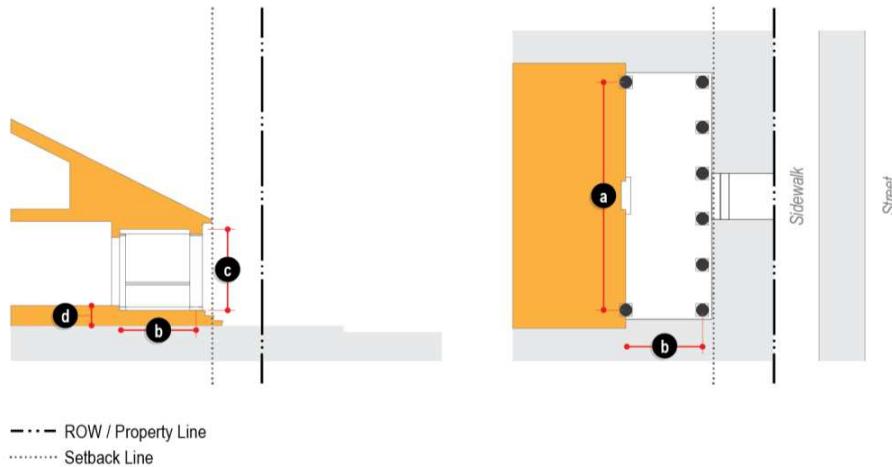


Figure 9: Integral Porch Frontage Type

4. *Balcony (figure 10).* The primary facing façade of the building is set back a minimum of eight feet if balconies are to project and may be at the property line if balconies are to be recessed. Projecting and recessed balconies must remain open on all sides except those along an exterior wall to which the balcony is attached. Projecting and recessed balconies must be fully supported by the building, with no posts extending to the ground. The following standards shall apply to balconies and shall be considered minimum requirements unless otherwise stated.
 - a. *Width.* Four feet.
 - b. *Depth.* Four feet.
 - c. *Vertical clearance.* Eight feet.
 - d. *Projection from building façade.* Eight feet, maximum.
 - e. *Railing height.* Five feet, maximum.

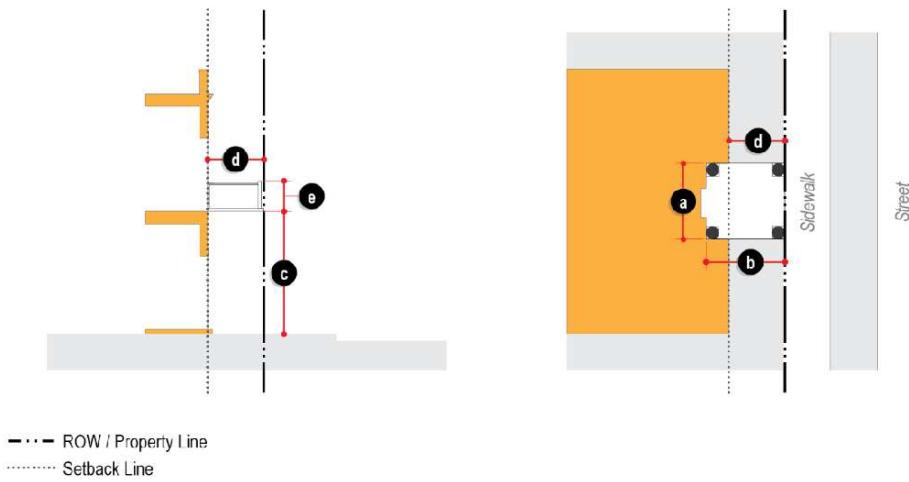


Figure 10: Balcony Frontage Type

5. *Forecourt (figure 11).* A portion of the primary façade of the building is at the property line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for multifamily buildings, or as an outdoor dining, plaza, or public gathering area for nonresidential uses. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. The following minimum standards shall apply to forecourts.
 - a. *Width.* Twelve feet.
 - b. *Depth.* Twelve feet.

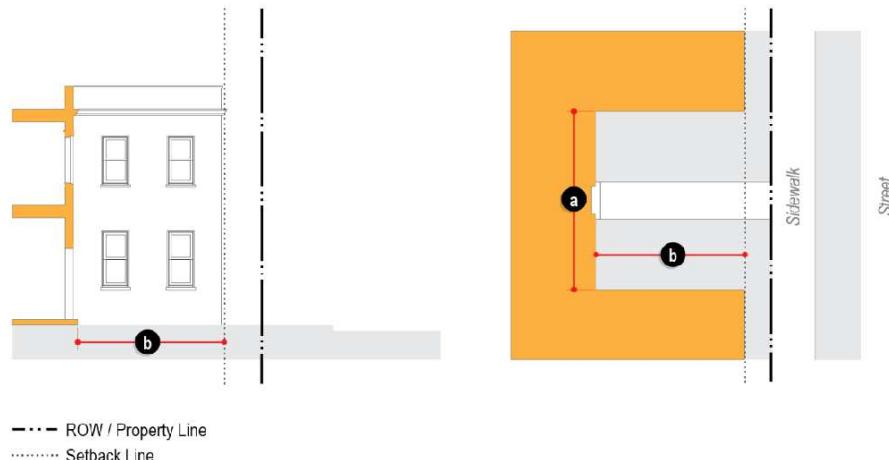


Figure 11: Forecourt Frontage Type

6. *Shopfront (figure 12).* The primary façade of the building is at the property line with an at-grade entrance either at the property line or recessed to allow the main entrance to swing outwards without obstructing the sidewalk. A canopy or awning element is encouraged to project over the sidewalk along the majority of the frontage. Accordion-style windows/doors or other operable windows that allow the space to open to the street are encouraged. The following standards shall apply to shopfronts and shall be considered minimum requirements unless otherwise stated.

 - a. *Window area.* Sixteen square feet.
 - b. *Window width.* Three feet.
 - c. *Window height.* Four feet.
 - d. *Sill height.* Three feet, maximum.
 - e. *Depth of recessed entrance.* Five feet, maximum.

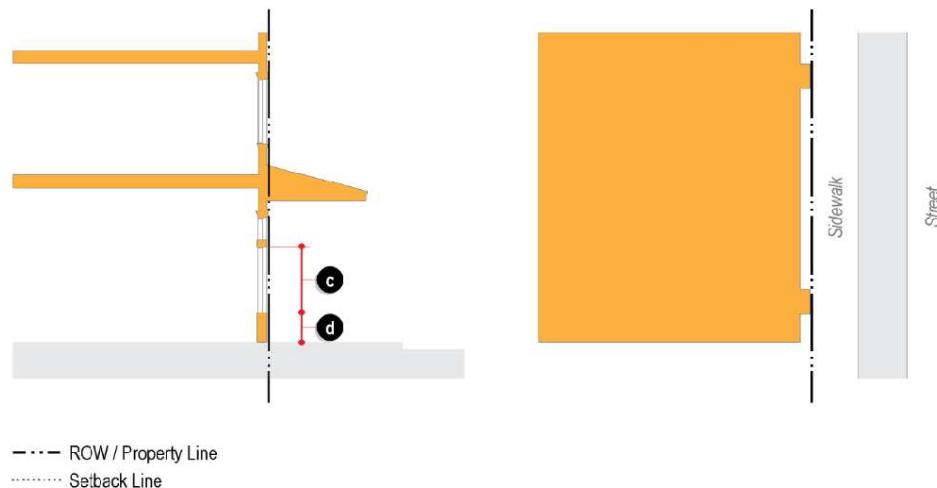


Figure 12: Shopfront Frontage Type

- (d) *Exterior building cladding materials.*

 1. Exterior building cladding materials shall be masonry, stone veneer systems, stucco, or other time and weather tested materials approved by the administrative review committee.
 2. The ground level must offer pedestrian interest along sidewalks and pedestrian paths through the use of contrasting exterior building cladding materials and elements.
 3. In no instance shall the finish of non-natural materials utilized mimic or match the texture of the natural materials utilized.
 4. A maximum of three exterior building cladding materials may be used.

5. Vinyl and steel clapboard siding and/or adhered thin veneer exterior building cladding materials shall be prohibited.

(e) *Roof finishing.*

1. Eaves may expose rafters.
2. Gutters and downspouts may not discharge upon public rights-of-way.

(2) *Single-family attached and detached uses.*

- (a) *Fences.* Fences shall be allowed on lots with single-family attached and detached uses in accordance with the following standards.

1. *Location.* All fences allowed in this subsection shall provide safe site distance where driveway curb cuts intersect public rights-of-way.
2. *Height.*
 - a. Fences in front and/or exterior side yards shall not exceed four feet in height.
 - b. Fences in interior side and/or rear yards shall not exceed six feet in height.
3. *Materials.* Fences in front yards and/or exterior side yards shall be of non-sight barrier construction and have a maximum opacity of 50 percent. Permitted fence materials in all yards shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - a. Vegetation;
 - b. Wood, chemically treated or naturally resistant to decay;
 - c. Wood composites;
 - d. Aluminum;
 - e. Vinyl/PVC;
 - f. Wrought iron; and
 - g. As approved by the administrative review committee.

(3) *Multifamily, mixed use, and nonresidential uses.*

- (a) *Building siting (figure 13).* Development located at the corner of two streets shall be sited to connect or anchor the corner with prominent architectural features and site treatments.

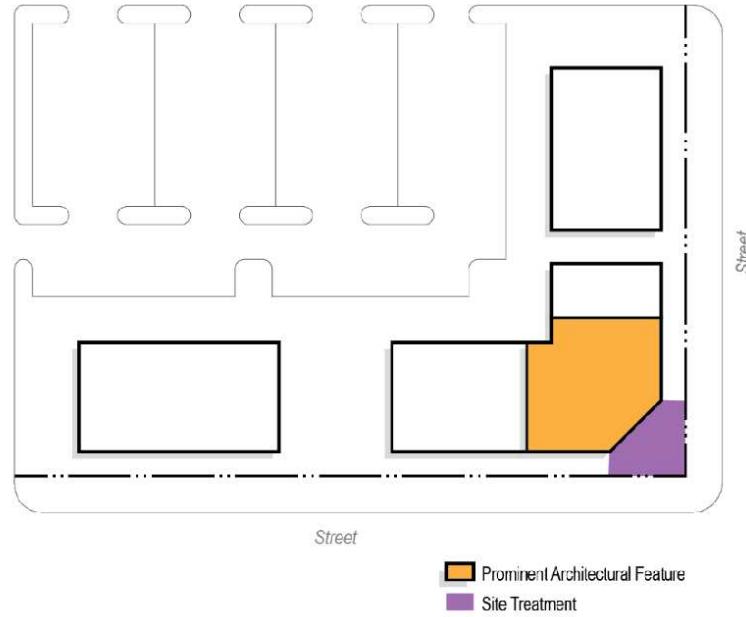


Figure 13: building Siting

(b) *Transparency (figure 14).*

1. *Ground level transparency.* The ground level of nonresidential or mixed-use buildings must offer pedestrian interest along sidewalks and pedestrian paths through the placement of window and doors. Therefore, the first floor of any building façade facing a public right-of-way, with the exception of alleys, shall include transparent, clear glass windows and/or doors arranged so that the uses inside are visible from and/or accessible to the street. Window and/or doors with reflective or tinted glass that impede views into a building shall be prohibited.
2. *All stories transparency.* All stories of all building facades facing a public right-of-way, with the exception of alleys, shall include at least 40 percent of the subject facade in windows or doors. The administrative review committee may waive transparency requirements by up to 20 percent for medical and dental office uses.

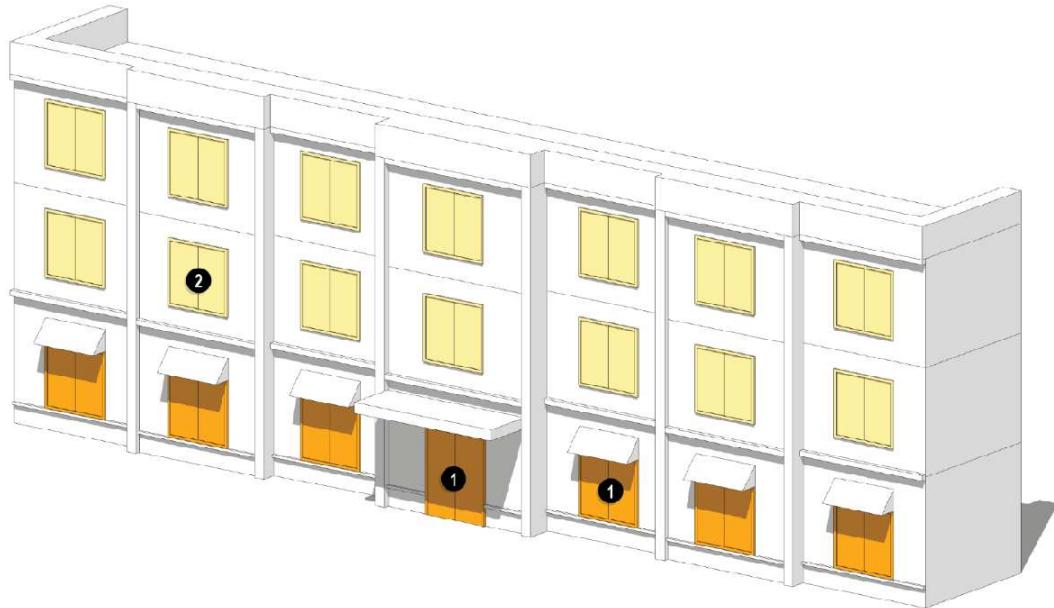


Figure 14: Transparency

- (c) *Awnings and canopies (figure 15).* Building awnings, canopies, or similar weather protection devices are encouraged on the first floor of non-single-family development facing a public right-of-way. If provided, awnings or canopies shall project a minimum of three feet and a maximum of ten feet from the façade.

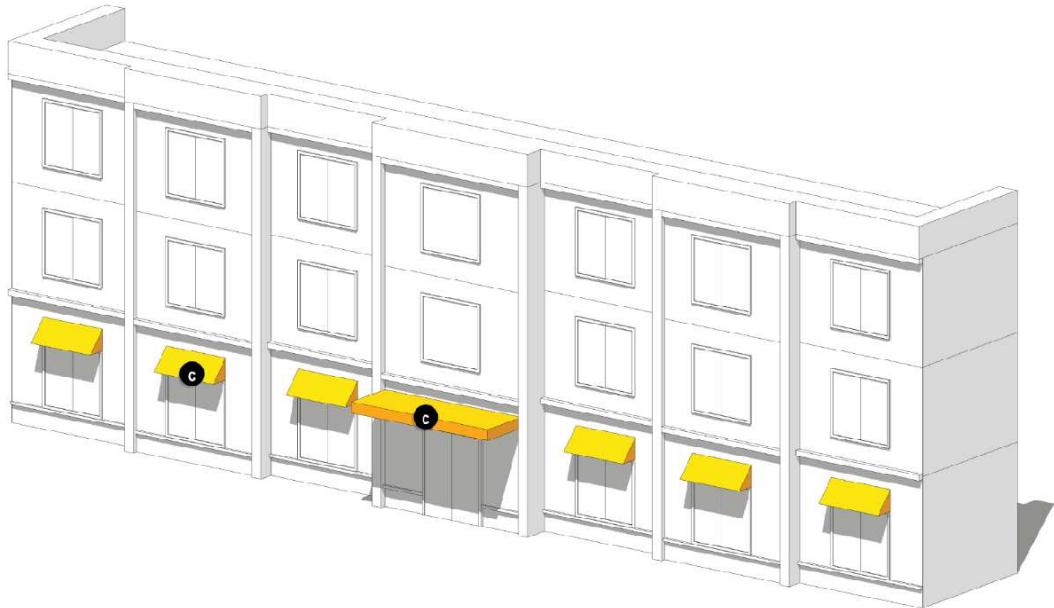


Figure 15: Awnings and Canopies

- (d) *Articulation (figure 16).* The ground level must offer pedestrian interest along sidewalks and pedestrian paths that face a public right-of-way, with the exception of alleys, through the use of contrasting elements. Façades shall be articulated with a sense of depth by including design elements that create shadow lines, change color or materials, or incorporate other details that together with required landscaping (section 36-492) breakdown large expanses of flat, unembellished surfaces.

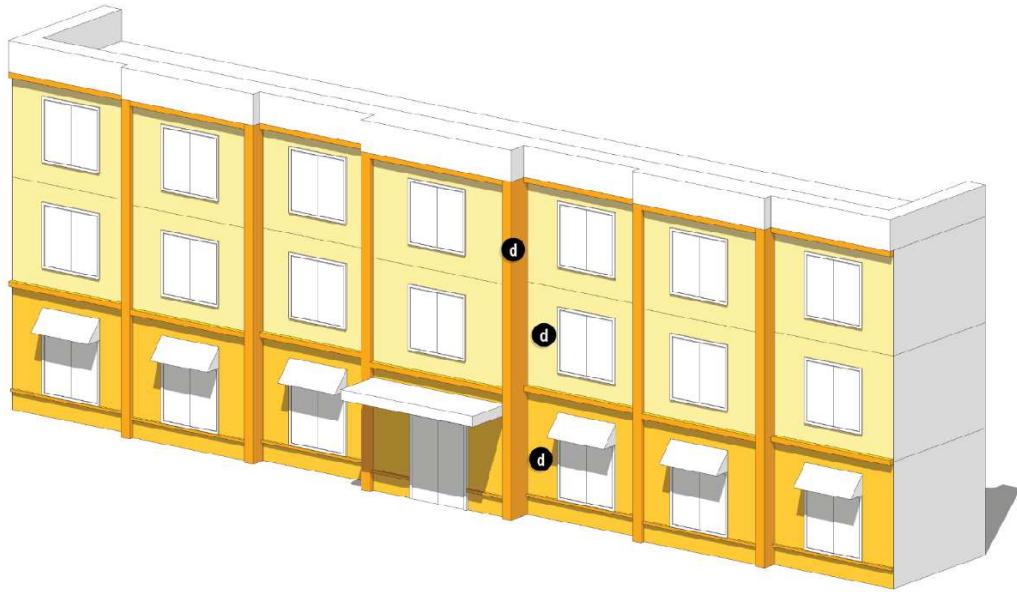


Figure 16: Articulation

(G.O. 6661, § 1(Exh. B), 6-28-21; G.O. 6684, § 1(Exh. B), 9-20-21)

Sec. 36-491. Off-street parking.

- (1) *Off-street vehicle parking requirements.*
 - (a) *Subdistrict A.* Off-street vehicle parking shall not be required in subdistrict A.
 - (b) *Subdistricts B, C, D, E, and F.* Off-street vehicle parking for residential, nonresidential, and mixed uses shall be provided in subdistricts B, C, D, E, and F, as follows:
 1. *Single-family attached and detached.* One space/dwelling unit.
 2. *Micro-efficiency dwelling unit.* One space/dwelling unit.
 3. *Efficiency/one-bedroom dwelling unit.* One and one-half spaces/dwelling unit.
 4. *Two or more bedroom dwelling unit.* Two spaces/dwelling unit.
 5. *Nonresidential uses.* Off-street vehicle parking is not required.
- (2) *Off-street vehicle parking location and access (figure 17).*
 - (a) *Fronting Grant Avenue.* Parking lots, structures, and/or garages shall be located to the rear of the principal building and accessed from a side street, alley, or access easement.
 - (b) *Not fronting Grant Avenue.* Parking lots, structures, and/or garages accessory to principal buildings not fronting Grant Avenue may be located to the side of the principal building only if the lot, structure, and/or garage is located on one or both

sides of an access point to any street other than Grant Avenue. In no case shall such lot, structure, and/or garage be located closer to the right-of-way than the principal building.

- (c) *Grant Avenue access points.* Access points from Grant Avenue shall be permitted only if located directly across from an existing roadway which runs perpendicular to Grant Avenue or if the property has no access to any side street, alley, or access easement.



Figure 17: Off-Street Vehicle Parking Location and Access

(3) *Vehicular cross access drives* (figure 18). To facilitate vehicular access between adjoining developments and to minimize access points along Grant Avenue, development in all subdistricts shall comply with the following standards:

- (a) Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the development's vehicle parking facilities and vehicle parking facilities in an adjoining non-single-family development, or to the boundary of adjoining vacant land.
- (b) Required vehicular cross access between the adjoining lots shall be provided through the use of a single two-way maneuvering lane or two one-way maneuvering lanes that are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
- (c) The administrative review committee may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area or would create unsafe conditions.
- (d) Easements allowing cross access to and from properties served by a vehicular cross-access drives, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the register of deeds for the county in which the properties are located before issuance of a building permit for the development.

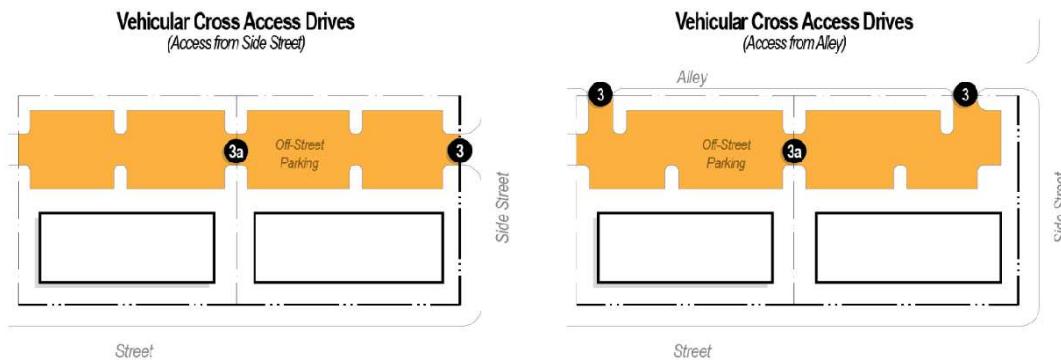


Figure 18: Vehicular Cross Access Drives

(4) *Pedestrian walkways.*

- (a) ADA accessible pedestrian walkways shall be provided from the perimeter public sidewalk to the primary building entrance and from the parking lot to the primary building entrance and shall be along direct routes that do not require significant out-of-direction travel.
- (b) ADA accessible pedestrian walkways must be distinguished from driving surfaces through the use of raised curbs or contrasting materials to enhance pedestrian safety. Examples of acceptable contrasting materials include, but are not limited to, stamped asphalt, special pavers, bricks, or scored concrete.

(5) *Bicycle parking (figure 19).*(a) *Location.*

1. Required bicycle parking shall be provided on the same lot as the use for which it is intended to serve.
2. Bicycle parking shall be sited within 50 feet of a building entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
3. Bicycle parking areas shall be adequately lit and located such that they are highly visible from the street and/or building entrance(s) from where bicyclists approach.
4. Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five-foot walkway clearance is maintained.
5. The location of bicycle parking shall not conflict with pedestrian and/or vehicular circulation.

(b) *Design criteria.*

1. Bicycle facilities shall be constructed of sturdy, tamper-proof materials such as welded steel. Rack design may be varied to complement the architecture of the primary building, provided it meets all design criteria.
2. Bicycle racks shall be installed on a hard surface area.
3. Each bicycle rack shall provide parking for at least two bicycles.
4. Racks shall allow for the bicycle frame and at least one wheel to be locked to the racks.
5. The bicycle rack shall allow for the use of a cable as well as a U-shaped lock.
6. The installation of bicycle parking facilities shall conform to the manufacturer requirements.

(c) *Dimensional standards.*

1. Each bicycle parking space shall be a minimum of six feet in length with the exception of vertical or wall mounted bicycle parking spaces.
2. Bicycle racks shall be located at least three feet in all directions from any obstruction, including, but not limited to, other bicycle racks, walls, doors, posts, columns, or landscaping.
3. A minimum vertical clearance of seven feet shall be maintained above all bicycle parking facilities.

(d) *Off-street bicycle parking requirements.*

1. The number of required bicycle parking spaces shall be equal to five percent of required vehicle parking spaces or ten spaces, whichever is less. Additional demand for bicycle parking shall be monitored and provided as necessary.

2. Exemption. The bicycle parking requirements of this section shall apply to all uses other than the following:
 - a. Dwelling, single-family detached.
 - b. Dwelling, single-family attached.

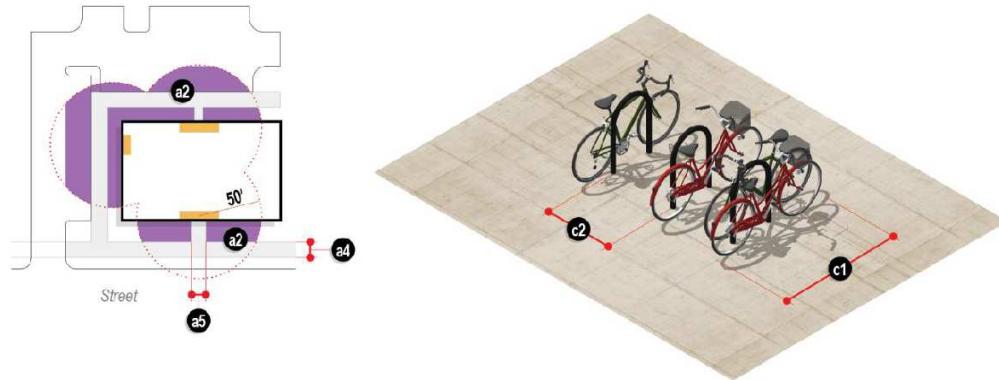


Figure 19: Off-Street Bicycle Parking

(G.O. 6661, § 1(Exh. B), 6-28-21; G.O. 6684, § 1(Exh. B), 9-20-21)

Sec. 36-492. Landscape.

Landscape improvements required by this section shall apply to all non-single-family development and consist of living plants in a combination of trees, shrubs, native grasses, and/or groundcover. Unless otherwise stated in this section, all size specifications for plant materials shall be based upon the time of planting. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at six inches above the soil level. Any plant materials used to meet the requirements of this section shall not include any plant material identified as an invasive plant by the Missouri Department of Conservation.

- (1) *Planting types (figure 20).* Plant materials which are native to or adapted to the State of Missouri are encouraged.
 - (a) *Canopy trees:* A woody plant (deciduous or evergreen) having not less than a two and one-half-inch caliper with single central axis which typically reaches a mature height of not less than 40 feet and a mature spread of not less than 15 feet.
 - (b) *Understory trees:* A woody plant having not less than a one and one-half-inch caliper, or six feet tall for multiple stem species, that normally attains a mature height of at least 15 feet.
 - (c) *Evergreen trees:* A tree having foliage that persists and remains green throughout the year and has a height of not less than six feet at installation and maturing to a height of not less than 20 feet.

- (d) *Shrub*: A woody plant (deciduous or evergreen) of low to medium height characterized by multiple stems continuous from its base and having a height of not less than two feet.
- (e) *Native grasses*: Grasses and flowering broad leaf plants that are native to, or adapted to, the State of Missouri, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.
- (f) *Groundcover*: Herbaceous plants, other than turf grass, or prostrate shrubs normally reaching an average maximum height of 18 inches at maturity.

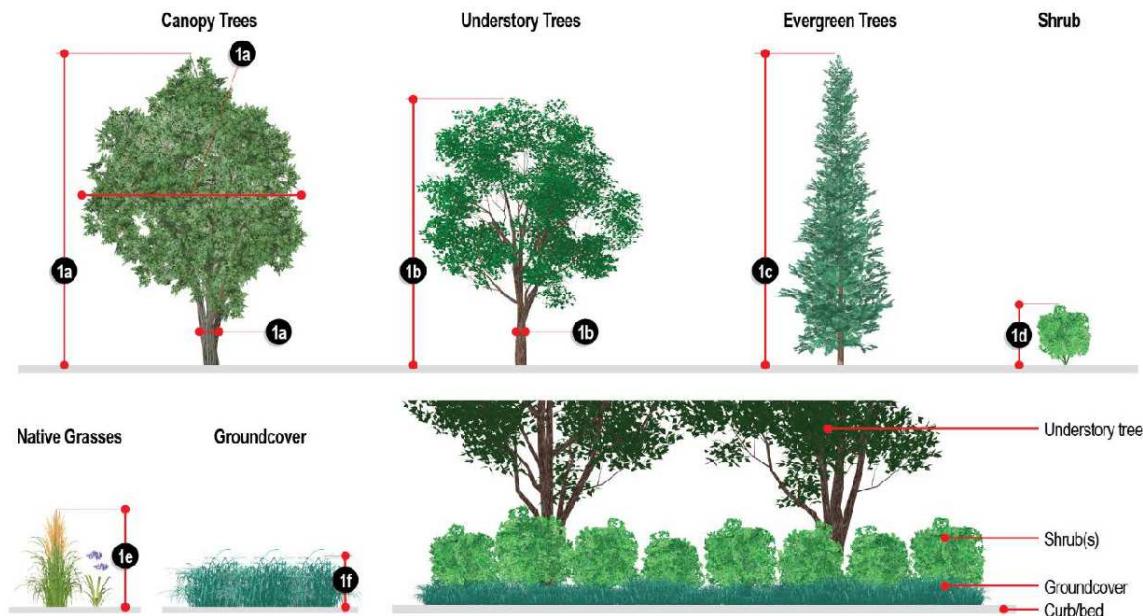


Figure 20: Planting Types

- (2) *Required landscape areas (figure 21)*. Landscape shall be provided as outlined below in the locations illustrated in figure 21.

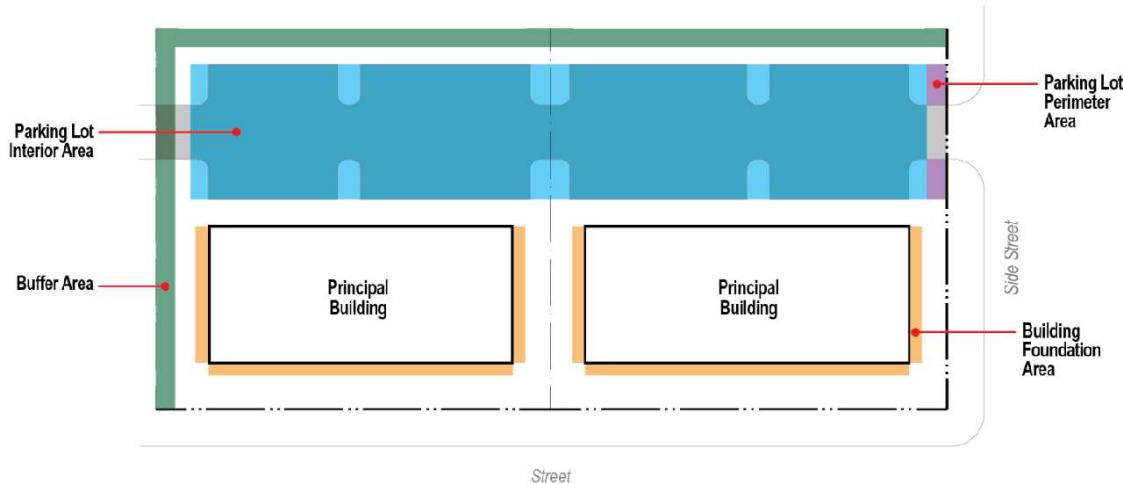


Figure 21: Required Landscape Areas

- (3) *Parking lot perimeter area.* Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this division. It is the objective of this section to provide screening between parking areas and rights-of-way, and to provide for the integration of stormwater management with required landscaping.
 - (a) *Location.* All surface parking lots which abut a public or private right-of-way, excluding alleys, shall include landscape and trees as required by this section located between the parking lot back of curb and the right-of-way.
 - (b) *Applicability.* The parking lot perimeter landscape regulations of this section apply to the following:
 - 1. The construction or installation of any new surface parking lot or vehicular use area; and
 - 2. The expansion of any existing surface parking lot or vehicular use area, in which case the requirements of this section apply only to the expanded area.
 - (c) *Requirements (figure 22).*
 - 1. Perimeter landscape shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot.
 - 2. Perimeter landscape shall have a minimum width of seven feet as measured from the parking lot back of curb, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
 - 3. Perimeter landscape areas shall be improved as follows:
 - a. One shrub or native grass the height of which shall not be less than three feet nor greater than five feet, shall be planted for every three

feet of landscape area length, spaced to adequately screen vehicle bumpers. Fifty percent of required landscape shall be evergreen shrubs unless a low masonry wall or fence is provided as detailed in subsection b., below.

- b. A low masonry wall or fence the height of which provides effective screening to a maximum height of three feet shall be used in conjunction with required landscaping as detailed above if the parking lot is located within 70 feet of residential use. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.
- 4. Perimeter landscape areas outside of shrub/native grasses and tree masses shall be planted in live groundcover.

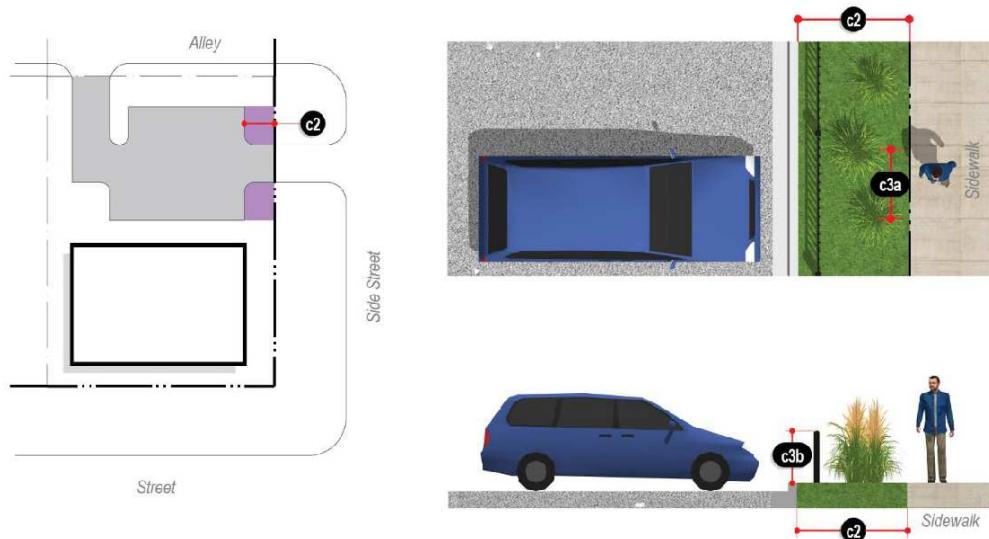


Figure 22: Parking Lot Perimeter Area Landscape

- (4) *Parking lot interior area.* All parking lots shall include landscape and trees located within the parking lot as required by this section. Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this division. It is the objective of this section to provide shade within parking areas, break up large expanses of parking lot pavement, support stormwater management where appropriate, and provide a safe pedestrian environment.
 - (a) *Applicability.* The parking lot interior landscape regulations of this section apply to the following:
 - 1. The construction or installation of any new surface parking lot; and
 - 2. The expansion of any existing surface parking lot, in which case the requirements of this section apply only to the expanded area.

- (b) *Amount (figure 23).*
1. *Parking lots with fewer than 15 spaces.* In parking lots with fewer than 15 spaces, all rows of parking shall be terminated by a parking lot island.
 2. *Parking lots with 15 to 100 spaces.* In parking lots with 15 to 100 spaces, required parking lot interior landscape area shall be provided in the form of islands.
 - a. *Parking lot island amount requirement.* Parking lot islands shall be located on all parking rows. Parking lot islands shall be spaced not more than 135 feet or more than 15 continuous spaces apart, and at the end of any row of parking bordered by a drive aisle, public or private street, or pedestrian walkway.
 3. *Parking lots with 100 spaces or more.* In parking lots with 100 or more spaces, required parking lot interior landscape area shall be provided in the form of islands and medians.
 - a. *Parking lot median amount requirement.* Parking lot medians shall be placed between every third row of parking.
 - b. *Parking lot island amount requirement.* Parking lot islands shall be located on parking rows which are not required to have parking lot medians. Parking lot islands shall be spaced not more than 135 feet or more than 15 continuous spaces apart, and at the end of any row of parking bordered by a drive aisle, public or private street, or pedestrian walkway.

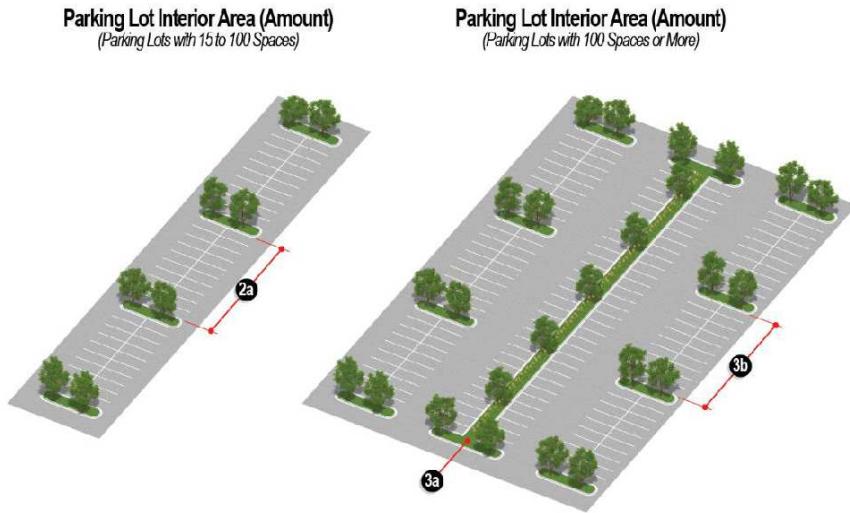


Figure 23: Parking Interior Area Landscape - Amount

- (c) *Parking lot median standards (figure 24).*
1. *Size.* Parking lot medians shall have a minimum width of nine feet and minimum soil depth of 36 inches.

2. *Planting.* A minimum of one canopy tree and 15 shrubs or native grasses shall be planted for each 50 linear feet of parking lot median.
3. *Design.* Parking lot medians shall be protected with concrete curbing, wheel stops, or other suitable barriers. Such medians shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

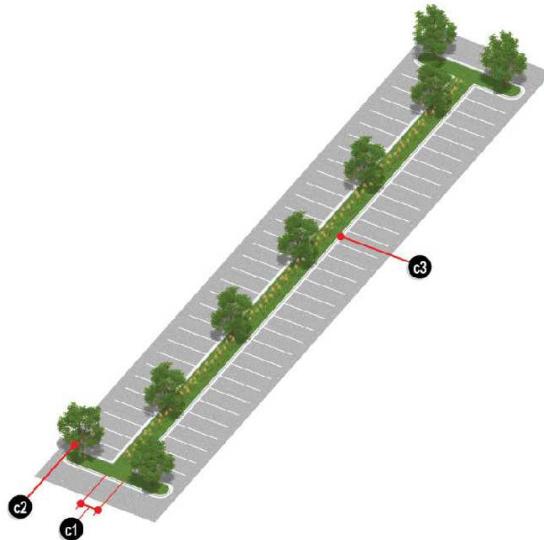


Figure 24: Parking Lot Median Standards

(d) *Parking lot island standards (figure 25).*

1. *Size.* Parking lot islands shall be a minimum nine feet wide by 18 feet long if adjacent to standard parking spaces and 16 feet long if adjacent to compact parking spaces and shall have a minimum soil depth of 36 inches. Double rows of parking shall provide parking lot islands opposite one another to form continuous single islands.
2. *Planting.* A minimum of one canopy tree shall be provided for every parking lot island. If the island extends the width of a double row, then two canopy trees shall be provided.
3. *Design.* Parking lot islands shall be protected with concrete curbing or other suitable barriers. Such islands shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

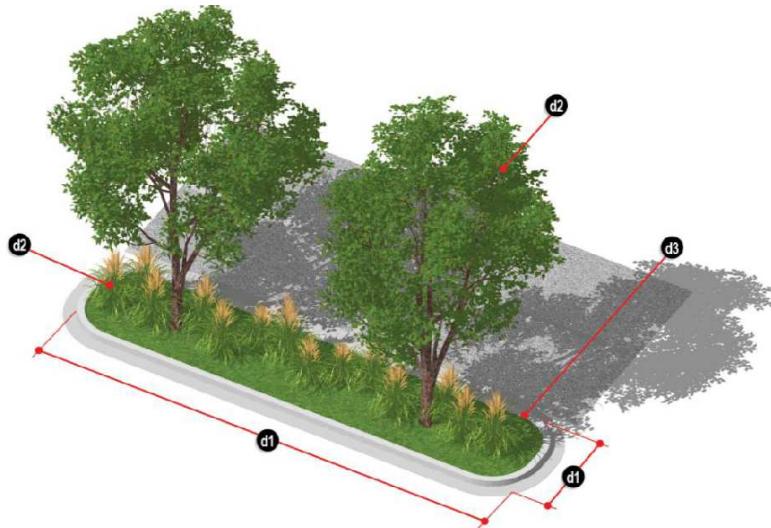


Figure 25: Parking Lot Island Standards

- (e) *Pedestrian walkways.* Pedestrian walkways, as required by subsection 36-491(4), shall be located along parking lot medians. The administrative review committee may waive or modify this requirement on determining that locating pedestrian walkways along parking lot medians is impractical due to site conditions or is undesirable because it would create unsafe conditions.
- (f) *Type of landscape material.* Except where areas are designed as vegetated stormwater management areas, canopy trees shall be the primary plant material used in parking lot islands and canopy trees and shrubs or native grasses shall be the primary plant materials used in parking lot medians. Understory trees, evergreen trees, shrubs, native grasses, groundcover, and other plant materials may be used to supplement the required plantings shall provide safe site distance where driveway curb cuts intersect public rights-of-way. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the administrative review committee.
- (g) *Groundcover.* Except where areas are designed as vegetated stormwater management areas, a minimum of 75 percent of the surface area of every parking lot island and median shall be planted with live groundcover. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the administrative review committee.
- (5) *Building foundation area (figure 26).* All non-single-family development, with the exception of non-single-family development built with a zero-foot front yard setback, shall include landscape located at the building foundation as required by this section.

Landscape required by this section shall be in addition to landscape required under other sections of this division. It is the objective of this section to provide a softening effect at the base of buildings.

- (a) A non-single-family development is required to maintain a building foundation area at front and exterior side yards with a minimum width of the building setback or seven feet, whichever is less.
- (b) Foundation plantings shall be placed 18 inches on center from the foundation of the building.
- (c) Foundation plantings shall be designed to frame architectural features and to visually soften long expanses of walls.
- (d) Foundation plantings shall be installed across 80 percent of the length of the front and exterior side façade of the building.
- (e) Foundation plantings may include trees, shrubs, native grasses, and ground-cover.
- (f) Where the area between the building and right-of-way is entirely paved as a public gathering space, plaza, or outdoor dining area, required building foundation area landscaping may be substituted by a minimum of two of the following elements:
 1. Moveable tables and chairs,
 2. Fountain or other water feature,
 3. Sculpture or other public art feature,
 4. Benches, seat walls, or amphitheaters,
 5. Raised landscape planters,
 6. Understory trees lining the area,
 7. Pedestrian scale and celebratory lighting,
 8. Other features as approved by the administrative review committee.
- (g) Above-ground stormwater planter boxes along building facades may be substituted for foundation plantings.

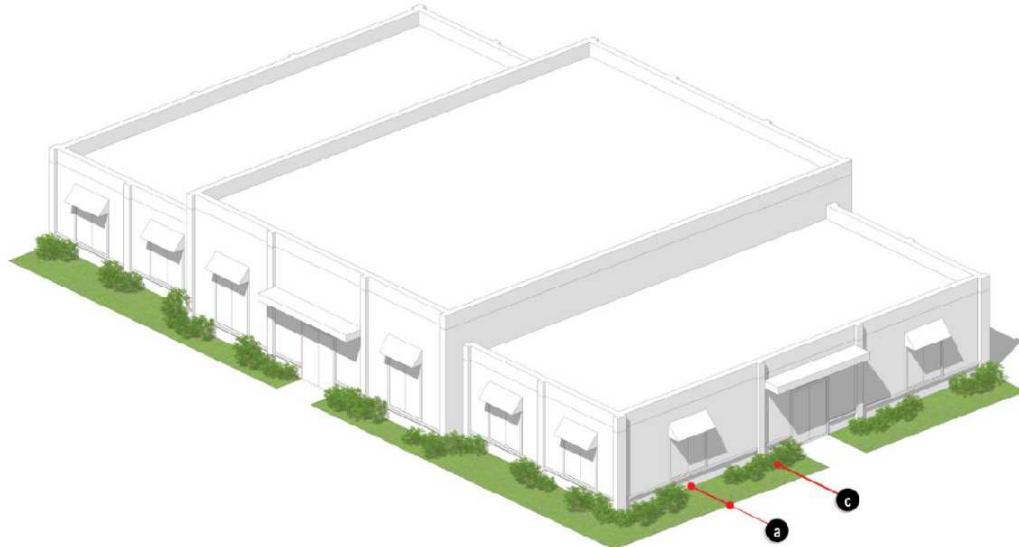


Figure 26: Building Foundation Area Landscape

- (6) *Buffer area.* Buffer area landscape shall be required along interior property lines of all non-single-family development when adjacent to single-family uses. It is not expected that the buffer area will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics. Landscape required by this section shall be in addition to landscape required under other sections of this division.
 - (a) *Applicability.* Buffer area landscaping is required as follows:
 - 1. The construction or installation of any new primary building or primary use; and
 - 2. The expansion of any existing primary building or primary use that results in an increase in gross floor area by more than five percent or 1,000 square feet, whichever is greater. In the case of expansions that trigger compliance with buffer area requirements, buffer area landscaping is required only in proportion to the degree of expansion. The administrative review committee is authorized to allow the buffer area to be established adjacent to the area of expansion or to disperse buffer area landscaping along the entire site buffer area.
 - (b) *Buffer area standards (figure 27).*
 - 1. *Width.* Buffer areas shall have a minimum width of seven feet. Required yard setbacks may be utilized for buffer area landscape.
 - 2. *Fences.* The exterior line of the buffer area shall be improved with a fence meeting the following standards:
 - a. *Height.* The fence shall be six feet in height.

- b. *Materials.* The material of the fence shall be pressure treated wood (chemically treated or naturally resistant to decay) or wood composites.
 - c. *Design.* The finished side of the fence shall face the adjacent property.
 - d. *Location.* Fences shall be located in line with the fences of adjacent properties, shall provide safe site distance where driveway curb cuts intersect public rights-of-way, and shall not extend beyond the front elevation of the primary building.
3. *Landscape elements.* The buffer area shall, at a minimum, be improved with the following landscape elements:
 - a. *Canopy/evergreen trees.* Four canopy and/or evergreen trees shall be planted per every 100 lineal feet of buffer area.
 - b. *Shrubs/native grasses.* Ten shrubs/native grasses shall be planted per every 100 lineal feet of buffer area.

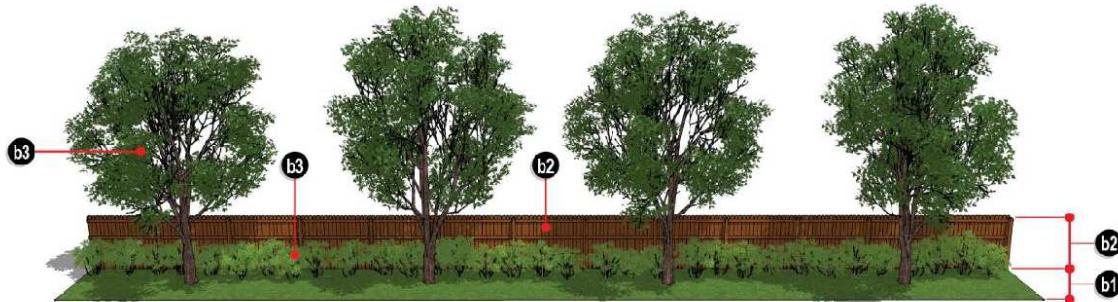


Figure 27: Buffer Area Landscape

- (7) *Installation and maintenance of landscape areas.*
 - (a) All installed landscape shall conform to the most recently approved American Standard for Nursery Stock (ANSI Z60.1), published by the American National Standards Institute.
 - (b) All new landscape areas shall be installed prior to the occupancy or use of the building or premises, or substantial completion of the building to allow for occupancy; or if the time of the season or weather conditions are not conducive to planting, the developer shall apply to the Administrative Review Committee for a delay in landscape installation. The delay in landscape installation request shall identify a date certain by which all required landscape materials shall be installed or the developer shall be subject to a fine as detailed in the agreement.
 - (c) A total cost estimate of landscaping for the construction must be given in January 1 dollars for the current calendar year. Twenty percent of the total landscaping costs should be deposited in escrow with the city before building

permits are granted. The 20 percent landscaping deposit will be held in escrow for a period of one year past the time of planting and will be refunded on approval of the city.

- (d) Dead plant materials shall be replaced within 60 days taking into consideration the season of the year and shall have at least the same quantity and quality of landscape elements as initially approved. If the particular project is constructed in more than one phase, the 60-day timeframe shall apply to each individual phase.
- (e) All landscape shall be maintained in a healthy, neat, trimmed, clean, and weed-free condition. With the exception of surface areas in vegetated stormwater management areas where mulch is not specified, the ground surface of landscape areas shall be covered with either turf and/or other types of pervious groundcover located beneath and surrounding trees and shrubs.
- (f) For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of 18 months following municipal approval of installation. During this guarantee period the landowner shall supply water as necessary to promote successful establishment and growth.
- (g) Any required landscape area not intended for stormwater management, greater than 150 square feet in area, shall be provided with an underground irrigation system or be provided with a portable water supply within 50 feet of said landscape areas. No part of an irrigation system may be installed in city rights-of-way.
- (h) All plantings required under this division shall be maintained perpetually and replaced if they die or are substantially weakened or damaged. If plantings succumb due to cultural conditions, they shall be replaced with more culturally suitable species of the same type (e.g. tree, shrub, groundcover).

(G.O. 6661, § 1(Exh. B, Att. 2), 6-28-21)

Sec. 36-493. Screening.

(1) *Used frying oil, trash, and recycling receptacles (figure 28).* The following regulations shall apply to all non-single-family development.

- (a) Used frying oil, trash, and recycling receptacles shall be screened on three sides with a solid, opaque material with a minimum height of six feet and a maximum height of eight feet.
- (b) Materials used for screening shall complement the exterior building cladding materials of the primary building.
- (c) Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.

- (d) If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
 - (e) Shrubs shall be installed every three feet along the exterior of the enclosure, with the exception of enclosure openings, to provide a softening effect.
 - (f) Enclosure openings shall be gated with an opaque material.
 - (g) Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
 - (h) Property owners shall be responsible for ensuring that used frying oil, trash, and recycling receptacles be placed in the enclosure at all times other than when it is being accessed.
 - (i) Access drives shall be constructed of materials and to a thickness which accommodates truck loading. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
 - (j) Enclosures shall be of an adequate size to accommodate expected containers. The enclosure shall be designed to be expandable to accommodate future additional containers.
 - (k) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.
 - (l) Used frying oil, trash, and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

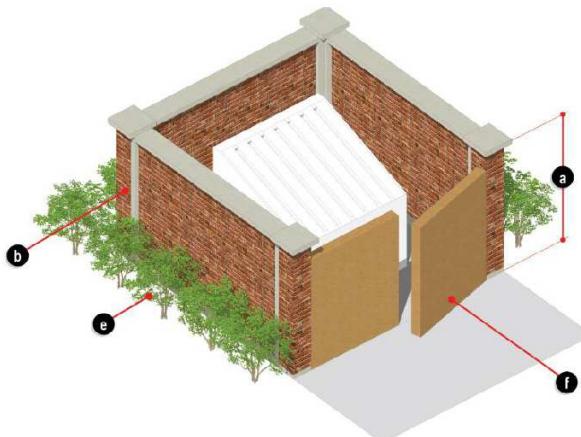


Figure 28: Used Frying Oil, Trash, and Recycling Receptacle Screening

(2) *Ground/wall-mounted mechanical units (figure 29).* The following regulations shall apply to all ground/wall-mounted mechanical units, including, but not limited to, generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment. Tanks and/or silos related to a brewery, winery, distillery are exempt from these requirements.

- (a) Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts. Ground-mounted mechanical units are prohibited within the front yard, regardless of whether screening is provided.
- (b) Ground/wall-mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.
- (c) Materials used for screening shall be designed and established so that the area or element being screened is no more than 20 percent visible through the screen.
- (d) Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.



Figure 29: Ground/Wall-Mounted Mechanical Unit Screening

(3) *Roof-mounted mechanical units (figure 30).* The following regulations shall apply to all roof mounted mechanical units, including, but not limited to, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service multifamily, nonresidential, or mixed-use developments.

- (a) Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts.

- (b) Roof mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be completely screened from public view.
- (c) Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.
- (d) Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not mandate the screening requirements.
- (e) Additional screening may be required due to topographic differences in the adjoining properties.

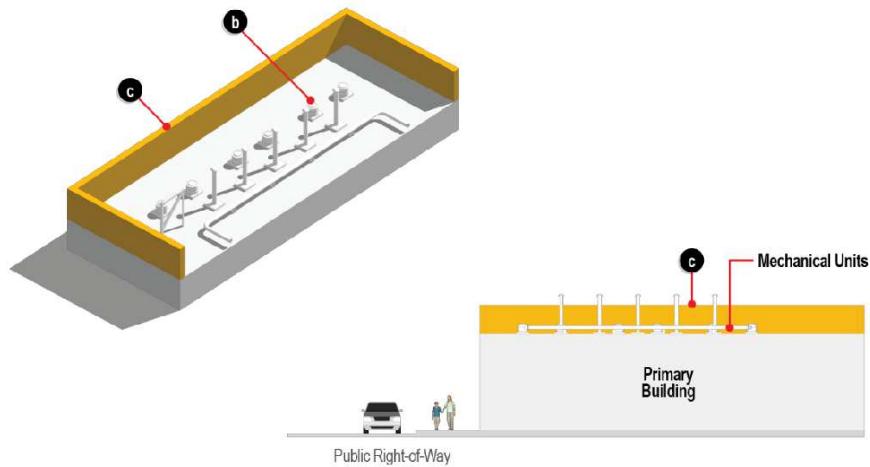


Figure 30: Roof-Mounted Mechanical Unit Screening

(G.O. 6661, § 1(Exh. B), 6-28-21; G.O. 6684, § 1(Exh. B), 9-20-21)

Sec. 36-494. Signs.

- (1) *Sign measurement.*
 - (a) *Sign area (figure 31).* Unless otherwise defined, sign area shall be determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border. The area of a sign composed of individually affixed letters is determined by the total area of the smallest geometric shape enclosing the letters. A maximum of two geometric shapes may be utilized. The calculation for a double-faced sign shall be the area of one face only.
 - (b) *Sign height (figure 32).* Sign height shall be measured from grade directly below the sign to the topmost portion of the sign.

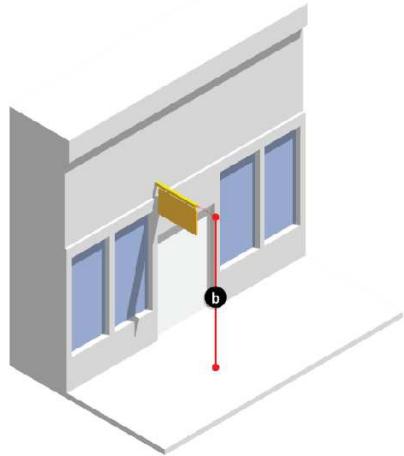


Figure 31: Sign Height Measurement

- (2) *Limit on sign area (figure 33).*
 - (a) *Permanent sign area limit.* Each lot shall be allowed one square foot of aggregate sign area per linear foot of building frontage for permanent signs.
 - (b) *Temporary sign area limit.* Each lot shall be allowed one-half foot of aggregate sign area per linear foot of building frontage for temporary signs.

- (c) *Premises having frontage on more than one dedicated street.* Premises having frontage on more than one dedicated street will be allowed an additional one-half square feet of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.

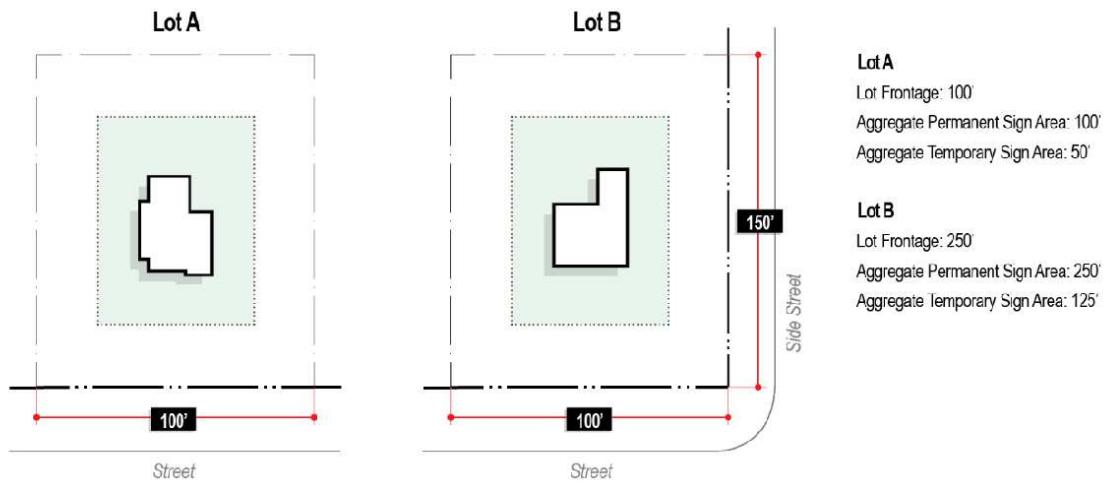


Figure 33: Limit on Sign Area

(3) [Permitted and allowed sign types (table 36-494(3).] Table 36-494(3) permitted and allowed sign types details the types of signs allowed in the GAP district per use type. The following key is to be used in the interpretation of the table.

- (a) *Permitted sign types.* Sign types marked as "P" in the table shall be permitted subject to all applicable provisions of this division and only after the issuance of a sign permit as detailed in subsection 36-454(22).
- (b) *Allowed sign types.* Sign types marked as "A" in the table shall be allowed subject to all applicable provisions of this division. No sign permit shall be required.
- (c) *Prohibited sign types.* A blank space in the table indicates that a sign type is not allowed for the respective use type.
- (d) *Unlisted sign types.* Sign types not included in table 36-494(3) shall be considered prohibited.

Table 36-494(3) Permitted and Allowed Sign Types		
Sign Type	Single-Family Uses	Non-Single-Family Uses
<i>Permanent Signs</i>		
Wall Sign		P
Awning or Canopy Sign		P
Projecting Sign		P
Window Sign, Permanent		P
On-Site Traffic Directional Sign		P
<i>Temporary Signs</i>		
Wall Mounted Banner Sign		P
Sidewalk Sign		A
Window Sign, Temporary		A
Yard Sign	A	
Post Sign	P	

(4) *Standards for permanent signs.*

(a) *Wall signs (figure 34).*

1. *Sign area.* The maximum sign area of a wall sign shall be five percent of the total area of the face of wall on which the sign is to be located.
2. *Height.* No wall sign shall protrude above the highest roofline or the top of the parapet wall or mansard roof.
3. *Projection.* A wall sign shall not extend more than six inches from the wall of the building or structure to which it is attached and shall maintain a minimum vertical clearance of ten feet.
4. *Number of signs.* A maximum of one wall sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.
5. *Sign copy.* All sign copy featured on wall signs shall either be individually affixed letters, appear to be individually affixed letters, or be printed, etched, or otherwise incorporated directly on the sign's backing plate. Box signs shall be prohibited.
6. *Other standards.*
 - a. No wall sign shall cover any architectural features (architectural features shall include, but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed.
 - b. No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure.

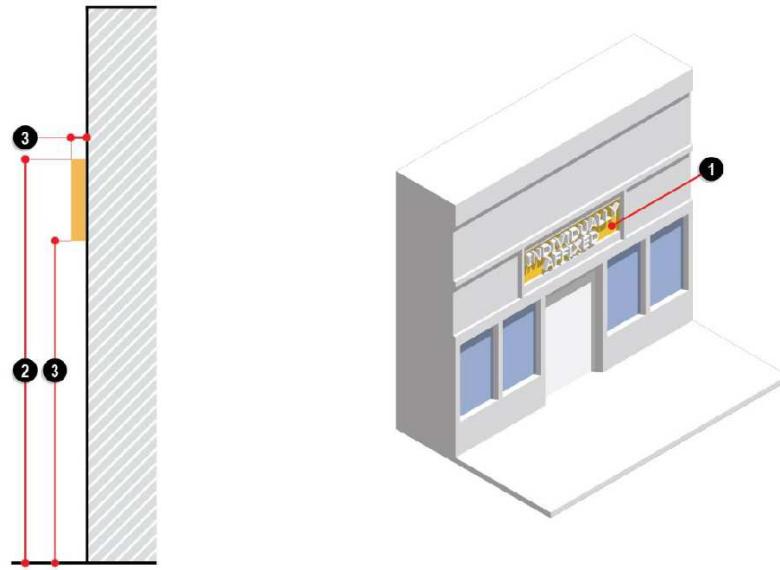


Figure 34: Wall Signs

(b) *Awning or canopy signs (figure 35).*

1. *Sign area.* The maximum sign area of an awning or canopy sign shall be 50 percent of the face of the awning or canopy upon which the sign shall be printed or affixed.
2. *Other provisions.* Awning or canopy signs shall only be permitted on awnings or canopies extending above ground floor entrances or windows.

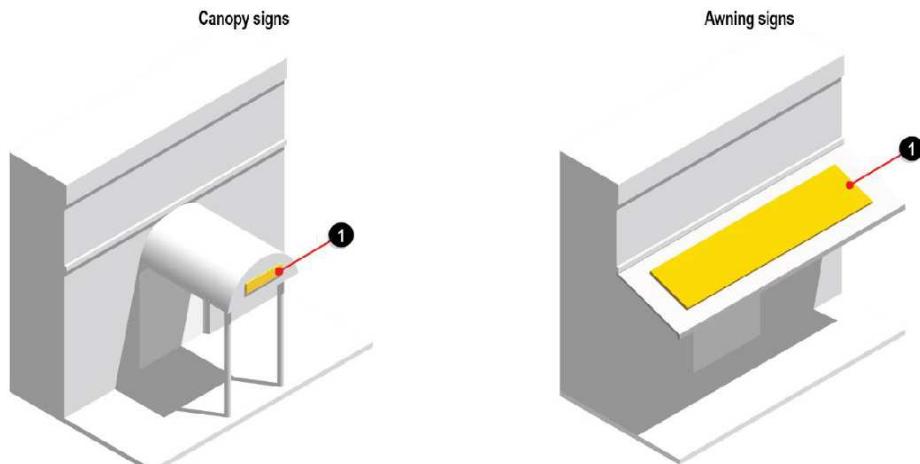
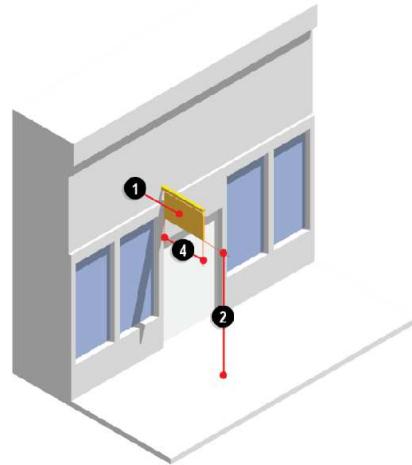


Figure 35: Awning or Canopy Signs

(c) *Projecting signs (figure 36).*

1. *Sign area.* The maximum sign area of a projecting sign shall be six square feet.
2. *Height.* A projecting sign shall not extend above the roofline of the building to which it is attached, or a maximum of 12 feet, whichever is less, and shall maintain a minimum vertical clearance of eight feet.
3. *Number of signs.* A maximum of one projecting sign shall be permitted per ground floor nonresidential tenant space. A projecting sign and a wall sign may be displayed on the same building frontage. A projecting sign and an awning or canopy sign shall not be displayed on the same building frontage.
4. *Projection.* A projecting sign shall horizontally project a maximum of four feet from the mean elevation of the building to which it is attached.
5. *Other provisions.*
 - a. The property owner shall be required to provide a release or hold harmless to the city prior to the display of any signs located within a public right-of-way.
 - b. Projecting signs shall not be illuminated.
 - c. Projecting signs may encroach upon, extend, or project over a public sidewalk.

**Figure 36: Projecting Signs**(d) *Window signs, permanent (figure 37).*

1. *Sign area.* The maximum sign area of a permanent window sign shall be 25 percent of the total area of the window on which the sign shall be located. Permanent window sign area shall be counted in aggregate with wall sign area.
2. *Other provisions.* Window signs shall be allowed on ground floor windows only.

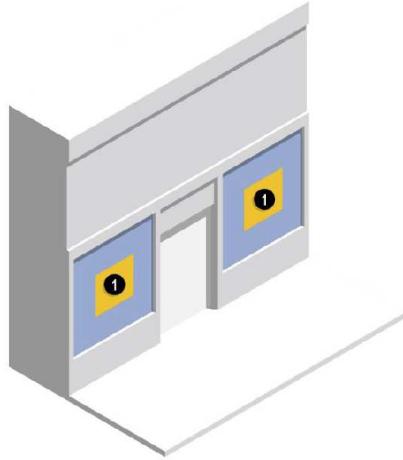


Figure 37: Window Signs, Permanent

(e) *On-site traffic directional signs (figure 38).*

1. *Sign area.* The maximum sign area of an on-site traffic directional sign shall be six square feet.
2. *Height.* The maximum height of an on-site traffic directional sign shall be four feet.
3. *Number of signs.* The number and placement of on-site traffic directional signs shall be as necessary to assist in the safe movement of vehicular and pedestrian traffic on a property, as approved by the administrative review committee.
4. *Location.* On-site traffic directional signs shall be located a minimum of five) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway and shall not be located in a clear vision triangle as detailed in subsection 36-490(1)(f).

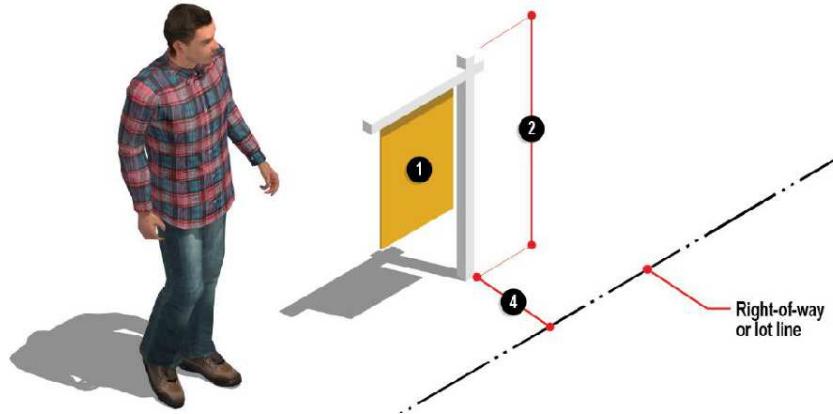


Figure 38: On-Site Traffic Directional Signs

(5) *Standards for temporary signs.*

(a) *Wall-mounted banner signs (figure 39).*

1. *Sign area.* The maximum sign area of a wall mounted banner sign shall be two and one-half percent of the total area of the face of wall on which the sign is to be located.
2. *Height.* No wall mounted banner sign shall protrude above the highest roofline or above the top of the parapet wall or mansard roof.
3. *Number of signs.* A maximum of one wall mounted banner sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.
4. *Location.* Wall mounted banner signs shall be affixed to a building.
5. *Projection.* Wall mounted banner signs shall be affixed flat against the building to which they are mounted.



Figure 39: Wall-Mounted Banner Signs

(b) *Sidewalk signs (figure 40).*

1. *Sign area.* The maximum sign area of a sidewalk sign shall be four square feet.
2. *Height.* The maximum height of a sidewalk sign shall be three feet.
3. *Number of signs.* A maximum of one sidewalk sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.
4. *Location.*
 - a. Sidewalk signs shall be placed in a manner that preserves a continuous sidewalk width of a minimum of three feet.
 - b. No part of any sidewalk sign shall block points of ingress or egress.
 - c. Sidewalk signs shall be placed no more than one foot from the wall of the building or unit of a building to which the sign is associated.
 - d. Sidewalk signs shall be placed no less than three feet and no more than six feet from the entrance of the building or unit of a building to which the sign is associated.
5. *Duration of display.* The display of sidewalk signs shall only be permitted during the operating hours of the use to which the sign is associated and shall be brought indoors during non-operating hours.

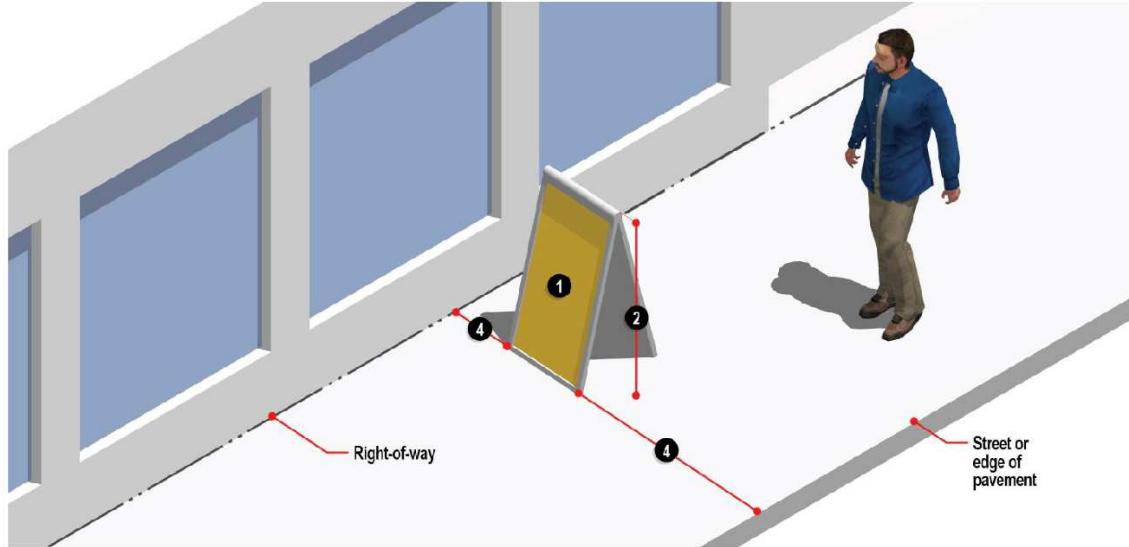
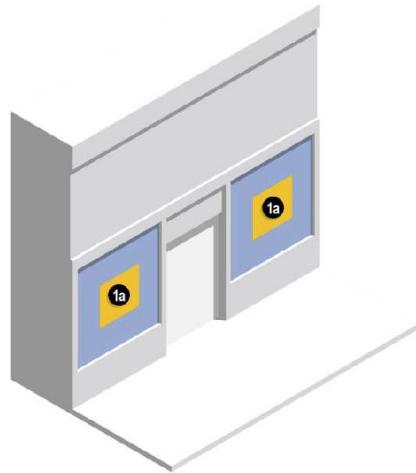


Figure 40: Sidewalk Signs

(c) *Window signs, temporary.*

1. *Sign area (figure 41).*
 - a. The maximum sign area of a temporary window sign shall be 15% of the total area of the window on which the sign shall be located if a permanent window sign is displayed on the same window.

- b. If a permanent window sign is not displayed on the same window, the maximum sign area of a temporary window sign shall be 25 percent of the total area of the window on which the sign shall be located.
2. *Other provisions.*
 - a. Temporary window signs shall be allowed on ground floor windows only.
 - b. Temporary window signs shall not be located on transom windows.



**Figure 41: Window Signs,
Temporary**

- (d) *Yard signs (figure 42).*
 1. *Sign area.* The maximum sign area of a yard sign shall be three square feet.
 2. *Sign height.* The maximum height of a yard sign shall be four feet.
 3. *Number of signs.* A maximum of two yard signs may be displayed concurrently per lot. However, in the 30 days before and two days after a local, state, or federal election, a maximum of four yard signs may be display concurrently.
 4. *Location.* Yard signs shall be located a minimum of five feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; or be placed in any sidewalk or pedestrian walkway.
 5. *Other provisions.*
 - a. Yard signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - b. Yard signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

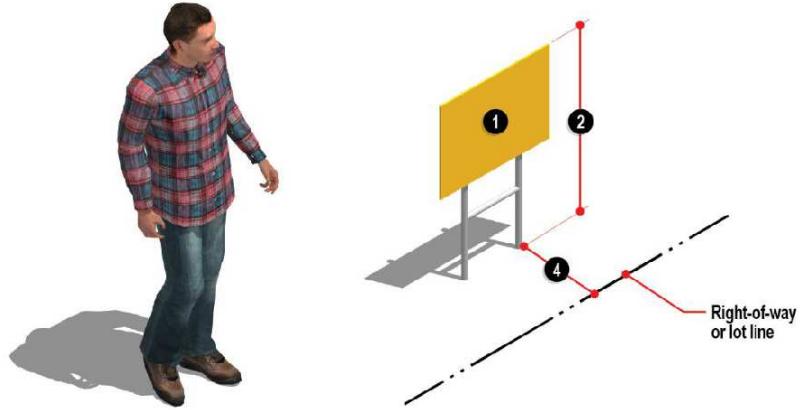


Figure 42: Yard Signs

(e) *Post signs (figure 43).*

1. *Sign area.* The maximum sign area of a post sign shall be four square feet.
2. *Height.* The maximum height of a post sign shall be six feet.
3. *Number of signs.* A maximum of one post sign shall be allowed per lot frontage.
4. *Location.* Post signs shall be located a minimum of five feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; or be placed in any sidewalk or pedestrian walkway.
5. *Other provisions.*
 - a. Post signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - b. Post signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

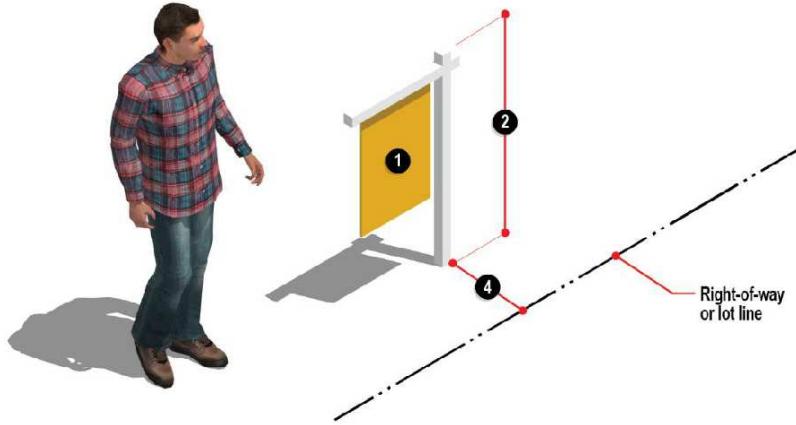


Figure 43: Post Signs

(6) *Prohibited signs.* Unless otherwise allowed in this division, the following signs are expressly prohibited:

- (a) Electronic message boards,
- (b) Outline lighting,
- (c) Pole/pylon signs,
- (d) Monument signs,
- (e) Roof signs,
- (f) Signs with flashing lights,
- (g) Moving, rotating, or animated signs,
- (h) Pennants, streamers, spinners, propellers, balloons, inflatable shapes,
- (i) Snipe signs,
- (j) Box signs,
- (k) Feather signs,
- (l) Billboards/off-premises signs,
- (m) Attention getting devices, and
- (n) Other sign types not explicitly permitted.

(7) *Nonconforming signs.*

- (a) All permanent signs which are in existence at the time of passage of this division, but which do not conform to one or more provisions of this division, shall be deemed to be a legal nonconforming structure and may be continued only as provided in this section.

- (b) Any sign for which a permit has been lawfully granted prior to the effective date of this or any subsequent amendment of this division and which does not comply with the provisions of such amendment may nonetheless be completed in accordance with the approved plans, provided erection of the sign is started within 90 days after the passage of the ordinance amendment, and is diligently prosecuted to completion.
- (c) Whenever a nonconforming sign has been discontinued for a period of six consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a nonconforming sign, such sign shall not, after being discontinued or abandoned, be reestablished, and the sign thereafter shall be in conformity with the regulations of this division.
- (d) Normal maintenance of a nonconforming sign is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming features of the sign.
- (e) No structural alteration, enlargement or extension shall be made to a nonconforming sign, except in the following situations:
 - 1. When the alteration is required by law; and/or
 - 2. When the alteration will actually result in eliminating the nonconforming portion of the structure.
- (f) If a nonconforming sign is damaged or destroyed by any means to the extent of 50 percent or more of its replacement value at that time, the sign shall not be rebuilt or used thereafter except in compliance with the provisions of this division. In the event the damage or destruction is less than 50 percent of its replacement value, based upon prevailing costs, the sign may then be restored to its original condition at the time of such partial destruction until the nonconforming sign is otherwise abated by the provisions of this division. In either event, restoration or repair must be started within a period of six months from the date of damage or destruction, and diligently prosecuted to completion.
- (g) Existing temporary signs shall expire at the termination date specified on the permit, but in no case later than six months from the date of passage of this division. New temporary signs shall be allowed only in conformance with the provisions contained in this division.
- (h) The administrative review committee shall, after the adoption of this division, notify each owner of a nonconforming sign of the manner in which such sign is not in compliance with this division. They shall further notify each owner of a nonconforming sign that such sign must either be brought into compliance with this division or removed prior to its required abatement date.

(G.O. 6661, § 1(Exh. B, Att. 2), 6-28-21)

Sec. 36-495. Outdoor lighting.

- (1) *Fixture classification.* All outdoor lighting fixtures shall either have a fixture cutoff classification of "full cutoff" or be fully shielded, unless otherwise expressly permitted.

(2) *LED fixtures.* All outdoor lighting utilizing a light-emitting diode (LED) fixture shall meet the following standards:

- (a) *Color rendering.* Outdoor LED fixtures shall be rated a minimum color rendering index (CRI) value of 70 or higher.
- (b) *Color temperature.* Outdoor LED fixtures shall have a correlated color temperature between 4,000 and 5,000 degrees Kelvin.

(G.O. 6661, § 1(Exh. B, Att. 2), 6-28-21)

Secs. 36-496—36-499. Reserved.

ZONING REGULATIONS

TABLE OF HISTORY

[Editor's note: This table of history pertains to the Zoning Ordinance prior to incorporation into Chapter 36, Article III of Springfield's Code of Ordinances. Original Zoning Ordinance section numbering has been maintained in the history notes following each section.]

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
4329	April 5, 1993	Amending Chapter 36 of the Springfield City Code, known as the Land Development Code, by repealing Article I, Zoning, in its entirety, and enacting in lieu thereof a new Article I, Zoning.
4488	January 23, 1995	Amending Chapter 36, Article I, Zoning, of the Springfield City Code, Zoning Maps, by rezoning all of the land located within the City of Springfield, Missouri.
4519	June 12, 1995	Amending Article I, to clarify when churches on less than two acres of land will be considered to be conforming uses; amend density requirements in Planned Development Districts to conform to current practices; correct typographical errors; and amend bufferyard requirements in GM and HM Districts.
4570	November 27, 1995	Amending Article I, to make various corrections and clarifications; that only one townhouse unit is allowed per lot; deleting distinctions between day car, family day care and group day care; deleting the advertising requirements for Board of Adjustments and Landmark Board cases; allowing nurseries and truck gardens in residential districts; clarifying minimum lot width in R-LD districts; changing the Landmarks nomination period to one year; clarifying the conditions under which residential use is allowed in LB and GR districts; allowing veterinary clinics, animal hospitals and outdoor kennels as permitted uses in certain districts; prohibiting streamers on wires; changing the application deadline for zoning cases to 31 days; and restoring a previously designated location as an Interstate Commercial Sign District.
4592	April 1, 1996	Amending Article I, to modify notice requirements for hearings regarding Historic Districts or Landmarks, to correct a typographical error in Landscape Quality and Preservation provisions, and to correct a typographical error in James River Scenic Corridor sign provisions.
4608	June 10, 1996	Amending Article I, to allow off-premises signs in the James River Scenic Corridor under certain limited circumstances.

SPRINGFIELD LAND DEVELOPMENT CODE

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
4630	August 5, 1996	Amending Article I, Section 5-1402, Exempt Signs, by adding a new Paragraph L, Historic Landmark Signs, to allow either a freestanding or façade mounted sign on a premises of historical significance.
4666	November 12, 1996	Amending Article I, Section 3-2300, Landmarks Board, Sub-section 3-2302, Membership, to designate one of the existing at-large Board positions for a resident of the Midtown Historic District.
4681	March 3, 1997	Amending Article I, Section 3-3700, Amendment, Subsection 3-3712, Two-Thirds Majority Necessary When Protest, to make protest petition provisions of the Zoning Code conform to the provisions of Chapter 89 RSMo.
4685	March 17, 1997	Amending Article I, Section 2-1100, Definitions, by adding a definition, Exceptional Tree, and amending Section 6-1200, Landscaping and Bufferyard, Subsections 6-1207 and 6-1208 by increasing the size of required plantings and encouraging preservation of existing trees.
4691	April 14, 1997	Amending Article I, Section 5-2000, Adult Entertainment, Subsection 5-2002, Location, to prohibit adult entertainment establishments in Center City Zones, to allow them in industrial zones, and to change the buffer requirement from 500 feet to 2,000 feet from any residential zoning district, school, park or church.
4733	August 18, 1997	Amending Article I, Section 5-1000, Accessory Structures and Uses, Subsection 5-1003.A.1, Permitted Accessory Structures and Uses to increase the size of accessory residential garages and carports.
4736	September 2, 1997	Amending Article I, Section 4-2402.B, by deleting one paragraph dealing with the nomination of properties listed on the national Register of Historic Places by the Landmark Board and Section 4-2402.D by adding one new paragraph to authorize the filing of protest petitions against the nomination of a historic site, historic landmark, interior landmark, or historic district.
4740	September 2, 1997	Amending Article I, by adopting 14 new sections setting forth regulations and conditions for the construction, placement and modification of telecommunications towers and amending Chapter 20, fees by establishing a fee for telecommunications tower licenses.

ZONING REGULATIONS

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
4748	September 15, 1997	Amending Article I, Section 5-1704, by enacting a new Subsection L thereof regarding the termination of a nonconforming use for nuisance or illegal activity.
4759	November 10, 1997	Amending Article I, Sections 3-3300, 4-1000, 4-1100, 4-1200, 4-1300, 4-1400, 4-1500, and 5-1500, and adding a new Section 5-2700 to permit not-for-profit neighborhood facilities to be approved by the Administrative Review Committee and providing for an appeal process which includes a conditional use permit.
4763	December 15, 1997	Amending Article I, Section 3-3300, Conditional Use Permits, Division I and IV, to provide for the location of Emergency Shelters, Soup Kitchens, and Transitional Services Shelters.
4775	January 20, 1998	Amending Article I, Section 1-1324, Commercial Vehicle Parking, to clarify which vehicles are not allowed to be parked in residential areas and to permit the parking of repair, delivery, service vehicles, emergency vehicles, utility company vehicles and official government vehicles in residential areas during the time service is being performed.
4781	March 2, 1998	Amending Article I, Section 5-1105, Particular Home Occupations Prohibited, to prohibit escort services as home occupations.
4792	April 13, 1998	Amending Article I, Section 3-3300, Conditional Use Permits, and Division IV, to provide for the location of Community Corrections Facilities and separation distances between such facilities and other uses.
4825	August 17, 1998	Amending Article I, to permit outdoor live or amplified music in the Center City District. (Note: Trial period of one year)"
4828	September 8, 1998	Amending Article I, Divisions II and III, regarding the publication and posting of notices for zoning cases.
4829	September 8, 1998	Amending Article I, Section 2-1100, Definitions, Section 3-3310, Conditional Use Permits Standards, and Division IV, to provide for the location of Jails and separation distances between such facilities and other uses.
4830	September 8, 1998	Amending Article I to permit neighborhood identification signs in the right-of-way at approved locations.
4852	November 23, 1998	Amending Article I, Division IV, to substitute the words "emergency shelters" for "overnight shelters" in all the districts where shelters are allowed.

SPRINGFIELD LAND DEVELOPMENT CODE

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
4855	December 14, 1998	Amending Article I, Sections 6-1501, 6-1502, 6-1503, by deleting references to specific testing standards for noise and to permit the Director of Health to establish such standards.
4888	March 15, 1999	Amending Article I, Section 5-1410.B, James River Scenic Corridor District, General Provisions to prohibit off-premises signs.
4915	July 19, 1999	Amending Article I, to permit outdoor live or amplified music in the Center City District.
4925	September 27, 1999	Amending Article I to define "Temporary Vendor" and to include Temporary Vendors as Temporary uses in General Retail, Highway Commercial, and Commercial Services districts only.
4978	May 1, 2000	Amending Article I, Section 5-1409, Interstate Commercial Sign District, to place the southwest quadrant of Interstate Highway 44 and U.S. Highway 65 Intersection within the Interstate Highway Commercial Sign District.
5019	October 23, 2000	Amending Article I, to permit On-Site Storage in Trailers and Storage Containers in the General Retail, Highway Commercial, and Industrial Commercial Districts.
5094	July 9, 2001	Amending code relating to telecommunications towers and utility facility locations and use by amending Divisions I, II, III, IV and V of said Code relating to the placement, design, location, use and licensing of telecommunications facilities.
5116	September 17, 2001	Amending Article I, by enacting six new sections and enacting regulations relating to the approval, construction, maintenance and operation of gates across private streets or vehicular access points to public streets.
5117	September 17, 2001	Amending Article I, Section 4-3102, Permitted Uses in General Retail, by adding one new permitted use to allow satellite rental car offices.
5125	October 15, 2001	Amending Article I, by enacting one new subsection relating to the issuance of certificates of appropriateness by the Landmarks Board for buildings 100 square feet or less.
5127	October 29, 2001	Amending Article I, various sections, to correct errors and references, clarify language, create a special exception that may be granted by the Board of Adjustment and add additional uses to various districts.

ZONING REGULATIONS

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
5165	March 25, 2002	Amending Article I, Divisions II, V, and VI, by amending three sections relating to parking motor vehicles in front of yards.
5178	April 22, 2002	Amending Article I, Division V, by amending three sections and enacting one new section relating to off- and on-premises signs in business areas.
5315	November 10, 2003	Amending Article I, Subsection 4-3302, Permitted Uses, to include personal service establishments in the Commercial Services District.
5343	January 12, 2004	Amending Article I, Divisions II, III, and IV by adopting a definition for the term "substance abuse treatment facility" and allowing such use in GI, O-1, O-2, CS, CC, LI, GM and HM zoning districts with some restrictions, deleting the term "community treatment facility" from the definitions and such use from CC and CS zoning districts, and removing the use of "detoxification facilities" from the CS and CC zoning districts.
5345	January 26, 2004	Amending Article I, Divisions IV and V, by amending Sections 4-1000 through 4-1400, 4-3000, 5-1300, 5-1700, and adding Section 5-2900, to allow for the utilization of existing nonconforming structures and lots for all single-family use with the intent to facilitate residential in-fill development and reducing lot depth for residential development in R-SF, R-TH and R-LD Districts.
5355	March 15, 2004	Amending Article I, Divisions IV, V, and VI, by amending the definition for "circular drive" and revising to "circular driveway" and related amendments; adding a definition for "shared driveway;" amending the regulation concerning where motor vehicles and trailers are permitted to be parked on a residential lot; amending the off-street parking area design standards for open and enclosed parking; and adding supplemental off-street parking design standards for single-family-detached, single-family-semi-detached, duplex and mobile home dwellings and amending related zoning district regulations to incorporate these additional design standards; and allowing existing gravel driveways to remain and be expanded.

SPRINGFIELD LAND DEVELOPMENT CODE

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
5381	June 21, 2004	Amending Article I, Section 5-1405.F, Off-Premises Signs, by adding a new subsection 11, to allow the effective area of existing off-premises sign to exceed the maximum permitted by the Zoning Ordinance to permit advertising of publically-owned partially funded venues in Jordan Valley Park where the city is paying for a share of the sign cost.
5412	October 18, 2004	Amending Article I, by amending Sections 2-1100, 5-1500, and 6-1300, to establish minimum off-street bicycle parking requirements and accompanying design standards for new development.
5425	November 15, 2004	Amending Article I, Divisions I, II, III, IV, V and VI, by amending various sections to enact the following changes: to permit parking lots within structure setbacks, to amend the definition of maximum permitted illumination, clarify how long an extension of a conditional use permit is, to correct a mistake which permits day care centers in apartment districts both as permitted and conditional uses, to relocate certain signage requirements within the ordinance, to allow pet grooming facilities in Limited Business Districts, to remove access requirement to Highway Commercial Districts, to cap the height for residential accessory structures, and to correct common open space and improvement regulations; including a savings and severability clause and establishing and effective date.
5471	June 27, 2005	Amending Article I, by revising Subsection 4-2605, Allowed uses in airport zones, Subsection 5-1705 Status of existing conditional uses, Subsections 4-3302, 4-4102, 4-4202, 4-3202 and 4-4402, Outside activities for veterinary clinics, animal hospitals and kennels, Subsections 5-1405, 5-1406, and 5-1409, Sign Ordinance, Various provisions in Section 4 related to church location requirements, and Subsection 1702, Nonconforming lots of record; including savings and severability clauses and establishing an effective date.
5475	July 11, 2005	Amending Article I, Section 6-1503.C, Sound Level Standards related to Urban Conservation Districts.
5492	September 6, 2005	Amending Article I, Division V, to permit master sign plans by adding a new Section 5-1411 and renumbering two sections thereof.

ZONING REGULATIONS

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
5510	December 12, 2005	Amending Article I, Division III, Section 3-1401, by adopting proposed fee schedule.
5516	January 23, 2006	Amending Article I, Division IV, Subdivision 4, Industrial Districts, to include transitional service shelters as a conditional use in RI, LI, GM, HM, and IC and as a permitted use in GM and HM if meeting certain location restrictions.
5533	April 3, 2006	Amending Article I, Divisions II, III, and V, by amending the definitions for "accessory structure" and "accessory use," amending the Supplemental District Regulations concerning accessory structures and uses, and granting authority to the board of adjustment to grant special exceptions for accessory structures under certain conditions.
5585	July 24, 2006	Amending Article I, Divisions II and IV, by adding flea markets to the GR District, pawn shops and secondhand stores to the HC District as permitted uses; adopting definitions for flea markets, pawn shops, secondhand stores and swap meets; combining professional, business, commercial and trade schools into a business school use category; adopting definitions for business schools and industrial schools; adding business schools as a permitted use in HC Districts; adding catering businesses to GR, HC, CS, CC and IC Districts as a permitted use; and adding pet stores and pet grooming as a permitted use to the CC District.
5594	August 21, 2006	Amending Article I, Section 5-1100, concerning the requirements for home occupations and adding hair cutting and styling as a permitted home occupation in single-family homes with certain conditions.
5605	September 26, 2006	Amending Article I, by amending Section 5-1400, Signs, relating to exempt vehicular signs.
5608	October 30, 2006	Amending Article I, Division IV, by adopting a new Section 4-2700, Conditional Overlay District to allow a floating overlay zone restricting certain property to identified uses under certain specified conditions and allowing such floating overlay zones in all zoning districts except R-SF and R-TH Districts.
5652	February 12, 2007	Amending Article I, Divisions I, II, IV, and VI, by allowing access easements and sidewalks in bufferyards and adopting residential connector streets.

SPRINGFIELD LAND DEVELOPMENT CODE

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
5665	April 9, 2007	Amending Article I, Divisions II and IV, by adding a new classification for downtown streets and reducing the setback from the right-of-way for adjacent properties.
5671	April 23, 2007	Amending Article I, Division V, by adding outdoor dining as an accessory use to permitted restaurants in GR zoning districts and by reducing the parking required for certain office uses.
5701	August 27, 2007	Amending Article I, Division IV, by amending the R-LD, R-MD and R-HD Districts and PD Planned Development districts to require additional information from applicants for rezoning in order for staff to complete analysis of the proposed development under the Multi-Family Development Location and Design Guidelines; amending the Conditional Overlay District to be utilized to set density for multi-family uses.
5702	August 27, 2007	Amending Article I, Division IV, by adding pest control services with a retail component as a conditional use within the HC District.
5744	March 24, 2008	Amending Article I, Division IV, Sections 4-3100, and 4-3200, by adding veterinary clinics, animal hospitals, pet daycare services, and pet grooming facilities with supervised outside activities as a permitted use within the GR and HC District.
5758	June 2, 2008	Amending Article I, Division IV, Sections 4-4000, 4-4100, 4-4200, and 4-4300, by allowing commercial off-street parking lots and structures as a permitted use within the RI, LI, GM and HM Districts.
5763	June 30, 2008	Amending Article I, Division IV, relating to the AO-Airport Overlay Districts.
5770	July 28, 2008	Amending Article I, Division V, Section 5-2300, Common Open Space and Common Improvements Regulations, to permit the administrative approval of subdivisions with common area, specifically condominiums and administrative replats.
5772	August 11, 2008	Amending Article I, Division V, Section 5-1400, Signs, to allow the relocation of detached signs due to public improvement projects.

ZONING REGULATIONS

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
5773	August 11, 2008	Amending Article I, Division IV, by reducing the floor area ratios and adopting a conditional use permit process to allow additional floor area ratios under certain conditions in GI, GR, HC, CS, GM, HM, and IC Districts.
5777	August 25, 2008	Amending Article I, Division V, Section 5-1400, Signs, regarding sign height in the Interstate Highway Commercial Sign District.
5811	April 6, 2009	Amending Article I, Division II, to add two new definitions, and Division IV, Office District to include personal services uses as a permitted use.
5812	April 6, 2009	Amending Article I, Division III, Sections 3-3704, by modifying the deadline for submission of zoning map and text amendment applications.
5813	April 6, 2009	Amending Article I, Section 3-3300, Conditional Use Permits, Section 3-3400, Appeals, Section 3-2400, Variances, Section 3-3600, Special Exceptions, Section 3-3700, Amendments, Section 3-3800, Publication and Posting of Notices, Section 4-2500, Planned Development District, and Section 5-2700, Noncommercial, Not-For-Profit Neighborhood Facilities, for the purpose of making changes to the preparation and distribution requirements of mailed public hearing notifications.
5815	April 6, 2009	Amending Article I, Division IV, by modifying the requirements of Subsections 4-1206.A, 4-1306.A, and 4-1406.A relating to maximum structure heights in certain districts adjacent to single-family residential zoned properties.
5823	June 15, 2009	Amending Article I, Section 2, Section 2-1100, and Division V, Section 5-1200, for the purpose of modifying the requirements for temporary promotional activities for large establishments.
5829	July 13, 2009	Amending Article I, Division IV and V, by modifying various requirements of the Government and Institutional Use District.
5833	July 27, 2009	Amending Article I, Division IV, Section 4-2608, to modify the requirements of the Airport Overlay Districts relating to noise level reduction standards.
5834	August 24, 2009	Amending Article I, Division II, Section 2-1100, and Division IV, Section 4-4303, to add a definition of a solid waste transfer stations in the HM District.

SPRINGFIELD LAND DEVELOPMENT CODE

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
5842	November 9, 2009	Amending Article I, Division III, Section 3-3600, to allow for a special exception to the height requirement for accessory structures, when the structure will be consistent with the character of the neighborhood, and similar structures in the area.
5843	November 9, 2009	Amending all zoning districts with respect to Community and Commercial Gardens and Farmers Markets; Section 5-100, Accessory Uses, for the purpose of providing for Personal Gardens; adding a new Subsection 5-3000 for the purpose of establishing criteria for Community Gardens; and amending said Zoning Ordinance in its entirety to delete all references to "truck garden" from the Zoning Ordinance.
5846	December 14, 2009	Amending Article I, Division V, Section 5-1306.B, Street Intersections, to allow for modifications in the sight triangle requirements under certain conditions.
5858	February 8, 2010	Amending Article I, Divisions IV and V, to clarify the requirements for Community Gardens for operation of mechanical equipment and parking and to except park land and community gardens from the requirements for bufferyards.
5861	February 8, 2010	Amending Article I, Division IV, to reduce front yard setbacks in commercial and industrial districts.
5864	March 8, 2010	Amending Article I, Division IV, to permit wholesale sales and distribution use and revise retail sales uses in industrial districts.
5865	March 8, 2010	Amending Article I, Division III, Section 3-3300, Conditional Use Permits, to expand the uses permitted with the approval of a Conditional Use Permit for the Adaptive Use of Nonresidential Structures in Residential districts.
5866	March 22, 2010	Amending Article I, Section 2-1100, Definitions, Regulations for the COM District to add a definition for layer; and Division IV, adding Section 4-3500, for the purpose of establishing a new zoning district, the COM Commercial Street Zoning District.
5868	April 5 2010	Amending Article I, Division IV, Sections 4-1200, 4-1300, and 4-1400, by modifying the requirements of the R-LD, R-MD and R-HD districts to add the duplex use and reduce minimum lot area; and to amend the minimum distance requirements between multi-family buildings in these districts.

ZONING REGULATIONS

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
5879	July 26, 2010	Amending Article I, Divisions I and IV, to add Section 1-1200, and amend Sections 4-2000, 4-2100, 4-3000, 4-3100, 4-3200, 4-3300, 4-3400, 4-4000, 4-4100, 4-4200, 4-4300, and 4-4400 for the purpose of establishing Use Groups and incorporating same into permitted and conditional uses in various districts.
5880	July 26, 2010	Amending Article I, Divisions II, IV, and V, to amend the definition of "Farmers' Market", to add the use of "Farmers' Market" as a use that may function independently of Commercial Gardens, and to add a new temporary use of Farmers' Markets together with a standard for their operation.
5881	July 26, 2010	Amending Article I, Divisions II, IV, and V, to amend Section 5-1500, Off-Street Parking Requirements, and modify the restaurant pick-up facilities uses and definitions.
5882	July 26, 2010	Amending Article I, Division IV, to allow non-profit community centers as a conditional use in all residential districts.
5886	August 9, 2010	Amending Article I, Divisions III and IV, for the purpose of making various clarifications, updated, and changes to the Landmarks Board and Landmarks District Sections.
5895	September 20, 2010	Amending Article I, Division II and Division V, concerning the placement and location of storage trailers and storage containers within the city limits of the City of Springfield.
5900	October 4, 2010	Amending Article I, Division I and Division V, to allow the keeping of six or fewer chickens within the City of Springfield.
5901	October 4, 2010	Amending Article I, Division V, Nonconforming Lots of Record, by modifying the review criteria of nonconforming lots of record in some residential districts.
5928	April 18, 2011	Amending Article I, Divisions IV and V, to modify residential use limitations and front and rear setbacks, to modify fence height requirements, garage door setbacks requirements, and modify all Street Classification and Sight Triangle tables.
5952	October 3, 2011	Amending Article I, Division IV, District Regulations, to change the maximum height requirements, more specifically the bulk plane restrictions adjacent to residential districts.
5954	November 14, 2011	Amending Article I, Division III, Section 3-3800, Publication and Posting of Notices, and Division IV, Section 4-2400, Landmarks, regarding the posting of notices.

SPRINGFIELD LAND DEVELOPMENT CODE

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
5960	December 12, 2011	Amending the Springfield Land Development Code, Article I, Division II, Section 2-1100, Definitions, and Division V, Section 5-1400, Signs.
5971	February 13, 2012	Amending Paragraph B; Public Areas in Subsection 5-1403; General sign Provisions in the Springfield Zoning Ordinance.
5978	March 26, 2012	Amending the Land Development Code, Article 1, Zoning Ordinance, by adding a new Subsection 1-1334, Economic and Housing Access Calamity, and two new terms to Section 2-1100, Definitions.
6001	June 4, 2012	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 4-3100, General Retail District, regarding outdoor activities in various zoning districts.
6010	August 27, 2012	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Division V, Section 5-1200, Temporary Uses, regarding mobile vendors.
6025	December 17, 2012	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 4-3500, COM, Commercial Street District, to add uses to the District as Conditional Uses, amend Section 5-1500, Off-Street Parking Requirements, to exempt parking requirements in the COM District, and amend Section 6-1200, Landscaping and Bufferyards, to add the COM district to the Table of Bufferyard Requirements.
6026	December 17, 2012	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 1-2000, Establishment of Groups, Section 4-3200, Highway Commercial District 4-3500, Commercial Street District.
6032	January 28, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Subsections 4-1006, 4-1106, 4-1206, 4-1306, 4-1406, and 4-1508, Bulk and Open Space Requirements for residential districts (R-SF, R-TH, R-LD, R-MD, R-HD, and R-MHC zoning districts) to modify residential front yard setbacks.
6033	January 28, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 4-3300, Commercial Service District by adding the Eating and Drinking Establishment Use Group as a permitted use.

ZONING REGULATIONS

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
6034	February 11, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Division V, Supplemental District Regulations, Section 5-1900, relating to retail liquor license when adjacent to certain residential districts, to modify protest procedures to bring into conformity with state law, provide for exceptions to hearings in limited circumstances, and modify posting requirements.
6042	April 8, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, subsections 4-4002, 4-4102, 4-4202, 4-4302, and 4-4402 Permitted uses, (RI, LI, GM, HM, and IC) to allow for existing residential dwellings as conforming uses.
6043	April 8, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Sections 4-3202, Center City District, and 4-3502, Commercial Street District, to add Veterinary Clinics as a permitted use in these districts.
6047	May 6, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 6-1200, Landscaping and Bufferyards, to permit flexibility to suspend private development landscaping and bufferyard requirements during times of drought, excessive heat and declared water shortages.
6048	May 6, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Sections 4-3100, General Retail District, 4-3200, highway Commercial District, and 4-3500, Commercial Street District, to add Flea markets entirely within an enclosed building to the General Retail District, and to remove the reference to "Second Hand Stores" as a separate use from the Highway Commercial and Commercial Street Districts.
6053	June 3, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 4-3200, HC-Highway Commercial District, to allow residential uses.
6058	June 17, 2013	Amending the Land Development Code, Article I, Zoning Ordinance, Division I, Intent, Purpose, and General Provisions; Division II, Rules of Interpretation and Definitions; Division III, Administration, Enforcement and Review; and Division IV, District Regulations, by refining various shelter definitions, operations, and locations of same that reference emergency and transitional shelter.

SPRINGFIELD LAND DEVELOPMENT CODE

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
6069	August 12, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Sections 1-1600, Official Zoning Map and Rules for Interpretation, and 3-1200, Zoning Certificate, to permit the use of a digital map as the City's official map and to update the Zoning Ordinance to direct zoning certification applications to the Planning Department.
6071	August 12, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, by adopting a new Section 4-2800, LWO, Live/Work Overlay District, to permit the continued residential usage, in addition to allowing a business or occupational use within the same dwelling.
6076	September 9, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 4-4400, IC, Industrial Commercial District, in the Springfield Zoning Ordinance to permit the medical office use group.
6077	September 9, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, to add a new Section, 4-2900, for the purpose of establishing a new zoning district, the WC, West College Street District.
6082	October 7, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 4-4400, Industrial Commercial District, Subsection 4-4405, Bulk Regulations, to modify the setback and height requirements.
6091	December 16, 2013	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 4-2900, WC, West College Street District, specifically Section 4-2902, WC-1, Mixed-Use Sub-area to clarify uses and add a new use.
6092	January 13, 2014	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 2-1100, Definitions, and Section 5-1500, Off-Street Parking Requirements, to add definitions and modify the off-street parking requirements for micro-efficiency multi-family dwelling units.
6093	January 13, 2014	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 4-2200, University Combining District, to reduce off-street parking requirements.

ZONING REGULATIONS

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
6094	January 13, 2014	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Sections 4-1000 through 4-2000 and 4-3000 through 4-4400, Division IV, District Regulations, and adding a new Section 5-3100, Sidewalks/Pedestrian Walkways; and amending Springfield Land Development Code, Article II, Subdivision Regulations, Sections 303, 403, and 410 to address sidewalk, traffic studies, floor area ratio and building coverage, and right-of-way dedication requirements.
6112	March 24, 2014	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Section 6-1200, Division VI, Design and Development Standards, by amending Sections 6-1208 and 6-1209 of said Division, to provide for a change to bufferyard requirements between some nonresidential zoning districts, alternatives for perimeter landscaping, and allow a reduction in required open space for alternative green building practices.
6120	May 12, 2014	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Division II, Rule of Interpretation and Definitions, Section 2-1100, Definitions, and Division V, Supplemental District Regulations, Section 5-1400, Signs, to provide for a consolidated Sign Code.
6126	July 7, 2014	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Subsection 6-1209.B., Perimeter Landscaping, in the Springfield Zoning Ordinance to exclude perimeter landscaping requirements along public alleys.
6128	July 21, 2014	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, Subsection 1-1331, Agricultural Uses, to allow beekeeping as an accessory use in any district under certain conditions.
6134	August 18, 2014	Amending the Springfield Land Development Code, Article 1, Zoning Ordinance, to add a new Subsection 6-1217, Maximum Bufferyard Area, to allow bufferyard reductions for small lots.

CODE COMPARATIVE TABLE

PRIOR ZONING ORDINANCE

This table gives the location within this Article of those sections of the Prior Zoning Ordinance.

Prior Ordinance Section	Section this Article	Prior Ordinance Section	Section this Article
1-1000	36-300	1-1329	36-303(29)
1-1100	36-301	1-1330	36-303(30)
1-1200	36-302	1-1331	36-303(31)
1-1201	36-302(1)	1-1332	36-303(32)
1-1202	36-302(2)	1-1333	36-303(33)
1-1203	36-302(3)	1-1334	36-303(34)
1-1204	36-302(4)	1-1400	36-304
1-1205	36-302(5)	1-1500	36-305
1-1206	36-302(6)	1-1600	36-306
1-1207	36-302(7)	1-1601	36-306(1)
1-1300	36-303	1-1602	36-306(2)
1-1301	36-303(1)	1-1603	36-306(3)
1-1302	36-303(2)	1-1700	36-307
1-1303	36-303(3)	1-1701	36-307(1)
1-1304	36-303(4)	1-1702	36-307(2)
1-1305	36-303(5)	1-1800	36-308
1-1306	36-303(6)	1-1900	36-309
1-1307	36-303(7)	1-2000	36-310
1-1308	36-303(8)	1-2001	36-310(1)
1-1309	36-303(9)	1-2002	36-310(2)
1-1310	36-303(10)	1-2003	36-310(3)
1-1311	36-303(11)	1-2004	36-310(4)
1-1312	36-303(12)	1-2005	36-310(5)
1-1313	36-303(13)	1-2006	36-310(6)
1-1314	36-303(14)	1-2007	36-310(7)
1-1315	36-303(15)	1-2008	36-310(8)
1-1316	36-303(16)	1-2009	36-310(9)
1-1317	36-303(17)	1-2010	36-310(10)
1-1318	36-303(18)	2-1000	36-320
1-1319	36-303(19)	2-1100	36-321
1-1320	36-303(20)	3-1000	36-330
1-1321	36-303(21)	3-1001	36-330(1)
1-1322	36-303(22)	3-1002	36-330(2)
1-1323	36-303(23)	3-1003	36-330(3)
1-1324	36-303(24)	3-1004	36-330(4)
1-1325	36-303(25)	3-1005	36-330(5)
1-1326	36-303(26)	3-1006	36-330(6)
1-1327	36-303(27)	3-1100	36-331
1-1328	36-303(28)	3-1101	36-331(1)

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3-1103	36-331(3)	3-2301	36-353(1)
3-1200	36-332	3-2302	36-353(2)
3-1201	36-332(1)	3-2303	36-353(3)
3-1202	36-332(2)	3-2304	36-353(4)
3-1203	36-332(3)	3-3000	36-360
3-1204	36-332(4)	3-3001	36-360(1)
3-1300	36-333	3-3002	36-360(2)
3-1301	36-333(1)	3-3003	36-360(3)
3-1302	36-333(2)	3-3004	36-360(4)
3-1303	36-333(3)	3-3005	36-360(5)
3-1304	36-333(4)	3-3006	36-360(6)
3-1400	36-334	3-3007	36-360(7)
3-1401	36-334(1)	3-3008	36-360(8)
3-1402	36-334(2)	3-3009	36-360(9)
3-1500	36-335	3-3010	36-360(10)
3-1501	36-335(1)	3-3100	36-361
3-1502	36-335(2)	3-3101	36-361(1)
3-1503	36-335(3)	3-3102	36-361(2)
3-1504	36-335(4)	3-3103	36-361(3)
3-1505	36-335(5)	3-3104	36-361(4)
3-1506	36-335(6)	3-3105	36-361(5)
3-1507	36-335(7)	3-3200	36-362
3-2000	36-350	3-3201	36-362(1)
3-2001	36-350(1)	3-3202	36-362(2)
3-2002	36-350(2)	3-3203	36-362(3)
3-2003	36-350(3)	3-3204	36-362(4)
3-2004	36-350(4)	3-3205	36-362(5)
3-2100	36-351	3-3206	36-362(6)
3-2101	36-351(1)	3-3207	36-362(7)
3-2102	36-351(2)	3-3300	36-363
3-2103	36-351(3)	3-3301	36-363(1)
3-2104	36-351(4)	3-3302	36-363(2)
3-2105	36-351(5)	3-3303	36-363(3)
3-2106	36-351(6)	3-3304	36-363(4)
3-2107	36-351(7)	3-3305	36-363(5)
3-2200	36-352	3-3306	36-363(6)
3-2201	36-352(1)	3-3307	36-363(7)
3-2202	36-352(2)	3-3308	36-363(8)
3-2203	36-352(3)	3-3309	36-363(9)
3-2204	36-352(4)	3-3310	36-363(10)
3-2205	36-352(5)	3-3400	36-364
3-2206	36-352(6)	3-3401	36-364(1)
3-2207	36-352(7)	3-3402	36-364(2)
3-2208	36-352(8)	3-3403	36-364(3)
3-2209	36-352(9)	3-3404	36-364(4)
3-2210	36-352(10)	3-3405	36-364(5)
3-2211	36-352(11)	3-3406	36-364(6)
3-2212	36-352(12)	3-3407	36-364(7)

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Prior Ordinance Section	Section this Article	Prior Ordinance Section	Section this Article
3-3408	36-364(8)	4-1004	36-380(4)
3-3500	36-365	4-1005	36-380(5)
3-3501	36-365(1)	4-1006	36-380(6)
3-3502	36-365(2)	4-1007	36-380(7)
3-3503	36-365(3)	4-1008	36-380(8)
3-3504	36-365(4)	4-1009	36-380(9)
3-3505	36-365(5)	4-1100	36-381
3-3506	36-365(6)	4-1101	36-381(1)
3-3507	36-365(7)	4-1102	36-381(2)
3-3508	36-365(8)	4-1103	36-381(3)
3-3509	36-365(9)	4-1104	36-381(4)
3-3510	36-365(10)	4-1105	36-381(5)
3-3511	36-365(11)	4-1106	36-381(6)
3-3600	36-366	4-1107	36-381(7)
3-3601	36-366(1)	4-1108	36-381(8)
3-3602	36-366(2)	4-1109	36-381(9)
3-3603	36-366(3)	4-1200	36-382
3-3604	36-366(4)	4-1201	36-382(1)
3-3605	36-366(5)	4-1202	36-382(2)
3-3606	36-366(6)	4-1203	36-382(3)
3-3607	36-366(7)	4-1204	36-382(4)
3-3700	36-367	4-1205	36-382(5)
3-3701	36-367(1)	4-1206	36-382(6)
3-3702	36-367(2)	4-1207	36-382(7)
3-3703	36-367(3)	4-1208	36-382(8)
3-3704	36-367(4)	4-1209	36-382(9)
3-3705	36-367(5)	4-1300	36-383
3-3706	36-367(6)	4-1301	36-383(1)
3-3707	36-367(7)	4-1302	36-383(2)
3-3708	36-367(8)	4-1303	36-383(3)
3-3709	36-367(9)	4-1304	36-383(4)
3-3710	36-367(10)	4-1305	36-383(5)
3-3711	36-367(11)	4-1306	36-383(6)
3-7812	36-367(12)	4-1307	36-383(7)
3-3713	36-367(13)	4-1308	36-383(8)
3-3800	36-368	4-1309	36-383(9)
3-3801	36-368(1)	4-1400	36-384
3-3802	36-368(2)	4-1401	36-384(1)
3-3803	36-368(3)	4-1402	36-384(2)
3-3804	36-368(4)	4-1403	36-384(3)
3-3805	36-368(5)	4-1404	36-384(4)
3-3806	36-368(6)	4-1405	36-384(5)
3-3807	36-368(7)	4-1406	36-384(6)
3-3808	36-368(8)	4-1407	36-384(7)
3-3809	36-368(9)	4-1408	36-384(8)
4-1000	36-380	4-1409	36-384(9)
4-1001	36-380(1)	4-1500	36-385
4-1002	36-380(2)	4-1501	36-385(1)
4-1003	36-380(3)	4-1502	36-385(2)

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4-1503	36-385(3)	4-2401	36-404(1)
4-1504	36-385(4)	4-2402	36-404(2)
4-1505	36-385(5)	4-2403	36-404(3)
4-1506	36-385(6)	4-2404	36-404(4)
4-1507	36-385(7)	4-2405	36-404(5)
4-1508	36-385(8)	4-2406	36-404(6)
4-1509	36-385(9)	4-2407	36-404(7)
4-1510	36-385(10)	4-2408	36-404(8)
4-1511	36-385(11)	4-2500	36-405
4-1512	36-385(12)	4-2501	36-405(1)
4-1513	36-385(13)	4-2502	36-405(2)
4-2000	36-400	4-2503	36-405(3)
4-2001	36-400(1)	4-2504	36-405(4)
4-2002	36-400(2)	4-2505	36-405(5)
4-2003	36-400(3)	4-2506	36-405(6)
4-2004	36-400(4)	4-2507	36-405(7)
4-2005	36-400(5)	4-2508	36-405(8)
4-2006	36-400(6)	4-2509	36-405(9)
4-2007	36-400(7)	4-2510	36-405(10)
4-2008	36-400(8)	4-2511	36-405(11)
4-2100	36-401	4-2512	36-405(12)
4-2101	36-401(1)	4-2513	36-405(13)
4-2102	36-401(2)	4-2600	36-406
4-2103	36-401(3)	4-2601	36-406(1)
4-2104	36-401(4)	4-2602	36-406(2)
4-2105	36-401(5)	4-2603	36-406(3)
4-2106	36-401(6)	4-2604	36-406(4)
4-2107	36-401(7)	4-2605	36-406(5)
4-2108	36-401(8)	4-2606	36-406(6)
4-2200	36-402	4-2607	36-406(7)
4-2201	36-402(1)	4-2608	36-406(8)
4-2202	36-402(2)	4-2700	36-407
4-2203	36-402(3)	4-2701	36-407(1)
4-2204	36-402(4)	4-2702	36-407(2)
4-2205	36-402(5)	4-2703	36-407(3)
4-2206	36-402(6)	4-2704	36-407(4)
4-2207	36-402(7)	4-2800	36-408
4-2208	36-402(8)	4-2801	36-408(1)
4-2209	36-402(9)	4-2802	36-408(2)
4-2300	36-403	4-2803	36-408(3)
4-2301	36-403(1)	4-2804	36-408(4)
4-2302	36-403(2)	4-2805	36-408(5)
4-2303	36-403(3)	4-2806	36-408(6)
4-2304	36-403(4)	4-2807	36-408(7)
4-2305	36-403(5)	4-2808	36-408(8)
4-2306	36-403(6)	4-2900	36-409
4-2307	36-403(7)	4-2901	36-409(1)
4-2308	36-403(8)	4-2902	36-409(2)
4-2400	36-404	4-2903	36-409(3)

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4-2904	36-409(4)

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4-3000	36-420	4-3504	36-425(4)
4-3001	36-420(1)	4-3505	36-425(5)
4-3002	36-420(2)	4-3506	36-425(6)
4-3003	36-420(3)	4-3507	36-425(7)
4-3004	36-420(4)	4-3508	36-425(8)
4-3005	36-420(5)	4-4000	36-430
4-3006	36-420(6)	4-4001	36-430(1)
4-3007	36-420(7)	4-4002	36-430(2)
4-3008	36-420(8)	4-4003	36-430(3)
4-3100	36-421	4-4004	36-430(4)
4-3101	36-421(1)	4-4005	36-430(5)
4-3102	36-421(2)	4-4006	36-430(6)
4-3103	36-421(3)	4-4007	36-430(7)
4-3104	36-421(4)	4-4008	36-430(8)
4-3105	36-421(5)	4-4100	36-431
4-3106	36-421(6)	4-4101	36-431(1)
4-3107	36-421(7)	4-4102	36-431(2)
4-3108	36-421(8)	4-4103	36-431(3)
4-3200	36-422	4-4104	36-431(4)
4-3201	36-422(1)	4-4105	36-431(5)
4-3202	36-422(2)	4-4106	36-431(6)
4-3203	36-422(3)	4-4107	36-431(7)
4-3204	36-422(4)	4-4108	36-431(8)
4-3205	36-422(5)	4-4200	36-432
4-3206	36-422(6)	4-4201	36-432(1)
4-3207	36-422(7)	4-4202	36-432(2)
4-3208	36-422(8)	4-4203	36-432(3)
4-3300	36-423	4-4204	36-432(4)
4-3301	36-423(1)	4-4205	36-432(5)
4-3302	36-423(2)	4-4206	36-432(6)
4-3303	36-423(3)	4-4207	36-432(7)
4-3304	36-423(4)	4-4208	36-432(8)
4-3305	36-423(5)	4-4300	36-433
4-3306	36-423(6)	4-4301	36-433(1)
4-3307	36-423(7)	4-4302	36-433(2)
4-3308	36-423(8)	4-4303	36-433(3)
4-3400	36-424	4-4304	36-433(4)
4-3401	36-424(1)	4-4305	36-433(5)
4-3402	36-424(2)	4-4306	36-433(6)
4-3403	36-424(3)	4-4307	36-433(7)
4-3404	36-424(4)	4-4308	36-433(8)
4-3405	36-424(5)	4-4400	36-434
4-3406	36-424(6)	4-4401	36-434(1)
4-3407	36-424(7)	4-4402	36-434(2)
4-3408	36-424(8)	4-4403	36-434(3)
4-3500	36-425	4-4404	36-434(4)
4-3501	36-425(1)	4-4405	36-434(5)
4-3502	36-425(2)	4-4406	36-434(6)
4-3503	36-425(3)	4-4407	36-434(7)

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5-1000	36-450	5-1500	36-455
5-1001	36-450(1)	5-1501	36-455(1)
5-1002	36-450(2)	5-1502	36-455(2)
5-1003	36-450(3)	5-1503	36-455(3)
5-1004	36-450(4)	5-1504	36-455(4)
5-1005	36-450(5)	5-1505	36-455(5)
5-1006	36-450(6)	5-1506	36-455(6)
5-1100	36-451	5-1507	36-455(7)
5-1101	36-451(1)	5-1508	36-455(8)
5-1102	36-451(2)	5-1600	36-456
5-1103	36-451(3)	5-1601	36-456(1)
5-1104	36-451(4)	5-1602	36-456(2)
5-1105	36-451(5)	5-1700	36-457
5-1200	36-452	5-1701	36-457(1)
5-1201	36-452(1)	5-1702	36-457(2)
5-1202	36-452(2)	5-1703	36-457(3)
5-1203	36-452(3)	5-1704	36-457(4)
5-1204	36-452(4)	5-1800	36-458
5-1300	36-453	5-1900	36-459
5-1301	36-453(1)	5-1901	36-459(1)
5-1302	36-453(2)	5-1902	36-459(2)
5-1303	36-453(3)	5-1903	36-459(3)
5-1304	36-453(4)	5-1904	36-459(4)
5-1305	36-453(5)	5-1905	36-459(5)
5-1306	36-453(6)	5-1906	36-459(6)
5-1307	36-453(7)	5-2000	36-460
5-1400	36-454	5-2001	36-460(1)
5-1401	36-454(1)	5-2002	36-460(2)
5-1402	36-454(2)	5-2003	36-460(3)
5-1403	36-454(3)	5-2100	36-461
5-1404	36-454(4)	5-2101	36-461(1)
5-1405	36-454(5)	5-2102	36-461(2)
5-1406	36-454(6)	5-2200	36-462
5-1407	36-454(7)	5-2201	36-462(1)
5-1408	36-454(8)	5-2202	36-462(2)
5-1409	36-454(9)	5-2300	36-463
5-1410	36-454(10)	5-2301	36-463(1)
5-1411	36-454(11)	5-2302	36-463(2)
5-1412	36-454(12)	5-2303	36-463(3)
5-1413	36-454(13)	5-2304	36-463(4)
5-1414	36-454(14)	5-2305	36-463(5)
5-1415	36-454(15)	5-2306	36-463(6)
5-1416	36-454(16)	5-2307	36-463(7)
5-1417	36-454(17)	5-2308	36-463(8)
5-1418	36-454(18)	5-2400	36-464
5-1419	36-454(19)	5-2401	36-464(1)
5-1420	36-454(20)	5-2402	36-464(2)
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5-2600	36-466	6-1400	36-484
5-2601	36-466(1)	6-1500	36-485
5-2602	36-466(2)		
5-2603	36-466(3)		
5-2604	36-466(4)		
5-2605	36-466(5)		
5-2606	36-466(6)		
5-2607	36-466(7)		
5-2608	36-466(8)		
5-2609	36-466(9)		
5-2610	36-466(10)		
5-2611	36-466(11)		
5-2612	36-466(12)		
5-2613	36-466(13)		
5-2614	36-466(14)		
5-2615	36-466(15)		
5-2700	36-467		
5-2701	36-467(1)		
5-2702	36-467(2)		
5-2703	36-467(3)		
5-2800	36-468		
5-2801	36-468(1)		
5-2802	36-468(2)		
5-2803	36-468(3)		
5-2804	36-468(4)		
5-2805	36-468(5)		
5-2806	36-468(6)		
5-2900	36-469		
5-2901	36-469(1)		
5-2902	36-469(2)		
5-3000	36-470		
5-3001	36-470(1)		
5-3002	36-470(2)		
5-3003	36-470(3)		
5-3100	36-471		
5-3101	36-471(1)		
5-3102	36-471(2)		
5-3103	36-471(3)		
5-3104	36-471(4)		
5-3105	36-471(5)		
5-3106	36-471(6)		
5-3107	36-471(7)		
5-3108	36-471(8)		
5-3109	36-471(9)		
5-3110	36-471(10)		
6-1000	36-480		
6-2000	36-481		

ARTICLE IV.

BUILDING TRADES EXAMINATION AND CERTIFICATION BOARD*

Division 1. Scope and Purpose

- Sec. 36-500. Scope.
- Sec. 36-501. Purpose.

Division 2. Board and Jurisdiction

- Sec. 36-502. Building trades examination and certification board.
- Sec. 36-503. Jurisdiction of the building trades examination and certification board.

Division 3. Meetings and Records, Procedures, Experience Standards, and Temporary Certificates

- Sec. 36-504. Meetings and records.
- Sec. 36-505. Procedures before the board of building trades examination and certification board.
- Sec. 36-506. Standards for judging experience.
- Sec. 36-507. Temporary certificates.
- Secs. 36-508—36-520. Reserved.

Division 4. Director of Building Development Services

- Sec. 36-521. Responsibilities.
- Sec. 36-522. Technical assistance.
- Sec. 36-523. Minimum procedures for administration and testing.
- Sec. 36-524. Registration required.
- Sec. 36-525. Miscellaneous powers.
- Sec. 36-526. Authority of director of building development services.
- Secs. 36-527—36-530. Reserved.

Division 5. Certification Holders, Registrants, and Licensees

- Sec. 36-531. Responsibilities.
- Sec. 36-532. Certification required.
- Sec. 36-533. Definitions.
- Sec. 36-534. Apprentices.
- Sec. 36-535. Electrical, gas fitting, plumbing, and mechanical contractors.
- Sec. 36-536. Mechanical contractor—Duties.

***Editor's note**—Gen. Ord. 6554, adopted Nov. 18, 2019, repealed and replaced art. IV in its entirety to read as herein set out. Former art. IV pertained to building trades, appeals and licensing, consisted of §§ 36-500—36-535, and derived from G.O. 2844, adopted July 31, 1978; G.O. 3635, adopted July 8, 1985; G.O. 3999, adopted Feb. 27, 1989; G.O. 4273, adopted Apr. 20, 1992; G.O. 4458, adopted Sept. 19, 1994; G.O. 4730, adopted July 21, 1997; G.O. 5198, adopted July 1, 2002; G.O. 5510, adopted Dec. 12, 2005; and G.O. 5898, adopted Sept. 20, 2010.

SPRINGFIELD LAND DEVELOPMENT REGULATIONS

- Sec. 36-537. Gas fitters.
- Sec. 36-538. Bonding and insurance.
- Sec. 36-539. Lapse of registration.
- Sec. 36-540. Reserved.

Division 6. Fees and Licenses

- Sec. 36-541. Permits required.
- Sec. 36-542. Permits for electrical, plumbing, mechanical, and gas fitting work—Eligibility.
- Sec. 36-543. Utility connections.
- Sec. 36-544. Certification, registration, and license fees.
- Sec. 36-545. Effects of failure to renew trade certificate or registration.
- Secs. 36-546—36-550. Reserved.

Division 7. Violations

- Sec. 36-551. Unlawful use of certificate.
- Sec. 36-552. Revocation of certificates for those not taking examinations.
- Secs. 36-552—36-559. Reserved.

Division 8. Appeals

- Sec. 36-560. Review of a decision.

DIVISION 1. SCOPE AND PURPOSE

Sec. 36-500. Scope.

This article IV regulates the examination and certification of trades conducted within Springfield city limits, except to the extent superseded by state law.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-501. Purpose.

The purpose of this article is to:

- (a) Establish the building trades examination and certification board, define its jurisdiction, and authorize it to certify and register members of various building crafts or trades;
- (b) Provide certification and registration guidelines and fees; and
- (c) Provide uniform administrative procedure.

(G.O. 6554, § 1, 11-18-19)

DIVISION 2. BOARD AND JURISDICTION

Sec. 36-502. Building trades examination and certification board.

There is hereby established a building trades examination and certification board, which will consist of 11 members. The membership of the board shall include at least:

- (a) Two persons certified or licensed in the electrical field;
- (b) Two persons certified or licensed in the gas fitting trades;
- (c) Two persons certified or licensed in the mechanical field;
- (d) Two persons certified or licensed in the plumbing field;
- (e) Two building contractors (one from the residential field and one from the commercial field); and
- (f) One person not associated directly or indirectly with the building trades or its industry.

The city manager will nominate, and the city council will appoint, board members.

Members' terms will be three years, but members may serve until their successors are appointed. Members will serve staggered terms so that one third of the board is appointed each year. Initial appointments will be such that one-third of the members serve one year, one-third two years, and one-third three years. Members may not serve more than two

successive terms and may be reappointed after a lapse of more than one year. The board will elect a chairman and a vice-chairman from among its members. The board may establish member-conduct rules.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-503. Jurisdiction of the building trades examination and certification board.

The building trades examination and certification board (the board), has jurisdiction over:

- (a) Examinations and examination procedures for all examinations this article requires. The board may use a testing agency to perform, in whole or in part, the examinations described in this article.
- (b) Whether an applicant for certification possesses the necessary work experience, educational experience, or both, to qualify to take a written examination towards certification, or grant approval of a license based on section 36-506 of this Code. Any applicant who submits false or misleading information will be disqualified from examination and any further certification process.
- (c) Disciplinary actions to be taken against persons certified or registered under this article. The director of building development services may institute disciplinary actions by filing charges with the board. The board may suspend, revoke, or refuse to renew any certification or registration granted pursuant to this article if the director of building development services proves the truth of the charges to be more probable than not.
- (d) Granting temporary certificates as provided in section 36-507.

(G.O. 6554, § 1, 11-18-19)

DIVISION 3. MEETINGS AND RECORDS, PROCEDURES, EXPERIENCE STANDARDS, AND TEMPORARY CERTIFICATES

Sec. 36-504. Meetings and records.

Board meetings and records may be closed as authorized by law.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-505. Procedures before the board of building trades examination and certification board.

- (a) *Meetings.* The board will have at least one regularly scheduled meeting per month to consider all matters filed with the board. In the absence of any business, regular meetings may be canceled. The chairman, in accordance with rules adopted by the board, may call special meetings.

BUILDING TRADES EXAMINATION AND CERTIFICATION BOARD § 36-506

(b) *Quorum.* A quorum is six members in attendance. When a quorum is lacking for any meeting, the chairman, vice-chairman, or those present may adjourn to a specified time and invite the attendance of other members.

(c) *Public hearings.* All meetings and access to records shall be subject to Chapter 610, RSMo, as amended. Interested parties may present evidence informally.

(d) *Evidentiary matters.* The board will determine facts and apply law to the facts. The board will not follow formal rules of evidence, but will receive testimony under oath, and base all decisions on substantial and competent evidence.

(e) *Evidentiary burden.* The applicant for certification shall have the burden of producing evidence and demonstrating by clear and convincing proof that the applicant has the minimum qualifications for such certification.

(f) *Decisions.* The board may grant, revoke, or impose conditions on a certification. A decision to revoke or impose conditions requires seven affirmative votes or a majority of all members present, whichever is greater, and shall be in writing.

(g) *Enforcement of decisions.* The director of building development services will enforce board decisions.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-506. Standards for judging experience.

The board will apply the following standards to determine whether an applicant may proceed to the written-examination stage of the certification process.

- (a) Masters for electrical, mechanical, and plumbing certification shall have at least four years of satisfactory experience as a journeyman in the building trade for which certification is sought. If the applicant does not hold a valid journeyman card and he wishes to take the masters examination, he shall have at least ten years of satisfactory experience in the building trade for which certification is sought.
- (b) Journeymen applying for electrical, mechanical, and plumbing certification shall have at least four years of performing work in the building trade for which certification is sought under supervision of a master. If the applicant is not under the supervision of a certified master and he wishes to take the journeyman examination, he shall have at least six years of satisfactory experience in the building trade for which certification is sought.
- (c) Masters for gas certification, who currently hold a master plumbing or master mechanical certification, shall have at least four years of satisfactory experience as a master plumber or mechanical master and at least two years as a gas journeyman. Masters for gas, who currently hold a journeyman gas certification, shall have at least four years of satisfactory experience.
- (d) Journeyman certification for gas shall have at least four years of performing work in the plumbing or mechanical trade under the supervision of a certified master or be a

certified plumbing or mechanical master. If the applicant is not under the supervision of a certified master and he wishes to take the journeyman examination, he shall have at least six years of satisfactory experience in the plumbing or mechanical trade.

- (e) The board has discretion to accept an appropriate mix of practical and education experience.
- (f) Upon approval for testing by the board, an applicant may sit for the next regularly-scheduled examination. If the applicant fails a first examination, such applicant may sit for re-examination at the next, or subsequent, regular examination session upon paying the required testing fees to the testing agency up to one year from the date of approval by the board. If the applicant fails to pass the required examination within this time, he may reapply to the board for consideration to take the required examination.
- (g) The board may certify an applicant once such applicant meets the requirements of this section and has passed the examination required by the city. The passing test score must meet or exceed the minimum score required by the city at the time the application is received.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-507. Temporary certificates.

The board may issue a temporary certificate (except for masters) when an applicant has:

- (a) Previously exhibited skills and acceptable qualifications to an examining board of another political subdivision of this state or any other state;
- (b) Submitted the original or properly-certified copy of a currently-valid certificate of qualification for the classification for which a temporary certificate is made; and
- (c) Filed an affidavit stating the maximum period he intends to perform work in the city is 90 days. The board will exercise its sound discretion in accepting proof of qualifications to issue a temporary certificate. If accepted, the board will issue a temporary certificate valid for no more than 90 days.

(G.O. 6554, § 1, 11-18-19)

Secs. 36-508—36-520. Reserved.

DIVISION 4. DIRECTOR OF BUILDING DEVELOPMENT SERVICES

Sec. 36-521. Responsibilities.

The director of building development services has responsibility to:

- (a) Establish procedures and forms for making applications for certification;
- (b) Accept applications for certification;

BUILDING TRADES EXAMINATION AND CERTIFICATION BOARD § 36-525

- (c) Issue and renew certifications and to accept all fees pursuant thereto;
- (d) Enforce the provisions pertaining to certification; and
- (e) Bring charges before the board against those who:
 - (1) Violate the provisions of this article; or
 - (2) Commit an offense so detrimental to the public health, safety, and welfare that it requires immediate action.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-522. Technical assistance.

The director of building development services will serve the board as executive secretary. A clerk from the department will record board proceedings. The clerk will keep a detailed record of all proceedings on file in the department.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-523. Minimum procedures for administration and testing.

Upon receiving an application, the director of building development services will distribute a copy of the rules governing application, testing, and certification to the submitting applicant. The director of building development services will select a testing agency to examine such applicant's knowledge of a specific subject matter.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-524. Registration required.

The director of building development services will require persons engaged in building trades to register annually on forms the director provides. Apprentices and electrical, gas fitting, plumbing, and mechanical contractors must register.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-525. Miscellaneous powers.

- (a) The director of building development services may require additional information in application forms. Masters must notify the director within 30 days of a change in employment status.
- (b) From time to time, the director of building development services may promulgate written rules and regulations to implement the provisions of this article. Once the board approves such rules and regulations, they shall be effective when conspicuously posted in the department of building development services and filed in the city clerk's office for two weeks.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-526. Authority of director of building development services.

Upon reasonable cause to believe that a person has failed to register, the director of building development services may bring charges before the board to suspend, revoke, or refuse to renew a certificate, registration, or license. Conviction of an offense under this chapter does not preclude other remedies.

(G.O. 6554, § 1, 11-18-19)

Secs. 36-527—36-530. Reserved.**DIVISION 5. CERTIFICATION HOLDERS, REGISTRANTS, AND LICENSEES****Sec. 36-531. Responsibilities.**

Under the following conditions, the director of building development services will issue qualification certificates and registration cards according to this article and the Springfield City Code. Certificate holders, registrants, and licensees must comply with these conditions:

- (a) Obtain a permit when required.
- (b) Present his or her permit, certificate, registration card, or license upon request from building development services personnel or have the registration card visibly present on the person for verification.
- (c) Follow permit conditions and approved drawings and specifications, unless building development services personnel approve variations in writing.
- (d) Notify and obtain inspection services when required by this Code.
- (e) Pay any lawful fee assessed under code authority.
- (f) Obey any lawful order issued under code authority.
- (g) Maintain satisfactory levels of competence, workmanship, and recognized practice, as established in city ordinances.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-532. Certification required.

(a) It is unlawful to labor at the following trades without certification as required by this article:

- (1) Master or journeyman plumber;
- (2) Master or journeyman electrician;
- (3) Master or journeyman gas fitter; or,
- (4) Master or journeyman of mechanical systems.

(b) Unless specifically exempt, it is unlawful for any person to perform or engage in electrical work, gas fitting, plumbing, or mechanical work, as defined by the codes, without first securing required licenses or permits.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-533. Definitions.

J Journeyman of mechanical systems means a person who is qualified to install, maintain, repair, fabricate, alter, or extend central air conditioning, refrigeration, heating, and ventilating, including duct work and all appurtenances, apparatuses, piping vessels, ducts, and insulation used in connection therewith while employed and supervised by a master of mechanical systems.

M Maintenance of existing mechanical systems includes only the work necessary to maintain an existing system in operation. The term does not include adding new systems, replacing existing heating and cooling appliances with new appliances, or any work requiring a permit. A person may maintain an existing mechanical system without being certified or licensed. Maintenance work may be performed in all types of buildings.

M Master of mechanical systems means a person qualified to install, maintain, repair, fabricate, alter, or extend air conditioning, refrigeration, heating, or ventilation, unlimited in horsepower or tons, including all duct systems, boiler and unfired pressure vessel systems, solar heating and cooling systems, and all appurtenances, apparatuses, or equipment used in connection therewith, as well as piping, duct work, insulation of pipes, vessels, and ducts.

M Mechanical systems include heating systems, ventilating systems, cooling systems, steam and hot water heating systems, process piping, boilers and pressure vessels, appliances utilizing gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration systems, duct work, crematories, and air pollution systems.

R Refrigeration journeyman means a person qualified to install, maintain, repair, or alter any system of refrigeration intended to be used for food and product preservation while employed or supervised by a master of mechanical systems.

S Sheet metal journeyman means a person qualified to fabricate, install, repair, alter, or extend sheet metal work while employed or supervised by a master of mechanical systems.
(G.O. 6554, § 1, 11-18-19)

Sec. 36-534. Apprentices.

Before a person not certified to perform electrical, plumbing, gas fitting, or mechanical work may be permitted to aid in such work, such person shall register by name, age and address, name of present employer, past employment record, and name of supervisory employee. Upon registration and issuance of a registration card, such person shall be entitled to engage in, and work at, the appropriate building trade as an apprentice in the employ of a master of an electrical, gas fitting, plumbing, or mechanical contracting firm and shall be supervised at the job site at all times during which they are engaged in work by a

certified journeyman or master working for the employer who is physically present at the job site, except that such supervisor may for good reason leave the job site during such work for two periods each day, not to exceed 30 minutes each, once during the morning and once during the afternoon.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-535. Electrical, gas fitting, plumbing, and mechanical contractors.

(a) A person, before performing electrical, gas fitting, plumbing, or mechanical work, must register by business name, officers' names, and address. Such person must also designate the name of the certified master authorized to apply for permits, accept service of process, and designate the names of other certified personnel responsible for work crews.

(b) Electrical, plumbing, mechanical, and gas fitting contractors must be licensed and work under the supervision of a master plumber, master of mechanical systems, master electrician, or master gas fitter holding a certificate of qualification. An applicant for a license may qualify in the following ways:

- (1) If an individual, by personal certification or by certification of a responsible managing employee.
- (2) If a co-partnership or limited partnership, by certification of a general partner or a responsible managing employee.
- (3) If a corporation or other business organization, by the certification of the responsible managing officer or the responsible managing employee.

(c) The certified master plumber, master electrician, master of mechanical systems, or master gas fitter, qualifying on behalf of an individual or firm, must directly supervise and control of his employer's or principal's construction operations and effect full compliance with the provisions of the various codes, ordinances, rules, and regulations of the city applicable to their trade or work.

(d) The license shall be valid only if the registered supervisor remains in the employ of the licensee in an active, full-time capacity.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-536. Mechanical contractor—Duties.

Any person registered as a mechanical contractor may install and service mechanical systems in any building within the corporate limits of the city. To install plumbing and/or gas in a mechanical system, a mechanical contractor must be a certified master plumber and/or a certified gas fitter or have both in his employment to perform such installation. The master of mechanical systems employed or acting as the mechanical contractor is responsible for the work of journeymen of mechanical systems, refrigeration journeymen, sheet metal journeymen, and apprentices on his job, whether in his employment or under his supervision.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-537. Gas fitters.

- (a) Any person who is presently certified as a gas fitter by the director of building development services shall henceforth automatically be certified as a master gas fitter, except that any such person who has previously passed only the written examination for journeyman gas fitter shall be certified by the director of building development services hereafter as a journeyman gas fitter until such person shall pass the master gas fitter examination.
- (b) Certified journeyman gas fitters may perform gas work on projects which have a plumbing and/or mechanical permit stating that gas work is a part of the permitted project under the supervision of a master plumber or master of mechanical systems. Only certified master gas fitters may apply for, and be issued, separate permits for gas work on projects for which gas work is not included in the plumbing or mechanical permit. Only employment of a certified master gas fitter shall qualify a gas contractor to perform separate gas fitting services as described above.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-538. Bonding and insurance.

Prior to issuing or authorizing the issuance of any plumbing, electrical, mechanical, or gas fitting contractor license, the director of building development services shall require a surety bond, evidence of an escrow, or evidence of deposit with the director of finance a \$5,000.00 cash reserve bond for restoration of any street, sidewalk, and other public property and for the incurring of other expenses or charges by the city (such as removal of construction wastes, cleanup of streets and sidewalks, etc.) in the event the applicant fails to restore such item with the same materials, in the same manner, and to its original condition. In addition, the contractor shall submit a policy of general liability and property damage insurance naming both the holder of the certificate, registration card, or license and the city and its officers, agents, and employees as insured, or, in the director's discretion, a certificate of insurance evidencing same. Said policy shall be for coverage of at least \$100,000.00/ \$300,000.00 for general liability and \$50,000.00 property damage. Said policy shall also not be capable of cancellation without provision of ten days' written notice to the city. Submission of the policy or certificate naming the city as an insured may be waived by the director of building development services should he determine that the city has in force a blanket general liability and property policy to protect the city and its officers, agents, and employees from liability insurance from negligent inspections and from the failure to inspect or that the Missouri law protects the city from liability from negligent inspection or failure to inspect.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-539. Lapse of registration.

The registration required by section 36-535 shall lapse whenever a person no longer has the designated certified master in his active employ and does not replace said master in accordance with the following:

- (a) If the individual qualifying for the license ceases, for any reason, to be connected with the individual or firm to whom the license is issued, the licensee and the registered officer, employee, or supervisor qualifying for such license, or the owner of the business, shall notify the department of building development services within 30 days from the cessation of such association. If notice is given, the license shall remain in force until another supervisor is qualified, but not to exceed 60 days from such notice.
- (b) If the licensee or his registered employee or managing officer qualifying for the license fails to notify the department of building development services in writing within the 30-day period, at the end of the period the license shall be automatically suspended. The license shall be reinstated only upon the qualification of a registered supervisor in place of the one who has ceased to be connected with the licensee.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-540. Reserved.**DIVISION 6. FEES AND LICENSES****Sec. 36-541. Permits required.**

Any individuals performing any craft trades covered by this article, in and around any building within the corporate limits of the city, must obtain a permit from the department of building development services before commencing the work.

(G.O. 6554, § 1, 11-18-19)

**Sec. 36-542. Permits for electrical, plumbing, mechanical, and gas fitting work—
Eligibility.**

No permit for electrical, plumbing, mechanical, or gas fitting regulated by this chapter, except for annual maintenance permits, shall be issued to any person other than a person holding a valid, unexpired master certificate serving as the master for a duly licensed contractor, or his duly authorized agent, as set forth in this article and chapter 20 of the Springfield City Code, unless the permit is applied for by the owner of a single-family residential dwelling used exclusively for dwelling purposes, including the usual accessory buildings and quarters, and furthermore, that the owner resides in the dwelling at the time of application and that the owner continues to live there during the work covered under the permit and that the owner shall personally purchase all material and perform all labor in connection with the purpose for which permit application is made.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-543. Utility connections.

Mechanical contractors may, when replacing an existing heating or cooling appliance with a new one, connect the new appliance back to the existing gas, water, and/or electric lines at the same points where the existing appliance was removed. Certified craftsmen in applicable trades must install any new gas, water, or electrical lines. In new construction, all utility connections must be made by certified craftsmen in the utility trades. Any utility installation necessary for equipment or units to function may be installed only with a permit. (G.O. 6554, § 1, 11-18-19)

Sec. 36-544. Certification, registration, and license fees.

(a) *Fees for issuance.* The director of building development services shall not issue, or authorize the issuance of, any certificate or registration card regulated by this article, unless and until, the applicant has tendered the fee for it in accordance with the schedule of fees adopted by ordinance from time to time. Fees in this section are those required by the department of building development services and are required in addition to occupational license fees administered by the department of finance.

(b) *Renewal of master, journeyman certifications and/or apprentice registrations.* Trade Certification renewals for Journeymen & Masters, and Apprentice registrations, are due on an annual basis beginning on January 1 for the calendar year issued. The renewal period is January 1 to March 13 of that calendar year.

(G.O. 6554, § 1, 11-18-19; G.O. 6637, § 1, 2-8-21)

Sec. 36-545. Effects of failure to renew trade certificate or registration.

(a) Any certificate holder or registrant, who fails to renew his certificate or registration annually and allows same to remain unrenewed after March 31 must submit an original application to the board. The board may require the candidate to re-test or may approve the candidate to be reinstated.

(b) In addition, the dissolution of a partnership or failure to maintain the legal status of a corporation shall terminate a license and no individual partner or officer or owner of a corporation may continue to operate under the business license. A person shall not operate the business under any other name other than the name shown on the business license.

(G.O. 6554, § 1, 11-18-19; G.O. 6637, § 1, 2-8-21)

Secs. 36-546—36-550. Reserved.

DIVISION 7. VIOLATIONS

Sec. 36-551. Unlawful use of certificate.

No person certified under this article shall allow his certificate to be used by any other person. No certified master shall obtain permits in his name for any other person other than

the one contractor by whom he is actively employed and designated as the full-time supervisory master. If the primary work requires the employment of a specialized trade and is a subcontract of the primary system contractor, the master of the primary system obtaining the permit shall have oversight of the subcontractor's work and shall be responsible for the same. For the purposes of this section, "specialized trade" is defined as a subspecialty of construction trade work, including, but not limited to, the specialized trade work of HVAC controls. Conviction of a violation of this section in municipal court shall constitute an automatic revocation of said person's certification and said person shall not again be entitled to a certificate for a minimum period of one year.

(G.O. 6554, § 1, 11-18-19)

Sec. 36-552. Revocation of certificates for those not taking examinations.

Certificates for a master or journeyman of mechanical systems, refrigeration journeyman, or sheet metal journeyman issued without examination as in section 36-532 will remain valid as long as the holder of the certificate has not been notified three or more times in any calendar year for violations of the codes or ordinances governing mechanical work within the city. Upon issuance of the notice, the director of building development services is hereby authorized to bring charges for revocation of the certificate before the building trades examination and certification board. If the board finds the violations cited to be justified, the certificate shall be revoked. Nothing in this section shall prevent a person from again applying for certification and testing.

(G.O. 6554, § 1, 11-18-19)

Secs. 36-553—36-559. Reserved.

DIVISION 8. APPEALS

Sec. 36-560. Review of a decision.

Any party aggrieved by a decision of the board may seek review of said decision in a court of law pursuant to Chapter 536, RSMo., and Rules of the Missouri Supreme Court adopted thereto.

(G.O. 6554, § 1, 11-18-19)

ARTICLE V.

BUILDING CODE*

- Sec. 36-601. Adoption of 2018 Building Code.
- Sec. 36-602. Deletions, modifications, amendments, and additions.
- Sec. 36-603. Adoption of appendices.
- Sec. 36-604. Penalty clause.

***Editor's note**—Gen. Ord. 6555, adopted Nov. 18, 2019, repealed in its entirety and reenacted Art. V to read as herein set out. Former Art. V pertained to the same subject matter, and derived from Gen. Ord. 5456, adopted May 5, 2005; Gen. Ord. 5626, adopted Dec. 11, 2006; Gen. Ord. 5982, adopted Mar. 26, 2012; and Gen. Ord. 6262, adopted Jan. 25, 2016.

Sec. 36-601. Adoption of 2018 Building Code.

City council hereby adopts the 2018 International Building Code as published by the International Code Council and all referenced standards as if spelled out herein, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article V, building code, of chapter 36, article V of the Springfield City Code, known as the land development code. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

(Gen. Ord. 6555, § 1, 11-18-19)

Sec. 36-602. Deletions, modifications, amendments, and additions.

The 2018 International Building Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Building Code.

[(d)] *[Amendments, additions, and deletions.]*

502.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. The assigned address number shall be clearly posted on the site immediately after the date of issuance of the permit and shall remain in place until the building is removed from that site. Letters or numbers shall be in conformance with Chapter 26, Section 26-3, Numbering of businesses and dwellings units, of the Springfield City Code. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

503.1.5 Clearance Requirements. All buildings and structures are required to meet clearance requirements from all wires, conductors, cables, and rigid live parts as stipulated in the National Electric Safety Code (NESC), latest edition, or as dictated by the utility service provider. In case of a conflict between the two agencies, the more stringent shall apply.

903.6 Post Indicating Valves: Post Indicating Valves may be omitted when a fire service connection to the public water supply main is provided and controlled by the utility purveyor.

912.4.1 Locking fire department connection caps. All fire department connections shall be provided with KNOX FDC Caps.

1004.9 Posting of occupant load. Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space for the intended configurations. At the main entrance to the building, the occupant load for the entire assembly use group shall be posted in a conspicuous place. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or the owner's authorized agent.

1010.1.9.2 Hardware height. Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches (864 mm) minimum and 48 inches (1219 mm) maximum above the finished floor.

1301.1.1 Criteria. Buildings shall be designed and constructed in accordance with the 2012 International Energy Conservation Code.

Section 1603 Construction Documents

8. Design base shear(s) for new structures and structure additions. (Note: All other items listed shall remain as written.)

1608.1 General. Design snow loads shall be determined in accordance with Chapter 7 of ASCE 7, but not less than 20 psf and the design roof load shall not be less than that determined by Section 1607. A reduction in snow loads shall not be permitted.

Subsection 1608.2, ground snow loads, is repealed in its entirety and replaced with:

1608.2 Ground Snow Load. The ground snow load to be used in determining the design snow loads for roofs shall not be less than 20 psf.

Subsection 1612.3 Establishment of flood hazard areas, is repealed in its entirety replaced with:

1612.3 Establishment of flood hazard areas. Flood hazard areas shall be as stipulated in Chapter 36, Article VII, of the Springfield City Code.

Section 1704. Special Inspections and Tests, Contractor Responsibility and Structural Observation

1704.2.4 Report requirement. Approved agencies shall keep records of special inspections and tests. The approved agency shall submit reports of special inspections and tests to the building official Reports of special inspections and tests associated with a discrepancy shall be submitted to the building official within a week of performance of the special inspection or test and until correction of the discrepancy has been confirmed in writing on a special inspection report or by other written correspondence, except as provided below. Reports of special inspections and

tests shall be submitted to the building official or the building official's duly authorized representative upon request. Reports of special inspections and tests shall be submitted to the building official by uploading to the project file using the e-Plans or ProjectDox system, unless otherwise approved by the building official, and to the registered design professional in responsible charge. Reports shall indicate that work inspected or tested was or was not completed in conformance to approved construction documents. Unless approved otherwise in writing by the building official, approved construction documents are those approved in writing or electronically by the building official. Discrepancies shall be brought to the immediate attention of the contractor for correction. If they are not corrected, the discrepancies shall be brought to the attention of the building official and to the registered design professional in responsible charge prior to the completion of that phase of the work. A final report documenting required special inspections and tests, and correction of any discrepancies noted in the inspections or tests, shall be submitted prior to issuance of a Certificate of Occupancy.

Exception: The approved special inspection agencies procedures for documenting special inspection results and tracking discrepancy resolution may be allowed in lieu of the above procedure, subject to review and approval by the building official.

1705.17 Fire-resistant penetrations and joints. In high-rise buildings or in buildings assigned to Risk Category III or IV, special inspections for through-penetrations, membrane penetration firestops, fire-resistant joint systems and perimeter fire barrier systems that are tested and listed in accordance with Sections 714.4.1.2, 714.5.1.2, 715.3 and 715.4 shall be in accordance with Section 1705.17.1 or 1705.17.2.

1809.5 Frost Protection. Except where otherwise protected from frost, foundation walls, piers, and other permanent supports or buildings and structures shall be protected from frost by one of the following methods:

1. Extending below the frost line, established at 24 inches for the City of Springfield, Missouri;
2. Constructing in accordance with ASCE-32;
3. Erecting on solid rock.

Exceptions: Freestanding buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I;
2. Area of 600 square feet (56 sq. meters) or less for light-frame construction or 400 square feet (37 sq. meters) or less for other than light-frame construction; or
3. Eave height of 10 feet (3048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

3103.1.2 Permit required. Temporary structures that cover an area in excess of 100 square feet (9.3 square meters), including connecting areas or spaces with a common means of egress or entrance that are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the fire official.

3107.1 General. Signs shall be designed, constructed, and maintained in accordance with all applicable sections of this code and Chapter 36, Article III, of the Springfield City Code. In the event of a conflict, the stricter provisions shall apply.

3201.1 Scope. The provisions of this chapter, and Chapter 98 and the Land Development Code of the Springfield City Code, and other provisions of this code, shall govern the encroachment of structures into the public right-of-way. In case of a conflict, the stricter provisions shall apply.

All cross references to the International Zoning Code shall instead cross refer to the appropriate section of Article III. - Zoning Regulations.of Chapter 36 of the Springfield City Code, known as the Land Development Code.

The NFPA 520 Standard on Subterranean Spaces, latest edition, is hereby incorporated into the International Building Code Referenced Standards.

(Gen. Ord. 6555, § 1, 11-18-19)

Sec. 36-603. Adoption of appendices.

By adoption of the 2018 International Private Sewage Disposal Code, the following appendices are part of this Code:

Appendix C: Group U - Agricultural Buildings

Appendix E: Supplementary Accessibility Requirements

Appendix H: Signs (with the amendments set forth below)

Appendix I: Patio Covers

Appendix H is amended as follows:

Section H101 General

Subsection H101.2 Signs exempt from permits is repealed in its entirety and replaced with:

H101.2 Signs exempt from permits. Signs exempt from permits are listed in the Land Development Code of the City of Springfield.

Section H102 Definitions is repealed in its entirety and replaced with:

Section H102 Definitions

H102.1 General. Sign definitions applicable to this code are in the "Signs" section of the Land Development Code of the City of Springfield and in Chapter 2 of the 2018 International Building Code.

H103.2 Clearance requirements. All signs and sign structures are required to meet all clearance requirements from all wires, conductors, cables, and rigid live parts as stipulated in the National Electric Safety Code (NESC), latest edition, or as dictated by the utility service provider. In case of a conflict between the two agencies, the more stringent shall apply.

H105.2 Permits, drawings, and specifications. Where a permit is required, as provided in the Land Development Code, Article III, construction documents shall be required. These documents shall show the dimensions, materials, and required details of construction, including loads, stresses, and anchors. In cases where the permit application is for construction of signs of insignificant size, weight or form, the Code Official may waive the required submittal of construction documents.

H109.1 Height restrictions. The structural frame of ground signs shall be erected of non-combustible materials if the height of the sign is more than 20 feet (6 096 mm) above the ground.

Subsections H109.2 Required clearance and H109.3 Wood anchors and supports are repealed in their entirety.

If there is any conflict between Appendix H and the "Signs" section of the Springfield Land Development Code, the "Signs" section shall govern.

(Gen. Ord. 6555, § 1, 11-18-19)

Sec. 36-604. Penalty clause.

Any person convicted of: violating this ordinance [article]; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 36-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

(Gen. Ord. 6555, § 1, 11-18-19)

ARTICLE VI.

ELECTRICAL CODE*

- Sec. 36-611. Adoption of 2018 Electrical Code.
- Sec. 36-612. Deletions, modifications, amendments, and additions.
- Sec. 36-613. Penalty clause.
- Sec. 36-314. Administrative enforcement.

***Editor's note**—Gen. Ord. 6556, adopted Nov. 18, 2019, repealed in its entirety and reenacted Art. VI to read as herein set out. Former Art. VI pertained to the same subject matter, and derived from Gen. Ord. 5456, adopted May 5, 2005; Gen. Ord. 5626, adopted Dec. 11, 2006; Gen. Ord. 5982, adopted Mar. 26, 2012, and Gen. Ord. 6262, adopted Jan. 15, 2016)

Sec. 36-611. Adoption of 2018 Electrical Code.

City council hereby adopts the National Fire Protection Association ("NFPA") 70, 2017 National Electrical Code, along with all errata that may be produced and published by the NFPA, and all referenced standards therein as if spelled out in this Ordinance, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as "article VI, electrical code," of chapter 36, of the Springfield City Code. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

(Gen. Ord. 6556, § 1, 11-18-19)

Sec. 36-612. Deletions, modifications, amendments, and additions.

The National Fire Protection Association ("NFPA") 70, National Electrical Code, 2017 (hereinafter referred to as the "NEC"), as adopted, is hereby amended as follows:

Section 90.4 Enforcement is repealed in its entirety and replaced with:

Section 90.4 Enforcement. It shall be unlawful for any person to install, or permit the installation of, any electrical wiring, equipment, or apparatus within the corporate limits of the City of Springfield, unless the same shall be installed to conform with the standards and provisions of the 2017 NEC, the latest approved edition of the Electrical Service Standards of City Utilities of Springfield, and all other applicable City codes and ordinances. In the event of a conflict between these documents the most stringent or restrictive shall govern, or an administrative interpretation may be made by the Director of Building Development Services to resolve such conflicts.

Article 100 Definitions

Service Repair. The repair or replacement of a device or element of the service with a new device or element of the service, provided the repair or replacement material is of the same size or ampacity as the original.

Service Upgrade. Any service work that cannot be defined as a service repair.

Article 110.24 Available Fault Current

(B) Modifications:

Exceptions:

1. The field-marking requirements in 110.24(A) and 110.24(B) shall not be required in industrial installations where conditions of maintenance and supervision ensure that only qualified persons service the equipment.
2. Field-marking requirements and calculations shall not be required on single-phase aerial or underground electrical installations when the service ampacity does not exceed 200 amps.

210.8 Ground-Fault Circuit-Interrupter Protection for Personnel

- (A) *Dwelling Units.* All 125-volt, single-phase, 15- or 20-ampere receptacles installed in locations specified in 210.8(A)(1) through (10) shall have ground-fault circuit-interrupter protection for personnel.
- (2) Garages and accessory buildings that have a floor located at or below grade level and are:
- a. not intended as habitable rooms; and,
 - b. limited to storage areas, work areas, and areas of similar use

Exception to (2): A single receptacle installed solely for electrical supply of a garage door opener.

210.12 Arc-Fault Circuit-Interrupter Protection

- (A) *Dwelling Units.* All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit bedrooms, shall be protected by any of the means described in 210.12(A)(1) through (6).

210.52 Dwelling Unit Receptacle Outlets.

- (G) *Basements, Garages, and Accessory Buildings.*
- (3) Basements. In each separate, unfinished portion of a basement, framed, interior walls for separate rooms constitute finished areas and, therefore, must have branch circuits as required by Article 210, and any required smoke detectors. All wiring must be protected from physical damage by the wall framing or the wall must be covered with sheetrock applied to at least one side of the wall.

230.11. Residential service upgrades and repairs.

- (A) In all structures used for residential purposes, a service upgrade or modification must include:
- (1) GFI receptacles in kitchen(s) and bathroom(s), if outlets are in existence at the time of the service upgrade;
 - (2) Approved hard-wired, dual-powered, interconnected smoke alarms installed and located per the adopted building code;
 - (3) A minimum of two (2) 20 amp grounded small appliance branch circuits in kitchens;
 - (4) Carbon monoxide detectors installed according to R315.1 where the structure has an attached garage or fuel-fired appliances; and,
 - (5) Corrections to all apparent hazards.
- (B) Damage repair. If a fire or other similar incident damages any part of the electrical system within a residential structure, the system, in addition to all damaged systems, must be completely repaired and:
- (1) All apparent hazards within the structure must be corrected.

- (2) Hard-wired, dual-powered, interconnected smoke detectors and carbon-monoxide detectors must be installed and located per the adopted building codes.
- (3) A total or partial upgrade of the electrical system may be required if, in the opinion of an electrical expert in the Department of Building Development Services, the condition of the existing electrical system constitutes a potential threat to the safety and welfare of current or future occupants.

230.70 General.

(A) Location.

- (1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance to the service conductors. The maximum length of conduit between the meter back and service disconnect shall not exceed 36 inches, unless otherwise authorized by the Department of Building Development Services.

230.72 Grouping of Disconnects.

- (A) General. The two to six disconnects as permitted in 230.71 shall be grouped. The term "grouped" as used in this sub-article is defined as being within two feet of each other, on the same wall, with no intervening obstructions exceeding eight inches in depth from the wall surface, unless otherwise authorized by the Department of Building Development Services prior to installation. Each disconnect shall be marked to indicate the load served.

406.2 Definitions.

Child Care Facility. A building or structure, or portion thereof, for educational, supervisory, or personal-care services for children 7 years old or less.

406.12 Tamper-Resistant Receptacles. All 15- and 20-ampere, 125- and 250-volt nonlocking-type receptacles in the areas specified in 406.12(1) through (3) shall be listed tamper-resistant receptacles.

- (1) Dwelling units in all areas specified in 210.52 as amended and 550.13.
- (2) Child care facilities as amended.
- (3) Preschools and elementary education facilities.

Exception to (1), (2), and (3): Receptacles in the following locations shall not be required to be tamper resistant:

- (1) Receptacles located more than 1.7 m (5½ft) above the floor
- (2) Receptacles that are part of a luminaire or appliance

- (3) A single receptacle or a duplex receptacle for two appliances located within the dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug-connected in accordance with 400.10(A)(6), (A)(7); or (A)(8).
- (4) Nongrounding receptacles used for replacements as permitted in 404.4(D)(2)(a).

(Gen. Ord. 6556, § 1, 11-18-19)

Sec. 36-613. Penalty clause.

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 36-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

(Gen. Ord. 6556, § 1, 11-18-19)

Sec. 36-314. Administrative enforcement.

The administrative-enforcement provisions of chapter 36 of the Springfield City Code, known as the land development code, are applicable to the enforcement of the National Electrical Code.

(Gen. Ord. 6556, § 1, 11-18-19)

ARTICLE VII.

INTERNATIONAL PROPERTY MAINTENANCE CODE*

- Sec. 36-615. Adoption of the 2018 International Property Maintenance Code.
- Sec. 36-616. Deletions, modifications, amendments and additions.
- Sec. 36-617. Penalty clause.
- Secs. 36-618—36-620. Reserved.

***Editor's note**—General Ord. 6573, adopted Feb. 24, 2020, repealed and reenacted Art. VII to read as herein set out. Former Art. VII pertained to the same subject matter, consisted of §§ 36-615—36-618, and derived from G.O. 6348, adopted Mar. 6, 2017; and G.O. 6407, adopted Nov. 27, 2017.

Sec. 36-615. Adoption of the 2018 International Property Maintenance Code.

City council hereby adopts the 2018 International Property Maintenance Code as published by the International Code Council and all referenced standards therein as if spelled out in this article, save and except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as Article VII, "International Property Maintenance Code," of Chapter 36 the Springfield City Code, known as the "Land Development Code." A copy of the International Property Maintenance Code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

(G.O. 6573, § 1, 2-24-20)

Sec. 36-616. Deletions, modifications, amendments and additions.

The 2018 International Property Maintenance Code, as adopted is hereby amended and changed as follows:

- A. Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement Procedures.
- B. Because Chapter is repealed in its entirety, any cross reference to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- C. All adopted chapters and appendices shall include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Property Maintenance Code.

NOTE: Language to be added is underlined and language or sections to be deleted is stricken.

Section 202 Definitions

VACANT STRUCTURE. A structure not continuously and lawfully occupied by any person or persons.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause or contribute to, area blight or adversely affect the public health or safety.

Section 301.4 Discharge of solids, liquids, or gases. No solid, liquid, or gas may be discharged onto or from property in a manner that creates a nuisance on the property of origin or adjacent public or private property.

Subsections 302.4 Weeds and 302.8 Motor Vehicles are deleted in their entirety.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be

protected from the elements and decay by painting or other protective covering or treatment. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.2.1 Exterior finish.

All exterior finishes, including cladding and siding, must be well maintained. There shall be no exposed substrate, building wrap, or insulation.

Section 304.3 Premises identification is deleted in its entirety.

Section 304.14 Insect screens. During the period from April 1 to November 1, each year, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved, tightly-fitting screens of minimum 16 mesh per inch (16 mesh per 25mm), and every screen door for insect control shall have a self-closing device in good working condition.

Section 305 Interior Structure

305.3 Interior surfaces. Interior surfaces, including Windows and doors, shall be maintained in a functional, clean, and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Section 306 Component Serviceability

306.1.2 Use of Cellar or Basement as Habitable Room.

1. No cellar or basement space shall be used as a habitable room and no basement space may be used as a dwelling unit unless:

- 1.1 The floor and walls are impervious to leakage of underground and surface runoff water and are fully insulated against moisture intrusion and dampness;
- 1.2 The total window area in each room is equal to at least the minimum window area size as required in Section 402;
- 1.3 Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
- 1.4 The total operable-window area in each room is equal to at least the minimum as required under Section 403, except where there is supplied some other device affording adequate ventilation, which is approved by the director of the Department of Building Development Services in writing.

2. Notwithstanding the provisions of this section, any basement or cellar space may be used for living, eating, cooking, or sleeping if, for each such use, there are other

facilities complying with this article available within the same dwelling for the occupants thereof. The intent of this subsection is to allow any basement or cellar space to be used as a habitable room if it is supplemental to, or in addition to, a dwelling unit or habitable room complying with this article.

Section 308.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish and the owner of the premises shall be responsible for the removal of rubbish and garbage. Rubbish and garbage shall be removed from the premises at least every fourteen days.

Section 602 Heating Facilities

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, shall furnish a heat source permitted by City Code to the occupants thereof during the period from October 1 to April 30 each year capable of maintaining a minimum temperature of 68 degrees F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Section 606 Elevators, Escalators and Dumbwaiters is deleted in its entirety.
(G.O. 6573, § 1, 2-24-2020)

Sec. 36-617. Penalty clause.

Any person convicted of: Violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of any approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 36-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

(G.O. 6573, § 1, 2-24-2020)

Secs. 36-618—36-620. Reserved.

ARTICLE VIII.

PLUMBING CODE*

- Sec. 36-621. Adoption of 2018 Plumbing Code.
- Sec. 36-622. Deletions, modifications, amendments and additions.
- Sec. 36-623. Adoption of appendices.
- Sec. 36-624. Penalty clause.

***Editor's note**—Gen. Ord. 6557, adopted Nov. 18, 2019, repealed in its entirety and reenacted art. VIII to read as herein set out. Former art. VIII pertained to the same subject matter, and derived from Gen. Ord. 5630, adopted Dec. 11, 2006; Gen. Ord. 5981, adopted Mar. 26, 2012; and Gen. Ord. 6260, adopted Jan. 25, 2016.

Sec. 36-621. Adoption of 2018 Plumbing Code.

City council hereby adopts the 2018 International Plumbing Code as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended, as "article VIII, plumbing code," of chapter 36 of the Springfield City Code, known as the land development code. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

(Gen. Ord. 6557, § 1, 11-18-19)

Sec. 36-622. Deletions, modifications, amendments and additions.

The 2018 International Plumbing Code as adopted is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Plumbing Code.

[(d)] *[Amendments, additions and deletions.]*

305.4.1 Sewer depth. Building sewers that connect to private-sewage-disposal systems shall be installed a minimum of 18 inches below finished grade at the point of septic-tank connection. Building sewers shall be installed not less than 12 inches below grade.

312.1 Required tests. The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The code official, or the code official's duly authorized representative, may witness or require verification of these tests. The equipment, material, power, and labor necessary for the inspection and test shall be furnished by the permit holder and he or she shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. Plumbing-system piping shall be tested with either water or, for piping systems other than plastic, by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts, if necessary, to ascertain whether the pressure has reached all parts of the system.

403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Except for mercantile uses, occupancies which do not serve food or beverages to be consumed within the structure or tenant space, do not require separate facilities when the total occupant load, including both employees and customers, does not exceed 49.

410.4 Substitution.

Exception: In all use groups except Use Group A, where the occupant load is less than 49, a bottled water dispenser or water cooler with a minimum 2-gallon capacity may be substituted for the required drinking fountain.

Section 504.7 Required pan

Exceptions:

1. A pan will not be required if the floor is concrete and a floor drain is adjacent to the device or the floor is a slab-on-grade, concrete floor.
2. A pan will not be required on a water heater changeout if the pre-existing conditions did not contain a pan.

604.8 Water pressure-reducing valve or regulator. An approved water-pressure-reducing valve conforming to ASSE 1003 with strainer shall be installed to reduce the pressure in the building water distribution piping to 80 psi (552 kPa) static or less.

606.3 Access to valves. Ready access shall be provided to all required full-open valves and shutoff valves.

608.1 General. A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable and public water supply through cross connections or any other piping connections to the system. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.17.10, and Missouri Department of Natural Resources regulations for backflow prevention in effect at the time of installation; where requirements differ the requirement that provides the highest level of protection shall govern. Installation of a backflow preventer is required as a condition for new systems not governed by the residential code and for permitted modifications to an existing system not governed by the residential code where more than four drainage fixture units, as defined in Table 709.1, are installed; the drainage fixture unit valve for a pot sink or three compartment sink shall be defined as three fixture units. This backflow preventer shall be installed as close as possible to the point where the potable water service enters the building or as approved by the water purveyor. No

branch lines or taps will be allowed between the water meter and the backflow preventer. Backflow preventers shall be tested and tagged prior to final plumbing inspection.

608.17.4

Exceptions:

Delete subsection 2.

608.17.4.2 Location. All required automatic fire sprinkler and standpipe system backflow preventers shall be located in accordance with the requirements of the water purveyor. Location of backflow preventers shall be such that ready access for service and testing is achieved.

Section 608.18 Protection of individual water supplies. An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with standards established by the Springfield-Greene County Health Department, the water purveyor, and/or the Missouri Department of Natural Resources, for all site requirements related to protection of individual, water-supply systems. The more restrictive provisions specified for health, safety, and welfare shall apply whenever a conflict exists.

Subsections 608.18.1 through 608.18.8 are repealed in their entirety.

802.1.7 Food utensils, dishes, pots-and-pans sinks. Sinks, in other than dwelling units, used for the washing, rinsing, or sanitizing of utensils, dishes, pots, or pans; or, service ware, used in the preparation, serving, or eating of food, shall discharge indirectly through an air gap or an air break to the drainage system. The drainage system includes the grease interceptor.

903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated not less than 12 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck, or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

918.3 Where permitted. Individual, branch, and circuit vents shall be permitted to terminate with a connection to an individual or branch-type-air-admittance valve in accordance with Section 918.3.1 only with approval from the code official or the code official's duly authorized representative, prior to design or installation. Stack vents and vent stacks shall be permitted to terminate to stack-type-air-admittance valves in accordance with Section 918.3.2 only with approval from the code official or the code official's duly authorized representative prior to design or installation. The use of air-admittance valves shall be permitted only in the remodel of existing buildings and shall not be permitted in new structures and building additions, except for island fixtures, unless otherwise approved by the code official or the code official's duly authorized representative, prior to design or installation. Requests for approval shall be submitted separately in writing.

1003.3 Grease interceptors. Grease interceptors shall comply with the requirements of Sections 1003.3.1 through 1003.3.8 and the requirements and guidelines of the City of Springfield Fats, Oils, and Grease ("FOG") Management Plan, based on the anticipated conditions of use, and shall be subject to the approval of Clean Water Services.

1003.3.1 Grease interceptors and automatic grease removal devices required. A grease interceptor or an automatic, grease-removal device shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias, daycare centers, and clubs. Fixtures and equipment shall include: mop sinks; kitchen floor drains and sinks; culinary sinks; hand sinks; pot sinks; prerinse sinks; soup kettles or similar devices; wok stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers without prerinse sinks. Grease interceptors and automatic grease removal devices shall receive waste only from fixtures and equipment that allow fats, oils, or grease to be discharged. Where the lack of space or other constraints prevent the installation or replacement of a grease interceptor, one or more grease interceptors shall be permitted to be installed on or above the floor and upstream of an existing grease interceptor.

1003.3.2 Food waste disposers restriction. A food-waste disposer shall discharge to a grease interceptor through a solids separator.

1003.3.3 Additives to grease interceptors. Dispensing systems that dispense interceptor performance additives to a grease interceptor shall not be installed. Systems that discharge emulsifiers, chemicals or enzymes to grease interceptors are prohibited.

1003.3.7 Gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems. The required capacity of gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems shall be determined by multiplying the peak drain flow into the interceptor in gallons per minute by a retention time of 30 minutes. Gravity grease interceptors shall be designed and tested in accordance with IAPMO/ANSI Z1001. Gravity grease interceptors with fats, oils, and greases disposal systems shall be designed and tested in accordance with ASME A112.14.6 and IAPMO/ANSI Z1001. Gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems shall be installed in accordance with manufacturer's instructions. Where manufacturer's instructions are not provided, gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems shall be installed in compliance with ASME A112.14.6 and IAPMO/ANSI Z1001. Concrete grease interceptors are prohibited.

1003.11 Sampling manhole. A sampling manhole shall be installed for all required interceptors in accordance with City of Springfield PublicWorks standard details to monitor the entire building, or to monitor individual tenant space as determined by Clean Water Services.

1202.2 The installation and inspection of all medical gases must be performed by a person who carries a National Inspection Testing & Certification Corporation ("NITC") 6010 Medical Gas Installer Certification or an equivalent certification as approved by the code official.

1202.3 The final inspection of a medical-gas system shall be performed as a special inspection by a person who carries a National Inspection Testing & Certification Corporation ("NITC") 6020 Medical Gas Inspector Certification or an equivalent certification as approved by the code official. This final special inspection must be submitted to the plumbing inspector for approval before the final plumbing inspection can be performed.

All language referring to flood-hazard areas is repealed and replaced with:

All structures located within a designated flood hazard area shall comply with Chapter 36, Article XVII of the Springfield City Code.

(Gen. Ord. 6557, § 1, 11-18-19)

Sec. 36-623. Adoption of appendices.

By adoption of the 2018 International Plumbing Code, the following appendices are part of this Code.

Appendix B: Rates of Rainfall for Various Cities

Appendix C: Structural Safety

Appendix D: Degree Day and Design Temperatures

Appendix E: Sizing of Water Piping System

(Gen. Ord. 6557, § 1, 11-18-19)

Sec. 36-624. Penalty clause.

Any person convicted of: violating this Ordinance; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 36-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

(Gen. Ord. 6557, § 1, 11-18-19)

ARTICLE IX.

MECHANICAL CODE*

- Sec. 36-631. Adoption of 2018 Mechanical Code.
- Sec. 36-632. Deletions, modifications, amendments, and additions.
- Sec. 36-633. Adoption of appendix.
- Sec. 36-634. Penalty clause.

***Editor's note**—Gen. Ord. 6558, adopted Nov. 18, 2019, repealed in its entirety and reenacted art. IX to read as herein set out. Former art. IX pertained to the same subject matter, and derived from Gen. Ord. 5336, adopted Jan. 12, 2004; Gen. Ord. 5629, adopted Dec. 11, 2006; Gen. Ord. 5986, adopted Mar. 26, 2012; and Gen. Ord. 6259, adopted Jan. 25, 2016.

Sec. 36-631. Adoption of 2018 Mechanical Code.

City council hereby adopts the 2018 International Mechanical Code, as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended. This code is designated as article IX, mechanical code, of chapter 36 of the Springfield City Code, known as the land development code. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

(Gen. Ord. 6558, § 1, 11-18-19)

Sec. 36-632. Deletions, modifications, amendments, and additions.

The 2018 International Mechanical Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Mechanical Code.

[(d)] *[Amendments, additions, and deletions.]*

301.19 Work materials and equipment in a regulated floodplain. All work materials and equipment performed or installed within a regulated floodplain shall comply with requirements stipulated in Chapter 36, Article XVII Floodplain Management. Equipment and material subject to damage by floodwater within a regulated floodplain shall be elevated not less than two feet above the base flood elevation. All other provisions in this code that refer to work, materials or equipment in a floodplain are repealed and shall be disregarded.

304.11 Guards

Exception: Guards are not required on small, walk in-coolers or freezers that are:

1. factory-built;
2. assembled on site;
3. used only by employees;
4. not continuously occupied; and,
5. no greater than 500 square feet in size.

307.2.1 Condensate disposal. Condensate from all cooling coils and evaporators shall be conveyed from the drain-pan outlet to an approved place of disposal. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less

than one-eighth unit vertical in 12 units horizontal (1 percent slope). Condensate shall not discharge into a street, alley, crawl space, or other areas to cause a nuisance.

502.14 Motor vehicle operation.

Exception: 4. If it can be shown, subject to the approval of the code official having jurisdiction, that the area of motor vehicle operation in an existing building was previously used as a motor vehicle operation area, a properly listed and labeled exhaust hose not greater than eight (8) feet in length may be used, provided it is connected to the vehicle while in operation and securely attached to a permanent opening through the exterior surface of the building.

506.3.2.5 Grease duct test. Prior to the use or concealment of any portion of a grease-duct system, a leakage test shall be performed. Ducts shall be considered to be concealed where installed in shafts or covered by coating or wraps that prevent the ductwork from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease-duct-leakage test. The grease duct shall be tested by drawing a vacuum on or pressurizing the installed, in place, grease duct to a minimum of 4 inches water column (995 pa, 0.144 psi). The test shall be witnessed by the code official or the code official's duly authorized agent. The grease duct will pass inspection if the pressure or vacuum applied holds for 15 minutes with zero leakage. Measurement shall be made with a digital manometer or pressure gauge with an accuracy of 0.5 percent. The measurement device shall be connected to the test cover of the hood and duct connection and shall be readily accessible for reading.

509.2 Domestic Uses. Cooking appliances required by section 505.6 to have a domestic, cooking-exhaust system shall be provided with a UL 300 A listed fire suppression system.

(Gen. Ord. 6558, § 1, 11-18-19)

Sec. 36-633. Adoption of appendix.

By adoption of the 2018 International Mechanical Code, Appendix A, Chimney Connector Pass-Throughs is part of this code.

(Gen. Ord. 6558, § 1, 11-18-19)

Sec. 36-634. Penalty clause.

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for

every offense thereafter. Notice under section 36-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

(Gen. Ord. 6558, § 1, 11-18-19)

ARTICLE X.

UNIFORM ENFORCEMENT PROCEDURES

Division 1. Administrative Enforcement

- Sec. 36-1001. Purpose.
- Sec. 36-1002. Definitions.
- Sec. 36-1003. Institution of a contested case.
- Sec. 36-1004. Notice of a contested case.
- Sec. 36-1005. Evidence.
- Sec. 36-1006. Remedies.
- Sec. 36-1007. Other applicable provisions.
- Secs. 36-1008—36-1099. Reserved.

Table of History

DIVISION 1. ADMINISTRATIVE ENFORCEMENT**Sec. 36-1001. Purpose.**

The purpose of this article is to establish uniform procedures for administrative enforcement of the International Code Series, which includes the International Building Code, the International Fire Gas Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code, the International Private Sewage Disposal Code, the International Existing Building Code, the International Fire Code, the International Property Maintenance Code, and the National Electrical Code. The purpose of this article is to provide for administrative action with respect to the correction of code violations, thereby providing for civil remedies in addition to criminal penalties to correct or abate violations of the applicable code.

(G.O. 6407, § 2, 11-27-17)

Sec. 36-1002. Definitions.

Definitions set forth in RSMo 536.010 apply to this article as well as the following definitions: An "administrative hearing officer" means that person designated in writing by the city manager, in which the designation shall be on file in the city clerk's office and the office of the department or agency charged with administration of the applicable code. Such person may be an administrative official in the department who has responsibility for administration of the applicable code or an attorney. An "administrative official" means that person designated in the applicable code as having duties to perform hereunder with respect to the code.

(G.O. 6435, § 1, 2-26-18)

Sec. 36-1003. Institution of a contested case.

A contested case may be commenced by the administrative official charged with the enforcement of the applicable code's filing with the secretary of the director of building development services, Busch Municipal Building, 840 Boonville, Springfield, Missouri, a complaint in accordance with RSMo 536.063. The complaint shall request that the administrative hearing officer make a decision after opportunity for hearing and presentation of evidence concerning an order or decision of the administrative official. The complaint shall state the relief that is being sought or proposed and the reasons for granting it. The complaint shall state that the administrative official has given notification of the violation of the applicable code and has ordered compliance with the code and that there has not been compliance with the code within the required time. In the event necessary parties cannot be located for the purpose of providing notification, then the administrative official may provide notification by publication in accordance with rules established by the hearing officer.

Sec. 36-1004. Notice of a contested case.

In any contested case, the administrative official acting for the agency shall promptly mail notice of institution of the case to all necessary parties as set forth in RSMo 536.067. Such

notice shall contain the information required by RSMo 536.067 and shall be mailed in accordance with provisions set forth therein, provided notice may be had by publication when authorized by the hearing officer. The notice shall give a reasonable time before the hearing which shall not be less than ten days, except in cases where the public morals, health, safety, or interest may make a shorter time reasonable.

Sec. 36-1005. Evidence.

All matters involving evidence, witnesses, objections, judicial notice, and affidavits of evidence and the preparation of the transcript shall be in accordance with provisions of RSMo 536.070. The hearing officer shall have authority to conduct the hearings in accordance with procedures set forth in RSMo 536.070. The hearing officer shall have authority to promulgate rules of procedure for the filing of complaints, the conducting of hearings, and the giving of notice, provided such rules are consistent with RSMo Chapter 536, which shall be on file with the city clerk at least ten days before such rules become effective. The parties to such proceedings may take depositions in accordance with RSMo 536.073 and may cause witnesses or documents to be subpoenaed in accordance with RSMo 536.077. The hearing officer shall have authority to issue subpoenas and subpoenas duces tecum for the hearing. The parties may file briefs, present oral arguments and, upon presentation of the evidence and arguments by the parties, the hearing officer shall render a decision in accordance with RSMo 536.090, which the decision shall be subject to appeal in accordance with [RSMo] Chapter 536. The hearing officer shall have authority to stay the enforcement of the order or may temporarily grant or extend relief, or deny or withhold relief while the matter is being appealed.

Sec. 36-1006. Remedies.

The hearing officer shall have the authority to order that all permits issued by the city including, business licenses, occupancy permits, and utilities, may be withheld, suspended, or revoked for all or part of any premise, structure, or building in which the violation of the code is occurring and may issue an order to the general manager of city utilities or the public works director directing that all or part of the utilities for the premises shall be withheld, withdrawn, suspended, or revoked until the code violation is corrected or otherwise abated. The hearing officer shall have the power to assess costs against any person who is found to have violated the applicable code and who has refused to comply with a prior order of the administrative official concerning such violation. The order may provide that no person shall be entitled to reconnection of disconnected utilities unless such person has paid for all costs of disconnecting and reconnecting the utilities. Reconnection of utilities may occur after the administrative official or the hearing officer has certified compliance or ordered reconnection. It shall be unlawful for any person to refuse to obey such an order, and such order may provide for entry into the property involved for purposes of abating the violation by disconnecting the utilities or causing utilities to the property to be disconnected in whole or in part in order to correct or abate the violation.

Sec. 36-1007. Other applicable provisions.

All other provisions of RSMo Chapter 536 applicable to contested cases shall apply to actions instituted under this article.

SPRINGFIELD LAND DEVELOPMENT CODE

TABLE OF HISTORY

[Editor's Note: Chapter 36, Article III, Land Development Code, Sub-Article X, Uniform Enforcement Procedures has been amended and moved to Chapter 36, Land Development Code, Article X, Uniform Enforcement Procedures.]

<i>General Ordinance</i>	<i>Passed</i>	<i>Subject</i>
3406	April 18, 1983	Established one new article therein to be known as Article X, pertaining to administrative action code enforcement.

ARTICLE XI.

CHILD DAY CARE

Division 1. Definitions

Sec. 36-1100. Definitions.

Division 2. General Requirements

Sec. 36-1101. General requirements.
Sec. 36-1102. Electrical system.
Sec. 36-1103. Heating equipment.
Sec. 36-1104. Hot water heaters.
Sec. 36-1105. Smoke detectors required.
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Division 3. Family Day Care Homes

Sec. 36-1114. Family day care homes—General requirements.
Sec. 36-1115. Off-street parking.
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Division 4. Group Day Care Homes

Sec. 36-1118. Group day care homes—General requirements.
Sec. 36-1119. Off-street parking.
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Division 5. Day Care Centers, Hourly Care Centers, Preschools, Nursery Schools, and Kindergartens

Sec. 36-1122. Day care centers, hourly care centers, preschools, nursery schools, and kindergartens—General requirements.
Sec. 36-1123. Day care centers, hourly care centers, nursery schools, and kindergartens located in a church.
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Sec. 36-1125. Outdoor play yards.
Sec. 36-1126. Signs.

SPRINGFIELD LAND DEVELOPMENT CODE

Division 6. Infant and Toddler Day Care

[Sec. 36-1126.5.] Infant and toddler day care.

Division 7. Nonconformities

Sec. 36-1127. Nonconformities.
Sec. 36-1128. Zoning nonconformities.
Sec. 36-1129. Existing structures.

Division 8. Administration and Enforcement

Sec. 36-1130. Administration and enforcement authority.
Sec. 36-1131. Procedure.
Sec. 36-1132. Existing facilities.
Sec. 36-1133. Valid child day care permit required.
Sec. 36-1134. Right of entry.
Sec. 36-1135. Enforcement.
Sec. 36-1136. Revocation of permits, utilities, and city licenses.
Sec. 36-1137. Violation; legal proceedings.
Sec. 36-1138. Prosecution of violation.
Sec. 36-1139. Abatement of violation.
Sec. 36-1140. Responsibility for compliance.
Sec. 36-1141. Interpretation of provisions.
Secs. 36-1142—36-1199. Reserved.

Table of History

DIVISION 1. DEFINITIONS**Sec. 36-1100. Definitions.**

The following terms are defined:

Child day care means the care of a child away from his own home on either a commercial or noncommercial basis for custodial, educational, religious, or other purposes for any part of a 24-hour day.

Day care center means a facility other than the provider's permanent residence where child day care is provided.

Day care home means a family home, occupied as a permanent residence by the child day care provider, in which care is given to no more than ten children not related to the day care provider for any part of a 24-hour day. For purposes of this article, the day care home is further classified as follows:

1. Family day care home means a day care home providing day care to no more than six children at any one time.
2. Group day care home means a day care home providing day care to not more than ten children nor less than seven children at any one time.

Existing structures means those structures containing operational day care facilities on December 12, 1983, the date of passage of the ordinance codified in this section and remaining in continuous operation thereafter. Any facility which ceases day care operation for a period of six continuous months shall not be considered in continuous operation.

Hourly care center means a facility providing child day care services on an irregular, intermittent basis.

Infant and toddler day care means child day care provided for children 24 months of age or less or who may otherwise have physical or mental handicaps that hinder mobility or impair their capacity to respond to evacuation instructions.

New structures means those structures that are constructed or converted to use as a day care facility, after December 12, 1983, the date of the passage of the ordinance codified in this section.

Preschool, nursery school, or kindergarten center means a facility where educational services are provided for children not otherwise a part of a school system. For purposes of this article, such educational services and facilities shall be considered as child day care centers.

Referral services means establishments engaged in the placing of children in child day care facilities.

School system means a public or private school which provides education in at least the first through the sixth grades.

Smoke detector system, automatic means smoke detectors that are interconnected so as to sound an alarm if there is a fire in another part of the building.

DIVISION 2. GENERAL REQUIREMENTS

Sec. 36-1101. General requirements.

The provisions prescribed by this section shall apply to all child day care services and facilities irrespective of their classification or zoning district. These provisions shall apply equally to new and existing child day care services and facilities.

- (a) *Exemptions.* The following child day care services and facilities shall be exempt from the provisions of this article relating to child day care:
 - (1) Child day care services and facilities serving no more than four children at any one time.
 - (2) Preschools, nursery schools, and kindergartens that are part of a school system.
 - (3) Child day care provided by an institution or business establishment as an accessory service to its patrons or customers (but not its employees) while they are present on the premises.

The director of building development services may require written certification of exemption from the Missouri State Division of Family Services.

- (b) *State license required.* No person shall operate a child day care service or facility not otherwise exempt under subsection (a) of this section without a permit from the city. All child day care services and facilities not otherwise exempt under subsection (a) of this section shall comply with RSMo. 210.201 through 210.245, as amended, pertaining to the licensing of child day care services and facilities.

- (c) *Minimum space per child required.*
 - (1) The area designated for child day care shall encompass a minimum of 35 square feet of usable floor area per child. Kitchens, hallways, bathrooms, closets, the staff lounge, office space, floor space occupied by furniture or shelving not used by children, or floor space permanently occupied by sleeping equipment shall not be considered as usable floor space. Floor space shall be measured wall-to-wall from the inside walls of areas used for children's activities.
 - (2) For purposes of computing the maximum number of children in a family day care home or group home, children who fall within the provisions of the regulations adopted by the State of Missouri, a copy of which is attached to the ordinance codified in this section as "Exhibit A," shall not be counted. For purposes of computing the maximum number of children in a family day care center or an infant or toddler care facility, the children who fall within the provisions of the regulations adopted by the State of Missouri, a copy of which is attached to the ordinance codified in this section as "Exhibit B," shall not be counted.

Sec. 36-1102. Electrical system.

In existing child-care facilities, the electrical system shall be safe and adequate to accommodate the use. Extension cords shall not be used as permanent wiring for appliances or equipment and shall not be run under floor coverings, in concealed spaces, across doorways and windows, or be fastened to the structure in any manner. Protective receptacle covers shall be installed in all areas occupied by children.

Sec. 36-1103. Heating equipment.

The child day care facility shall be dry, heated, and well ventilated. Heating equipment shall be capable of maintaining an indoor temperature of 68 degrees Fahrenheit with an outdoor temperature of zero degrees Fahrenheit. Heating elements such as space heaters, fireplaces, wood stoves, radiators, or floor furnaces in spaces occupied by children shall require a guard or be protected by partitions, screens, or other means to prevent children from falling against a hot surface or flame as required by the fire officials. Space heaters shall be installed with permanent connections that are properly vented. Unvented gas or oil room heaters are prohibited. All heating equipment will be equipped with a thermostatic control. All furnace rooms shall be properly vented. In the event that the facility cares for more than 30 children, a hood and duct system shall be required over cooking ranges. If the cooking range is of a commercial type, then the hood and duct system shall comply with the adopted mechanical code of the City of Springfield, and no fire extinguishing system shall be required except as otherwise provided for herein. If the cooking range is an ordinary residential-type range, a residential-type hood and duct system will be permitted and no fire extinguishing system shall be required except as provided for herein. If the city fire marshal determines that a fire hazard exists because food preparation is creating sufficient grease accumulations to present a fire hazard, a fire extinguishing hood and duct system complying with the adopted mechanical code of the city shall be required provided the operator of the facility shall have received at least one previous warning from the fire marshal about excessive grease accumulations within the 12-month period prior to the determination that a fire extinguishing hood and duct system is required.

Sec. 36-1104. Hot water heaters.

Hot water heaters shall have a pressure and temperature relief valve, be properly vented, and equipped with thermostatic controls in compliance with the applicable codes. Hot water heaters and furnaces having an open flame shall not be located in garages unless such equipment or appliances are enclosed in a one-hour fire-resistant assembly with burners to be located at least 18 inches above the garage floor.

Sec. 36-1105. Smoke detectors required.

Smoke detectors shall be required at locations as now required by the adopted building codes. Existing facilities may use either a battery-operated type or electrically wired smoke detector unless this article otherwise requires an electrically wired system. The portable fire

extinguisher(s) of Class ABC type with a minimum of 2A rating with gauge shall be installed at a location required by the adopted building codes. Detectors are not required in fully automatic sprinkler buildings.

Sec. 36-1106. Interior finish.

Interior finish in all existing child-care facilities shall be no more hazardous than in the use group specified in the adopted building codes. In the event the city inspector has reason to believe that the interior finish in the existing structure is more hazardous than the use group specification, then the city official shall request information from the property owner or person occupying the premises concerning the nature of the interior finish. In the event such information is not reasonably available to the property owner or occupant, the city official may take a sample of the material and submit it to an appropriate agency for a determination concerning the flame spread rating characteristics. If, however, flame spread rating characteristics are not readily available or materials are not reasonably practicable to secure for appropriate testing, then the city official may require that the material in question be removed or that an acceptably rated fire retardant material be applied to cover the existing questionable surface. Lead-based paint shall not be used in areas occupied by children.

Sec. 36-1107. Walls, ceilings, and floors.

Walls, ceilings, and floors shall be finished so as to be easily cleaned. They shall be free from splinters, cracks, and chipping paint. Lead-free paint shall be used for all painted surfaces. Concrete floors in areas designated as child-care space shall be covered with an approved resilient floor covering.

Sec. 36-1108. Windows, doors, and stairways.

All closet doors accessible to children shall be equipped with a latch or lock such that children can open the door from inside the closet. Handrails shall be constructed on stairways intended for children's use. If children occupy a second floor with access to stairs, a gate or guard shall be provided to prevent children from falling. Windows and doors having glass lower than 20 inches from the floor shall be protected with barriers designed to keep children from falling against the glass. Clear glass, sliding doors, and glassed areas having safety glass shall be marked at varying heights to avoid impact. Except for day care homes and group day care homes, locks shall not be used on bathroom doors accessible to children.

Sec. 36-1109. Lighting.

Artificial or natural lighting shall provide at least ten-foot candles of light throughout each room designated for child-care.

Sec. 36-1110. Bathroom facilities.

There shall be toilet and hand washing facilities in working order accessible to the child-care space.

Sec. 36-1111. Swimming and wading pools.

Swimming and wading pools shall be constructed, maintained, and used in such a manner as to safeguard the lives and health of the children.

- (a) Swimming pools or wading pools shall be fenced to prevent access by children. The fence shall be at least four feet high and shall have a locked gate.
- (b) Swimming and wading pools used by the day care facility shall be constructed in accordance with the adopted building codes. The water in the pool shall be treated, cleaned, and maintained in accordance with health practices and rules determined by the health official.

Sec. 36-1112. General operational provisions.

The following apply to all child day care services and facilities unless otherwise exempt under subsection 36-1101(a):

- (a) There shall be a telephone in working order. The emergency number (911) of the fire department, police department, and ambulance shall be visibly posted near the telephone at all times.
- (b) The house or building number shall be plainly visible from the street.
- (c) Fire and evacuation drills shall be conducted at least once each month.
- (d) First aid supplies are required and shall be maintained in a marked box or kit that is portable and readily accessible to the staff. The director of building development services may obtain a list of required supplies.
- (e) Stairways, walks, ramps, porches, entrances, and exits shall be kept free of obstructions and hazardous items.
- (f) Children shall have no access from the approved child-care area to other areas of the building. All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, weapons, or other hazardous items shall be stored so as to be inaccessible to children.
- (g) The storage, collection, and disposal of garbage and trash shall conform to chapters 16 and 24 of the Springfield City Code. Trash collection receptacles shall be separated from child play areas.
- (h) The facility shall be clean at all times, free from dirt and any evidence of vermin, e.g., insects, rodents, etc.

Sec. 36-1113. Referral services.

A placement service shall refer persons only to those child-care facilities that are in compliance with this article. The responsibility of maintaining current lists of complying facilities shall be that of the placement service.

DIVISION 3. FAMILY DAY CARE HOMES**Sec. 36-1114. Family day care homes—General requirements.**

Family day care home shall, in addition to the general requirements prescribed in division 2 of this article, satisfy the requirements prescribed in this section.

- (a) *Zoning.* Family day care homes shall be permitted in R-1, R-2, R-3, R-4, O, C-1, C-2, and C-3 zoning districts provided the requirements of this article are otherwise satisfied. Family day care homes shall be permitted in legal nonconforming residential structures located in M-1 and M-2 zoning districts provided the requirements of this article are otherwise satisfied.
- (b) *Building code classification.* Family day care homes shall for building code purposes be housed within structures designed in accordance with use group R-3 standards or use group R-4 standards as appropriate.
- (c) *Provisions pertaining to existing structures.* Existing dwelling units may accommodate family day care homes under the following conditions:
 - (1) Each room used for child day care purposes with the exception of bathrooms shall have at least two means of egress. For the purposes of this article, a marked approved, operable window will be considered as one means of egress. At least one means of egress shall be a door or stairway no less than 28 inches in width and provides unobstructed travel.
 - (2) Under no circumstances shall space for child day care be provided above the second floor.
 - (3) No room or space shall be occupied for a child day care purpose that is accessible only by a ladder, folding stair, or through a trap door.
 - (4) Where children are located on a floor below the floor of exit discharge, i.e., a basement, at least one approved means of egress with at least a five-square foot opening shall be provided directly to the outside at ground level. No child day care area shall be located more than one story below the ground.
 - (5) In all bathrooms accessible to children, door locks shall be designed to permit the opening of the locked door from the outside, provided, however, door locks above the height that children can normally reach do not have to be designed to permit the opening of the door from the outside.

Sec. 36-1115. Off-street parking.

Family day care homes shall satisfy the following provisions relating to off-street parking:

- (a) In addition to the off-street parking requirements of the residence, one off-street parking space shall be provided for each staff member.
- (b) Additional required parking spaces and additional spaces as may be provided for patrons shall be located behind the front building setback line.

Sec. 36-1116. Outdoor play yards.

There shall be a fenced outdoor play area on or adjoining the child day care facility so located that it is convenient and children can reach it without hazard. There shall be a minimum of 75 square feet per child of outdoor play area. A fence shall enclose all outdoor play areas unless said area falls within the provisions of state regulations that do not require a fence, or if the facility is not governed by state regulations but similar conditions exist. Such fence shall be at least three feet high and be maintained at all times in a safe condition free from broken glass, debris, trash, metal cans, and other hazardous items. In "R" zoning districts, outdoor play areas shall not be permitted in any required front yard, nor shall outdoor play activities be permitted between the hours of 8:00 p.m. and 8:00 a.m.

Sec. 36-1117. Signs.

A family day care home may display one unlighted identification sign, not exceeding one square foot in area, attached to and parallel with the exterior wall. No part of the sign may extend into the required setback area of the structure.

DIVISION 4. GROUP DAY CARE HOMES**Sec. 36-1118. Group day care homes—General requirements.**

Group day care homes shall, in addition to the general requirements prescribed in division 2 of this article, satisfy the requirements prescribed in this section.

- (a) *Zoning.* Group day care homes shall be permitted in R-3, R-4, O, C-1, C-2, and C-3 zoning districts, provided the requirements of this article are otherwise satisfied. Group day care homes shall be permitted in legal nonconforming residential structures located in M-1 and M-2 zoning districts provided the requirements of this article are otherwise satisfied.
- (b) *Building code classification.* Group day care homes shall, for building code purposes, be housed within structures designed in accordance with use group R-3 standards or use group R-4 standards as appropriate.
- (c) *Provisions pertaining to existing structures.* Existing dwelling units may accommodate group day care homes under the following conditions:
 - (1) Each room used for child day care purposes with the exception of bathrooms shall have at least two means of egress. For the purposes of this section, a marked approved, operable window will be considered as one means of egress. At least one means of egress shall be a door or stairway no less than 28 inches in width and providing unobstructed travel.
 - (2) Under no circumstances shall space for child day care be provided above the second floor.

- (3) No room or space shall be occupied for child day care purposes that are accessible only by a ladder, folding stair, or through a trap door.
- (4) Where children are located on a floor below the floor of exit discharge, i.e., a basement, at least one approved means of egress with at least a five-square foot opening shall be provided directly to the outside at ground level. No child day care area shall be located more than one story below the ground.
- (5) In all bathrooms accessible to children, door locks shall be designed to permit the opening of the locked door from the outside, provided, however, door locks above the height that children can normally reach do not have to be designed to permit the opening of the door from the outside.

Sec. 36-1119. Off-street parking.

Group day care homes shall satisfy the following provisions relating to off-street parking:

- (a) In addition to the off-street parking requirements of the residence, one off-street parking space shall be provided for each staff member.
- (b) Additional required parking spaces and additional spaces as may be provided for patrons shall be located behind the front building setback line.

Sec. 36-1120. Outdoor play yards.

There shall be a fenced outdoor play area on or adjoining the child day care facility so located that it is convenient and children can reach it without hazard. There shall be a minimum of 75 square feet per child of outdoor play area. A fence shall enclose all outdoor play areas unless said area falls within the provisions of state regulation that do not require a fence, or if the facility is not governed by state regulations but similar conditions exist. Such fence shall be at least three feet high and be maintained at all times in a safe condition free from broken glass, debris, trash, metal cans, and other hazardous items. In "R" zoning districts, outdoor play areas shall not be permitted in any required front yard nor shall outdoor play activities be permitted between the hours of 8:00 p.m. and 8:00 a.m.

Sec. 36-1121. Signs.

A group day care home may display one unlighted identification sign, not exceeding one square foot in area, attached to and parallel with the exterior wall. No part of any sign may extend into the required setback area of the structure.

**DIVISION 5. DAY CARE CENTERS, HOURLY CARE CENTERS, PRESCHOOLS,
NURSERY SCHOOLS, AND KINDERGARTENS****Sec. 36-1122. Day care centers, hourly care centers, preschools, nursery schools,
and kindergartens—General requirements.**

Day care centers, hourly care centers, preschools, nursery schools, and kindergartens shall, in addition to the general requirements prescribed in division 2 of this article, satisfy the requirements prescribed in this section.

- (a) *Zoning.* The zoning provisions prescribed in this section shall apply to day care centers, hourly care centers, preschools, nursery schools, and kindergartens.
 - (1) *Permitted as provisional use.* Day care centers, preschools, nursery schools, and kindergartens shall be permitted as a provisional use in O, C-1, C-2, C-3, M-1, and M-2 zoning districts provided the requirements of this article are otherwise satisfied. Hourly care centers are permitted as a provisional use in C-1, C-2, C-3, M-1, and M-2 zoning districts.
 - (2) *Conditional use permit required.* Day care centers, preschools, nursery schools, and kindergartens shall be permitted in R-LD, R-MD, and R-HD zoning districts subject to the issuance of a conditional use permit pursuant to chapter 36, article III, section 36-363, provided the provisions of this article are otherwise satisfied. Hourly care centers are not permitted in residential districts or office districts.
 - (3) *Permitted as ancillary or accessory use.* Day care centers, hourly care centers, preschools, nursery schools, and kindergartens ancillary or accessory to churches or schools shall be permitted in any zoning district allowing the principal use provided (a) the requirements of this article are otherwise satisfied, and (b) the child day care facility is located on the same tract of record as the principal use.
 - (4) *Building code classification.* Day care centers, hourly care centers, preschools, nursery schools, and kindergartens shall, for building code purposes, be housed within structures designed in accordance with use group A-4 standards, except for day care facilities less than 2,000 square feet in area, serving no more than 30 children, provided the building is not more than two stories in height and that there is not more than 50 feet in distance from the most remote point in the building to the exit way outside. The exit way must comply with use group B.

Sec. 36-1123. Day care centers, hourly care centers, nursery schools, and kindergartens located in a church.

Day care centers, hourly care centers, nursery, schools and kindergartens licensed or in existence and located within a church at the time of adoption of the ordinance codified in this article but not complying with the use group A-4 building code standard may operate in accordance with the following requirements:

- (a) *Non-fire-proof construction.* For facilities housed in other than fire-proof (Type 1) construction with habitable or occupiable stories or basement below grade, the floor-ceiling assemblies and supports below the grade floor shall be protected by one of the following methods:
 - (1) Fire resistance rating of not less than one hour; or
 - (2) Heavy mill (Type 3A) construction; or
 - (3) Automatic fire suppression; or
 - (4) Installation of an electrically wired smoke detection system with emergency power backup, or a battery-operated smoke detection system supplemented by at least one additional battery-operated smoke detector wired into the system and located in the basement or other areas designated by the director of building development services or his representative. A system is defined to mean smoke detectors that are interconnected so as to sound an alarm in all areas that are occupied or used for child-care if there is a fire in another part of the building.
- (b) *Exit provisions.* All facilities shall comply with all exit provisions of the building codes set forth in articles V, XIII, and XVI, provided, however, a manual fire alarm system shall not be required in a building that is less than 1,500 square feet and one story in height, as required by section 1717.3.2 of the building code.
- (c) *Occupancy of above or below grade floors.* No child day care activity shall be conducted above or below the ground level floor unless the existing structure complies with the height and area requirements specified in of the adopted building code as set forth in article V, provided, however, if the building has an automatic fire suppression system (sprinkler) in accordance with the building code, one additional floor may be used as part of the day care facility. Structures not complying with the adopted building code as set forth in article V may continue in existence on the first floor providing a complete automatic fire alarm system is installed throughout all parts of the building, whether occupied or unoccupied. Buildings or portions thereof equipped with an automatic fire suppression system are not required to be equipped with an automatic fire alarm system but are required to be equipped with a manual fire alarm system conforming to the adopted building code.

Sec. 36-1124. Off-street parking.

One off-street space shall be provided for each required staff member plus one additional space for each 350 square feet of floor area used for child day care.

Sec. 36-1125. Outdoor play yards.

There shall be a fenced outdoor play area on or adjoining the child day care facility so located that it is convenient and children can reach it without hazard. There shall be a minimum of 75 square feet per child of outdoor play area at time of use, with sufficient area available to accommodate one-third the licensed capacity at one time. All outdoor play areas shall be enclosed by a fence unless the area falls within the provisions of state regulations which do not require a fence, or if the facility is located such that it could provide a supervised outdoor play area located at least 400 feet from any public street, to be used only with prior approval of the administrative review committee, or if the facility is not governed by state regulations but similar conditions exist. Such fence shall be at least three feet high and be maintained at all times in a safe condition free from broken glass, debris, trash, metal cans, and other hazardous items. In "R" zoning districts, outdoor play areas shall not be permitted in any required front yard, nor shall outdoor play activity be permitted between the hours of 8:00 p.m. and 8:00 a.m. Hourly care centers and preschools which provide no outside activity time and which are in session with any specific group of children less than four hours per 24-hour day are not required to have fenced outdoor play yards.

Sec. 36-1126. Signs.

Day care centers, hourly care centers, preschools, and kindergartens may display signs in accordance with chapter 36, article III, division 18 of the City Code.

DIVISION 6. INFANT AND TODDLER DAY CARE**[Sec. 36-1126.5.] Infant and toddler day care.**

For purposes of this article, infant and toddler day care shall be permitted in day care homes, day care centers, hourly care centers, preschools, nursery schools, and kindergartens, provided the general requirements prescribed in division 2 of this article and the requirements of this section are satisfied.

- (a) *Classification of infant and toddler day care.* Infant and toddler day care shall be classified as a family day care home, group day home, day care center, hourly care center, preschool, nursery school, or kindergarten in accordance with the definitions prescribed by the ordinance codified in this article.
- (b) *Infant and toddler day care in family day care homes.* Infant and toddler day care shall be permitted under the family day care home classification without effect upon the requirements and standards pertaining thereto.
- (c) *Infant and toddler day care in group day care homes.* Infant and toddler day care shall be permitted under the group day care home classification without effect upon the requirements and standards pertaining thereto.

- (d) *Infant and toddler day care in day care centers, preschools, nursery schools, and kindergartens.* Infant and toddler day care services shall be permitted under the day care center, hourly care center, preschool, nursery school, and kindergarten classifications subject to all requirements and standards pertaining thereto except that:
- (1) Infant and toddler day care services shall, for building code purposes, be housed within structures designed in accordance with use group I-2 standards, except no sprinkler system shall be required when the facility meets the following requirements:
 - a. Is located in a licensed facility or church that was in operation and taking care of toddlers on December 12, 1983;
 - b. Does not have more than 12 toddlers at any one time;
 - c. Maintains a ratio of one adult supervisor or employee for every four toddlers;
 - d. Provides an electrically wired smoke detection system with emergency power backup or a battery-operated smoke detection system supplemented by additional battery-operated smoke detectors wired into the system located in the basement area and all other areas as designated by the fire marshal provided such system is approved by the director of building development services. A system is defined to mean smoke detectors that are interconnected so as to sound an alarm in all areas that are occupied or used for child-care if there is a fire in another part of the building.
 - (2) All facilities housing infant and toddler day care services shall comply with the requirements of the building code without regard to the prior issuance of licenses and permits.

DIVISION 7. NONCONFORMITIES

Sec. 36-1127. Nonconformities.

Existing child day care facilities that are legally licensed by the State of Missouri Division of Family Services, pursuant to RSMo 210.201 through 210.245, as amended, and operating under a valid permit issued by the city at the time of adoption of the ordinance codified in this article, but which are rendered nonconforming under the provisions of the ordinance, shall be permitted to continue in operation provided the conditions of this division are satisfied.

Sec. 36-1128. Zoning nonconformities.

Nonconformities created by the ordinance codified in this article with regard to use, intensity of use on a lot, density, area, height and bulk requirements, setbacks, off-street parking, and signs shall be permitted to continue in accordance with chapter 36, article III, division 19 of the Springfield City Code.

Sec. 36-1129. Existing structures.

(a) Except as excluded in section 36-1101 of this article, all existing family day care homes, group day care homes, hourly care centers, day care centers, preschools, and kindergartens shall be brought into full compliance with this article within the times specified below:

<i>Type of Provision</i>	<i>Time for Compliance after Notice of Conference</i>
Smoke detection system	90 days
Fire protection	180 days
Exits/structural modifications	365 days

(b) Notice of conference shall be in the form of a letter from the director of building development services to each day care operator indicating a conference time between the operator and the director of building development services to determine requirements for the day care facility. Such letter shall be sent by mail to the address of the facility. The day care operator must schedule a conference with the director within 45 days of the date the letter was mailed out.

(c) Child day care services and facilities may continue in operation during the prescribed compliance period. Services and facilities not in compliance with this article within the times specified shall cease occupancy until full compliance with this article is achieved.

(d) Except as excluded in section 36-1101 of this article, all existing infant/toddler day care centers shall be brought into full compliance with this article within 180 days after notice of conference is mailed by the director of building development services. All facilities housing infant and toddler care services shall comply with the requirements of the building code without regard to the prior issuance of licenses and permits.

DIVISION 8. ADMINISTRATION AND ENFORCEMENT**Sec. 36-1130. Administration and enforcement authority.**

The director of building development services shall administer the provisions of this article. In the discharge of this responsibility, the director of building development services shall coordinate the review of the fire department, health department, planning department, and other departments, but shall not supplant their authority.

Sec. 36-1131. Procedure.

The following procedure is established:

- (a) Applications for a child day care permit shall be on forms furnished by the director of building development services and shall include all information prescribed by the

director as necessary to determine compliance with this article. No application shall be accepted without evidence of application for licensing by the State of Missouri, or a certificate of exemption from State of Missouri licensing requirements.

- (b) Upon receipt of a complete application for a child day care permit, the director of building development services, along with the fire official and health official or their designated representatives, shall conduct a preliminary investigation. The results of this investigation, including a list of modifications necessary for compliance, shall be returned to the applicant in writing.
- (c) Upon satisfaction of the provisions of this article, the director of building development services shall issue a child day care permit. Such permit shall list all conditions pertinent thereto.

Sec. 36-1132. Existing facilities.

(a) All day care facilities in operation as of December 12, 1983, the date of passage of the ordinance codified in this article, shall provide proof of such existence to the director of building development services in the form of an application for certificate of occupancy as a day care facility. The director of building development services or his designee shall determine whether or not the facility was in existence on December 12, 1983, and may require the applicant to submit an affidavit to the director concerning the facts supporting the application. In the event the director of building development services determines that a day care facility was not in existence on December 12, 1983, then he will immediately notify the operator of his determination by mail in writing. The operator shall have the right to an appeal of said decision by filing a request for a hearing with the director of building development services within 30 days after the director's decision. The appeal shall be before an administrative hearing officer in accordance with article X of this chapter.

(b) The application for certificate of occupancy must be filed with the director of building development services on or before December 30, 1984, together with affidavits of proof of use, or such claim of existence shall be considered untimely, thereby resulting in forfeiture of the operator's right to claim that the operator was in existence on December 12, 1983. Persons failing to file such application shall lose their right to claim that they were in existence on December 12, 1983.

Sec. 36-1133. Valid child day care permit required.

Each child day care service or facility must have a valid child day care permit to lawfully operate.

Sec. 36-1134. Right of entry.

(a) Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the director of building development services has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises in violation of this code, the director or his/her representative may enter such structure or

premises at all reasonable times to inspect the same or to perform any duty imposed upon him by this code; provided that if such structure or premises is occupied, posted for "no trespassing," or is locked or otherwise secured, the director or his representative shall first present proper credentials and request entry, except for emergencies to save lives or property. Notwithstanding such provisions, the director of building development services or his representative in all-public or commercial places, buildings, or structures in those spaces or areas that are open and accessible to the public may have entry. If an inspection is required under this code as a condition for the issuance or the renewal of a permit or license, then refusal to provide access for such inspection shall constitute cause to issue a stop work order or revoke or refuse to issue the permit or license under this code. If such entry is refused, the director of building development services shall have recourse to every remedy provided by law to secure entry.

(b) If an official who has a duty to perform under this code has been refused access to a building, structure, or property or any part thereof, and if the official has probable cause to believe that there may be a violation of this code or that there is a need to inspect as part of a routine inspection program of the city designed to protect the overall public health, safety, and welfare of the community, then upon application by the city attorney to the municipal court judge and a showing of the above, the municipal court judge of the city shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours and only by an official of the department in the company of a uniformed police officer of the city.

Sec. 36-1135. Enforcement.

Upon a determination of a violation of the conditions of the child day care permit, the director of building development services shall serve notice of violation or order on the person(s) responsible for the violation and such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Sec. 36-1136. Revocation of permits, utilities, and city licenses.

Whenever the director of building development services has ordered a person to correct a violation and when such violation has not been corrected within the time specified by such order, thereafter, the director may institute an administrative action to revoke any and all permits issued by the city under which the activity is conducted, including the day care center city licenses, occupancy permits, and the right to receive utilities for the activity of the building or structure wherein the activity is conducted by filing a notice of institution of a contested case before the administrative hearing officer in accordance with article X of this chapter.

Sec. 36-1137. Violation—Legal proceedings.

If a person violates this code or if a notice of violation is not complied with within the time specified by the director of building development services, he may cause a municipal court summons to be issued and he may also request the city attorney to institute the appropriate

legal proceedings to obtain an injunction to restrain, correct, or abate such violation or to require a removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto.

Sec. 36-1138. Prosecution of violation.

Any person violating any of the provisions of the adopted building codes, or this article, or failing to comply with any order issued pursuant to any section thereof, or who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the director of building development services or of a permit or certificate issued under the provisions of this code shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided in section 1-7 of the Springfield City Code, except the minimum fine shall be \$50.00 plus court costs for a first offense; \$100.00 plus court costs for a second offense; \$300.00 plus court costs for a third offense; and \$500.00 plus court costs for each offense thereafter. Each day that a violation continues, after a service of notice as provided for in this code, shall be deemed a separate offense. Notice as set forth in section 36-1135 shall not be required in order to prosecute a person for a violation of any provision of this article, except such notice shall be required to prosecute a person for failure to comply with an order.

Sec. 36-1139. Abatement of violation.

The imposition of the penalties herein prescribed shall not prevent the city attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise, or to stop an illegal act, conduct, business, or use of a building or structure in or about any premises, in violation of this article.

Sec. 36-1140. Responsibility for compliance.

Any person, who shall occupy the licensed day care premises as lessee or licensed operator, shall be jointly and severally responsible for compliance with the provisions of this article in the same manner as the owner.

Sec. 36-1141. Interpretation of provisions.

The director of building development services may refer questions of interpretation of the ordinance codified in this article to the administrative review committee. With respect to sections 36-1100, 36-1101, and 36-1125, it is determined by the city council that the city ordinance shall be consistent with state regulations thereon; therefore, in the event state regulations are changed, then state regulations shall control to the extent that the city ordinance is inconsistent therewith. Such city ordinance sections set forth herein shall be interpreted and applied consistent with state regulations.

Secs. 36-1142—36-1199. Reserved.

TABLE OF HISTORY

[Editor's Note: Chapter 36, Article III, Land Development Code, Sub-Article XI, Child Day Care has been amended and moved to Chapter 36, Land Development Code, Article XI, Child Day Care.]

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
3460	December 12, 1983	Created Article XI, Child Day Care within Chapter 36 and amended other articles pertaining to day care conditions.
3556	October 1, 1984	Added, amended, and deleted several sections within whole code.
3579	December 17, 1984	Repealed provisions and redefined definitions.
3642	July 8, 1985	Repealed Outdoor Play Yards in its entirety and enacted a new Section 36-1125.

ARTICLE XII.

PRESERVATION OF STRUCTURES IN CERTAIN AREAS OF THE CITY

- Sec. 36-1200. Intent.
- Sec. 36-1201. Definitions.
- Sec. 36-1202. General exterior of structures.
- Sec. 36-1203. Exterior surface.
- Sec. 36-1204. Foundation walls.
- Sec. 36-1205. Exterior walls.
- Sec. 36-1206. Roofs and drainage.
- Sec. 36-1207. Decorative features.
- Sec. 36-1208. Signs, marquees, and awnings.
- Sec. 36-1209. Chimneys.
- Sec. 36-1210. Doors, windows, and frames.
- Sec. 36-1211. Windows; glazing.
- Sec. 36-1212. Boarding up unoccupied structures or floors of structures.
- Sec. 36-1213. Door hardware and locks.
- Sec. 36-1214. Basement hatchways.
- Sec. 36-1215. Violation of building code.
- Sec. 36-1216. Guards for basement windows.
- Sec. 36-1217. Inspection authority.
- Sec. 36-1218. Enforcement.
- Sec. 36-1219. Summary abatement where immediate danger exists.
- Sec. 36-1220. Appeals.
- Sec. 36-1221. Penalty for failure to comply with administrative hearing order.
- Sec. 36-1222. Penalty for failure to vacate.
- Sec. 36-1223. Liability of city agents and employees; services by city agents and employees to be for benefit of city.
- Sec. 36-1224. Emergency procedures.
- Sec. 36-1225. Unlawful to board an unoccupied structure or floor(s) without permit.
- Sec. 36-1226. Use of insurance proceeds for reimbursement of city's costs.
- Secs. 36-1227—36-1300. Reserved.

Table of History

Sec. 36-1200. Intent.

This article is intended to provide special regulations for the control, preservation, and rehabilitation of structures in Springfield's older business sections. This article applies to the area described in "Exhibit A," plus property adjoining Boonville Avenue connecting the two other areas. (Exhibit A, is located immediately before the table of history.)

This area is unique in that it contains the older business sections of Springfield with businesses which are congested and in close proximity. The area contains a mixture of commercial, manufacturing, residential, and industrial uses, which were built under older building codes. These characteristics make it difficult to maintain the same level of fire protection as in newer parts of the city and difficult to get emergency vehicles into the area.

These structures pose special maintenance problems. In addition, these areas include historic buildings, which need to be preserved and should not be allowed to deteriorate.

This article is intended to promote the preservation of buildings and structures located in the older business areas of Springfield, Missouri. This article sets forth standards to deter deterioration of structures, promote public health and welfare, and preserve our building stock for future rehabilitation, thereby increasing surrounding property values and encouraging redevelopment to occur in our older business areas.

Sec. 36-1201. Definitions.

For the purposes of this article, the following words shall have the following meanings:

Director or director of building development services shall mean the director of building development services or his designee(s).

Sec. 36-1202. General exterior of structures.

The exterior of a structure shall be maintained in good repair and in a structurally sound, sanitary, and weather-tight condition so as not to pose a threat to the health, safety, or welfare of the occupants or the general public, and so as to protect the occupants and the structure itself from the adverse effects of the environment or the elements.

Sec. 36-1203. Exterior surfaces.

Every exterior surface, including, but not limited to, the foundation, exterior walls, and roof(s), shall be maintained in a structurally sound and weather-tight condition, and shall be kept in such condition as to exclude access to the interior of the structure by the elements, insects, birds, rodents, or other vermin or trespassers.

Sec. 36-1204. Foundation walls.

Every foundation wall shall be maintained so as to safely carry design and operating, dead and live loads, and shall be maintained plumb and free from open cracks and breaks or other evidence of structural defect or failure, so as not to be detrimental to public safety, health, and welfare, or accessible by the elements, insects, birds, rodents, or other vermin or trespassers.

Sec. 36-1205. Exterior walls.

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit the elements, insects, birds, rodents, or other vermin or trespassers to the interior portions of the walls or to the interior portions of the structure. All exterior surface materials, including but not limited to, wood, brick, composition, and metal siding, shall be maintained in a weather-tight condition and shall be properly surface coated or treated when required, to prevent deterioration.

Sec. 36-1206. Roofs and drainage.

Every roof structure shall be structurally sound, adequately supported, and weather-tight. Roof drainage shall be adequate to prevent water or the elements from accessing the interior of the structure, causing dampness and/or deterioration in the walls, ceilings, or other interior portions of the structure. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises, or that creates a public nuisance.

Sec. 36-1207. Decorative features.

All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar exterior decorative features shall be maintained weather-tight and in good repair with proper anchorage and support, if needed, so as not to pose a threat to the safety of occupants of the structure or the general public.

Sec. 36-1208. Signs, marquees, and awnings.

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatments.

Sec. 36-1209. Chimneys.

All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by the periodic application of weather-coating materials such as paint or other protective treatments.

Sec. 36-1210. Doors, windows, and frames.

Every window and exterior door shall be fitted properly in its frame and shall be weather-tight. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude access by the elements, insects, birds, rodents, or other vermin or trespassers.

Sec. 36-1211. Windows; glazing.

In occupied structures or occupied floors of structures, every window-sash shall be with approved glazing materials which are without open cracks and holes.

Sec. 36-1212. Boarding up unoccupied structures or floors of structures.

Unoccupied structures or unoccupied floors of structures shall be made weather-tight by maintaining proper glazing or by "boarding up" the window and door areas in accordance with the following criteria:

- (1) Any owner or authorized agent who intends to board a structure or individual floor(s) of a structure shall first make application to the department of building development services for a boarded building permit.
- (2) A boarded building permit shall be issued for the purpose of authorizing a building owner to board their structure or individual floor(s) of their structure. A boarded building permit shall not be issued until an inspection of the entire structure is performed by a city inspector to confirm compliance with all applicable provisions of this article and section 26-84. If any provisions of this article should conflict with section 26-84, the provisions of this article shall prevail.
- (3) The manner of boarding shall prevent entry by insects, birds, rodents, or other vermin or trespassers and prevent exposure of the interior to the elements. To qualify for a boarding permit, a building must be free from accumulated trash and debris or other fire hazards and be structurally sound and safe for entry by emergency personnel. In addition, in the situation where the owner of a structure desires to board one or more individual floors of a structure, all utilities to those floors of the structure being boarded must be rendered unusable and safe in the determination of the director of the department of building development services.
- (4) The permit applicant must complete the boarding of the structure or the individual floor(s) of the structure within 30 calendar days after the permit is issued.
- (5) The cost of a boarded building permit shall be \$400.00, in which the fee shall be adjusted annually, if necessary, to reflect the cost of the city's program to board up structures or the individual floor(s) of a structure under this section. A single permit shall be issued per structure, regardless of whether the entire structure is boarded or individual floors of the structure are boarded. However, all relevant floors of the structure must be boarded in compliance with this article and section 26-84 before the boarding will be considered completed under (4) above. The boarded building permit shall be valid for no more than 180 calendar days from the date of issuance. At the expiration of the permit, a new permit must be obtained from the department of building development services in compliance with this article and section 26-84 within 30 days of the expiration of the previous permit.

- (6) If a structure is without a valid boarded building permit for more than 30 days, the structure shall be declared a public nuisance under section 26-62 of the Springfield City Code.

Exception: The exception to the above-referenced board up requirements and section 26-84 shall be that windows on the street level of any structure cannot be boarded.

Sec. 36-1213. Door hardware and locks.

Every exterior door and its hardware shall be maintained in good and working condition. Door locks on all doors' entering structures shall be in good repair and working condition and shall be capable of tightly securing the door to prevent entry by the elements, insects, birds, rodents, or other vermin or trespassers.

Sec. 36-1214. Basement hatchways.

Every basement hatchway shall be so constructed and maintained as to prevent the entrance of the elements, insects, birds, rodents, or other vermin or trespassers.

Sec. 36-1215. Violation of building code.

Failure to comply with any provision set out in this article shall result in the structure being used in violation of the building code of the City of Springfield.

Sec. 36-1216. Guards for basement windows.

Every basement window which is operable shall be supplied with rat-proof shields, storm windows, or other material affording protection against the entry of rats.

Sec. 36-1217. Inspection authority.

The director of building development services is authorized to make inspections to determine whether property subject to this section conforms to the requirements herein. For the purpose of making such inspections, the director is authorized to enter, examine, and survey at all reasonable times, all such premises, not less than once every 12 months, beginning six months after the building is vacated. The owner, authorized agent, or lessee shall give the director free access thereto, at all reasonable times, for the purpose of such inspection, examination, and survey. In the event the owner, authorized agent, or lessee shall refuse access to any such premises, the director shall have authority to seek an administrative search warrant pursuant to the provisions of section 36-152 of the Springfield City Code.

Sec. 36-1218. Enforcement.

(1) *Notice.* Upon a determination of a violation of the provisions of this article, the director of building development services shall serve a notice to abate the violation on the person(s) responsible for the violation or the owner, authorized agent, lessee, mortgagee, or occupant of the structure, or any other persons having an interest in the structure as shown by the land

records of the Greene County Recorder of Deeds, and such notice shall direct the abatement of the violation(s). Such notices shall contain such information as is provided in sections 26-62 and 26-84 of the Springfield City Code and shall be provided as set forth in those sections.

(2) *Compliance.* A reasonable time shall be given to begin and complete all work required to abate the violations. After a notice shall have been given as provided in (1) above, work to abate the violation(s) shall be completed within the time frame provided in the notice.

(3) *Failure to comply with notice to abate.* Whenever the director of building development services has issued a notice to abate a violation or violations and when such violation(s) have not been abated within the time specified by such notice, thereafter the director of building development services shall institute an administrative action as provided in sections 26-61 through 26-64 of the Springfield City Code. In addition to the abatement remedies set forth in section 26-70 of the Springfield City Code, the director of building development services may revoke any and all permits issued by the city under which the activity is conducted, any and all occupancy permits, and the right to receive utilities for the structure wherein the activity is conducted.

(4) *Injunctive relief.* Notwithstanding the abatement options available as a result of the administrative proceeding provided for in this article, such actions shall not prevent the city attorney from instituting appropriate action to prevent unlawful construction; or to restrain, correct, or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct, business, or use of a structure or individual floor(s) of a structure in violation of this article.

(5) *Responsibility.* Any person who shall have an interest in the structure as an occupant or lessee shall be jointly and severally responsible for compliance with the provisions of this article in the same manner as the owner.

(6) *City abatement.* If, as a result of an administrative proceeding held for violation(s) of this article, the owner or other responsible party does not correct the violation(s) as specified in the order of abatement issued under sections 26-69 and 26-70 [of the Springfield City Code], the city may abate the violation(s) as provided in section 26-70 [of the Springfield City Code], and the costs for the work shall be billed as a special tax bill against the lot, as provided by section 26-71 [of the Springfield City Code], and shall also be a personal debt of the owner. Said special tax bills shall be issued and enforced in accordance with sections 26-71 and 26-72 [of the Springfield City Code], and shall include attorney's fees and costs for collection.

Sec. 36-1219. Summary abatement where immediate danger exists.

In all cases where it reasonably appears that an immediate danger to the health, safety, or welfare of any person exists, the director of building development services may take emergency measures to vacate, repair, or demolish a structure which is a public nuisance under the provisions of this article and/or sections 26-61 through 26-84 of the Springfield City Code.

Sec. 36-1220. Appeals.

Any owner, occupant, lessee, mortgagee, agent, or other person having an interest in the structure may appeal from the order and determination of the director of building development services made under the provisions of this section. The appeal shall be made to the Circuit Court of the County in the manner set forth in RSMo Chapter 536. In any appeal provided for in this section, any person who owns or occupies property located within 1,200 feet of the perimeter of the structure, which is the subject of the appeal, shall be allowed to present evidence on behalf of the city in accordance with RSMo 67.430.2.

Sec. 36-1221. Penalty for failure to comply with administrative hearing order.

It shall be unlawful for the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in a structure to not comply with the order of the director of building development services issued pursuant to this section. Any person who violates the order of the director shall be subject to a fine and penalty under section 1-7 of the Springfield City Code for each day that he fails to comply with such order, but such fine shall be not less than \$50.00 per day for each day of violation, each day constituting a separate offense. Nothing contained in this article shall limit the liability of any person with respect to any special tax bill issued under this article.

Sec. 36-1222. Penalty for failure to vacate.

If the occupant of any structure shall fail to vacate such structure within the time specified by a notice issued under this article, he shall be punished upon conviction thereof as provided by section 1-7 of the Springfield City Code.

Sec. 36-1223. Liability of city agents and employees; services by city agents and employees to be for benefit of city.

No officer, agent, or employee of the city shall be personally liable for any damage that may occur to any persons or property as a result of any act required of him/her or permitted to be taken by him/her under the terms of this article. Any suit brought against any such officer, agent, or employee of the city as a result of any such acts required or permitted shall be defended by the city attorney until the final determination of the proceedings, and if judgment shall be obtained, it shall be paid by the city. It is hereby further declared that no officer, agent or employee of the city owes any duty under the provisions of this article to any citizen or other individual, but that the duties prescribed in this article and imposed upon officers, agents, or employees of the city are duties to be performed for the government of the city.

Sec. 36-1224. Emergency procedures.

The city council hereby finds and declares that unoccupied structures or unoccupied floors of structures, which are open at door and/or window, wall, or roof, constitute a potential danger and/or a public nuisance and constitute an emergency under this article. The director of

building development services, upon his determination that a building or particular floor(s) of a structure is unoccupied and open at door and/or window, wall, or roof, may temporarily close such structure or floor of a structure by proceeding as follows:

- (1) The director shall post the property with a notice pursuant to this article, pertaining to the notice of public nuisance, for not less than 24 hours.
- (2) After the property has been posted for not less than 24 hours, the director shall hold a hearing to give the owner and any interested parties an opportunity to respond.
- (3) The director is authorized to employ a contractor for the purpose of securing the structure or particular floor of the structure pursuant to the City Purchasing Manual, Chapter 3, "Exceptions to Normal Purchasing Procedures," sections A, B, C, and D, pertaining to emergency purchases.
- (4) Whenever the city shall have caused the work to be done as provided for in this article, the director of building development services shall certify the cost of the work to the city clerk, who shall cause to be prepared a special tax bill assessment therefor, pursuant to the terms and conditions set forth in sections 26-71 and 26-72 [of the Springfield City Code], pertaining to the manner of payment of tax bills for work. Such bills shall include costs and any attorneys' fees incurred for collection.
- (5) If a floor of a structure is in violation of only RSMo 3410.13 and the city has temporarily boarded the structure under the emergency procedures set forth above, the director of building development services shall issue a notice pursuant to this article to the property owner to abate the nuisance by removing any temporary boarding materials and to repair or restore the opening(s) back to their original material, design, function, and/or intent, or to apply for a boarded building permit in accordance with this article.

Sec. 36-1225. Unlawful to board an unoccupied structure or floor(s) without permit.

It shall be unlawful for the owner of any unoccupied structure or floor(s) of a structure to board, or to keep boarded, such structure or floor(s) of a structure at the door, window, wall, or roof, except with a valid boarded building permit issued by the department of building development services.

In the case of any structure or floor(s) of a structure which has been boarded prior to the effective date of this article, a boarded building permit must be obtained by the owner within 180 days after the effective date of this article or the structure or floor(s) of the structure will be deemed to violate this article.

Sec. 36-1226. Use of insurance proceeds for reimbursement of city's costs.

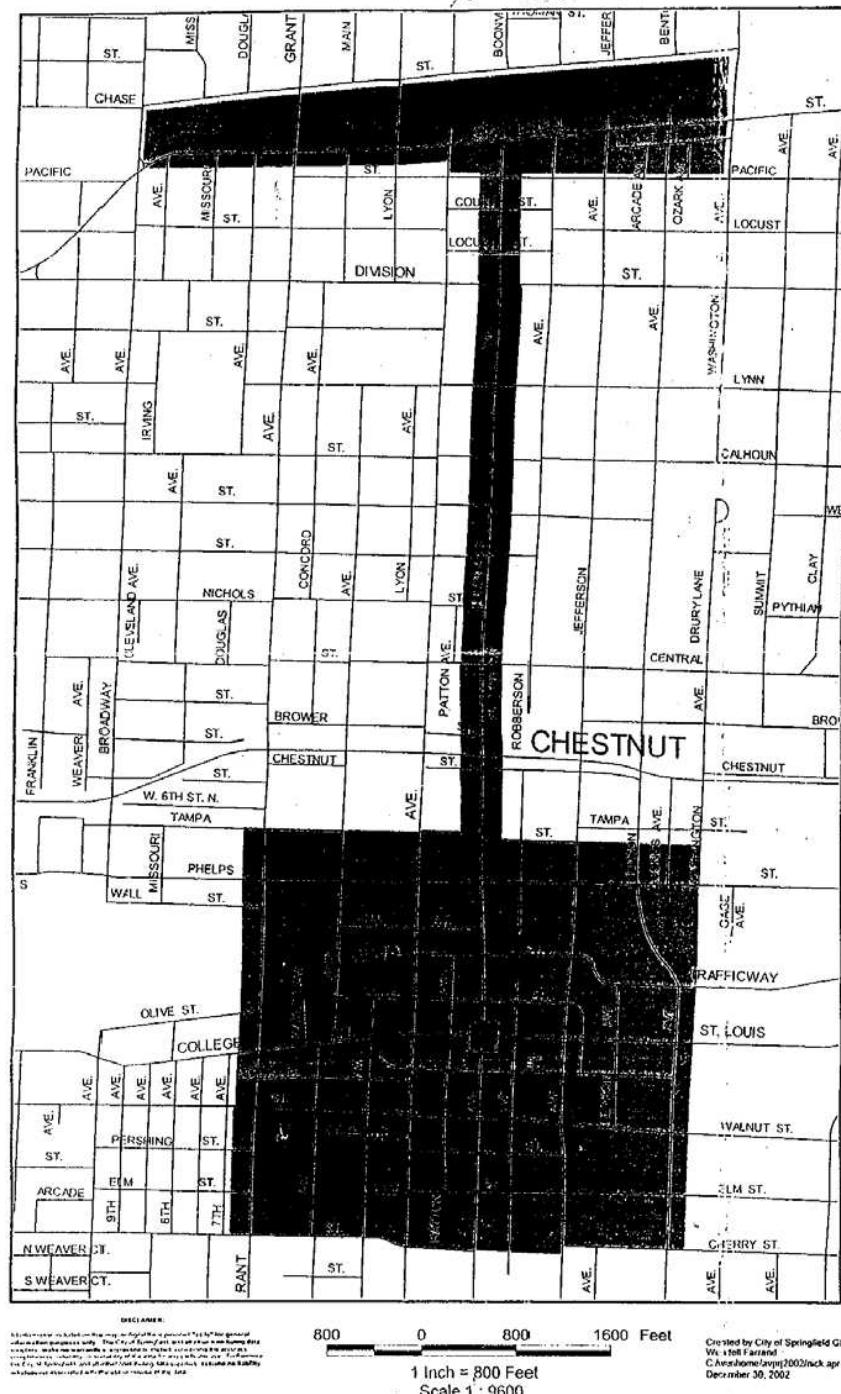
If there are any proceeds of any insurance policy on a covered claim payment for damage or loss and the covered claim payment exceeds 50 percent of the face value of the policy covering such structure, then the insurer shall pay to the department of finance a sum equal to 25 percent of the covered claim within 30 days of the determination of coverage, to be held by the

city in an interest-bearing account. The proceeds shall be used to reimburse the city for its costs in securing or removing such structure, if necessary, and shall be handled as provided in section 26-78 of the Springfield City Code.

PRESERVATION OF STRUCTURES

§ 36-1300

Exhibit A



Secs. 36-1227—36-1300. Reserved.

SPRINGFIELD LAND DEVELOPMENT CODE

TABLE OF HISTORY

[Editor's Note: Chapter 36, Article III, Land Development Code, Sub-Article V, Building Code, Division 4 Preservation of Structures has been amended and moved to Chapter 36, Land Development Code, Article XII Preservation of Structures. The table of history reflects the history for Article V, Building Code, because Article XII was previously a Division in Article V.]

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
3744	May 8, 1986	Amended Chapter 36 of Springfield City Code, Land Development Code, Article V, Building Code by adding sixteen new sections dealing with preservation of structures in the center city area and along Commercial Street.
3810	December 3, 1986	Amended Chapter 36 of Springfield City Code, Land Development Code, Article V, Building Code by adding a new section pertaining to repair, alteration, additions, and change of use of buildings.
4026	April 19, 1989	Added Flood Plain Resistant Construction to Article V and amended City Code Ch. 8 to remove Building Restrictions in Flood Plains.
5625	December 11, 2006	Repealed portions of Sub-Article V, Building Code in its entirety, and enacted in lieu thereof new portions of Sub-Article V, Building Code.

ARTICLE XIII.

INTERNATIONAL RESIDENTIAL CODE*

- Sec. 36-1301. Adoption of 2018 International Residential Code.
- Sec. 36-1302. Deletions, modifications, amendments, and additions.
- Sec. 36-1303. Adoption of appendices.
- Sec. 36-1304. Penalty clause.

***Editor's note**—Gen. Ord. 6736, adopted August 8, 2022, becoming effective January 1, 2023, repealed and replaced art. XIII in its entirety to read as herein set out. Former art. XIII pertained to the residential building code, and derived from Gen. Ord. 6564, adopted November 18, 2019.

Sec. 36-1301. Adoption of 2018 International Residential Code.

City council hereby adopts the 2018 International Residential Code, as published by the International Code Council, and all referenced standards therein as if spelled out in this ordinance [article], except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article XIII, International Residential Code of Chapter 36, known as the land development code. One copy of said code is on file in the office of the City Clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri. (G.O. 6736, § 1, 8-8-22)

Sec. 36-1302. Deletions, modifications, amendments, and additions.

The 2018 International Residential Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Residential Code.
- (d) All language referring to flood-hazard areas is repealed and replaced with:

All structures located within a designated flood-hazard area shall comply with Chapter 36 Land Development Code, Article XVII Floodplain Management.

The following table is adopted in lieu of the table with the same number and name in the International Residential Code.

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	20 PSF
Wind Speed (mph)	115 MPH
Seismic Design Category	B
Weathering	Severe
Frost Line Depth	24 inches
Termite	Moderate to Heavy
Decay	Slight to Moderate
Ice Shield Underlayment Required	No

<i>TABLE R301.2(1)</i> <i>CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA</i>	
Flood Hazard	In accordance with Springfield MO City Code Chapter 36 Article XVII https://library.municode.com/mo/springfield/codes/code_of_ordinances Entry into National Flood Insurance Program 5/8/1989
Air Freezing Index	659
Winter Design Temp	9° F
Air Freezing Index	1,500 or less
Mean Annual Temp	56° F
Elevation	1,270 feet
Latitude	37° N
Winter Heating	11° F
Summer Cooling	92° F
Altitude Correction Factor	0.96
Indoor Design Temperature	70° F
Wind Velocity Heating	15 mph if site specific speed unknown
Wind Velocity Cooling	15 mph if site specific speed unknown
Coincident Wet Bulb	74° F
Daily Range	M

Section R313 Automatic Fire Sprinkler Systems is deleted in its entirety and replaced with: A builder of five (5) or more connected units shall comply with the design and installation requirements of the 2018 International Residential Code Section P2904. The builder of four (4) or less connected units shall comply with fire suppressant separation as provided in Section R317 of the 2006 International Residential Code or Section P2904 of the 2018 International Residential Code at the builder or purchaser's cost and option.

The following table is adopted in lieu of the table with the same number and name in the International Residential Code:

<i>TABLE N1102.1.2 (R402.1.2)</i> <i>INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT</i>	
FENESTRATION U-FACTOR ^b	0.32
SKYLIGHT ^b U-FACTOR	0.55
GLAZED FENESTRATION SHGC ^{b, e}	0.40
CEILING R-VALUE	49
WOOD FRAME WALL R-VALUE	20 or 13+5 ^h
MASS WALL R-VALUE ⁱ	8/13
FLOOR R-VALUE	Not Required
BASEMENT ^c WALL R-VALUE	10/13 ^f

<i>TABLE N1102.1.2 (R402.1.2)</i> INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT	
SLAB ^d R-VALUE & DEPTH	10, 2 ft
CRAWL SPACE ^c R- VALUE	10/13

The following table is adopted in lieu of the table with the same number and name in the International Residential Code:

<i>TABLE N1102.1.4 (R402.1.4) EQUIVALENT U-FACTORS</i>	
FENESTRATION U-FACTOR	0.32
SKYLIGHT U-FACTOR	0.55
CEILING U-FACTOR	0.026
FRAME WALL U-FACTOR	0.060
MASS WALL U-FACTOR ^b	0.098
FLOOR U-FACTOR	Not Required
BASEMENT WALL U-FACTOR	0.059
CRAWL SPACE U-FACTOR	0.065

N1102.4.1.2 (R402.4.1.2) Testing.

The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding five air changes per hour in Climate Zones 1 and 2, and five air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2-inch w.g. (50 Pascals). Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official.

Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

Table N1105.5.2(1) Air exchange rate Climate Zones 3 through 8: 5 air changes per hour.

P3302.2 Subsoil drains discharge. Subsoil drains, sumps and pumps shall not be discharged to the building drain or sewer.

E3902.2 Garage and accessory building receptacles. 125-volt, single-phase, 15- or 20-ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel. [210.8(A)(2)]

Exception: A single receptacle installed solely for electrical supply of a garage door opener.

E3902.16 Arc-fault circuit-interrupter protection. Branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms, and similar rooms or areas shall be protected by any of the following: [210.12(A)]

E4002.14 Tamper-resistant receptacles. In bedrooms, 15- and 20-ampere, 125- and 250-volt nonlocking-type receptacles shall be listed tamper-resistant receptacles. [406.12(A)]
(G.O. 6736, § 1, 8-8-22)

Sec. 36-1303. Adoption of appendices.

Adoption of appendices. Only the following appendices, listed among others in the 2018 International Residential Code, are adopted:

Appendix A: Sizing and Capacities of Gas Piping

Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category-I Appliances, and Appliances Listed for use with Type B Vents Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems Appendix D: Recommended Procedure for Safety Inspection of an Existing

Appliance Installation

Appendix E: Manufactured Housing used as Dwellings

Appendix G: Piping Standards for Various Applications

Appendix I: Private Sewage Disposal

Appendix J: Existing Building and Structures

Appendix P: Sizing of Water Piping System

Appendix Q: Tiny Houses

(G.O. 6736, § 1, 8-8-22)

Sec. 36-1304. Penalty clause.

Punishment, as provided in section 1-7 of city Code, may be imposed on any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 36-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

(G.O. 6736, § 1, 8-8-22)

ARTICLE XIV.

FUEL GAS CODE*

- Sec. 36-1401. Adoption of 2018 Fuel Gas Code.
- Sec. 36-1402. Deletions, modifications, amendments, and additions.
- Sec. 36-1403. Adoption of appendices.
- Sec. 36-1404. Penalty clause.

***Editor's note**—Gen. Ord. 6559, adopted Nov. 18, 2019, repealed in its entirety and reenacted art. XIV to read as herein set out. Former art. XIV pertained to the same subject matter, and derived from Gen. Ord. 5628, adopted Dec. 11, 2006; Gen. Ord. 5983, adopted Mar. 26, 2012; and Gen. Ord. 6528, adopted Jan. 15, 2016.

Sec. 36-1401. Adoption of 2018 Fuel Gas Code.

City council hereby adopts the 2018 International Fuel Gas Code as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article XIV, fuel gas code, of chapter 36, of the Springfield City Code, known as the land development code. One copy of said code, which shall remain on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

(Gen. Ord. 6559, § 1, 11-18-19)

Sec. 36-1402. Deletions, modifications, amendments, and additions.

The 2018 International Fuel Gas Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Fuel Gas Code.

[(d)] *[Amendments, additions, and deletions.]*

Section 301 (IFGC) General

301.11 Flood hazard. For structures located in flood-hazard areas, the appliance, equipment, and system installations regulated by this Code shall comply with Chapter 36, Article XVII, Floodplain Management, of the City Code.

Section 401 (IFGC) General

401.5 Identification. All gas piping shall be identified by a yellow background marked "Gas" in black letters. Identification shall be in the form of a tag, stencil, or other permanent marking. Such identification shall be clearly and easily readable from the floor of the room of its location. Spacing on black steel pipe shall be at intervals of not more than 15 feet in concealed locations, 25 feet in exposed locations, and not less than once in any room space. Spacing for all other piping materials shall be at intervals not exceeding 5 feet and not less than once in any room space.

Section 402 (IFGC) Pipe sizing

Subsection 402.7 is repealed and replace with:

402.7 Operating pressure. The standard operating pressure for piping systems located inside buildings shall be 0.25 psig. Design operating pressures other than 0.25 psig shall only be allowed in areas where the gas supplier has sufficient main-line delivery pressure to assure adequate supply. The installer shall be responsible for verifying the availability of elevated pressure with the gas supplier.

402.7.1 Operating pressures of 2 psig or less. For operating pressures of 2 psig or less, the piping material shall be in conformance with Section 403 of the 2018 International Fuel Gas Code, as amended herein.

402.7.2 Pressures above 2 psig. Operating pressures above 2 psig shall only be allowed if all the following conditions are met:

1. Adequate pressure is available from the fuel-gas supplier; and,
2. The piping system is in an area zoned to allow commercial, industrial, or heavy manufacturing uses;
3. The connected load is 1000 CFH or greater and the facility has connected equipment that requires higher pressures for proper operation;
4. The installation is approved by the code official and the fuel-gas supplier;
5. The piping system is welded steel pipe;
6. All connected equipment is provided with regulators rated for the pressure provided.

402.7.3 Liquefied petroleum gas systems. The operating pressure for undiluted LP-gas systems shall not exceed 20 psig (140 kPa gauge). Buildings having systems designed to operate below -5°F (-21°C) or with butane or a propane-butane mix shall be designed to either accommodate liquid LP-gas or prevent LP-gas vapor from condensing into a liquid.

These subsections are repealed in their entirety:

- a. 403.4.3 Copper and copper alloy.
- b. 403.5.3 Copper and copper alloy tubing.

404.2 CSST. CSST piping systems shall be installed in accordance with the terms of their approval, the conditions of listing, the manufacturer's instructions, requirements in administrative rulings, and this code.

404.9.1 Gas meter set connection. The gas-meter-set location and design shall be in accordance with the local gas operator's standards.

404.11.2 Protection methods. Underground piping shall comply with one or more of the following:

4. Buried steel piping shall be coated and insulated with insulating fittings or unions on both ends above grade outside the building within 6 inches to 18 inches above grade with a minimum of one-5lb magnesium anode installed for every 200 feet of buried pipe.

Section 406 (IFGC) Inspection, Testing, and Purging

406.4.1 Test pressure and duration. The test on all gas piping designed for 2 PSIG and less, shall be made by closing all openings and subjecting the pipes to a minimum of 20 PSIG with a 15-minute duration. The test on all gas piping designed for greater than 2 PSIG shall be a minimum of 20 PSIG with 120-minute duration. The measurement range of the test gauge shall be from 0 to no more than 30 PSIG and shall be readily visible for reading.

Subsection 406.4.2 Test duration is repealed in its entirety.

409.1.4 Shutoff valve support. All shutoff valves shall be supported in such a manner as to prevent movement of the valve body when the valve is operated. Connection of the valve to a section of iron pipe either immediately upstream or downstream of the valve shall be considered an acceptable support.

410.3.2 Vent termination. All regulator-relief vents terminating outdoors shall be provided with a manufactured termination fitting equipped with an internal stainless-steel screen. The termination point shall be a minimum of eighteen (18) inches above grade or roof surface.

411.1 Connecting appliances. Except as required by Section 411.1.1, appliances shall be connected to the piping system by one of the following:

2. Corrugated stainless-steel tubing (CSST) where installed in accordance with the manufacturer's instructions and with approval prior to design or installation. Installations with prior approval are listed and installation requirements are itemized by administrative ruling.
3. Semirigid metallic tubing and metallic fittings with approval prior to design or installation. Installations with prior approval are listed and installation requirements in administrative rulings. Lengths shall not exceed the length required for the installation or a maximum of 6 feet (1829 mm) and shall be located entirely in the same room as the appliance. Semirigid metallic tubing shall not enter a motor-operated appliance through an unprotected knockout opening.
4. Listed and labeled appliance connectors in compliance with ANSI Z21.24/CGA 6.10 and installed in accordance with manufacturer's instructions and located entirely in the same room as the appliance

and with approval prior to design or installation. Installations with prior approval are listed and installation requirements are itemized by administrative ruling.

(Gen. Ord. 6559, § 1, 11-18-19)

Sec. 36-1403. Adoption of appendices.

By adoption of the 2018 International Private Sewage Disposal Code, the following appendices are part of this Code.

Appendix A, Sizing and Capacities of Gas Piping

Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances listed for use and Type B Vents

Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

(Gen. Ord. 6559, § 1, 11-18-19)

Sec. 36-1404. Penalty clause.

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 36-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

(Gen. Ord. 6559, § 1, 11-18-19)

ARTICLE XV.

PRIVATE SEWAGE DISPOSAL CODE*

- Sec. 36-1501. Adoption of 2018 Private Sewage Disposal Code.
- Sec. 36-1502. Deletions, modifications, amendments and additions.
- Sec. 36-1503. Adoption of appendices.
- Sec. 36-1504. Penalty clause.
- Secs. 36-1505—36-1600. Reserved.

***Editor's note**—Gen. Ord. 6560, adopted Nov. 18, 2019, repealed in its entirety and reenacted art. XV to read as herein set out. Former art. XV pertained to the same subject matter, and derived from Gen. Ord. 5631, adopted Dec. 11, 2006; and Gen. Ord. 5980, adopted Mar. 26, 2012.

Sec. 36-1501. Adoption of 2018 Private Sewage Disposal Code.

City council hereby adopts the 2018 Private Sewage Disposal Code as published by the International Code Council, and all referenced standards therein as if spelled out herein, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article XV, private sewage disposal code, of chapter 36 of the Springfield City Code, known as the land development code. One copy of said code shall remain on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

(Gen. Ord. 6560, § 1, 11-18-19)

Sec. 36-1502. Deletions, modifications, amendments and additions.

The 2018 Private Sewage Disposal Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices shall include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Private Sewage Disposal Code.
- (d) Table 406.1 of Section 406, Site requirements, is repealed in its entirety. All references to Table 406.1 shall, instead, refer to standards established by the Springfield-Greene County Health Department and/or the Missouri Department of Natural Resources for all site requirements related to soil absorption systems of a private, sewage-disposal system.

(Gen. Ord. 6560, § 1, 11-18-19)

Sec. 36-1503. Adoption of appendices.

By adoption of the 2018 International Private Sewage Disposal Code, the following appendices are part of this Code.

Appendix A System layout illustrations

Appendix B Tables for pressure distribution systems

(Gen. Ord. 6560, § 1, 11-18-19)

Sec. 36-1504. Penalty clause.

Any person violating any of the provisions of this article, or failing to comply with any order issued pursuant to any section thereof, or who erects, constructs, alters, or repairs a

building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of these codes, shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided for in section 1-7 of the City Code. But any fine imposed shall not be less than \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Each day that a violation continues, after a service of notice as provided for in these codes, shall be deemed a separate offense. Notice as set forth in section 36-166, as a precursor to prosecution, shall not be required in order to prosecute a person for a violation of any provision of this article or these codes, but such notice shall be required to prosecute a person for failure to comply with an order under these codes.

(Gen. Ord. 6560, § 1, 11-18-19)

Secs. 36-1505—36-1600. Reserved.

ARTICLE XVI.

EXISTING BUILDING CODE*

- Sec. 36-1601. Adoption of 2018 International Existing Building Code.
- Sec. 36-1602. Deletions, modifications, amendments, and additions.
- Sec. 36-1603. Penalty clause.

***Editor's note**—Gen. Ord. 6561, adopted Nov. 18, 2019 repealed in its entirety and reenacted art. XVI to read as herein set out. Former art. XVI pertained to the same subject matter, and derived from Gen. Ord. 5627, adopted Dec. 11, 2006; and Gen. Ord. 5984, adopted Mar. 26, 2012.

Sec. 36-1601. Adoption of 2018 International Existing Building Code.

City council hereby adopts the 2018 International Existing Building Code as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article XVI, existing building code, of chapter 36 of the Springfield City Code, known as the land development code. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

(Gen. Ord. 6561, § 1, 11-18-19)

Sec. 36-1602. Deletions, modifications, amendments, and additions.

The 2018 International Existing Building Code as adopted is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Existing Building Code.

Section 707 Energy Conservation

Subsection 707.1 Minimum requirements is repealed in its entirety and replaced with:

707.1 Minimum energy requirements. Alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the adopted International Existing Building Code or International Residential Code. Only those portions of buildings or structures that are altered shall conform to the energy requirements of the adopted International Building Code or International Residential Code.

Section 810 Energy Conservation

Subsection 810.1 Minimum requirements is repealed in its entirety and replaced with:

810.1 Minimum energy requirements. Alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the adopted International Existing Building Code or International Residential Code. Only those portions of

buildings or structures that are altered shall conform to the energy requirements of the adopted International Building Code or International Residential Code.

Section 907 Energy Conservation

Subsection 907.1 Minimum requirements is repealed in its entirety and replaced with:

907.1 Minimum energy requirements. Alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the adopted International Existing Building Code or International Residential Code. Only those portions of buildings or structures that are altered shall conform to the energy requirements of the adopted International Building Code or International Residential Code.

Language referring to flood-hazard areas in this code is repealed and replaced with:

All structures located within a designated flood-hazard area shall comply with Chapter 36, Article XVII of the Springfield City Code.

(Gen. Ord. 6561, § 1, 11-18-19)

Sec. 36-1603. Penalty clause.

Any person violating any of the provisions of this article, failing to comply with any order issued pursuant to any section thereof, or who shall erect, construct, alter, or repair a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of these codes, shall be guilty of a violation of a municipal ordinance and, upon conviction thereof, shall be punished as provided in section 1-7 of the City Code, except that any fine imposed shall not be less than \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Each day that a violation continues, after a service of notice as provided in these codes, shall be deemed a separate offense. Notice, as a precursor to prosecution, is not required to prosecute a person for a violation of any provision of this article or these codes, except such notice is required to prosecute a person for failure to comply with an order under such codes.

(Gen. Ord. 6561, § 1, 11-18-19)

ARTICLE XVII.

FLOODPLAIN MANAGEMENT

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DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES**Sec. 36-1700. Statutory authorization.**

The Legislature of the State of Missouri has in RSMo 80.020 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the city council of the City of Springfield, Missouri ordains as follows:

Sec. 36-1701. Findings of fact.

(1) *Flood losses resulting from periodic inundation.* The special flood hazard areas of the City of Springfield, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

(2) *General causes of the flood losses.* These flood losses are caused by:

- (a) The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
- (b) The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

(3) *Methods used to analyze flood hazards.* The flood insurance study (FIS) that is the basis of this article uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

- (a) Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this article is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this article. It is in the general order of a flood which could be expected to have a one-percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated December 17, 2010, as amended, and any future revisions thereto.
- (b) Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- (c) Computation of a floodway required to convey this flood without increasing flood heights more than one foot at any point.
- (d) Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

- (e) Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

Sec. 36-1702. Statement of purpose.

It is the purpose of this article to promote the public health, safety, and general welfare; to minimize those losses described in subsection 36-1701(2); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this article to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
- (2) Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- (3) Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

Secs. 36-1703—36-1709. Reserved.**DIVISION 2. GENERAL PROVISIONS****Sec. 36-1710. Lands to which article applies.**

This article shall apply to all lands within the jurisdiction of the City of Springfield, Missouri, identified as numbered and unnumbered A zones and AE zones, on the flood insurance rate map (FIRM) for Greene County, Missouri on map panels 29077C0193E, 29077C0194E, 29077C0213E, 29077C0214E, 29077C0218E, 29077C0219E, 29077C0238E, 29077C0239E, 29077C0243E, 29077C0306E, 29077C0307E, 29077C0309E, 29077C0317E, 29077C0318E, 29077C0319E, 29077C0326E, 29077C0327E, 29077C0328E, 29077C0329E, 29077C0331E, 29077C0332E, 29077C0333E, 29077C0334E, 29077C0336E, 29077C0337E, 29077C0338E, 29077C0339E, 29077C0341E, 29077C0342E, 29077C0343E, 29077C0344E, 29077C0351E, 29077C0352E, 29077C0353E, 29077C0354E, 29077C0356E, 29077C0361E, 29077C0362E, 29077C0363E, 29077C0364E, 29077C0452E, 29077C0456E, 29077C0457E, 29077C0459E, 29077C0476E, 29077C0477E, and 29077C0478E dated December 17, 2010, as amended, and any future revisions thereto. In all areas covered by this article, no development shall be permitted except through the issuance of a floodplain development permit, granted by the city council or its duly designated representative under such safeguards and restrictions as the city council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in division 4.

Sec. 36-1711. Floodplain administrator.

The director of building development services is hereby designated as the floodplain administrator under this article.

Sec. 36-1712. Compliance.

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

Sec. 36-1713. Abrogation and greater restrictions.

It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. All other ordinances inconsistent with this article are hereby repealed to the extent of the inconsistency only.

Sec. 36-1714. Interpretation.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

Sec. 36-1715. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This article shall not create a liability on the part of the City of Springfield, any officer or employee thereof, for any flood damages that may result from reliance on this article or any administrative decision lawfully made thereunder.

Sec. 36-1716. Severability.

If any section, clause, provision, or portion of this article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this article shall not be affected thereby.

Secs. 36-1716—36-1719. Reserved.

DIVISION 3. ADMINISTRATION**Sec. 36-1720. Floodplain development permit.**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in section 36-1710. No person, firm, corporation, or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

Sec. 36-1721. Designation of floodplain administrator.

The director of building development services is hereby appointed to administer and implement the provisions of this article.

Sec. 36-1722. Duties and responsibilities of floodplain administrator.

Duties of the floodplain administrator shall include, but not be limited to:

- (1) Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this article have been satisfied;
- (2) Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required by federal, state, or local law;
- (3) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- (4) Issue floodplain development permits for all approved applications;
- (5) notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (6) assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
- (7) Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
- (8) Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved nonresidential structures have been floodproofed;
- (9) When floodproofing techniques are utilized for a particular nonresidential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.

Sec. 36-1723. Application for floodplain development permit.

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- (1) Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- (2) Identify and describe the work to be covered by the floodplain development permit;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Indicate the assessed value of the structure and the fair market value of the improvement;
- (5) Specify whether development is located in designated flood fringe or floodway;
- (6) Identify the existing base flood elevation and the elevation of the proposed development;
- (7) Give such other information as reasonably may be required by the floodplain administrator;
- (8) Be accompanied by plans and specifications for proposed construction; and
- (9) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

Secs. 36-1724—36-1729. Reserved.**DIVISION 4. PROVISIONS FOR FLOOD HAZARD REDUCTION****Sec. 36-1730. General standards.**

- (1) No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.
- (2) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this article. If flood insurance study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources.

(3) Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(4) All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

- (a) Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Construction with materials resistant to flood damage;
- (c) Utilization of methods and practices that minimize flood damages;
- (d) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (e) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
- (f) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 1. All such proposals are consistent with the need to minimize flood damage;
 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 3. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 4. All proposals for development, including proposals for manufactured home parks and subdivisions, of five acres or 50 lots, whichever is lesser, include within such proposals base flood elevation data.

(5) Storage, material, and equipment. The storage and/or processing of materials, including equipment within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life must meet the additional requirements of this section.

(a) Facilities established after the effective date of this article:

1. Storage or processing of materials, including equipment within the special flood hazard may be allowed if placed on fill above the base flood elevation. The placement of the fill must meet the requirements for fill in special flood hazard area.

(b) Facilities established prior to the effective date of this article:

1. Existing facilities may continue to be used in the special flood hazard area. Any expansion of an existing facility must meet the requirements for a new storage lot.
2. If an existing facility is abandoned for a period of more than 12 months, it cannot be re-established unless it meets the requirements for a new facility.

(6) Agricultural structures. Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this article; and a floodplain development permit has been issued.

(7) Accessory structures. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this article; and a floodplain development permit has been issued.

Sec. 36-1731. Specific standards.

(1) In all areas identified as numbered and unnumbered A zones and AE zones, where base flood elevation data have been provided, as set forth in subsection 36-1730(2), the following provisions are required:

- (a) *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two feet above base flood elevation.
- (b) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or other nonresidential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two feet above the base flood elevation or, together with attendant utility and sanitary facilities, be

floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in subsection 36-1722(9).

- (c) *[Other requirements.]* Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided or the use of "engineered vents" in accordance with their listing; and
 2. The bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Sec. 36-1732. Manufactured homes.

(1) All manufactured homes to be placed within all numbered and unnumbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(2) Require manufactured homes that are placed or substantially improved within numbered or unnumbered A zones and AE zones, on the community's FIRM on sites:

- (a) Outside of a manufactured home park or subdivision;
- (b) In a new manufactured home park or subdivision;
- (c) In an expansion to an existing manufactured home park or subdivision; or
- (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of subsection 36-1732(2) of this article, be elevated so that either:

- (a) The lowest floor of the manufactured home is at two feet above the base flood level; or
- (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Sec. 36-1733. Floodway.

Located within areas of special flood hazard established in section 36-1710 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

- (1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
- (2) The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (3) If subsection 36-1733(2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division 4.
- (4) In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in subsection 36-1730(2).

Sec. 36-1734. Recreational vehicles.

Require that recreational vehicles placed on sites within all numbered and unnumbered A zones and AE zones on the community's FIRM either:

- (1) Be on the site for fewer than 180 consecutive days, or
- (2) Be fully licensed and ready for highway use*, or

- (3) Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this article.

Note—* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 36-1735. Areas outside the FEMA designated special flood hazard area (SFHA).

The director of public works shall have the authority to designate areas outside the FEMA designated SFHA which are either unsuitable for development or where the requirements of the SFHA apply. This allows for protection of structures adjacent to the SFHA or in floodprone areas outside the SFHA.

Secs. 36-1736—36-1739. Reserved.

DIVISION 5. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

Sec. 36-1740. Establishment of appeal board.

The board of building and housing appeals as established by the City of Springfield shall hear and decide appeals and requests for variances from the floodplain management requirements of this article.

Sec. 36-1741. Responsibility of appeal board.

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the floodplain administrator, the applicant may apply for such floodplain development permit or variance directly to the board of building and housing appeals, as defined in section 36-1740.

The board of building and housing appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

Sec. 36-1742. Further appeals.

Any person aggrieved by the decision of the board of building and housing appeals or any taxpayer may appeal such decision to the Circuit Court of Greene County as provided in RSMo chapter 536.

Sec. 36-1743. Floodplain management variance criteria.

In passing upon such applications for variances, the board of building and housing appeals shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this article, and the following criteria:

- (1) The danger to life and property due to flood damage;

- (2) The danger that materials may be swept onto other lands to the injury of others;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flood damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

Sec. 36-1744. Conditions for approving floodplan management variances.

(1) Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2) through (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

- (a) A showing of good and sufficient cause;
- (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (6) A community shall notify the applicant in writing over the signature of a community official that:
- (a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by this article.

Sec. 36-1745. Conditions for approving variances for agricultural structures.

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in sections 36-1743 and 36-1744 of this article.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed:

- (1) All agricultural structures considered for a variance from the floodplain management regulations of this article shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
- (2) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's flood insurance rate map (FIRM).
- (3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with subsection 36-1730(4)(b) of this article.
- (4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with subsection 36-1730(4)(a) of this article. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with subsection 36-1730(4)(d) of this article.
- (6) The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with subsection 36-1731(1)(c) of this article.
- (7) The agricultural structures must comply with the floodplain management floodway encroachment provisions of subsection 36-1733(2) of this article. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
- (8) Major equipment, machinery, or other contents must be protected from any flood damage.
- (9) No disaster relief assistance under any program administered by any federal agency shall be paid for any repair or restoration costs of the agricultural structures.
- (10) A community shall notify the applicant in writing over the signature of a community official that:
 - (a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property.Such notification shall be maintained with the record of all variance actions as required by this article.
- (11) Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Sec. 36-1746. Conditions for approving variances for accessory structures.

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in sections 36-1743 and 36-1744 of this article.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

- (1) Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's flood insurance rate map (FIRM).

- (2) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with subsection 36-1730(4)(b) of this article.
- (3) The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with subsection 36-1730(4)(a) of this article. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- (4) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with subsection 36-1730(4)(d) of this article.
- (5) The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with subsection 36-1731(1)(c) of this article.
- (6) The accessory structures must comply with the floodplain management floodway encroachment provisions of subsection 36-1733(2) of this article. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
- (7) Equipment, machinery, or other contents must be protected from any flood damage.
- (8) No disaster relief assistance under any program administered by any federal agency shall be paid for any repair or restoration costs of the accessory structures.
- (9) A community shall notify the applicant in writing over the signature of a community official that:
 - (a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 - (b) Such construction below the base flood level increases risks to life and property.Such notification shall be maintained with the record of all variance actions as required by this article.
- (10) Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Secs. 36-1747—36-1749. Reserved.

DIVISION 6. PENALTIES FOR VIOLATION**Sec. 36-1750. Penalties for violation.**

Violation of the provisions of this article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Springfield or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Secs. 36-1751—36-1759. Reserved.**DIVISION 7. AMENDMENTS****Sec. 36-1760. Amendments.**

The regulations, restrictions, and boundaries set forth in this article may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Springfield. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII Office of the Federal Emergency Management Agency (FEMA). The regulations of this article are in compliance with the National Flood Insurance Program (NFIP) regulations.

Secs. 36-1761—36-1769. Reserved.**DIVISION 8. DEFINITIONS****Sec. 36-1770. Definitions.**

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning they have in common usage and to give this article its most reasonable application.

100-year flood. See "base flood."

Accessory structure means the same as "appurtenant structure."

Actuarial rates. See "risk premium rates."

Administrator means the Federal Insurance Administrator.

Agency means the Federal Emergency Management Agency (FEMA).

Agricultural commodities means agricultural products and livestock.

Agricultural structure means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

Appeal means a request for review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

Appurtenant structure means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

Area of special flood hazard means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Basement means any area of the structure having its floor subgrade (below ground level) on all sides.

Building. See "structure."

Chief executive officer or *chief elected official* means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

Community means any state or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated building means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Eligible community or *participating community* means a community for which the administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood boundary and floodway map (FBFM) means an official map of a community on which the administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood elevation determination means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one-percent or greater chance of occurrence in any given year.

Flood elevation study means an examination, evaluation and determination of flood hazards.

Flood fringe means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

Flood insurance rate map (FIRM) means an official map of a community, on which the administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source. (See "flooding.")

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway or regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment lines means the lines marking the limits of floodways on federal, state and local floodplain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this article.

Manufactured home means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the flood hazard boundary map (FHBM), flood insurance rate map (FIRM), or the flood boundary and floodway map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

Market value or fair market value means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

Mean sea level means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map (FIRM) are referenced.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP means the National Flood Insurance Program (NFIP).

Participating community also known as an "eligible community," means a community in which the administrator has authorized the sale of flood insurance.

Person includes any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state, and local governments and agencies.

Principally above ground means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Recreational vehicle means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a violation means to bring the structure or other development into compliance with federal, state, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Risk premium rates means those rates established by the administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

Special flood hazard area: See "area of special flood hazard."

Special hazard area means an area having special flood hazards and shown on an FHBMs, FIRM or FBMs as zones (numbered or unnumbered) A and AE.

Start of construction includes "substantial improvements", and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State coordinating agency means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes "repetitive loss" buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions, or
- (b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
- (c) Any improvement to a building.

Substantial improvement means any combination of reconstruction, alteration, or improvement to a building, taking place during a ten-year period, in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done.

The term does not apply to:

- (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions, or
- (b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure", or

- (c) Any building that has been damaged from any source or is categorized as repetitive loss.

Substantially improved existing manufactured home parks or subdivisions where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

FLOODPLAIN MANAGEMENT

TABLE OF HISTORY

[Editor's Note: Article XVII, Floodplain, was moved from Article V.]

<i>General Ordi- nance</i>	<i>Passed</i>	<i>Subject</i>
4026	April 19, 1989	Added Floodplain Resistant Construction to Article V and amended City Code Ch. 8 to remove Building Restrictions in Floodplains.
5907	November 1, 2010	Repealed existing provisions in G.O. 4026 relating to floodplain management regulation and enacting new regulations consistent with FEMA's model ordinance.

ARTICLE XVIII.

SWIMMING POOL AND SPA CODE*

- Sec. 36-1801. Adoption of 2018 Swimming Pool and Spa Code.
- Sec. 36-1802. Deletions, modifications, amendments and additions.
- Sec. 36-1803. Penalty clause.

***Editor's note**—It is noted that Gen. Ord. 6562, codified herein, will become effective Feb. 16, 2020.

Sec. 36-1801. Adoption of 2018 Swimming Pool and Spa Code.

City council hereby adopts the 2018 Swimming Pool and Spa Code, as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended. This Code shall be designated as Article XVIII, "2018 Swimming Pool and Spa Code," of chapter 36 of the Springfield City Code, known as the land development code. One copy of said Code shall remain on file in the office of the City Clerk, Busch Municipal Building 840 Boonville Avenue, Springfield, Missouri.

(G.O. 6562, § 1, 11-18-19)

Sec. 36-1802. Deletions, modifications, amendments and additions.

The 2018 International Swimming Pool and Spa Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices shall include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Swimming Pool and Spa Code.

(G.O. 6562, § 1, 11-18-19)

Sec. 36-1803. Penalty clause.

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 36-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

(G.O. 6562, § 1, 11-18-19)

ARTICLE XIX.

2018 INTERNATIONAL ENERGY CONSERVATION CODE*

- Sec. 36-1901. Adoption of the 2018 International Energy Conservation Code.
- Sec. 36-1902. Deletions, modifications, amendments, and additions.
- Sec. 36-1903. Penalty clause.

***Editor's note**—Gen. Ord. 6719, adopted May 2, 2022, becoming effective January 1, 2023, repealed and replaced art. XIX in its entirety to read as herein set out. Former art. XIX pertained to the same subject matter, and derived from Gen. Ord. 6563, adopted November 18, 2019.

Sec. 36-1901. Adoption of the 2018 International Energy Conservation Code.

City council hereby adopts the "2018 International Energy Conservation Code" as published by the International Code Council, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as Article XIX, International Energy Conservation Code, of Chapter 36 of the Springfield City Code, known as the land development code. One copy of said code is on file in the office of the City Clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

(G.O. 6719, § 1, 5-2-22)

Sec. 36-1902. Deletions, modifications, amendments, and additions.

The "2018 International Energy Conservation Code," as adopted, is hereby amended as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 36, Land Development Code, Article I, Administration and Enforcement of Codes and Article X, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices of the IECC shall be amended, from time to time, in accordance with all errata identified and published by the International Code Council after the date of the IECC's first printing.

*Section C402 Building Envelope Requirements**C402.1.1 Low Energy Buildings.*

The following low energy buildings, or portions thereof, separated from the remainder of the building by building-thermal-envelope assemblies complying with this section, shall be exempt from the building-thermal-envelope provisions of section C402:

1. Those with a peak design rate of energy usage, less than $3.4\text{--}15 \text{ Btu/h*ft}^2$ ($47.3\text{--}W/m^2$).
4. Storage Groups 'S-1/S-2'.
5. Utility and Miscellaneous Group 'U'.
6. Factory Group 'F-1/F-2'.

*Section C403 Building Mechanical Systems**C403.7.7 Shutoff damper controls.***Exceptions:**

Gravity dampers shall be permitted for building of any height located in Climate Zones 1, 2, 3, and 4.

C405 Electrical Power and Lighting Systems

C405.2 Lighting Controls (Non-Mandatory)

C405.4 Exterior lighting power Requirements (Non-Mandatory)

C408 MAINTENANCE INFORMATION AND SYSTEM COMMISSIONING (Non-Mandatory)

C503.1 Exceptions:

7. Renovations to existing buildings where it is technically infeasible to conform to the IECC, as approved by the Building Official.

"IECC—RESIDENTIAL PROVISIONS," pp. R-1 through R-59 are deleted in their entirety.

(G.O. 6719, § 1, 5-2-22)

Sec. 36-1903. Penalty clause.

Any person who: violates this article; fails to comply with any order issued pursuant to any section thereof; or, erects, constructs, alters, or repairs a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of these codes, shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided in section 1-7 of the City Code. Any fine imposed shall not be less than \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Each day that a violation continues, after a service of notice as provided for in these codes, shall be deemed a separate offense. Notice as set forth in section 36-166 shall not be required to prosecute a person for a violation of any provision of this article or these codes, except such notice shall be required to prosecute a person for failure to comply with an order.

(G.O. 6719, § 1, 5-2-22)

ORDINANCE DISPOSITION TABLE

This is a chronological listing of the ordinances of the Land Development Code for Springfield, Missouri beginning with Supplement No. 1, included in this Code.

General Ordinance	Date	Description	Section	Section this Code
6136	9- 8-14	Allows utility poles for wireless telecommunications support structures	1(exh. A) Added	36-303(30)(a)3—6. 36-466(q)
6156	11-24-14	Allows off-street parking of commercial vehicles	1(exh. A)	36-409(2)(a)20.
6166	2- 9-15	Allows onsite two consecutive day, fund-raising sale twice a calendar year in legally established community gardens	1(exh. A)	36-470
6173	3- 9-15	Pertains to churches and church accessory uses	1(exh. A)	36-380(2)(e) 36-381(3)(e) 36-382(2)(h) 36-383(2)(h) 36-384(2)(j) 36-385(2)(f)
			Added	36-425(2)(a)26., (b)13.
			Dltd	36-425(3)(a)8. 36-430(2)(h) 36-431(2)(g) 36-432(2)(i) 36-434(2)(m)
6174	6- 9-15	Amends zoning maps		Not codified
6182	4-13-15	Allows recreational vehicle (RV) parks in the R-MHC district	1(exh. A)	36-385(2), (4)
6195	5-11-15	Concerns special events	5, 6 (exh. A)	36-321 36-450(3)(b)13.— 18.
			Added	36-452(3)(a)3.— 5., 7.
			Dltd	36-452(3)(a)6., 8
			as	36-452(3)(a)3., 4.
			Dltd	36-452(3)(b)3.a.
			Rltd	36-452(3)(b)3.b.
			as	36-452(3)(b)3.a.
			Dltd	36-452(3)(b)4. 36-485(3)(b)

SPRINGFIELD LAND DEVELOPMENT CODE

General Ordinance	Date	Description	Section	Section this Code
			Dltd	36-485(3)(c)
			Rltd	36-485(3)(d)
			as	36-483(3)(c)
6222	9-14-15	Incorporates the developer/neighborhood meeting policy into the zoning ordinance	1(exh. A) Added	36-368(9)
6223	9-14-15	Allows lighting spillover at the interior lots lines of multiple lots that function as premises	1(exh. A) Added	36-484(3)(b)2.c.
6224	9-14-15	Adds provisions for sidewalk/pedestrian walkways along commercial development	1(exh. A) Added	36-471(3)(b)7.
6233	10-12-15	Clarifies the public improvement plan escrow process	1(exh. A)	32-233
6234	10-12-15	Allows for more shared parking arrangements between adjacent property owners	1(exh. A)	36-455(4)(a), (d), (f)
6235	10-12-15	Extends the term limits of the planning and zoning commissioners	1(exh. A)	35-350(1)
6257	1-25-16	Amends Building Code	1 Added	36-602(e), (i)
			Rltd	36-602(i)—(k)
			as	36-602(j)—(l)
			Added	36-602(m)
			Rltd	36-602(l)—(aa)
			as	36-602(n)—(cc)
6258	1-25-16	Amends Fuel Gas Code	1 Added	36-1402(f), (g)
			Rltd	36-1402(f)—(t)
			as	36-1402(h)—(v)
			Added	36-1402(w)
6259	1-25-16	Amends Mechanical Code	1 Added	36-632(f)
			Rltd	36-632(f)
			as	36-632(g)
			Added	36-632(h)—(k)
			Rltd	36-632(g)
			as	36-632(l)
6260	1-25-16	Amends Plumbing Code	1	36-622(i), (l), (q)
			Added	36-622(r)
			Rltd	36-622(r), (s)
			as	36-622(s), (t)
			Dltd	36-622(t)
			Added	36-622(v)
			Rltd	36-622(v)—(x)

ORDINANCE DISPOSITION TABLE

General Ordinance	Date	Description	Section	Section of this Code	
			as	36-622(w)— (y)	
			2	36-624	
6261	1-25-16	Amends Residential Code	1	36-1302(e)	
			Added	36-1302(j), (k)	
			Rltd	36-1302(j)— (q)	
			as	36-1302(l)— (s)	
			Added	36-1302(t)	
			Rltd	36-1302(r)— (t)	
			as	36-1302(u)— (w)	
			Added	36-1302(x)	
			Rltd	36-1302(u)	
			as	36-1302(y)	
			Added	36-1302(z)	
			Rltd	36-1302(v)— (y)	
			as	36-1302(aa)— (dd)	
			Added	36-1302(ee)	
			Rltd	36-1302(z)— (pp)	
			as	36-1302(ff)— (vv)	
			Dltd	36-1302(qq)	
6262	1-25-16	Amends Electrical Code	1	Added	36-612(c)
			Rltd	36-612(c)— (l)	
			as	36-612(d)— (m)	
6271	4- 4-16	Reasonable accommodation policy and procedure	1	Added	36-336
6272	4- 4-16	Planning and zoning commission	1		36-350(1)
6273	4- 4-16	Landmarks board	1		36-353(3)
6283	6-13-16	Conditional use permits	1		36-363(3)(g), (5)
6284	6-13-16	Supplemental open space and yard regulations	1		36-453(5)(a)5.
6290	7-11-16	Design requirements of the COM district	1		36-425(7)(h)2., 3.
6302	9- 6-16	Off-street parking and loading area design standards	1		36-483(f)(f)
6303	9- 6-16	Lot dimension and location requirements	1		36-247(1)(a), (2)
6304	9- 6-16	Amendments	1	Added	36-214
6308	10-17-16	Permits and fees	1, 2		36-128(1)b., 36-146(d)
6315	11-14-16	Utility substation facilities	1		36-303(30)(b)2.

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6335	1-23-17	Overnight shelters	1	36-303(33)(b)1.
6348	3- 6-17	International Property Maintenance Code	1—4 Added	Art. VII
6352	3-20-17	Administration and enforcement of codes	1 Added	36-100, 36-101(2) 36-101(9) 36-102, 36-109.1, 36-109.2, 36-110(c)
			2	36-112, 36-113, 36-116(d), (e)
			3	36-127
			4	36-146(d), (f)
			5	36-148
			7	36-162
			8	36-166, 36-168, 36-169, 36-171
6326	12-12-16	Off-street parking requirements	1	36-455(2)(b)10.
6359	4-11-17	Roundtree Urban Conservation District use		Not codified
6365	5-15-17	Design and development standards	2	36-480(2)
6404	11-13-17	Zero-lot-line construction	1	36-362(5), (7)
6406	11-27-17	International Property Maintenance Code	1	36-616
6407	11-27-17	International Property Maintenance Code; uniform enforcement procedures	1 2	36-616 36-1001
6413	12-11-17	Amends District regulations	1	36-400(2)(r), 36-420(2)(l), 36-421(2)(w), 36-422(2)(kk)
6414	12-11-17	Rezoning		Not codified
6435	2-26-18	Uniform enforcement procedures—Definitions	1	36-1002
6446	4- 9-18	Stream buffers	1 2 Added	36-253 36-472
6450	5-21-18	Amendments	1	36-367(1)
6467	7-16-18	Amendments	1(Exh. A)	36-303(5), 36-305(7), (8), 36-360(5)(i), 36-361(3)(a), 36-365(2)(a)
			Dltd	36-401(3)(c) 36-403(7)(b)2., 3.

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General Ordinance	Date	Description	Section	Section this Code
			Dltd	36-405(8)(i)1.a., 36-409(2)(c)4., (3)(e)(6), (4)(d)6.
			Rnbd	36-405(4)(d)7. as 36-405(4)(d)6.
			Dltd	36-421(3)(d), 36-422(3)(c), 36-423(3)(c), 36-425(3)(a)11., 36-432(3)(c), 36-433(3)(d), 36-431(3)(c) 36-450(5)(a)3.
6484	12-10-18	Economic and housing access calamity	1	36-303(34)(c)
6494	1-14-19	Effective period of preliminary approval for major subdivisions	1	36-226(3)(h)
6495	1-14-19	Automatic teller machines as temporary uses	1 Added	36-452(3)(a)6.
6497	1-28-19	Short-term rentals	1	36-321
			Added	36-380(2)(o)
			Rltd	36-380(2)(o)—(r)
			as	36-380(2)(p)—(s)
			Added	36-381(2)(p)
			Rltd	36-381(2)(p)—(t)
			as	36-381(2)(q)—(u)
			Added	36-382(2)(r)
			Rltd	36-382(2)(r)—(u)
			as	36-382(2)(s)—(v)
			Added	36-383(2)(r)
			Rltd	36-383(2)(r)—(u)
			as	36-383(2)(s)—(v)
			Added	36-384(2)(u)
			Rltd	36-384(2)(u)—(x)
			as	36-384(2)(v)—(y)
			Added	36-385(2)(p)
			Rltd	36-385(2)(p)—(s)
			as	36-385(2)(q)—(t)
			Added	36-400(2)(w)
			Rllt	36-400(2)(w)—(y)

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			as	36-400(2)(x)— (z)
			Added	36-401(2)(cc)
			Rltd	36-401(2)(cc)— (hh)
			as	36-401(2)(dd)— (ii)
			Added	36-409(2)(a)21. 36-409(3)(b)10.
			Added	36-409(3)(b)21., (4)(a)14.
			Rnbd	36-409(4)(a)14.— 16.
			as	36-409(4)(a)15.— 17.
			Added	36-420(2)(n)
			Rltd	36-420(2)(n)— (p)
			as	36-420(2)(o)— (q)
			Added	36-421(2)(bb)
			Rltd	36-421(2)(bb)— (gg)
			as	36-421(2)(cc)— (hh)
			Added	36-422(2)(pp)
			Rltd	36-422(2)(pp)— (yy)
			as	36-422(2)(qq)— (zz)
			Added	36-423(2)(xx)
			Rltd	36-423(2)(xx)— (iii)
			as	36-423(2)(yy)— (jjj)
			Added	36-424(2)(nn)
			Rltd	36-424(2)(nn)— (tt)
			as	36-424(2)(oo)— (uu)
			Added	36-425(2)(b)14.
			Added	36-430(2)(y)
			Rltd	36-430(2)(y)— (ff)
			as	36-430(2)(z)— (gg)
			Added	36-431(2)(w)
			Rltd	36-431(2)(w)— (ee)
			as	36-431(2)(x)— (ff)
			Added	36-432(2)(cc)

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			Rltd	36-432(2)(cc)— (kk)
			as	36-432(2)(dd)— (ll)
			Added	36-433(2)(mm)
			Rltd	36-433(2)(mm)— (ww)
			as	36-433(2)(nn)— (xx)
			Added	36-434(2)(mm)
			Rltd	36-434(2)(mm)— (vv)
			as	36-434(2)(nn)— (ww)
				36-451(3)(i)
			Added	36-473
6520	4-22-19	Removes inconsistencies with existing occupancy requirements pertaining to home occupations	1	36-409(3)(b)10. 36-451(3)(i)
6502	2-11-19	Placement of bicycle docks on rights-of-way	2	36-454(3)(b)
6521	4-22-19	Reducing the minimum lot area requirements for development	1	36-383(5)(a)5. 36-384(5)(a)5.
6522	4-22-19	Legal descriptions for rezoning	1	36-367(3)(a)3. Added 36-367(3)(a)4. Rnbd 36-367(3)(a)4.—8. as 36-367(3)(a)5.—9.
6528	5-20-19	Medical marijuana facilities	1	Added 36-303(31)(d)(3) 36-321 Added 36-363(10(b)7. Added 36-421(2)(q), (r) Rltd 36-421(2)(q)— (hh) as 36-421(2)(s)— (jj) Added 36-422(2)(bb)— (dd) Rltd 36-422(2)(bb)— (zz) as 36-422(2)(ee)— (ccc) Added 36-422(3)(d), (e) Rltd 36-422(3)(e)— (j) as 36-422(3)(f)— (k) Added 36-423(2)(gg)— (ii)

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General Ordinance	Date	Description	Section	Section this Code
			Rltd	36-423(2)(gg)— (jjj)
			as	36-423(2)(hh)— (mmm)
			Added	36-423(3)(c)
			Added	36-424(2)(bb), (cc)
			Rltd	36-424(2)(bb)— (uu)
			as	36-424(2)(dd)— (ww)
			Added	36-425(2)(a)13., 14.
			Rnbd	36-425(2)(a)13.— 26.
			as	36-425(2)(a)15.— 28.
			Added	36-430(2)(q)— (t)
			Rltd	36-430(2)(q)— (gg)
			as	36-430(2)(u)— (kk)
			Added	36-430(3)(a), (b)
			Rltd	36-430(3)(a)— (d)
			as	36-430(3)(c)— (e)
			Added	36-431(2)(p)— (s)
			Rltd	36-431(2)(p)— (ff)
			as	36-431(2)(t)— (jj)
			Added	36-431(3)(a)
			Rltd	36-431(3)(a)— (f)
			as	36-431(3)(b)— (g)
			Added	36-432(2)(t)— (x)
			Rltd	36-432(2)(t)— (ll)
			as	36-432(2)(y)— (qq)
			Added	36-432(3)(e), (f)
			Rltd	36-432(3)(e)— (h)
			as	36-432(3)(g)— (j)
			Added	36-433(2)(aa)— (ee)

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			Rltd	36-433(2)(aa)— (xx)
			as	36-433(2)(ff)— (ccc)
			Added	36-433(3)(d), (e)
			Rltd	36-433(3)(d)— (l)
			as	36-433(3)(f)— (m)
			Added	36-434(2)(y)— (bb)
			Rltd	36-434(2)(y)— (ww)
			as	36-434(2)(cc)— (aaa)
			Added	36-434(3)(c)
			Added	36-474
6543	8-12-19	Signs	3	36-454(17)(a)8
6554	11-18-19	Building trades examination and certifica- tion board	1 Rpld	36-500— 36-535
			Added	36-500— 36-507, 36-521— 36-526, 36-531— 36-539, 36-541— 36-541, 36-551, 36-552, 36-560
6562	11-18-20	Swimming Pool and Spa Code	1 Added	36-1801— 36-1803
6563	11-18-20	Energy Conservation Code	1 Added	36-1901— 36-1903
6564	11-18-19	Residential Building Code	1	36-1301— 36-1304
6553	11-18-19	Administration and enforcement of codes	1	36-100
			Added	36-101(10), (11) 36-102, 36-113, 36-120, 36-128(3), 36-124, 36-125, 36-139, 36-146(h)
			Added	36-148(5), (6)
			Rnbd	36-148(5)
			as	36-148(7)
			Added	36-148(8)
			Rnbd	36-148(6)— (8)

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			as	36-148(9)— (11)
				36-150, 36-156, 36-160(3), 36-171
6555	11-18-19	Building Code	1	36-601— 36-604
6556	11-18-19	Electrical Code	1	36-611— 36-614
6557	11-18-19	Plumbing Code	1	36-621— 36-624
6558	11-18-19	Mechanical Code	1	36-631— 36-634
6559	11-18-19	Fuel Gas Code	1	36-1401— 36-1404
6560	11-18-19	Private Sewage Disposal Code	1	36-1501— 36-1504
6561	11-18-19	Existing Building Code	1	36-1601— 36-1603
6573	2-24-20	Property Maintenance Code	1 Rpld	36-615— 36-618
			Added	36-615— 36-617
6574	2-24-20	Cosmetology services as home occupations	1	36-451(3)(m), (4)(g)
			Dltd	36-451(5)(c)
			Rltd	36-451(5)(d)— (u)
			as	36-451(5)(c)— (t)
6576	3- 9-20	Sight triangles	1	36-453(6)(b)3.
			Dltd	36-453(6)(b)4.
6583	4- 6-20	Historic sites	1(Exh. A)	36-353(2), (4)(a), (p), 36-404(2)(b), (d), (e), (3)(g)
6592	5- 4-20	Tiny homes, tiny home communities, campgrounds, and recreational parks	1	36-321
			2	36-385(1), (2)(n)
			Added	36-385(2)(r)
			Rltd	36-385(2)(r)— (s)
			as	36-385(2)(s)— (u)
			3	Added 36-475
6624	11-30-20	Home occupations	1 Added	36-451(3)(n)
6633	1-25-21	Airport overlay district	1	36-406(3)(c), (5)(a)2.a., 3.a.
			Added	36-406(5)(c) 36-406(8)(b)

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6637	2- 8-21	Fees and licenses	1	36-544(b), 36-545(a)
6661	6-28-21	Grant Avenue Parkway District	1(Exh. B) Added	36-486— 36-495
6684	9-20-21	Grant Avenue parking district standards	1(Exh. B)	36-487— 36-489, 36-490(1), 36-491, 36-493(2)
6694	11-29-21	Interstate highway commercial sign district	1(Exh. B, att. 2)	36-454(19)
6703	1-24-22	Acupuncture as home occupation	1 2	36-321 36-451(3)(m)
6716	4- 4-22	Stream buffers and water quality	1(Exh. B, att. 2)	36-472
6719	5- 2-22	International Energy Conservation Code	1	36-1901— 36-1903
6736	8- 8-22	International Residential Code	1	36-1301— 36-1304
6792	6-26-23	Grant Avenue Parkway district standards	1 2	36-487 36-488

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