City of Springfield

Agenda

Planning and Zoning Commission

Randall Doennig, Chair

Dan Scott, Vice Chair
Brandi Morris
Helen Gunther
David Jacquez

Christopher Souliere
Eric Pauly
Jennifer McClure
Layne Hunton

June 11, 2026 | **6:30 PM** | **Regional Police-Fire Training Center, 2620 West Battlefield Road, Room 101, 102, and 103**

1. ROLL CALL.

2. APPROVAL OF MINUTES.

2.1. May 21, 2026

3. COMMUNICATIONS.

3.1. May 2026 Planning and Zoning / City Council Actions

4. CONSENT ITEMS.

4.1. Relinquishment of Easement 981
2734 & 2746 North Kansas Expressway (Applicant: 2 Combs Enterprises, Inc.)

5. UNFINISHED BUSINESS.

5.1. Vacation 845 (POSTPONED)
2616 & 2626 West College Road and 2630, 2638, 2643 & 2646 West Olive Street and 226 North Scenic Avenue (Applicant: Preferred Family Healthcare, Inc.)

6. PUBLIC HEARINGS.

6.1. Z-14-2026
2852 West Republic Road (Applicant: B&B Rental & Real Estate, LP)

In accordance with ADA guidelines, if you need special accommodations when attending this meeting, please notify the Planning and Development office at 417-864-1611 as soon as possible to accommodate your needs.

6.2. Z-15-2026
233 East Norton Road (Applicant: Maranatha Village, Inc.)

ADMINISTRATIVE ACTION: SUBDIVISION

6.3. Preliminary Plat of Horizons at the Ridge 1st Addition (POSTPONED)
1012 West Buena Vista Street (Applicant: Westward Land Co., LLC)

7. OTHER BUSINESS.

7.1. Marijuana & Medical Marijuana Uses Drive-Through Hours of Operation Amendment
Citywide (Applicant: V3 MO Vending 5, LLC)

7.2. Land Development Code Text Amendment 3
Citywide (Applicant: City of Springfield)

8. ADJOURN.

City of Springfield
Minutes
Planning and Zoning Commission

Helen Gunther	Randall Doennig, Chair	Christopher Souliere
Jennifer McClure		Eric Pauly
David Jacquez		Dan Scott, Vice Chair
		Layne Hunton

May 21, 2026	**6:30pm**	**Regional Police-Fire Training Center** **2620 West Battlefield Road** **Room 101, 102, and 103**

ROLL CALL.
Present: Commissioner Scott, Commissioner Jacquez, Commissioner Pauly, Commissioner McClure, Commissioner Gunther, and Commissioner Souliere. Absent: Commissioner Doennig and Commissioner Hunton.

Staff in attendance: Justin Crighton, Planning and Development Assistant Director, Laura Vales, Assistant City Attorney, and Daniel Neal, Senior Planner.

APPROVAL OF MINUTES.
The minutes of May 7, 2026 were approved.

COMMUNICATIONS.

CONSENT ITEMS. None

UNFINISHED BUSINESS. None

PUBLIC HEARINGS. None

OTHER BUSINESS.

Chapter 36 Article 9 Text Amendment
Citywide
Applicant: City of Springfield

Mr. Crighton stated that this is to address immediate and pressing changes needed for the sign ordinance. The new sign code, implemented in April, caused unexpected problems and did not meet the consultant's "no net impact" promise regarding sign regulations and upon reviewing permit applications, staff discovered several provisions were incorrectly applied or resulted in stricter rules than intended. This amendment is designed as a "status quo restoration" to reset regulations before a broader community discussion about future sign regulations.

Commissioner Scott inquired about classifying bright LED lights around display windows (e.g., vape shops) as signs. Staff noted the new code limited window sign area, but the old code did not address this, indicating it would be part of the broader future sign conversation. Additional questions were raised about brightness regulations for large LED displays. Staff confirmed the existence of industry-standard brightness limits and duration rules for message changes, which are restored to their previous state by the amendment.

Commissioner Scott opened the public hearing.

No speakers.

Commissioner Scott closed the public hearing.

COMMISSION ACTION: (no action taken on vote)
Planning and Zoning Commissioner Pauly moved to approve the original Chapter 36 Article 9 Text Amendment. Commissioner Gunther seconded the motion. No action taken.

COMMISSION ACTION: (adopt substitute staff report and exhibits)
Planning and Zoning Commissioner Pauly moved to adopt substitute the staff report and exhibits as described for Chapter 36 Article 9 Text Amendment. Commissioner Gunther seconded the motion. The item **Passed** with the following votes: Ayes: Commissioner Scott, Commissioner Jacquez, Commissioner Pauly, Commissioner McClure, Commissioner Gunther, and Commissioner Souliere. Nays: None. Absent: Commissioner Doennig and Commissioner Hunton. Abstain: None.

COMMISSION ACTION:
Planning and Zoning Commissioner Pauly moved to approve Chapter 36 Article 9 Text Amendment. Commissioner Gunther seconded the motion. The item **Passed** with the following votes: Ayes: Commissioner Scott, Commissioner Jacquez, Commissioner Pauly, Commissioner McClure, Commissioner Gunther, and Commissioner Souliere. Nays: None. Absent: Commissioner Doennig and Commissioner Hunton. Abstain: None.

ADJOURN.

PNZ City Council Results

Meeting Dates From: 05/01/2026 **To:** 05/31/2026

Project Info	PNZ Hearing Date / Result	1st City Council Hearing Date / Result	2nd City Council Hearing Date / Result
Relinquishment of Easement 973 1650 S INGRAM MILL RD	5/7/2026		
Vacation 845 2626 W COLLEGE RD 2616 W COLLEGE RD 2630 W OLIVE ST 2638 W OLIVE ST 2642 W OLIVE ST 2646 W OLIVE ST 226 N SCENIC AVE	5/7/2026		
Vacation 846 2820 S PARK AVE 2740 S PARK AVE 2741 S PARK AVE 2750 S PARK AVE 2751 S PARK AVE 2445 W VISTA ST	5/7/2026		
Vacation 847 714 W CHESTNUT ST	5/7/2026		
Relinquishment of Easement 980 1 CONVOY DR	5/7/2026		
Relinquishment of Easement 979 1 CONVOY DR	5/7/2026		
Chapter 36 Article 9 Sign Code Text Amendment Citywide	5/21/2026 Approved		
Z-10-2026 1125 E THOMAN ST	4/9/2026 Approved	5/4/2026 Complete	5/18/2026 Approved
PPlat Renewal MHC Kenworth Addition 5400 E BUCEES BLVD	4/9/2026 Approved	5/4/2026 Complete	5/18/2026 Approved
East West Arterial Mapping Extension Future East West Arterial extending from E Evans Road	4/9/2026 Approved	5/4/2026 Complete	
A-3-2026 2707 N FARM ROAD 123		5/18/2026 Complete	

DEVELOPMENT REVIEW STAFF REPORT

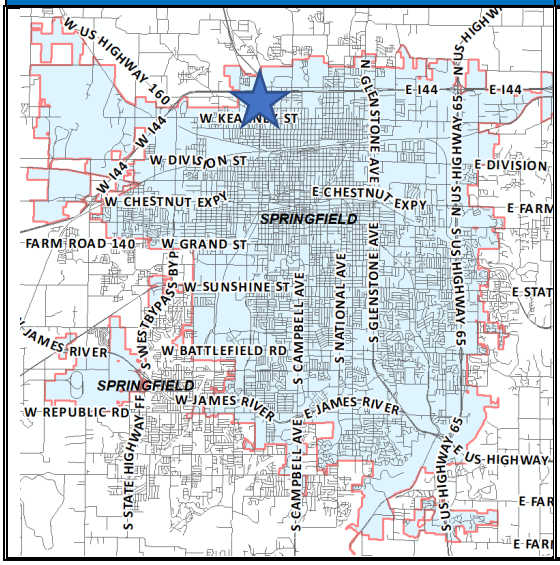
PROJECT INFORMATION

Case Number:	Relinquishment of Easement 981
Location:	2746 North Kansas Expressway
Total Acres:	0.092 acres
Applicant:	2 Combs Enterprises, Inc
Existing Land Use:	Vacant/Retail
Planning and Zoning Commission:	June 11, 2026
City Council:	N/A
Staff:	Tyler Hession, Associate Planner, (417) 864-1615
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of RE 981 as submitted in the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of five (5) voting members shall be required.

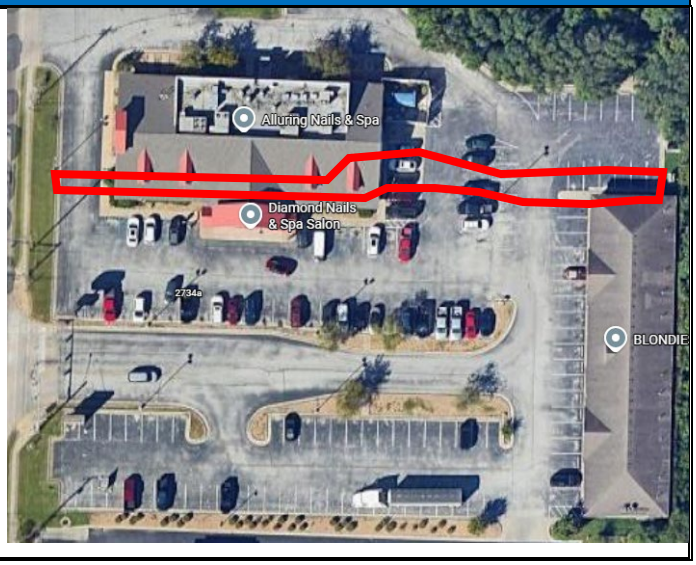
PROJECT SUMMARY:

The applicant, 2 Combs Enterprises, Inc, is requesting to relinquish an electric easement to facilitate the development of the property. No replacement easements are to be dedicated.

LOCATION MAP



EASEMENT SITE

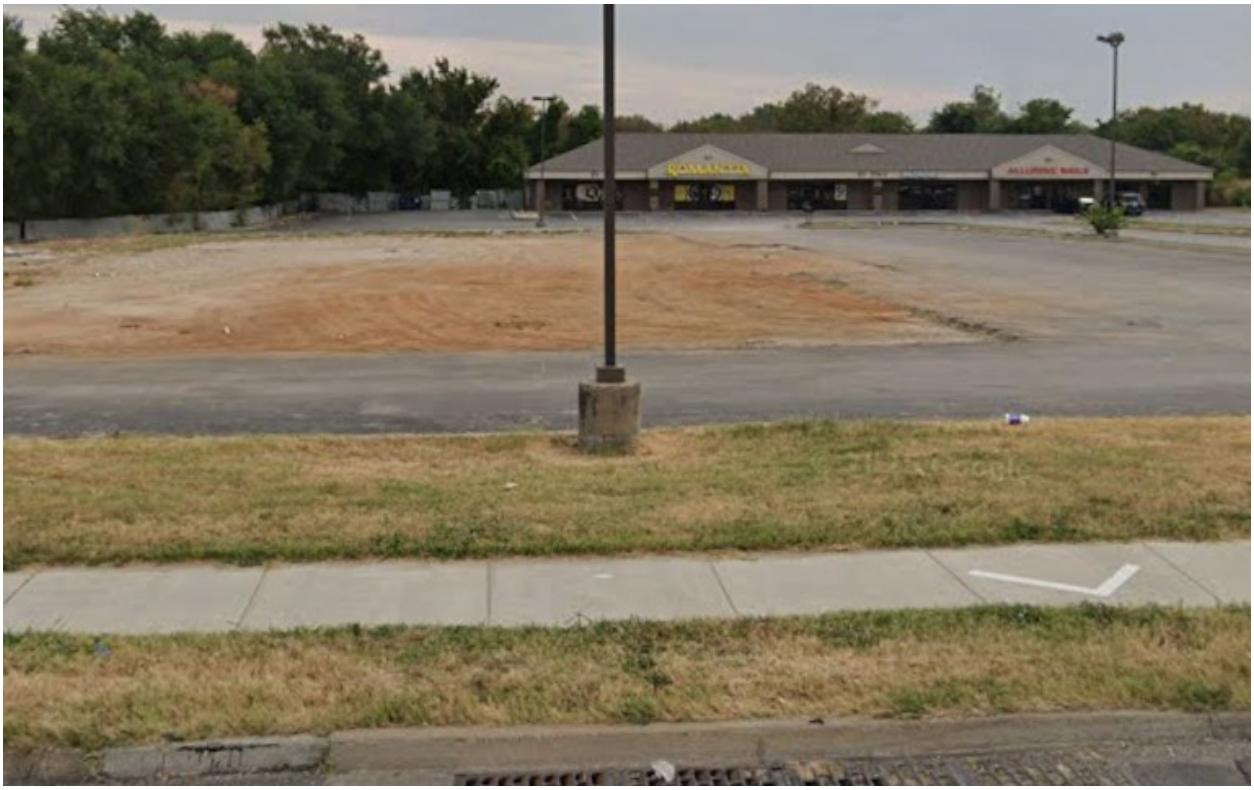


DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 98-160. - Relinquishment of public utility easements.

(a) The planning and zoning commission may authorize the relinquishment of a public utility easement upon determining the following:
  (1) No one has objected to the relinquishment of the easement.
  (2) The appropriate city agency (public works in the case of sewer easements, and city utilities in the case of electric, gas and water easements) has filed with the department of community development a statement that the easement is no longer needed to provide utility service.
  (3) The retention of the easement no longer serves any useful public purpose.

(b) Upon the planning and zoning commission determining that the conditions set forth in subsection (a) of this section have been satisfied, the commission may adopt a resolution authorizing the mayor of the city to quitclaim the city's interest in the public utility easement, which quitclaim deed shall be filed in the county land records. If the conditions set forth in subsection (a) of this section are not satisfied, any person who has filed a request for the relinquishment of the public utility easement can request that the city council consider the matter by filing a notice with the director of community development asking that the city council hear the matter.

DEPARTMENT COMMENTS:

1. PUBLIC WORKS - SURVEY:

   Approved.

2. CITY UTILITIES:
   No issues with the proposed relinquishment. CU has received payment, signed contract, and replacement easements necessary to relocate the existing electric facility.

3. MEDIACOM:

   Approved.

4. AT&T:
   No comments provided in allotted review time.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to relinquish an electric easement to facilitate the development of the property.

2. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.

3. No one has objected to this request to date.

DEVELOPMENT REVIEW STAFF REPORT

STAFF RECOMMENDATION:

1. Staff recommends approval based on the finding of facts above.

PLANNING AND ZONING OPTIONS:

1. Recommend that the relinquishment is determined to be generally consistent with the master plan (Comprehensive Plan Forward SGF).

2. Recommend that the relinquishment is determined to be not consistent with the master plan (Comprehensive Plan Forward SGF).

REQUIREMENTS FOR APPROVAL:

TABLE A

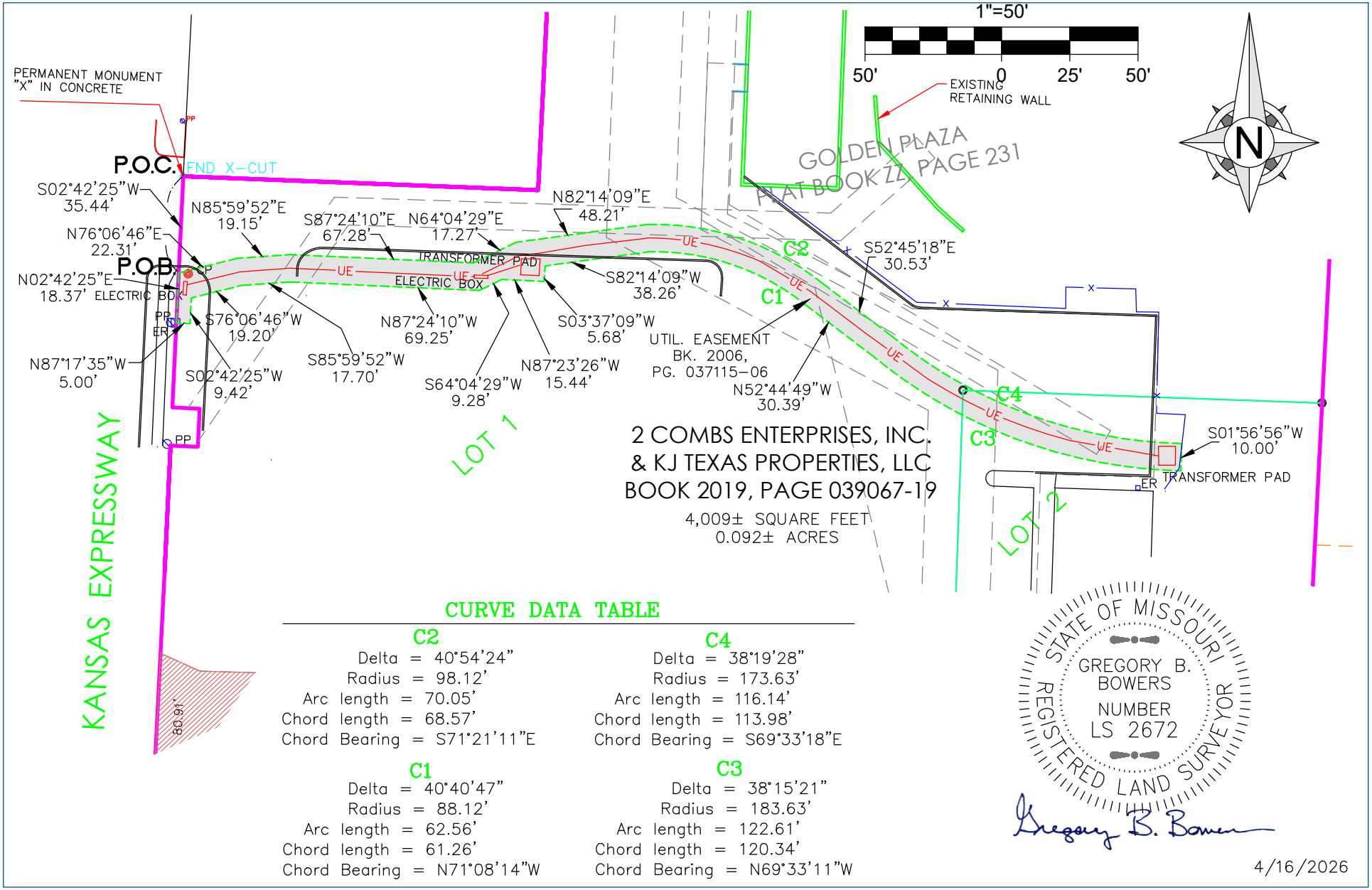
In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings.		**Staff Response**
1.	No one has objected to the relinquishment of the easements.	No one has objected to the relinquishment of the easement.
2.	The appropriate City agency has filed with the Planning and Development Department a statement that the easements are no longer needed to provide service.	All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement. The applicant is not required to dedicate a replacement easement.
3.	That the retention of the easements no longer serves any useful public purpose.	The retention of the subject easement no longer serves a public purpose. The applicant is not required to dedicate a replacement easement.

DEVELOPMENT REVIEW STAFF REPORT

LEGAL DESCRIPTION:

AN IRREGULAR SHAPED PERPETUAL UTILITY EASEMENT BEING PART OF LOTS 1 AND 2 OF THE FINAL PLAT OF GOLDEN PLAZA AS DESCRIBED IN THE GREENE COUNTY, MISSOURI, RECORDER'S OFFICE IN PLAT BOOK ZZ, PAGE 231 AND SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, OF THE FINAL PLAT OF GOLDEN PLAZA AS DESCRIBED IN PLAT BOOK ZZ AT PAGE 231 SAID POINT ALSO LYING ON THE EAST RIGHT-OF WAY OF KANSAS EXPRESSWAY; THENCE ALONG SAID EAST RIGHT-OF-WAY, SOUTH 02°42'25" WEST, 35.44 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EAST RIGHT-OF-WAY, NORTH 76°06'46" EAST, 22.31 FEET; THENCE NORTH 85°59'52" EAST, 19.15 FEET; THENCE SOUTH 87°24'10" EAST, 67.28 FEET; THENCE NORTH 64°04'29" EAST, 17.27 FEET; THENCE NORTH 82°14'09" EAST, 48.21 FEET; THENCE 70.05 FEET ALONG A 98.12 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 71°21'11" EAST FOR A DISTANCE OF 68.57 FEET; THENCE SOUTH 52°45’18" EAST, 30.53 FEET; THENCE 116.14 FEET ALONG A 173.63 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 69°33'18" EAST FOR A DISTANCE OF 113.98 FEET; THENCE SOUTH 01°56'56" WEST, 10.00 FEET; THENCE 122.61 FEET ALONG A 183.63 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 69°33'11" WEST FOR A DISTANCE OF 120.34 FEET; THENCE NORTH 52°44'49" WEST, 30.39 FEET; THENCE 62.56 FEET ALONG A 88.12 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 71°08'14" WEST FOR A DISTANCE OF 61.26 FEET; THENCE SOUTH 82°14'09" WEST, 38.26 FEET; THENCE SOUTH 03°37'09" WEST, 5.68 FEET; THENCE NORTH 87°23'26” WEST, 15.44 FEET; THENCE SOUTH 64°04'29" WEST, 9.28 FEET; THENCE NORTH 87°24'10" WEST, 69.25 FEET; THENCE SOUTH 85°59'52" WEST, 17.70 FEET; THENCE SOUTH 76°06'46" WEST, 19.20 FEET; THENCE SOUTH 02°42'25" WEST, 9.42 FEET; THENCE NORTH 87°17'35" WEST, 5.00 FEET TO A POINT LYING ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF KANSAS EXPRESSWAY; THENCE ALONG SAID EAST RIGHT-OF-WAY, NORTH 02°42'25" EAST, 18.37 FEET TO THE POINT OF BEGINNING. ALL LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. CONTAINING 4,009 SQUARE FEET OR 0.092 ACRES MORE OR LESS.



CURVE DATA TABLE

C2
Delta = 40°54'24"
Radius = 98.12'
Arc length = 70.05'
Chord length = 68.57'
Chord Bearing = S71°21'11"E

C4
Delta = 38°19'28"
Radius = 173.63'
Arc length = 116.14'
Chord length = 113.98'
Chord Bearing = S69°33'18"E

C1
Delta = 40°40'47"
Radius = 88.12'
Arc length = 62.56'
Chord length = 61.26'
Chord Bearing = N71°08'14"W

C3
Delta = 38°15'21"
Radius = 183.63'
Arc length = 122.61'
Chord length = 120.34'
Chord Bearing = N69°33'11"W

STATE OF MISSOURI
GREGORY B. BOWERS
NUMBER LS 2672
REGISTERED LAND SURVEYOR

Gregory B. Bowers

4/16/2026

OWN
Engineering beyond.™
3213 S. West Bypass
Springfield, MO 65807
417.866.2741
COA# 00062

2 COMBS ENTERPRISES, INC.

RECORD UTILITY EASEMENT VACATION SKETCH

2734 N. KANSAS EXPRESSWAY, SPRINGFIELD, MO.

DRAWN BY:	PROJECT NO:
BAC	25SP10037
DATE: 3-15-2026	FIELD BK: CU 06-2

PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW OFFICE
MEMORANDUM

DATE: June 8, 2026

TO: Planning and Zoning Commission

FROM: Michael Sparlin
Senior Planner

SUBJECT: Vacation 845

This case is postponed to the next Planning and Zoning Commission meeting on July 16, 2026.

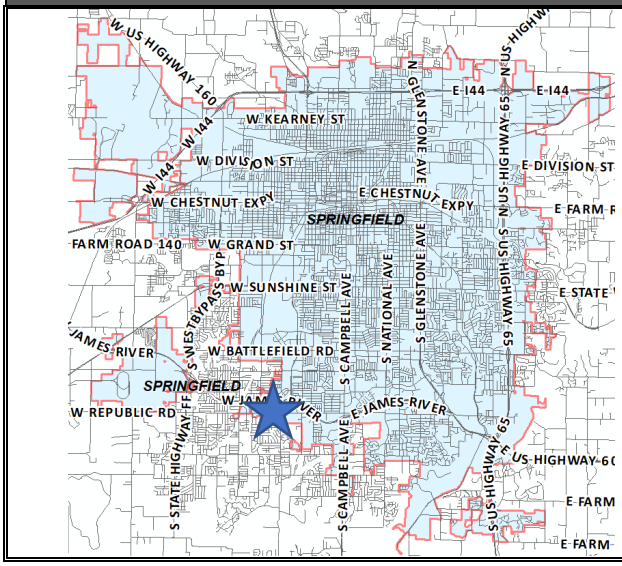
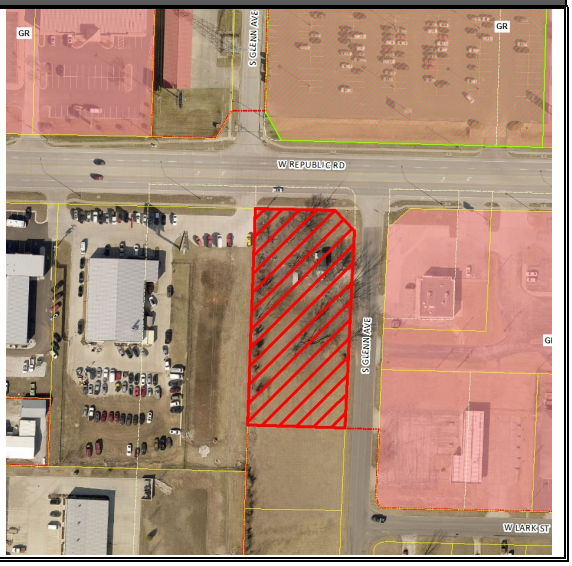
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION:

Case Number:	Z-14-2026
Location:	2852 West Republic Road
Total Acres:	1 acre
Applicant:	B&B Rental & Real Estate LP
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	May 21, 2026
Planning and Zoning Commission:	June 11, 2026
City Council:	July 13, 2026
Public Notification:	Mail, posted property, and legal in the Springfield News-Leader
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-14-2026 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

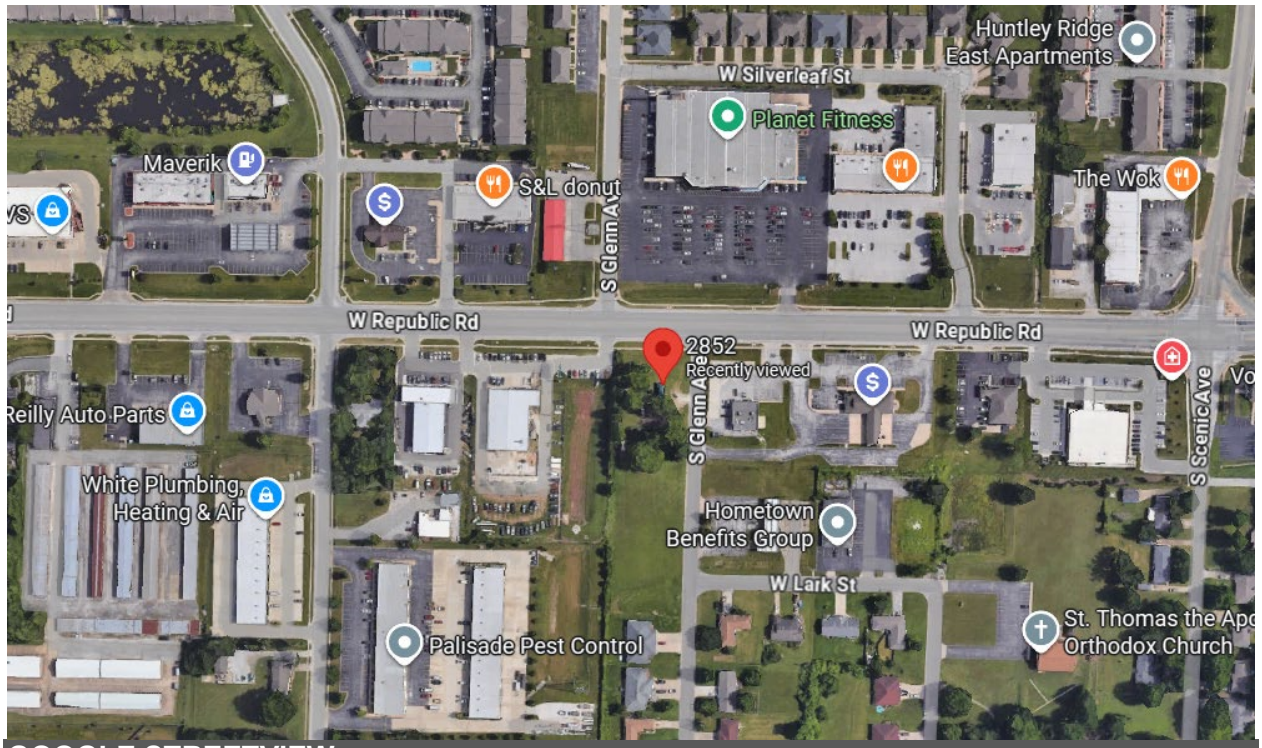
PROJECT SUMMARY:

Request to rezone approximately 1 acre of property generally located at 2852 West Republic Road from County C-2 to GC, General Commercial.

LOCATION MAP	ZONING MAP
	

DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LOCATION:



GOOGLE STREETVIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was annexed into the Springfield city limits on May 18, 2026.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-2.05. – Rezoning

B. Review Criteria. Review, recommendations, and decisions for a proposed rezoning shall be based on evaluating and balancing the following criteria:

1. The proposed district is consistent with the goals and objectives of the comprehensive plan and any other plan, policy or guidance adopted pursuant to that plan.
2. Whether the area has changed since the existing zoning has been in place, or it is changing to a degree that it advances is in the public interest to rezone the property.
3. The proposed district will enable development in character with existing or anticipated development in the area considering:
   a. The design of streets, civic spaces, and other open space;
   b. The mix, density, or intensity of potential uses;
   c. The pattern, scale, and format of buildings and sites enabled by district standards;
   d. The compatibility with and transition to other districts, development, or uses in the vicinity; and
   e. Any reasonably anticipated negative impacts can be mitigated by applicable development standards or planning, design, and engineering practices applicable to the site.
   f. Any rezoning application conditioned on a zoning site plan may be evaluated based on that plan; otherwise, the entirety of what may be enabled by the zoning district shall be considered with the above criteria.
4. The City or other agencies can provide services, facilities, and infrastructure that may be necessary for anticipated uses in the proposed district, including capacity of the surrounding street network and access on specific street frontages.
5. Reasonable viable economic use of the subject property will be precluded if the proposed rezoning is denied.
6. The recommendations of any professional staff or advisory review bodies, and any additional testimony or evidence on the record.
7. Any relevant information submitted or presented at the public hearing.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GC DISTRICT
Minimum Lot area	n/a
Maximum Lot area	n/a
Minimum Lot Width	50 feet
Maximum Lot width	n/a
Minimum Open Space	20%
Maximum Height	n/a
Minimum Setbacks	Front – 25 feet

	Side – 25 feet Rear – n/a
Frontage Type	The default frontage type is the “Frontage C” according to Table 6-2.
Frontage Design	Front Building Line (build-to range): 30'–90' Required Front Building Line: 40%+ Maximum Access Width: 30' Access Spacing: Coordinated with Section 36-7.03 requirements Minimum Parking Setback: 6' min. Maximum Extent of Parking Frontage: n/a Maximum Extent of Garage Bays: 25% of facade Landscape: See Section 36-8.03
Building Design Standards	Massing & Modulation: 150' / 2k s.f. Entry Feature Spacing: 150' max.; 1/100' avg. Minimum First Story Transparency: 40%; win 50' of entry Minimum Upper Story Transparency: 15% (n/a for industrial buildings in LIC, HM)

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan’s Land Use & Development* chapter identifies the subject property as the City Corridor placetype.

The City Corridor placetype predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers. City Corridors are also key locations to support and encourage multi-family developments that rely on proximity to retail, commercial services, and employment centers. Each of these use groups are best located along major roadways with high volumes of traffic. This placetype is not only highly accessible by car, but also by walking, biking, and transit. City Corridors provide a wide range of shopping, service, entertainment, and employment destinations for both residents and visitors. Common uses within the placetype include chain restaurants, gas stations, hotels, national retailers, movie theaters, smaller offices, and a variety of support services.

Primary Land Uses:

- Office, hospitality, retail sales and service
- Multi-family
- Sports complexes and recreation facilities
- Maker, artisan, and innovation spaces

Supporting Land Uses:

- Public and private schools and places of worship
- Parks, greenways, and open space
- Urban agriculture

- Universities, colleges, and vocational schools
- Personal and outdoor storage

Characteristics

TRANSPORTATION & INFRASTRUCTURE

- Access management is improved for vehicles through curb cut consolidation and cross-access between commercial properties, reducing traffic conflicts and backups.
- Electric vehicle charging facilities, pedestrian and bicycle infrastructure, and automated vehicle parking and loading spaces are integrated along major corridors, installed at key destinations, and incorporated into private development plans.
- As technology, trends, and funds permit, utilities are buried or consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
- Transit service is expanded along key commercial corridors over the long term with bus stops enhanced with shelters and live timetables.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY:

- Residential development and commercial buildings should be oriented to the street.
- Parking should be located behind or beside the primary buildings with abundant landscaping and screening to encourage greater interest and interaction between the adjoining street and the building, that contributes to community-wide quality of place.
- Pedestrian pathways within large parking lots provide safe access to business entrances.
- A greater focus on site design, parking access, massing, and building orientation are adopted to ensure development that is complementary to adjacent lower density residential development.
- Multi-story buildings designed with active ground floor spaces should be visible and inviting to increase a vibrant pedestrian environment.
- Use of quality materials, construction methods, workmanship, and design should be incorporated into new development and redevelopment.
- A mix of building heights is supported through structured site and building design strategies to soften the impact on adjacent lower intensity residential development.
- Lighting, landscaping, signage, mail, and delivery accommodations should also be proactively incorporated into the site design.
- Design should avoid the placement of mechanical equipment along major roadways or should be completely screened, along with adequate spacing for storage of waste receptacles.
- Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.
- Encourage code adjustments regarding parking minimums instead of parking maximums.

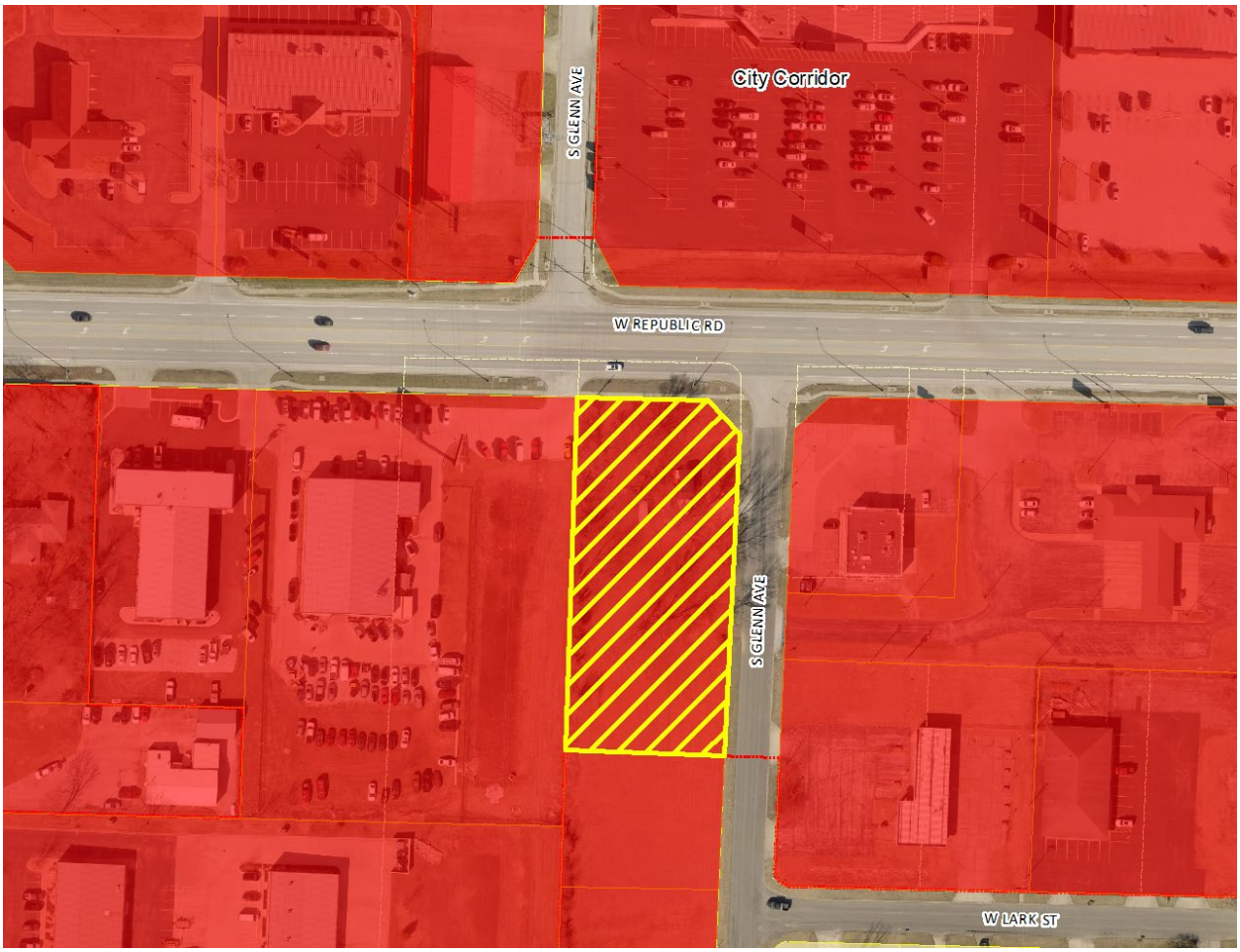
TRANSITIONS:

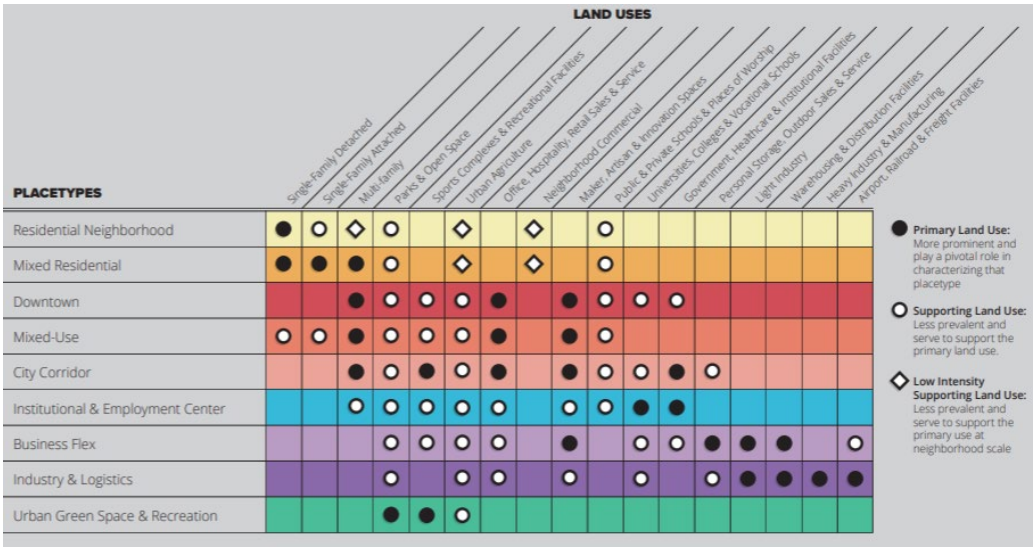
- Office and multifamily uses can be placed on the periphery of the placetype to transition into adjacent lower density residential Placetypes.

- Higher density residential development should be integrated along existing commercial corridors in need of reinvestment, transitioning aging commercial properties to new uses and focusing future commercial development at high activity nodes.
- Commercial and higher density residential is sufficiently screened and buffered between low-density residential development.
- Multi-story buildings should be sited and designed to reduce the impact on adjacent lower intensity residential development.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:





DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	GC	County C-2	GC	County C-2
LAND USE	Fitness center	Undeveloped land	Restaurant	Auto-body repair
PLACETYPES	City Corridor	City Corridor	City Corridor	City Corridor

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to rezoning. Public sewer is not currently available for this address, but sewer is being extended to serve it.

DEVELOPMENT REVIEW STAFF REPORT

FIRE DEPARTMENT:

No objections to rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	W Republic Road	Primary Arterial	City	50	50	24,300	No	Yes	Yes
Street 2	S Glenn Avenue	Local	County	25	25	NA	No	Yes	No

ACCESS - All new or modified access shall comply with current City of Springfield standards for the street classification.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trails near the property. There are bus stops on W Republic Road near the property.

IMPROVEMENTS - No improvements are required for this rezoning. A traffic study is not required for this rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

	Drainage Basin	Fee in Lieu Flood Control	Fee in Lieu Water Quality	Stream Buffer	Sinkhole or Watershed	Floodplain/ Floodway
2852 W Republic Rd	Ward Branch	No	No	No	No	No

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

DETENTION AND DISCHARGE REQUIREMENTS

1. Flood Control designed Chapters 5 and 9 of the City's Flood Control and Water Quality Protection Manual is required at time of development. The future control measure will discharge to Glenn Ave or the adjacent drainage easement to the west.

WATER QUALITY REQUIREMENTS

1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.

2. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.

3. Water Quality Credits are available to use in design for preserved trees and new planted trees. Landscaping and Bufferyards trees required by planning cannot be used for the water quality credits unless it is part of a SCM. Chapter 10, Section 3.1.

DEVELOPMENT REVIEW STAFF REPORT

FLOODPLAIN
N/A

NATURAL CHANNEL & STREAM BUFFERS
N/A

SINKHOLES & KARST FEATURES
N/A

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 1 acre of property generally located at 2852 West Republic Road from County C-2 to GC, General Commercial. The applicant intends to build a drive-through coffee shop.

2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property within the City Corridor placetype. This placetype predominantly consists of commercial and service-related development varying in scale, ranging from standalone businesses to large retail centers. City Corridors are also key locations to support and encourage multi-family developments that rely on proximity to retail, commercial services, and employment centers.

3. The GC district is consistent with the City Corridor placetype. Retail sales and service is listed as a primary land use in the City Corridor placetype.

4. The city and other agencies can provide services, facilities, and infrastructure that may be necessary for anticipated uses in the GC district. The capacity of the surrounding street network and access to street frontage is adequate for the proposed uses in the GC district.

5. There are few changing conditions in the area, and the predominant use is commercial along Republic Road. This application advances the public interest by allowing commercial development in an area that has commercial uses.

6. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

7. The proposed rezoning was reviewed by City departments and comments are contained in the staff report (above).

8. The applicant held a neighborhood meeting on May 21, 2026, regarding the rezoning request. A summary of the meeting is attached (Attachment 1).

9. The public notice was advertised in the Springfield News-Leader at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's City Corridor placetype and on the finding of facts above.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.
3. The planning and zoning commission may recommend, and the city council may require any of the following conditions to meet the rezoning and zoning site plan criteria:
    a. Restrict uses beyond those otherwise allowed in the zoning district;
    b. Increase landscape, bufferyards, or open space beyond what is required by this chapter;
    c. Limit building scale and location more strictly than otherwise permitted by the development standards;
    d. Increase the district performance standards beyond those required by this chapter regarding operations, noise, lighting, compatibility, or other mitigation of off-site impacts;
    e. Timing and concurrency of any offsite improvements necessary to support the intensity of development and according to associated technical studies; and
    f. Any other design or development standards depicted on the zoning site plan, included by notes on the zoning site plan, or included in the ordinance adopting the rezoning.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION and MEETING SUMMARY

1. Request change to zoning from: C-2 District *(existing zoning)* to GC - General Commercial *(proposed zoning)*
2. Meeting Date & Time: May 21, 2026 4:30pm-6pm
3. Meeting Location: OWN, Inc 3213 S West Byp, Springfield, MO 65807
4. Number of invitations that were sent: 58 total
5. How the mailing list was generated: Generated by City
6. Number of neighbors in attendance (attach a sign-in sheet): 1
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

No concerns raised. Answered neighbor's general questions about city driveway requirements and annexation.

8. List or attach the written comments and how you plan to address any issues:

None

I, Taylor Osman *(print name)*, attest that the neighborhood meeting was held on May 21, 2026 *(month/date/year)* and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Signature of person completing affidavit

Taylor Osman

Printed name of person completing affidavit

DEVELOPMENT REVIEW STAFF REPORT

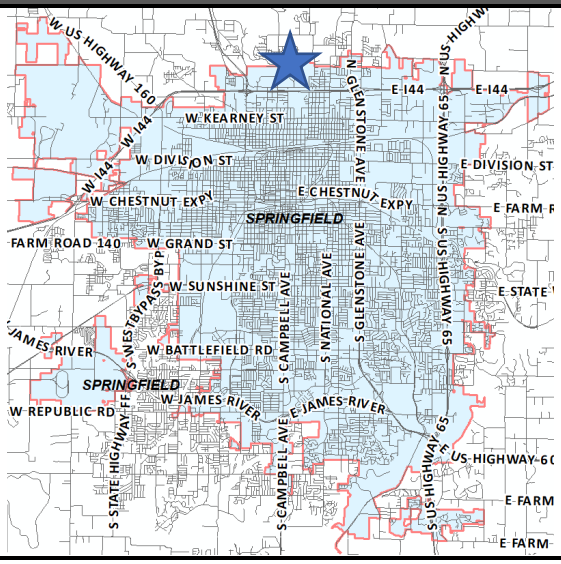
PROJECT INFORMATION

Case Number:	Z-15-2026
Location:	233 E. Norton Road
Total Acres:	130 acres
Applicant:	Maranatha Village, Inc.
Existing Land Use:	Nursing home, multi-unit and one-unit dwelling uses
Neighborhood Meeting:	May 21, 2026
Planning and Zoning Commission:	June 11, 2026
City Council:	July 13, 2026
Public Notification:	Mail, posted property, and legal in Springfield News-Leader
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-15-2026 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

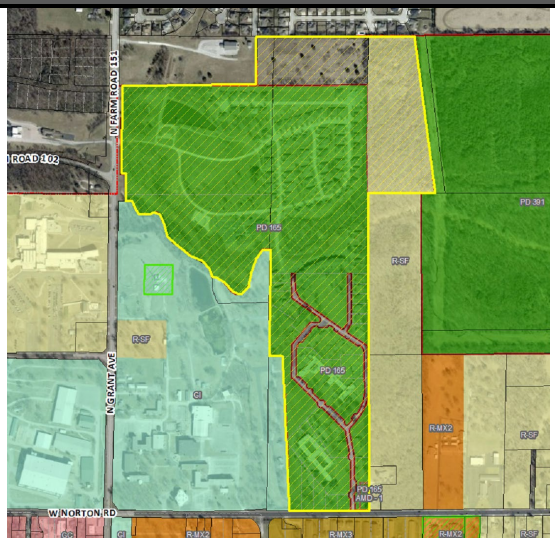
PROJECT SUMMARY:

Request to rezone approximately 130 acres of property from County R-1, Suburban Residence District, R-SF, Single-Family Residential District and PD, Planned Development No. 165 and 165 Amended to the GI, Government and Institutional District.

LOCATION MAP



ZONING MAP



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OFLOCATION:



GOOGLE STREETVIEW:





DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject properties have been zoned PD 165 since 1994 and PD 165 Amended since 2000. The property zoned R-SF, Single-Family Residential District has been zoned since the Citywide remapping in 1995 but was recently subdivided from its original parent tract as part of the Hawkins Mill development. An additional 10 acres was annexed this year and has been included in the rezoning as well.

PLANNING AND ZONING COMMISSION AUTHORITY:

36-2.05 Rezoning

A. Applicability. The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the comprehensive plan, to account for changed conditions in the general area, or to reflect a change in policies with respect to future development. Application for a rezoning may be filed by the property owner, the City Council, or the Planning and Zoning Commission, or by city staff on behalf of these city entities.

B. Review Criteria. Review, recommendations, and decisions for a proposed rezoning shall be based on evaluating and balancing the following criteria:

1. The proposed district is consistent with the goals and objectives of the comprehensive plan and any other plan, policy or guidance adopted pursuant to that plan.
2. Whether the area has changed since the existing zoning has been in place, or it is changing to a degree that it advances the public interest to rezone the property.
3. The proposed district will enable development in character with existing or anticipated development in the area considering:
    a. The design of streets, civic spaces, and other open space;
    b. The mix, density, or intensity of potential uses;
    c. The pattern, scale, and format of buildings and sites enabled by district standards;
    d. The compatibility with and transition to other districts, development, or uses in the vicinity; and
    e. Any reasonably anticipated negative impacts can be mitigated by applicable development standards or planning, design, and engineering practices applicable to the site.
    f. Any rezoning application conditioned on a zoning site plan may be evaluated based on that plan; otherwise, the entirety of what may be enabled by the zoning district shall be considered with the above criteria.
4. The City or other agencies can provide services, facilities, and infrastructure that may be necessary for anticipated uses in the proposed district, including capacity of the surrounding street network and access on specific street frontages.
5. Reasonable viable economic use of the subject property will be precluded if the proposed rezoning is denied.
6. The recommendations of any professional staff or advisory review bodies, and any additional testimony or evidence on the record.
7. Any relevant information submitted or presented at the public hearing

DEVELOPMENT REVIEW STAFF REPORT

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR GI
Lot Width Minimum	50 feet
Building Setbacks	25 feet. front and side street
Maximum Height	None, except non-residential districts and/or structures, except in CC, abutting R-SF or R-MX1 are required to have a 45-degree bulk plane.
Minimum Open Space	20 percent of the total lot area.
Buffering and Landscaping	The required landscape shall be based on different elements of the site according to Table 8-1. Buffer types shall be required and applied as indicated in Table 8-3 of the Land Development Code.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies majority of the subject property within the Mixed Residential placetype. There is a small portion of Traditional Neighborhood placetype that was recently annexed.

The Mixed Residential placetype contains primarily higher density single-family attached and multi-family residential dwellings. This includes townhomes, rowhomes, duplexes, apartments, student housing, and single-family detached homes that have been converted into multiunit dwellings. Residential uses are supported by key cultural and institutional centers, such as schools and places of worship. Housing for university and college students, young professionals looking for housing close to work, and seniors desiring to downsize are prioritized within this placetype. Encouraging investment to enhance existing properties as well as attracting new high-quality development with attention to scale and building design is a key focus to ensure desirable character within the placetype.

Placetypes are not as rigid as zoning districts and allow for supporting or ancillary uses which complement and enhance its sense of place; as an extension of this, a single placetype is not likely to be defined by a single zoning district or even a collection of closely related zoning districts (e.g. industrial districts), but rather a mix of tangentially related zoning districts which together form a cohesive sense of place when developed with similar character, scale, and form.

Primary Land Uses:

- Single-family attached
- Single-family detached
- Multi-family

Supporting Land Uses:

- Parks, greenways and open space

- Low-intensity urban agriculture
- Public and private schools and places of worship
- Low-intensity neighborhood commercial

Characteristics

TRANSPORTATION & INFRASTRUCTURE

1. Access management is improved for vehicles through curb cut consolidation and cross-access between properties, reducing traffic conflicts and backups
2. Electric vehicle charging facilities, pedestrian and bicycle infrastructure, and automated vehicle parking and loading spaces are integrated along major corridors and integrated into private development plans.
3. Traffic-calming measures, such as speed-humps, bump-outs, roundabouts, landscaped chicanes with integrated stormwater management, and on-street parking are used to slow traffic.
4. Quality of place and identity is enhanced through preserving and planting trees, and other landscaping and traffic calming improvements are made that double as streetscape elements
5. Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.
6. Sidewalk gaps are filled, and sidewalks connect to transit routes, greenways and trails, and supportive uses are located within the neighborhood and around the perimeter.
7. Street network is well-connected, designed for slow traffic, and includes pedestrian facilities.
8. As technology, trends, and funds permit, utilities are buried or are consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
9. Transit service is expanded along key commercial corridors over the long term with bus stops enhanced with shelters and live timetables.
10. The higher density nature of the placetype prioritizes these areas for future transit access and Transit-Oriented Development (TOD) as the City looks to expand the system in the long term.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY

1. Residential development and neighborhood-scale commercial buildings are oriented to the street and focus on pedestrian scale.
2. Parking is to be located behind or beside the primary buildings with abundant landscaping and screening. Pedestrian pathways to provide safe access to business entrances.
3. Preservation of neighborhood schools and adaptive reuse of existing residential and non-residential structures is encouraged.
4. New structures reflect the character and context of the historic neighborhood fabric and developed area.
5. A greater focus on site design, parking access, massing, and building orientation are adopted to ensure new development is complementary to adjacent lower density residential development.

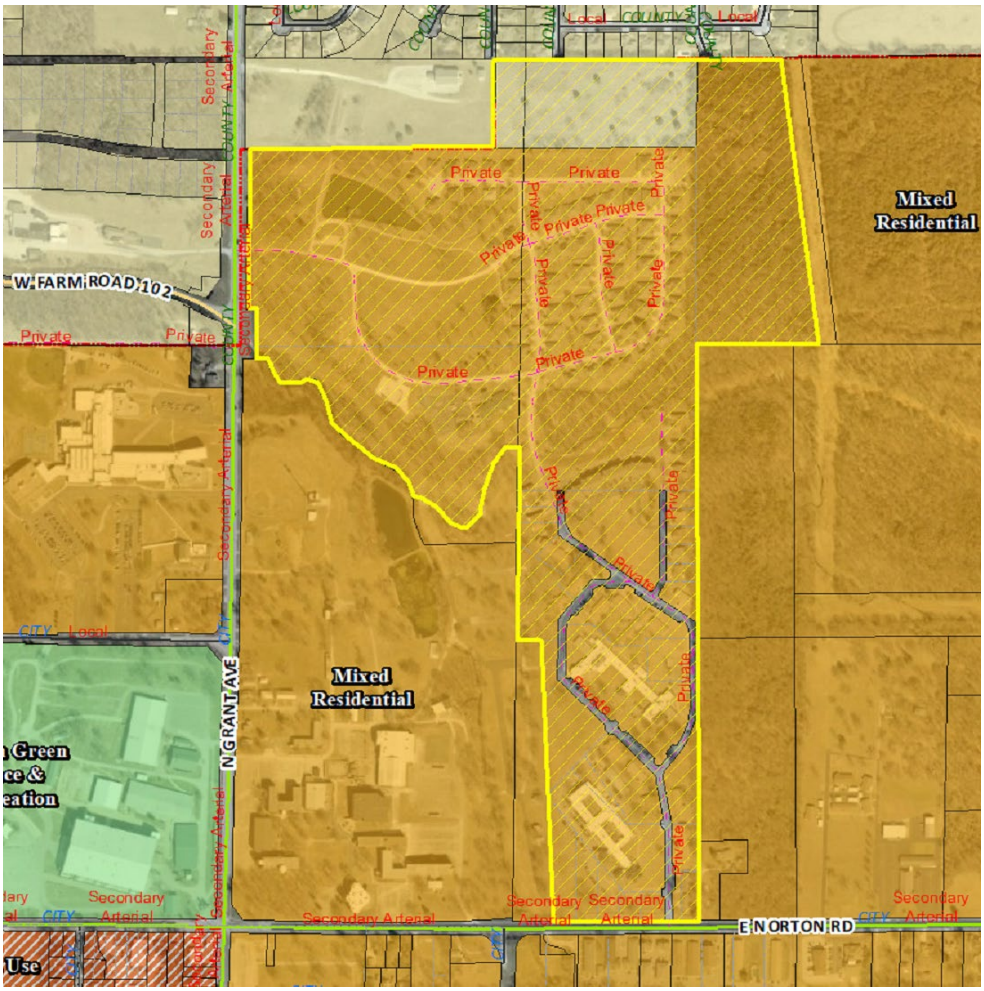
6. Multi-story buildings designed with active ground floor spaces are visible and inviting to the pedestrian with transparent, glass windows and doors.
7. Quality materials, construction methods, workmanship, and design are incorporated into new development and redevelopment.
8. A mix of building heights is supported through structured site and building design strategies to soften the impact on adjacent lower intensity residential development.
9. The main entrance of new development is oriented towards the primary street.
10. Windows, balconies, and porches are encouraged on upper stories to provide informal security with “eyes on the street” and activation.
11. Lighting, signage, landscaping, mail, and delivery accommodations are proactively incorporated into the site design.
12. Mechanical equipment, trash receptacles, and recycling bin storage areas are fully screened or located away from major roadway view.

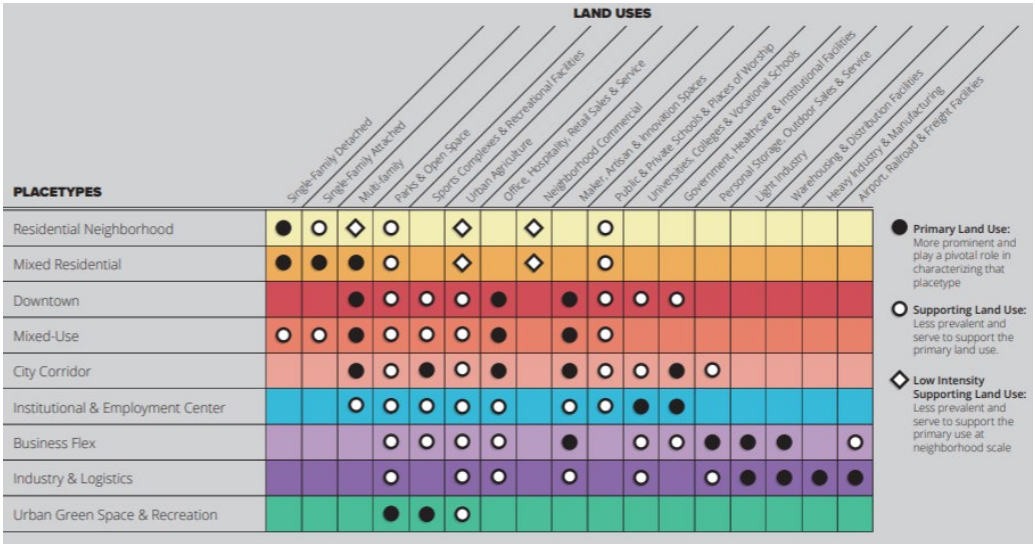
Transitions:

1. Mixed Residential placetypes near the Downtown and city corridors help generate activity and increase access to local shoppers, while providing high-quality, affordable housing options.
2. Mixed Residential developments are prioritized and supported in locations adjacent to major employment centers, activity centers, healthcare facilities, higher education facilities, schools, major parks, greenways, recreational facilities, and existing city corridors in need of an expanded customer-base and reinvestment.
3. Higher density residential is sufficiently screened and buffered from lower density uses.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:

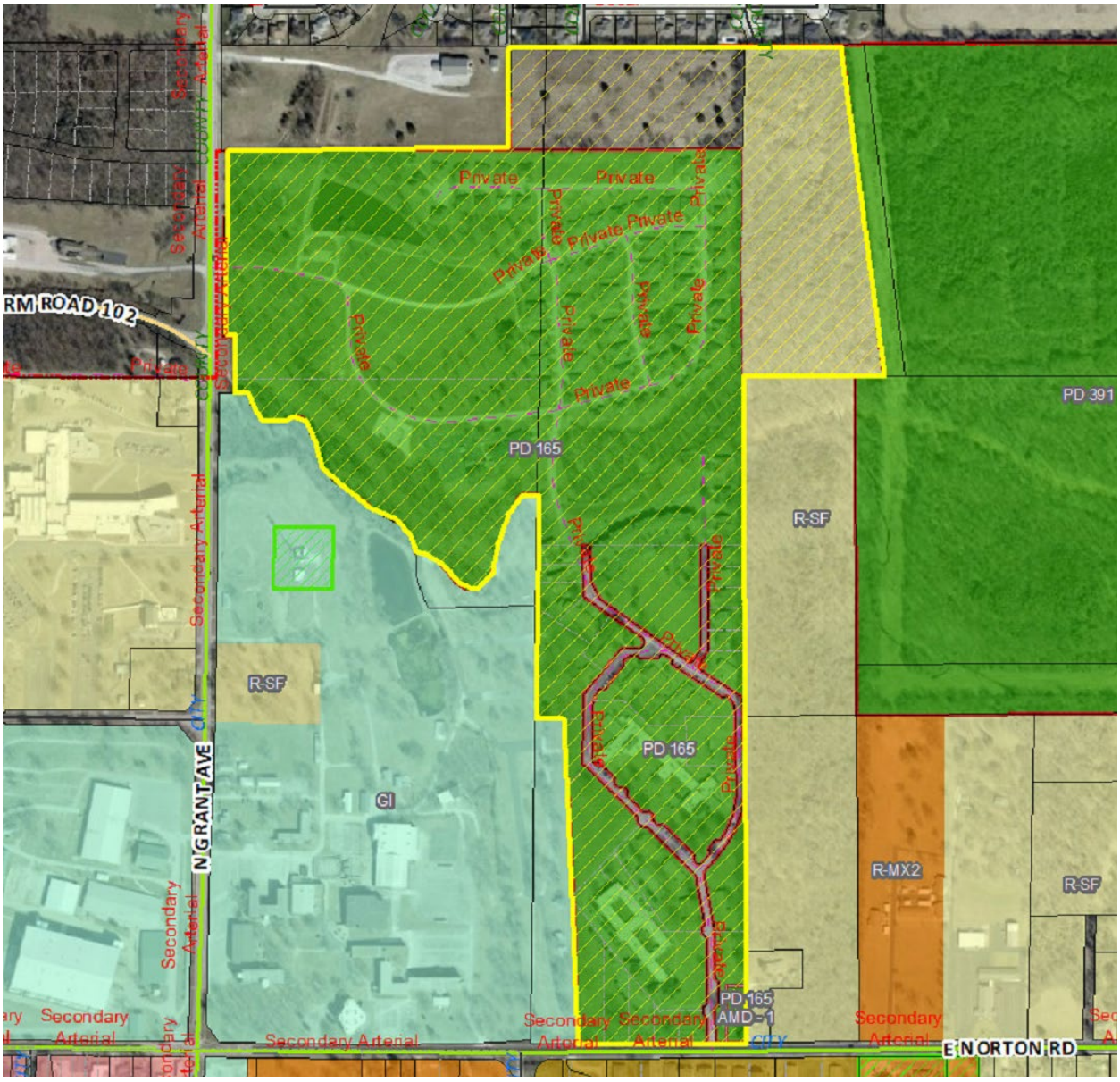




CITY OF Springfield

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	County R-1	GI & R-MX3	R-SF & PD 391	GI & County
LAND USE	Single-family residential and church uses	University and multi-family uses	Single-family residential uses	University & school uses
PLACETYPES	Traditional Neighborhood	Mixed Residential	Mixed Residential	Mixed Residential

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues generally with rezoning of the property.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the rezoning.

FIRE DEPARTMENT:

No comments.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	E Norton Road	Secondary Arterial	City	50	35	9,000	No	Yes	Yes
Street 2	N Farm Road 151 (N Grant Avenue)	Secondary Arterial	County	35	35	9,000	No	No	No
Street 3	N Maranatha Lane	Private	NA	NA	NA	NA	NA	No	Yes

ACCESS - All new or modified access shall comply with current City of Springfield standards for the street classification.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - The Pea Ridge future Greenway trail alignment is mapped nearby to the south of this property. There are bus stops on Grant Avenue and Norton RD near this property.

IMPROVEMENTS - No improvements are required for this rezoning. A traffic study is not required for this rezoning.

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

	Drainage Basin	Fee in Lieu Flood Control	Fee in Lieu Water Quality	Stream Buffer	Sinkhole or Watershed	Floodplain/ Floodway
233 E Norton Rd	Pea Ridge Creek	No	No	Yes	No	Yes

All chapter and section references below are to the City's Flood Control and Water Quality Protection Manual Version April 2022.

DETENTION AND DISCHARGE REQUIREMENTS

1. Maranatha Village property has several existing stormwater control measures from previous design and construction. Future developments will trigger flood control requirements for designed stormwater control measures to meet Chapter 5 and 9 of the Flood Control and Water Quality Protection manual.

WATER QUALITY REQUIREMENTS

1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.

2. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.

3. Water Quality Credits are available to use in design for preserved trees and new planted trees. Landscaping and Bufferyards trees required by planning cannot be used for the water quality credits unless it is part of a SCM. Chapter 10, Section 3.1.

FLOODPLAIN

1. Floodplain and Floodway are present on the property along the Pea Ridge Creek stream area. Existing buildings and structures are not within either Floodplain or Floodway. Future developments or changes to the floodplain would require a floodplain permit.

NATURAL CHANNEL & STREAM BUFFERS

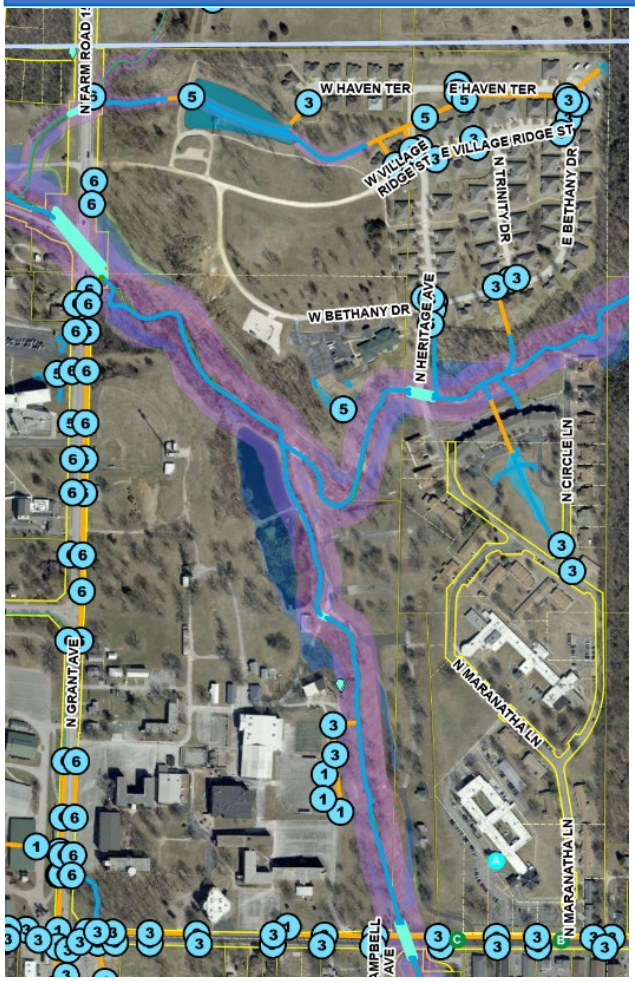
1. The Pea Ridge Creek main branch and tributary cross the property to the west and through the middle of the area. Pea Ridge Creek stream buffers exist on site from previous permitting. The buffers range from 180 feet wide to 200 feet wide.

SINKHOLES & KARST FEATURES

N/A

CITY OF Springfield

DEVELOPMENT REVIEW STAFF REPORT



STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 130 acres of property from County R-1, Suburban Residence District, R-SF, Single-Family Residential District and PD, Planned Development No. 165 and 165 Amended to the GI, Government and Institutional District. The applicant intends to expand the Maranatha Village (senior living) development to the north and east.

2. The current PD 165 & 165 Amended that encompasses most of the subject property currently allows for the proposed uses; however, rezoning to a base district will allow for more flexibility of uses in the future.

3. The *Comprehensive Plan's Land Use & Development* chapter identifies majority of the subject property within the Mixed Residential placetype. There is a small portion (approx. 10 acres) of Traditional Neighborhood placetype that was recently annexed.

4. This application is consistent with the Mixed Residential placetype that lists single-family detached, single-family attached and multi-family as primary land uses. The Traditional

Neighborhood placetype also lists single-family detached as a primary and single-family attached and low-intensity multi-family as supporting land uses.

5. The Mixed Residential placetype contains primarily higher density single-family attached and multi-family residential dwellings. Housing for university and college students, young professionals looking for housing close to work, and seniors desiring to downsize are prioritized within this placetype.

6. The GI district provides for the concentrated location of federal, state, or local government activities, major public or private institutions, or large medical facilities. These uses are not limited to this district, but the district provides a concentrated area for where these uses are comparatively intensive and require substantial buildings and land areas. The GI District is exempt from the off-street parking requirement contained in Article 7 of the Land Development Code.

7. The proposed district is consistent with the goals and objectives of the comprehensive plan and any other plan, policy or guidance adopted pursuant to that plan.

8. There are have been a few changes since the existing zoning has been in place that make the proposed rezoning necessary.

9. Since the rezoning application does not include a zoning site plan with conditions, the entirety of the Governmental and Institutional District will be allowed, and any proposed development will have to meet the existing district development and design standards at the time of development.

10. The City can provide services, facilities, and infrastructure that may be necessary for anticipated uses in the proposed district, including capacity of the surrounding street network and access on specific street frontages.

11. The range of uses in the proposed GI district is compatible with the uses permitted on other property in the immediate vicinity.

12. The impact of the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.

13. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

14. The proposed rezoning was reviewed by City departments and comments are contained in the staff report (above).

15. The applicant held a neighborhood meeting on May 21, 2026, regarding the rezoning request. A summary of the meeting is attached (Attachment 1).

16. The public notice was advertised in the Springfield News-Leader at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Mixed Residential and Traditional Neighborhood placetype and on the finding of facts above.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the zoning district classification.
2. Recommend a change in the zoning district classification.
3. The planning and zoning commission may recommend, and the city council may require any of the following conditions to meet the rezoning and zoning site plan criteria:
    a. Restrict uses beyond those otherwise allowed in the zoning district;
    b. Increase landscape, bufferyards, or open space beyond what is required by this chapter;
    c. Limit building scale and location more strictly than otherwise permitted by the development standards;
    d. Increase the district performance standards beyond those required by this chapter regarding operations, noise, lighting, compatibility, or other mitigation of off-site impacts;
    e. Timing and concurrency of any offsite improvements necessary to support the intensity of development and according to associated technical studies; and
    f. Any other design or development standards depicted on the zoning site plan, included by notes on the zoning site plan, or included in the ordinance adopting the rezoning.

Heithaus Engineering & Associates, Inc.
Consulting Engineering & Land Surveying – *Since 1979*
535 W. Battlefield St. Springfield, MO 65807 E-mail: HEI@heiweb.com
(417) 887-3238 Fax (417) 887-1940 www.heiweb.com

May 29, 2026

Re: **Neighborhood Meeting Summary**
PLN2026-00077
Rezoning Request – 233 E. Norton Rd.
PD 194 & vacant to GI
Proposed Use: Maranatha Retirement Village

A neighborhood meeting was held to discuss a proposed rezoning of Maranatha Village's existing Campus along with recently acquired and annexed properties at 233 E. North Road from PD 194 & vacant lands to GI – Government / Institutional. The neighborhood meeting for this zoning request was held on Thursday, May 21st, 2026 between 4 pm to 6:30 pm at the Maranatha Chapel.

Attendees:
From the xx mailers that were sent to neighbors within a 500-ft. radius, 6 neighbors dropped by at the beginning of the meeting and 1 near the end around 6:15pm to inquire about the proposed zoning and discuss how it may impact them.

Discussion Highlights:

- **Planned Improvements**
  - The Owner's CEO and I discussed the history of planning efforts for the Maranatha Village campus. Initial concepts focused on improving and expanding existing facilities on the campus.
  - As planning progressed, it was determined that the cost of renovating and expanding the existing facilities would be substantial and not financially feasible in the near term.
  - As a result, attention shifted toward the possibility of constructing a new 80-unit independent-living apartment building on the campus.
  - The proposed location of the apartment building was discussed with attendees. It was explained that the building would be located within the interior portion of the campus and would have limited visibility from surrounding properties and public streets.
  - It was further explained that the reason for the rezoning was to related to the existing Planned Development (PD) restricting the building height which would not allow for the construction of the 4-story 80-unit apartment building.
  - Additionally, the PD restricted access to Norton Road to only 1 entrance. Maranatha is wanting to add a second drive to the west to serve as a service entrance.

- **Future Development Plans**
  - The neighbors that stopped by were from the residential subdivision to the north side of the campus, and asked questions regarding future expansion and long-term development of the property.

- Maranatha Village representatives explained that there are no immediate plans for additional development beyond the currently discussed improvements internal to their original campus.
- The recently acquired vacant properties are intended to remain vacant at this time. It was noted that any consideration of future expansion into those areas would likely be many years away and they would likely be developed similar to the existing single-family and duplex units at the northerly end of the main campus.

Neighbor Feedback:
Neighbors were generally supportive of the proposal and noted that Maranatha Village have been good neighbors.

The neighborhood meeting sign-in sheet is included with this summary.

Respectfully,

Teresa A. Davison

Teresa A. Davison, P.E.

Neighborhood Meeting - Sign In

Rezoning Request for Maranatha Village

Thursday, May 21st, 2026 (4 PM to 6:30 PM)

Name	Company	Address	Phone #	Fax #	E-Mail
Connie Vitello		3617 N. McCurry Ave	720-284-4418		peoplesam1@gmail.com
Gene Kelley		3195 N. Circle Lane	417-883-9070		
Evi Willoughby		303 W. THISTLEWOOD	501 762-2342		
Roger Chasteen		674 W. Bridgewood Ct	417-848-4136		
Terri Chasteen		674 W. Bridgewood Ct	417-848-4136		
Geraldine Carsten		3605 N. McCurry	417 536-0016		geraldinecarsten@yahoo.com
Dan Peck		295 W. Arlington	443-223-6945		

PLANNING AND DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW OFFICE
MEMORANDUM

DATE: June 4, 2026

TO: Planning and Zoning Commission

FROM: Andrew Menke
Senior Planner

SUBJECT: Preliminary Plat of Horizons at the Ridge 1st Addition

---

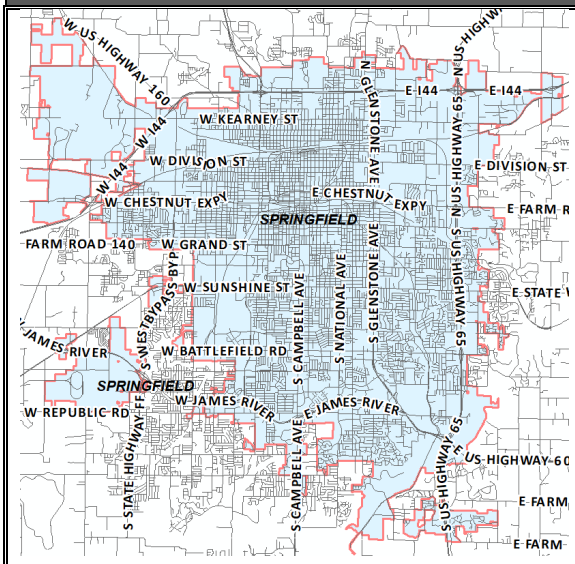
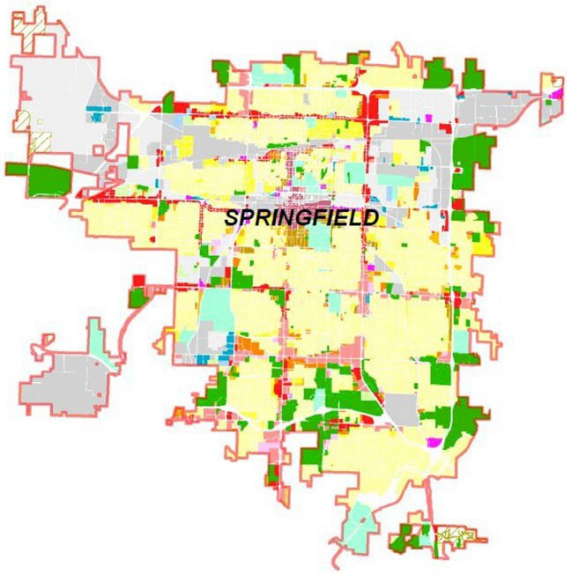
This case is postponed to the next Planning and Zoning Commission meeting on July 16, 2026.

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION:	
Case Number:	Marijuana & Medical Marijuana Uses Drive-Through Hours of Operation Amendment
Location:	Citywide
Applicant:	V3 MO Vending 5, LLC
Neighborhood Meeting:	NA
Planning and Zoning Commission:	June 11, 2026
City Council:	July 13, 2026
Public Notification:	Legal in Springfield News-Leader
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	No staff recommendation
Proposed motion:	I move to recommend approval of the text amendment to Chapter 36, Article 10.09 as set forth in Attachment 1 to the staff report on this item. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

This item was postponed at the, March 12, 2026, Planning and Zoning Commission meeting. The request is to amend Chapter 36, Article 10, Section 9.C.5., Marijuana & Medical Marijuana Uses; to allow marijuana and medical marijuana drive-through facilities to operate until 1:30 a.m.

LOCATION MAP	ZONING MAP
	

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments
(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.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

1. Not applicable

STAFF ANALYSIS AND RECOMMENDATION:

1. This item was postponed at the, March 12, 2026, Planning and Zoning Commission meeting and is subject to using the old code text amendment process.

2. This text amendment is a request by a private entity/applicant to amend Section 36-474(e), Marijuana and Medical Marijuana Facilities, of the Zoning Ordinance to allow marijuana and medical marijuana drive-through services to operate until 1:30 a.m.

3. The applicant operates a cannabis facility at 850 E Kearney St, Springfield, MO 65803, and seeks this amendment to better serve customers whose schedules or medical needs require extended access to cannabis products outside current permitted operating hours.

4. There are 9 existing marijuana dispensaries within Springfield city limits from State records.

5. The current regulations state that all marijuana and medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m. No person(s) 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.

6. There don't appear to be any other larger Missouri cities that have recently changed their regulations to allow for 24/7 drive-thru marijuana facilities; however, Kansas City and St. Louis have proposals that may change the typical 8 a.m. to 10 p.m. hours of operation. A recently discussed proposal in Kansas City aims to amend the city zoning code to permit dispensaries to operate 24/7, but only if they are located at least 1,000 feet from residentially zoned areas. Other facilities would remain restricted to 8 a.m to 10 p.m. The 24-hour use designation would be granted with a special use permit and valid for up to 5 years.

In St. Louis, a bill was recently introduced to extend operating hours until midnight. O'Fallon, Missouri (Pop. 96K) recently changed their laws to allow for 24/7 drive-through marijuana dispensaries.

7. There are drive-thru liquor establishments in Springfield currently. Section 311.290, RSMo, prohibits the sale of liquor between 1:30 a.m. and 6:00 a.m. Section 10-2 of City Code references and incorporates state law. This amendment appears to align with the requirements for the sale of liquor.

8. The Springfield Police Department, after review of the proposed revisions, has no comments.

9. The Growth and Development Advisory Committee (GDAC), Downtown Springfield Association (DSA), Commercial Club and all Registered Neighborhood Associations were notified of this amendment and public hearing dates for comment.

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

STAFF RECOMMENDATION:

1. This is a privately initiated text amendment so staff has provided facts and relevant information for the Commission to utilize when deliberating this matter to take appropriate action given the options provided below.

PLANNING AND ZONING OPTIONS:

The Planning and Zoning Commission shall make one of the following recommendations in connection with each proposed change in zoning district classification of this article:

1. Recommend against the proposed change in the text amendment.
2. Recommend a change in the text amendment.
3. Recommend a change in the text amendment together with recommendations which, in the judgment of the planning and zoning commission, will ensure that the proposed amendment is consistent with the purpose and intent of this article.

PROPOSED AMENDMENT:

Attachment 1

Note: The existing language is black. Language to be added is underlined and to be removed is ~~stricken~~.

10.09 Marijuana & Medical Marijuana Uses

C. **Specific Use Standards.** Marijuana and medical marijuana facilities shall meet the following additional standards in districts where they are permitted or allowed by conditional use permit.

5. All marijuana and 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~~.~~; provided, however, that drive-through services may operate until 1:30 a.m.

April 6, 2025

City of Springfield
Attn: Planning and Zoning Commission
840 Boonville Avenue
Springfield, MO 65802

RE: Application for Text Amendment to Springfield Municipal Code Article 3, Division 5, Section 36-474

Dear Members of the Planning and Zoning Commission:

V3 MO Vending 5, LLC ("Applicant") submits this application for a text amendment to the Springfield Municipal Code pursuant to Section 36-367(3)(b) to amend Section 36-474(e), extending operating hours for licensed cannabis facilities to more closely align with Springfield's existing alcohol sales hours, permitting drive-through-only operations from 10:00 p.m. until 1:30 a.m. while maintaining all other existing restrictions.

The Applicant operates a cannabis facility at 850 E Kearney St, Springfield, MO 65803, and seeks this amendment following discussions with multiple city officials regarding a reasonable approach to cannabis operating hours that aligns with Springfield's existing regulatory framework for alcohol sales.

This application is submitted in compliance with the procedural requirements set forth in Springfield Municipal Code Section 36-367(3)(b).

I. REQUIRED APPLICATION INFORMATION

Per Springfield Municipal Code Section 36-367(3)(b)
A. Name and Address of Applicant:

- **Applicant Name:** V3 MO Vending 5, LLC
- **Applicant Address:** 850 E Kearney St, Springfield, MO 65803
- **Contact Person:** Nick Liaromatis
- **Phone:** 630-747-3542
- **Email:** nick@terrabis.co

B. Section of Ordinance Proposed to be Amended: Springfield Municipal Code Article 3, Division 5, Section 36-474, subsection (e); Operating hours restrictions for marijuana and medical marijuana facilities.

C. Current Text of Section 36-474(e): *"All marijuana and 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."*

D. Exact Wording of Proposed Amendment: The Applicant proposes to amend Section 36-474(e) to read as follows:

"All marijuana and medical marijuana facilities shall be closed to the public for in-store sales between the hours of 10:00 p.m. and 6:00 a.m., no persons not employed by the business shall be permitted inside the facility during such hours, and no in-store sales or distribution of marijuana shall occur within the interior premises during that time; provided, however, that drive-through services may operate until 1:30 a.m."

E. Identification of Applicant's Property: The Applicant leases, controls, and operates a licensed marijuana dispensary facility located at 850 E Kearney St, Springfield, MO 65803. This property would directly benefit from the proposed amendment by allowing extended drive-through operations until 1:30 a.m., consistent with alcohol sales hours, to better serve customers with varying schedules.

F. Effect on Other Properties: All other licensed marijuana and medical marijuana facilities within the City of Springfield that are subject to the current operating hour restrictions in Section 36-474(e) would be equally affected by this amendment. The proposed change would provide uniform opportunity for all qualifying facilities to operate drive-through services until 1:30 a.m.

II. SUBSTANTIVE JUSTIFICATION

A. Business Rationale for Extended Drive-Through Operations: The Applicant originally submitted this application seeking 24-hour drive-through operations. Following productive discussions with multiple city officials, the Applicant revised its proposal to align cannabis operating hours with Springfield's existing alcohol sales hours. This revised approach reflects a collaborative effort to develop a reasonable regulatory framework that:

1. Treats cannabis sales in a manner consistent with alcohol sales.
2. Aligns with existing police staffing levels and patrol shift schedules that already account for the 1:30 a.m. alcohol sales cutoff, requiring no additional public safety resources or adjustments.
3. Reflects the Applicant's commitment to working within the community's existing regulatory expectations, as demonstrated through input received from the Chief of Police and other city officials**.**
4. Addresses the inconsistency of regulating cannabis operating hours more strictly than alcohol sales hours, when both are legal products subject to state and local oversight.
5. Builds on demonstrated success in other Missouri municipalities, including O'Fallon, which has permitted extended drive-through cannabis operations with zero reported safety or security incidents, as detailed in the attached letter from Mayor Bill Hennessy.

B. Public Benefit and Regulatory Consistency Arguments: Aligning cannabis operating hours with alcohol sales hours provides public benefits and promotes rational, consistent regulation:

1. **Customer Convenience:** Provides extended access to state-regulated, tested, and safe cannabis products for customers whose schedules prevent them from visiting during current hours.
2. **Economic Development:** Increased tax revenue for the City through extended sales opportunities, supporting local government services and community programs.
3. **Competitive Positioning:** Springfield would demonstrate a rational, consistent approach to cannabis regulation by treating it comparably to alcohol, a regulatory philosophy that recognizes both products as legal substances subject to similar oversight and public safety considerations.
4. **Reduced Illicit Market Activity:** Providing legal access during extended hours reduces incentives for customers to seek products from unregulated, untested sources.

C. Economic Impact on the Community: Extended drive-through operations until 1:30 a.m. would generate positive economic impacts:

1. **Increased Tax Revenue:** Extended operating hours will increase sales volume, generating additional local sales tax revenue and state cannabis tax revenue.
2. **Job Creation:** Extended hours may require additional staffing, creating employment opportunities in the community.
3. **Supporting Business Activity:** Increased customer traffic may benefit nearby late-night businesses and contribute to overall commercial district vitality.

D. Comparison to Existing Alcohol Sales Regulations: Springfield currently permits alcohol sales until 1:30 a.m. Cannabis and alcohol are both legal products subject to state and local regulation, yet the current municipal code imposes more restrictive operating hours on cannabis facilities, requiring them to close at 10:00 p.m. The proposed amendment eliminates this inconsistency by aligning cannabis drive-through operating hours with the existing alcohol sales framework.

E. Facility Security Measures: Licensed cannabis facilities operate under security requirements that exceed those imposed on traditional pharmacies. As baseline conditions of state licensure, these facilities must maintain electronic access control with electronic locks at all access points, comprehensive exterior camera coverage, mandatory government-issued identification verification for every purchaser, and multiple panic and hold-up alarm points throughout the facility. During extended evening hours, drive-through-only operations further mitigate any security concerns by conducting all transactions through a secured service window with no customer access to the interior of the facility.

III. REGULATORY COMPLIANCE DISCUSSION

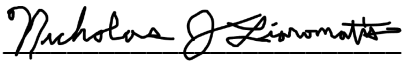
Missouri's Constitutional Amendment 3 (Article XIV, Section 2) does not impose state-level restrictions on operating hours for licensed cannabis facilities. The amendment specifically delegates authority to local governments to regulate "the time, place, and manner of operation of such facilities in the locality."

IV. FORMAL REQUEST

V3 MO Vending 5, LLC respectfully requests that the Springfield Planning and Zoning Commission recommend approval of this text amendment to the City Council. The proposed amendment represents a collaborative, measured approach developed following discussions with the Chief of Police and other city officials. It aligns cannabis operating hours with Springfield's existing alcohol sales framework, eliminating regulatory inconsistency while maintaining appropriate oversight. Because police staffing and patrol shifts already account for the 1:30 a.m. alcohol sales cutoff, the amendment should not require additional law enforcement resources. The amendment also creates opportunities for increased tax revenue and job creation while maintaining full compliance with state cannabis regulations.

The Applicant appreciates the guidance received in developing this revised proposal. We believe this amendment represents sound public policy that balances legitimate business needs with community interests, treats cannabis regulation consistently with existing alcohol sales regulations, and reflects a collaborative approach to municipal governance.

Respectfully submitted,



Nick Liaromatis
Chief Legal Officer
Phone: 630-747-3542
Email: nick@terrabis.co

FROM THE OFFICE OF MAYOR, BILL HENNESSY
100 NORTH MAIN STREET
O'FALLON, MISSOURI 63366
636.379.5500
FACSIMILE 636.379.5617
bhennessy@ofallonmo.gov
www.ofallonmo.gov

March 10, 2026

City of Springfield
Attn: Planning and Zoning Commission
840 N. Boonville Avenue
First Floor
Springfield, MO 65802

Subject: Extended Drive-Through Operations for Cannabis

Dear Members of the Planning and Zoning Commission:

As Mayor of O'Fallon, Missouri, I am writing regarding the proposed text amendment that would allow 24-hour drive-through operations at licensed cannabis facilities in the City of Springfield. O'Fallon has permitted these operations for some time, and I would like to share our experience as an example of how such a model can function successfully.

The City of O'Fallon elected to align our local regulations with the State of Missouri's standards for hours of operation. Terrabis, one of four licensed cannabis dispensaries in our community, has operated a late-night, drive-through-only service in our community for more than a year. During this period, the O'Fallon Police Department has recorded zero safety or security incidents associated with these late-night operations. In fact, we have not experienced a single incident at this facility since it opened five years ago. Terrabis has maintained exemplary communication and cooperation with our public safety team, and their security protocols have consistently met or exceeded expectations. They are, in my view, a model operator in our community.

As a long-time member of O'Fallon's Planning and Zoning Commission, I understand the complexity of evaluating amendments of this nature. I hope O'Fallon's positive experience with 24-hour drive-through operations will be helpful as you consider this proposal. If I can provide any additional information or insight, please feel free to contact me.

Sincerely,

Bill Hennessy

Bill Hennessy
Mayor

From: Kolaks
To: Neal, Daniel; Nick Robinson; DNA FRED; Goings, Justin
Subject: Re: Comments Requested - Proposed Text Amendment to P&Z and CC
Date: Saturday, May 30, 2026 5:04:25 PM

Daniel,
Thank you for including me with this. I didn't think it would take too long for them to try again.
TERRABIS claims 'economic development with increased tax revenue for the City through extended sales and reduce illicit market activity. Is TERRABIS implying their extended hours would decrease unlawful sales of drugs on the street? TERRABIS claims by aligning of weed sales with booze sales, it fits better with Police Staffing already in place for booze related traffic. This seems to imply that SPD has patrol cars on the street just to enforce DWI & DUI. I don't know if SPD does or doesn't have the patrol cars for such dedicated duty, but I do know we have SPD officers working 12 hour shifts because of lack of manpower. If the taxes generated alone from weed sales would entice 10 or even 6 more people to join SPD as dedicated Police officers for the street just for enforcement of DWI & DUI, I might give this amendment 5 more seconds of consideration and say NO! I don't understand how the law of the land does not allow cannabis sales and the laws of the neighborhood not only allows it but promotes the sales just by allowing cannabis sales in the city.

Regards,
Terry Kolaks rgil@duck.com
Support your Local Sheriff, Exciting Career Opportunities
in office & on road.
http://www.greenecountymo.gov/sheriff

On Friday, May 29, 2026 at 06:25:36 PM CDT, Neal, Daniel <dneal@springfieldmo.gov> wrote:

The attached text amendment is a request by a private entity/applicant to amend Section 36-474(e), Marijuana and Medical Marijuana Facilities, of the Zoning Ordinance to allow marijuana and medical marijuana drive-through services to operate until 1:30 a.m. instead of 10 p.m. (see attached application).

Planning and Zoning Commission will have a public hearing on the proposed amendments on June 11, 2026. City Council will have public hearing on these amendments on July 13, 2026.

If you have any additional questions or concerns, please, feel free to contact me or our department. I would also appreciate it if you don't reply to all since I have a wide range of boards and citizens that have been notified and they may not want to participate in an e-mail chain discussion.

Thanks,

From: Kevin Ray Evans
To: Neal, Daniel
Subject: Re: Comments Requested - Proposed Text Amendment to P&Z and CC
Date: Friday, May 29, 2026 10:36:54 PM

Dear Daniel,

Thank you for including me on this email. Below, is my response.

I've looked at the location of Terrabis on Google Maps. It seems to have a drive-in already. In fact, the cars are lined up three or more deep at the drive-up window on the south side of the building as viewed in StreetView.

Here are some questions that come to mind from this petition:

1. Why should marijuana dispensary hours of operation align with those of liquor/alcohol sales establishments as stated in the text of the petition?
2. The stated sales at Terrabis are for recreational and medical marijuana. In checking online, I found only two pharmacies that are 24-hour businesses in Springfield, both Walgreens. I understand the need for such businesses. I am not sure that the need for medical marijuana would rise to the level of an emergency if such substances were not available after 10:00 pm. If it was cast in the light of an emergency, then why would Walgreens not supply such substances as part of their offerings? If I am not mistaken, the drive-through operation would also include sales to people younger than 21 years of age, if they have obtained a legitimate medical card? Do we really want 18-year-olds driving to purchase marijuana at 1:30 am? Speaking from experience of having formerly been a teenager, it would seem that the most perilous decisions typically are made after midnight. Do marijuana users lack the capability of planning ahead? What would be the expected volume of traffic after 10:00 pm? If it is the only dispensary with such a permit, it could be substantial (I used to cruise Kearney as a teen).
3. It is a sort of slippery slope to allow one dispensary to stay open beyond 10:00 pm, so that all others would petition to do so as well. Are the fifteen hours from 7:00 am to 10:00 pm not sufficient to serve the clientele? Do we want all dispensaries open until 1:30 am? What would be the decision if a dispensary petitioned to be a 24-hour operation to serve their medical clients?

Here is one key observation:

1. This dispensary is located at the intersection of North Kellett and Kearney. It would seem that the entire area south of the business and across the street to the east are nothing

but single-family residential areas. I assume these people work and would prefer not to have traffic in and about that intersection after 10:00 pm. The assumption of the petitioner is that they should operate like a liquor store drive-through. Are walk up customers permitted to purchase at the window? Do the neighbors want walk up customers at a presumably well-lit establishment after 1:15 am?

I prefer not to restrict most businesses (and from all appearances, this seems to be a thriving one). It is not my neighborhood, but this seems like an issue best approached with advisement from the neighborhood residents in Woodland Heights. It is alway best to consider decisions as though they affect a small town in the middle a medium-sized city. Neighbors appreciate respect.

Best regards,
Kevin Ray Evans
953 E. Linwood Dr.

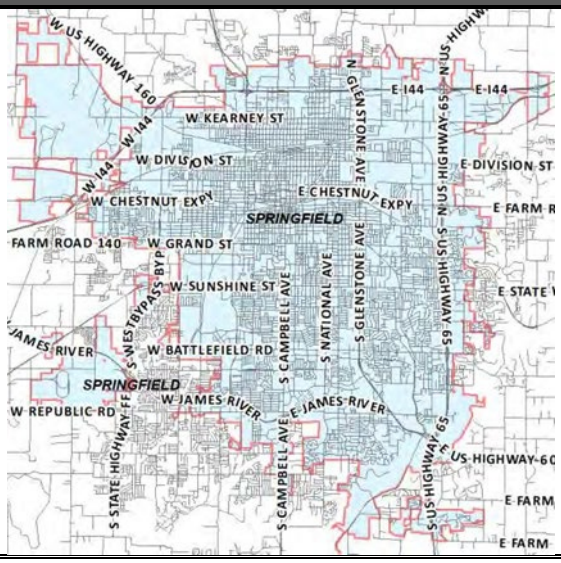
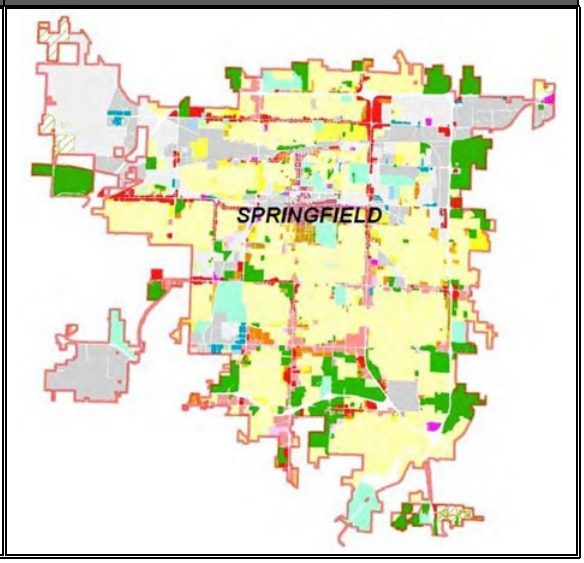
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Land Development Code – Text Amendment Number 3
Applicant:	City of Springfield
Planning and Zoning Commission:	June 11, 2026
City Council:	July 13, 2026
Public Notification:	Legal in Springfield News Leader
Staff:	Bob Hosmer, AICP Planning Manager
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of Text Amendment Number 3 to revise Chapter 36 of the Land Development Code as set forth in Attachment 1 to the staff report. (All commission motions are made in the affirmative)
Required Vote:	A majority of those present (5 members are a quorum).

REQUEST SUMMARY:

Request to amend Chapter 36 of the Land Development Code of the City of Springfield, Missouri, as presented in Attachment 1 and referred throughout this report as Text Amendment Number 3.

LOCATION MAP	ZONING MAP
	

DEVELOPMENT REVIEW STAFF REPORT

PROJECT SUMMARY:

Text Amendment Number 3 represents an update of the adopted Land Development Code and incorporates technical corrections, clarifications, and targeted revisions identified through staff and stakeholder feedback during the implementation process.

PLANNING AND ZONING COMMISSION AUTHORITY:

36-2.09 Text Amendment

A. Applicability. Amendments to the text of these regulations may be initiated by the City Council or the Planning and Zoning Commission, or by city staff on behalf of these entities.

B. Review Criteria. A text amendment shall be reviewed according to the following criteria:

1. It is consistent with the comprehensive plan.
2. It furthers the purposes of these regulations in Section 36-1.02 and has been considered for both its long-range effects as well as immediate impacts.
3. Whether it is necessitated by a change in conditions in the zoning district or specific areas impacted by the change.
4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.
5. Any relevant information submitted or presented at the public hearing.

C. Review Procedure. In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements shall apply to text amendment applications.

1. Applications may be accompanied by a related comprehensive plan amendment, or a more specific plan, provided that amendment or plan has met all of the legal and policy requirements for plan approvals independent of the proposed text amendment.
2. The City Council may recommend the application be returned to the Planning and Zoning Commission for further study or additional information at its next regular meeting. Failure by the Planning and Zoning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.

D. Effect of Decision. Amendments to the text of these regulations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance. The PD Director shall incorporate approved amendments into this chapter by reference to the specific amending ordinance and indicate the newly applicable provisions and the replaced provisions, or by recodification of the official code that incorporates the approved amendment.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

1. The City of Springfield's Comprehensive Plan; Forward SGF, was adopted by City Council on November 14, 2022. The Plan articulates a vision for the Springfield community; the City's development regulations are one of the primary tools that can be

used to implement Plan recommendations and make the vision a reality.

2. The Plan encourages the City to perform a comprehensive review and update of its Land Development Code to establish regulations that support the desired type of development and goals of the Comprehensive Plan.

3. This may include changes to building setback, parking lot orientation, sign standards, landscaping requirements, density, use standards, and designated zoning districts, with a focus on providing public realm improvements to improve interaction between development and the surrounding area.

4. Proactive, strict enforcement of the Land Development Code will be key when new development occurs, or when existing structures that do not meet the updated code are improved, to ensure Springfield grows in a manner that is in line with the community's expectations for community character and quality of place.

5. The following sections of the Comprehensive plan identify actions and strategies that provide guidance for this and future updates to the City's Land Development Code.

   Chapter 5 – Land Use & Development
   Land Use Planning Framework – Responding to Trends and Land Development Pressures
   - Regulatory codes should balance flexibility in land use with standards that promote high-quality design, redevelopment, and pedestrian-oriented environments.
   - Development regulations should support revitalization and reinvestment in existing neighborhoods and corridors while ensuring compatibility with surrounding development patterns.

   Chapter 7 – Neighborhoods & Housing
   Revitalize Springfield's Neighborhoods
   - Champion safe, healthy, livable housing and neighborhoods through development standards that support neighborhood compatibility and reinforce existing community character.

   Chapter 8 – Economic Development
   Goal. Redefine Springfield's Narrative as a Major Competitor and Leader in the Regional Market
   - Update the City's development regulations to support economic development, reinvestment, and flexible business environments.

   Chapter 9 – Transportation & Mobility
   Goal. Integrate Transportation and Land Use to Support Mobility and Placemaking
   - (3.3) Enhance community character and placemaking through coordinated land use planning, site design, and streetscape improvements.

   Chapter 10 – Infrastructure & Community Facilities
   Goal. Develop Infrastructure and Community Facilities in a Sustainable Manner
   - Apply sustainable development practices that support efficient infrastructure investment and long-term community resilience.

Chapter 12 – Subarea Plans
Forward SGF identifies several priority corridors and districts where future planning and development regulations should reinforce placemaking and coordinated reinvestment. These include:

- Glenstone Avenue Subarea Plan – framework recommendations
- Trafficway Street Subarea Plan – framework recommendations
- Chestnut Expressway Subarea Plan – framework recommendations
- Lake Springfield Subarea Plan – framework recommendations
- Boonville Avenue Subarea Plan – framework recommendations

Chapter 13 – Commercial Street Plan
Goal. Build on Commercial Street's maker ethos and strength as an artisan manufacturing district

- (4.2) Ensure land use regulations allow for flexible maker spaces and artisan manufacturing uses throughout the district.

Chapter 15 – Implementation Forward SGF identifies the update and continued refinement of development regulations as a primary implementation tool for achieving the plan's land use and placemaking goals.

- Integrate Land Use, Placetypes, and Zoning
  Continue refinement of the Land Development Code to ensure the regulatory framework effectively implements the Comprehensive Plan vision and placemaking strategy.

STAFF ANALYSIS AND RECOMMENDATION:

1. The City Council adopted the new Land Development Code on March 10, 2026, and Text Amendment Number 2 was adopted April 6, 2026. The new Land Development Code became effective on April 7, 2026. Article 9 Sign Ordinance is currently being considered by City Council and will be voted on June 22, 2026.
2. The Planning and Zoning Commission initiated Amendment Number 3 at its May 7, 2026, meeting.
3. The purpose of Text Amendment No. 3 is to update the adopted ordinance language and improve the usability, clarity, and internal consistency of the Land Development Code. During the implementation of the new Land Development Code language, staff and stakeholders have identified several technical corrections, and clarifications that would improve the functionality and interpretation of the code. The Planning and Zoning Commission had already reviewed changes to Article 9 Sign amendments at its May 21, 2026, meeting, however there is one text change included in this Amendment No 3, Table 9-2 in Signs.
4. The proposed text amendment has been reviewed by City departments and comments have been incorporated where appropriate.
5. The proposed Text Amendment Number 3 includes.

a. Technical corrections and formatting revisions intended to improve internal consistency throughout the ordinance, including typographical errors, standardization of terminology, and updates to internal cross-references.

b. Clarifications regulatory language where additional wording improves interpretation of development standards, measurement methods, or procedural requirements. These provisions include Enforcement section 36-1.07, and the Modification process Table 2-2.

c. Several provisions from the existing Chapter 36 that were inadvertently omitted during reorganization of the ordinance have been restored through this amendment. These provisions include, Reasonable Accommodation Policy, Historic Designation Notices Table 2-3, Signs table 9-2, and Subdivision Applicability section 36-3.02.

6. The proposed amendment is consistent with the Forward SGF, the city's Comprehensive Plan, which identifies the continued update of the development regulations as an important implementation strategy to ensure that the City's land use policies are effectively translated into development standards and review procedures.

7. Staff has determined that the proposed Text Amendments Number 3 is consistent with, the Comprehensive Plan, the purpose section in 36-1.02, the intent of the Code, and is necessary to improve the effectiveness and efficiency for administrating the Land Development Code.

8. Staff has color-coded Attachment 1 in red for substantive changes and dark blue for scrivener's errors. Attachment 2 is the clean version with all changes included.

9. Public notice of the proposed text amendment was provided in accordance with the requirements of the Land Development Code.

STAFF RECOMMENDATION:

1. Staff recommends approval of the proposed Text Amendment Number 3 based on its consistency with the Forward SGF Comprehensive Plan and the purpose section of 36-1.01 to improve the clarity, functionality, and implementation of the City's Land Development Code.

PLANNING AND ZONING OPTIONS:

The planning and zoning commission shall make one of the following recommendations in connection with each proposed change in the text of this article:

1. Recommend against the proposed change in the text amendment.
2. Recommend a change in the text amendment.
3. Recommend a change in the text amendment together with recommendations which, in the judgment of the planning and zoning commission, will ensure that the proposed amendment is consistent with the purpose and intent of this article.

Article 1. General Provisions

36-1.01 Title
36-1.02 Purposes
36-1.03 Applicability
36-1.04 Administration
36-1.05 Interpretation
36-1.06 Nonconformities
36-1.07 Enforcement

36-1.01 Title

The official title of this chapter (Chapter 36) is the “Springfield Land Development Code.” References to “this chapter” shall be considered a reference to the Springfield Land Development Code.

36-1.02 Purposes

The Springfield Land Development Code is adopted to promote the public health, safety, and general welfare of the city of Springfield and its residents and businesses. Specifically, the regulations have the following purposes:

A. Implement the comprehensive plan, and other plans and programs authorized under the guidance of the comprehensive plan, and in particular the different contexts for planning, design, and development of the city.

B. Ensure long-term value and the physical, social, and economic well-being of residents and businesses through coordinated public and private investment in development and infrastructure.

C. Promote planning and community design that emphasizes distinct places and unique characteristics throughout Springfield.

D. Secure proper arrangement and design of streets to form efficient development patterns, implement multimodal networks, coordinate with existing and planned streets, improve mobility and access, and provide safe, reliable, and efficient movement of people, goods and services.

E. Provide parks, trails, natural areas, and civic spaces and organize development around systems of connected open spaces in a variety of design contexts.

F. Divide the city into zoning districts that promote the character, intensity, and development patterns of distinct places identified in the comprehensive plan.

G. Regulate and restrict the development and use of buildings and land within each zoning district to create compatibility within districts and transitions between complementary districts, uses, and buildings.

H. Secure adequate provisions for water, storm drainage, wastewater, utilities, communication facilities, streets, and other public improvements based upon local, state, and federal requirements and specifications.

I. Provide public safety, community services, and other necessary services and facilities concurrent with development and in a manner that apportions the costs and long-term maintenance of these facilities and services in an equitable manner.

These purposes are further defined by the intent or design objectives associated with specific articles,

sections, or subsections of this chapter.

36-1.03 Applicability

A. **Authority.** The Land Development Code is adopted through the powers granted in the Springfield City Charter and in accordance with the general purposes and authority granted by the Revised Statutes of Missouri, Title VII, Chapter 89, Zoning & Planning.

B. **Jurisdiction.** The Land Development Code applies to all buildings, structures, land, and uses within the corporate limits of the city of Springfield.

C. **General Applicability.**

1. *New Activity.* It shall be unlawful to conduct any development or change or initiate any use of land until all specified development review processes have been followed, all applicable standards have been fulfilled, and all required approvals, permits**,** or other authorizations have been issued.

2. *Specific Applications.* Articles, sections, and subsections of this chapter may establish more direct and specific applicability of particular standards and procedures.

3. *Existing Situations.* No standard in this chapter shall require any change to existing uses, buildings, structures, or land that was lawfully initiated and properly approved under prior laws, except where this chapter specifically limits the continuation of nonconformances or establishes a lapse in prior approvals.

4. *Continuation of Enforcement.* Any violations of a previously valid and applicable regulation that continue after adoption of this chapter may be enforced under the enforcement provisions of this chapter. The City may, in its discretion, enforce either the previous valid and applicable regulation or the standards of this chapter.

D. **Transition Provisions.** The following rules determine the transition from previous regulations to this chapter:

1. *Applications.* Any official application submitted prior to the effective date and determined a complete application by the Planning and Development (PD Director), shall be reviewed and processed according to the prior standards and procedures. An application submitted prior to the effective date, but determined incomplete, shall be resubmitted and processed according to the regulations in effect at the time of submittal of a complete application.

2. *Prior Approvals.* All permits, zoning site plans, administrative plats or other approvals issued under an administrative capacity prior to the effective date of this chapter shall remain effective for the duration specified with that approval or as provided in the prior code. If no date is specified, they shall remain valid for six months. Any changes or amendments to a prior approval requested after the effective date of this chapter shall be subject to all provisions of this chapter.

3. *Plats.* Any approved preliminary plat may continue to advance to final plat according to the standards, procedures, and time limits of the prior Land Development Code. However, a new preliminary plat shall be required according to this chapter if:
   a. The preliminary plat expires under the conditions of the prior approval; or
   b. The final plat proposes an amendment or substantial change that requires resubmittal of the preliminary plat.

4. *Conditional Use Permits.* Any use operating under a conditional use permit (CUP) or other approval that may be limited to a specific duration or conditions under prior regulations may continue for that specified duration or according to the conditions. Any changes or subsequent approvals of these uses upon expiration of that period shall be processed according to this chapter. An existing use **that was** not ~~so~~ limited **by a CUP**,

but which requires a conditional use permit under this chapter shall be considered to have been issued the approval according to this chapter limited to the extent of the existing operations. In any case where there is a conflict between the zoning district and a CUP approved prior to the adoption of this chapter, except for where a CUP has modified the regulations of a zoning district prior to the approval of this chapter, the more restrictive of the two shall govern.

5. *Planned Developments.* All planned developments (PDs) approved under the previous zoning regulations shall remain in effect. Applicants may propose changes to the standards of prior approved PDs through a rezoning application and zoning site plan according to the terms of this chapter. There shall be no new PDs approved per this article.

6. *Conditional Overlay Districts.* All existing conditional overlay districts (CODs) approved under the previous zoning regulations shall remain in effect. Applicants may propose changes to the standards of prior approved CODs through a rezoning application and zoning site plan according to the terms of this chapter. In any case where there is a conflict between the new zoning district and approved COD, except for where a COD has modified the regulations of a zoning district prior to the approval of this chapter, the more restrictive of the two shall govern. **There shall be no new CODs approved per this article.**

E. **Severability.** The several provisions of this chapter are separable, based on the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of this chapter to be unconstitutional, invalid, or illegal, the judgement shall not affect any other provisions of this chapter.

2. If any court of competent jurisdiction shall adjudge the application of any provisions of this chapter to a particular property, building, structure, or use to be unconstitutional, invalid, or illegal, the judgement shall not affect the application of the provision to any other property, building, or structure.

36-1.04 Administration

A. **Staff.** The following city staff positions are responsible for administering specific aspects of this chapter.

1. ***Director of Planning & Development.*** The Director of Planning & Development (PD Director) is responsible for the administration, interpretation, and enforcement of this chapter. The PD Director may consult with any other department or relevant outside agencies to coordinate any plans, policies, and programs of the city that impact the comprehensive plan. The PD Director shall specifically:

a. Prepare and provide development application forms, submittal requirements, and support material to aid in application and administration of this chapter;

b. Oversee the application, review, and administration processes, and prepare presentations, reports, and other technical assistance for review bodies;

c. Coordinate planning and development reviews with corresponding review by other departments for compliance with technical codes, specifications, or related permits and certificates;

d. Set the dates for meetings and hearings before the Planning and Zoning Commission, Board of Adjustment, and Landmarks Board;

e. Issue official interpretations of this chapter when applied to a specific site or context- based on professional planning and community design principles;

f. Approve the use of other resources, guides, and industry standards used in interpreting and administering this chapter;

g. Make all final interpretations of the procedures and standards of these regulations; and

h. Initiate enforcement actions.

2. ***Director of Building Development Services***. The Director of Building Development Services (BDS Director) is responsible for the interpretation and administration of all building codes in Chapter 38. The BDS Director shall coordinate with the PD Director on all zoning, subdivision, and site design interpretation and enforcement issues, and shall coordinate with the PW Director on all public facility interpretation and enforcement issues.

3 ***Director of Public Works***. The Director of Public Works (PW Director) is responsible for the interpretation and administration of all public improvement standards and specifications, and the coordination of private improvements with public improvements. The PW Director shall coordinate with the PD Director on all zoning, subdivision, and site design interpretation and enforcement issues, and shall coordinate with the BDS Director on all building code interpretation and enforcement issues.

4. ***Administrative Review Committee.*** The Administrative Review Committee (ARC) shall perform a secondary review of any administrative decision that is appealed under this chapter and any other review that is directed under this code and issue a final administrative decision by a majority vote. The committee includes the PD Director, BDS Director, PW Director, and may include other representatives in an advisory capacity from Parks, public safety (Police / Fire), Public Health, Environmental Services, City Utilities, or other relevant departments or agencies on a project-specific basis.

B. **Planning & Zoning Commission.** The Planning and Zoning Commission (Commission) is the appointed body of the City responsible for long-range and comprehensive planning, as well as review, recommendations, and decisions on implementation of the comprehensive plan. The Planning and Zoning Commission is established according to Article XI, Section 11.1 of the Springfield City Charter and in compliance with RSMo. 89.320. In addition to all other general planning authority granted by statute, the charter, local ordinance, or bylaws, the Planning and Zoning Commission shall have the specific review responsibilities and authority granted to it under the procedures and standards of City Code.

1. *Membership.* The Planning and Zoning Commission shall be constituted in accordance with the Springfield City Charter. Members shall hold office for a term of four years, as set forth in RSMo. 89.320. Members may be reappointed for a maximum of two terms.

2. *Procedure.* All meetings of the Planning and Zoning 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. *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 procedural rules and the Commission's adopted rules of procedure:

a. Parties in interest, neighborhood and civic organizations, and members of the public shall be afforded an opportunity to appear and be heard at the public hearing, subject to the limitations set forth in the commission's rules of procedure.

b. Members of the Commission shall base their consideration of matters on which the Commission conducts a public hearing upon the following:

(1) Information and comments 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 PD Director, BDS Director, PW Director, and 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.

c. 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 PD Director.

C. **Board of Adjustment.** The Board of Adjustment (Board) is established by Article XI, Section 11.4, of the Springfield City Charter and in compliance with RSMo. 89.080, according to the following provisions.

1. *Membership.* The Board shall consist of five members and up to three alternates, nominated by the City Manager and appointed by the City Council.
   a. Members shall serve without compensation.
   b. Alternates may serve in the absence of, or upon the disqualification of, any regular member.
   c. Members and alternates shall serve five-year terms.
   d. The PD Director shall be an ex officio member without the power to vote and shall act as the secretary for the Board.

2. *Procedure.* Meetings of the Board shall be held at the call of the chairman and at other regular meeting times established by the Board.
   a. All meetings shall be open to the public, except as provided by law.
   b. The Board shall keep minutes of the meetings, showing the vote of each member upon each question, and keep records of its examinations and all other official actions.
   c. Every final decision of the Board on an application shall be in writing and contain a record of the findings for the case, which shall be filed in the office of the Board and be a public record.
   d. The secretary shall make all proceedings and final decisions on applications available to the City Council, Planning and Zoning Commission, Landmarks Board, and other city departments.

3. *Authority.* The Board shall have the following roles under this chapter:

a. To hear and decide appeals where it is alleged that there is an error in any final order, requirement, or decision made by an administrative official in the application or enforcement of this chapter according to the procedures and criteria in Section 36-2.08.
b. To grant variances from the strict application of the terms of this chapter according to the procedures and criteria in Section 36-2.07.
c. To hear any other matters specifically delegated to the Board by ordinance.

D. **Landmarks Board.** The Landmarks Board was established on June 14, 1993, with the merging of historical site board and historic district review board in compliance with RSMo. 253.415, according to the following provisions.

1. *Membership.* The Landmarks Board shall consist of nine members appointed by the City Council.
   a. Members shall serve without compensation.
   b. At least one member shall be an architect with a professional design degree in architecture plus at least two years of full-time experience in architecture, or a state license to practice architecture.
   c. At least one member shall be a licensed real estate agent.
   d. At least one member shall be a historian or architectural historian.
   e. At least one representative shall be a resident, merchant, or property owner from each historic district – Mid-town Historic District, Walnut Street Historic District, and Commercial Street Historic District, or employed full time as an architect, real estate agent, or historian or architectural historian within the district. The historic district representatives may also satisfy one of the other mandatory member requirements.
   f. If more than three historic districts are established by the City Council, one member for each additional district shall be added to the original nine members.
2. Members shall serve three-year terms, and may be reappointed; however, no person shall be appointed for more than two consecutive three-year terms. Members may be appointed to fill the remainder of vacant terms.

3. *Powers, Duties, and Responsibilities.* The Landmarks Board shall have the following powers, duties, and responsibilities:
   a. Adopt its own rules of procedure;
   b. Establish advisory committees as it deems necessary, from both within and outside its membership;
   c. Survey and identify historically and architecturally significant properties as described in Section 36-2.11.B;
   d. Recommend plans and policies with regard to historic preservation;
   e. Prepare written recommendations to the City Council regarding designation of historical or architectural resources
   f. Recommend to the City Council the adoption of ordinances designating historic landmarks and historic districts;
   g. 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. 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. 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 City Council;
   j. Recommend the promulgation of standards for architectural review in addition

to those cited in Section 36-2.11.B.

k. Consider applications for and to approve or disapprove certificates of appropriateness pursuant to Section 36-2.11.D and prepare written reasons pursuant to that action;

l. Consider applications for and issue or deny certificates of economic hardship pursuant to Section 36-2.11.E and prepare written reasons pursuant to that action;

m. Increase public awareness of the value of historical and architectural resources by developing and participating in public information programs, and by placing monuments and markers at historic sites, historic landmarks, and historic districts designated under this chapter;

n. 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 procedures for inclusion on the National Register of Historic Places;

o. Review, evaluate, and comment on proposed zoning amendments, applications for conditional use permits, or applications for zoning variances that affect proposed or designated historic landmarks and historic districts. The PD Director 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. Evaluate, comment on, 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. Evaluate, comment on, 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 for structures 50 years or older prior to issuance, or having historic significance as determined by the Landmarks Board;

r. Make recommendations to City 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. Make recommendations to City Council concerning the acquisition by gift, purchase, grant, bequest, devise, lease, or otherwise of 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. Investigate complaints, conduct hearings, and recommend the commencement of actions to enforce the provisions of this section; and

u. Carry out any other action or activity necessary or appropriate to the implementation of this section or which may be specified by City Council.

36-1.05 Interpretation

A. **Rules of Construction.** The following rules shall be used in the application and interpretation of these regulations, except when the context clearly requires otherwise:

1. All words shall have the customary meaning using the Merriam-Webster dictionary, unless specifically defined in these regulations.

2. The present tense includes the future tense, and the future tense includes the present tense.

3. The singular includes the plural, and the plural includes the singular.

4. Lists of examples prefaced by “including the following,” “such as,” or other similar

clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.

5. The conjunctive "and" in a list means that all apply; the conjunctives "or" and "and/or" mean the provisions may apply singly or in any combination; and the conjunctive "either...or" means the provisions apply singly but not in combinations.

6. When calculations to determine a requirement of something that cannot be divisible (i.e. parking space, trees) results in fractions, such fractions shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement and rounded down to the nearest whole number if the standard is expressed as a maximum allowance.

7. "Shall," or "must" is mandatory; "should" or "may" is permissive but a recommended method to best meet the standard or achieve the intent of the standard.

8 A reference to an administrative official shall refer to that official, or their designee, and all references to specific city officials may also include any other designee of the City Manager.

9. Any reference to other official local, state, or federal government rules or regulations shall be to the current versions of those regulations except where any official adoption or reference indicates a specific version.

10. References to a person includes individuals, partnerships, agencies, corporations, or other legal entities and the owner and any other legal, contractual, or authorized representatives of any legal entity.

11. The day of the act that commences a time period shall not be counted and the last day of the time period shall be included, unless it is a Saturday, Sunday or legal city holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal city holidays count in the time period.

B. **Conflicts.** All provisions in this chapter shall be considered the minimum requirements to promote the public health, safety, and welfare. In case of a conflict between these regulations and any other adopted and applicable rule, regulation, standard, or limitation, the higher standard shall apply. In deciding the higher standard, the PD Director may consider which is more specific; which is more consistent with the comprehensive plan; which is more consistent with the purposes, intent, and design objectives of these regulations; and which best promotes the public health, safety, and welfare.

1. *Other City Codes.* Other city codes apply in conjunction with these regulations and the higher standard shall control.

2. *Other State & Federal Regulations.* State and Federal regulations may apply independent of these regulations, provided they remain binding on the city. Where such regulations are non-binding or otherwise can be interpreted in conjunction with these regulations, they may apply provided they support the purposes, intent, and design objectives of these regulations.

3. *Private Restrictions*. These regulations shall not impair or interfere with any private restrictions placed on property by deed, covenant, or other private agreement; however, no private agreement shall authorize a violation of these regulations.

C. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:

1. Boundaries approximately following streets, other right-of-way, rivers, or streams; the centerlines or extension of these centerlines shall be the boundaries.

2. Boundaries indicated as approximately following property lines; the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.

3. Boundaries approximately following city limits: the actual city limits shall be interpreted as the boundaries.

4. Boundaries that split any platted lots; the lot shall be interpreted in the district designated to the majority of the lot. In the case of an equal split, the PD Director shall determine the appropriate zoning based on consideration of the comprehensive plan, the context, the surrounding existing uses, and the likelihood of change in context or existing uses in the future.

5. Boundaries that split any unplatted property; zoning may be interpreted as the actual platted boundary provided the future platting approximately follows the zoning boundary. Where any resulting lots have significant discrepancies with mapped zoning boundaries, rezoning may be required.

D. **Non-regulatory Provisions.** Intent statements, design objectives, graphics, and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards and criteria. In the event of a conflict between these non-regulatory provisions and a specific standard, the specific standard shall control.

E. **Resources, Guides, & Industry Standards.** Resources, guides, and industry standards that are recognized as a reputable authority in the planning, development, and urban design professions, may be used to supplement interpretation of this chapter. They shall be subject to the approval of the PD Director upon a determination that the content is consistent with the policies of the comprehensive plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the PD Director shall be listed in Appendix A, and at least one copy shall be kept on file with the Department of Planning and Development. These guides shall only be used to aid interpretation and application of the standards, and shall not be used to otherwise modify or conflict with any specific standard in this chapter.

36-1.06 Nonconformities

A. **Intent.** The City permits existing uses, buildings, and lots that were created legally and in conformance with then-applicable requirements, but which do not conform to the current applicable requirements of this chapter, to continue to be put to productive use. The intent of this section is to:

1. Bring as many aspects of these nonconformities into compliance with current regulations as is reasonably practical.

2. Recognize different degrees of nonconformity have different impacts, both in terms of the type and the extent of deviation from the standards.

3. Balance the interests of property owners in past investments and the community or adjacent property owners' interest in investment consistent with the comprehensive plan and this chapter.

4. Discourage or prohibit investment that expands, reinforces, or unnecessarily extends nonconforming situations.

B. **Nonconforming Uses.** Uses that were legally initiated or established prior to the adoption or amendment of this chapter, but which could otherwise not be continued under the current terms of this chapter, may continue to exist subject to the following:

1. The use shall not be expanded beyond the specific area of the site or lot where the use

was legally established, beyond any existing building or structure in which the use is located, or within any building or structure where any structural changes expand the exterior footprint of a building or structure. The PD Director may consider an exception based on the following findings:

a. The expansion is part of routine or ordinary business operation rather than an investment in a change or increase in the physical capacity of the site or building;
b. Any enlargements of the structure or buildings is only to facilitate conforming uses or activities, and does not otherwise allow, encourage, or promote expansion or increase of the nonconforming use; and
c. Any expansions on the lot and site conform with all site development standards and can easily accommodate other future conforming uses.

2. If active and continuous operations are not carried on during a period of one year, the use shall not be reestablished and all subsequent uses shall be in conformance with the provisions of this chapter.
   a. Intent to resume active and continuous uses shall not count towards reestablishing the use. Evidence of a continuous business license is not sufficient to maintain use for this purpose. A business use must be operational to be considered active.
   b. A nonconforming home occupation shall be considered abandoned if the occupants of the dwelling who were conducting the use discontinue either their occupancy of the dwelling or the nonconforming home occupation.
   c. Continuation of an accessory use absent the operation of a principal nonconforming use shall not avoid any abandonment period.
   d. A change of operator or sale of use shall not be considered discontinued, provided that neither the previous or current business or owner combined to cease operation for one year or more.

3. Any change of use shall be to a conforming use, and at that time the nonconforming use shall be abandoned. The PD Director may consider and authorize a change to a lessor nonconforming use considering the extent, intensity, or operations of the use, provided it does not otherwise include investments that extend the period that the property is not conforming to this chapter.

4. Any structure in which a nonconforming use is carried out that is damaged to the extent of more than 50% of the current replacement value shall not be restored to support the nonconforming use, with the exception of detached houses and duplexes, which may be replaced at its prior size as evidenced by records of the county assessor or other official record.

5. Any new activity that triggers specific site design standards shall require full compliance with such standards for the nonconforming use to continue, and the presence of a nonconforming use shall not be used to justify not meeting other applicable standards.

C. **Nonconforming Structures.** Structures other than signs that were legally constructed prior to the adoption or amendment of this chapter, but which could not be constructed under the current terms of this chapter, may continue to exist subject to the following:

1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation or expansions that require a building permit may occur provided that they comply with all other requirements of this chapter; are not detrimental to the purposes, intent, and objectives of the standards; and do not interfere with development in conformance with this chapter on adjacent property. In general, no repairs or alterations that exceed 50% of the current replacement value of the structure shall be permitted.

2. If damaged by 50% or less of its total ~~assessed~~**current replacement** value, the structure may be restored to its original condition if a permit is obtained within 180 days and work is completed prior to expiration of the permit.

3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this chapter, or is otherwise damaged and the cost of improvement or restoration is more than 50% of the current replacement value, the right to maintain the nonconformance shall terminate.

4. Structures granted variances from the dimensional standards are not considered nonconforming and are not subject to the limitations of this section, provided that the structure and owner comply with any terms of the variance and the circumstances surrounding the variance have not substantially changed.

D. **Nonconforming Site Conditions.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space, or other non-building site characteristic) in existence prior to these regulations, but which are not compliant with the standards of these regulations, may continue to exist subject to the following:

1. Any change of use or expansion of use shall require compliance with the current development standards up to the maximum extent possible, considering the level of investment needed to support the new use and the extent of area being impacted by work to support the new use.

2. Any site development activity on a portion of a site shall require compliance with the current standards up to the proportion that is subject to the development activity. For example, a site that is not compliant with the landscape standards must meet the landscape standards prorated to the portion of the site where development activity occurs, but the remainder of the site may remain nonconforming.

3. Any change of use, building, or site design element that triggers a screening requirement shall require 100% compliance with all screening standards applicable to the site.

4. Expansion of a building by more than 50% of its gross floor area measured prior to the expansion; tear-down and reconstruction of a building; or development of a vacant parcel proposed for development shall require full compliance with all provisions of the Land Development Code.

5. Expansion of a building by 25% to 50% of its gross floor area, measured prior to the expansion; or increase in parking requirements of more than 20% of the number required by this Land Development Code, calculated based on the condition prior to the expansion shall require full compliance with the bufferyards and screening requirements of the land development code. Landscaping shall be required within any new parking lot areas for the number of spaces required.

6. Expansion of a building up to, but less than 25% of its gross floor area, measured prior to the expansion, or increase in parking requirements of up to and including 20% of the number required by this Land Development Code, calculated based on the condition prior to the expansion shall require either streetscape landscaping in the rights-of-way or frontage and foundation landscaping. If buffering or screening is required, then the area within and around the perimeter of the property shall meet the buffering and screening requirements.

7. The site condition and proposed continued use does not present any other apparent risks to the public health, safety or welfare.

8. Enlargements of gross floor areas and parking lots shall be cumulative and when the above thresholds are reached the required standard shall be applied.

E. **Nonconforming Lots.** Any lots platted legally prior to the adoption or amendment of this chapter, but which could not be platted under the current requirements of this chapter, may continue to exist and be used for the uses permitted in the current zoning district, provided development can meet other development standards, or any other criteria for relief from those

standards included in this chapter.

F. **Nonconforming Signs.** Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. Nonconforming signs must be brought into compliance with this chapter or must be removed when any of the following conditions exist:

1. When the property or premises upon which the sign is located is vacant for a period of at least 180 days.

2. When a sign and/or sign structure is abandoned for more than 180 days, including empty frames.

3. When a sign and/or sign structure is damaged or destroyed and restoration exceeds 50% of its total replacement cost.

4. When the condition of the sign is a violation of any public safety or property maintenance code, and where compliance with those codes would extend the life of the nonconforming sign.

5. When the sign is relocated, replaced, or altered in any way except into compliance with this chapter. This does not refer to the change of copy or normal maintenance.

6. When a structure upon which the sign is placed is relocated, replaced, or altered in any way except in compliance with this chapter.

7. When there is a zoning change initiated by the business or property owner.

The provisions of this subsection shall not apply to nonconforming lighting of signs or nonconforming temporary signs, which shall be brought into compliance within 60 days after the effective date of any applicable standard.

G. **Burden of Proof.** The burden shall be on the applicant to establish that the nonconformity was established lawfully and the entitlement to continuation of nonconforming situations or completion of nonconforming projects according to this section. Owners of nonconformities may request a "certificate of legal nonconforming status" by filing an application with the PD Director.

36-1.07 Enforcement

A. **Violations.** It is unlawful for any building, structure, site element, **land development, or** ~~use of~~ land or building **use**~~, or development of land~~ to be constructed, altered, maintained, or otherwise initiated in violation of **this chapter**~~these regulations~~. It shall be unlawful for any person to:

1. Do or cause any act or thing prohibited by this chapter;

2. Omit or materially misrepresent any act or thing required by this chapter;

3. Neglect any review process, permit, or other authorization required by this chapter prior to the use of land or buildings, or initiation of development; or

4. Interfere in any manner with persons **performing**~~in performance of~~ a right or duty **under**~~granted by~~ this chapter to interpret, apply, and enforce this chapter.

B. **Proceedings. The Director may initiate proceedings to prevent or terminate any activity or condition that violates this chapter.**

1. **To investigate potential violations, the Director may enter lands and buildings to inspect them:**

a. when they are public;

b. in commercial areas open to the public;

c. with the consent of any individual authorized to give such consent; or

d. as part of a routine inspection program.

2. If consent to enter lands and buildings is refused by any person authorized to make such refusal, the Director may apply to a municipal court judge for a search and seizure warrant:

a. when the Director believes there is probable cause supporting that such lands, buildings, or both may be in violation of this chapter; or

b. as part of a routine inspection program.

3. A municipal court judge will issue a warrant upon finding probable cause to believe specified lands, buildings, or both may be in violation of this chapter. Said warrant will:

a. include the specific location subject to the warrant and what, if anything, may be searched or seized on the property described; and

b. be served during reasonable hours by a city official seeking to enforce this chapter in the company of a uniformed city policy officer.

4. Without a hearing, the Director may:

a. withhold, suspend, or revoke any permits or licenses previously granted;

b. issue stop work orders;

c. stop processing pending development applications or permits; and

d. withhold any public improvements.

5. The Director may initiate a more formal proceeding, to include an abatement notice and order and the opportunity to be heard, through the process outlined in this section. Such proceeding may be pursued either in the alternative to or concurrently with the above actions.

a. The affected property owner shall have 15 business days from the date printed on the notice to respond to an abatement notice and order; such response is limited to correction of the alleged violation or a hearing request.

b. If a hearing is requested, the final hearing decision shall be enforced according to this chapter.

c. If no response is received within 15 business days, such notice and order shall be deemed final, and the Director may cause:

i. correction of the violation; and

ii. utilities serving the land, building, or use in violation of this chapter to be turned off until there is full compliance.

6. When the Director causes correction of a zoning violation, the Director shall:

a. **Prepare a certificate of costs charging the property owner with all costs attendant to any zoning violation correction, including but not limited to title reports, administrative fees, attorney fees, certified deeds, and contractor fees;**

b. **Place such attendant costs in a recordable lien document to run with the land until all such costs are paid; and**

c. **Deliver both the certificate of costs and a copy of the recorded lien document to the property owner by at least one of the following methods:**

i. **personal service;**

ii. **United States certified mail, postage prepaid, return receipt requested, and regular first-class mail;**

iii. **FedEx, UPS, or other similar courier; or**

iv. **Email, upon request.**

d. **Post the notice in a conspicuous location on the property where the violation exists, unless there has been personal or email delivery.**

C. **Notice.** When~~ever~~ the PD Director or any other authorized **city** agent ~~of the city~~ determines there are reasonable grounds to believe a violation of this chapter exists, **and the Director wishes to cause correction of any zoning violation or turn off utilities as described above,** the ~~PD~~ Director shall **deliver**~~give~~ notice of the alleged violation to the **property** owner or **registered** agent~~ of the property, including:~~

1. **Notice delivery shall be by at least one of the following methods:**

a. **Personal service;**

b. **United states certified mail, postage prepaid, return receipt requested, and regular first-class mail; or**

c. **FedEx, UPS, or other similar courier.**

Notice shall also be posted in a conspicuous location on the property where the violation exists, unless there has been personal service.

2. **Notice must be in writing and:**

a. **Declare that a zoning violation exists;**

b. **Declare where the violation exists by street address or some other property identifier;**

c. **Describe violating conditions;**

d. **Order the property owner to start correcting the violating conditions within 15 business days of the date printed on the notice;**

e. **Warn the property owner that, if correction does not begin within 15 business days of the date printed on the notice and continue to completion without unnecessary delay, city personnel may:**

i. **Cause correction of the zoning violation, with attendant costs**

charged to the property owner and recorded in a lien running with the land until paid; and

ii. Seek an order from a hearing officer directing that all utilities serving the property in violation be turned off until all zoning violations are corrected.

f. Inform the property owner of the right to a hearing to:

i. Contest the zoning violation declaration, zoning violation order, or any other aspect of the zoning violation proceedings; or

ii. Establish how much delay will be necessary to begin and complete zoning violation correction.

g. Warn the property owner that a failure to request a hearing within 15 business days of the date printed on the notice is a waiver of the right to hearing;

h. Provide the email address of the individual signing the notice; and

i. Direct the property owner to deliver a written hearing request to the department issuing the abatement notice and order by at least one of the following methods:

- Personal service to an individual within the department issue the notice;
- Email to the individual that issued the notice; or
- United States first-class mail, FedEx, UPS, or other similar courier.

- ~~A written statement of the alleged violation.~~
- ~~State what action is required, set a reasonable time limit for required action or code compliance, and what remedies the City may pursue if the action is not taken in the required time.~~
- ~~Indicate that the owner may be responsible for all costs and penalties associated with the violation through fines against the owner or agent, or through assessments against the property.~~
- ~~Serve the notice upon the owner or agent by either delivering it to them personally, sending it by registered mail to the last known address, or posting it in a conspicuous place in the building or on the property affected by the action.~~

D. Hearing Request.

1. A hearing request must:

a. be in writing;

b. include the applicant's name and mailing address;

c. briefly describe the applicant's basis for appeal; and

d. state whether the applicant is represented by an attorney and, if so, such attorney's contact information.

2. Upon delivery of a hearing request, city personnel will first seek to resolve correction issues with the property owner. If no such resolution is reached, city personnel will arrange a hearing.

3. Failure to deliver a request for hearing within 15 business days from the date printed on the notice of abatement and order shall constitute waiver of the right to a hearing, and the abatement notice and order shall be deemed final.

4. If, after having requested a hearing, a property owner fails to appear at the hearing, no hearing shall be held and city personnel may cause correction of a zoning violation without a hearing or further legal proceedings.

E. Hearing Notice. The hearing notice shall:

1. Be delivered to the property owner and any other individual with an interest affecting title in the property by at least one of the following methods:

a. Personal delivery;

b. United States certified mail, postage prepaid, return receipt requested, and regular first-class mail;

c. FedEx, UPS, or other similar courier; or

d. Email, upon request.

2. Be posted in a conspicuous location on the property where the violation exists, unless there has been personal or email delivery;

3. Specify the date, time, and location for the hearing;

4. Include a copy of the abatement notice and order; and

5. State the identifying case caption, case number, and whether an answer to the notice is required.

F. Hearing. Any zoning violation hearing under this chapter shall be held by a duly appointed hearing officer, with such hearing recorded. The hearing officer will hear testimony offered under oath or affirmation, and interested parties may appear in person and by counsel.

G. Decision. Hearing decisions shall be issued in writing within 10 days of the hearing and shall included findings of fact, conclusions of law, and any necessary order. Such order shall authorize the Director to apply any enforcement remedies pursuant to this chapter upon finding that:

1. One or more zoning violations exist;

2. Notices have been property given; and

3. Zoning violations have not been corrected.

The hearing decision shall be distributed to the property owner, other individuals with an interest affecting title in the property, and interested city personnel by at least one of the service methods listed in this section.

Hearing decisions shall be deemed final 30 days after issuance unless there is an appeal to circuit court under Section 536.110, RSMo.

H. **Judicial Actions.**

1. **Municipal Court.**

a. **If a person violates this chapter or does not timely comply with a compliance request, the Director may cause a municipal court summons to be issued for prosecution in municipal court.**

b. **Any person who violates this chapter or does not comply with any order issued under this chapter is in violation of a municipal ordinance and, upon conviction, is subject to punishment under Section 1-7 of the Springfield City Code.**

c. **In deciding punishment, the court will hear evidence concerning the economic value of continuing the violation and assess a fine sufficient, in the court's judgment, to deter a continuation of the violation.**

d. **Each day a violation continues after notice is served and charges are filed in municipal court shall be considered a separate offense.**

e. **Notice is not required to prosecute a violation of this chapter but is required to prosecute failure to comply with an order issued under this chapter.**

2. **Circuit Court. If a person violates this chapter or does not timely comply with a compliance request, the Director may request that the city attorney obtain an injunction to correct such violation. No fines imposed in municipal court or other proceedings under this chapter shall prevent an injunction to:**

a. **Prevent unlawful construction;**

b. **Restrain or correct a violation;**

c. **Prevent illegal occupancy of a building, structure, or premises; or**

d. **Stop an illegal act, conduct, business, or use of a building or structure in or about any premises in violation of this article.**

~~I. **Enforcement.** The City may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including any or all of the following:~~

~~1. Withhold any permits or licenses, or revoke or suspend any permits or licenses previously granted;~~

~~2. Conduct inspections of land and buildings, and exercise a right of entry where there are reasonable grounds to suspect a violation exists or where part of systematic inspection programs;~~

~~3. Issue stop work orders, cease action on pending development application or permits;~~

~~4 Initiate legal proceedings to prevent the continuance of unlawful actions or conditions;~~

~~6. Withhold any public improvements;~~

~~7. Correct or abate the violation if it is not complied with within the time specified by the notice; or~~

8. Penalize and levy fines, and assess all costs including actual costs, incidental and administrative costs, inspection fees, attorney's fees, and court costs.

J. **Penalty.** Any person violating any provisions of this chapter shall be guilty of a violation of a municipal ordinance and upon conviction 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 or filing of charges in municipal court shall be deemed a separate offense. Notice shall not be required in order to prosecute a person for a violation of any provision of this chapter, except 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 this section.

Article 2. Procedures

36-2.01 General – All Applications
36-2.02 Plats
36-2.03 Zoning Site Plan
36-2.04 Conditional Use Permit
36-2.05 Rezoning
36-2.06 Planned Zoning
36-2.07 Variance
36-2.08 Appeals of Administrative Decision
36-2.09 Text Amendments
36-2.10 Annexation
36-2.11 Historic Designations
36-2.12 Street Name Change
36-2.13 Street Vacation

Table 2-1: Summary of Procedures

Application	Eligible Applicant				Notice			Pre-application		Review & Decision				Protest
	Owner	Staff	P&Z	CC	Pub	Mail	Post	Staff Meeting	Neighborhood Meeting	Staff	P&Z	CC	BOA	
Administrative Subdivision (36-2.02.B)	✓							■		D	A			
Annexation (36-2.10)	✓			✓	■			■		R		PH / D		
Major Subdivision – Preliminary Plat (36-2.02.C)	✓						■	■		R	PH / ~~R~~D	Ac / A		
Major Subdivision – Final Plat (36-2.02.D)	✓									D	A	A		
Zoning Site Plan (36-2.03)	✓							■		D	A			
Conditional Use Permit (36-2.04)	✓				■	■	■	■	■	R	PH / D	A		
Rezoning (36-2.05)	✓		✓	✓	■	■	■	■	■	R	PH / R	PH / D		X
Planned Zoning (36-2.06)	✓		✓	✓	■	■	■	■	■	R	PH / R	PH / D		X
Variance (36-2.07)	✓					■	■	○					PH / D	
Appeal of Administrative Decision (36-2.08)	✓	✓	✓	✓		■	■						PH / D	
Text Amendment (36-2.09)		✓	✓	✓	■					R	PH / R	PH / D		
Street Name Change (36-2.12)	✓	✓	✓	✓	■	■	■	■		R	PH / R	PH / D		
Street Vacation (36-2.13)	✓	✓	✓	✓	■	■	■	■		R	PH / D	A		X
	✓ = Eligible to initiate application				■ = Required ○ = Applicant's option					R = Review and Recommendation D = Decision A = Appeal of Prior Decision Ac = Acceptance of Improvements / Dedications PH = Public Hearing				

36-2.01 General – All Applications

A. **Applications & Fees**.

1. *Forms.* Applications required under this chapter shall be submitted to the Department of Planning & Development (PD) on forms supplied by the Department. The PD Director is authorized to establish application forms and submittal requirements to ensure all applications can be evaluated for conformance with this chapter. The PD Director may waive the requirement for any information on standard forms at the time of application, due to the routine nature of the application or due to the context of a particular application making the information inapplicable for review against the criteria.

2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the city's current Fee Schedule. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the staff on behalf of the Planning and Zoning Commission or City Council.

3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each particular application under this chapter, which may include the following:
   a. *Owner*. The record owner of property that is the subject of the application or that owner's agent authorized by written permission of the owner.
   b. *Planning and Zoning Commission.* The Planning and Zoning Commission, acting on its own initiative or through recommendations brought to it by city staff.
   c. *City Council.* The City Council, acting on its own initiative or through recommendations brought to it by city staff.

B. **Concurrent Applications**. When a project requires approvals under more than one type of application, the PD Director may determine that each application may run concurrently based on the following:

1. The information required for each type of application is similar or can be easily coordinated between each application.

2. The notice, timing, procedures, meetings, and review bodies required for each application are similar or can be easily coordinated between each application.

3. The ability of the staff and review bodies to make effective decisions under the review criteria when reviewing the applications concurrently.

In cases where the PD Director determines applications may run concurrently, the application shall be reviewed according to the highest review level of any associated application, and approvals may be conditioned on the final decision of the highest concurrent application. No decision shall be considered final until the last of the required decisions has been made.

C. **Pre-application Meeting.** Pre-application discussions are informational and non-binding and assist applicants with due diligence on formal applications for development or rezonings. Pre-application meetings may be required at multiple stages of a project, early on, while in the design process, or prior to submitting for a building permit.

1. *Applicability.* In addition to the requirements in Table 2-1, pre-application meetings are required for any residential development of two or more units, and any new non-residential construction or additions (commercial, mixed-use, or industrial buildings, site improvement plans, or parking lots). A required pre-application meeting may be waived at the PD Director's discretion for any application that is routine in nature and where the topics can be addressed by general correspondence.

2. *Content.* Applicants shall confer with the PD Director and other city staff or officials designated by the PD Director, to discuss the proposal, including:

a. How the proposed project meets the goals of the comprehensive plan, or other specific plans or policies applicable to the area if a rezoning is requested.
b. The applicant's vision and understanding of the market for the proposed project.
c. The proposed uses, general site layout, and conceptual or anticipated design of buildings, including how the project relates to surrounding sites and public spaces.
d. How the project will contribute to the area and further the intent of the applicable or proposed zoning district.
e. Infrastructure capacity, demands, and impacts on existing or planned facilities.
f. Development review processes and review criteria.
g. Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.

3. *Review Procedure*. Applicants shall submit all documents required for pre-application review as established in the most recent User's Manual as approved by the PD Director.

4. *Duration.* The pre-application meeting and city staff's comments contained with the report are valid for ~~six~~**6** months after the meeting date provided the proposal has not substantially changed.

D. **Neighborhood Meeting.** A neighborhood meeting shall be required as indicated in Table 2-1, and specifically applicants shall hold a neighborhood meeting prior to the Planning and Zoning Commission public hearing on rezonings, Planned Zonings, vacations of public right-of-way (that are not initiated by the PW 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 15 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 PD Director.

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. Neighborhood meetings shall not be held on official city holidays or October 31st, December 24th, or December 31st.

4. The mailing shall be performed by the Department of Planning and Development; however, the letters and envelopes including postage shall be prepared by the applicant. The neighborhood letters shall be submitted to the Department of Planning and Development 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 Department of Planning and Development. The notice letter shall contain the following and any additional information as required by the PD Director:
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~~**10** days prior to the Planning and Zoning Commission public hearing, the applicant shall submit a summary of the meeting to the Department of Planning and Development including the following in

order:
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 the applicant plans to respond; and
f. Additional information, such as comment cards, letters from neighbors, shall be attached to the summary.

7. 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 Department of Planning and Development.

E. **Staff Review.** Upon receipt of an application or resubmittal, the PD Director shall take the following steps:

1. *Determination of Complete Application*. If an application is determined incomplete, the PD Director shall notify the applicant of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the PD Director may determine that the incomplete application is withdrawn. If an application is complete it shall be processed for formal review.

2. *Staff Review.*
a. The PD Director shall coordinate review by the Department of Planning and Development Department after a complete application, and consult with the Department of Building and Development Services, the Department of Public Works, and other appropriate departments the PD Director determines may be impacted by the application.
b. The PD Director may require review by the Administrative Review Committee (ARC) as established in Section 36-1.04.
c. The PD Director may determine if other referral agencies are appropriate based on the application and has discretion to add any other relevant or applicable agency to the list. The following agencies may be requested to review and comment:
(1) Adjacent county and municipal governments;
(2) State of Missouri department offices;
(3) Gas and electric utility providers;
(4) Telecommunications and cable providers;
(5) Public safety agencies (Police, Fire, EMS, Health);
(6) School districts;
(7) Water and sewer utility providers; and
(8) Other special district, local, state, or federal government agencies or impacted entities.
d. Failure to receive comments from referral agencies shall not be considered approval by the agencies and may allow the PD Director to delay the application. However, if the applicant demonstrates sufficient due diligence in attaining comments, the PD Director may allow the application to proceed.
e. The applicant shall be responsible for coordinating all subsequent requirements, plan amendments, or fees required to satisfy agency requirements, and for notifying any agency prior to final review of any changes that may affect their comments on initial plans.

3. *Staff Comments.* The PD Director shall coordinate staff comments on a complete application and may provide the applicant the following information in writing:
a. Comments or recommended changes based on the results of any referral

agency comments, neighborhood meetings, or staff review.

b. A list of any additional information necessary to support the application or address any comments or recommended changes.

c. If the applicant chooses not to address any comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and provide reasonable rationale why the comment cannot be addressed. The applicant may request to schedule the application for official review based on this rationale.

d. If the applicant fails to submit revisions or otherwise address any comments from the PD Director in writing for more than 120 days, the PD Director may:

(1) Postpone the application based on the applicant's request and any reasonable justification for a delay in addressing comments; or

(2) Determine the application withdrawn and the review terminated. Any further action will require a new application and fees.

4. *Scheduling.* Applications that have completed staff review and addressed any comments or recommended changes, shall be scheduled for further review or processing according to these regulations.

5. *Staff Report.* The PD Director shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the appropriate policies, plans, regulations, and review criteria, and identify relevant facts of the application. The PD Director shall publish or otherwise make the report available to the applicant and public prior to the review body meeting, in association with the public meeting agenda and packet.

F. **Notice.** Notice shall be provided for each application as indicated in Table 2-1, which shall provide the date, time, place of the meeting, and general information on the application including the location, type of application, and where additional details may be found.

1. *Published*. Where published notice is required, notice shall be published in an official newspaper or a newspaper of general circulation in the city of Springfield at least 15 days prior to the public hearing or meeting.

2. *Posted*. Where posted notice is required, notice shall be posted by the applicant on the property or near the proposed site, visible to surrounding properties and the general public from adjacent public ways, according to the following:

a. The PD Director shall determine the number, type, size, content, and specific location of signs based on the context of the property and to provide visible and clear notice to the public. One sign shall be posted for each 150 feet of street frontage up to a maximum of three signs, and at least one sign on each street frontage.

b. The applicant shall ensure that signs are posted at least 10 days prior to the public hearing or meeting.

c. The applicant shall make a reasonable, good-faith effort to maintain posted notice throughout the proceedings.

3. *Mailed.* Where mailed notice is required, the City shall mail notice at least 15 days prior to the hearing or review meeting by first class mail to all owners of real property, as shown on the records of the county assessor, adjacent to or within 185 feet of the subject property.

4. *Specific Content.* All notice that is required to be published or mailed shall contain the following:

a. The name of the applicant as it appears on the application.

b. The name of the property owner, if different from the applicant. If there are multiple owners, only three names shall be listed and a full list shall be on file with the application.

c. The 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 or meeting, and whether it includes the right to testify (e.g. public hearing).
f. The place at which further information on the application may be obtained and examined.

5. *Failure of Notice.* Any failure of published, posted, or mailed notice shall not invalidate any subsequent process or decision in the PD Director's discretion. In making this decision, the PD Director shall consider whether:
a. Good faith efforts were made to comply with notice, and the failure of notice was beyond the applicant's or City's control;
b. Technical errors in the notice were made, but constructive and actual notice was available to all interested parties; or
c. The failure of notice is not otherwise influential to the proceedings, criteria, or record established for the decision.

G. **Public Hearings.** Where public hearings are required by Table 2-1, the following procedures apply:

1. The hearing shall be conducted and a record of the proceedings shall be preserved.

2. Any interested person or party may appear and be heard in person or by agent, and the review body may require that this testimony and any evidence or exhibits be under oath or by affirmation.

3. The review body may request testimony or a report on the application from any government official or agency, experts, or any other person with information pertinent to the application.

4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this section if the specific date, time, and place of the continued hearing is announced at the original hearing.

5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body.

6. A review body is authorized to establish meeting procedures and bylaws regarding specific conduct and management of public hearings, within the parameters of these regulations.

H. **Action by Review Bodies.** Required review bodies are indicated in Table 2-1. A review body may take any action on the application consistent with notice given or criteria in these regulations, or recommend such action when the review body is a recommending body, including the following:

1. Approve the application.

2. Approve the application with conditions or modifications that make it more consistent with the standards and review criteria. Any modification to plans prepared by a licensed professional shall require review and consent by the licensed professional.

3. Deny the application, with specific reasons for the denial.

4. Continue the application to allow further analysis. The continuation period shall not be more than 60 days from the initial meeting without the consent of the applicant.

5. In the case of City Council, remanding of the application to the recommending body, e.g., the Planning and Zoning Commission, shall occur when either (1) the applicant has requested a remand to make a substantive change to the application at issue; or (2) new evidence has been presented to City Council that was not presented to the recommending body, provided that good cause for such omission is established.

a. Such remand shall be issued in a written order that includes the following parameters as guidance from City Council:
   (1) The issue prompting the application to be remanded;
   (2) The specific question(s) City Council desires the recommending body to answer;
   (3) Any specific evidence or testimony that City Council desires to be provided before the recommending body issues its new recommendation; and
   (4) Any limitations on additional evidence and testimony City Council desires to restrict.

b. Following the completion of all steps included in the written remand order, the recommending body will issue a new recommendation to City Council. If no action is taken on the remanded item, the same recommendation will be deemed made and will be sent back to the City Council.

c. Such remand shall be placed on the agenda of the next regular meeting of the recommending body following completion of all necessary steps.

d. New notice and publication of the public hearing on the remanded item shall be required, to be paid by the applicant unless otherwise specified by City Council.

I. **Appeals.** Where no appeal process is designated in Table 2-1, the decision shall be final and only appealed as authorized by law. Any final decision made under this chapter by an administrative official may be appealed according to Section 36-2.08. Where a review body is designated as the appellate body in Table 2-1, the following appeal procedures apply:

1. Appeals shall be filed with the PD Director within 15 days of the final decision by a public review body or 30 days of the final decision by any administrative official.

2. Appeals shall identify the exact provisions in dispute and whether it is incorrect due to one or more of the following:
   a. It was against specific standards of this chapter;
   b. It was an unreasonable interpretation or application of the standards or review criteria;
   c. It was erroneous, based on the record and facts reviewed by the decision-making body; or
   d. It was otherwise clearly contrary to law.

3. The following persons and entities shall have standing to appeal the action of the review body:
   a. The applicant;
   b. The City Manager, on behalf of any public official, department, or public body; or
   c. Any other person who has a right to appeal by law.

4. Prior to forwarding any appeal to the appropriate appellate body, the Administrative Review Committee shall perform a secondary review of the application and issue a final administrative decision. Based on the final administrative decision the applicant may either withdraw the appeal or continue with the appeal before the applicable appellate body.

5. The appellate body shall consider the application based on the established record, within 60 days of a filed appeal. It shall give deference to the previous review body but may take any action authorized by the decision-making body under this chapter if it determines that a clear error was made.

6. The procedure and required notice for any appeal that advances to the appellate body shall be the same for the appeal as required of the original application.

J. **Technical Studies.** The PD Director, on behalf of any public official, department, or agency, the Planning and Zoning Commission, or the City Council, may require applicants to submit technical studies necessary to evaluate the application. Technical review by outside entities

with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic studies, infrastructure capacity and impact analysis, geologic or hydrologic studies, environmental impact and biological assessments, noise studies, market studies, or fiscal and economic impact studies. The persons or firms preparing the studies shall be subject to the approval of the PD Director and the respective public official or department. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the city may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.

K. **Permits.** Upon final approval as specified for each application in this section, applicants may proceed with all permits necessary to construct buildings, infrastructure, and site improvements. Additional details, plans, and specifications necessary to show full compliance with the standards of this chapter, other applicable city codes and specifications, or other agency requirements or laws may be required.

36-2.02 Plats

A. **Applicability.**

1. *General Applicability*. Plat applications are required to:
   a. Design and coordinate streets, open spaces and other civic places with developable lots and buildings;
   b. Establish or alter the legal boundaries of property in coordination development patterns, infrastructure, and services; and
   c. Account for public infrastructure, access, and services; community facilities; development patterns; or other long-range growth and development considerations prior to potential fracturing of ownership and as individual development projects occur.

2. *Specific Applicability.* Plat applications may be initiated by the property owner, and specifically shall apply to:
   a. Any combination of lots or division of land into more than one lot or parcel;
   b. Any adjustment that alters the legal boundaries or potential ownership patterns of legally established parcels or previously platted lots, except those by operation of law, acquisition by a public entity, or by court order; and
   c. Any development on previously unplatted property where access or connections to public infrastructure or public streets will be required, where public or private easements will be required to build infrastructure; or where the development is otherwise determined to increase the impact on public infrastructure or community facilities.

3. *Types of Plats and Applications.* Plat applications are classified and processed as one of two types:
   a. *Administrative Subdivisions.* Administrative subdivisions are routine applications that impact the legal disposition of property (property lines, easements, etc.) but do not significantly alter development patterns or impact public infrastructure or services.
   b *Major Subdivisions.* Major subdivisions are all other land divisions or development impacting development patterns, right-of-way, or public infrastructure or community facilities, which typically require a comprehensive review through preliminary plat and final plat procedures.

B. **Administrative Subdivision.** Administrative subdivisions shall be processed according to the following criteria and procedures:

1. *Eligibility.* The following situations are eligible for administrative subdivision processes:
   a. *Administrative Property Line Adjustment*. Only in instances of a property line dispute, a minor encroachment, or a court-ordered and certified survey to confirm the alteration of legal boundaries of previously platted lots or legally

established tracts of record prior to March 26, 1956. Absent a court-ordered and certified
survey, only a single lot line may be adjusted as part of an administrative property line adjustment.

b. *Administrative Lot Combination.* A certified survey to confirm the combination of previously platted lots or legally established tracts of record prior to March 26, 1956, into fewer lots.

c. *Administrative Plat*. A certified survey to confirm the alteration or the division of one or more platted or un-platted parcels or of legally established tracts of record prior to March 26, 1956, into no more than five additional lots from the parent parcel.

d. *Administrative Condominium Plat*. A certified survey to confirm the legal boundaries of a unit or structure on a ~~platted~~ lot of record **of an existing structure or structures on a common element.**~~that could only be determined post-construction, such as for duplexes, townhouses, or for residential or non-residential condominiums where the units and lots are individually owned, and the property is on a lot of record in common ownership~~.

e. *Administrative Plat Correction.* A certified survey or other legal instrument acceptable to record that corrects a tract, parcel, or lot was legally established and corrects an error or omission from prior legal instruments that results in no observable impacts on the development pattern or potential development.

f. *Administrative Tract Certification.* A certified survey or other legal instrument acceptable to record that confirms a tract or parcel as legally established in the present configuration prior to annexation into the city, under a prior code at the time of its recording, or prior to March 26, 1956.

2. *Review Criteria.* An administrative subdivision may be approved by the PD Director if the PD Director determines that all of the following are met:

a. Each lot meets the standards of this chapter and can meet the design and development standards of the applicable zoning district;

b. No new streets or public dedications are needed for the application, except that dedications of additional right-of-way on existing streets or alleys or new easements may be included provided they are formally accepted and deeded to the City;

c. Each lot is already served by public sewer and public water and only extensions of facilities internal to the block or lot are necessary to serve future development;

d. No significant impact on public infrastructure nor interference with existing service levels will result from potential development, and adequate services to the proposed lots can be accomplished at the time of development; and

e. Each lot has the necessary improvements required by this code or can provide these facilities in coordination with and at the time of development, including access, utilities, and stormwater requirements.

f. For condominium plats, the development meets all physical standards and patterns for development of the lot(s) and building(s), except for the individual ownership of units within the lot(s) or building(s) and complies with the final plat establishing the lot(s) of record for the project and the applicable state condominium laws.

g. Any application not classified as an administrative subdivision or not meeting these criteria shall be processed as a major subdivision.

3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to administrative subdivision applications.

a. If the PD Director determines at any point in the process that the application is not eligible for an administrative subdivision or is otherwise trying to evade the major subdivision process, the PD Director may deny the application and require the applicant submit a new application as a major subdivision.

b. The PD Director shall make the final decision on administrative subdivisions, and the decision may be appealed to the Planning and Zoning Commission.

c. The PD Director shall inform the applicant of a decision in writing within 30

days of the determination of a complete application.

d. The applicant may appeal a final decision by the PD Director to the Planning and Zoning Commission after a secondary review by the Administrative Review Committee.

4. *Effect of Decision.*

a. The applicant shall submit the approved administrative subdivision and all other required documents and certificates in the proper format to the City for execution of signatures.

b. The City shall record the administrative subdivision and executed documents with the Greene County Recorder of Deeds.

c. The administrative subdivision shall become effective after recording, and the applicant may proceed with building permits and all other applicable permits consistent with the approved subdivision.

d. An administrative subdivision not recorded within one year shall expire and any further action shall require a new application.

C. **Major Subdivision – Preliminary Plat.** Any subdivision not eligible as an administrative subdivision is a major subdivision that shall require approval of a preliminary plat. A preliminary plat shall be processed according to the following specific procedures.

1. *Applicability.* The preliminary plat provides detailed planning review of development patterns, street networks and design types, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans. The PD Director may allow a preliminary plat and final plat to be processed simultaneously for more routine applications, provided the submittal requirements and criteria for both applications can be met.

2. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria:

a. The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.

b. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations.

c. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district, including lot and development standards, frontage design standards, and access standards.

d. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.

e. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.

f. Any impacts identified by specific studies or technical reports, including a review of storm water, traffic impacts, and access management are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.

g. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.

h. The recommendations of professional staff or any other public entity or review agencies asked to officially review the preliminary plat.

3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to preliminary plat applications:

a. Any application may be coordinated with a rezoning in Section 36-2.05 or a planned zoning in Section 36-2.06.

b. The PD Director shall schedule complete applications for a public hearing before the Planning and Zoning Commission.

c. The Planning and Zoning Commission shall review the preliminary plat, and a preliminary plat that conforms with the standards of this chapter and criteria of this section shall be forwarded to the City Council for a recommendation to

accept any dedicated land. A preliminary plat that does not meet the standards or criteria may be denied by the Planning and Zoning Commission.

(1) Any street or public facility included in a major street plan approved by the Planning and Zoning Commission or other specific plan for public facilities, regardless of local, state, of federal status, shall not be accepted or constructed unless it is first approved as a preliminary plat by the Planning and Zoning Commission prior to construction through a preliminary plat or other capital improvements and design review.

(2) Any street or public facility not approved by the Planning and Zoning Commission in this manner shall only be accepted or constructed by a two-thirds approval of the entire membership of the board having jurisdiction over the street of public facility

d. The applicant may appeal a denial of a preliminary plat by the Planning and Zoning Commission to the City Council.

e. Based on the Planning and Zoning Commission recommendation, the City Council shall reject or accept the preliminary plat, and if accepted determine if the land or easements proposed to be dedicated for public use and the proposed public improvements shall be accepted by the City.

f. The City Council may accept the land and improvements on the preliminary plat contingent on the subsequent filing and recording a final plat that substantially conforms with the preliminary plat, and upon the PW Director certifying that the public improvements have been made or secured in accordance with city standards.

4. *Effect of Decision.*

a. The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat and design and construction of improvements in conformance with the preliminary plat.

b. An approved preliminary plat shall be effective for two years, except that any complete submittal of final plat for any phases indicated on a preliminary plat shall stay the two-year period, and on approval of a final plat a new two-year period may begin for remaining portions of the preliminary plat.

c. The Planning and Zoning Commission may grant a one-year extension on a preliminary plat if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat or other circumstances beyond their control that make the delay reasonable, and if based on finding that no substantial changes in the area will affect the originally approved application. **Otherwise, a new preliminary plat is required.**

d. If a final plat is not submitted within these parameters, the preliminary plat shall expire, and any further activity shall require a new preliminary plat.

e. The approval of a new preliminary plat prior to the expiration of a previously approved preliminary plat shall automatically render any previously approved preliminary plat invalid.

D. **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.

1. *Review Criteria.* A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.

a. The layout and design of the final plat substantially conforms with the approved preliminary plat considering:

(1) The number and size of lots and tracts;

(2) The block layout, street designs and access;

(3) The open space systems and civic design elements;

(4) The location and capacity of infrastructure systems; and

(5) Any phasing of the development, improvements, and community amenities.

b. The required public improvement plans have been formally accepted.

c. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
d. The recommendations of professional staff or any other public entity asked to officially review the final plat.
e. Deviations in the final plat may be considered to substantially conform to an approved preliminary plat and may be approved if the change:
   (1) Is justified by greater details in planning, design, and engineering in furtherance of the preliminary plat;
   (2) Complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards;
   (3) Does not increase the impact of any development on required improvements beyond the capacity for required improvements identified in the preliminary plat;
   (4) Does not impact any condition of the Planning and Zoning Commission or City Council associated with the approval of the preliminary plat;
   (5) Is consistent with development concepts in the preliminary plat in terms of land uses, scale, and intensity of development, and in no case changes the number of lots, dwelling units, buildings, or sizes of blocks and open spaces by more than 10%; and
   (6) If technical studies were required with the preliminary plat, the author of the study shall submit an amendment noting that the change does not impact any findings of the study.
f. Any other changes to the preliminary plat, including significant changes in the phasing or dedication of public land and right-of-way, may require approval by the Planning and Zoning Commission and acceptance of the City Council.

2. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to final plat applications:
   a. The applicant shall identify all improvements to be constructed, either according to the required improvements listed in this chapter or by a specific agreement for the project approved as part of the preliminary plat. The applicant shall submit final plans and specifications for these improvements, and ensure construction of these improvements or financial guarantees as provided in Section 36-3.04.
   b. The staff shall review the final plat for conformance with the planning and design elements, and the engineering specifications, and a final plat that meets these criteria shall be approved.
   c. A final plat that does not meet these review criteria may require reprocessing as a revised preliminary plat.
   d. The PD Director shall make the final decision on final plats, and the decision may be appealed to the Planning and Zoning Commission after a secondary review by the Administrative Review Committee. The Planning and Zoning Commission decision may be appealed to the City Council.

3. *Effect of Decision.*
   a. The applicant shall submit the approved final plat and all other required documents and certificates on proper forms to the City for execution. Approval may be conditioned upon payment of all other applicable fees and execution of all applicable agreements prior to recording.
   b. The ~~applicant~~**City** shall record the approved final plat and executed documents with the Greene County Recorder of Deeds.
   c. The final plat shall become effective after recording, and the applicant may proceed with building permits and all other applicable permits consistent with the approved plat.
   d. No substantial site construction may begin until all final plat documents are executed and recorded, applicable fees paid, and plans and agreements for required improvements are in place according to Section 36-3.06. A building permit shall not be issued until the completion, inspection, and acceptance of all required improvements, unless otherwise agreed to in writing with the City.

36-2.03 Zoning Site Plan

A. **Applicability.** The zoning site plan process reviews development projects to ensure compliance with applicable development standards, compatibility with surrounding property and potential future development, and coordination with other necessary permits or improvements required for the project. Zoning site plan applications may be initiated by the property owner or owner's representative. The zoning site plan process specifically applies to any of the following:

1. Any new nonresidential or multifamily buildings;

2. New detached houses or multi-unit houses where three or more buildings are proposed;

3. Expansion or alterations to an existing multifamily or nonresidential building that change the footprint by more than 10% or significantly alter the form of the building envelope or character of exterior elevations on more than 25% of the exterior;

4. Any site development activity that adds impervious surfaces greater than 5% of the lot;

5. A change of use that is potentially more intense than the existing use, or that could otherwise trigger associated site development activity, such as parking, access, traffic circulation or intensity, landscape, or screening;

6. Any other changes to existing buildings or site that significantly alter the exterior appearance, or that impact access, circulation, or abutting streetscape designs. This excludes ordinary maintenance to any existing building, structure, or site design element; or

7. Any development that meets the criteria for a nonconformity in Section 36-1.06.

B. **Review Criteria.** The following criteria shall be considered when evaluating zoning site plans and determining compliance with the standards of this chapter, and in exercising any discretionary approvals or interpretations associated with the zoning site plan:

1. *Generally.*
   a. The plan meets all applicable standards and meets the criteria for any performance standard, guidelines, exceptions, or modification permitted in this chapter.
   b. The plan is consistent with any conditions on prior approvals by the Planning and Zoning Commission or City Council associated with the property.
   c. The application can reasonably be assumed capable of meeting the criteria for all subsequent permits and authorizations needed to build the project as proposed.
   d. The plan does not undermine the goals or objectives of the comprehensive plan that are applicable to the area of the project or interfere with future development on adjacent property that would be in accordance with the plan.
   e. The plan does not present any other apparent risks to the public health, safety, or welfare based on other relevant codes, specifications, or industry standards.

2. *Site Design and Engineering.*
   a. The plan provides safe access and internal circulation and appropriately balances vehicle, bicycle, and pedestrian needs based on the context and street type.
   b. The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development, and appropriately stages or phases improvements with potential future development on the site or in surrounding areas.
   c. The plan provides adequate management of storm water and utilizes green infrastructure practices when possible.
   d. The plan provides proper grading considering prevailing grades, relationship to

adjacent sites, and avoids inherent hazards from topographic, geologic, or physical features on the site.

3. *Landscape and Open Space Design.*
   a. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and other nearby public, civic, or common spaces.
   b. The plan enhances the environmental and ecological functions of un-built portions of the site and makes effective use and conservation of natural resources.
   c. The plan minimizes the exposure and adverse impact of more intense activities or components of the site or building on the streetscape and on adjacent properties.

4. *Building Design.*
   a. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
   b. The selection and application of materials will promote proper maintenance and quality appearances over time.
   c. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, if there is any prevailing consistency or commonality in the scale, forms and features, and materials of buildings in the vicinity, they inform choices on the proposed building.

C. **Modifications.** The PD Director or Planning and Zoning Commission may consider modifications when applying standards to a specific plan so that the best design solution may be applied to a particular context or site. The applicant shall **clearly** identify in the application **and** ~~or~~ on a **separate zoning site** plan where a modification is requested, propose a justification and alternative that meets the criteria, and a decision on each proposed modification shall be clearly indicated on the plans or by written decision associated with the application. **The major modification process shall not require any public notices. The Planning and Zoning Commission decision on major modifications is final.** The PD Director (minor modification) or Planning and Zoning Commission (major modification) shall use the following criteria to make decisions on a proposed modification:

1. Conditions of the site make strict compliance with the standard impractical or ineffective.

2. A proposed alternative equally or better meets the intent and design objectives of the applicable standard.

3. The modification is the minimum necessary to address the conditions, and is within any other limitations established for the applicable standards.

4. The modification does not undermine or conflict with other applicable site or building standards, or result in negative impacts on adjacent sites.

5. The modification is not strictly for the convenience of a specific project, but is justified under any of the following broader community benefits:
   a. Aesthetic considerations that permit better coordination of the lot and building with the established character of the immediate area;
   b. Improved environmental performance, considering stormwater, energy use, building performance, landscape design, or operational impacts of the use;
   c. Increased pedestrian or bicycle accommodations;
   d. Enhanced civic design considering the relationship of the site and building to streetscapes and open spaces;
   e. Adaptive reuse of an existing building, additions to an existing building, or infill on an existing lot that accommodates development comparable to that on adjacent property; or
   f. Better serves public health and safety considerations.

6. The modification may be based on any additional conditions or requirements reflected in the plan, including stricter compliance or increases in other relevant standards (e.g. setback reduction considered in association with greater building height limitations; etc.).

7. The modification is limited in degree as specified in Table 2-2.

Table 2-2: Zoning Site Plan Modifications

Site Design Element	Minor Modifications (Staff Discretion)	Major Modification (Planning & Zoning Commission Discretion)
Article 5 & 6: Development & Dimension Standards (Sections 36-5.03 Residential; 36-6.03 Nonresidential)		
Lot Area	10%	15%
Lot Width	5%	10%
Building Setback	20%	40%
Building Coverage	10%	20%
Building Height	15%, up to 5' max.	30%, up to 1 story max.
Open Space Design	**5%**	**10%**
Article 5: Residential Design Standards (Section 36-5.04)		
Frontage Design, Building Design~~, Open Space Design~~	**Table 5-3 (Residential Frontage Types & Design Standards) determines the minor and major modification process. Proposed frontage type requires that all requirements within the proposed frontage type be met. Frontage and building design modifications are justified ~~B~~b**ased on general criteria in this section and specific criteria~~l~~ in Section 36-5.04**.**	
Article 6: Nonresidential Design Standards (Section 36-6.04)		
Frontage Design, Building Design~~, Open Space Design~~	**Tables 6-2 (Nonresidential Frontage Design) and 6-3 (Building Design) determine the minor and major modification process. Proposed frontage design or building design type requires that all requirements within the proposed frontage type be met. Frontage and building design modifications are justified ~~B~~b**ased on general criteria in this section and specific criteria~~l~~ in Section 36-6.04**.**	
Article 7: Access & Parking		
Vehicle Access	Dependent on PW Director approval and access management policy and guidelines or TIA for the plan	Any non-compliant access for nonresidential uses on a street classified as a major collector or higher.
Internal Sidewalks	15%	25%
Required Parking	10%	25%
Parking Landscape	10%	15%
Parking Dimensions	5%	n/a
Loading Requirements	25%	50%
Article 8: Landscape & Site Design		
Required Landscape	15%	25%
Buffers Dimension	5%	10%
Buffer Planting	10%	15%
Fences & Walls	10%	15%
Outdoor Lighting	5%	15%
Article 9: Signs		
Size & Height	n/a	5%

Location	n/a	10%
Quantity	n/a	n/a

[1] American National Standards Institute (ANSI) Z-60.1-2014 American Standards for Nursery Stock or newer edition.

D. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to zoning site plan applications.

1. Zoning site plan applications shall be accompanied by an access plan demonstrating compliance with Section 36-7.03 of this chapter and Chapter 98.

2. Zoning site plans may require coordination with applications for building permits when necessary to determine compliance with the standards in this chapter.

3. The PD Director shall determine if concurrent review of any other department or agency is required, or otherwise coordinate review with other required permits.

4. Any zoning site plan proposing a major modification shall require review and a decision by the Planning and Zoning Commission. The PD Director shall forward the application to the Commission with a review and analysis of the plan subject to the approval criteria, and analysis of the modification criteria.

5. A zoning site plan may be required to accompany applications that require review by other review bodies, such as conditional use permits, rezonings, or variances.

6. Except for applications requiring review by other review bodies, the PD Director shall make the final decision within 45 days of a complete application, and may condition the decision on meeting the requirements of other departments subject to the standards and specifications of all required permits.

7. The PD Director shall notify the applicant of a decision in writing, either by returning a set of plans stamped “approved” or otherwise indicating other conditions for a decision or reasons for a denial.

8. The applicant may appeal a final decision by the PD Director to the Planning and Zoning Commission after a secondary review by the Administrative Review Committee.

E. **Effect of Decision.** Approval of a zoning site plan shall be valid for 18 months, and authorize the applicant to proceed with building permits and all other applicable permits consistent with the approved plan. The PD Director may grant one extension for up to one additional year if justified by reasons beyond the applicant’s control and where surrounding conditions or applicable standards have not changed.

36-2.04 Conditional Use Permit

A. **Applicability.** A conditional use permit (CUP) provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions. These uses are not generally appropriate throughout the district, but due to the specific design, operational characteristics, or context of the application, the use may be appropriate based on a case-specific discretionary review. Conditional use permits may be initiated by the property owner for uses identified as conditional uses in the zoning district, according to Table 4-3.

B. **Review Criteria.** Conditional use permits shall be reviewed according to the following criteria:

1. All criteria for zoning site plan review in Section 36-2.03B are met, including any conditions or additional requirements identified in this chapter for the specific use.

2. The application furthers the intent of the proposed zoning district and is consistent with

the comprehensive plan.

3. Compatibility with the area and other allowed uses considering characteristics such as hours of operation, visible and audible impacts, traffic patterns and parking demands, scale and intensity of buildings and activity on the site, and other potential impacts on adjacent property.

4. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use and structures, the permanence of other uses and structures in the area, and any potential changes in character or uses occurring in the area.

5. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, reassess the use against changing conditions in the area, or require periodic reporting or review of the permit.

6. The recommendations of professional staff or other technical reviews associated with the application.

7. Whether any additional site- or use-specific conditions are necessary to meet these criteria.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to conditional use permit applications.

1. Applications shall be accompanied by a zoning site plan where it is necessary to review conformance with standards of this chapter and any design or performance criteria for the particular use. Where the proposed use does not involve proposed development or changes to the site, a plot plan of existing conditions may be submitted.

2. The PD Director shall schedule complete applications for a public hearing before the Planning and Zoning Commission.

3. The applicant shall hold a neighborhood meeting at least 21 days prior to the Planning and Zoning Commission public hearing, and supplement the application with results from that meeting at least 10 days prior to the hearing.

4. The Planning and Zoning Commission shall hold a public hearing and make a final decision at or within 15 days of the close of the public hearing.

5. **Any such Conditional Use Permits shall be designated by a "CUP" on the Official Zoning map with a numeric reference to the specific ordinance and zoning site plan included.**

6. The applicant may appeal a final decision by the Planning and Zoning Commission to the City Council in accordance with Section 36-2.01.I.

D. **Effect of Decision.**

1. Approval of a conditional use permit shall authorize the applicant to proceed with building permits, business licenses, and other applicable development or construction permits.

2. Approval of a conditional use permit shall be valid for 18 months, and the PD Director may grant one extension for up to one additional year if justified by reasons beyond the applicant's control and where surrounding conditions or applicable standards have not changed. Any application not acted upon through issuance of a building permit or occupancy permit according to the approval and conditions within this period shall be void.

3. A conditional use permit may be revoked or modified with additional conditions by the City through the same procedures approving the permit, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this chapter.

4. Minor changes to an approved conditional use permit may be approved by the PD Director limited to the following:
   a. A change of ownership provided all conditions and criteria of the permit are met, and provided the new owner demonstrates the likelihood to continue to comply with all standards.
   b. Any change to any associated zoning site plan provided it meets the criteria in Section 36-2.03, and does not violate any required conditions of the approval.
   c. A change in operations that is otherwise determined by the PD Director to not have a significant impact on any adjacent property, is consistent with the criteria and conditions for approval of the original conditional use permit.
   d. Any other change shall require an amendment to the conditional use permit through the same process as the original approval.

36-2.05 Rezoning

A. **Applicability.** The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the comprehensive plan, to account for changed conditions in the general area, or to reflect a change in policies with respect to future development. Application for a rezoning may be filed by the property owner, the City Council, or the Planning and Zoning Commission, or by city staff on behalf of these city entities.

B. **Review Criteria.** Review, recommendations, and decisions for a proposed rezoning shall be based on evaluating and balancing the following criteria:

1. The proposed district is consistent with the goals and objectives of the comprehensive plan and any other plan, policy or guidance adopted pursuant to that plan.

2. Whether the area has changed since the existing zoning has been in place, or it is changing to a degree that it advances the public interest to rezone the property.

3. The proposed district will enable development in character with existing or anticipated development in the area considering:
   a. The design of streets, civic spaces, and other open space;
   b. The mix, density, or intensity of potential uses;
   c. The pattern, scale, and format of buildings and sites enabled by district standards;
   d. The compatibility with and transition to other districts, development, or uses in the vicinity; and
   e. Any reasonably anticipated negative impacts can be mitigated by applicable development standards or planning, design, and engineering practices applicable to the site.
   f. Any rezoning application conditioned on a zoning site plan may be evaluated based on that plan; otherwise, the entirety of what may be enabled by the zoning district shall be considered with the above criteria.

4. The City or other agencies can provide services, facilities, and infrastructure that may be necessary for anticipated uses in the proposed district, including capacity of the surrounding street network and access on specific street frontages.

5. Reasonable viable economic use of the subject property will be precluded if the proposed rezoning is denied.

6. The recommendations of any professional staff or advisory review bodies, and any additional testimony or evidence on the record.

7. Any relevant information submitted or presented at the public hearing.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following procedures shall apply to rezoning applications:

1. Applications may be accompanied by a conceptual, non-binding zoning site plan to demonstrate conformance with the comprehensive plan. In the instance that staff requires more information to ensure conformance with the comprehensive plan, the PD Director may require that applications for rezoning include a zoning site plan where:
   a. The request presents a potentially incompatible transition to adjacent property based on intensity of potential uses, scale of potential development, or other operational characteristics permitted in the proposed district;
   b. The generally applicable site design and development standards of the proposed district may not adequately address the potential adjacencies or compatibility issues considering the context and scale of the proposed rezoning; and
   c. The rezoning criteria in Section 36-2.05.B cannot be adequately evaluated absent some type of plan framing the extent and characteristics of future development beyond what is generally allowed in the district.

2. Applicants may propose that a rezoning request be conditioned on a zoning site plan for a specific development application.
   a. In this case, the zoning site plan shall be evaluated according to the criteria in Section 36-2.03.B.
   b. The Planning and Zoning Commission may recommend and the City Council may approve the request based on any specific elements, conditions, or limitations proposed in that plan, including uses, scale, and intensity of development.
   c. Any such rezoning shall be designated by a "-C" on the **Official ~~z~~Z**oning ~~m~~**M**ap with a numeric ~~and/or date~~ reference to the specific ordinance and zoning site plan included.

3. The PD Director shall schedule complete applications for a public hearing before the Planning and Zoning Commission.

4. The applicant shall hold a neighborhood meeting at least 21 days prior to the Planning and Zoning Commission public hearing, and supplement the application with results from that meeting at least 10 days prior to the hearing.

5. The Planning and Zoning Commission shall hold a public hearing and make a recommendation at or within 15 days of the close of the public hearing, and forward its recommendation to the City Council.

6. The City Council may recommend the application be returned to Planning and Zoning Commission for further study, additional information, or reconsideration of the recommendation or conditions. Failure by the Commission to consider or revise its recommendation within 60 calendar days shall be considered a resubmission of its original recommendation. Alternatively, based on the information provided at the public hearing the City Council may choose to modify or override the Planning and Zoning Commission recommendation or any specific condition.

7. In case of a valid protest against a proposed change, approval shall require a favorable vote by two-thirds of all members of the City Council. A valid protest shall:
   a. Be filed with the City Clerk at least 24 hours prior to the Council regular meeting for consideration, and be verified by the City Clerk prior to the meeting;
   b. Be signed by the owners of 30% or more of either the areas to be included in the proposed change, or of the area within 185 feet of the boundary, excluding right-of-way and alleys.

8. Approval of a rezoning shall be by ordinance approved by the City Council.

D. **Effect of Decision.**

1. The PD Director shall make the change on the official zoning map by an actual change or other record identifying the ordinance and affected property.

2. The zoning shall remain in effect unless changed by the City Council according to the procedures in these regulations.

3. All subsequent development shall occur according to the district standards and subject to zoning site plan, building permit, or other applicable development review and permitting processes.

4. In the case of a rezoning that is approved contingent on a zoning site plan:
   a. All elements of the zoning site plan shall be considered binding unless specifically excluded by the Planning and Zoning Commission in its recommendation or the City Council in its decision and ordinance.
   b. Any other elements not depicted on the zoning site plan or elements specifically identified as non-binding are still subject to all standards of this code. Compliance with generally applicable standards shall be indicated on an updated plan prior to building permits.
   c. Modifications to zoning site plans shall only be permitted according to the standards and criteria in Section 36-2.03.C., except the modification shall be evaluated based on the extent modified from the plan rather than from the applicable standards.
   d. No modifications shall be allowed to any specific conditions in the City Council ordinance or if any elements of the zoning site plan are specifically called out by the Planning and Zoning Commission recommendation and City Council decision as ineligible for modifications.
   e. The Planning and Zoning Commission may recommend, and the City Council may require any of the following conditions to meet the rezoning and zoning site plan criteria:
      (1) Restrict uses beyond those otherwise allowed in the zoning district;
      (2) Increase landscape, bufferyards, or open space beyond what is required by this chapter;
      (3) Limit building scale and location more strictly than otherwise permitted by the development standards;
      (4) Increase the district performance standards beyond those required by this chapter regarding operations, noise, lighting, compatibility, or other mitigation of off-site impacts;
      (5) Timing and concurrency of any offsite improvements necessary to support the intensity of development and according to associated technical studies; and
      (6) Any other design or development standards depicted on the zoning site plan, included by notes on the zoning site plan, or included in the ordinance adopting the rezoning.

5. No application for rezoning, other than an application initiated by the City Council or the Planning and Zoning Commission, 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.

36-2.06 Planned Zoning

A. **Applicability.**

1. *General Applicability.* Planned zoning applications are integrated plans and codes to implement projects based on development and design plans for a specific area. The plans establish more refined distribution and relationships of land uses, more specific arrangement of building types and development intensity, or more detailed application of design and development standards than otherwise provided by the comprehensive plan and this code. The process enables flexibility in the otherwise applicable development and design standards based on the plans, but offers predictability for city departments, community stakeholders, and private entities engaged in development and redevelopment activities. Planned zoning is a type of rezoning initiated by the City Council, Planning and Zoning Commission, or property owners, provided that property owner initiation requires the participation and authorization of all property owners in the plan.

2. *Specific Applicability*. Planned zonings shall require a sufficient area to implement planning and design concepts that generate broader community or public benefits, and not simply to facilitate individual projects or to permit adjustments or deviations on a site- specific basis. The development plan shall generally include at least 5 acres; however, the PD Director may permit smaller applications based on any of the following circumstances:
   a. The application is an addition to a previously approved planned development and is effectively an extension of those areas or projects;
   b. The application affects a smaller area of potential development, but the context, plan, and design concepts of a larger study area meet the intent and applicability for planned zoning; or
   c. The area is completely unique and distinct from the surrounding areas, and the criteria and broader benefits from planned zoning are only applicable to the smaller area.

B. **Area Plan Content**. Planned zoning shall require preparation and **approval**~~adoption~~ of an area plan that includes **the** following general components, which may be created in unison or in coordinated stages:

1. *Existing Conditions.* A summary evaluation of the current state of the area potentially including land uses, structures, infrastructure, circulation pathways, public spaces, and natural features, currently anticipated improvements, and relative potential for desirable redevelopment.

2. *Vision & Development Plan.* A vision and development plan presents the design and development goals for area through a series of maps, illustrations, and narratives, or similar planning documents. The vision and development plan shall determine the general character, scale, intensity, and arrangement of development and uses within area, including any transitions within the plan or sub-areas for distinct goals and objectives. The vision and development plan shall identify relationships to adjacent areas and establish the policy, planning, and design basis for any flexibility proposed through the regulating plan.

3. *Public Space Plan.* A public space plan is a design plan for the public realm. It outlines the location, design characteristics, and functions of all proposed streets and open and civic spaces – whether public, common, or private – and creates the framework for the plan. A public space plan that includes all elements for a preliminary plat in Section 36-2.02, including dimensions of streets, open spaces, blocks, lots, and tracts, may be proposed as an official application for a preliminary plat where new development will occur.

4. *Regulating Plan.* The regulating plan serves as the zoning regulations for the area. The regulating plan shall be a supporting overlay on the base zoning district(s) or

propose any ~~associated~~ changes to the base zoning district(s). The regulating plan shall address the following land use and development standards, particularly where deviations from the base district standards apply:

a. Specific land uses, and any limitations or conditions associated with any use.
b. Building types, lot standards, and development standards for eligible building types or lots applied on a block or lot basis.
c. Landscape and open space design including streetscapes, frontages, open space and site standards coordinating with the public space plan.
d. Other site development or performance standards affecting parking, access, screening, and building design.
e. Any specific development review processes applicable to implementing future development according to the plans and regulations.

Absent any specified deviations, additions, or subtractions in the regulating plan, the base district standards shall apply.

C. **Review Criteria.** Review, recommendations, and decisions for planned zoning shall be based on the following criteria:

1. The area plans apply the goals and objectives of the comprehensive plan and the intent and design objectives of this chapter to the area in more specific detail.

2. The regulating plan may supplement, modify, or waive standards to allow the project to better meet or exceed the intent statements of the applicable or proposed base zoning district(s) and design objectives of any specific standards.

3. The benefits from any flexibility in the proposed plans and regulations promote the general public health, safety and welfare of the community and surrounding areas, and the proposed flexibility is not strictly to benefit the applicant or a single project. Specifically, the flexibility should serve one or more of the following:
   a. Adjustments based on existing conditions of the area that are desirable to maintain and incorporate into the development and design plan;
   b. Establish better transitions to adjacent development with additional limitations, conditions, or enhanced site design requirements;
   c. Better integrate multiple projects that could otherwise only be done in separate zoning districts;
   d. Maintain and reinforce the established character of the area or initiate a unique character that can strengthen the appeal and identity of the general area;
   e. Improve non-conventional accessibility, including pedestrian, bicycle, transit, or mobility impaired people;
   f. Adaptive reuse, infill development, or development that preserves cultural assets or heritage resources;
   g. Sustainable development and design strategies including low-impact site design, green buildings, or resource conservation;
   h. Coordinate with economic development strategies or other official policies and programs related to land use and development.

~~4~~ ~~The plans reflect generally accepted and sound planning and community design principles with respect to applying the goals and policies of the comprehensive plan and the intent and design objectives of the development code to the area.~~

~~5~~4. The area plans must meet all of the review criteria for a rezoning in Section 36-2.05.B.

D. **Review Procedure.** In addition to the general procedures in Table 2-1 and Section 36-2.01, the following specific procedures shall apply to planned zoning applications.

1. The planned zoning application is a type of rezoning and shall follow the procedures in Section 36-2.06.C.

2. The planned zoning process involves at least two steps: the area plan establishing the

zoning and any necessary deviations (existing conditions, vision and development plan, public space plan, and regulating plan); and zoning site plans for development of specific components of the area plan. Platting may also be required.

3. Based on the complexity of projects and extent of advanced planning and urban design necessary to support the development, the PD Director may require, or the applicant may elect, breaking the review of the elements of an area plan in subsection B. into more than two steps to review concepts and preliminary designs prior to approval of the full area plan and proposal of regulation adjustments.

4. In cases where new development is proposed, land may need to be subdivided or streets and public land~~s~~ dedicated in order to carry out an area plan. The platting process is a separate process but may run concurrently with the planned zoning process, as specified in Section 36-2.01.B.

5. All development in planned zoning districts shall require zoning site plan review according to Section 36-2.03. The Planning and Zoning Commission may recommend, and the City Council may approve regulating plans that require zoning site plan applicability and review processes different from what would otherwise apply.

E. **Effect of Decision.** Approval of a planned zoning shall have the same effect as rezoning property; however, approval of individual component plans or where the plans are approved in steps, will have the effects specified below.

1. *Vision & Development Plan.* Approval of the vision and development plan and existing conditions without any other plans shall only mean that the basic concepts are agreed to in principle as conforming to the intent of the comprehensive plan and any other plans or policies created under the guidance of that plan. In association with approval of the other plans, approved vision and development plans serve as a more specific representation of the intent and policy objectives for the area.

2. *Public Space Plan.* Approval of a public space plan shall only mean that the basic development patterns and community design and infrastructure concepts are agreed to in principle as conforming to the intent of the comprehensive plan and any other plans or policies created under the guidance of that plan. However, approval of a public space plan may have the same effect as approval of a preliminary plat as specified in Section 36-2.02, provided it includes or is accompanied by information required for preliminary plats.

3. *Regulating Plan.* Approval of the regulating plan, in association with the other components of the planned zoning, shall have the same effect as a rezoning specified in Section 36-2.05. Sites governed by an approved regulating plan shall be designated on the Official Zoning Map with **a "PZ" followed by a consecutive number.**~~the letters of the proposed base zoning district plus "-P" (planned). (For example, where a portion of the development plan uses the R-SF, R-MX- 1 and the C-MX1 base zoning districts, the zoning of each area of an approved regulating plan shall be R-SF-P, R-MX1-P, and C-MX1-P respectively.)~~

4. *Final Development.* After the area plan has been approved and prior to applying for building permits for final development, any project included as part of a planned zoning shall first require approval of a zoning site plan and a final plat if required. In addition to all other information and criteria required for those applications, submittals under an approved planned zoning shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the area plan have been met.

36-2.07 Variance

A. **Applicability.**

1. *Design Variance.* A design variance provides relief from a strict interpretation of the zoning and site design and development standards of this chapter which, when applied to a particular property and in a specific context, limits all reasonable use of the property. Design variances may be initiated by the property owner.

2. *Use Variance.* A use variance provides relief from a strict interpretation of the use regulations which, when applied to a particular property and in a specific context, prevents all use of the property. Use variances may be initiated by the property owner.

B. **Review Criteria.**

1. A design variance shall be reviewed and approved only on the finding that all of the following conditions are met:
   a. Unique physical conditions not ordinarily found in the same zoning district and that are not created by the property create practical difficulties in meeting the standard;
   b. The strict application of the regulations constitutes an unnecessary hardship upon reasonable use of the property. Economic considerations alone shall not constitute unnecessary hardship if a reasonable use for the property exists under the standards of this chapter;
   c. The design variance will not adversely affect the public safety or general welfare;
   d. The design variance will not undermine the purpose of the ordinance, the intent of the zoning district or standards, or any other required professional design standard or specification;
   e. The design variance will not adversely affect the rights of adjacent property owners or residents; and
   f. The design variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.

2. A use variance shall be reviewed and approved only on the finding that all of the following conditions are met:
   a. Unique physical conditions not ordinarily found in the same zoning district and that are not created by the property create unnecessary hardship in meeting the standard;
   b. The strict application of the regulations constitutes an unnecessary hardship upon all permitted use of the property, i.e., no permitted use of the property can be made absent a use variance;
   c. The use variance will not adversely affect the public safety or general welfare;
   d. The use variance will not undermine the purpose of the ordinance, the intent of the zoning district or standards, or any other required professional design standard or specification;
   e. The use variance will not adversely affect the rights of adjacent property owners or residents; and
   f. The use variance is the minimum necessary to relieve the conditions and permit any reasonable use of the property.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements are specific to both design and use variance applications.

1. The Board of Adjustment shall hold a hearing at its next regularly scheduled meeting 28 days after the PD Director determination of a complete variance application.

2. The Board may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.

3. The Board shall document all decisions in writing, including the grounds for its decision based on findings of fact regarding all criteria, within 30 days after the public hearing. The decision shall be filed with the PD Director, who shall provide the decision to the

applicant, other persons requested to be notified.

4. The concurring vote of four members of the Board shall be necessary to grant a design or use variance.

5. The PD Director will record the decision with the Greene County Recorder of Deeds.

D. **Effect of Decision.**

1. An approved variance shall become effective when recorded with the Greene County Recorder of Deeds. The PD Director shall record the written approval, and upon recording the applicant may proceed with any necessary building permits, licenses, or other permits authorized in the variance.

2. Any decision not acted on within one year of the decision by the Board shall expire.

3. A variance recorded and acted upon shall run with the land to the extent the zoning of the subject property remains in place, unless vacated by the Board through the same procedures and criteria for granting the variance.

4. Any person aggrieved by a final decision of the Board may appeal the decision to the district court within 30 days of the Board's vote on the final decision.

36-2.08 Appeal of Administrative Decision

A. **Applicability.** The appeal of administrative decisions is a process to determine if there was an error in order, requirement, decision, or determination made by an administrative official in the interpretation, administration, or enforcement of this chapter. Appeals may be filed by any aggrieved person, or by any officer, department, board, or agency of the city affected by any final decision by an administrative official.

B. **Filing.** Appeals shall be filed with the secretary of the Board of Adjustment and with the official who made the decision within 30 days of the final decision.

1. The appeal shall be on forms provided by the PD Director and include all information required by the PD Director and any additional information relevant to the decision and criteria for appeals.

2. Prior to forwarding any appeal to the Board, the Administrative Review Committee shall perform a secondary review of the application and issue a final administrative decision.

3. Based on the final administrative decision the applicant may either withdraw the appeal or continue with the appeal before the Board.

4. The official from whom the appeal is taken shall forward all relevant information regarding the decision to the Board.

C. **Effect of Filing.** An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal that a stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record.

D. **Action and Review Criteria**. The Board of Adjustment shall hold a hearing at its next regularly scheduled meeting 28 days beyond the filing of an appeal.

1. The appellant and official shall be notified in writing of the date, time, and place of the hearing.

2. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm, wholly or partly, or may modify the decision being appealed.

3. The Board shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant, and an appeal shall be sustained only upon finding that the official was in error.

4. The Board shall make a decision and file written findings with the PD Director within 30 days of the hearing, and the PD Director shall notify the applicant and administrative official of the decision.

5. The concurring vote of at least four members of the Board of Adjustment is necessary to approve an appeal and override an administrative official's decision or interpretation.

6. The PD Director will record the decision with the Greene County Recorder of Deeds.

E. **Effect of Decision.** The decision by the Board of Adjustment shall have the same effect as a decision made by the administrative official. The PD Director shall refund any appeal application fee if the Board determines there was an error. Any person, including any city official or review body, aggrieved by a decision of the Board may bring an action in the district court within 30 days of the final decision of the Board.

36-2.09 Text Amendment

A. **Applicability.** Amendments to the text of these regulations may be initiated by the City Council or the Planning and Zoning Commission, or by city staff on behalf of these entities.

B. **Review Criteria**. A text amendment shall be reviewed according to the following criteria:

1. It is consistent with the comprehensive plan.

2. It furthers the purposes of these regulations in Section 36-1.02 and has been considered for both its long-range effects as well as immediate impacts.

3. Whether it is necessitated by a change in conditions in the zoning district or specific areas impacted by the change.

4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.

5. Any relevant information submitted or presented at the public hearing.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements shall apply to text amendment applications.

1. Applications may be accompanied by a related comprehensive plan amendment, or a more specific plan, provided that amendment or plan has met all of the legal and policy requirements for plan approvals independent of the proposed text amendment.

2. The City Council may recommend the application be returned to the Planning and Zoning Commission for further study or additional information at its next regular meeting. Failure by the Planning and Zoning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.

D. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance. The PD Director shall incorporate approved amendments into this chapter by reference to the specific amending ordinance, and indicate the newly applicable provisions and the replaced

provisions, or by recodification of the official code that incorporates the approved amendment.

36-2.10 Annexation

A. **Applicability.** The City of Springfield may annex property in compliance with RSMo. 71.012.

B. **Review Criteria.** A request for annexation shall be reviewed according to the following criteria:

1. The annexation is reasonable and necessary for the proper development of the city; and

2. The City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, a notarized petition shall be submitted requesting annexation and shall be signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed.

D. **Effect of Decision.** Annexations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance.

1. *Zoning Classification*. Upon annexation into the City of Springfield, such annexed territory shall retain its county zoning classification until City Council has had an opportunity to reclassify the territory properly under this chapter. Such zoning reclassification shall occur within 6 months of annexation.

2. *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 into 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.

36-2.11 Historic Designations

A. **Intent.** The intent of this section is to:

1. Promote the designation 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;

2. Safeguard the city's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements, landscape features, and districts;

3. Preserve and enhance the aesthetic quality of neighborhoods;

4. Stabilize, improve, and sustain property values;

5. Strengthen the city's economic base by the stimulation of conservation and reuse of historic structures;

6. Ensure the harmonious, orderly, and efficient growth and development of the municipality;

7. Foster civic pride in the beauty and the noble accomplishments of the past; and

8. 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.

B. **Criteria.** Review bodies shall consider one or more the following criteria for designation of a historic site, historic landmark, interior landmark, or historic district under this section:

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.

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.

3. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

4. Portrays the environment in the era of history characterized by a distinctive architectural style.

5. Embodies those distinguishing characteristics of an architectural type or engineering specimen.

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.

7. Contains elements of design, detail, materials, or craftsmanship which represent a style unique to the past.

8. Is a part of or related to a square, park, or other distinctive area and thus should be developed and preserved.

9. Represents an established and familiar visual feature of the neighborhood, community, or skyline, owing to its unique location or singular physical characteristics.

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.

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.

C. **Designation.** In addition to general application procedures in Section 36-2.01, the specific procedures in Table 2-3 apply to designations of historic properties.

Table 2-3: Designation of Historic Property		
	Historic Site	***Landmark or District***
Nomination	▪ By resolution of LB, PC, or CC; ~~or~~ [1] **or** ▪ By owner	▪ By resolution of LB, PC, or CC; ▪ By owner; or ▪ By verified petition (district only) [2]
Notice	**Prior to submitting the nomination application to the Planning and Development Department, the preparer of the nomination shall notify the owner(s) of the site, landmark, or district 15 days in advance by certified mail of the proposed application site, landmark or district nomination. Such notice is not required if the preparer is the current property owner(s).**~~Certified mail to all property owners at least 15 days prior to a formal application to the Department of Planning and Development.~~ Forms supplied by city, and mailing done by city, but applicant shall supply letter, envelopes, and postage.	
Landmarks Board Hearing and Recommendations	~~A.~~ Public hearing 36-2.01.G ▪ Action according to 36-2.01.H at or within 28 days of hearing ▪ Recommendations to designate forwarded to City Council (see C.1 below) ▪ Failure to recommend designation is only forwarded to City Council on applicant's initiative and within 10 days of Landmarks Board action	
City Council Declaration of Intent to Designate	n/a	▪ Considered at its next regularly scheduled meeting ▪ Action according to 36-2.01.H (See C.2 below for effect of decision)
Planning & Zoning Commission Public Hearing / Recommendation	n/a	▪ Considered at its next regularly scheduled meeting; public hearing according to 36-2.01.G ▪ Action according to 36-2.01.H ▪ A protest may be filed according to 36-2.05.C
City Council Decisions	▪ Considered at its next regularly scheduled meeting; public hearing according to 36-2.01.G ▪ Action according to 36-2.01.H (See C.3 below for effect of decisions) ▪ A protest may be filed according to 36-2.05.C.8	
Notification of Designation	n/a	~~1.~~ Registered letter to all owners ▪ Notice to Landmarks Board and city departments. ▪ City Clerk shall file certified notification with Greene County Recorder of Deeds

[1] Owner consent is not a requirement prior to listing on the Springfield Historic Register.
[2] A verified petition of the owners or authorized agent requires at least 30% of the owners within a proposed district as measured by the land area of the property.

1. *Landmarks Board Recommendation.* The Landmarks Board recommendation to designate property shall include at a minimum the following items:
   a. A statement that the nominated property does or does not meet the criteria for designation;
   b. A statement of the attributes of the area or site as such attributes relate to and comply with the designation criteria;
   c. 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;
   d. A statement of whether, 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 PD Director 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 the proposed designation is in accordance with such plans and programs;
   e. 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;
   f. A map showing the location of the nominated historic site, historic landmark,

interior landmark, or the boundaries of the nominated historic district;

g. A picture or pictures of the nominated historic site, historic landmark, interior landmark, or historic district;

h. 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 – for or against – concerning property owners' stance on designation shall also be attached; and

i. A recommendation that the property should or should not be listed as a historic site, historic landmark, interior landmark, or historic district.

2. *Effect of Declaration of Intent to Designate a Landmark or District.* The declaration by the City Council of an intent to designate a historic landmark or district shall have the following effect:

a. No building or demolition permit shall be issued by the BDS Director for any alteration, construction, demolition, or removal of a nominated landmark or property within a nominate district until the final disposition of the nomination according to Table 2-3.

b. The BDS Director may approve permits necessary for the public health, safety, and according to sections D or E.

c. This delay and interim limitation shall not be longer than 180 days from the declaration of intent to designate.

This provision shall not apply to permits granted prior to the designation of a historic site or the declaration of intent to designate a historic landmark or district and shall not apply to interior alterations.

3. *Effect of Designation.* Upon the designation of a site, landmark, or district, no alteration of property or demolition shall occur except as permitted in Section 36-2.11.D.4.

This provision shall not apply to permits granted prior to the designation of a historic site or the declaration of intent to designate a historic landmark or district and shall not apply to interior alterations.

4. *Landmark & District Designation.* The designation of a historic district or landmark is intended to be an overlay zoning district and shall generally follow rezoning procedures after the declaration of intent to designate by the City Council. Designations may be accompanied by additional guidelines or standards specific to the landmark or district. The regulations imposed by the district shall be in addition to those regulations of the underlying zoning district.

5. *Rescind or Amendment of Decisions.* Any amendment or rescinding of a historic designation may occur in the same manner as the designation.

D. **Certificate of Appropriateness.**

1. *Applicability.* A certificate of appropriateness shall be required for exterior work on any new or existing structure or site designated as a historic site, landmark, or district, including:

a. Construction, alteration, or removal that requires a building or demolition permit.

b. A material change to the exterior appearance or significant exterior feature such as additions, reconstruction, or alteration, based on documentation designating the landmark or district.

c. Application of paint to previously unpainted brick or masonry surfaces or the application of stucco or siding.

d. Construction or enlargement of a driveway or parking area, or the erection of fencing.

e. Any public improvement which the PD Director determines would affect the landmark or historic district, whether conducted by a private party, the city, or other agency.

f. A material change to the interior appearance of existing structures, if a significant interior feature was listed in the nomination or designation, including additions, reconstruction or alterations.
g. This section shall not apply to:
   (1) Ordinary maintenance or repair;
   (2) Any structure or building less than 100 square feet on the premises of a landmark or in a district, such as animal enclosures, gazeboes, playhouses, greenhouses, and similar accessory structures; or
   (3) Temporary structures associated with a temporary event permit, provided it is removed at the conclusion of the event.

2. *Review Procedure.* Prior to any work on a designated site, landmark, or district an applicant shall consult with the PD Director to determine if a certificate of appropriateness is required.
   a. If required, an application shall be submitted to the PD Director. The PD Director may authorize the work administratively if:
      (1) The work does not require a certificate of appropriateness or otherwise does not have any effect on the designation; or
      (2) The work is for items that the Landmarks Board designated for administrative actions as part of the designations.
      (3) Administrative certificates of appropriateness are in addition to all other applicable permits required by the City.
   b. Denial of an administrative certificate may be appealed to the Landmarks Board, or if the PD Director determines that the work is beyond the authority of an administrative certificate, the PD Director shall forward the application to the Landmarks Board.
   c. The PD Director shall schedule a hearing at the next scheduled Landmarks Board meeting at least 15 days from a complete application or a determination that an action is not eligible for an administrative certificate.

3. Notice shall be posted according to 36-2.01.F.2.

4. The Landmarks Board shall review and take action according to 36-2.01.H. If the Landmarks Board denies the application, specific reasons shall be indicated in writing to the applicant with suggestions for appropriate changes.

5. *Review Criteria.* The Landmarks Board shall consider the following criteria for a certificate of appropriateness:
   a. Any design guidelines or standards that the Landmarks Board may establish and adopt.
   b. For new construction, the compatibility of the building or structure with 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.
   c. The Secretary of Interior's Standards for Rehabilitation as listed below:
      (1) 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.
      (2) 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.
      (3) 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.
      (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
      (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
      (6) 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.

(7) 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.

(8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) 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.

(10) 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.

d. For demolitions:

(1) The degree to which the proposed removal would disrupt the integrity and continuity of the historic landmark or historic district of which it is part.

(2) 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 the structure or site.

(3) The structural integrity and the extent of work necessary to stabilize the structure.

(4) The ability of the structure or site to produce a reasonable economic return on investment; however, this factor alone shall not be determinative but shall be considered along with all other criteria.

(5) The post-demolition plans for the site and the relation of those plans to the surrounding area.

e. For property designated as containing archeological resources:

(1) The applicant shall consult with the state historic preservation officer about any effect of the proposed actions, and what actions are necessary to preserve the site.

(2) Permanent preservation of the resources or recordation of the site as advised by the state historic preservation officer.

(3) Comments and recommendations of the state historic preservation officer shall be provided to the Landmarks Board as part of the application.

6. *Effect of Decision.*

a. If approved, work under a certificate shall commence within 180 days or the certificate shall expire. Failure to comply with a certificate of appropriateness and any conditions of the certificate is a violation of this code and may be enforced according to this chapter.

b. If denied,

(1) Within 15 days the applicant may appeal to the Board of Adjustment according to Section 36-2.08;

(2) Within 15 days the applicant may apply for a certificate of economic hardship according to subsection D;

(3) The applicant may resubmit an alternative proposal; or

(4) Upon the expiration of 60 days from the date of the application for a certificate of appropriateness for a historic site, the BDS Director shall grant the building permit, subject to the requirements of any applicable provisions of the code regulations.

c. If the request is for demolition,
   (1) The applicant may wait 180 days for a landmark or district, or 60 days for a site, at which time the demolition permit shall be issued.
   (2) The Landmarks Board may request that the City Council extend the delay another 120 days.
   (3) During the delay the Landmarks Board shall take steps it deems necessary to preserve the structure, including consultation with civic groups, public or private agencies, and interested persons to consider preservation, acquisition, or relocation strategies for the structure.

E. **Certificate of Economic Hardship.**

1. *Applicability.* As an alternative to, or upon denial of, an application for certificate of appropriateness, an owner may apply for a certificate of economic hardship to authorize work on a historically designated property.

2. *Review Procedures*. An application for a certificate of economic hardship shall be filed with the PD Director.
   a. The PD Director shall schedule a public hearing before the Landmarks Board at the first scheduled meeting at least 15 days after a complete application.
   b. Notice shall be posted according to Section 36-2.01.F.2.
   c. The Landmarks Board may act on the application according to Section 36-2.01.H.
   d. The Landmarks Board may solicit expert testimony or require that the applicant submit information concerning the criteria in subsection E.3.
   e. The Landmarks Board shall issue a certificate of economic hardship if it determines the property, or structure has degenerated beyond feasible limits for rehabilitation or rehabilitation is impracticable and there is an economic hardship.

3. *Review Criteria.* Applications for a certificate of economic hardship shall be reviewed according to the following criteria:
   a. Estimate of the cost of the proposed work and an estimate of any additional cost that would be incurred to comply with any conditions of the Landmarks Board necessary for a certificate of appropriateness.
   b. A report from a licensed engineer or architect with experience with historic property rehabilitation as to the structural soundness of any structures and their suitability for rehabilitation.
   c. 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 work, 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.
   d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional, experienced with historic property rehabilitation, as to the economic feasibility of rehabilitation or reuse of the structure.
   e. If the property is income-producing, the annual gross income from the property, itemized operation and maintenance expenses, and depreciation deduction and annual cash flow before and after debt service for the previous two years.
   f. All appraisals obtained within the previous two years in connection with the purchase, financing, or ownership of the property.
   g. Any listing of the property for sale or rent, price asked and offers received within the previous two years.
   h. Assessed value of the property according to the two most recent assessments.
   i. Real estate taxes for the previous two years.
   j. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other entity.
   k. Amount paid for the property, date of purchase, and the party from whom purchased, including a description of the relationship 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.

l. Annual debt service for the previous two years.

m. Any consideration by the owner as to profitable adaptive uses for the property.

n. Replacement construction plans for the property. Post-demolition plans shall include drawings or sketches with sufficient detail to show the exterior appearance and architectural design of the proposed building or use but are not required to contain completed construction documents.

o. Financial proof of the ability to complete the replacement project, which may include a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution.

p. Any other information considered necessary by the Landmarks Board to determine whether the property may yield a reasonable return to the owners.

4. *Effect of Decision.* If approved, the BDS Director shall issue a building or demolition permit for the proposed work unless there is an appeal. A decision by the Landmarks Board may be appealed to the Board of Adjustment within 15 days of the decision according to Section 36-2.08.

36-2.12 Street Name Change

A. **Applicability.** Procedure for changing names of streets. Before the name of any public street is changed, there shall be public notice of such proposed change and public hearings shall be held in accordance with the following procedures:

1. All such changes shall first be considered by the Planning and Zoning Commission at a public hearing.

B. **Notice.** Prior to the public hearing before the Planning and Zoning Commission, notices of such hearing shall be posted in the area where the name change is to take place, which notice shall set out the time, date and location of the public hearing, giving at least 15 days' notice of the hearing. Such notices shall be conspicuously displayed by posting the notice on the city right-of-way.

C. **Public Hearing.**

1. The Planning and Zoning Commission of the city shall hold its public hearing on the name change and shall submit its recommendation to the City Council.

2. Thereafter, the City Council shall hold a public hearing on the proposed name change, giving at least 5~~five~~ days' notice of the public hearing in accordance with the provisions set forth in this section. After holding the public hearing, the City Council may, in its discretion, change the name and shall give notice of such change to the post office and other appropriate public officials.

36-2.13 Street Vacation

A. Any person owning any real estate within the city which has been subdivided by a duly recorded plat may petition the city to vacate the subdivision, or any part thereof, giving a distinct description of the property to be vacated and the names of the owners thereof with proof of their ownership; and any person owning property abutting upon any alley, street, common or public square, or any part thereof, may petition the city to vacate all or any part of the alley, street, common or public square, giving a distinct description of the property to be vacated and the names of the owners of the property abutting thereon. A petition to vacate such land shall be filed with the city clerk and referred to the Planning and Zoning Commission for consideration. Thereupon, the Planning and Zoning Commission shall cause notices of the proposed vacation to be posted in at least three

prominent places in the vicinity of the area to be vacated and the petitioner shall cause a notice of the proposed vacation to be published in the daily newspaper having the greatest number of paid subscribers in the city at least 30 days prior to the public hearing, which newspaper shall meet the requirements of RSMo. 493.050. No vacation shall take place until the petitioner shall have filed with the executive secretary of the planning and zoning commission proof that notice has been given of such vacation as required in this section, except in no event shall the failure of the Planning and Zoning Commission to post the property in any way affect the validity of the vacation, it being intended by the City Council that the legal notice for such vacation shall be solely by newspaper advertisement and that other advertisements shall be for informational purposes. In addition to the methods established by this section for notice, the City Manager shall endeavor to cause notices of such vacations to be circulated in the area in accordance with rules to be adopted by the City Manager, which rules should be filed with the executive secretary of the Planning and Zoning Commission; provided, however, the failure to give such notice shall in no way affect the validity of the vacation.

B. **Consent of Property Owners to Vacation.** A street or alley shall not be vacated unless the consent of the persons owning two-thirds of the front feet abutting on the portion of the street or alley to be vacated shall be obtained therefor, nor shall any subdivision or part thereof be vacated unless the consent of all the owners thereof shall be obtained therefor, which consent, whether for vacation of a street or alley or a subdivision, shall be in writing and acknowledged and proof of such consent furnished to the executive secretary of the Planning and Zoning Commission.

1. *Forwarding of Petition for Vacation to Planning and Zoning Commission.* Upon receipt of a petition for vacation, the executive secretary of the Planning and Zoning Commission shall forward a copy of the petition to the planning and zoning commission for its approval or disapproval of the proposed vacation as required by Section 11.7 of article XI of the Charter. The city shall not vacate any area until the Planning and Zoning Commission shall have acted thereon in accordance with the provisions of Section 11.7 of the Charter.

C. **Action on Petition for Vacation; Protests.**

1. An area shall not be vacated for at least 15 days following the posting of notice or the first publication thereof as provided in notice of proposed vacation. After the 15-day period, the Planning and Zoning Commission may proceed to vacate the area sought to be vacated with such restrictions and reservations as it may deem for the public good, provided the conditions set forth in this article have been satisfied, unless written opposition shall have been filed with the city clerk by a person owning property abutting on any alley, street, common or public square, or part thereof, proposed to be vacated, within the 15-day period. If an objection is filed within the 15-day period, the Planning and Zoning Commission shall not act to vacate any such area until an additional period of 30 days shall have passed, when, if the objector shall consent to the vacation, in which case the planning and zoning commission may vacate the area as provided in this article.

2. Prior to vacating the land, the Planning and Zoning Commission shall make the following determinations:
    a. All property owners adjacent to the street, alley or public way or within the subdivision have access to another street, alley or public way.
    b. Two-thirds of the property owners adjacent to the street, alley or public way to be vacated have given their consent to the vacation, or, if the request is for the vacation of a subdivision, all of the property owners have given their consent.
    c. The retention of the street, alley, public way or subdivision serves no useful purpose.
    d. The vacation will not affect the ability to use utilities, public or private.

3. If the Planning and Zoning Commission finds that all conditions set forth in subsection 2 of this section have been met, then the Planning and Zoning Commission may adopt a resolution vacating the area. If the Planning and Zoning Commission does not adopt a resolution vacating the area, the applicant may request that the city council hear the

request for vacation, provided a request for review is filed within 15 days with the City Clerk from the date the Planning and Zoning Commission denies the request. If the Planning and Zoning Commission approves the request to vacate, any person objecting thereto may petition the city council to review the request to vacate by filing an appeal within 15 days with the city clerk from the date the resolution was passed by the Planning and Zoning Commission. If the objector shall not have consented, the city council may approve the vacation, as provided in this section, only upon a finding that the public interest requires such vacation despite the objections thereto. Any person aggrieved by a decision of the City Council shall appeal to the county circuit court within 30 days after a decision is rendered by the City Council in accordance with the procedures set forth in **Chapter 536,** RSMo ~~ch. 536~~.

Article 3. Subdivision & Community Design

36-3.01 Intent
36-3.02 Applicability
36-3.03 Streets
36-3.04 Civic & Open Spaces
36-3.05 Blocks & Lots
36-3.06 Required Improvements

36-3.01 Intent

The intent of this article is to:

A. Coordinate the land use, site development, and subdivision of land in the city at the initial stage and at the largest scale of development that is practical.

B. Implement the vision and recommendations in the comprehensive plan through context-based standards that integrate development patterns and public investments within the distinct placetypes.

C. Establish standards and ensure performance criteria for proper capacity of infrastructure including streets and transportation facilities, emergency services, stormwater drainage, water, sewerage, parks, and schools.

D. Comply with other federal and state laws impacted by development, including flood control and flood loss mitigation, historic preservation, and environmental protections.

E. Coordinate different development projects into efficient and compatible development patterns across areas and over time, so that all are capable of being served with adequate public facilities and services.

36-3.02 Applicability

The provisions of this chapter apply to all site development activities, establishment or changes in uses of land, construction or modification of buildings or structures, development and redevelopment of property, and subdivisions of land within the city, including land annexed into the city after the effective date of adoption.

A. **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.**

B. **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 use of a property description, nor shall any person purchase such land or agree to purchase such land before such property description has been approved and recorded in accordance with**

these regulations.

C. 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.

D. Violations of the subdivision regulations are subject to enforcement under Section 36-1.07.

36-3.03 Streets

A. **Design Objectives.** The street design standards have the following design objectives:

1. Emphasize street design as a key determinant of community image and the unique identity of different places within Springfield.

2. Ensure the proper arrangements of blocks and lots to coordinate long-term growth and development of the community.

3. Plan street networks to connect to adjacent development and future development areas at regular intervals, provide multiple connectivity options, and avoid over capacity traffic on streets that become barriers.

4. Build complete and multi-modal networks of well-connected streets, trails, and paths to improve the access, capacity, safety, and efficiency of transportation systems.

5. Use street design to enhance the community character in distinct places, and to better support development patterns and uses abutting the streets.

6. Design streets to provide safe and reliable traffic flow while accounting for safety and access of all potential users of the streets, including pedestrians, bicycles, automobiles, trucks, and transit.

7. Coordinate open and civic spaces with street networks to leverage valuable development patterns and maximize the civic design impacts of infrastructure investments.

8. Incorporate stormwater infrastructure in landscaped areas to retain, infiltrate, and filter stormwater runoff from streets and sidewalks.

B. **Street Network.** Streets shall be laid out according to the city's policies for development, streets, and open spaces. In the absence of more specific or updated guidance in these plans or from specific area plans, the following standards shall apply to all new street networks, public or private:

1. *Blocks & Connectivity.* Streets shall be laid out to provide a network of streets and blocks based on the planning context and development pattern as identified in Table 3-1:

Table 3-1: Block Sizes & Street Connectivity

Planning Context	Block Size	Closed-End Street Limits
Compact, Walkable – High Connectivity *Downtown, near downtown areas, and walkable commercial and mixed-use areas, typically in the following placetypes: Downtown; Mixed Use; Mixed Residential.*	150' min. 500' max. 4 ac. max.	Prohibited

General Neighborhoods & Corridors – Moderate Connectivity *Walkable mixed-density urban and suburban neighborhoods and other areas supporting commercial corridors or employment areas outside walkable centers, typically in the following place types: Traditional Residential Neighborhood, Center City Neighborhood, Mixed Residential, City Corridor, Institutional & Employment Center.*	200' min. 800' max. 7.5 ac. max.	800' [1]~~per Exceptions in Section B.2 only~~
Campus, Rural, or Remote Areas – Low Connectivity *Limited to areas of low intensity/density uses with limited access needs or large-scale uses with internal circulation, where disrupting the development patterns and street network is justified, typically in the following place-types: Institutional & Employment Center, Business Flex, Industry & Logistics, rural/ undeveloped areas, or to account for large urban green space & recreation areas.*	250' min. 1,320' max. 12 ac. max.	800' max.

[1] See Exceptions Section 36-3.03.B.2



Figure 3-1 Connectivity & Block Sizes. Street networks shall be based on maximum block sizes (length between centerlines of perimeter streets and area) and stub to adjacent property at a frequency sufficient to create connected networks unless exceptions justify not connecting.

2. *Exceptions.* Street connectivity and blocks may only exceed the acre or block length maximums in Table 3-1 based on the following exceptions:
   a. *Natural Features, Open Spaces, or other Civic Spaces.* Blocks or parcels abutting or containing important natural features, topographical constraints, or open spaces may be modified provided the proposed street layout preserves these features and integrates them into public or community open space design for the area.
   b. *Regional Transportation Routes.* Blocks or parcels abutting significant regional transportation routes that impede local network connectivity, such as highways or rail right-of-way, may be modified provided the street layouts and development patterns achieve local connectivity in all other ways possible, including street stubs, bike routes, and pedestrian paths.
   c. *Rural Parcels.* Tracts divided into lots of at least three acres for rural, agriculture, or very low-intensity development may exceed the block limits,

provided they are designed to allow future streets in compliance with these regulations and permit a logical pattern of re-subdivision with minimal disruption of existing or planned buildings, utilities, and other structures.

d. *Oversized Parcels.* Where oversized parcels are platted for special land uses or development patterns that accommodate large-scale buildings, such as campuses, employment centers, or regional commercial areas, platted blocks may be larger provided private internal access lanes match the block structure of Table 3-1. Private internal access lanes shall provide streetscape and design amenities~~y~~, **such as streetscapes, sidewalks, and on-street parking,** similar to the street design types in this section and create logical extensions and connections to the public street network beyond the project. [See Section 36-7.03.B.3].



Figure 3-2 Private Streetscapes Private internal access lanes shall be used to mimic public street networks and streetscapes for over-sized parcels and large-scale development (36-3.03.B.2.d).

e. *Closed-end Streets.* In any case where streets are not required to connect by these standards or are justified by these exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs. In all cases, closed-end streets shall be no more than 800' and have no more than 30 dwelling units per access point. All streets that end in dead end shall have a cul-de-sac or turnaround as required by Chapter 98 and the applicable Public Works Design Standards and Technical Specifications, or as required to meet any public safety requirement.

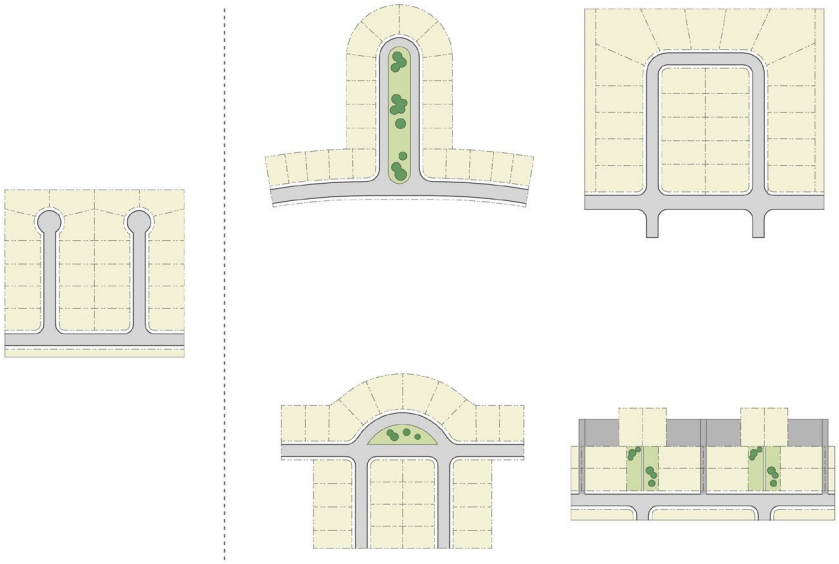


Figure 3-3 Disconnected Street Options. Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (36-3.03.B.2.e)

f. *Area Plans.* A specific street network plan approved by the City through the planned zoning process in Section 36-2.06 or similar planning initiative for a connected local network for a significant area beyond individual projects may provide different connectivity provided there are sufficient external connections to the surrounding transportation system and the design meets the intent and design objectives of this section.

3. *Pedestrian & Bicycle Connections.* In any case where exceptions for larger blocks apply, or any other area where pedestrian and bicycle connections are important, the City may require walkways, passages or trails through blocks or at the end of any closed end streets to provide pedestrian or bicycle connections to important destinations such as schools, parks, trail systems, community centers, or similar destinations. Connections shall meet either the pedestrian and bicycle portions of the streetscape standards in subsection C, or the civic and open space standards in Section 36-3.04.



Figure 3-4 Walkways and Bicycle Routes Where streets will not connect or where larger blocks are platted, connections for pedestrians or bikes may be required through blocks or at the ends of disconnected streets. (36-3.03.B.3).

4. *Street Connections.* Streets shall be planned to provide continuation to adjacent areas at intervals that result in blocks meeting the standards in Table 3-1, unless justified by an exception in subsection B.2.
   a. The City may require dedication of right-of-way and construction of streets extended to the boundary line of the property to be subdivided. Alternative arrangements for location of streets to coordinate with anticipated future development of adjacent areas, and timing of construction of streets may be delayed to the time of development if all lots have frontage and access to public streets and alleys.
   b. Subdivisions that are a portion of a larger development area or adjacent to potential future development shall require a mapped conceptual street network for the larger development area or adjacent property with a preliminary plat. The mapped conceptual street network shall address connection of major or

connector streets, potential layout of local streets and blocks, and the position of external connections to the property.

5. *Intersections.* Intersections of streets, corner curb radii, and crosswalks shall be designed according to the Public Works Design Standards and Technical Specifications and any other formal guidance, plans, or manuals approve by the PW Director, and shall be implemented according to context and placetypes to balance multiple modes of transportation and urban design characteristics.
   a. Streets shall be laid out to intersect as near as possible to right angles, and intersections less than 75 degrees are generally not acceptable.
   b. Diagonal or irregular streets should curve to align with appropriate angles for at least 100 feet approaching intersections.
   c. Intersections should be aligned with existing cross streets on the opposite side of the street. When not applicable the PW Director shall determine the acceptable street alignments in accordance with governing documents.
   d. Intersections of more than two streets at one point are not acceptable, except where alternative configurations better correspond to topography and natural features, implement traffic calming (such as roundabouts or other verified techniques), or create gateways and focal points in the network.

6. *Right-of-Way Widths.* **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, topographical conditions, public convenience and safety, and 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.**

   a. **Right-of-way can be appealed to the Administrative Review Committee (ARC). Should the ARC determine that right-of-way width at the time of platting or development may be reduced because less right-of-way than set out herein 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 Planning and Zoning 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 Planning and Zoning Commission, or to the certificate prior to filing and the Planning and Zoning Commission shall determine if the criteria for the reduction of right-of-way exists and what reduction in right-of-way, if any, may be allowed. A reduction in 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 above what is required herein shall not be required except where the Director of Public Works determines the need for more and City Council approves.** The minimum right-of-way widths required shall be as follows:

Table 3-2: Right-of-Way Widths

Street Type	Minimum Width*
Expressways	130'
Arterials – High, Mid	100'
~~***System Collectors***~~***Arterials - Low***	70'
~~***Residential***~~ ***Collectors / Local High-Activity***	60'
Local Low-Activity	50'
Alleys	20'

Downtown Streets	**

* If no subdivision activity is taking place and the existing right-of-way is less than the minimum requirement, all new improvements shall be at least 50% of the required width from the centerline of the existing right-of-way.

** Right-of-way may be required as necessary to accommodate public infrastructure as per a street typology, adopted street plan, or planned capital improvement.

7. *Sight Distances*. Where a driveway intersects a public or private right-of-way or where property abuts the intersection of two public or private right-of-way, clear sight distance must be provided within the sight triangle area on the property adjacent to the intersection as specified in the Public Works Design Standards and Technical Specifications.
   a. *Sight Distance Analysis for Site Plans.* For all developments requiring a site plan, the applicant shall have a Professional Engineer perform a field analysis and determine the sight distance in accordance with the applicable standards.
   b. *Sight Distance for Standalone Driveway Permits.* As part of the permitting of driveways, the City Traffic Engineer shall determine the sight distance in accordance with the applicable standards.
   c. *Obstruction Prohibited.* No structures, fences, landscaping or any other object within the sight triangle area can obstruct or obscure sight distance visibility by more than 25% of the total view in the vertical plane within the sight triangle area between a height of 2.5 and 8 feet above the roadway surface.
      (1) No building, ground sign, or other type of solid physical obstruction shall be placed within the triangle.
      (2) Fences that maintain the required transparency may be permitted within the triangle.
      (3) Street trees, light poles, hydrants, or other limited narrow obstructions are allowed within the sight triangle provided they do not have any high- profile appendages, foliage, limbs, or other obstructions between 2.5 and 8 feet and are spaced to not collectively create an obstruction.
      (4) Landscape, plants, and groundcover may be planted in the triangle, provided it does not exceed 2.5 feet from the elevation of the adjacent street surface.
      (5) The 25% requirement may be reduced if the PW Director determines that additional sight distance visibility is needed to protect public safety.
   d. *Controlled Intersections.* Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the PW Director.
   e. *Easements Required.* For all commercial zoned developments and any developments on arterials, the sight distance triangle shall be placed in a sight distance easement or clear sight easement allowing the City to access and remove any physical items prohibited or causing a reduction in sight distance.
   f. *Right-of-Way Triangles*. Right-of-way triangles are required to be dedicated at the time of any subdivision activity at the intersection of streets and alleys as specified in Table 3-3. If no subdivision activity is taking place, all new improvements shall be outside the required right-of-way triangle. The site distance easement may overlap the right-of-way triangles.

Table 3-3: Right-of-Way Triangle Requirements

Intersection of	*Expressway*	*Arterial – High, Mid*	*Arterial – Low and System Collector*	*Residential Collector / Local High-Activity*	*Local Low-Activity / Alley*
Expressway	A	A	A	B	B

Arterial	A	A	~~A~~B	B	~~B~~C
System Collector	A	B	B	~~B~~C	C
Residential Collector / Local, High-Activity	B	B	~~B~~C	C	C
Local, Low Activity	B	C	C	C	C

A = 70' x 70' ROW triangle
B = 30' x 30' ROW triangle
C = 10' x 10' ROW triangle
Measured from the intersection of the projected minimum required right-of-way width in Section 36-3.03.B.6

8. *Stormwater.* Green infrastructure strategies such as bioretention, permeable paving, and other similar strategies shall be integrated with the design of the street.

C. **Street Design & Street Types.** New and reconstructed streets shall reinforce the placetype, reflect the character of the area, and support the anticipated land uses on abutting blocks and lots. Design and construction must comply with the Public Works Design Standards and Technical Specifications. This section establishes a context-based approach that coordinates planning and urban design with engineering standards through Street Design Types and the Streetscape Kit of Parts. Street types complement, and do not override, the functional classifications and access management requirements of Chapter 98 of the City Code.

1. *Street Design Types.* Each functional classification may apply one or more Street Design Types, as outlined in the Public Works Design Standards and Technical Specifications, so that streetscape and operational features support the surrounding context, intended use, and area character. Numeric dimensions, material specifications, and performance targets, including the target operating speed, are set in the Public Works Design Standards and Technical Specifications. The PW Director may approve alternatives that demonstrate equal or better safety and access outcomes and document the basis for the decisions.

Table 3-4: Street Design Types & Classification

Street Design Type	***Expressway***	***High Type Arterial***	***Mid Type Arterial***	***Low Type Arterial***	***System Collector***	***Residential Collector***	***Local Street***	***Alley***
Pedestrian / Mixed Use	NU	NU	NU	LU	AU	AU	AU	AU
Parkway / Bikeway	NU	LU	LU	LU	AU	AU	AU	NA
Neighborhood	NU	NU	NU	LU	AU	AU	AU	NA
Standard / Trafficway	LU	AU	AU	AU	AU	LU	L~~S~~U	NA
NU	Not allowed in typical street classification							

LU	Limited use in specific application, based on context and specific localized transportation plan
AU	Applicable for use in most instances, but must be based on context and specific transportation plan
NA	Steet type is not applicable for street classification in most typical applications

a. *Pedestrian / Mixed-use.* Streets that prioritize walking and frontage activity in areas with a well-connected network and active ground floor uses. Designs use speed management, continuous sidewalks, frequent and safe crossings, and amenity zones that support businesses and street life. Parking and loading are provided where needed to support adjacent uses, but they do not reduce pedestrian, bicycle, or transit priority. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.

(1) *Required Elements.*
- (a) Sidewalk on both sides with accessible connections
- (b) Amenity and furnishing zone on both sides that supports trees, lighting, street furniture, art, and other public amenities.
- (c) Frequent marked and enhanced pedestrian crossings and safety measures
- (d) Speed management and traffic calming treatments to achieve a target speed that is reasonably safe for pedestrian interactions and proximity to vehicular traffic.
- (e) Bicycle accommodation appropriate to the network plan, separated where volumes or speeds warrant. Bicycle docks or limited bicycle areas near heavy pedestrian movements is appropriate.

(2) *Conditional Elements.*
- (a) On street parking or signed loading in designated curb zones where it supports frontage uses. Parking is not considered a priority in this street type and
- (b) Curb extensions at intersections and midblock where feasible
- (c) Transit stop amenities where routes operate, including accessible pads and shelters
- (d) Green infrastructure in medians or furnishing zones where site conditions allow.

(3) *Access and Operations.*
- (a) Driveways shall be very limited and consolidated where appropriate.
- (b) Curb use managed to prioritize pedestrian movement, bicycle safety, transit, and loading, in that order
- (c) Any exception must document equal or better safety and access outcomes and be approved by the PW Director.



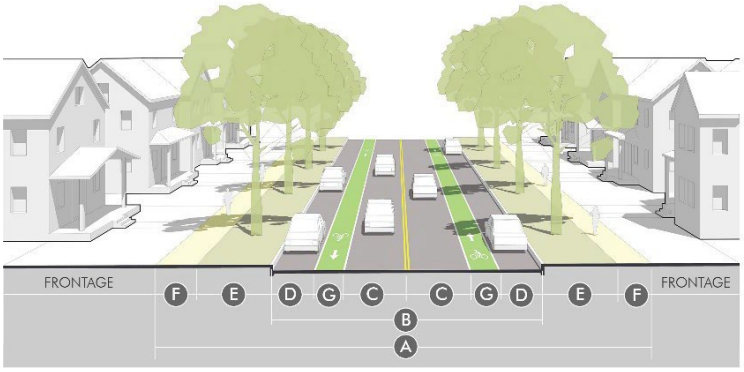
Pedestrian / Mixed-use

b. *Parkway / Bikeway.* Multimodal corridors with a higher level of civic design and landscape that connect gateways and signature routes. Designs provide continuous and separated bicycle and pedestrian facilities, strong access management, and speed control that supports safe and comfortable travel for all users. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.

(1) *Required Elements.*
- (a) High comfort bicycle facility that is physically separated from traffic, or a shared use side path, continuous along the corridor and connected at intersections
- (b) Sidewalk on both sides, or one sidewalk plus a shared use side path, with accessible connections
- (c) Target operating speed established with geometric design that supports that target speed for appropriate uses and traffic volumes
- (d) Signature landscape in medians, parallel to the street, and significant to the total section of street right of way.
- (e) Access management with median control and driveway spacing to promote multimodal functionality and safety.
- (f) Marked crossings with refuge islands or other protection that promotes pedestrian activity and connectivity
- (g) Pedestrian scale and roadway lighting that supports visibility and personal security.

(2) *Conditional Elements.*
- (a) Transit stop pads, shelters, and where applicable, bus bulbs or floating stops adjacent to separated bikeways
- (b) Roundabouts or other intersection forms where they improve safety and gateway character
- (c) Green infrastructure within medians or furnishing zones where site conditions allow
- (d) Wayfinding, public art, and gateway features at designated locations
- (e) On street parking only in defined nodes where it does not reduce safety or the function of separated facilities

(3) *Access and Operations.*
- (a) Curb use managed to prioritize bicycle and pedestrian safety, transit operations, loading, then general parking
- (b) Driveways limited, consolidated, and designed for slow entry to prevent multimodal conflict points
- (c) Design must accommodate emergency and necessary freight vehicles without degrading safety for people walking or bicycling.



Parkway / Bikeway

c. *Neighborhood.* Streets that support neighborhood livability by keeping speeds low, providing continuous sidewalks, and establishing a comfortable walking environment. Designs balance walkability, landscape, and local vehicle access, using traffic calming and managed curb use to maintain a quiet, low stress street. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.

(1) *Required Elements.*

(a) Sidewalk through zone on at least one side of the street with accessible connections

(b) Street trees incorporated throughout and desired to line both sides of the street

(c) Speed management and traffic calming treatments to achieve the target operating speed

(d) Bicycle accommodation appropriate to the network plan, shared lanes on very low speed local streets or separated facilities on neighborhood collectors as warranted

(2) *Conditional Elements.*

(a) On street parking on one or both sides where it supports neighborhood needs and maintains emergency access

(b) Curb extensions, mini circles, chicanes, speed humps, speed cushions, or other practical traffic calming to slow speed and add quality of place.

(c) Green infrastructure within furnishing zones or curbside modules where site conditions allow

(d) On street accessible spaces where warranted

(3) *Access and Operations.*

(a) Driveways limited and consolidated

(b) Intersections designed for compact turning with clear sight and yield control to prioritize pedestrian safety, bicycle comfort, and access for residents and services

(c) On street parking supports neighborhood activity but is not intended to be the sole parking supply for residences



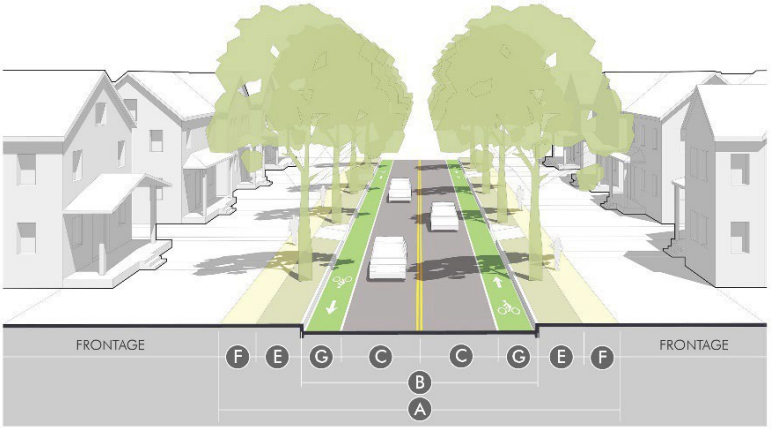
Neighborhood

d. *Standard / Trafficway.* General purpose corridors that provide movement and access where no other design type applies. Designs provide pedestrian access, bicycle accommodation per the network plan, and safe and efficient operations for all users. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.

(1) *Required Elements.*
- (a) Sidewalk on both sides of the street
- (b) Bicycle accommodation per the network plan, which may include buffered or separated lanes or a shared use side path as warranted by volumes and speed
- (c) Target operating speed established in the Standards with geometry that supports that target speed
- (d) Access management with driveway spacing, median control, and turn management per Chapter 98 and the Standards
- (e) Marked crossings and traffic control per MUTCD with visibility and protection features as warranted
- (f) Roadway and pedestrian scale lighting that supports visibility and personal security

(2) *Conditional Elements.*
- (a) Medians, turn pockets, or two way left turn lanes where safety and access require
- (b) Transit stop pads, shelters, and related amenities where routes operate
- (c) On street parking only where it does not reduce safety or operations and where curb use is managed
- (d) Green infrastructure and street trees where site conditions allow and sight distance is maintained
- (e) Freight and emergency design accommodations per the Standards

(3) *Access and Operations.*
- (a) Curb use managed to prioritize safe pedestrian and bicycle movement, transit operations, loading, then general parking
- (b) Driveways limited and consolidated. New or modified driveways must allow slow entry and exit and preserve pedestrian and bicycle priority where applicable



Standard / Trafficway

2. ***Complete Street Guidelines.*** Based on actual right-of-way conditions and functional class needs, specific street cross sections shall be assembled using the Complete Street Guidelines in Table 3-5. The table identifies general performance characteristics for each street element and identifies the design types to which each is most applicable. Final approval and application of cross sections is subject to approval of the PW Director.

Table 3-5: Complete Street Guidelines

Key:
■ Typically applied to this design type
O Optional; applied based on space allowances and specific priorities
L Limited; generally not applied but may be used to specific circumstances
- Generally avoid.

Street Element	Size	Context & Application	Pedestrian / Mixed-use	Parkway / Bikeway	Neighborhood	Standard /Trafficway
Travel Lanes	>12'	High-speed/volume; generally, avoid on city streets	-	-	-	L
	11'	Applicable on major streets or routes with frequent truck or transit vehicles	-	L	-	■
	10'	Generally applicable on all city streets with through traffic	■	■	L	■
	9'	Limited to low-volume streets, slow-speed streets, or constrained ROW	L	-	■	-
	12' – 17' yield lanes	Limited to slow, low-volume streets in well-connected networks, where occasional queuing areas allow two cars to pass	-	-	■	-
Bicycle Lanes	n/a	Low-speed/volume streets where bicycles can mix with travel lanes. (< 20 mph)	■	-	■	-
	4' – 6' lane	Low-speed streets or constrained ROW (< 35 mph)	L	■	■	L
	7'-10' protected lane	Important bike routes or higher speed streets (typically >35 mph); 2' – 4' protected buffer; 4' – 8' bicycle travel way	-	■	-	■
	Off street	High-speed/volume (typically >45 mph); or portions of trail systems.	O	■	O	■
Parking	6' – 7'	Limited to low-volume residential streets	L	L	■	-
	7' – 8'	Generally applicable to all residential and commercial areas where parking is necessary.	■	C	L	L
	14' – 22' angled	Limited to high-activity streets to maximize parking; depth depends on angle of parking and other traffic circumstances	■	L	-	-
Landscape Area	2' – 8' amenity zone / attached sidewalk	Walkable areas (typically paired with on-street parking) where hardscape, landscape, and street furniture extend sidewalks	■	L	L	-
	>8' amenity zone / attached sidewalk	Used for high-activity streets that prioritize social space in streetscapes (*e.g.* sidewalk dining, mini-courtyards)	■	L	-	-
	1' – 4' landscape area	Avoid – difficult to grow and maintain plants or trees	-	-	-	-

Table 3-5: Complete Street Guidelines

Key:
■ Typically applied to this design type
O Optional; applied based on space allowances and specific priorities
L Limited; generally not applied but may be used to specific circumstances
- Generally avoid.

Street Element	Size	Context & Application	Pedestrian / Mixed Use	Parkway / Bikeway	Neighborhood	Standard /Trafficway
	5' – 6' tree strip	Limited to constrained ROW; understory trees only	L	L	L	L
	7' – 8' tree strip	Generally applicable, sufficient for large ~~shade~~overstory trees	O	■	■	■
	8' – 12' tree strip	High-volume streets or where no on-street parking exists to provide greater pedestrian buffer; or neighborhood streets with higher urban design amenity	L	■	■	■
	>13' tree strip	Signature streets for enhanced landscape amenities; space can be shared with or shifted to medians' and may meet Open & Civic Space system credits (See 36-3.04.)	L	■	■	■
	10' – 20' Median	Signature streets for enhanced landscape; can be accompanied with turn lanes and/or mid-street pedestrian refuge at intersections	O	O	O	O
	>20' Median	Signature streets or to add amenity to major high-volume streets; may meet Open & Civic Space system credits (See 36-3.04.)	O	O	O	O
Sidewalks	4' or one side	Avoid – constrained ROW only	-	-	-	-
	5'	Minimum, generally applicable standard; typical on neighborhood streets	-	-	■	L
	6' – 8'	Minimum for non-residential streets (if combined with amenity zone), and priority routes in neighborhoods (e.g. routes to schools, parks, or other destinations)	L	■	■	■
	8' – 10'	Typical on non-residential streets; minimum for walkable areas (if combined with amenity zone); or higher density neighborhoods	■	■	■	■
	>10'	Signature streets in walkable areas, where social spaces are desired in streetscapes, or as a multi-use bicycle / pedestrian path in other contexts	■	■	O	O

3. *Typical Cross Sections*. The cross sections ~~found in Appendix A~~ are typical and examples of the design types applied to each functional classification. These typical examples are illustrative for planning purposes. Actual street design shall be based on the applicable Public Works Design Standards and Technical Specifications and application of the Complete Street Guidelines to specific situations.

D. **Private Streets.** A private street is privately owned and maintained, constructed to all applicable City standards and specifications, and provides the primary means of vehicular ingress and egress from a public street to any dwelling unit, lot, parcel or principal building. Private streets, driveways, and all other incidental items shall be designed, constructed, inspected, and accepted in the exact manner of public streets including all applicable processes and fees.

1. Private streets shall only be considered in very limited circumstances and where absolutely necessary. To be considered as a private street by City Council, the following items shall be verified by the PD Director and the PW Director prior to any subsequent council action for approval.
   a. The proposed private street shall be classified as a local residential or local commercial only.
   b. The proposed private street shall meet all requirements of a dead-end street or terminates at both ends at a public street.
   c. The proposed private street shall ensure that future connectivity standards of the subdivision regulations can be met and does not adversely impact adjacent properties.
   d. The proposed private street shall not lessen the ability of public emergency service to access the property.

2. No private street may be permitted without the consent of the City Council. The City Council shall have sole discretion to determine when a private street may be permitted 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 private street(s), or the passage of a resolution when the development or subdivision pre-exists the request for a private street. City Council may review a request for a variance in accordance with the procedures and standards set forth in Section 36-2.07, but shall not be bound by the provisions of said section in its determination or exercise of its discretion.

3. *Deeds and Restrictive Covenants*. Deeds and restrictive covenants to contain the following conditions:
   a. All private streets shall be deemed to be common areas and subject to all requirements set forth in Section 36-3.04. Additionally, a property owners' association shall be required for all lots or residential units served by a 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 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 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 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 Section 36-3.04.B.3 required to be on the final plat by subsection 36-3.03.D.4, shall be recorded. Nothing herein shall require the city to enter and repair any portions of the private street and the city does not assume a duty to do so by approval of any private street.
   d. The covenant referred to in subsection 36-3.03.D.3.c shall also contain a requirement that for a private street to continue to be private, 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 private street area such as police, fire, dispatch and rescue operations, utility or sewer service, which are the direct result of the private street's presence. This fee shall be set by the City Council in the same manner as other

fees for recovery of costs.

4. *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 private street; 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 private street 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 private street 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.

5. No private street will be later accepted as a public street unless the street had been originally inspected and accepted by the PW Director at the time of construction, and the street has been properly maintained, with documentation, as determined by the sole discretion of the PW Director.

E. **Engineering & Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets, utilities, stormwater, landscape, irrigation, and other public improvements shall be in accordance with Chapter 98 and the applicable Public Works Design Standards and Technical Specifications approved by the PW Director.

36-3.04 Civic & Open Spaces

A. **Design Objectives.** Civic and open space design shall have the following design objectives:

1. Emphasize open and civic spaces as an important element of Springfield's community image and a factor in distinguishing the unique identity of different places within Springfield.

2. Coordinate open and civic spaces with street networks to leverage valuable development patterns and maximize the civic design impacts of infrastructure investments.

3. Value the design, function, and appropriate location of different types of open space, rather than solely the quantity of space, including formal and natural spaces.

4. Consider the context and multiple functions that open spaces can serve to support development including ecological, recreation, aesthetic, and urban design functions.

5. Promote good civic design and create focal points for the community, neighborhoods, and development projects.

6. Integrate natural systems into the design of common or public open spaces to improve stormwater management, protect water resources, preserve natural features, and enhance ecosystems.

B. **Required Open & Civic Space.**

1. *Dedication or Reservation of Land*. The City may require the dedication of land to the City or other government entity with jurisdiction over public and community facilities, for parks, trails, school, or other public or community facilities.
   a. The dedication shall be based on an adopted plan identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review.
   b. The dedication may be included on the preliminary plat or a condition of approval of the preliminary plat, at the discretion of the applicant or as a requirement where directly related to the projects impact on the required facility.
   c. Acceptance of the dedication shall be agreed to in writing by the entity having jurisdiction over the site or facility prior to approval of the final plat. Upon dedication the applicant may be eligible for credits towards open space requirements or reimbursement of other development fees.
   d. Where dedication is not offered or required, the City may require reservation of the land for no more than one year, unless otherwise agreed to by the applicant, to permit acquisition of the land by the appropriate public entity. The applicant may include contingency plat for property subject to the reservation if the property is not acquired by the appropriate public entity, but the contingency plat and any surrounding preliminary plat shall not be designed in any way that undermines potential use of the property for the planned public improvement.

2. *Common Open Spaces.* The requirement for dedication or reservation of open and civic spaces is not intended to replace, discourage or prohibit the design of common or private open and civic spaces as community amenities. Provisions of these facilities should be included on a plat and designed to integrate public streetscapes, trails, and parks with other community facilities in accordance with the standards in subsection C.

3. *Ownership & Maintenance.* Open and civic space platted as part of a development shall require specific designation on the final plat as a separate out lot. Options for ownership and maintenance of open and civic space include:
   a. Creation of or dedication to a non-profit entity capable of carrying out the ownership and maintenance;
   b. Creation of a homeowners', leaseholders' and/or property owners' association that owns the space in common and is capable of carrying out the ownership and maintenance; or
   c. Dedication to a public entity as part of the right-or-way, parks or other community facilities element of the plan. The City may accept dedications of land in its sole discretion, provided it meets other open space and conservation goals of the city indicated in the comprehensive plan or other official Parks and Recreation Department plans.
   d. All open and civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans, as well as administrative and financial management of the space according to these standards. Documents such as covenants for a homeowners' association, bylaws or charter for a non-profit entity, or similar agreements and guarantees, shall be filed with the clerk and recorder's office with the plat designating the open space, prior to any building permits.

4. *Credits & Modifications.* Any public or common open space provided through the subdivision process may enable credits or modifications of site-specific open space standards in Articles 5, 6, or 8.

C. **Open & Civic Space Design.**

1. *Types.* Table 3-6 specifies the type, size, and service areas of different open and civic spaces that may meet the open space requirement.

Table 3-6: Open & Civic Space Types

Type	Size	Service Area	Application	
			Public	Common
Natural Open Space / Stream Buffer	3 ac. min.; 100' min. width; >20 ac. optimal or significant continuity with adjacent areas	n/a	■	■
Park - Regional	>20 ac.	w/in 3 miles	■	
Park - Community	8 – 20 ac.	w/in 0.5 mile	■	
Park - Neighborhood	3 – 8 ac.	w/in 0.25 mile	■	■
Park – Small	0.5 – 3 ac.	w/in 0.25 mile		■
Trail	20' wide, min. easement; 30' if integrated as a linear park; 8' – 16' trail	w/in 500' of trail or 1000' of trail-head	■	■
Community Garden	5K s.f. – 3 ac.	w/in 0.25 miles		■
Civic Space - Green	1 – 3 ac.	w/in 0.25 miles		■
Civic Space - Square	5K s.f. – 1 ac.	w/in 500'		■
Civic Space – Plaza / Courtyard	1K – 5K s.f.	abutting lots or on the same block		■

2. *Location Criteria.* The following location criteria shall be considered to better integrate different open space types with the context, placetype, and best support surrounding development with a system of open and civic spaces:
   a. Connect and integrate open spaces with public streetscapes and other civic destinations, such as schools, to improve visibility and access.
   b. Preserve natural features (particularly for natural open spaces/stream buffers, parks, or trails), including protection of groves of trees, prairie, streams, unusual and attractive topography, and other desirable natural landscape features and views.
   c. Design formal civic spaces (green, square, plaza / courtyard) as gathering places and focal points for compact, walkable places, located as an extension of the streetscapes at highly traveled and visible locations.
   d. Create spaces that reinforce character of the area or create gateways and transitions to distinct places.
   e. The distribution of spaces so that all development has similar proximity to open and civic spaces appropriate to its context.
      (1) All residential lots should be within the service area of two different types of open or civic spaces.
      (2) High-density residential, mixed-use, and commercial or employment lots should be within the service area of at least one formal open space.

3. *Stormwater Facilities.* Stormwater facilities shall be designed and integrated into the street network and open or civic space in order to avoid redundant and inefficient facilities on individual lots. Areas used to meet stormwater requirements may be counted towards the open space requirement provided they meet the definition of *Open Space* and the PW Director approves of the secondary use.

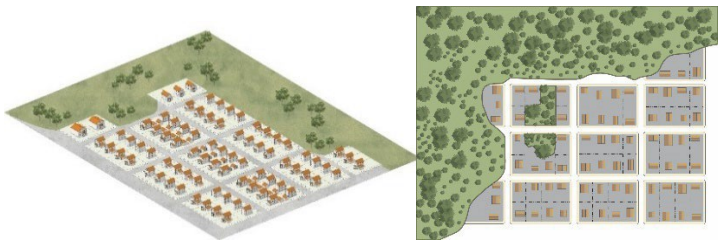
4. *Open & Civic Space Design Guidelines.* Open and civic spaces shall be designed according to the following guidelines for each specific type:

Natural Open Space / Stream Buffer

The size, location and design of a Natural Open Space / Stream Buffer is dependent on the inherent characteristics of the land and the presence of valuable natural amenities and ecological resources worthy of protection. The ability to provide contiguity with similar features on adjacent sites is important to the design and location of development and preserved areas. See Flood Control and Water Quality Protection Manual for specific requirements for Stream Buffers.

Size: 3 contiguous acres (min.); 100' wide minimum; ideally, ability to connect 10+ acres of contiguous natural lands or agricultural lands.

Service Area:
n/a except where integrated with trails and linear parks, service areas are according to those types.



Design Elements & Guidelines

- Natural Open Space / Stream Buffer includes any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant and tree types. The goal is to protect the edges and to maximize intact and undisturbed spaces that provide valuable ecosystem services for the community, support preservation goals, or enhance the aesthetics and amenities of the area. Active recreation such as trails and paths can be a part of these areas provided, they do not disrupt the essential natural character and ecological functions.

Park

Variations: Size / Service Area
Regional – >20 ac / >3 miles
Community – 8 – 20 ac / 0.5 mile
Neighborhood – 3 - 8 ac 0.24 miles
Mini - 0.5 – 3 ac / 0.25 miles



Design Elements & Guidelines

- Any park planned for public dedication shall be designed according to official plans and policies of the City.
- Parks should be at least 200' wide in all directions (100' for Mini Park).
- Fronts on one or more public streets for 400' or more (100' for Mini Park); exception to street frontage if designed abutting part of a public trail system.
- One **overstory**~~shade~~ tree for every 30' of street frontage; one **overstory**~~shade~~ tree per 50' of internal trails or paths; 20 **overstory**~~shade~~ trees per acre for all other areas beyond 30' from streets or trails; plus other landscape to support the overall park design.
- Ornamental plantings, concentrations of trees, and other enhanced landscape at gateways, entrances, and prominent corners.
- Between 10% and 50% of the area should be designed for active, programmed or structured recreation such as ball fields, playgrounds or sport courts. The remainder of the area should be designed with natural or formal landscape for passive recreation.

Trail

Size
20' min. width; 30' if includes a linear park
But dependent on topography and natural features.
Requires sufficient continuity to connect with pedestrian and bicycle systems outside of project and/or connect meaningful walking and biking destinations (schools, parks, neighborhood centers, etc.).

Service Area
500' from trail, or up to 1,000' from trailhead

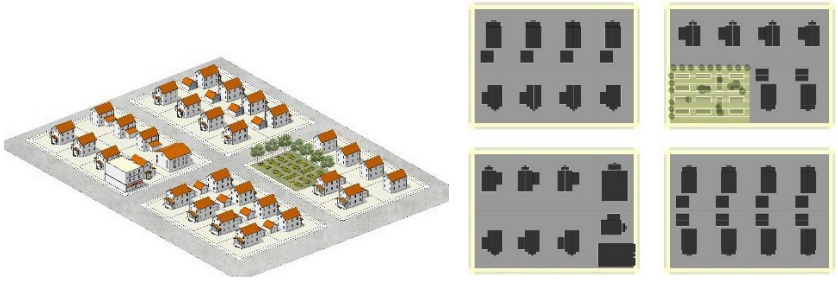


Design Elements & Guidelines
- ❑ Any trail planned for public dedication shall be designed according to official plans and policies of the City.
- ❑ Trails corridors should be concrete, at least 8' wide, and 12' to 16' wide if a shared bike / pedestrian trail.
- ❑ The landscape area on each side of the trail should be at least 6' wide, and wider in places that incorporate natural features or significant vegetation.
- ❑ One **overstory**~~shade~~ tree for every 40' of trail length; and one understory tree or small evergreen tree for every 25' of trail length.
- ❑ Trails corridors located along right-of-way may be integrated into the streetscape design to create the optimal multi-modal design for the street and trail, particularly along major and minor arterial streets.

Community Garden

Size
5K s.f.– 3 ac

Service Area
0.25 miles



Design Elements & Guidelines
- ❑ All street frontages shall have landscape and streetscape designs that are compatible with the surrounding area.
- ❑ Structures shall be subject to the accessory building standards of the district, except building coverage shall be no more than 25% of the area and located on the rear 50% of the lot or block.
- ❑ Community gardens shall be subject to all other development, property maintenance, and nuisance standards including stormwater, lighting, noise, signs, odor, and refuse standards and codes.
- ❑ No parking is required unless the cultivated area exceeds 1 acre in size, then a minimum of two spaces per acre shall be provided (which may include on-street parking).
- ❑ Hours of operation shall be limited to one-half hour before sunrise until one-half hour after sunset.
- ❑ Depending on the size and zoning district, community gardens may require special use standards or permits (See Article 4).

Civic Space

Variations: Size / Service Area
Green – 1 – 3 ac. / 0.25 miles
Square – 5K s.f. – 1 ac / 1,000'
Plaza / Courtyard – 1K - 5K s.f. / abutting lots or on same block



Design Elements & Guidelines

- ❑ Civic space should have frontage on a public street (or internal access lanes) with direct pedestrian access to the streetscape and sidewalk, subject to the following;
  - Greens along at least three sides and at least 75% of the perimeter;
  - Squares along at least two sides and 60% of the perimeter;
  - Plazas along at least one side and at least 30% of the perimeter; and
  - Courtyards along at least 15% of the perimeter, or an entrance from a gateway and passage along the street.

  Buildings should front on and frame the civic space, and be designed with frequent entrances, transparency, and outdoor seating areas to create activity in the space and make physical and visual connections between the buildings and the space.
  Civic spaces should have a balance of formal gathering places (hardscape, seating, public art, etc.) and landscape (gardens, lawns, planting beds, etc.) generally within the following:
  - Green: formal = 15% - 50%; landscape = 85% - 50%
  - Square: formal = 50% - 75%; landscape = 25% - 50%
  - Plaza: formal = 75% - 85%' landscape = 15% - 25%
  - Courtyard: formal = 25% - 50%; landscape = 50% - 75%
- ❑ One **overstory**~~shade~~ tree for every 25' of street frontage and one understory or evergreen tree for every 2,000 square feet.

36-3.05 Blocks & Lots

A. **Design Objectives**. The block and lot standards have the following design objectives:

1. Ensure the proper arrangement of blocks and lots in relation to the street network and civic and open spaces.
2. Design subdivisions to coordinate with adjacent development patterns or future development in terms of street networks, civic and open spaces, and block patterns.
3. Arrange blocks and lots in a manner that is least disruptive to existing topography and capitalizes on inherent natural characteristics of the land as defining features.
4. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
5. Promote appropriate site, building, and frontage designs in relation to street design types or other civic and open spaces that lots may front on.
6. Ensure that all lots are buildable according to this code and that all non-developed tracts or other parcels serve community functions in relation to the overall development pattern.

B. **Block & Lot Arrangement**.

1. *General Layout.* All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on

regional transportation routes.

2. *Block Size & Patterns.* The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 36-3.03.B and Table 3-1.

3. *Lot Patterns.*
   a. Lot size, width, depth, and shape shall meet the applicable zoning district standards and accommodate appropriate building location, orientation, and site design. Corner lots or irregular shaped lots may need additional space beyond minimum dimensions to account for appropriate building placement.
   b. All lots shall front on a public or private street, or on an alternative access or common open space where specifically allowed by these regulations.
   c. All side lot lines shall be as close as practical to perpendicular to front lot lines, or radial to any curves along the front lot lines. Other irregular lot patterns shall only be permitted where they are used to integrate patterns of buildable lots into the overall block structure and to provide consistent relationships of lots and buildings to the streetscape.
   d. Any undeveloped lands, remnant spaces between blocks, or land area below the minimum developable lot sizes shall either be designated as open space meeting the requirements of Section 36-3.04 or be incorporated into the abutting lot.

4. *Access.* Access for all lots shall be coordinated at the largest scale possible and according to the following priorities in order to preserve the function of the street network and the design of streetscapes and frontages. Access shall be based on the thresholds of applicability included in Section 36-7.03.B.
   a. Internal block access shared among multiple lots through alleys or internal access lanes.
   b. Cross-access easements serving multiple lots through a system of consolidated access points and easements.
   c. Common access shared among abutting lots and meeting the frontage design standards and options.
   d. Individual access points are subject to the frontage design standards and any modifications provided in this chapter, and requirements of the PW Director per Chapter 98 and the applicable Public Works Design Standards and Technical Specifications.

5. *Easements.* All blocks shall include easements for all utilities, required improvements, access, and open spaces necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way and graded to within 6 inches of final grade before improvements are installed. Unless otherwise specified through the development review process, easements shall be as specified in Table 3-7.

Table 3-7: Minimum Easement Widths

Common rear lot lines	10', 5' on each lot
Rear lots along an alley	None, provided the alley is at least 12' wide and can accept utilities
Perimeter rear lot lines w/o common boundary	10'
Cross access	18' (residential use - 2 units or less); 24' (all other uses)
Side easements, where necessary	5'
Front easements (if necessary due to other site / ROW constraints	10'

6. *Drainage.* Where a subdivision is traversed by a natural watercourse, drainageway, or stream, blocks shall be laid out in coordination with these features, and they shall be integrated into the civic and open space systems.

a. Natural channels and karst features such as sinkholes, springs, and caves are regulated by Chapter 96, but may be integrated into the block structure and open and civic space systems as common open space.
b. Blocks and lots should otherwise be arranged so drainage is generally along the right-of-way lines and integrated into streetscape design or along the rear of lots in the mid-block area.
c. Additional right-of-way or easements may be necessary to account for drainage, which may be integrated into the open and civic space system and dedicated to the city or other appropriate entity maintaining the system.

36-3.06 Required Improvements

A. **Design Objectives.** The required improvements standards have the following design objectives:

1. Ensure that all public improvements necessary to serve lots and buildings are constructed, inspected, or otherwise assured of completion prior to approval of a final plat, issuance of building permits, other final approvals.

2. Integrate the design and construction of public, common, and private improvements with development in the most effective and efficient manner.

3. Prevent undue burden on public infrastructure, streets, utility systems, and community facilities from the improper location, design, or timing of subdivisions or development projects.

4. Provide appropriate apportionment of construction and maintenance costs for public facilities serving development.

5. Protect against subdivisions or development projects where streets, structures, soil, subsoil, or flooding conditions would create potential dangers to property, infrastructure investments, or public health and safety.

6. Coordinate construction of required improvements with other anticipated improvements and with future growth.

B. **Applicability.** The standards and procedures of this section shall apply to:

1. All subdivisions that require public improvements.

2. Any zoning approval, zoning site plan, or building construction that requires construction or modification of public improvements.

3. Any development proposal that proposes major construction in or impacting a public right-of-way.

C. **Improvements & Standards.** Design and construction of all public improvements shall be the responsibility of the applicant and shall be designed by a professional engineer and built by a qualified contractor. All public improvements shall conform to the design and construction specifications approved by the agency or department with jurisdiction over the improvement. Required improvements shall include:

1. *Streets.* Street improvements shall include all streetscape design elements, pavement and sidewalk standard cross-sections, multi-modal features, intersection details, traffic management devices, signs, lighting, and other public safety elements. Streets shall be constructed as required by the plat, mapped streets, the major thoroughfare plan, traffic studies, or analysis, and/or any other governing documents, plans, or requirements. All approved subdivisions shall:
   a. Construct streets that provide legal lots with appropriate access to a public street or alley and to facilitate future connectivity of adjacent lots in compliance with all requirements of this article;
   b. Construct streets for all unbuilt but platted streets, alleys, sub-standard streets, mapped

streets, or streets shown on the major thoroughfare plan that abut the subdivision; and

c. Construct streets to all adjacent and abutting properties to facilitate future connectivity in the area.

2. *Sidewalks and Trails*. Sidewalks and/or trails shall be constructed for any development or subdivision in accordance with Chapter 98, the applicable Public Works Design Standards and Technical Specifications, the plat, and all other applicable subdivision or development requirements, and as noted below. Single-family residential lots with legal lot frontage on existing public streets are exempt from these requirements.

a. Requirements for subdivisions with new streets, site plans, or building permits shall provide the following:

(1) Sidewalks or trails shall be constructed with all new street construction.

(2) Where lots **abut**~~adjoin~~ existing streets ~~and existing sidewalks or trails are present on adjacent properties, including those that terminate near the applicant's property lines~~, the applicant shall construct new sidewalks or trails ~~that extend and connect to those existing pedestrian facilities. This connection shall be provided~~ along the full **required** street frontage **that connect to existing sidewalks, trails, driveways, or roadways, adjacent to or near the applicant's property lines,** of all lots included in the subdivision, site plan, or building permit activity.

(3) **For lots with more than 600 feet of street frontage, sidewalk or trail construction may be phased if requested in writing by the applicant and approved by the PW Director, subject to the following conditions:**

i. **Each phase of construction shall occur at the time of any building permit, site plan, or other activity that triggers the sidewalk requirement;**

ii. **Each phased construction segment shall be directly proportional to the square footage or acreage being developed or modified; and**

iii. **No individual phased construction segment shall be less than 25% of the total required frontage.**

b. Conditions where fee in lieu or modified requirements apply. If the conditions in item a.(2) are not present, or if the PW Director determines that sidewalk construction cannot be reasonably achieved due to physical, structural, or site-specific constraints, the following shall apply:

(1) The applicant shall pay a fee in lieu of sidewalk construction for the entire property frontage. The fee amount shall be as approved by the City Council in the annual fee schedule and shall be calculated at the time of the permit or activity that triggers the fee requirement.

(2) The site plan shall accommodate future sidewalk or trail construction through site grading and dedication of right-of-way. The fee in lieu amount will be reduced to 75% when the site is graded to allow future construction of pedestrian facilities. If the PW Director determines that grading of the site is impractical due to physical limitations or excessive cost, the grading requirement may be waived, and the full fee in lieu amount shall apply.

(3) For lots with more than 600 feet of street frontage, the fee in lieu of sidewalk may be paid in phases if requested in writing by the applicant and as specifically approved by the PW Director, subject to the following conditions:

i. Payment shall occur at the time of any building permit, site plan, or other activity that triggers the sidewalk requirement.

ii. Each phased payment shall be directly proportional to the additional square footage or acreage being modified ~~when no associated building construction is occurring~~**under the approved permit or activity**.

iii. No individual phased payment shall be less than 25% of the total fee based on the full street frontage.

3. *Linear Park Trail Easements.* Where a trail corridor, greenway, bicycle facility, or multi-use path is identified in the Springfield or Greene County Comprehensive Plan, the Ozarks Transportation Organization (OTO) Regional Transportation Plan or Regional Trail Plan, the

City of Springfield Bicycle and Pedestrian Plan, or any other adopted transportation, neighborhood, corridor, or small area plan, the City may require dedication of a linear park trail easement as part of subdivision or development approval.

a. A linear park trail easement may also be required where necessary to provide logical extension of existing or planned trail or pedestrian facilities, preserve corridor continuity between properties, prevent fragmentation of future trail connections, or implement the connectivity and circulation objectives of adopted plans, even where a specific alignment is not depicted.
b. In evaluating the need for an easement, the Director of Planning and Development shall consider adjacent development patterns, anticipated future connectivity, access to public facilities and community destinations, and the long-term integrity of the City's transportation and greenway network.
c. Corridor Preservation. A linear park trail easement may be required to preserve a planned corridor identified in an adopted plan even if the trail is not yet constructed on or adjacent to the property to be subdivided.
d. Easement Width. Linear park trail easements shall have a minimum width of 30 feet; however, the required width may be increased as necessary to accommodate trail construction, grading, drainage, utilities, and long-term maintenance access in accordance with adopted City design standards.
e. Administrative Authority. The Director of Planning and Development may require dedication of a linear park trail easement during review of an administrative replat, lot division, or other subdivision action where such dedication is necessary to implement adopted transportation, bicycle, pedestrian, or trail plans.
f. Phased Development Alignment. Where development occurs in phases, required trail easements shall be located and aligned to allow logical continuation onto adjacent properties and future phases of development, consistent with adopted plans.

4. *Stormwater.* Stormwater systems shall include channels, pipes, detention and retention facilities, stream buffers, integration with natural features, flood protection, erosion control, or other best management practices. Stormwater improvements shall be coordinated with streetscape designs, open and civic spaces, and any other easements necessary within the block and lot patterns.

5. *Sanitary Sewer.* Sanitary sewer connections and transmission for each lot, including sewer mains, conveyance pipes, tanks, lift stations, and service connections.

6. *Survey Monuments.* Permanent markers and monuments that conform to the Missouri Minimum Standards for Property Boundary Surveys shall be protected and/or re-installed by a licensed surveyor as required by the City Surveyor.

7. *Utilities and Coordination with Other Facilities.* Water and electric service shall be provided for each lot. The applicant is responsible for coordination with all facilities and services, such as gas and communications which may be required subject to coordination with the individual provider.

8. *Off-site Improvements.* The applicant shall install any off-site improvements according to city standards where necessary to serve the proposed development. The necessity of off-site improvements shall be based on:
   a. Any specific plans or studies related to the project and its impact on surrounding areas or facilities.
   b. Capital improvement plans or level-of-service policies for the area.
   c. Other plans or capacity analysis of any entity serving the area with public facilities or services.
   d. The City may apportion the applicant's share of the improvement according to Section 36-3.06. If an agreement to apportion the appropriate share cannot be reached, and necessary off-site improvements are not otherwise installed, the City may deny the application until public facilities are in place.

D. **Improvements to Existing Infrastructure.** For any development project where required public improvements in subsection C are existing, the applicant is required to upgrade the public facilities for

the site and for all right-of-way on the project frontage as follows:

1. In addition to any other requirements, any element of a public improvement that is in disrepair shall be repaired or replaced in accordance with the following:
   a. Not suitable to support any function of the proposed development including but not limited to:
      (1) Insufficient street pavement cross section or pavement condition to support increased traffic volume or the use of commercial trucks or transportation.
      (2) Insufficient lane widths to support proposed traffic or any other major safety deficiencies.
      (3) Any pedestrian facilities not in compliance with the Public Right-of-Way Accessibility Guidelines (PROWAG) requirements.
      (4) Any drainage or stormwater issue that could cause further deterioration of the street or drainage structures.

2. Any deficiency in capacity based on a traffic or engineering study shall be accounted for with new capacity to accommodate the proposed development.

3. Sidewalks and streetscape designs shall be included based on the applicable street design type; however, where the right-of-way or the current condition of streetscape design on the remainder of the block does not accommodate or coordinate with the typical standard, the PW Director may accept improvements that bring the streetscape into conformance with the block face required street design type.

4. Where a public improvement is identified in a city capital improvements plan or program that anticipates a more complete or comprehensive approach to the public improvement, the City may require a payment of the applicants proportionate share of that project and/or require that the project be expedited to accommodate the proposed development.

5. In all cases upgrades of public improvements shall be to the engineering and construction specifications necessary for the facility to support the proposed development.

E. **Construction Prior to Final Plat or Building Permit.** Public improvement plans shall be accepted and permitted for construction by the PW Director. All constructed improvements shall be inspected and accepted by the PW Director prior to approval of a final plat or issuance of a building permit. The PW Director may provide formal guidance of all public improvement plan processes on the City's website.

1. *Plan Submittal and Review.* A public improvement plan shall be submitted in compliance with the preliminary plat, the applicable Public Works Design Standards and Technical Specifications, this chapter, and any other associated development plan. All improvements shall be submitted in one plan set. However, projects with only sidewalk and/or driveways as the only improvements on right-of-way may be placed in the building or site plans. Proper permits will need to be issued by the Department of Public Works prior to construction in the right-of-way.

2. *Acceptance of Plans.* Acceptance of public improvement plans is based on a cursory review and does not imply or constitute approval of the plans. Any errors, omissions, or other items that are found needing correction after acceptance are the responsibility of the applicant. Any items in the plans not specifically in compliance with all requirements must be approved in writing by the PW Director and noted on the plan sheets.

3. *Fees.* Fees will be provided in the annual fee study approved by the City Council.

4. *Drawings and Inspection.* Following construction the applicant shall submit "as built" drawings of the improvement and certifications that the improvements were built according to plans and city standards and specifications.

5. *Acceptance of Improvements.* Following inspection or correction of any deficiencies the City may accept the public improvements. Upon acceptance of all required public improvements the City may:
   a. Release all portions of any security for improvements according to subsection E.

b. Approve the final plat or issue any building permits, unless otherwise issued according to subsection E.

F. **Performance Guarantee & Security.** As an alternative to construction and acceptance of improvements prior to approval of a final plat or authorization of a building permit, the PW Director may accept a performance guarantee and security. Performance guarantees shall only be considered when public improvement plans are reviewed and accepted by the City as ready for construction. The performance guarantees shall ensure funding is in place to cover the cost of completing any improvement and ensure that all necessary improvements to serve the development are in place within a reasonable time after approvals according to the following:

1. *Term.* The term of the performance guarantee may not exceed 1 year from approval of a building permit or 2 years from approval of the final plat. If the developer has not completed the required public improvement within this period, or alternate period approved in writing by the PW Director, the City may exercise any actions authorized from default on the security. The PW Director may extend the time frame for completion if in the best interest of the city and/or the scope of the completion of the work may require additional time to reasonably complete.

2. *Amount and Form.* The security may be in the form of a bond, escrow agreement, letter of credit, or other appropriate security approved by the City. The estimated total cost of any required improvement shall be itemized by improvement type and certified by the applicant's registered engineer and/or contractor's official bid for the work. The amount of the security may be determined by the City based on assessing cost estimates, duration, risk, and other contingencies from the improvement, which shall typically be no less than 150% of the estimated total cost.

3. *Default and Use of Security.* If the applicant fails to properly install the required improvement within the term of the guarantee, or any authorized extensions, the guarantee shall be in default. The City is authorized to draw upon the security to fund completion of the improvement. If the costs of completing the improvement, including any associated design, consulting, administrative, construction, or other costs associated with completing the work, exceed the security amount, the applicant is liable for all excess cost. The City may withhold any future approvals relating to the property and seek any other enforcement remedies for violation of the development code.

4. *Release of Security.* The security shall be released within 30 days after all of the following occur:
   a. The release of funds is requested in writing by the applicant.
   b. The conditions of the performance guarantee have been completed and approved by all agencies with jurisdiction over improvements.
   c. Any required maintenance obligations have been provided.
   d. A final inspection has been conducted by the city or other written acceptance of infrastructure by any other owners of facilities.
   e. Written documentation of the facilities "as built" and certification of construction according to City standards and specifications has been submitted.
   f. The City may release the security for completion of each category of improvement or phases of any improvements and may retain up to 5% of the total cost of any portion until the final acceptance of all improvements.

5. *Other Deferrals.* The following required improvements may be deferred to more specific schedules in coordination with development:
   a. *Private Stormwater.* Construction of private storm water drainage or detention facilities may be deferred to the time of development and prior to the issuance of a building permit or Certificate of Occupancy, provided that preliminary design plans are approved and sufficient to show the appropriate function of the facilities as proposed and in association with other related drainage systems.
   b. *Sidewalks with Other Public Improvements.* Sidewalks required as part of a subdivision in conjunction with a public improvement plan for a street improvement may be guaranteed in accordance with requirements for public improvements.
   c. *Sidewalks Independent of Other Public Improvements.* Sidewalks required but not part of a subdivision or public improvement plan may be included with a site plan or building

permit and shall be constructed prior to an occupancy permit.

G. **Reimbursement Agreements.** Applicants constructing required improvements for their property within their project or through undeveloped areas to serve their project shall be responsible for the entire cost of the improvements. Whenever any portions of the required public improvements are part of a planned future facility for the City, serving an area larger than the subdivision and its impact, the City may require, and the applicant may enter into an upsizing agreement. The City and the applicant shall negotiate the following aspects of the agreement prior to approval of the preliminary plat:

1. The applicant shall construct the facilities as planned by the City for future capacity as part of the subdivision and development process.

2. The applicant shall be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.

3. The City shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The City's participation may be based on the applicant bidding the project with bid alternates: one alternate to build the minimum required facility to serve the subdivision or development and the second bid alternate being for the upsized facility planned by the City.

4. The City may coordinate its reimbursement schedule to the applicant with fees assessed to other property in coordination with any future development of land benefitting from the improvements, but in no case may this period be extended beyond 5 years from the date the improvement is made, unless specifically agreed to by the applicant.

5. The agreement shall be subject to approval by the City Council.

Article 4. Districts & Uses

36-4.01 Establishment of Districts
36-4.02 Permitted Uses (Use Table)
36-4.03 Specific Use Standards
36-4.04 Accessory Uses
36-4.05 District Performance Standards
36-4.06 General Use Restrictions

36-4.01 Establishment of Districts

A. **Intent.** The following districts are established to carry out the purposes of this chapter. The standards and criteria for development in each district shall be interpreted based on the intent of each district, including context, relationship to other districts and uses, scale and format of uses and buildings, and design characteristics of the district.

Table 4-1: Zoning Districts & Intent

District & Intent	*Applicable Placetypes*
R-SF – ***Single-family Residential.*** The R-SF district provides residential living in lower-density suburban or walkable neighborhood settings with access to supporting uses such as schools, churches, parks, and other public facilities. The character of these areas emphasizes low intensity activities and access to amenities and recreation, with proximity to daily needs.	▪ Traditional Neighborhood ▪ Center City Neighborhoods ▪ Mixed Residential (Limited Applicability)
R-MX1 – Mixed-density Neighborhood - Low. The R-MX1 district provides residential living in compact, walkable neighborhood settings, allowing a mix of housing types and supporting non-residential uses. The character of these areas emphasizes human-scale, moderate intensity uses and access to amenities, recreation, and daily needs. The predominant building types are low-scale single- and multi-unit buildings. Well-designed streetscapes, open and civic spaces provide the focal point to integrate a variety of building types with a consistent neighborhood character.	▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration) ▪ Mixed Residential ▪ Mixed Use (Limited Applicability)
R-MX2 – Mixed-density Neighborhood – Medium. The R-MX2 district provides residential living in compact, walkable neighborhood settings and along corridors, allowing strategic location of moderate density housing near supporting uses. The character of these areas emphasizes human-scale, moderate intensity uses and access to amenities, recreation, and daily needs. The predominant building types are moderate-scale and multi-unit buildings. Well-designed streetscapes, open and civic spaces provide the focal point to integrate a variety of building types with a consistent neighborhood character.	▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration~~Transition Areas~~) ▪ Mixed Residential ▪ Mixed Use (Limited Applicability) ▪ City Corridor
R-MX3 – Mixed-density Neighborhood - High. The R-MX3 district provides residential living in high-density patterns in urban areas or larger-scale multi-family projects in suburban areas where there are appropriate transitions and buffers between neighborhoods and supporting uses along corridors. The character of these areas emphasizes high-activity environments with proximity to or integration with other uses in walkable formats. The predominant building type is large-scale, multi-unit buildings in compact formats in urban areas, or large-scale multi-building complexes in suburban areas. Well-designed urban streetscapes and civic spaces provide amenities for residents.	▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration) ▪ City Corridor ▪ Downtown (Strategic Integration)

Table 4-1: Zoning Districts & Intent

District & Intent	*Applicable Placetypes*
R-MHC – Residential Manufactured and Small-format Housing Community. The R-MHC district provides residential living in manufactured or other small-format housing, in a planned development pattern that share common amenities. Variations in housing patterns include courtyard patterns, pocket neighborhoods, or larger planned communities. Low intensity recreation amenities or well-designed internal streets and common spaces provides focal points to support the compact arrangement of small housing units.	▪ Limited to planned applications in a variety of residential settings according to the development patterns and design criteria in Section 36-5.05.D.
C-MX1 – Commercial Mixed-use Neighborhood. The C-MX1 district provides for small-scale and low-intensity uses that complement and support surrounding neighborhoods or which may support more intense commercial or industrial districts. It includes neighborhood serving uses that meet the daily needs of surrounding residents in small-scale buildings and formats. It may be integrated into urban neighborhoods with compact, walkable patterns and human-scale design; or alternatively may support more suburban neighborhoods if limited in scale and intensity and the impacts of automobile-oriented formats and access are mitigated with appropriate transitions and site design.	▪ Mixed Use ▪ City Corridor ▪ Business Flex (Limited Applicability) ▪ Institution & Employment Center (Limited Applicability) ▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration)
C-MX2 – Commercial Mixed-use Community. The C-MX2 district provides a mix of neighborhood, community-scaled commercial, entertainment, and/or employment uses and supporting residential and civic uses. The predominant building type is small- and moderate scaled mixed-use buildings, which are supported by strategic urban residential and commercial buildings. The character of this area emphasizes a high level of civic design, walkable urban patterns, and a concentration of diverse, small- and moderate-scale uses; however some higher intensity or larger format commercial or employment uses may be integrated into the pattern as anchors to support the overall mixed-use environment. It is primarily intended for the transformation of automobile-oriented corridors into walkable, mixed-use areas through the integration of a walkable street network and formal civic spaces as the framework for redevelopment.	▪ Mixed Use ▪ City Corridor
CC – Center City. The CC district provides an integrated mix of retail, service, entertainment, office, and civic uses, and supporting residential uses or limited light industrial uses, in a compact and walkable format. This district serves as the central business district and core of Springfield's economic, social, and government activities. The character of this area emphasizes a high level of civic design, walkable urban patterns, and a concentration of diverse, small- and moderate-scale uses. Sub-districts can accommodate larger or more intense supporting uses that may be strategically located on edges of the district or on side streets that do not disrupt urban frontages and patterns.	▪ Downtown ▪ Institution & Employment Center (Limited Applicability)
COM – Commercial Street. The COM 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 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.	▪ Mixed Use
GC – General Commercial. The GC district provides a mix of moderate and large-scale, high- intensity commercial uses (retail, service, office) that can serve as anchors to support adjacent districts and corridors, or which have a community-wide reach and are therefore located on busier corridors in non-urban contexts. The character of the area includes large-scale buildings and sites which feature monumental gateways or entrances at key locations, and automobile-oriented features are mitigated by streetscape designs and landscape buffers.	▪ City Corridors ▪ Business Flex (Limited Applicability) ▪ Institution & Employment Center (Limited Applicability)
GI – Government & Institutional. The GI district provides for the concentrated location of federal, state, or local government activities, major public or private institutions, or large medical facilities. These uses are not limited to this district, but the district provides a concentrated area for where these uses are comparatively intensive and require substantial buildings and land areas.	▪ Institutional & Employment Center ▪ Downtown

Table 4-1: Zoning Districts & Intent	
District & Intent	***Applicable Placetypes***
LIC – Light Industrial / Commercial. The LIC district provides primarily service, employment, manufacturing, and distribution uses at a scale, intensity, and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses characteristic of mixed- and flex-use business areas.	▪ Business Flex ▪ Institution & Employment Center ▪ Industry & Logistics
HM – Heavy Manufacturing. The HM district provides primarily manufacturing uses at a scale, intensity, and format that could impact adjacent uses or where specific land resources, distribution facilities or other supporting infrastructure is needed. It may include limited applications of support service, employment or distribution uses. This district is generally located remote from residential or mixed-use areas, or requires significant buffers and sensitive site design transitions to minimize impacts on these areas.	▪ Industry & Logistics
OS – Open Space. The OS District is intended for outdoor recreation facilities and or other civic or community uses requiring large open land areas which, by reason of topographic features, proximity to a natural drainage courses or other natural or man-made features, may be either unsuitable for customary density of construction or use or are otherwise more suitable for preservation, design, or development as a community or public asset.	▪ Urban Green Space & Recreation ▪ Institution & Employment Center
Special purpose district includes areas of the city that require specific planning to address unique development and design issues. These may facilitate development projects based on a focused planning effort or address specific policies or topics for a general area. Examples include "planned" zoning districts that modify the base district standards or "overlay" districts that either blend areas of different zoning to create compatibility, or special topic districts such as Planned Zonings, Historic Designations, or Airport Overlays. (See Sections 36-2.06, 36-2.11, and 36-10.01 respectively)	▪ Specific planned applications' special purpose districts

Limited Applicability – The zoning district may not apply to every situation or property. There may be specific conditions or circumstances which make the zoning district applicable within the specific placetype.

Transition Areas – Typically, there is a one-to-two block transition zone on either side of where two different placetypes come together. The zoning district may be appropriate within a transition area between the designated placetype and another placetype or along the edge of a neighborhood, commercial area, or roadway within the specified placetype. In transition areas both the primary and supporting land uses from either placetype could be appropriate.

Strategic Integration – The zoning district may be located within the placetype in a deliberate and coordinated way to further the goals of ForwardSGF, land use policies, infrastructure investments, and community development goals.

B. **Official Zoning Map.** The boundaries of the districts are shown on the official zoning map, which together with all explanatory information is adopted by reference as part of this chapter. The map shall be kept on file with the City Clerk and Department of Planning & Development. Electronic copies and files of this map shall reference the "Official Copy", but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map. Changes to this map shall occur through the procedures specified in Article 2.

C. **Transition of Previous Districts**. The zoning districts under the previous code match the zoning districts in this chapter as specified in Table 4-2. The Official Map under the previous code shall transition and be interpreted according to the corresponding zoning districts in this table, and all further zoning changes shall follow the districts in this chapter.

Table 4-2: Zoning District Transitions	
Previous Code	***This Code***
R-SF – Single-family Residential	*R-SF – Single-family Residential*
R-TH – Residential Townhouse *WC-3 – West College Residential Sub-area 3* *LWO – Live Work Overlay*	*R-MX1 – Mixed-density Neighborhood - Low*
R-LD – Low-density Multifamily Residential *R-MD – Medium-density Multifamily Residential* *WC-2 – West College Live/work Sub-area 2*	*R-MX2 – Mixed-density Neighborhood - Medium*
R-HD – High-density Multifamily Residential *UN – University Combining*	*R-MX3 – Mixed-density Neighborhood - High*
R-MHC – Manufactured Home Community	*R-MHC – Residential Manufactured & Small-format Housing Community*
GI – Government and Institutional Use	*GI – Government and Institutional*
LB – Limited Business *O-1 – Office* *O-2 – Office* *WC-1 – West College Mixed-use Subarea 1*	*C-MX1 – Commercial Mixed-use Neighborhood*
(NEW)	*C-MX2 – Commercial Mixed-use Community*
CC – Center City	*CC – Center City*
GR – General Retail *HC – Highway Commercial*	*GC – General Commercial*
CS – Commercial Service *RI – Restricted Industrial* *LI – Light Industrial* *IC – Industrial Commercial*	*LIC – Light Industrial / Commercial*
GM – General Manufacturing *HM – Heavy Manufacturing*	*HM – Heavy Manufacturing*
(NEW)	*OS – Open Space*

D. **Legacy Districts**. The following districts or special approvals occurred under standards and procedures that have been changed in this chapter. However, the approvals, conditions, and entitlements on these properties are preserved and apply to each property as they did under the previous code, until the established district regulations are changed under the provisions of this chapter.

1. Conditional overlay districts approved according to Section 36-407 of the previous code.

2. Planned development districts approved according to Section 36-405 of the previous code.

3. Urban conservation districts, overlays, or other special districts approved under the previous code, specifically:

a. Airport Overlay District (See Section 36-10.01)
b. Commercial Street district (COM) (See Section 36-10.02)
c. Midtown (See Section 36-10.03)
d. Phelps Grove (See Section 36-10.04)
e. Rountree (See Section 36-10.05)
f. Walnut Street (east and west) (See Sections 36-10.06 and 36-10.07)
g. Grant Avenue Parkway (see Section 36-10.11)
h. Moon City Live/Work District (see Section 36-10.12)

36-4.02 Permitted Uses (Use Table)

A. **Use Table.** Table 4-3 establishes permitted uses for each zoning district. The uses are established to implement the intent of each district, and along with the development and design standards permit a compatible range of uses within each district and facilitate complementary transitions between districts.

1. The table identifies uses as:
   a. Permitted uses (P) subject to general district and building standards and review procedures.
   b. Conditional uses (C) subject to the review process and criteria for a conditional use permit in Section 36-2.04.
   c. Uses with no entry are not permitted in the district.

2. Uses permitted by the table (whether P or C), or specific types of uses within the generally enabled categories, may be subject to specific standards or limits Section 36-4.03.

3. Other accessory or temporary uses not listed in the table may be permitted according to Section 36-4.04.

4. Uses in the table are more specifically described in Section 36-11.02. Where a proposed use is not generally listed or appears to meet the description of more than one use, the PD Director shall interpret the most equivalent described use considering:
   a. The similarity of the use in terms of scale, impact, and operations to other described uses;
   b. The typical building format and site design associated with the use based on existing relevant examples; and
   c. The compatibility of the use with other permitted uses in the district, and the potential contribution of the use to the intent of the district.

Any uses that may not be interpreted as equivalent to a use in Table 4-3 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

Table 4-3: Permitted Uses

P = Permitted use *C = Conditional use permit* ***Use***	***R-SF***	***R-MX1***	***R-MX2***	***R-MX3***	***R -MHC***	***C-MX1***	***C-MX2***	***CC***	***COM***	***GC***	***GI***	***LIC***	***HM***	***OS***
Residential Uses														
Household Living – One-unit Dwelling	P	P	P	P	P				See Section 36-10.02		C			
Household Living – Multi-unit Dwelling		P	P	P		C	C	C		C	C			
Household Living – Live-Work Dwelling		C	P	P		P	P	P		C				
Household Living – Small-format Dwelling	C	C	P	P	P						C			
Household Living – Manufactured Dwelling					P									
Household Living – Mixed-use Dwelling			C	C		P	P	P		P				
Household Living – Accessory Dwelling	See Section 36-4.04.C.										C			
Existing Residential				P		P		P		P	P	P	P	
Group Living – Group Home, Residential	P	P	P	P	P									
Group Living – Group Home, Custodial			P	P										
Group Living – Boarding House Small (3-11 bedrooms)		C	C	P		C		P		P	C			
Group Living – Boarding House Large (12+ bedrooms)			C	P							P			
Group Living – Dormitory				C							P			
Civic Uses														
Assembly – Small (<400 capacity; <2.5 ac.)	P	P	P	P	P	P	P	P	See Section 36-10.02	P	P	P		
Assembly – Medium (400 – 800 capacity; <4 ac.)		C	P	P		C	P	P		P	P	P		
Assembly – Large (>800 capacity)				C			C	P		P	C	P		
Cemetery								P		P	P	P	P	
Crematorium												P		
Cultural Facility Small (<10K)	C	C	C	C	C	P	P	P		P	P			
Cultural Facility – Large (>10K)						C	P	P		P	P			
Event Venue – Small (<1K capacity)						C	P	P		P	P	P		
Event Venue – Medium (1K – 3K capacity)							P	P		P	P	P		
Event Venue – Large (>3K capacity)								P			P			
Funeral Home and Mortuary (accessory crematorium)						C	P	P		P		P		
Open Space – Athletic Field											P			P
Open Space – Open & Civic Space (See Section 36-3.04)	P	P	P	P	P	P	P	P		P	P	P	P	P
Open Space – Recreation Center & Grounds	P	P	P	P	P	P								P
Public Safety – Community Corrections Facility											C		C	
Public Safety – Jail											C		C	
Public Safety – Police & Fire Station	P	P	P	P	P	P	P	P		P	P	P	P	

Table 4-3: Permitted Uses

P = Permitted use C = Conditional use permit **Use**	R-SF	R-MX1	R-MX2	R-MX3	R-MHC	C-MX1	C-MX2	CC	COM	GC	GI	LIC	HM	OS
School – Primary / Secondary	P	P	P	P			P	P	See Section 36-10.02		P			
School – Vocational Business							P	P		P	P			
School – Vocational Industrial or Trade							C	C		C	P	P	P	
Transportation - Airport											P		P	
Transportation – Commercial Parking Lot							C	P		P	P	P	P	
Transportation – Bus Station								P		P		P	P	
Transportation – Heliport											C		P	
Transportation – Motor or Rail Freight Terminal													P	
Utility – Minor	C	C	C	C	C	P	P	P		P	P	P	P	P
Utility – Major											C	C	P	
Utility – Wireless Telecommunication Facility (See Section 36-10.10)	C	C	C	C	C	P/C	P/C	P/C		P/C	P/C	P/C		
Commercial Uses														
Adult Entertainment									See Section 36-10.02	P		P	P	
Animal Care / Sales – Limited (<5K; no boarding)				C		P	P	P		P		P		
Animal Care / Sales – General (5K – 10K; limited boarding)							P	P		P		P	P	
Animal Care / Sales – Heavy (>10K; boarding (or outdoor care)							C			C		P	P	
Daycare – Commercial (See Chapter 38 Article IX)			C	C		P	P	P		P	P	P		
Entertainment & Recreation – Small (<5K)				C		P	P	P		P	P	P	P	
Entertainment & Recreation – Medium (5K – 10K)							P	P		P	P	P	P	
Entertainment & Recreation – Large (10K – 50K)							C	C		P	C	P	P	
Entertainment & Recreation – Complex (>50K)								C		P		P	P	
Entertainment & Recreation – Outdoor										C		C	C	
Food & Beverage Establishment – Small (<3K, or <10% of mixed-use building)		C	C	P		P	P	P		P	P	P		
Food & Beverage Establishment – General (3K – 8K)				C		C	P	P		P	P	P		
Food & Beverage Establishment – Large (>8K)							C	P		P	P			
Food & Beverage Establishment – Drive-through										P				
Lodging – Bed and Breakfast (<5 guest rooms)	C	C	C	P		C	P	P		P	C			
Lodging – Small / Inn (5 – 12 guest rooms)						C	P	P		P	P	P		
Lodging – Hotel / Motel, Medium (13 – 80 guest rooms)							P	P		P	P	P		
Lodging – Hotel / Motel, Large / Conference Center (>80 guest rooms)							C	P		P		P		
Lodging – Short-term Rental (See Section 36-10.08)	P	P	P	P	P	P	P	P		P	P	P	P	

Table 4-3: Permitted Uses

P = Permitted use C = Conditional use permit **Use**	R-SF	R-MX1	R-MX2	R-MX3	R-MHC	C-MX1	C-MX2	CC	COM	GC	GI	LIC	HM	OS
Marijuana & Medical Marijuana Uses (See Section 36-10.09)	See Section 36-10.09													
Medical Service – Small (<10K)				P		P	P	P	See Section 36-10.02	P	P	P		
Medical Service – Medium (10K – 30K)							P	P		P	P	P		
Medical Service – Large (30K – 100K)								P		P	P	P		
Medical Service – Campus / Complex (>100K)								P		C	P	P		
Office – Small (<10K)				C		P	P	P		P	P	P	P	
Office – General (10K – 30K)						C	P	P		P	P	P	P	
Office – Large (30K – 100K)							P	P		P	P	P	P	
Office – Campus / Complex (>100K)								P		P	P	P	P	
Personal Service – Small (<5K)				C		P	P	P		P	P	P		
Personal Service – Medium (5K – 10K)							P	P		P	P	P		
Personal Service – Large (>10K)							P	P		P	P	P		
Residential Care – Nursing Home			C	C		P	P	P		P	P	P		
Residential Care – Transitional Housing								P		C	P			
Residential Care – Transitional Shelter								C		C	P	C	C	
Residential Care – Treatment Facility								P		C	P	P	P	
Retail – Small (<5K; <10% of mixed-use building)			C	P		P	P	P		P	P	P	P	
Retail – Medium (5K – 10K)						C	P	P		P	P	P		
Retail – Large (10K – 50K)							P	P		P	P	P		
Retail – Extra Large (>50K)										P		P		
Retail – Grocery Store, Small (<10K)						P	P	P		P		P		
Retail – Grocery Store, Medium (10K – 40K)							P	P		P		P		
Retail – Grocery Store, Large (>40K)							C	C		P		P		
Retail – Outside Sales, Small (<0.5 ac.)						C	C	C		P		P		
Retail – Outside Sales, Medium (0.5 – 2.5 ac.)										P		P	P	
Retail – Outside Sales, Large (>2.5 ac.)										C		P	P	
Vehicle Service – Car Wash							C			P		P		
Vehicle Service – Gas Station, Small (<5 service areas)						C	P	C		P		P		
Vehicle Service – Gas Station, Medium (5 – 12 service areas)							C	C		P	P	P	P	
Vehicle Service – Gas Station, Large (13 – 24 service areas)										P	P	P	P	
Vehicle Service – Gas Station, Extra-large (>24 service areas)										C		P	P	
Vehicle Service & Repair – Small (<0.5 ac.; <4 service bays)						C	C	C		P			P	
Vehicle Service & Repair – Medium (0.5 – 1.5 ac.; 4 – 8 service bays)							C	C		P	P	P	P	
Vehicle Service & Repair – Large (>-1.5 ac.; >8 service bays)										C		P	P	

Table 4-3: Permitted Uses														
P = Permitted use *C = Conditional use permit* ***Use***	***R-SF***	***R-MX1***	***R-MX2***	***R-MX3***	***R-MHC***	***C-MX1***	***C-MX2***	***CC***	***COM***	***GC***	***GI***	***LIC***	***HM***	***OS***
Industrial Uses														
Industrial & Business Service – Limited (≤10 vehicle fleet)							P	P	See Section 36-10.02	P	P	P	P	
Industrial & Business Service – General (11 - 25 vehicle fleet)							C	C		P	C	P	P	
*Industrial & Business Service – **Large**~~Heavy~~ (>25 vehicle fleet)*												C	P	
Manufacturing – Limited / Artisan (<10K)				C		P	P	P		P	P	P	P	
Manufacturing – Small (10K – 30K)							C	C		P		P	P	
Manufacturing – Medium (30K – 100K)										C		P	P	
Manufacturing – Large (>100K)												C	P	
Manufacturing – Heavy (any size)													C	
Warehouse & Storage – Indoor, Small (<20K)							C	C		C		P	P	
Warehouse & Storage – Indoor, Medium (20K – 100K)										C		P	P	
Warehouse & Storage – Indoor, Large (>100K)												C	P	
Warehouse & Storage – Outdoor, Small (<2.5 ac.)										C		P	P	
Warehouse & Storage – Outdoor, Large (>2.5 ac.)										C		C	P	
Warehouse & Storage – Chemicals, Waste, or Hazardous Materials													C	
Waste Management – Hazardous Waste Facility													C	
Waste Management – Landfill											C			
Waste Management – Recycling Center													P	
Waste Management – Scrap and Salvage Yard													C	
Waste Management – Sewage Treatment Plant											C			
Urban Agriculture Uses														
Community Garden	P	P	P	P	P	P	P	P	See Section 36-10.02	P	P			P
Market Garden – Small (<1 ac.)	P	P	P	P	P	P	P	P		P	P	P		
Market Garden – Medium (1 - 3 ac.)			P	P	P	P	P	P		P	P	P		
Market Garden – Large (>3 ac.)			C	C	C	P	P	P		P	P	P		

36-4.03 Specific Use Standards

A. **Adult Entertainment.** In order to avoid perceived secondary effects or impacts on property values documented in national studies, adult entertainment uses shall be limited as follows:

1. Adult entertainment uses shall be at least 2,000 feet from any residential zoning district, school, park, or assembly use, or any platted subdivision where 75% or more of the lots are developed for residential purposes.

2. Adult entertainment uses shall be at least 1,000 feet from any other adult entertainment use.

B. **Bed & Breakfast**. All bed and breakfast lodging uses shall comply with the following to be compatible with surrounding uses and the character of the district.

1. Bed and breakfasts are limited to frontages on arterial streets in the R-SF district, and only on ~~arterial or~~ collector **or higher** streets in other residential zoning districts.

2. The use shall be located in a building meeting the development and design criteria of other permitted buildings in the district, and alterations to support the use that are inconsistent with the building development and design standards are prohibited.

3. One additional parking space for each lodging room shall be provided. However, parking shall be located and designed in a manner that is compatible with site designs of all other uses and sites in the district. The City may adjust any parking requirement or reduce the permitted occupancy to meet this compatible location and design requirement per Section 36-7.04.

4. Food and accessory services shall only be provided for guests, and no outside or non- guest events shall be included as part of this use, unless otherwise permitted as a principal use in the district. No individual cooking facilities shall be permitted in the guest rooms.

5. In residential districts, one additional non-illuminated sign shall be permitted. The sign shall be limited to 12 square feet and located within 15 feet of the primary entrance. The sign shall be limited to 6 feet high if ground mounted, and 14 feet high if mounted on the building.

6. A bed and breakfast shall be separated from another bed and breakfast by at least 500 feet, except that the City may waive this requirement within 1,000 feet of any mixed-use, community or civic destination that is a transition between the mixed-use area and neighborhoods.

7. A business license shall be required annually, demonstrating compliance with these standards.

C. **Civic Uses in Residential Districts**. Nonresidential civic uses and buildings in residential districts shall meet the following conditions to promote the neighborhood character and be compatible with residential uses:

1. Lots shall front on a collector or arterial street.

2. All buildings and structures shall meet the applicable development standards for the districts. Facilities that require larger lots than are typical or permitted for residential uses in the district may be proposed, provided adequate open space, landscape, setbacks, and building design and orientation is demonstrated according to the zoning site plan criteria in Section 36-2.03.

3. Outdoor uses shall generally not be permitted between 10:00 p.m. and 8:00 a.m.

4. Any existing non-residential structure in a residential district that is no longer used for its designed purpose may be adapted and reused for other uses compatible with the neighborhood. The proposal for adaptive reuse shall be through a conditional use permit process in Section 36-2.04, and the following additional criteria:
   a. Uses shall be either permitted uses in the district, a multi-unit residential conversion, or uses otherwise permitted (P) in the C-MX1 district by Table 4-3, provided any proposed

use is otherwise determined to be neighborhood-serving for the specific context. Any additional limits on the design or operation of the use may be included in the conditional use permit to ensure compatibility with the area and specific location.

b. Expansions of buildings shall be limited to 20% of the existing building or 1,000 square feet, whichever is less.

D. **Dwelling, Live-Work.** In districts where live-work dwellings are allowed, the following standards and conditions apply to ensure compatibility with the context:

1. The commercial occupancy shall be accessory to the residential dwelling. The resident and the principal occupant of the commercial area shall be the same and the commercial occupancy shall be limited to no more than 50% of the building. However, the commercial occupancy is not limited to the home occupation standards.

2. No portion of the live-work unit may be separately rented or sold.

3. The commercial occupancy is limited to small-scale retail, office, personal service, or limited/artisan manufacturing uses. In districts where live-work dwellings are permitted (P), the commercial component shall not require a conditional use permit.

4. Any permitted commercial activity shall occur on the ground floor and be directly accessible from the adjacent public street, sidewalk, or other publicly accessible common or public space.

5. In residential districts, no more than two non-resident employees are permitted for the nonresidential portion of the unit.

6. In residential districts, one additional non-illuminated sign shall be permitted. The sign shall be limited to 12 square feet and located within 15 feet of the primary entrance. The sign shall be limited to 6 feet high if ground mounted, and 14 feet high if mounted on the building.

7. Off-street parking shall be based on the nonresidential use portion of the buildings. However, parking and access shall be located and designed in a manner that is compatible with site designs of adjacent uses and sites. The City may adjust any parking requirement or restrict the permitted occupancy to meet this compatible parking and access design requirement per Section 36-7.04.

E. **Dwelling, Mixed-use.** In districts where mixed-use dwellings are allowed uses, the following standards shall apply to a building or structure with two or more different uses, one of which shall be residential in residential districts, mixed-use dwellings shall be limited to collector or arterials streets, or corner lots at focal points within the neighborhood:

1. In residential districts, ground level nonresidential uses may be limited beyond those otherwise permitted in the zoning district to those that are compatible with upper-level residential uses or adjacent residential areas.

2. In nonresidential districts, at least 30% of the ground level and 100% of the frontage of a mixed-use building shall be a nonresidential use, except for a limited portion to provide a separate access ~~form~~**from** the frontage to residential uses.

3. In nonresidential districts, residential uses on the ground level street front may be permitted by a conditional use permit in Section 36-2.04 and the following additional criteria:
   a. The street frontage is not an important commercial frontage street, and additional residential uses will help support other commercial uses in the vicinity.
   b. The building and street-level frontage is not significantly redesigned exclusive to residential uses, and could be adapted for nonresidential uses in time.
   c. The nonresidential portion of the building is likely to remain vacant or put to marginal use if not converted to residential.
   d. The design of the building meets all other applicable design standards that reinforce the pedestrian nature and human-scale design intended for mixed-use buildings.

F. **Group Homes.** In districts where group homes (custodial or residential) are allowed, they shall meet the following conditions to ensure they are integrated into neighborhoods, have a non- institutional nature, and maintain the residential character of neighborhoods:

1. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in that it does not alter the appearance as a single-unit detached house.

2. No group home shall be located less than 1,320 feet from another existing group home**, measured from property line to property line at the shortest distance of separation**.

3. Group homes shall be supervised at all times, and may include up to two resident care-givers.

4. Group homes shall be licensed by, operated by, or owned by a governmental agency or non-profit qualified to provide care and supervision.

5. Group homes shall not include alcoholism or drug treatment facilities, work release facilities**,** or other housing facilities qualifying as commercial residential care uses **as defined per this article**.

G. **Jails & Community Corrections Facilities.** All jails and community corrections facilities shall meet the following additional requirements:

1. Jails and corrections facilities shall be located at least 2,000 feet from any other jail or corrections facility, except where separate facilities are on the same property or operated as a coordinated and joint facility.

2. Jails and community correctional facilities shall be located at least 750 feet from any primary or secondary school, residential zoning district, or park.

3. All facilities shall be setback at least 50 feet from any right-of-way.

H. **Landfills.** All Landfills shall meet the following additional requirements:

1. Landfills shall be located at least 1,000 feet from any residential zoning district;

2. Landfills shall be located on at least 160 acres; and

3. All activities and facilities shall be set back at least 100 feet from any right-of-way.

I. **Residential Care.** Transitional housing, transitional shelters, treatment facilities, and other similar social services shall be subject to the following standards to prevent undue concentration of facilities or other negative secondary effects on nearby property or districts.

1. Individual uses shall be limited to services or lodging for no more than 50 beds within 1,320 feet.
   a. The distance and bed requirement apply only to a particular facility type, e.g., there cannot be more than 50 beds used for substance abuse treatment within a 1,320-foot radius, but there can be 50 beds used for substance abuse treatment within 1,320 feet of 50 beds used for transitional housing.
   b. The 1,320-foot separation is measured from property line to property line. If any part of a property used for a particular type of facility is within 1,320 feet of another such property, all beds included on that property are counted toward the 50-bed limit. This measurement metric applies to all relevant measurements in this section.

2. Uses approved by a conditional use permit shall only be located on a primary or secondary arterial street, except uses may also be located on a collector street in the HM district.

3. Buildings shall meet all development and design standards applicable in the particular district, and any to support the residential care or social service use shall only be done in compliance with the district standards.

4. Uses shall be separated from a primary or secondary school by at least 1,000 feet, unless said use is given written consent of the governing body of such school.

5. Uses, except those approved by a conditional use permit, shall be separated from residential zoning districts by at least 500 feet. In all cases, whether in nonresidential districts or in residential districts by conditional use permits, design and operational limits and conditions may be used to protect any nearby residential uses.

6. An operation plan shall be submitted and kept on file with the Department of Planning and Development, including administrative contact information, on-site supervision and staffing, patron access and occupancy requirements, hours of operation for different functions, and security measures.

7. A business license shall be renewed annually that demonstrates compliance with the operation plan and all applicable standards and conditions.

J. **Urban Agriculture Uses.**

1. *Purpose.* The intent of these regulations is to enable urban agriculture, market gardens, and community gardens while ensuring compatibility with surrounding neighborhoods. These uses promote local food production, access to fresh and healthy foods, agribusiness opportunities, and neighborhood revitalization in alignment with the comprehensive plan.

2. *Performance Standards.* Urban agriculture, market gardens, and community gardens shall comply with all regulations of this article, subject to the following modifications:
   a. *Use and Scale-Based Intensity Standards.*
      (1) Small-scale (under 1 acre):
         (a) Permitted in all zoning districts by right.
         (b) On-site sales limited to seasonal farm stands (up to 3 days per week).
         (c) No parking requirements.
      (2) Medium-scale (1-5 acres):
         (a) Permitted in most zoning districts with additional management plan addressing noise, odor, parking, and sales impacts.
         (b) On-site sales allowed, including periodic market events.
         (c) Minimum of two off-street parking spaces per acre.
      (3) Large-scale (over 5 acres):
         (a) Requires an operational plan addressing traffic, parking, and environmental impact mitigation.
         (b) Regular on-site sales allowed, subject to parking, traffic, and lighting standards.
   b. *Structures and Setbacks.*
      (1) Structures shall comply with accessory structure standards (Section 36-5.03.B).
      (2) If no principal structure exists, the combined area of all structures shall not exceed 40% of the lot area.
      (3) Permanent structures must meet front and side yard setback requirements. Rear yard setbacks shall be a minimum of 3 feet.
   c. *Environmental and Maintenance Standards.*
      (1) Compliance with stormwater, sediment, and erosion control standards.
      (2) No excessive odor emissions that create a nuisance (per Springfield City Code).
      (3) Site must be maintained free of high weeds and grass.
      (4) Compost bins and material storage areas must be maintained to prevent attraction of insects, vermin, or nuisance animals
3. *Operational Standards.*
   a. Operating hours: From one-half hour before sunrise to one-half hour after sunset daily.
   b. Lighting: Must comply with Section 36-8.07.
   c. Noise: Must comply with Section 36-4.05.
   d. Signage: Must comply with Article 9.
   e. Vision obstruction: Must comply with Article 8

4. *Parking Requirements.*
   a. No parking required for cultivated areas under 1 acre.
   b. Areas 1 acre or more require a minimum of two off-street spaces per acre.
5. *Bufferyards.*
   a. Not required for urban agriculture uses.
6. *Compliance and Enforcement.*
   a. All urban agriculture operations must comply with Springfield City Code and zoning regulations.
   b. If a site creates adverse impacts, enforcement actions may be taken.
7. The keeping of animals on agricultural lands is permitted in accordance with Chapter 18 of the Springfield City Code.

K. **Temporary Uses.** Uses ~~that may not otherwise be interpreted as being permitted by Table 4-3, or accessory uses in Section 36-4.04,~~ may be permitted through a Temporary Use Permit according to this section.

1. *Permit.* An application for a **temporary use** permit shall be submitted by the owner, or an agent of the owner with written permission from the owner at least 30 days prior to the desired issue date.
   a. The permit shall have a specified start and end date not more than 90 days per year, or be based on a schedule that includes no more than 36 days per year and no more than 12 occasions per year.
   b. 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 greater than 180 days in a calendar year.
   c. The applicant shall submit a complete description of the event or activity, including anticipated traffic, hours and peak times of operation, access and circulation plans, the ability to accommodate fire and police access, and any need for special protection or other public safety, health and welfare needs.
   d. The applicant shall submit a plan identifying the extent of the grounds, gathering places and circulation routes, any streets or public spaces to be dedicated to the event, the location of all structures, equipment or other accessory facilities, and any utility needs for these structures, equipment or fixtures.
   e. The PD Director may extend the permit one time for up to an additional 3 days. The extension shall only be permitted based on circumstances not foreseeable at the time of the original permit and provided no problems have arisen under the original permit.

2. *Standards.* All activities and any temporary structures shall meet the following zoning district setbacks and standards:
   a. The **temporary** use shall be associated with a principal and permitted civic, commercial, or industrial use of the property; alternatively if located on a vacant lot or abandoned use, shall otherwise be for a temporary application of a permitted use in the district.
   b. Setback standards for all buildings, structures and facilities shall generally be met, except that the PD Director may account for temporary structures and facilities in the setback based on the nature of activities, duration of the event, degree of any immediate impacts on adjacent areas, and whether there is a plan for restoration of the area or other potential for lasting impacts on adjacent areas.
   c. Parking requirements shall be met for the principal use and the temporary use, except that the PD Director may account for any existing and underutilized parking, the duration of the event, the correspondence of different peak parking periods, presence of off-site parking, and any transportation management when considering appropriate parking relative to the permit.

3. *Criteria.* A temporary use permit shall be evaluated based on the following, in addition to all other general procedures and criteria for zoning site plans in Section 36-2.03:
   a. The proposed use shall be a scale, intensity, and format that ordinarily occurs in the vicinity considering the size, anticipated traffic, hours of operation and duration of the event.
   b. The anticipated traffic and parking can be handled by the existing street network, site access and lot layout, or the applicant has demonstrated sufficient management strategies and procedures to mitigate any potential negative effects on the area.
   c. The degree of potential negative impacts on adjacent property, and in particular the

likelihood of the event violating the general District Performance Standards in Section 36-4.05. The applicant may submit mitigation plans for any potential impacts, including limiting hours of operation, buffers and screening, transportation management, or other evidence or plans to accommodate concerns and limit impacts on surrounding property owners or residents.

d. The use shall comply with all other applicable codes, licenses, or other public health, safety, and welfare requirements.

e. The location subject to the temporary use permit shall be restored to its original condition upon the earlier of the expiration of permit or end of operation. Except, permanent improvements may be made to the location, and may remain with the property owner's written consent provided they meet all applicable zoning and site design standards.

4. The PD Director may impose any other conditions on a permit necessary to protect the public health, safety, and welfare.

36-4.04 Accessory Uses

A. **Accessory Uses, Generally.** All permitted principal uses may include accessory uses. All accessory uses, and any accessory use not specifically mentioned in this section, shall be subject to the following general standards:

1. The use and any structure is clearly incidental and subordinate to the principal use and is customarily associated with the principal use.

2. The use is on the same lot as an active principal use and is operated or managed under the same ownership or lessee as the principal use.

3. The use and any structures are compatible with the general character of the area and comparable in scale and intensity to other uses in the vicinity.

4. Any structures or site design elements associated with the use are not significantly different from what is typical for other allowed uses in the district, or where different can be screened or located to minimize impact on adjacent property.

5. There are no unusual traffic patterns or increases in activity that impact streets and public spaces differently than other allowed uses.

6. The use and any structure meet the development, design, and performance standards of the zoning district.

B. **Accessory Drive-Through.** Drive-through or drive-up service accessory to a permitted commercial use is allowed subject to the following standards, provided it is not otherwise prohibited by a specific plan or standard for a particular area.

1. Any drive through facility shall require a zoning site plan demonstrating compliance with these standards. Any drive through facility in the C-MX1, C-MX2, CC, and COM district shall also require a conditional use permit subject to the procedures and criteria in Section 36-2.04.

2. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary to access the site based on a traffic impact analysis or other traffic study associated with the application.

a. In general, the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets this criteria.

b. Adequate stacking spaces for automobiles shall be provided to eliminate any impact on public streets.

c. Circulation, stacking, and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building from public

streets and from internal streets or parking areas.

3. Service areas and windows shall be located on the most remote wall possible, considering adjacencies to public-streetscapes, residential property, or other sensitive land use and urban design characteristics of the context.
   a. No service area or pick up window shall be located within 100 feet of any residential zoning district property unless enhanced site design or operational limits demonstrate visual and noise impacts are mitigated.
   b. Signs, speakers, or lighting elements shall not be visible or audible from the public right-of-way or adjacent residential property.
   c. Additional screening or buffers may be required beyond the standards of Section 36-8.04 in order to ensure compatibility of all facilities with the specific site.

4. Avoid potential pedestrian/vehicle conflicts on the site and along the streetscape. No access shall be provided on any street designed to walkable street standards in Section 36-3.03. (Pedestrian / Mixed-use street design types). Access from alleys, internal access, and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.

5. The PD Director may require any other drive-through service area that does not clearly meet these standards and criteria to be reviewed subject to the procedures and criteria for conditional use permits in Section 36-2.04.

C. **Accessory Dwelling.** Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:

1. Accessory dwelling units **(ADUs)** may be allowed on a lot with a principal detached house as follows:

Table 4-4: ADU Allowances

ADU Type	Zoning District	Principal Building Type	
ADU (attached or detached)	R-SF	Detached house – >6K s.f.lot	P
ADU (detached or attached)	R-MX1, R-MX-2, R-MX-3	Detached house – >6K s.f. lot	P
		Detached house – <6K s.f. lot	C
		Multi-unit house – any size lot	P
		Townhouse – any size lot	P
Multiple ADUs (2 to 3)	**R-MX1, R-MX2, R-MX3**~~All districts~~	Detached house – >10K s.f. lot	C

P = Permitted by right subject to this section
C = Permitted by conditional use permit subject to this section and the process and criteria in Section 36-2.04

2. The accessory dwelling shall **meet all applicable building and fire codes**~~not exceed 60% of the living area of the principal dwelling or 1,200 square feet, whichever is less~~.

3. **The number of accessory buildings allowed must be less than or equal to the number allowed under Article 5.**

4. One additional **off-street** parking space shall be provided on site **for each ADU**. The PD Director may waive the **off-street** parking requirement if **site constraints prohibit the appropriate and feasible placement of the additional required space(s)**~~the context and circumstances of each dwelling unit prove the space unnecessary~~.

~~5. All buildings, including any detached accessory structure, shall meet the development and design standards for the lot in Article 5.~~

5. The accessory dwelling shall **meet the design requirements of Section 5.04.C.4.**

6. **If attached to the** ~~be compatible with~~ principal building**, the accessory dwelling shall meet the requirements of Section 36-5.04 (Neighborhood Design)** in terms of massing, design, and materials.

7. Whether within the principal building or in a detached structure, the accessory dwelling shall be clearly subordinate to the principal dwelling through the location of parking, access, building entrances, and other design features that accommodate the dwelling.

8. In the R-SF district, the following additional conditions shall apply:
   a. The property owner shall occupy either the principal or accessory dwelling as their permanent residence in the R-SF district.
   b. Accessory dwellings shall be registered annually with the City finance director, and verify that the requirements of Chapter 18, Springfield City Code and the conditions of this section are met.

D. **Home Occupation.**

1. *Generally.* Home occupations are considered accessory to a primary residential use and shall meet all of the following additional standards unless specifically exempted in subsection 2:
   a. The occupation shall be limited to residents of the dwelling and no more than one additional non-resident employee. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
   b. All activity shall be conducted within an enclosed principal building or permitted accessory building, and limited to no more than 50% of the floor area of any one floor in the principal building.
   c. No traffic, utility impacts, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
   d. Customer or patron visits shall be limited to between the hours of 7 a.m. and 7 p.m. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling.
   e. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or sales events are transacted no more than once per week. Incidental sales of products associated with commercial services shall be permitted (e.g. instructional books sold in conjunction with music lessons).
   f. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
   g. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
   h. Signs for the business shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.
   i. In-home daycare as an accessory home occupation is subject to the standards of Chapter 38, Article IX.

2. *No-impact, Home-based Business.* Pursuant to Section 71.990, RSMo., no-impact, home-based businesses are not subject to the requirements listed in subsection 1. A "no-impact, home-based business" is a home occupation that:
   a. Involves the sale of lawful goods and services;
   b. Occurs inside the residential dwelling or in the yard of the residential dwelling;
   c. Is not visible from the street;
   d. Does not cause a substantial increase in traffic through the residential area;
   e. Does not violate any parking regulations; and
   f. Does not violate any narrowly tailored regulation established to:
      (1) protect the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control;
      (2) ensure that the business activity is compliant with state and federal law; and

(3) ensure that the business is paying all applicable taxes.

3. *Licensing.* All home-based businesses must obtain any business license required by the Code pertaining to the specific nature of the occupation but are not required to obtain a separate license to operate a home-based business.

E. **Outdoor Display & Service Areas**. Outdoor display and service areas accessory to a permitted commercial use are allowed subject to the following conditions:

1. Outdoor display and service areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of street front buildings.

2. A zoning site plan shall be provided for any outside display or service area more than 400 square feet, lasting more than seven consecutive days, or more than four separate occurrences per year. A zoning site plan shall show the location, area, and dimensions of the display area, and specifications for all lighting, fencing, screening or temporary or permanent structures.

3. The area shall be limited to no more than 25% of the ground floor area of the principal use, except where outdoor sales are a permitted principal use.

4. Display and service areas shall not be arranged where they interfere with pedestrian or building access or clear vision areas. At least 5 feet clear or at least 50% of the width any sidewalk, whichever is greater, shall be maintained for any display or service areas located on a sidewalk.

5. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.

6. The area shall be screened from view along any property line abutting a residential use or district according to Section 36-8.04.

7. In reviewing the zoning site plan, site conditions, operational limits, or performance standards to mitigate off-site impacts may be added by the PD Director to address specific sites or contexts.

F. **Recycling Collection Point.** Small recycling collection areas or similar drop-off kiosks for donations or reusable materials may be accessory use to a permitted civic, commercial, or industrial land use, limited to the following:

1. Facilities shall not be located within 50 feet of any residential zoning district, or when located with a civic use in a residential district, setback at least 50 feet from adjacent residential uses.

2. Facilities shall be set back at least 25 feet from any public right-of-way.

3. Permanent or temporary containers are limited to 1 per lot and 250 square feet, except lots over 1 acre may have up to 3 containers.

4. Facilities shall permit adequate circulation and access for drop-off of materials, and for the periodic removal of materials by larger vehicles.

5. The facility shall be placed on asphalt or concrete and shall not impact any landscaping or landscaped areas.

6. Facilities shall be placed on a more remote portion of the site, appropriately screened from adjacent property or right-of-way, and otherwise located in a manner to limit adverse impacts on adjacent property and the public streetscape.

7. The facility shall accept only non-perishable recyclable waste, or be a collection point for donation of reusable, non-perishable household items such as books or clothing.

8. No processing or other power-driven mechanical devices are permitted.

9. Containers shall be constructed and maintained with durable waterproof and rustproof material, and shall have sufficient capacity according to a collection schedule. All material shall be stored in the unit and shall not be left outside of the unit or exposed to elements when unattended.

10. Containers shall be clearly marked to identify the type of material that may be deposited, identify the name and contact information of the facility operator, a notice stating that no material shall be left outside the containers.

G. **Renewable Energy Facilities.** Small renewable energy facilities may be an accessory use to another permitted use subject to the following additional standards, and provided they meet the qualifications for a building permit in Chapter 38 of the Springfield Municipal Code. They may be permitted beyond the standards as specified below through a conditional use permit according to Section 36-2.04. Any renewable energy facility that does not meet the limits of this section or cannot qualify for a conditional use permit shall be considered a public utility service use and only allowed as permitted in Table 4-3 as a principal use of land.

Table 4-5: Accessory Renewable Energy Facilities

	Accessory Use by Building Permit	*Accessory Use by Conditional Use Permit*
Solar		
Building Mounted	▪ 8" max. off and parallel with pitched roof ▪ 3' max. off a flat roof	6' max. off a roof or building wall
	Any facility projecting more than 2' off a flat roof shall be screened from ground level or adjacent property by a parapet, or other architectural screen integral to the design of the building.	
Ground Mounted	▪ 6' high max. ▪ 10' setback min.	10' high max.
	Screened from adjacent property and ROW the same as all other mechanical equipment.	
Wind		
Building Mounted	▪ 4' max. above roof (residential buildings) ▪ 8' max. above roof (non-residential buildings)	▪ 12' max. above roof (residential buildings) ▪ 20' max. above roof (non-residential buildings)
Ground Mounted	▪ 30' max. height (residential districts) ▪ 45' max. height (nonresidential districts)	▪ 45' max. height (residential districts) ▪ 60' max. height (nonresidential districts)

H. **Temporary Storage Containers.**

1. *General Standards.* All temporary storage containers shall meet the following standards:
   a. All temporary storage containers are subject to all applicable public health and safety codes with respect to their placement, operation, and contents.
   b. Temporary storage containers shall be located at least 15 feet from the right-of-way, at least 10 feet from any other lot line, and outside any sight triangle affecting any intersection or access point.
   c. Temporary storage containers shall be located in the least prominent and practical location of the site considering:
      (1) Parking, access, and circulation;
      (2) Visibility form adjacent property, including the visibility from building frontages along a streetscape;
      (3) Landscape buffers and open spaces; and
      (4) Any other easements and access needs.

      All locations are considered "at risk" by the applicant, and may be forced to relocate in response to any rights of access to easements or

other problems associated with the location.

2. *Exemptions.* The standards in this section do not apply to:
   a. Permitted outdoor storage uses as a principal use;
   b. Permanent installations that meet the accessory building size, design, and location standards of the applicable zoning district;
   c. Containers in the public or railroad right-of-way placed by the entity with control over the right-of-way; and
   d. Storage containers associated with a valid construction permit for up to 30 days from the expiration of the permit. Storage containers associated with a construction project that does not require a permit shall comply with the temporary storage limits of this section.

3. *Nonresidential Limits.* Storage containers in nonresidential districts are subject to the following additional limitations:
   a. A maximum of 3 containers per premises, totaling no more than 800 square feet, or 8,000 cubic feet in size; and
   b. Not onsite more than 120 days in any 12-month period.

4. *Residential Limits.* Storage containers in residential districts are subject to the following additional limitations.
   a. Containers used for loading and unloading may be placed in the frontage area of the lot, including a driveway or legal parking space, and are limited to:
      (1) A maximum of 3 containers per premises, totaling no more than 500 square feet, or 4,000 cubic feet in size;
      (2) No more than 72 hours onsite per occurrence; and
      (3) No more than three occurrences in a 12-month period.
      (4) Storage containers may be placed in a driveway or legal parking space.
   b. Containers used for temporary storage shall be located outside of the frontage area of the lot and are limited to:
      (1) No more than 1 container and no more than 300 square feet and 2,400 cubic feet;
      (2) No more than 60 days onsite per occurrence; and
      (3) No more than 2 occurrences in a 12-month period.
5. Storage containers shall be located outside of the frontage area of the lot.

I. **Chickens.** The keeping or raising of six or less chicken hens are permitted as an accessory use in all zoning districts provided such use complies with all applicable sections of this code, including sections 18-12, 18-23, 18-24, 18-25, 18-59, and 78-113.

J. **Beekeeping.** Beekeeping (domestic honeybees, Apis Mellifera) is permitted as an accessory use in any zoning district provided:

1. 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.

2. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.

3. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.

4. 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.

36-4.05 District Performance Standards

A. **General Operation & Performance Standards.** All principal and accessory uses shall be operated in a manner that meets the performance standards in Table 4-6.

Table 4-6: District Performance Standards

	R-SF, R-MX1, R-MX2, R-MHC	*R-MX3, C-MX1*	*GI, C-MX2*	*GC, CC, LIC*	*HM*
Daytime Noise. Noise levels during business hours (7AM-7PM). [1]	55 db	65 db	65 db	70 db	75 db
Evening Noise. Noise levels outside general business hours (7PM – 12AM). [1]	50 db	55 db	65 db	70 db	75 db
Nighttime Noise. Noise levels during quiet hours (12AM – 7AM). [1]	45 db	45 db	55 db	60 db	65 db
Impacts Outside the Building. No odor, glare, vibration, smoke, or similar impacts shall be produced that is observable outside a building.	☑	☑	☑		
Impacts Beyond the Property Line. No odor, glare, vibration, smoke, dust, fumes, or heat shall be produced that is perceptible beyond the property line which could become a nuisance to adjacent uses. [2]	☑	☑	☑	☑	
Impacts to Health or Property. No particulate matter, or noxious or toxic matter shall be produced that could become damaging to humans or property beyond the property line.	☑	☑	☑	☑	☑
Lighting.	See Section 36-8.07				

[1] Noise levels in this table are operational and intensity standards for the district to achieve land use compatibility and shall not prohibit enforcement of any other noise standard for public health, safety, or anti-nuisance reasons. Noise levels shall be measured at the property line.

[2] Pollution and general nuisance standards shall be enforced in accordance all other health, sanitation, and nuisance standards of the Springfield Municipal Code.

B. **Exemptions.** The following activities are not subject to the performance standards:

1. Construction activity shall not be subject to the noise, impact, or lighting standards during daytime hours, or at other times specifically authorized by a valid construction permit due to necessity or public purposes to permit construction during non-business hours.

2. Ambient noise from traffic in the public right-of-way, or railroads and air travel operating according to applicable industry standards.

3. Noise caused by safety signals, warning devices, or otherwise resulting from emergency situations.

4. Noise associated with large public events otherwise permitted in the zoning district, or for any special events authorized by the city.

5. Noise may exceed levels by up to 10 decibels for no more than 15 minutes during any time period.

C. **Conditions & Compatibility**. The City may impose conditions upon the approval of any development application or any permit to ensure that it is compatible with adjacent uses and compliant with the district performance standards. Conditions may include:

1. Hours of operation, or limitations on specific activities such as outdoor seating, deliveries, or other higher-intensity activities that could impact adjacent property.

2. Location, design, and screening of outdoor activity areas, mechanical equipment, or other site activities that generate potential adverse impacts to adjacent uses.

3. Placement of facilities that require regular service of large or utility vehicles, such as trash receptacles or loading areas.

4. Location of outdoor speakers, communication, or other amplification systems.

5. Light height, intensity, shield and design, and hours of partial and full illumination beyond the design standards in Section 36-8.07.

36-4.06 General Use Restrictions

A. **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 zoning district appropriate therefore under this chapter 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-MX1, 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-MX1TH, R-MHC, or designated for single-family or two-family residential use in a PD district under this chapter. 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-MX1, 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 there with a fee set by ordinance.

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-MX1, 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 or occupying property zoned R-SF, R-MX1, 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, including instructions for filing said protest. In addition, said notice shall be mailed to all persons within said 200 feet owning or occupying property zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, said mailing to occur by first-class mail no later than three days prior to the posting described herein. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with the mailing notice requirement.

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% of the owners and/or occupants of the land so zoned R-SF, R-MX1, 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.
   a. For the purpose of this section, only one signature per land parcel, whether property owner or occupant, shall be counted in determining whether the 50% threshold for protest has been satisfied. In the event of conflict between the owner and occupant, the

owner shall prevail. In the event that an occupant files a protest, but the owner does not, the owner shall be notified of said protest. The notice shall be mailed by first-class mail no later than three days after the deadline to file a protest. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with this notice requirement. The owner shall have seven days from the date of mailing to file with the officer of the city charged with receiving applications for liquor licenses a withdrawal of the occupant's protest.

b. 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/or occupancy, and other appropriate requirements. Forms of protest shall in any event be acknowledged by some person other than a protesting owner or occupant 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 or occupants of the land of record on the date that the application shall have been filed shall be entitled to protest.

c. Notwithstanding the provisions of this section, the Finance Director 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% of all owners and occupants 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.

B. **Utilities.**

1. *Utility Distribution Facilities.* Utility distribution facilities shall be exempt from the requirements of this chapter except as follows:

a. 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 chapter.

b. 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.

c. 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 right-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 right-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:

Table 4-7: Utility Pole Placement

Zoning Classification	*Easement (1)*	*ROW*
Residential (R-SF, R-MX1, R-MX2, R-MX3, and R-MHC)	50 feet	60 feet
Government & Institutional (GI)	70 feet	80 feet
Commercial (C-MX1, C-MX2, GC, CC, and COM)	80 feet	90 feet
Industrial (LIC and HM)	90 feet	100 feet
Planned Development/Planned Zoning (based on use)	Individual case basis	Individual case basis

[1] Any easement utilized must adjoin right-of-way.

d. 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 right-of-way.
e. Existing poles exceeding the matrix height criteria shall be considered conforming and may be replaced as needed with another pole of like size.
f. This section, 36-4.06.B, shall not apply to wireless telecommunications facilities used for internal utility operations.

2. *Utility Substation Facilities.* Utility substation facilities shall be permitted in any district and shall comply with the following requirements:
   a. All utility substation facilities are exempt from the height requirements of this chapter but shall meet all other lot size, bulk, and open space requirements of this chapter.
   b. When the facility is not contained within an enclosed building, a fence or wall at least 8 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.

3. *Utility Transmission Facilities.* Utility transmission facilities shall be exempt from the requirements of this chapter.

4. *Other Facilities.*
   a. *Exemptions.* The following utility uses are exempt from the requirements of this chapter provided the use meets the design requirements of the City of Springfield and its location is approved by the City of Springfield:
      (1) Facilities for the detention or collection of stormwater; and
      (2) Civil defense warning sirens.
   b. *Lot Size Requirements and Bulk Regulations.* Notwithstanding any other provision of this chapter, 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:
      (1) Water standpipes, and elevated, and ground-level, water storage tanks; and
      (2) Stormwater detention, retention, and treatment facilities.

C. **Economic and Housing Access Calamity.**

1. During such time that City Council has declared an Economic and Housing Access Calamity for the working poor and unemployed within the city of Springfield, Missouri, 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 a "transitional/emergency shelter" as that term is defined in Section 36-11.02, and are excepted from the general requirements of the city's building, zoning, health, and fire codes herein.

2. 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 section.

3. In accordance with the goals and intent of this subsection, the BDS Director 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.

4. Any individuals, agencies or churches desiring to operate a facility under this subsection shall apply to the BDS Director 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 BDS Director.

5. 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.

6. Upon the expiration of the declared economic and housing access calamity, all permitted shelters shall cease operations within 90 days.

D. **Residential Occupancy.**

1. *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 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 ensure 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.

2. *Occupancy.* A dwelling unit may not be occupied by more persons than one of the following family living arrangements:
   a. One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in any district.
   b. 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.
   c. Four persons or less living as a single housekeeping unit in the R-MX1, R-MX2, R-MX3 districts and nonresidential districts which permit multifamily dwellings provided the off-street parking requirements of this chapter are met, otherwise three persons or less are permitted.

3. *Exclusions.* A single housekeeping unit shall not be construed to mean a fraternity, sorority, club, or institutional group.

E. **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 detached house, duplex, multi-unit house, townhouse, small-format house, or manufactured home on an individual lot.

F. **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.

G. **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.

H. **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 from 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*. The following definitions shall apply to this section 36-4.06.H; if a term is not defined in this section, the term shall have the same meaning prescribed in Article 11 of this chapter.**

(a) ***Applicant*. An individual, group, or entity making a request for reasonable accommodation pursuant to this section. An applicant can be the disabled person or a person acting on behalf of, and at the request of, said disabled person.**

(b) ***Department*. The Building Development Services (BDS) Department of the City of Springfield, Missouri.**

(c) ***Disabled person*. Any individual who:**

i. **Has a physical or mental impairment that substantially limits one or more major life activities;**

ii. **Is perceived as having such an impairment; and**

iii. **Has a documented history of such an impairment.**

(d) ***Major life activity*. Those activities that are of a central importance to daily life, including but not limited to seeing, hearing, walking, breathing, performing manual tasks, caring for oneself, learning, and speaking. Major life activities do not include environmental, cultural, or economic disadvantages.**

(e) ***Physical or mental impairment.*** Any physiological condition, cosmetic disfigurement, or anatomical loss affecting body systems, as well as mental or psychological disorders, such as intellectual disabilities or emotional illness. While this includes alcoholism and drug addiction, it does not include current, illegal use of a controlled substance.

(f) ***Reasonable accommodation.*** A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a disabled person to have an equal opportunity to use and enjoy a dwelling.

(g) ***Zoning Ordinance.*** Those regulations contained in Chapter 36 of the City Code of the City of Springfield, Missouri.

3. ***Requesting reasonable accommodations.*** 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. Such a request can be made in writing or orally to the Director of the Department and must contain:

(a) The name and address of the owner of the property;

(b) An explanation of the accommodation requested; and

(c) An explanation of the relationship between the requested accommodation and the disability.

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 requirements are met by the contents of 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.

B. 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 receipt of the request.

C. The ARC shall issue a written determination within 30 days of receiving the request for reasonable accommodation from the Director, and may either grant or deny the request.

(a) The ARC may approve the request for reasonable accommodation without meeting with the applicant if all requirements are met by the contents of the application.

(b) The ARC may not deny a request for reasonable accommodation without offering the applicant an opportunity to meet with the ARC.

(c) If reasonably necessary to reach a determination, the ARC may, prior to the end of the 30-day period, request additional information from the applicant, specifying in detail what information is required.

i. The applicant shall have 15 days from the date of the request for additional information to provide such information.

ii. The initial 30-day period shall be stayed upon issuance of the request for additional information, and the ARC shall provide its written determination within 30 days of receipt of the additional information.

iii. If the applicant does not provide the requested information, the ARC shall issue its written determination within 30 days of the expiration of the 15-day period provided the applicant to respond.

(d) The ARC shall not request additional information regarding the applicant's disability or need for the requested accommodation if such information is readily apparent.

D. 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.

E. Information provided pursuant to 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 requested 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. ***Determination.***

A. Determinations shall be made in writing and sent to the applicant by certified mail, return receipt requested, and by first-class mail.

B. 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:

(a) Whether the accommodation requested may be necessary to afford one or more persons with disabilities equal opportunity to use and enjoy a specific dwelling.

(b) Such a finding requires that there be an identifiable relationship, or nexus, between the requested accommodation and the applicant's disability.

(c) Whether the requested accommodation would impose undue financial or administrative burdens on the City.

C. A determination of denial shall inform the applicant of the right to an appeal under the process detailed in Section 36-2.08.

6. A request for a reasonable accommodation shall be denied if any of the following factors are found:

A. The request was not made by, or on behalf of, a disabled person;

B. There is no disability-related need for the accommodation; or

C. The requested accommodation is not reasonable. An accommodation is not reasonable if the requested accommodation would:

(a) Impose an undue financial or administrative burden on the City; or

(b) Required a fundamental alteration of the City's Zoning Ordinance.

7. When a request for a reasonable accommodation is denied, reasonable efforts shall be made to cooperate with the applicant to provide an alternative reasonable accommodation that would address the applicant's disability-related needs. If, after reasonable efforts, an alternative reasonable accommodation is not approved, the denial of the request shall become final and the 30-day period for appeal shall begin.

8. 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.

9. ***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.

10. ***Recordkeeping***. The City shall maintain records of all requests for reasonable accommodations, both written and oral, and the City's responses thereto, as required by state law.

Article 5. Residential Development & Design

36-5.01 Intent
36-5.02 Applicability
36-5.03 Development & Dimension Standards
36-5.04 Neighborhood Design
36-5.05 Alternative Patterns

36-5.01 Intent

The Residential Development & Design standards have the following intent:

A. Enhance the appearance and livability of neighborhoods through thoughtful neighborhood design, including streetscapes, parks and trails, and other focal points that shape neighborhood character.

B. Strengthen the unique character and identity of distinct neighborhoods including suburban and urban contexts.

C. Provide housing variety throughout the city and a compatible mix of building types within neighborhoods.

D. Restore and revitalize neighborhoods with appropriate-scale infill and rehabilitation projects.

E. Foster “complete neighborhoods” by ensuring proximity and access to neighborhood-supporting uses and housing integrated into mixed-use districts and corridors.

F. Promote lasting and sustained investment in neighborhoods with quality design.

36-5.02 Applicability

A. The standards in this article shall apply to all development in the R-SF, R-MX1, R-MX2, R-MX3, and R-MHC districts, except where sections state applicability only to specific districts or specific circumstances.

B. The standards shall apply to any redevelopment or rehabilitation of existing residential projects permitted in nonresidential districts. In these cases, the standards of the applicable building type shall apply.

C. The standards **in Table 5-5**~~of the R-MX2 district~~ shall apply to any new residential projects permitted in a nonresidential district~~s~~ or where a building is primarily (more than 50%) residential.

D. Modifications or additions to buildings or sites shall meet these standards to the extent of the modification or addition.

E. The standards shall not apply to routine maintenance of existing buildings, provided the maintenance to any building may not occur in a manner that creates additional, substantial noncompliance with these standards.

F. The standards do not apply to previously established PDs, except that any amendments to the standards of existing PDs shall be brought into conformance with the standards of this code. New similar Planned Zonings shall use these standards as a base line but may modify or add additional standards through

the planned zoning process in Section 36-2.06.

G. The standards do not apply to previously established UCDs, except that amendments to the standards of existing UCDs shall use these standards as a base line but may modify or add additional standards through the planned zoning process in Section 36-2.06.

H. The Neighborhood Design standards in Section 36-5.04 are basic city-wide design standards to implement the Center City Neighborhoods, Mixed Residential, and Traditional Neighborhoods placetypes in the comprehensive plan. These standards do not preclude the application of additional supplemental design guidelines for a particular area or building type, except that no guideline may be used to modify or amend the application of a requirement in this code, except as specified in the planned zoning process in Section 36-2.06. ~~Specific guidelines shall be listed in Appendix A.~~

36-5.03 Development & Dimension Standards

A. **Building Types & Lot Standards.** The development standards for residential districts shall be based on the different building types permitted in each district, specified in Table 5-1.

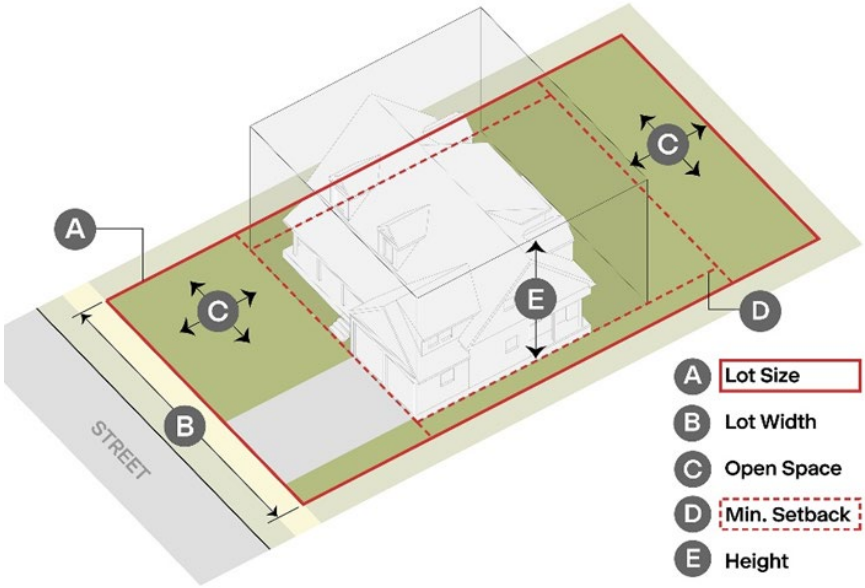


Figure 5-1 Building Types
Building types in Table 5-1 are distinguished based on lot sizes, unit configuration, building footprints, building massing, building placement, and frontage designs. This diagram illustrates these key standards in Table 5-1 applied to a typical lot.

Table 5-1: Residential Building & Lot Standards

Building Type	*Zoning Districts* *P = Permitted* *C = CUP*					*# of Principal Dwelling Units Per Lot*	*Lot Standards*					*Building Standards*			
	R-SF	R-MX1	R-MX2	R-MX3	R-MHC		Minimum Lot Area	Maximum Lot Area [4]	Minimum Lot Width	Maximum Lot Width [4]	Minimum Open Space	Maximum Height [3]	*Minimum Setbacks* Front [2]	Side	Rear
Detached House –*Standard Lot*	P	P				1	6K s.f.	n/a	50’	50’ +	30%	35’ 2.5 stories	25’	5’	10’
Detached House – *Urban Lot*		P	P		P	1	4K s.f.	n/a	35’	50’ [1]	30%	35’ 2.5 stories	25’	5’	10’
Detached House – *Small-format*	C	C	P	P	P	1	2K s.f.	n/a	25’	35’ [1]	30%	25’ 2 stories	25’	5’	10’
Detached House – *Manufactured*					P	1	2K s.f.	n/a	25’	35’	30%	25’ 2 stories	25’	5’	10’
Duplex / Multi-unit House		P	P	P		2 - 4	~~6K~~ 3K s.f. / unit min.	12K s.f.	50’	n/a [1]	20%	35’ 2.5 stories	25’	5’	10’
Townhouse – *Large Lot*		P	P	P		3 - 6	2.4K s.f. / unit min.	20K s.f.	20’ / unit	150’	20%	40’ 3 stories	15’ - 25’	5’	10’
Townhouse – *Small Lot*		C	P	P		3 - 8	1.5K s.f./ unit min.	16K s.f.	14’ / unit	125’	20%	40’ 3 stories	15’ – 25’	5’	10’
Apartment – *Small Lot*			P	P		3 -12	1.5K s.f./ unit min.	20K s.f.	50’	150’	20%	55’ 4 stories	15’ - 25’	5’	10’
Apartment – *Medium Lot*			P	P		13 - 40	1.5K s.f. / unit min.	¼ block	100’	200’	20%	65’ 5 stories	15’ – 25’	5’	10’
Apartment – *Large Lot*				P		13 +	1.1K s.f./ unit min.	½ block	100’	300’	20%	n/a	15’ – 25’	5’	25’
Apartment – *Complex*				P		17.7 du/ac.	8.5K s.f.min./ 2.45 K s.f. / unit min.	n/a	100’	n/a	30%	40’ 3 stories	25’	5’	25’
Civic / Institutional Buildings *(permitted nonresidential uses)*	P	P	P	P	P	n/a	20K	n/a	n/a	200’	40%	40’ 3 stories	25’	25’	n/a

[1] Smaller or narrower lots may require between 5’ and 10’ additional width on corner lots to allow proper building placement and orientation according to Section 36-5.03.C.2.

[2] Front setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 36-5.04.B.

[3] Any portion of a multi-unit building taller than 32’ shall be setback at least 15’ when property adjoins an R-SF district, and any apartment building taller than 32’ shall comply with the 45- degree bulk plane when property adjoins a R-SF district.

[4] See Section 36-5.03.C.



Figure 5-2 Apartment Complex Configuration: Conventional & Connected
The Conventional apartment complex faces inward toward its parking lot with a single frontage. Connected apartment complexes are organized around a connected street or drive network, mimicking public street and streetscape networks, providing access through individual street frontages. The individual buildings of the Connected complex should adhere to the development standards for Apartments – Small, Medium, and Large (Table 5-1: Residential Building & Lot Standards), depending on the development context, within the complex.

B. **Accessory Buildings – Residential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 5-2 and to the following additional limitations:

Table 5-2: Residential Accessory Buildings~~Structures~~

Type	*Quantity*	*Size*	*Height*	*Setbacks*
Minor Structure (small shed, playhouse, and similar structures)	▪ 1 / each 3k s.f. of lot ▪ Maximum of 4	200 s.f. max.	▪ 12' max. ▪ 16' if roof pitch is 4:12 or greater	▪ 3' side and rear; except accessory structures that share a common wall or abut for their entire length on a lot line ▪ Behind the front of the principal structure
Secondary Building (detached accessory building, guest house, and similar structures)	1 / principal building	No more than 1/2 of principal building footprint	22' max., but no higher than principal structure	▪ 3' from side and rear ▪ Behind the front of building line of the principal structure
	Any building over 16' high or more than 200 square feet shall meet the design standards in Section 36-5.03.B.5.			

1. All accessory buildings shall be at least 10 feet from the principal building, unless otherwise specified by applicable building codes based on fire ratings of adjacent walls.

2. Accessory buildings shall be clearly incidental and subordinate to the principal building or use in terms of scale, location, and orientation.

3. ~~Minor a~~**Accessory buildings or** structures of 120 square feet or less, and not built on a slab or similar foundation, do not have a required interior side or rear setback but shall be movable and are otherwise placed "at risk" by the owner with regard to any easements, fence, or screening requirements.

4. On corner lots, ~~minor~~ accessory **buildings or** structures shall be located behind the front building line of the adjacent principal building, unless they are more than 50 feet from the adjacent principal building.

5. ~~Secondary~~ **B**~~b~~uildings over 200 square feet or over 16 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
   a. The wall height shall not exceed 10 feet above the finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.
   b. The roof peak or other top of structure shall not exceed 22 feet above finished floor for pitched roofs with a 6:12 pitch or greater, and no more than 16 feet for shed roofs or pitched roofs below a 6:12 pitch.
   c. The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.
   d. ~~Secondary~~ **B**~~b~~uildings with vehicle access directly from an alley or shared easement shall be positioned to prevent parking that encroaches **onto**~~in~~ the alley or easement. They may be built with the access between 0 and 3 feet from the alley or shared easement, or with the **parking**~~access~~ at least 20 feet from the alley or shared easement.

6. Any building or structure exceeding the limits in Table 5-2 shall be treated as a second principal building and meet all lot and building design standards for a principal building.

C. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 5-1.

1. Lot and Building Configurations. Maximum lot areas and lot widths in Table 5-1 may be exceeded to accommodate a project provided:
   a. All building sites meet the standards for open space, setbacks and building height outlined in Table 5-1.
   b. All building sites meet the standards for lot frontage, lot access, utility service, including fronting on public streets or any other internal access lanes or open and civic spaces allowed in this code.
   c. Multiple building sites are designed and situated within a street block pattern or utilize a private internal access lane to mimic a street system to meet the standards in Section 3.03.B and are not used in a manner to avoid or disrupt street connectivity.
   d. Building sites shall show a site plan that mimics lot boundaries and building setbacks as if platted to meet section 3.03.B
   e. Townhouses and side-by-side duplexes may have individual units platted on separate lots, provided the building meets the standards in Table 5-1 and each unit complies with any per-unit or proportional standards for each lot. The lots shall be platted with a party wall meeting standards of the building code.
   f. Side lot easements between abutting lots may be granted in association with a plat to have the effect of “zero lot line” configurations. Easements for exclusive use of the side yard may be granted to the abutting owner to meet the lot open space requirements and design standards in Section 5.03 for the grantee, while maintaining the required setbacks from the platted lot line for each building in Table 5-1 for the grantor. Easements shall be private agreements and must account for all access and maintenance responsibility for the lots, open space, and buildings.
   g. The front setbacks for each building may be modified according to the frontage types and Frontage Design Standards in Section 5.04.B.
   h. Lots may be configured in a Courtyard Pattern as provided in Section 5.05.B.
   i. Lots may be configured in a Cluster Pattern as provided in Section 5.05.C.



Figure 5-3 Side Lot Easements
Side lot easements may be used to provide more contiguous areas to meet the lot open space requirements and have the effect of a zero lot line configuration. (36-5.03.C.1.b).

2. *Corner Lot Configurations.* When applying building, lot, and frontage standards to corner lots, the lots may be arranged in one of three patterns based on the context of the block and abutting lots:

   a. *Standard Corner.* The building orients to the same street as all other buildings on the same block face. An additional 5 feet shall be added to the required side setback on the street side lot line. Side and rear setbacks apply to the remaining sides.

   b. *Reverse Corner.* The building orients to the shorter side of the block (end grain) and not the longer block face that other lots internal to the block orient to. An additional 15 feet shall be added to the required side setback on the street side lot line, or a setback of 50% of established front setback of the abutting lot, whichever is less. Side and rear setbacks apply to the remaining sides.

   c. *Corner Orientation.* The building orients to both streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side setbacks and there is no rear setback.



Figure 5-4 Corner Lot Setbacks

3. *Setback Encroachments.* The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
   a. Primary entrance features may encroach beyond the required front building line, as specified in Section 36-5.04.B.2.
   b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non- foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, provided they:
      (1) Are no closer than 2 feet from any lot line; and
      (2) Are limited to no more than 20% of the total area of a building elevation.
   c. Unenclosed and un-roofed decks or patios at or below the first-floor elevation may extend into the rear or side setback up to 15 feet but no closer than 5 feet from any street side lot line and 3 feet to any other lot line.
   d. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided they:
      (1) Are no taller than 4 feet high;
      (2) Extend no more than 6 feet from the principal building, and no closer than 3 feet to the lot line; and
      (3) Are screened from public right-of-way **according to the most recently updated specifications of the utility provider**~~by a solid structure and landscape~~.

      These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.
   e. Any other accessory structure within the setback, not specified in Section 36-5.03.B, shall have a setback of at least one-half its height from the property line.

4. *Height Exceptions.* The following are exceptions to the height limits in Table 5-1:
   a. Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck of a flat roof.
   b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory elements may extend up to 50% above the actual building height, provided they are integral to the specific architectural style of the building and are less than 15% of the building footprint.
   c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes provided they are screened according to the standards of this code.

36-5.04 Neighborhood Design

A. **Design Objectives.** The Neighborhood Design standards have the following design objectives:

1. Enhance the image of neighborhoods by coordinating streetscape investment with private lot and building investment.

2. Design frontages to the context of the neighborhood, block, and street.

3. Relate buildings and sites to the streetscape in a consistent manner and creating compatible massing along the block face.

4. Provide outdoor social spaces that activate the streetscape and limit the cumulative impact of frontages designed for car access.

5. Use front entry features to reinforce neighborhood character, promote unique designs, create subtle variation in building patterns, and provide human-scale connections to the streetscape.

6. Promote appropriate massing of buildings in relation to the lot and in relation to buildings and open spaces on adjacent lots.

7. Use human-scale features and details to provide visual interest and compatible designs.

8. Encourage unique architectural expressions and promote the use of key details and design characteristics inherent in the chosen style for a building.

9. Ensure access to a variety of different types of open spaces including natural areas, park and recreation amenities, and formal gathering spaces.

B. **Frontage Design.** Neighborhood lot and building frontages shall be designed according to the types in Table 5-4, and be applied based on the context of the neighborhood and block. Frontage design standards shall be applied to any building facade facing public streets, sidewalks, bike paths, parks, and trails, including those not immediately adjacent to a street. Frontage types may modify the required front setbacks in Table 5-1 to create a consistent frontage design and streetscape relationships with other lots and buildings along a block. Subsections following the table provide specific design strategies and techniques to meet the standards.

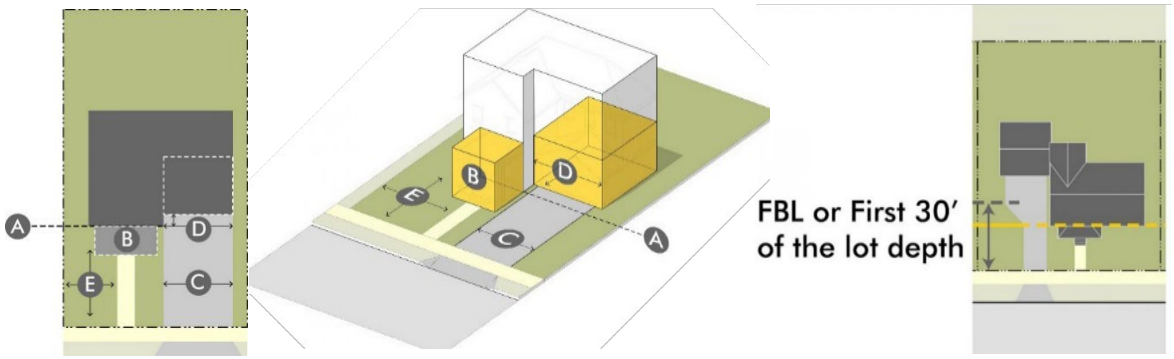


Figure 5-5 Frontage Design Standards

*This diagram illustrates the key elements of frontage design in Table 5-3: (A) front building line; (B) front entry features, (C) driveway widths (applies to the first 30' of frontage depth or up to the front building line); (D) garage limitations, and (E) frontage landscape/**open space** areas. These elements determine the relationship between the building, the lot, and the streetscape, and affect the character of the area when applied across multiple lots on a block.*

Table 5-3: Residential Frontage Types & Design Standards

Frontage Element		***Terrace Frontage***	***Neighborhood Frontage***	***Suburban Frontage***
Front Building Line		10' – 25'	25' – 50'	25' +
Front Entry Feature		Required, See Section 36-5.04.B.2	Required, See Section 36-5.04.B.2	Optional
Maximum Driveway Width		15% of lot width, not less than 12~~0~~', but no more than 22' **for the first 30 feet of lot depth**	2~~5~~0% of lot width, not less than 12~~0~~', but no more than 22' **for the first 30 feet of lot depth**	40% of lot width, not less than 12~~0~~', but no more than 22' **for the first 30 feet of lot depth**
Garage Limitations		▪ 20% of facade; ▪ 35% if 12'+ behind FBL ▪ **Setback at least 4 feet behind front building façade**	▪ 4~~3~~0% of facade; ▪ 45% if 12'+ behind FBL ▪ **Setback at least 4 feet behind front building façade**	▪ ~~50% of facade;~~ ▪ ~~No limit if 50' + setback~~ ▪ **Setback at least 4 feet behind front building façade**
Frontage Landscape		75% minimum	60% minimum	45% minimum
Application	*R-SF*	☐	■	☐
	R-MX1	☐	■	☐
	R-MX2	■	☐	
	R-MX3	■	☐	~~☐~~
	R-MHC		■	☐

■ Permitted default standard

☐ Alternative standard to be applied based on context through Minor Modification. Blank is only applicable through a Major Modification.

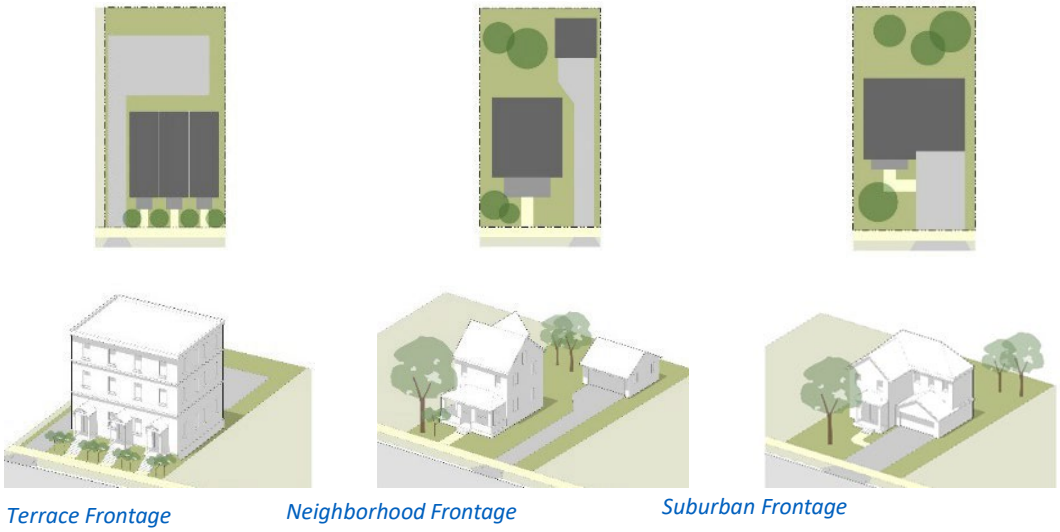


Figure 5-6 Side Lot Easements *Side lot easements may be used to provide more contiguous areas to meet the lot open space requirements and have the effect of a zero lot line configuration. (36-5.03.C.1b)*

1. *Front Building Line.* Front building lines create a consistent pattern along a block framing streetscapes. Front building lines shall be established within the front building line ranges and applicable frontage types in Table 5-3 with the following exceptions:
   a. Front building lines may be modified to reflect specific patterns on a block.
   b. Frontage types and design should be similar for all buildings along a block but may gradually transition to different building placements between lots.
   c. The front building line of adjacent buildings shall not differ by more than 5 feet unless more than 20 feet exists between the buildings.
   d. Front entry features designed according to Section 36-5.04.B.2 may extend beyond the front building line.
   e. Frontages and the required landscape in Table 5-3 shall meet the landscape design standards in Section 36-8.03 for the specified percentage between the front building line and the front lot line.

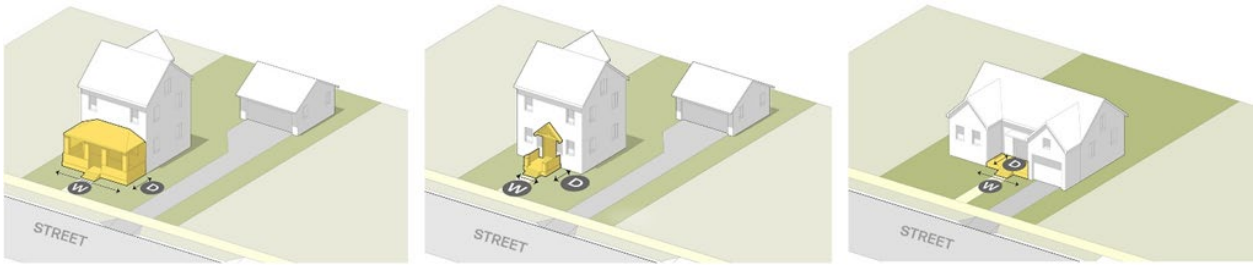
2. *Front Entry Features.* Front entry features create consistent human-scale massing elements that relate buildings to the block frontage, provide outdoor social spaces that activate streetscapes, and establish subtle variations in design and style among similar buildings along a block. The following front entry feature design strategies and techniques shall be used where entry features are required by Table 5-4 and are otherwise recommended to achieve the intent of this article and design objectives of this section. Front entry features shall be oriented to the lot front and have a **private** sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk. Front entry features shall be within 10 feet of the front building line. For suburban frontage types or frontages without a public sidewalk, this can connect via a driveway.

Table 5-4: Residential Front Entry Features

Type	*Width (Min.)*	*Depth (Min.)*	*Area (Min.)*
Porch	10', but at least 25% of front elevation	6'	80 s.f.
Stoop	8'	5'	60 s.f.

Entry Court	12', but no more than 50% of front elevation	10'	200 s.f.

a. Front entry features shall be oriented to the lot front and have a sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk. For suburban frontage types or frontages without a public sidewalk, this can connect via a driveway.
b. Front entry features shall be integrated into the overall building design including compatible materials, roof pitch and forms, and architectural style and details.
c. Front entry features shall be single story, and any roof structure and ornamentation shall be between 8 feet and 14 feet above the floor level of the entry feature. If not roofed, a canopy, pediment, transom windows, enlarged trim or molding shall be used to emphasize the entry.
d. Front entry features shall be unenclosed but may include a decorative wall or railing between 2.5 feet and 4 feet high along the perimeter.
e. Front entry features of adjacent buildings shall differ in one or more of the following ways to provide streetscape variation, particularly for the same building type or models:
   (1) Different entry feature types (i.e. porch, stoop, or courtyard);
   (2) Different location (i.e. centered, shifted – left/right, side, or wrapped);
   (3) Different extent (i.e. full or half);
   (4) Different roof type (i.e. shed, hip, flat, gabled, arched, trellis, or no roof); or
f. Any other significantly different architectural detail or massing elements. Any building with more than 150 feet of front facade, or any street side facade longer than 250 feet, and which is permitted within 30 feet of the street shall have one entry feature for every 100 linear feet of building fronting the street.
g. Front entry features meeting the requirements of this section may encroach up to 10 feet into the front setback, but never closer than 5 feet to the lot line.



Porch *Stoop* *Entry Court*

Figure 5-7 Front Entry Features – Types
The porch, stoop, and entry court are three distinct types of entry features that create active, social spaces and human-scale details on the residential frontages. Spaces with a minimum width (WA) and depth (DB) specified in Table 5-4 provide usable social spaces, activate the streetscape and frontage, and contribute to the massing and modulation required by the building design standards.

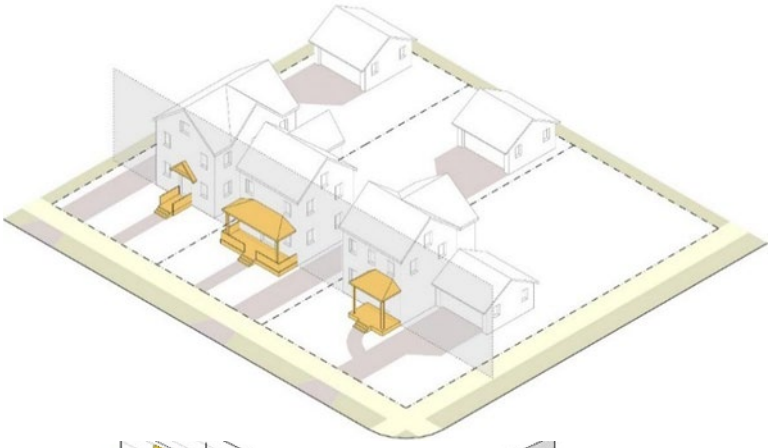


Figure 5-8 Primary Entry Feature - Encroachments *Front entry features meeting the standards of this section create social spaces that help activate streetscapes, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along blocks. (Table 5-4)*

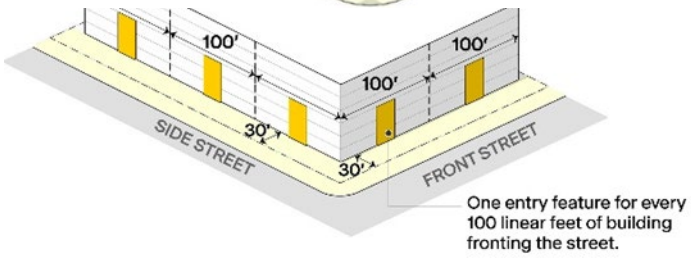


Figure 5-9 Primary Entry Feature - Large Buildings *Front entry features should be more frequently located on larger buildings with wall planes in close proximity to the street. This breaks up the building massing and activates the streetscape. (Table 5-4)*

3. *Driveway and Garage Limits.* Driveway and garage standards in Table 5-3 limit the impact on the neighborhood streetscape from frontages that prioritize car access and parking, particularly the cumulative effects from narrower lots or buildings placed closer to the street. The following driveway and garage design strategies and techniques shall be used to meet the standards. The following driveway and garage standards shall be approved by the City Traffic Engineer. The driveway width limits apply to the first 30 feet of lot depth, or up to the front building line, whichever is less.

~~a. Garage limits shall apply to the garage door openings, except where the garage is a distinct building mass in which case the limit shall be applied to the entire mass.~~

a. ~~In cases where the standards prohibit or impede front-loaded driveways and garages~~ on a particular lot, alternative patterns may be used, including:
   (1) Single-lane drives to wider recessed garages;
   (2) Single-lane drives to expanded rear parking, access and garage entries;
   (3) Shared drives to recessed or detached rear garages and/or parking pads;
   (4) Common lanes or alleys accessing parking or garages internal to the block; or
   (5) Parking or garages accessed from a side street, particularly on corner lots or through common lanes.

b. **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.**

c. **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.**

d. **A carport is allowed:**
   (1) **On a side property line on an interior lot;**
   (2) **On a side property line on a corner lot line abutting a street; or**
   (3) **On a side property line in subdivisions permitting zero lot line development.**

e. **All carports shall:**
   (1) **Be located only over an existing paved driveway;**
   (2) **Comply with the front yard setback requirements of this chapter; and**
   (3) **Be located at least 4 feet behind the front building line of the principal building or behind the side building line of the principal building on a corner lot.**

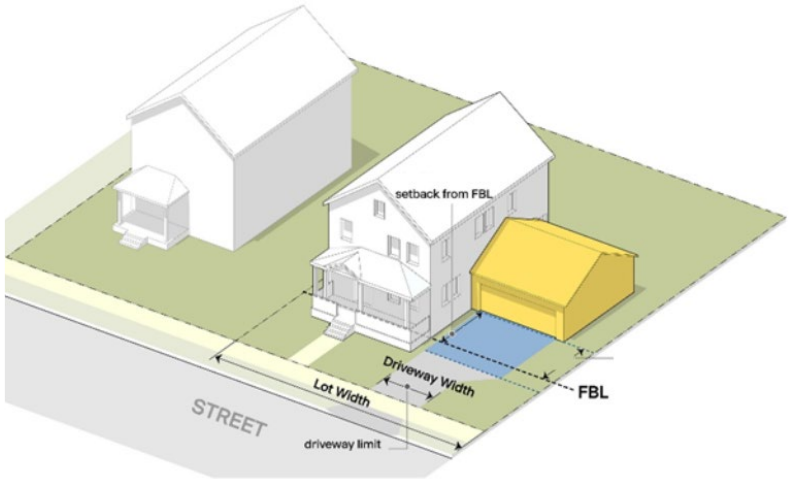


Figure 5-10 Application of Driveway Limits
Driveway limits shall apply to the first 30' or up to the Front Building line, whichever is less; except any front-loaded garage meeting these standards may have a driveway expanded to the width of the entry 20 feet in front of the entry, provided the expanded area is no closer than 10' from the front lot line. (36-5.04.B.3.a).

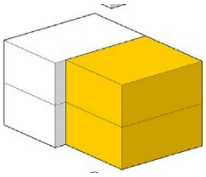
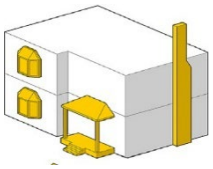
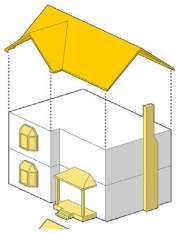
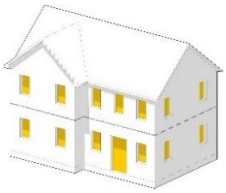
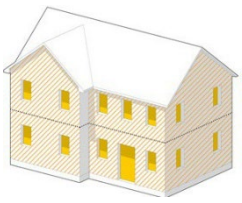


Figure 5-11 Driveway & Garage Options

Frontage type standards are based on lot widths to recognize both the proportionate and cumulative effect that frontage design elements have on the streetscape, and narrower or compact lots may be more limited. In these situations, options that reduce the car-orientation yet accommodate the convenience of access of vehicles should be used. Options include narrower entries, side entries, shared drives, common lanes, or internal block alleys. (36-5.04.B.3.c.)

C. **Building Design.** Buildings shall be designed according to the standards in Table 5-5, and be applied based on specific building type. Buildings may have multiple frontages in which case the standards shall apply to each frontage. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 5-5: Residential Building Design Standards

Design Detail			***Building Type***			
			Detached House (all)	*Duplex*	*Multi-unit House, Townhouse*	*Apartment (all)*
Wall Plane.	*Maximum wall plane without a massing variation of 4'+ on at least 25% of elevation.*		250 s.f. or 25 linear feet	250 s.f. or 25 linear feet	500 s.f. or 40 linear feet	1,000 s.f. or 50 linear feet
	Maximum blank wall plane without modulation on at least 20% of the wall plane.		250 s.f. or 25 linear feet	250 s.f. or 25 linear feet	250 s.f. or 25 linear feet	300 s.f. or 25 linear feet
Roof Plane Limits. *Maximum roof plane without an offset of at least 2', complex planes, dormers, or gables.*			n/a	n/a	600 s.f. or 50 linear feet	1,000 s.f. or 70 linear feet
					Does not apply to flat roofs provided there is a parapet, cornice or other defined edge at the roof line	
Transparency. *Minimum window and door openings per elevation.*			20% on all street-facing facades; ~~10% on all non-street-facing facades~~			30% on all street-facing facades; 20% on all non-street facing facades; 50% on first story if ground floor is non-residential
Materials.			No fewer than 2, but no greater than 5 materials total	*Primary* – at least 55% *Secondary* – 20-30% (limit 2) *Accent* – 5-15% Limit – 5 materials total		*Primary – 55-80%* *Secondary – 20-30%* *Accent – 5-15%* Limit – 5 materials total
			See 36-5.04.C.4.a			

1. *Wall Plane Limits.* Massing uses changes in the building footprint, height, or shifts in wall or roof planes to break down larger volumes into smaller parts and refine the scale and form of the building. Building elevations that exceed the wall plane limits in Table 5- 5, either in square footage or in linear feet, shall be broken into components differentiated by one or more of the following design techniques.

   a. Break the building into distinct masses (primary mass, secondary mass, and wings), where portions of the building are offset from the main mass by at least 8 feet or are otherwise noticeably smaller and subordinate to the main mass.
   b. Step back portions of the building footprint or upper stories by at least 4 feet in association with meaningful outside space, such as a balcony, deck, patio, or entry court.
   c. Use cantilevers on upper stories that provide at least a 2 feet overhang of other portions of the wall plane.
   d. Provide single-story entry feature that projects at least 6 feet from the wall plane.
   e. Articulate rooflines by using gables and dormers, dropping eaves, prominent overhangs, stepping roof lines or parapets to create offsets and projections of at least 2 feet.
   f. Where larger buildings are next to smaller buildings, or are along a block with smaller buildings, step the height of the building or offset secondary masses to create compatible massing nearest to adjacent structures.
   g. Break in vertical wall planes along any street-facing facade. Building height cannot exceed the overall width of the right-of-way without a minimum of a 4-foot setback. This is encouraged to provide a strong sense of enclosure. Buildings can exceed the street wall height by introducing step backs.

2. *Blank Wall Limits.* Facade composition uses materials, ornamental details, and subtle variations in the wall plane to break up the blank wall and add visual interest to buildings. Uninterrupted elevations that exceed the blank wall limits in Table 5-5, either in square footage or in linear feet, shall use one or more of the following design techniques to modulate the elevation and avoid expanses of blank walls.
   a. Create projections in the wall planes with bay windows, balconies, awnings, or canopies that project at least 2 feet from the wall plane.
   b. Create voids in the wall plane with step-backs of upper stories or balconies that recess at least 4 feet from the wall plane.
   c. Differentiate stories, roofs, or other masses with prominent trim materials and/or incorporate material changes on different modules of the building. Significant trim or ornamentation used to break up blank walls or wall planes shall project between 2 inches and 2 feet from the wall and be at least 8 inches wide.
   d. Use color changes and accent materials to emphasize distinct components of the facade. Material and color changes should wrap corners and occur at the inside corner of a massing element or occur in association with a significant trim or ornamentation to give a finished and unified appearance to the facade component.
   e. Break up remaining large expanses of blank walls with facade composition that considers the location and grouping of windows, doors, or architectural details.

3. *Transparency.* Windows and doors provide connections to active outdoor spaces and add visual rhythm and detail to the facade with the location, pattern, and proportions of openings. Building elevations shall meet the required transparency in Table 5-5 for any street-facing facade. This can be achieved through one or more of the following design techniques.
   a. Create relationships with outdoor spaces near buildings with the location, pattern, and proportions of windows and doors.
   b. Incorporate distinct and visually significant windows and doors (size, orientation, and ornamentation) to emphasize key locations on the facade or to relate to important social spaces.
   c. Locate windows and doors to create a coordinated facade composition considering the entire facade as a whole, and considering where facades are broken into different components with the grouping of windows and doors.
   d. Locate and design windows strategically in relation to privacy concerns in adjacent spaces and buildings but maintain consistent exterior patterns and facade composition.

High-bank windows, transom windows, opaque windows, and window treatments that are adaptable and user-controlled may be used to deliver privacy as opposed to omitting windows.

e. Use windows and doors with projecting trim and ornamentation to create depth, texture, and shadows on the facade; to emphasize openings; or to group openings into a single feature. Openings that have projecting trim and casements (at least 1 inch off the facade and 4 inches wide) or that group windows with significant ornamental detail may count these additional features for up to 25% of the transparency requirement.

f. The window requirement may be waived on sides of buildings that are closer than 3 feet to the property line, if necessary to meet applicable building code requirements.

g. **The area of the front building façade shall be calculated by measuring from the bottom of the finished floor plate to the top of the highest ceiling plate and multiplying by the width of the façade. Areas associated with garages shall not be included in transparency calculations.**

4. *Materials.* Building materials add texture and patterns, and create visual interest while reflecting high-quality construction and detailing. Building elevations shall apply the material standards in Table 5-5, through one or more of the following design techniques.

a. Primary materials shall consist of natural elements such as painted or natural finished wood siding, brick, or comparable synthetic alternative that offers similar durability and aesthetic quality. Synthetic alternates to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design, and aesthetic goals. Materials such as vinyl siding, aluminum siding, and metal siding shall be prohibited as primary material for apartment building types.

b. Coordinate changes in color and materials in association with changes in massing and modulation of the building.

c. Use changes in color or materials to differentiate the ground floor from upper floors and the main body of the building from the top or roof-structure, particularly on buildings three stories or more.

d. In multi-building projects, use subtle variations in building materials and colors on different buildings, within a consistent palette of materials and colors.

D. **Open Space Design.** A system of different types of open spaces shapes the character of neighborhoods, creates unique identities for different neighborhoods, and provides focal points for building and development. The block and lot open space requirement complements this system and ensures that each building has access to useable outdoor space and creates a common amenity for multi-unit buildings.

1. *Required Site Open Space.*

a. Each lot and building type shall provide the open space specified in Table 5-1.

b. Lot open spaces may be designed to also meet a landscape or buffer requirement. To the extent that Article 8 requires additional open areas for landscape and buffers that meet the standards of this section, it shall not preclude also meeting the standards in Article 8 with additional open and landscaped areas.

c. Lots platted through a final plat with common open space meeting the design standards in Section 36-3.04 may credit the common open space towards the lot open space requirement, provided it meets the following criteria:

(1) The space is public or remains accessible to the public; or

(2) If private or common space, the lot applying the credit has access to the space through ownership or other agreement, and the space is otherwise dedicated and reserved from future development.

(3) The space shall be on the same lot, on the same block, or on an adjacent block within 1,000 feet of the lot and connected by a trail or public sidewalk.

2. *Open Space Design.* Different open space types maximize the value of unbuilt portions of the site for ecological, aesthetic, and functional purposes. Open space shall be designed according to one of the types in Table 5-6.

Table 5-6: Open Space Design

Permitted Open Space	*Design*
Frontages	▪ Designed according to 5.04B ▪ Excludes any permitted driveways or parking area
Yards	▪ Minimum 15' in all directions ▪ Minimum 400 s.f. of area
Open & Uncovered Decks or Patios	▪ Minimum 12' in all directions ▪ Minimum 200 s.f. ▪ Must be at or below first floor elevation ▪ Limited to 25% of required open space
Private Balconies or Patios (Apartment / Mixed-use Buildings only)	▪ Minimum 6' in all directions; 15' if common area shared by multiple dwelling units ▪ Minimum 80 square feet (individual); 300 s.f. if shared by multiple dwelling units ▪ Limited to 25% of required open space
Common Courtyard	Designed according to Section 36-5.05.D
Public or Common Open Space	Designed according to Section 36-3.04

E. **Modifications.** Modifications to the standards in Section 36-5.04 may be authorized according to the zoning site plan modification process and criteria in Section 36-2.03, and any of the following applicable additional criteria. **In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this section, and there are no negative impacts on other design standards applicable to the building or site.**

1. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.

2. An alternative design allows the building, garage, and access to be sited in a way that preserves topography or other natural features on the site.

3. The requirement is not consistent with the architectural style selected for the building based on reputable resources documenting the style.

4. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and the design or characteristics are desirable to retain and reinforce.

5. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.

6. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner.

~~7. In all cases the deviation is the minimum necessary to address the circumstance, the~~

~~alternative equally or better meets the design objectives of this section, and there are no negative impacts on other design standards applicable to the building or site.~~

36-5.05 Alternative Patterns

A. **Intent.** Alternative housing patterns in this section permit different arrangements for housing to provide greater amenities for residences organized around common open spaces; allow flexibility for smaller lots and smaller format housing; maintain community design standards that allow projects to be better integrated into the context; and improve housing attainability through flexibility and efficiency in the patterns.

B. **Courtyard Pattern.**

1. *Design Objective.* A courtyard pattern can integrate multi-building projects into the neighborhood pattern by integrating formal open space into part of the street frontage. It is an effective infill strategy or appropriate on deeper lots and blocks. Residential buildings and lots may be designed to front on a courtyard based on additional design and development standards in this section.

2. *Applicability.* The courtyard pattern is appropriate where:
   a. Courtyards are designed and visible as an extension of the public streetscape and open space system for the neighborhood;
   b. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
   c. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.
   d. It is specifically applicable through the zoning site plan review in association with residential zoning where the proposed building types are permitted, or in association with rezoning applications where different building types are proposed.

3. *Eligible Building Types.* The following building types, if permitted in the applicable zoning district according to Table 5-1, are eligible for the courtyard pattern, subject to the limitations stated:
   a. Small Apartments, up to five buildings or 36 units, whichever is less.
   b. Townhouses, up to four buildings or 24 units, whichever is less.
   c. Duplex, Multi-unit Houses, and Detached Houses, up to 12 buildings or 18 units, whichever is less.

4. *Design Standards and Exceptions.*
   a. Lots may front on a common courtyard, rather than along a street.
   b. The courtyard shall be at least 25 feet wide in all directions, and at least 1,000 square feet, and shall have frontage on a public street or be accessible from the streetscape by a pedestrian passage.
   c. Building frontage standards shall apply on the courtyard and on the public street frontage. The streetscape and frontage landscape standards in Section 36-8.03 for all lots shall be concentrated in the courtyard and the frontage landscape standards shall be met for the public street perimeter of the project.
   d. The minimum lot size per building may be reduced by up to 20%, provided the courtyard is owned in common by all lots or otherwise established as a shared- space amenity.
   e. The front setback may be reduced to 5 feet from the courtyard boundary.
   f. Any buildings fronting the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in Section 36-5.04.
   g. Vehicle access and parking shall be coordinated for all lots and buildings, and be designed in a way that minimizes the impact on the public street and the courtyard. Access for the project shall meet all frontage standards along the public street.

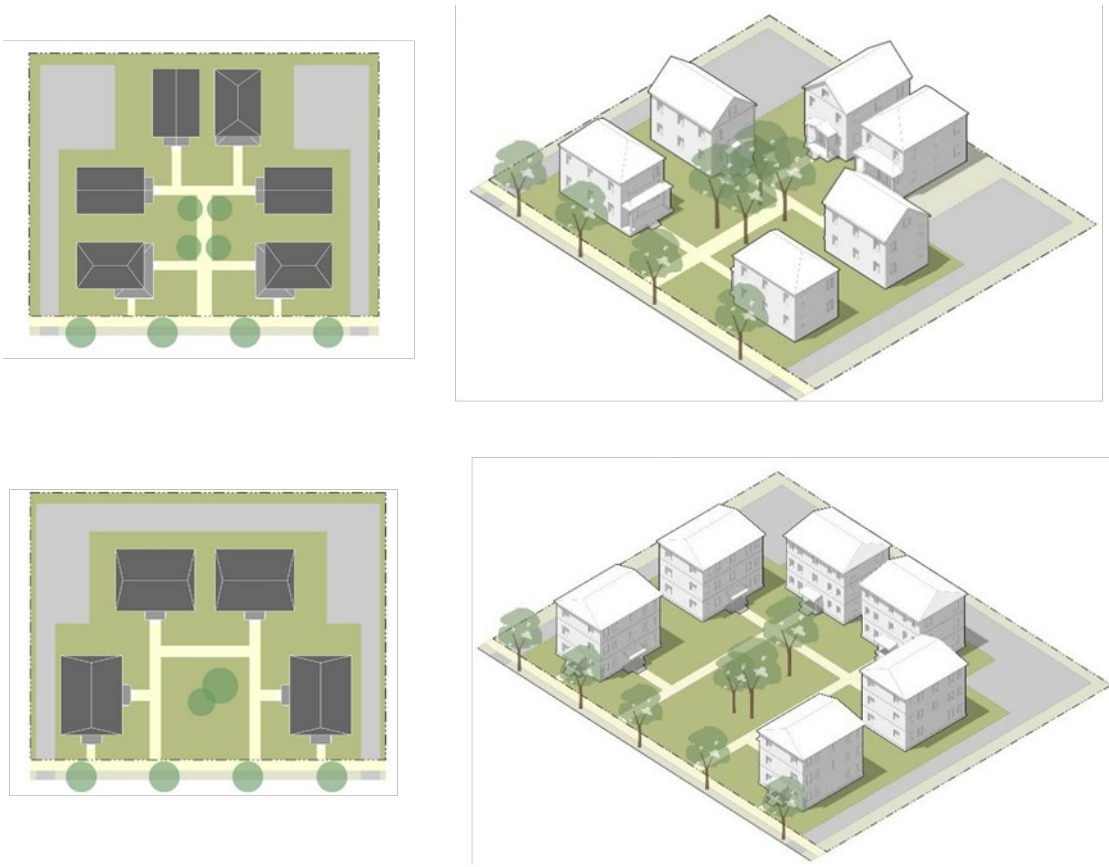


Figure 5-12 Courtyard Pattern

The courtyard pattern allows for a different configuration of buildings in specific contexts. The pattern arranges buildings on smaller lots with a common frontage on the courtyard. The courtyard and the front buildings provide to the streetscape, while other buildings may relate direction to the courtyard. Vehicle access is shared and limited to more remote or discrete portions of the project.

C. **Cluster Pattern.**

1. *Design Objective.* The cluster pattern allows residential lots and buildings to be arranged around an open space system that preserves greater amounts of intact open and natural spaces designed as a focal point and community amenity and provides benefits from a greater variety and concentration of housing on developed areas.

2. *Applicability.* The cluster pattern is appropriate in more remote areas where preservation of larger or natural open space is beneficial, and specifically is eligible in combination with the R-SF zoning district. It requires a Planned Zoning application as outlined in Section 36-2.06, and a minimum project size of at least 5 acres unless it is an extension of an existing cluster development.

3. *Density Bonus.* The base density and open space required shall be based on a typical and practical layout according to the R-SF zoning district. The following density bonus may be granted based on the amount of additional intact open space to be preserved in the plan. The "bonus" units shall not require additional open space, other than the space specified in Table 5-7.

Table 5-7: Cluster Pattern Density Bonus					
Preserved Area [1]	*Bonus Units Above Base Density*	*Example Using R-SF Base Zoning*			
		Project Size	*Base Density Yield*	*Additional Units*	*Developed area*
20% - 30%	0 (but concentration on smaller lots permitted)	5 ac.	36 units	None	36 units on 7 – 8 ac.
31% - 40%	50%	5 ac.	36 units	18 units	54 units on 6 – 7 ac.
41% - 50%	100%	5 ac.	36 units	36 units	72 units on 5 to 5.5 ac.
51% - 60%	150%	5 ac.	36 units	54 units	90 units on 4 – 5 ac.
> 60%	TBD by Planning and Zoning Commission based on plan	5 ac.	TBD	TBD	TBD on less than 4 ac.

[1] Total percentage of the project area preserved as open space meeting the Natural Open Space, Trail, or preservation of productive agriculture lands criteria in Section 36-3.04.

4. *Lot Sizes & Building Types.* The resulting density based on the plan after the density bonus is applied may be allocated in the developed portion of the project with the following building types. No combination of these building types may be used to allow more units than authorized by the density bonus. All other standards applicable to each building type in Table 5-1 shall apply within the developed portion of the plan.
   a. Detached house (all types)
   b. Duplex / multi-unit house
   c. Townhouse (all types)

5. *Open Space.* Open space shall meet the design criteria of Section 36-3.04 for natural open space, trail, or include prime farmland or other existing and productive agriculture lands designed to be a focal point and community amenity. All lots shall have access to the public or common open space preserved as part of the plan within 1,000 feet, measured along pedestrian or trail routes.



Conventional Pattern *Cluster Pattern*

Figure 5-13 Cluster Pattern
The cluster pattern allows both a greater number of units and a greater concentration of those units in exchange for greater quantities and more coordination of larger open spaces.

D. **Small-format Housing Community.**

1. *Design Objective.* The small-format housing community pattern allows large projects of smaller home sites to be organized around common amenities and provides flexibility in community design. These patterns typically provide the efficiency from manufactured or other small-format

houses, and can provide high-quality, attainable housing provided the home sites and community design standards are planned in a way that integrates with the surrounding context.

2. *Applicability.* The small-format housing community pattern applies to:
   a. Projects in the R-MHC district;
   b. Projects implementing any detached house – small-format building type where permitted in any other district by Table 5-1; and
   c. Application of the small-format housing community pattern requires a Planned Zoning application as outlined in Section 36-2.06.

3. *Community Plan.* All small-format home communities shall be supported by a community plan meeting the standards in Table 5-8, unless otherwise modified through the Planned Zoning procedures and criteria in Section 36-2.06.

Table 5-8: Small-Format Housing Community Plan

Project Size	▪ 3 ac. min., ▪ 150' minimum frontage on an arterial or collector
Project Intensity	15 units per ac. max.
Useable Open Space	20% of project areas
Lot & Building Standards	▪ Detached house – small-format standards in Table 5-1 apply ▪ All home sites shall front on a public street, common internal street, or common open space with street or alley access to the rear
Perimeter Setbacks	25' min. from any public street boundary or property perimeter
Exception	If the common usable open space is increased to 25% the following exceptions may be granted: ▪ *Project Size:* 1 ac. min., 100' frontage on arterial ▪ *Project Intensity:* 20 units per acre max. ▪ *Home Sites:* 1.2K s.f.; 20' width min.

4. *Common Area Design.* All common areas not dedicated as home sites according to the development standards, shall be designed as part of the circulation and common areas for the plan. This space shall be allocated to:
   a. Internal vehicle circulation shall be laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least:
      (1) One external connection for projects under 25 dwelling units;
      (2) Two external connections for projects between 25 and 100 dwelling units; or
      (3) One connection for every 50 dwelling units for projects over 100 dwelling units.
      (4) The maximum block size shall be 2.5 acres, except blocks containing common open space may be 4 acres.
   b. Internal roadways shall generally mimic the public streetscape standards in Section 36-3.03:
      (1) 20 feet wide where no parking is permitted;
      (2) 24 feet wide where parking is permitted on one side;
      (3) 28 feet wide where parking is permitted on both sides; and
      (4) 12 – 18 feet wide for alleys or lanes.
   c. Pedestrian connections shall be integrated into all streets or provided through an off-street trail or path system at intervals and distances equal to or more extensive than the street connections. Streets, trails or paths should feature landscape areas that align with the public streetscape and open space standards in Article 3. Walkways shall be:
      (1) 5 feet wide generally; and
      (2) 6 to 8 feet wide when directly accessing any common areas or amenities.
   d. Useable open space shall meet one design type specified in Section 36-3.03 and be

designed and located in a manner that ensures adequate accessibility for all units in the community.

e. At least one of these spaces shall include a clubhouse, which is centrally located, for recreation, meetings, laundry facilities, or other common amenities. A storm shelter shall be provided with the clubhouse.

f. A common storage and utility area shall be provided within the plan including at least 100 cubic feet per unit. This area shall be screened from the project and from surrounding property according to the buffer standards in Article 8.

5. *Building and Home Site Design.*

a. All dwellings shall have a front entry feature, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.

b. Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 360 square feet, is located behind the residential dwelling, and is in no case larger than the dwelling unit.

c. Guest parking for each home site shall be within 300' of the unit and may be "on-street" parking where designed according to the street standards in Section 36-3.03.

d. Home sites that have streets or access drives on multiple sides shall locate the driveway and parking on the least prominent street, access drive, or alley.

e. Any mobile or manufactured home dwellings or similarly movable building types shall:

(1) Be secured to the ground by tie downs and ground anchors, and otherwise protected against wind forces in accordance with the applicable building code.

(2) Be skirted within 14 days after placement in the community by enclosing any open area under the unit with a material that is consistent with the exterior finish of the building and compatible with the design of the community.

Article 6. Nonresidential Development & Design

36-6.01 Intent
36-6.02 Applicability
36-6.03 Development & Dimension Standards
36-6.04 Community Design
36-6.05 Specific Plans

36-6.01 Intent

The Nonresidential Development & Design Standards have the following intent:

A. Improve the appearance and vibrancy of distinct places throughout the city with good civic design.

B. Strengthen the value and accessibility of places by coordinating site access and internal circulation systems with street networks and streetscape design.

C. Reinforce the distinct character of different corridors, centers, and districts with compatible building and site design.

D. Enable an appropriate scale and range of buildings and development patterns that meets the intent of each zoning district.

E. Promote sustainable development and design practices and connections to natural elements throughout the community.

F. Stimulate lasting and sustained investment in corridors, centers, and districts with quality design.

36-6.02 Applicability

A. The standards in this article shall apply to all non-residential development in the C-MX1, C-MX2, CC, GC, GI, LIC, and HM districts, except where sections state applicability only to specific districts or specific circumstances. The residential standards in Article 5 shall apply to all structures that are primarily (more than 50%) residential.

B. Modifications or additions to existing structures or sites shall meet these standards to the extent of the modification or addition.

C. The standards shall not apply to routine maintenance of existing buildings, provided the maintenance to any building shall not occur in a manner that creates additional, substantial noncompliance with these standards.

D. The standards do not apply to previously established PDs, except that any amendments to standards of existing PDs shall be brought into conformance with the standards of this code. The standards do not apply to previously established UCDs, except **in the case of UCDs converted to**~~that amendments to the standards of existing UCDs and new~~ similar Planned Zonings shall use these standards as a base line but may modify or add additional standards through the Planned Zoning process in Section 36-2.06.

E. The Community Design standards in Section 36-6.04 are basic city-wide design standards to implement the mixed-use and nonresidential zoning districts. These standards do not preclude the application of

additional supplemental design guidelines for a particular area or building type, except that no guideline may be used to modify or amend the application of a requirement in this code, except as specified in the planned zoning process in Section 36-2.06. ~~Specific guidelines shall be listed in Appendix A.~~

36-6.03 Development & Dimension Standards

A. **District Lot and Building Standards.** The lot and building standards for nonresidential districts are specified in Table 6-1.

1. Front and street side setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 36-6.04.B.

2. Non-street setbacks indicated as "n/a" shall be as specified by the building code for each class of building. However, greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular district, use, or building.

3. **All structures in n**~~N~~on-residential districts ~~and or structures~~, **not including**~~except in~~ CC **district**, **that** abut~~ting~~ **a** R-SF or R-MX1 **district** are required to have a 45-degree bulk plane **setback as measured from the property boundary of any R-SF or R-MX1 district**.

Table 6-1: Nonresidential District Lot & Building Standards

Zoning District	Lot Standards					Minimum Setbacks				Building Height [3]
	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width ~~Minimum~~	Maximum Lot Width ~~Maximum~~	Minimum Open Space	Front [1]	Interior Side [2]	Street Side [1]	Rear [2]	
C-MX1 – Commercial Mixed- use Neighborhood	n/a	30K s.f.	25'	150'	20%	0 - 25'	n/a	15'	20'	40' / 3 stories
C-MX2 – Commercial Mixed- use Community	n/a	60K s.f.	25'	150'	10%	0' - 15'	n/a	0' - 15'	n/a	65' / 5 stories
CC – Center City	n/a	60K s.f. or ½ block	25'	300'	n/a	0' -15'	n/a	0' - 15'	n/a	n/a
GC – General Commercial	n/a	n/a	50'	n/a	20%	25'	n/a	25'	n/a	n/a
GI – Government & Institutional	n/a	n/a	50'	n/a	20%	25'	n/a	25'	n/a	n/a
LIC – Light Industrial Commercial	n/a	n/a	50'	n/a	15%	25'	10'	25'	10'	40'
HM - Heavy Manufacturing	n/a	n/a	50'	n/a	15%	25'	n/a	25'	10'	n/a

[1] Front and street side setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 36-6.04.B.

[2] Non-street setbacks indicated as "n/a" shall be as specified by the building code for each class of building. However, greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular district, use, or building.

B. **Accessory Buildings – Nonresidential.** Accessory buildings in nonresidential districts are subject to the same lot and building standards as the principal buildings except that they shall not be located in front of the established front building line of the principal building, shall not be taller than the principal building

and are clearly incidental and subordinate to the principal building. If the accessory building is within 50' of the right-of-way, it shall be constructed with consistent materials as the primary building.

C. **Dimensions Exceptions.**

1. *Lot and Building Configurations.* Maximum lot areas and lot width in Table 6-1 may be exceeded to accommodate a project provided:
   a. All building sites meet the standards for open space, setbacks and building height outlined in Table 6-1.
   b. All building sites meet the standards for lot frontage, lot access, utility service, including fronting on public streets or any other internal access lanes or open and civic spaces allowed in this code.
   c. Multiple building sites are situated within a street block pattern or utilize a private access lane to mimic a street system to meet the standards in Section 3.03.B and are not used in a manner to avoid or disrupt street connectivity.
   d. Building sites shall show a site plan that mimics lot boundaries and building setbacks as if platted to meet section 3.03.B.

2. *Setback and Lot Exceptions.* The following are exceptions to the lot and setback standards in Table 6-1, except that in no case shall this authorize structures that violate the provisions of any easement:
   a. Structural projections such as bay windows, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, provided they:
      (1) Are no closer than 2 feet from any lot line, except on the frontage where they may project over the right-of-way up to 2 feet, subject to an encroachment agreement on file with the City; and
      (2) Are limited to no more than 20% of the total area of a building elevation.
   b. Open air balconies, awnings, canopies, and marquees may extend up to 8 feet from any wall plane provided they are:
      (1) At least 8 feet above the grade and any sidewalk; and
      (2) Are no closer than 5 feet from any common property line, except on the frontage where they may project into the right-of-way, subject to an encroachment agreement on file with the City, but no closer than 2 feet from any curb.
   c. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setbacks provided they:
      (1) Are no taller than 6 feet high;
      (2) Extend no further than 10 feet from the side of the buildings; and
      (3) Are screened from adjacent property, right-of-way, and other public spaces by structures or landscape according to Section 36-8.04.

3. *Height Exceptions*. The following are exceptions to the height standards in Table 6-1:
   a. Accessory elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to quality appearance of the building may extend up to 6 feet above the roof deck on a flat roof.
   b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory and non-occupiable elements that are integral to the particular architectural style may extend up to 30% above the permitted height.
   c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes.

D. **Multiple Non-residential Buildings on a Lot.** The following requirements apply when more than one building is proposed on a single lot, and none of those buildings include a residential primary use:
   1. The design standards shall apply to all buildings applicable in the zoning district where the development is located.
   2. Adequate access to each building or structure for emergency vehicles and apparatus shall be provided.

36-6.04 Community Design

A. **Design Objectives.** The community design standards have the following design objectives:

1. Enhance the image of districts and corridors by coordinating streetscape investment with private lot and building investment.

2. Design frontages and open spaces based on the context, particularly emphasizing more spacious and natural landscape areas to buffer intense or large scale uses and along higher-volume / speed streets, and emphasizing compact and formal social spaces in walkable areas and along multi-modal streets.

3. Arrange buildings and vary the massing in a way that defines streetscapes, public spaces, and other valuable active and social spaces on the site and creates appropriate transitions to adjacent areas.

4. Refine the scale, massing, and human-scale details of buildings to a greater degree the closer they are to the streetscapes and other publicly used spaces.

5. Use open space as an organizing element for development, creating focal points, integrating environmental features, and establishing transitions between distinct building sites.

6. Encourage unique architectural expressions and promote the use of key details and design characteristics inherent in the chosen style for a building.

7. Strengthen the identity and economic value of distinct places by reinforcing consistent pattern and character across multiple sites.

B. **Frontage Design.** Nonresidential lot and building frontages shall be designed according to the types in Table 6-2 and be applied based on the context of the district and corridor. Frontage design determines the relationship between private development and the public realm and affects the character of streets, blocks, and districts. Each street-facing facade, public or private, shall designate a specific frontage type, meet the frontage requirements, and be treated equally in regards to materials, transparency, height, setbacks, and blank wall limits. Frontage design types may modify the required front setbacks in Table 6-1 to create a consistent frontage design and streetscape relationships with other lots and building along a block. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 6-2: Nonresidential Frontage Design

	Frontage A	***Frontage B***	***Frontage C***	***Frontage D***
Front Building Line (build-to range)	0' – 15'	0' – 30'	30' – 90'	90' +
Required Front Building Line	80% +	60% +	40% +	n/a
Maximum Access Width [1]	Must meet Public Works Standards ~~26'~~	Must meet Public Works Standards ~~26'~~	Must meet Public Works Standards ~~30'~~	Must meet Public Works Standards ~~42'~~
Access Spacing	Frontage designs and access shall be coordinated with requirements of Section 36-7.03			
Minimum Parking Setback	Behind rear of building	Behind front building line	6' min. 20' min. See Section 36-7.05.B	
Maximum Extent of Parking Frontage	0%	35%	n/a	n/a
Maximum Extent of Garage Bays	Prohibited	10% of facade	25% of facade	Limited only by screening in

				Section 36-8.04
Landscape	See Sections 36-~~8~~3.03 and 36-~~8~~3.04		~~See Section 36-8.03~~	

Table 6-2: Nonresidential Frontage Design

		Frontage A	*Frontage B*	*Frontage C*	*Frontage D*
Applicability	*CC, C-MX2*	■	□		
	C-MX1	□	■	□	
	GC, GI, LIC		□	■	□
	HM		□	□	■

■ Permitted default standard.
□ Alternative standard to be applied based on context through Minor Modification.
Blank is only allowed through Major Modification.
[1] Refer also to Public Works Technical Standards and Design Specifications

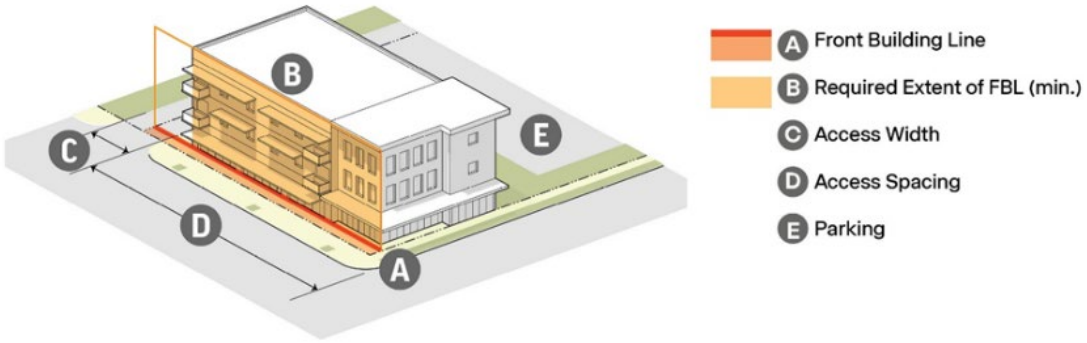


Figure 6-1 Frontage Design
Frontage types are differentiated based on the location of the front building line (FBL), the extent of the front building line occupied by the building (Required FBL), access widths, and parking location and extent along frontage. Coordinating frontage design of multiple buildings and sites along a block impacts the character of the streetscape and the block. 36-6.04.A.2.

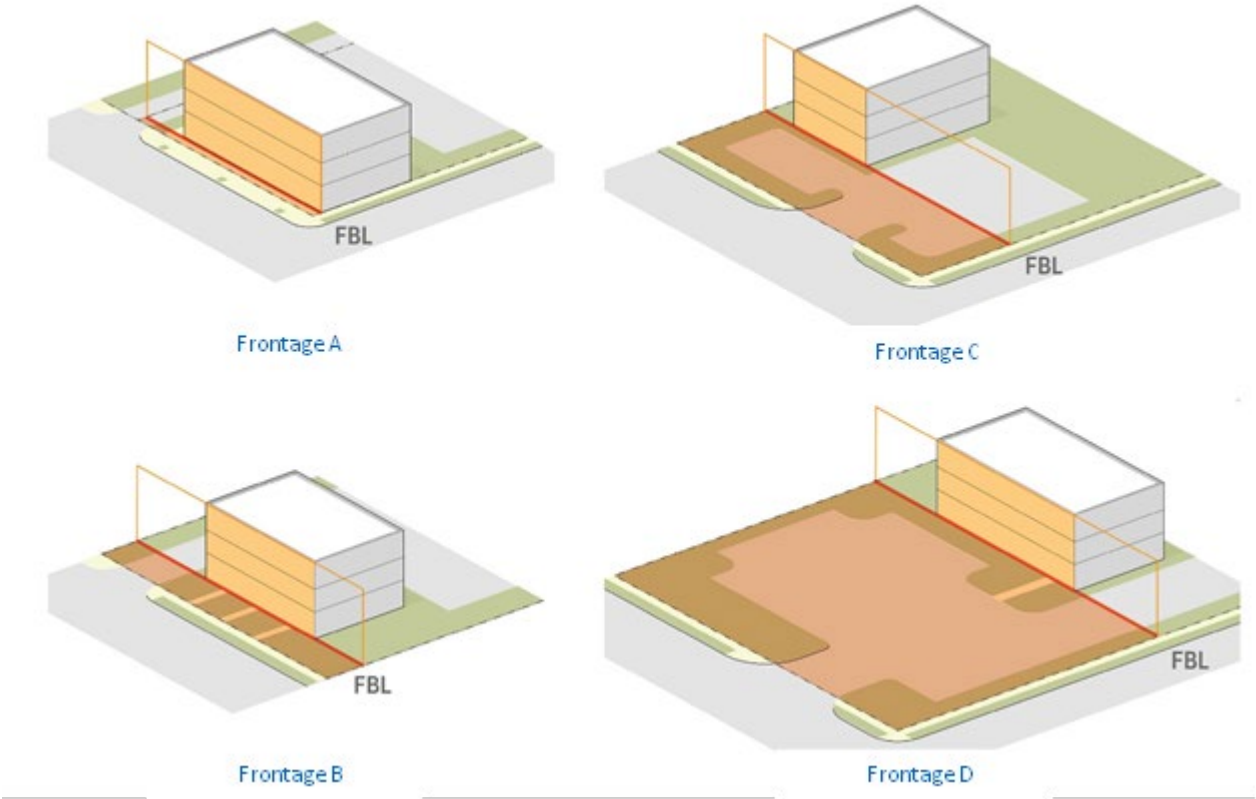


Figure 6-2 Frontage Types *The relationship between private development and the public realm determines the character of different districts. Building placement, parking and access locations, and landscape and streetscape design distinguish different frontage type designs. Social spaces and human-scale architectural features are emphasized in more pedestrian-oriented contexts, and landscape screens and setbacks are emphasized in more car-oriented areas. 36-6.04.A.2.*

1. *Front Building Line.* Front building lines create a consistent pattern along block framing streetscapes. All buildings shall establish a front building line within the range specified in Table 6-2 based on the applicable frontage types and context of the site.
   a. The required front building line may modify any required front setback for the building type in Table 6-1 based on the appropriate frontage for the street and block.
   b. All buildings shall occupy the minimum percentage specified for required front building line with either of the following:
      (1) Front building facades meeting the design standards in Table 6-3; or
      (2) Open spaces meeting the requirements of Section 36-6.04.D provided:
         (a) It is limited to no more than 50 feet or 50% of the lot frontage, whichever is greater;
         (b) There is a defined edge at the extension of the required front building line, such as decorative walls or fences, landscape features and other human scale details; and
         (c) All building facades fronting the open space meet the standards otherwise applicable along the streetscape.
   c. Corner lots shall meet the frontage requirement on the side street for at least 30’ or 25% of the lot depth, whichever is greater.
   d. Projects designed around internal access streets according to Section 36-3.03.B.2.d shall use the internal access streets for the purpose of applying frontage standards.

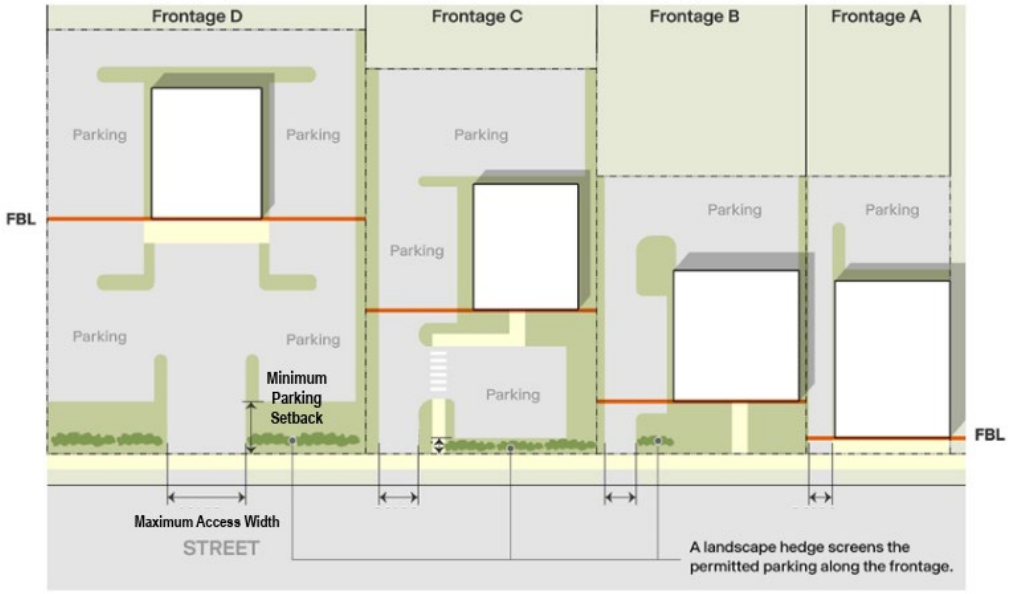


Figure 6-3 Front Building Line & Access and Parking Limits standards for different frontage types.
The required front building line determines the extent of the lot width required to be occupied by building frontage at the front building line, and it varies by frontage types. Alternatives that activate the streetscape with active social spaces may serve this function provided they establish similar defining elements of this space along the frontage. 36-6.03.A.3.a. and b.

Access & parking limits determine the extent of frontages that are designed for cars, including driveways and surface parking. Parking and vehicle access is more limited in the frontage area for pedestrian-oriented contexts, and more permissive in car-oriented areas. 36-6.04.B.2.

2. *Access and Parking Limits*. Access spacing and parking limits in Table 6-2 promote the visual priority of buildings and landscape along streetscapes, particularly where buildings are placed closer to the street. The following standards apply to the access and parking limits in Table 6-2:
   a. Access width limits apply to the first 30 feet of the lot depth, or up to the front building line, whichever is less.
   b. Access requirements in Section 36-7.03 may require greater spacing based on the street classification. However, the Public Works Design Standards and Technical Specifications may specify different access standards on any particular street or lot to address traffic safety and implement access management policies.
   c. In cases where access width and spacing limits access to a particular lot, mid-block alleys, internal access streets, common access lanes, or cross access easements for two or more lots shall be used to coordinate access on a particular block.
   d. All parking shall be setback from the front lot line and limited only to the extent along the frontage as specified in Table 6-2.
   e. Any garage or vehicle bays shall be located on the most remote building elevation practical, and where not limited by Table 6-2 shall be screened from public right-of-way or adjacent property according to Section 36-8.04.

3. *Landscape*. The remainder of the frontage between the streetscape and front building line shall include landscape and open space designs.
   a. For any building located closer than 15 feet to the lot line, this area shall be designed to coordinate as an extension of the streetscape according to Section 36-3.03.
   b. For all cases where buildings are setback 15 feet or more this area shall be designed according to the parking setback and landscape design standards in

Articles 7 and 8.

c. On all frontage types, lot open space meeting the standards of Section 36-6.04.D may be included in this area.

C. **Building Design.** All applicable sides of b~~B~~uildings shall be designed according to the standards in Table 6-3, applied based on size and placement of the building in relation to the streetscape. Building design refines the scale and form of buildings beyond the basic setback, height and lot coverage standards by breaking down the volume into smaller scale masses and relating to spaces around the building with facade composition and architectural details. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 6-3: Nonresidential Building Design

		Frontage A	*Frontage B*	*Frontage C*	*Frontage D*
Massing & Modulation		50' / 500 s.f.	100' / 1K s.f.	150' / 2K s.f.	200' / 4K s.f.
Entry Feature Spacing		50' max.	75' max.	150' max.; 1 /100' avg.	1 / building
Minimum First Story Transparency		60%	40%	40%; w/in 50' of entry	40%; w/in 25' of entry
Minimum Upper Story Transparency		25%	20%	15%; n/a for industrial buildings in LIC, HM	15%; n/a for industrial buildings in LIC, HM
Applicability	*CC, C-MX2*	■	□		
	C-MX-1	□	■	□	
	GC, GI, LIC			■	□
	HM			□	■

■ Permitted default standard
□ Alternative standard to be applied based on context through Minor Modifications Blank is only allowed through Major Modification.

1. *Massing & Modulation.* Massing and modulation use changes in the building footprint, height, or shifts in wall or roof planes to break down larger volumes into smaller parts and refines the scale and form of the building with architectural features on each component. All applicable b~~B~~uilding elevations that exceed square footage or in linear feet massing and modulation limits in Table 6-3, shall be broken into smaller components by one or more of the following design techniques:
   a. Emphasize bays and vertical breaks at regular intervals with visible features such as columns, pillars, pilasters, or other details and accents that are between 6 and 48 inches wide, and project between 4 and 24 inches off the facade.
   b. Define horizontal elements with projections between 2 feet and 4 feet from the wall associated with entrance features or differentiating stories, such as balconies, awnings, canopies, cantilevers, or similar horizontal elements.
   c. Break the volume of the building into distinct components with:
      (1) Step-backs of upper stories of at least 10 feet; or
      (2) Recesses of the building footprint greater than 4 feet.
      (3) Deviations should encompass at least 20% wall planes of the entire elevation.
   d. Horizontal differentiation of a base, body and top of buildings with materials and architectural details.
      (1) For buildings less than three stories, this can be a distinct foundation, a main facade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs.
      (2) For buildings three to six stories, the first floor should be clearly

differentiated from upper stories to establish the base and an embellished roof structure.

(3) For buildings seven stories or more, the first two floors may be clearly differentiated from upper stories to establish the base, and the upper stories may be distinguished as a distinct component.

(4) Any belt course or trim band establishing the break in base, body and top shall use a material or pattern distinct from the primary material, be 6 to 36 inches wide, and off-set from the wall plane 4 to 24 inches; or be a lessor trim associated with a material change.

e. Use material changes and the use of primary and secondary materials with different colors and textures to emphasize different elements of the buildings.

(1) Where material changes are vertical (i.e. different materials stacked above another) the transition between materials should include a belt course, trim band, sill or similar element to separate materials. Heavier and larger materials should be below lighter to smaller materials.

(2) Where material changes are horizontal (i.e. materials side-by-side) the transition between materials should occur at interior corners or at the trim line, architectural column, or pilaster to emphasize different structural or massing components.

f. Use patterns of windows and doors, meeting the transparency requirements in Section 36-6.04.C.2 and 3, to break up blank walls, add depth and texture to the wall, and create a rhythm and balance along the elevation.

g. Use ornamental architectural details complementary to the materials and architectural style and use color and material changes associated with trim or massing elements along areas where there are no windows or doors.

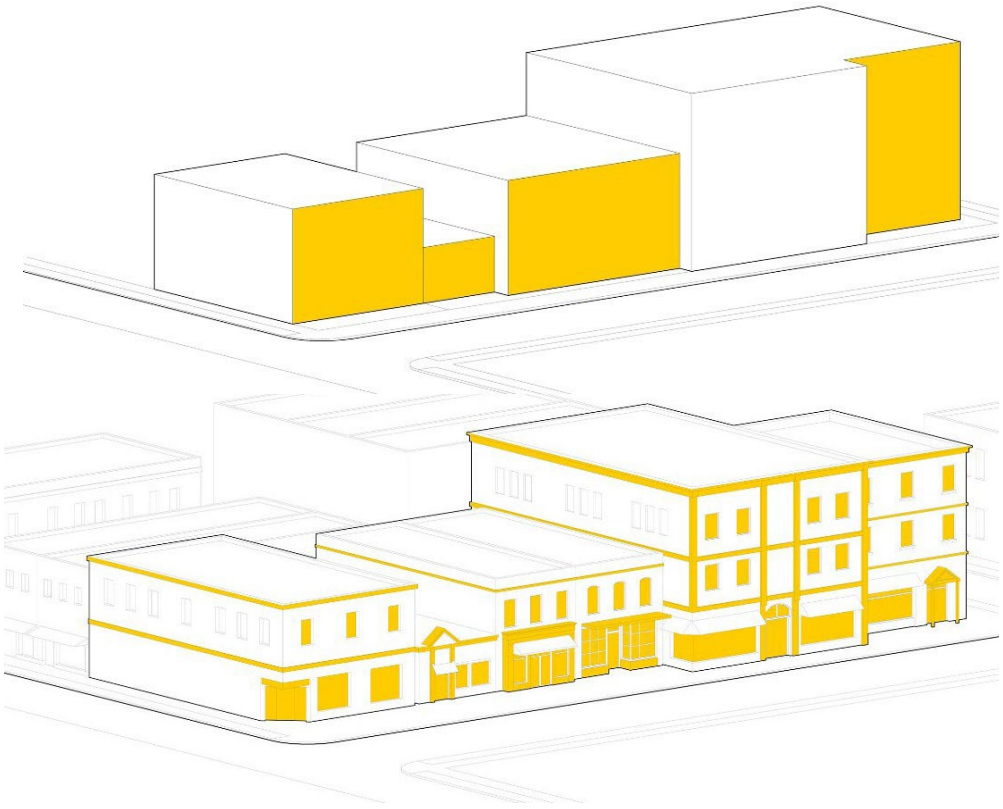


Figure 6-4 Massing & Modulation
Wall planes that exceed either the linear dimension limits or the square foot limits in Table 5-6 wall plane limits shall be broken up by massing elements and/or architectural details shown in 36-6.04.C.1.

2. *Entry Features.* Front entry features activate the streetscape and public spaces and create consistent human-scale massing elements along the building and block frontage. Front entry features shall be within 10 feet of the front building line. Primary public entrances shall be located on all front facades at intervals specified in Table 6-3 and be clearly defined with at least two of the following elements:
   a. A single-story architectural emphasis such as raised parapets, gables, canopies, porticos, overhangs, pediments, arches, or recessions within the wall plane of at least three feet.
   b. Transom or sidelight windows that frame and emphasize the entry.
   c. Architectural details such as tile work and moldings, columns, pilasters, or other similar material changes.
   d. Integral planters, seating, or wing walls associated with an entry court or plaza that integrates landscape and hardscape designs.
   e. For corner buildings, any entrance feature located on the street corner may count to both sides, and may be considered located at 25 feet from each corner for the purpose of the required primary entry feature intervals.

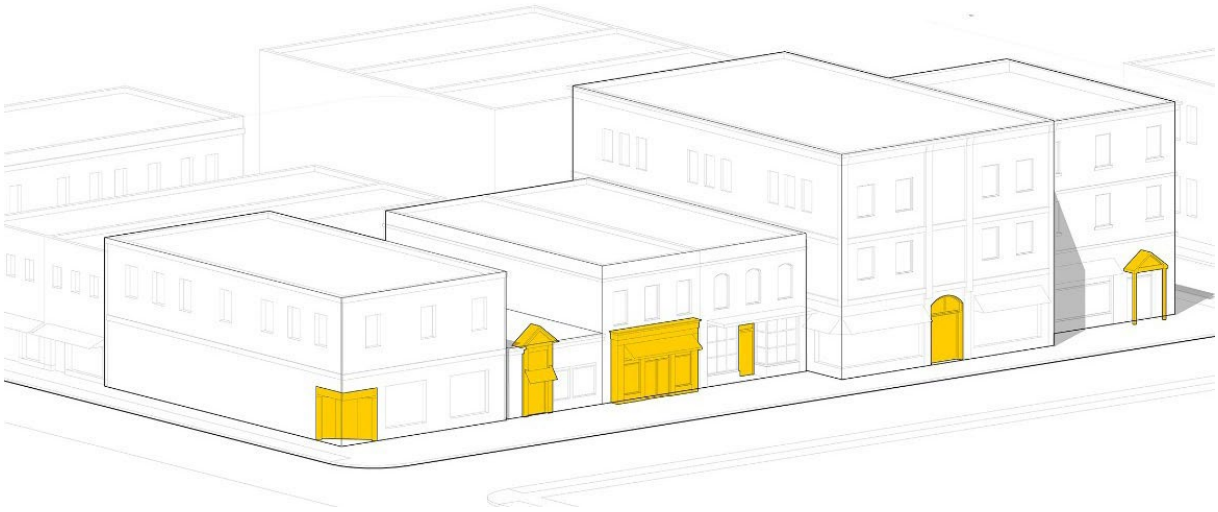


Figure 6-5 Primary Entry Features
Entrances help activate the streetscape and orient buildings to public spaces. More pedestrian-oriented blocks benefit from the activity created by smaller-scale uses and the rhythm created by more frequent entrances. More car-oriented streets may allow less frequent entrances or alternative orientations of buildings to internal access streets or common spaces as referenced in 36-6.04.C.2.

3. *Transparency.* Windows and doors provide connections to active outdoor spaces and add visual rhythm and detail to the facade with the location, pattern, and proportions of openings. Building elevations shall meet the required transparency on any street facing elevation in Table 6-3 through one or more of the following design techniques:
   a. Where expressed as a first story requirement the percentage shall be measured between two feet and eight feet above the sidewalk grade, or within ten feet above the first-floor elevation if the building is set back more than 15 feet from the street.
   b. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
   c. All required first story windows shall provide direct views to the building's interior or to a lit display area extending a minimum of three feet behind the window.
   d. For industrial and civic buildings set back more than 30 feet from the street, clerestory windows may meet the first or upper story window requirements.
   e. Locate windows and doors in conjunction with massing and modulation standards in subsection C.1, including:
      (1) Coordinate the facade composition considering the elevation as a whole, and to break up large expanses into different components with the grouping of windows and doors.

(2) Use projecting trim and ornamentation around windows to create depth, texture, and shadows on the facade.
(3) Emphasize openings or combine groups of openings in association with ornamental details and architectural projections or recessions.



Figure 6-6 Transparency
Transparency requirements eliminate large expanses of blank walls and create physical and perceptual connections to spaces around buildings. Meeting the requirements for each story helps reduce the scale of larger buildings as referenced in 36-6.04.C.3.

4. *Four-sided Design.* All buildings shall incorporate four-sided design, so that that no matter what view you have of the building, the design is not interrupted, and all parts are perceived as a coordinated part of a unified whole. Specifically:
   a. All sides shall exhibit the same quality, continuity, and durability of design including the same primary and secondary materials, although more important sides can reflect priority in the allocation of these materials.
   b. All sides that are visible from streets, public spaces or active portions of adjacent sites shall have a similar level trim, accent material, details, and ornamentation, although the extent and details may be different to reflect the greater importance of certain areas closest to the public realm or with greater visibility, and parts not exposed to the public may be designed for utility.
   c. Sides not meeting the four-sided design standards or designed for more utilitarian purposes should be screened and buffered from streets and public spaces according to Section 36-8.03.

D. **Open Space Design.** The lot open space requirement in Table 6-1, and any other undeveloped spaces should be arranged to create a common or private amenity for the site and building. The design of open space can reinforce the character of unique districts and distinct places and space can be designed for active, social spaces that relate to public spaces; for integrated natural environmental features that serve development; or for landscape areas that buffer and mitigate undesirable relationships; or a combination of these features dependent on the context of the site. Lot open space shall be designed and arranged to create usable outdoor spaces that meet one or more of the following types:

1. Private frontage landscape areas designed according to the frontage design standards in Section 36-6.04.B, excluding any driveways, parking areas, or other automobile space;

2. Open space meeting the requirements for public or common open space in Section 36-3.04;

3. Civic amenities or social spaces such as courtyards, patios, or plazas, provided they are at

least 20 feet wide in all directions and integrated with the design and function of the building and/or connected as an extension of the streetscape; or

4. Landscape areas and buffers designed according to the standards of Section 36-8.04.

5. For any mixed-use building, open spaces shall be designed according to Section 36-5.04.D to meet the requirements for residential portions of the project.

6. Green infrastructure strategies such as bioretention, grass swales, vegetated buffer, and other similar design elements shall be integrated into the design of open space to meet stormwater requirements.

E. **Modifications.** Modifications to the standards in Section 36-6.04 may be authorized according to the zoning site plan modification process and criteria in Section 36-2.03, and any of the following applicable additional criteria:

1. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, access patterns, and extent and placement of parking.

2. An alternative design allows the building, parking, and access to be sited in a way that preserves topography or other natural features on the site.

3. The requirement is not consistent with the architectural style selected for the building based on reputable resources documenting the style.

4. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and the design or characteristics are desirable to retain and reinforce.

5. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner.

6. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this section, and there are no negative impacts on other design standards applicable to the building or site.

36-6.05 Specific Area Plans

The frontage design, building design, and open space design standards in this article may be refined and further specified based on a specific area plan for multiple properties and owners. The plan shall use the design standards in Section 6.04 and apply them on a block-by-block basis, but may modify or supplement the standards based on the specific plans. The plan shall be approved by the City as a specific area plan. Alternatively, specific application of frontage types may be based on a plan approved in association with a development proposal, provided it: (1) is at least 10 acres; (2) includes at least 20% of Frontage A frontages; (3) includes at least 60% Frontage A or B standards; and (4) includes no more than 25% Frontage D standards. All **specific area** plans approved shall be included or cross-referenced in the sub- sections below.

A. **[Reserved]**

Article 7. Access & Parking

36-7.01 Intent
36-7.02 Applicability
36-7.03 Access
36-7.04 Required Parking
36-7.05 Parking Design
36-7.06 Modifications

36-7.01 Intent

The intent of this article is to:

A. Emphasize the importance of site access for multiple modes of transportation.

B. Preserve streetscape design and street functions by coordinating access along block faces and internal to blocks.

C. Create access and parking standards appropriate to the context of the site, considering public safety, traffic flow, surrounding development patterns, street design and functions, and available modes of transportation.

D. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.

E. Maximize opportunities for on-street parking, shared parking, parking management, alternative transportation, and other strategies to reduce underutilized and redundant surface parking on adjacent sites.

F. Ensure appropriate site and landscape design that mitigates the environmental, physical, and aesthetic impact of parking on streetscapes and surrounding sites.

G. Accommodate emerging transportation options, including alternate fuel vehicles, on-demand services, micro-mobility (scooters, e-bikes, neighborhood electric vehicles, etc.), and other trends that impact parking quantity or design.

36-7.02 Applicability

Access and parking shall be shown on plats, zoning site plans, and building permits according to the application requirements in Article 2. Specifically, the standards in this article apply to:

A. All new development, buildings, or uses on a site.

B. Any new lot created through an administrative or major subdivision.

C. A change of use, or modifications to an existing building or site, except that:

1. Additional parking requirements shall only apply to the expanded portions of the use or building;

2. New parking for non-residential uses shall only apply where the change results in a requirement for more than 15% additional parking than the current condition; and

3. The parking design standards shall only apply to the newly constructed parking; except when more than 50% of a parking area is reconstructed, all parking and access shall comply with this section.

4. Any revision to existing access shall be brought into compliance with all current standards.

36-7.03 Access

A. **Design Objectives.** The design of access to and internal circulation for sites shall achieve the following design objectives:

1. Limit impacts of driveways and curb cuts on streetscape designs and reduce conflicts with pedestrians, bicycles, and vehicles.
2 Promote shared or common vehicle access from streetscapes and direct circulation and loading internal to blocks, particularly on busier streets or where the standards otherwise limit or prohibit access.

3. Coordinate reasonable vehicle access with frontage designs for lots and buildings based on context and according to Sections 36-5.04.B and 36-6.04.B.

4. Provide direct, safe, and convenient bicycle and pedestrian access to buildings and sites at an equal or greater level than vehicles.

B. **Vehicle Access.** Access shall be coordinated at the largest scale possible and based on the following access strategies and data and analysis for the specified access thresholds:

1. *Required Access Thresholds.*
   a. *Traffic Access Assessment (Access Plan).* Any development, rezoning, redevelopment, change in use, building permit, zoning site plan, or subdivision that will access on a public right-of-way, regardless of trip generation shall provide a traffic access assessment.
      (1) No subdivision of property shall be approved without an understanding of allowable access for the entire property, including shared access and cross access. This future access plan and any access easements shall be noted on the plat accompanying ordinance as applicable.
      (2) For any application adjacent to programmed infrastructure projects, or mapped streets as may be shown in the Major Thoroughfare Plan the right-of-way dedication shall be made equal to half the proposed future right-of-way measured from the existing centerline.
   b. *Driveway Safety Study*. Any development, rezoning, redevelopment, change in use, building permit, zoning site plan, or subdivision that will add 50 or more peak hour trips or 500 or more daily trips to adjacent roadways (cumulative) or that has known deficiencies or safety issues as determined by the City Traffic Engineer, shall require a driveway safety study.
      (1) The City Traffic Engineer may determine that a traffic impact study is required if this threshold is met in situations where existing operating conditions are known to be deficient.
      (2) All land uses identified as motor-vehicle oriented businesses shall complete a gap study for each driveway connecting to an arterial or collector street.
      (3) Driveway safety studies shall be completed, signed, and sealed by a Professional Engineer registered in Missouri.
   c. *Traffic Impact Study.* A traffic impact study shall be required for any development, rezoning, redevelopment, change in use, building permit, zoning site plan, or subdivision as required by the applicable Public Works Design Standards and Technical Specifications, or when any project increases the number of trips as outlined below in Table 7-1. If the City Traffic Engineer determines that the adjacent street network has deficiencies or safety concerns, a TIS may be required for any project.

Traffic impact studies shall be completed, signed, and sealed by a Professional Engineer registered in Missouri.

Table 7-1: Traffic Impact Study Thresholds	
Street Typology	**Trip Threshold**
Expressway / High-Type Arterial	150 peak hour / 1,500 daily
Medium-Type Arterial / Low-Type Arterial	100 peak hour / 1,000 daily
System Collector	90 peak hour / 900 daily
Subdivision Collector / Local-High Activity	85 peak hour / 850 daily
Local-Low Activity	80 peak hour / 800 daily

2. *Alleys & Internal Circulation.* Alleys are encouraged for primary access to all blocks in conjunction with Sections 36-3.03 and 36-3.05, and particularly for mixed-use development or residential blocks accommodating narrow lots.
   a. Alleys shall connect through the block to a publicly dedicated street on each end. However, where the surrounding streets or the development patterns within a block warrant, alleys may be in "H", "L", "Z" or "T" configurations.
   b. Where alleys do not exist or are not practical, common lanes that reflect increments of the potential alley configuration are encouraged to support multiple lots along a block frontage.
   c. Where alleys exist, lots shall not have access from a public street except as permitted by the frontage design standards in Section 36-5.04 for residential frontages, and Section 36-6.04 for nonresidential frontages, or where specifically justified by a traffic study and approved by the PW Director.
   d. Alleys may be located in an easement at the City's discretion and provided a property owner's association or other entity with financial and administrative capacity for maintenance is established.

3. *Internal Access Lanes.* For large projects of parcels over 6 acres, or where any singular access would exceed 500 average daily trips or 200 peak hour trips, the City may require a system of internal access lanes to provide access and circulation within the site. Internal access lanes:
   a. Shall be laid out to organize the site into smaller internal blocks between 1 and 5 acres.
   b. Shall be privately maintained but designed to public street design types in Section 36-3.03.C and the applicable Public Works design standards and technical specifications, including sidewalks, landscape amenities, on-street parking and travel lanes.
   c. Shall be treated as public streets for determining the proper location, orientation and design of sites, buildings, and utilities within the project.
   d. Trail, greenway, or pedestrian passages meeting the standards of Section 36-3.04 may account for a portion of this internal circulation network, provided it connects buildings, open spaces, and internal access lanes with similar networks external to the site and presents a logical connection point for pedestrians and bicycles.

4. *Gated Access.* No public street shall be obstructed. Gated access will only be considered and allowed for private streets, approved developments, approved zoning site plans, or other subdivision plats approved by the City Council.
   a. *General Location Requirements.* Any gate shall be located a sufficient distance from a public street to allow three cars to line up at the gate without interfering with vehicles utilizing a public street; the minimum acceptable distance from the gate to public street shall be no less than 60 feet.
   b. *Turnaround Area.* A turnaround area shall be provided for vehicles unable to enter the gated development. The turnaround area shall provide an area to allow vehicles to safely turnaround without backing into the public street.

c. *Pedestrian Access.* Pedestrian access separate from the vehicular movement area shall be provided. The pedestrian access point may be gated. Sidewalk from the pedestrian access point to the public sidewalk shall be provided.

d. *Approval of Circulation Plans.* The City Traffic Engineer and the Fire Department shall approve all circulation plans for any gated access development and may require multiple entrances.

e. *Applicability of City Standards.* All City standards for streets, sidewalks, fire lanes, fire hydrants, and other engineering requirements shall apply to any gated access development.

f. *Responsibilities*. All maintenance and repair of the private streets, gates, and/or fire lanes shall be the sole responsibility of the property owners within the gated development.

g. *Minimum Gate Width.* One-way access gates shall be a minimum of 20 feet wide and two-way access gates shall be a minimum of 24 feet wide. A clear width of 12 feet shall be maintained between any islands gate equipment, guard house, landscape feature, etc.

h. *Emergency Release Required.* An emergency release hitch pin shall be installed on the control arm of any access gate. This hitch pin, when removed, will detach the control arm from the gate and allow the gate to swing open freely with manual intervention. The loss of electrical current shall cause the gate to open and remain open until normal electric current is restored and the gate reset.

i. *Events Requiring Open Gate Established.* Should any problem occur in the operation of the gate or any violation of any provision of this article, each access gate shall remain open and access to the development available until such time as the problem is resolved and/or the gate is repaired and tested.

j. *Prohibition of Tire Damaging Devices.* Road spikes, barbs, or other tire damaging devices are prohibited.

k. *Hold Harmless.* The individual property 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 gated access; 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 gated access; and for damages and injury (including death) arising out of the use of the gated area by the City, governmental entity, medical personnel or public utility of any gated access. Further, such language shall provide that all property 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.

l. *Waiver of Service.* The property owners shall note that certain city services shall not be provided in gated areas. 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.

C. **Access Requirements and Triggers for Application.** Any development, rezoning, redevelopment, change in use, building permit, zoning site plan, or subdivision shall have access to public streets or alleys that complies to all requirements of this chapter, Chapter 98, the applicable Public Works design standards and technical specifications, and any other applicable requirements. Additional triggers, applicability, and exceptions for driveway and access requirements are noted herein.

1. *General.*

a. If an existing lot requires new access that cannot meet all current requirements, and an alternate access does not exist, the access point shall be placed at the

most reasonable location as determined by the City Traffic Engineer and a cross-access easement must be provided across the entire length of the lot as necessary to provide access to adjacent lots considering development patterns, terrain, and safe ingress/egress.

b. If the proposed development, rezoning, redevelopment, change in use, building permit, zoning site plan, subdivision, or other development activity requires a driveway safety study, traffic impact study, or displays the potential to produce a public safety risk as determined by the City Traffic Engineer, modifications may be required to the access, including but not limited to, restricting directional access or other public improvements. Any existing, non-compliant access point must be removed at the appropriate time as determined by the City Traffic Engineer if not specifically defined elsewhere.

2. *Administrative Subdivisions.* All administrative subdivisions shall have access points to public streets or alleys that fully comply to the current standards or will fully comply when developed as determined by the access plan for each new lot. Administrative subdivisions creating new R-SF lots with residential uses may have non-compliant access points as per Item 4(b) of this section.

3. *Existing Access.* If a lot has an existing access, the existing access may remain but shall be corrected, removed, or reconstructed prior to issuance of the certificate of occupancy and/or final approval of the subdivision activity when any of the following occur:

a. A zoning site plan, public improvement plans, or driveway permits are required.
b. Any access is within the functional area of an intersection or deemed a public safety risk by the City Traffic Engineer.
c. A change in use or rezoning occurs that produces additional traffic volume to warrant a driveway safety study, or traffic impact study that identifies required corrections to the access.

4. *Access for Single-family Residential Lots.*

a. *With a New Building Permit.* If an existing lot cannot accommodate an access meeting all requirements and alternate access does not exist, the access point shall be placed at the most reasonable location as determined by the City Traffic Engineer. No shared access or cross-access easements are required for an existing individual single-family residential lot on a street classified as a residential collector or below.

b. *Existing Access with Subdivision Activity.* When an existing lot is subdivided to create new legal lots for single-family residential uses, an existing access for single-family residential use may remain if the existing access:

(1) Is on a street classified as a residential collector or below;
(2) Is not within 50 feet of an arterial street; or
(3) Poses no public safety risk as determined by the City Traffic Engineer.
(4) Is within 50 feet of an arterial street or deemed a public safety risk, the access plan will be required to analyze future shared access, cross-access easements, and/or the applicability of the removal or modification of current access points.
(5) If the existing access requires modification, any change in access will need to be escrowed or constructed prior to approval of the subdivision activity.

5. *Permitting and Requirements.* A driveway permit is required to be issued by the PW Director prior to the creation of or modification of any access point. If public improvement plans (PIP) are required, access will be required to be shown on the plans and if so shall be completed or escrowed in cooperation with the PIP plan prior to approval of the subdivision activity or building permit. Any driveway will need to be fully constructed, and final inspection completed prior to issuance of the certificate of occupancy (CO) or temporary certificate of occupancy.

D. **Sidewalks.**

1. *Generally.* Development sites shall include direct sidewalk connections and circulation at

the same or greater frequency as provided for vehicles. Sidewalks shall connect p~~ublic~~**rimary** entrances of buildings and sites to the following, in the most direct manner practical:

a. Sidewalks in the public right-of-way or along internal access lanes.
b. Parking areas and any perimeter or internal sidewalks in the parking areas.
c. Civic or open space, or other common areas designed for active use.
d. Transit stops, stations, or park and ride locations – existing or anticipated.
e. Where connections by way of the public street is not reasonable or practical, sites shall provide direct connections to any of the above areas on adjacent sites.

2. *Sidewalk Width.* Internal sidewalks shall meet the requirements of Table 7-2.

Table 7-2: Internal Sidewalk Widths

Location	*Minimum Width*
Any residential property, generally	**4**~~5~~'
Any residential property with more than 10 units Any mixed-use or nonresidential property, generally	6'
Along the front or to the primary entrance of a nonresidential building < 10,000 s.f.	8'
Along the front or to the primary entrance of a nonresidential building 10,000 s.f. or more Any access designed for both pedestrians and bicycles	12'
Along any parking area with vehicle overhangs	+ 2' to other required widths

*** If 8' or 12' sidewalk is provided along the front of the building, all other connecting sidewalk minimums may be reduced to 6'.**

3. *Pedestrian Amenities.* Internal sidewalks shall be designed to emphasize pedestrian priority and conform with the following:
a. Separate sidewalks from driving surfaces by changes in the texture, raised surfaces, landscape edges, and similar distinguishing features, except for designated cross walks which may be painted or shared streets.
b. Provide adjoining landscaped areas that include trees, shrubs, flower beds, and ground covers along at least 50% of the walkways meeting the landscape design standards in Section 36-8.03.
c. Lighting fixtures along all walkways meeting the outdoor lighting design standards in Section 36-8.07.

36-7.04 Required Parking

A. **Vehicle Parking Rates.** Table 7-3 provides minimum parking requirements for general categories of uses, which apply to all similar uses not specifically listed. The following criteria shall be used in interpreting the table:

1. Square footage rates shall be based on the leasable floor area or active area dedicated to the particular use, excluding areas dedicated to accessory common or public areas, hallways, and bathrooms. Where this number is not easily determined, 85% of gross floor area may be used.

2. A seating or capacity rate shall consider the total number of seats based on actual seating capacity, or where not readily determined industry standards for typical layouts of buildings or building codes.

3. Employee or occupancy rates shall consider maximum number of employees or occupants likely to be on-site at one time. Where this number is not easily or readily determined, the maximum building code capacity may be used.

4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under **the** most applicable rate.

5. Where a use is not similar to a general use in the table or could meet more than one category, the PD Director shall determine the appropriate classification based on industry guides or the most similar use in terms of scale, format, and operation.

Table 7-3: Required Parking

Use Category / Specific Use	*Required Parking*
Residential	
Group Living	2 / each 3 occupants (non-staffed) 1 / each 2 beds + 1 / employee (staffed)
Household Living – Accessory Dwelling, Multi-unit, or Small-format	1 / unit (micro-efficiency or studio unit) 1.5 / unit (1 - 2 bedroom unit) 2 / unit (3+ bedroom unit)
Household Living –Manufactured Dwelling or One-Unit	2 / unit
Civic	
Assembly or Event Venue	1 / 4 seats (with fixed seats) 1 / 3 persons based on designed maximum capacity (w/o fixed seats) + accessory uses at applicable rates (e.g. restaurant, retail, etc.)
Crematorium or Funeral Home	1 / 4 seats + 1 / employee
Cemetery	1 / 5,000 s.f. of land area or 1 / 4 seats for assembly areas, whichever is greater
Cultural Facility – Small (<10K)	1 / 350 s.f.
Cultural Facility – Large (>10K)	1 / 1,000 s.f. + accessory uses at applicable rates (e.g. restaurant, assembly, etc.)
Open Space – Generally	1 / 5,000 s.f. of land area or 1 / 4 seats for assembly areas, whichever is greater 1 / 200 s.f. of workout area 1 / 500 s.f. of open court area 1 / 350 s.f. of general service facilities (i.e. reception, locker or community rooms, etc.)
School – College / University or Vocational	1 / employee + 2 / each 3 students
School – Elementary or Junior High	2 / classroom or 1 / 5 seats of largest assembly, whichever is greater
School – High School	2 / classroom or 1 / 5 seats of largest assembly, whichever is greater + 1 / 8 students
Commercial	
Animal Care – Generally	1 / 300 s.f.
Daycare	1 / each 5 students + 1 / employee
Entertainment & Recreation - Indoor	1 / 350 s.f. 1 / 4 seats of fixed seating areas 1 / active patron station (i.e. 4 per lane - bowling; etc.) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Entertainment & Recreation – Outdoor	1 / 5,000 s.f. of land area 1 / 4 seats of fixed seating areas 1 / active patron station (i.e. 4 per hole - golf course; etc.) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Food & Beverage Establishment – Drive-through	1 / 75 s.f. (See Section 4.04.B for any drive-through requirements)

Table 7-3: Required Parking	
Use Category / Specific Use	***Required Parking***
Food & Beverage Establishment – Generally	1 / 100 s.f. with on-site seating and no drive-through (i.e. restaurant, bar, night club, etc.) 1 / 75 s.f. –with on-site seating and drive-through (See Section 4.04.B for any drive-through requirements)
Lodging	First 20 rooms = 1 / guest room 21 – 40 rooms = 1 / 2 guest rooms (over 20) > 40 rooms 1 / 4 guest rooms (over 40) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Lodging – Short-term Rental	2 / unit
Medical Service - Outpatient	1 / 250 s.f.
Medical Service – In-patient	1 / bed + 1 / employee
Office	1 / 350 s.f.
Personal Service	1 / 100 s.f.
Residential Care – Generally	1 / 3 beds + 1 / each 2 employees
Retail – Small (<3K)	1 / 500 s.f.
Retail – Generally (>3K)	1 / 250 s.f.
Retail – Grocery Store	1 / 250 s.f.
Retail – Outside Sales	1 / 500 s.f. + 1 per 3,000 s.f. open sales lot
Service - Generally	1 / 350 s.f. (See Section 4.04.B for any drive-through requirements)
Vehicle Service – Gas Station	1 / 250 s.f. + 1 / employee
Vehicle Service – Car Wash	1 / employee
Vehicle Service & Repair	2 / service bay + 1 / employee
Industrial	
Industrial & Business Service	1 / 1,000 s.f. or 1 / 1.5 employees, whichever is greater Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
Manufacturing – Limited / Artisan	1 / 500 s.f. Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
Manufacturing – Generally	1 / 1,000 s.f. or 1 / 1.5 employees, whichever is greater Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
Warehouse & Storage	1 / 25 units + 1 / employee
Urban Agriculture	
Community or Market Garden – Under 1 Acre	No parking required
Community or Market Garden – Over 1 Acre	2 / ac. of cultivated area

B. **Maximum Parking.** Nonresidential uses shall not provide more than 150% of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 120% of the minimum shall require mitigation of the potential impacts of additional parking through one or more of the following strategies:

~~1. Utilize all eligible parking reductions permitted in Section 36-7.04.C.~~

1. Provide shared parking for other uses on the block or adjacent blocks according to this Section 36-7.04.D.

2. Use alternative surfaces designed to infiltrate stormwater or design parking lot landscape areas to treat stormwater from the additional parking area. These measures shall be designed in accordance with the Flood Control and Water Quality Protection Manual.

3. Provide additional buffers and ~~site~~ open spaces internally or ~~to~~ screen parking areas with at least a 10% increase in the size of open space or buffers required for the parking and landscap**inged** at the effective rate for the total parking area.

4. Provide at least a 20% increase in the amount of landscape planting material required for the parking area and allocate it appropriately within the required open spaces, interior or parking area screening.

5. Design all parking areas over the 100% minimum as dual-purpose space, such as plazas, playgrounds, or similar event areas for regular and active use of the space during non-peak parking times.

C. **Parking Reductions.** The parking required by Table 7-3 may be reduced depending on context and according to the following strategies:

1. *Exempt Districts.* The following zoning districts are exempt from required vehicle parking in Table 7-3:
   a. CC – Center City
   b. COM – Commercial Street
   c. GI – Government and Institutional
   d. Any other public parking benefit district, provided all uses, lots, and buildings shall abide by the standards of that parking district. To the extent the parking benefit district standards only deal with parking supply, the design standards from this article shall apply to any parking that is provided.

2. *Bicycle Parking Credit.* All bicycle parking designed and located according to Section 36-7.04.F may reduce the required vehicle parking at a rate of 1 space for every 2 bicycle parking spaces up to a maximum of 10% of the required parking. To be eligible for this credit, the applicant must demonstrate that it is practical to expect significant bicycle access to the site based on: the location and proximity to the broader bicycle transportation network; the design of the site; and the nature of the use and anticipated patrons.

3. *Deferral of Spaces.* The PD Director may defer a portion of the required parking through the zoning site plan review, provided:
   a. Documented evidence that the initial occupancy of the premises will be adequately served by the lesser number of spaces;
   b. The approved final zoning site plan clearly indicates the location, pattern, and circulation to access the deferred parking area; and
   c. The deferred parking area shall be brought to finished grade, have ground cover that eliminates dust and erosion, and shall not be used for building, storage, loading or other purposes.
   d. The approval of the zoning site plan shall specify a time, criteria, or occurrences where the PD Director may require construction of necessary parking.

D. **Shared Parking.** Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses according to Table 7-4.

1. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues.

2. The parking is within 600 feet of the lot for industrial and manufacturing uses or district and 300 feet of the lot for office, business, commercial or residential uses or districts. All shared parking shall have ADA compliant pedestrian facilities between each shared lot and designated locations.

3. The agreement shall be approved by the PD Director and recorded for each participating property with the County Recorder. The agreement shall state that it cannot be changed or modified without the approval and signature of the PD Director.

4. An affidavit agreeing to compliance with all provisions of the shared parking agreement shall be signed by any business or property owner participating in the agreement, and submitted to the PD Director as an amendment to the agreement.

5. A shared agreement that differs from this table may also be approved based on a joint parking study for the sites and uses demonstrating adequate parking during peak hours for all parties to the agreement.

Table 7-4: Shared Parking

	Percentage of Required Parking by Time Period				
	Weekday		Weekend		All
Use	6 AM to 5 PM	5 PM to 1 AM	6 AM to 5 PM	5 PM to 1 AM	1 AM to 6AM
Retail or Service	75%	75%	100%	90%	5%
Restaurant	50%	100%	75%	100%	25%
Employment	100%	10%	5%	5%	5%
Entertainment & Recreation	30%	100%	75%	100%	5%
Place of Worship	5%	25%	100%	50%	5%
School	100%	10%	10%	10%	5%
Dwellings	25%	90%	50%	90%	100%
Lodging	50%	90%	75%	100%	100%

E. **Accessible Parking.** Accessible vehicle parking spaces shall be provided in accordance with the applicable building codes and the Americans with Disabilities Act (ADA) guidelines for quantity, design, and location.

F. **Bicycle Parking.** All nonresidential and multi-unit residential buildings shall provide bicycle parking spaces according to Table 7-5.

Table 7-5: Bicycle Parking

Activity	Required Bicycle Parking Spaces
Multi-unit Residential Buildings	▪ 1 bicycle parking space per 6 dwelling units with two or fewer bedrooms; 2 spaces per 6 dwelling units with 3 or more bedrooms, but no greater than 10% of the required parking ▪ Facilities where 75% or more of the units are designed for or occupied by persons 60 years or older shall provide 3% of the required vehicle parking
Recreation, community facilities, or schools	10% of the required vehicle parking, but at least 6 spaces

Retail or office uses	5% of the required spaces, but at least 4 spaces

Table 7-5: Bicycle Parking

Activity	*Required Spaces*
Other institutional, employment, industrial, or entertainment uses	3% of required spaces, but at least 4 spaces
Exempt locations	Areas exempt from required vehicle parking are not required to provide bicycle parking except any uses that are community destinations (museum, auditorium, convention halls) shall provide bicycle parking at a rate of 3% of the vehicle parking that would otherwise be required if not in an exempt location
Reduction or Waiver	For uses or site designs that are automobile oriented or unlikely to generate bicycle trips (i.e. car wash, furniture store, recycling center) or other contexts that are remote from any existing or planned bicycle infrastructure the PD Director may reduce or waive the bicycle parking requirement

1. Bicycle parking shall be designed according to the following standards:
   a. Bicycle parking areas shall generally have clear areas of 2 feet by 6 feet to maneuver and store the bicycle.
   b. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, and support a bike at two points of contact to prevent damage to wheels or frames.
   c. Bicycle parking spaces or areas shall be separated from vehicle parking or circulation areas by a physical barrier such as curbs, wheel stops, or bollards.
   d. Bicycle parking for nonresidential uses shall be located within 100 feet of the primary entrance unless the PD Director approves an alternative location based on the site design and overall vehicle, bicycle, and pedestrian circulation for the site.
   e. Bicycle parking for residential uses may be incorporated into storage areas within the units or common areas of the buildings.
   f. Residential bicycle parking or bicycle parking for longer terms such as employment locations should incorporate other secured and weather-proof elements into the design.
   g. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may be approved by the PD Director through zoning site plan review.

36-7.05 Parking Design

A. **Design Objectives.** The layout, location, and design of parking areas shall meet the following design objectives:

1. Locate parking and circulation in ways that minimize negative impacts on public streetscapes or adjacent sites.

2. Use landscape, building placement, and other site design strategies to improve the appearance and relationship of parking areas.

3. Incorporate sustainable practices into parking design to minimize runoff, decrease heat island effects, incorporate low-impact design features, and otherwise reduce environmental impacts.

4. Encourage smaller and dispersed parking areas to reduce visibility and impacts.

B. **Landscape Areas.** The landscape area standards in Table 7-6 apply to surface parking lots and are based on the size of the parking area (# of spaces) and the location of the parking area relative to the principal building (front, side, or rear). Where possible, landscape areas shall be multi-functional and designed to meet stormwater requirements for the site according to the City's Flood Control and Water Quality Protection Manual.

Table 7-6: Parking Lot Landscape

Spaces per Parking Block	*Front [1]*	*Side & Rear*
201 or more	▪ Prohibited – must be broken into smaller parking blocks	▪ 10' perimeter buffer; and ▪ 8% interior islands
101 or 200	▪ 20' front setback buffer ▪ 10' perimeter buffer ▪ 8% interior island	▪ 6' perimeter buffer ▪ 5% interior islands
30-100	▪ 10' front setback buffer ▪ 6' perimeter buffer ▪ 5% interior islands	▪ 6' perimeter buffer
Under 30	▪ 6' front setback buffer ▪ 6' perimeter buffer	▪ 6' perimeter buffer, except where abutting an alley

[1] Any surface parking lot for residential uses or nonresidential uses permitted in residential districts shall be behind the front building line or setback at least 30' from the front lot line, whichever is less.

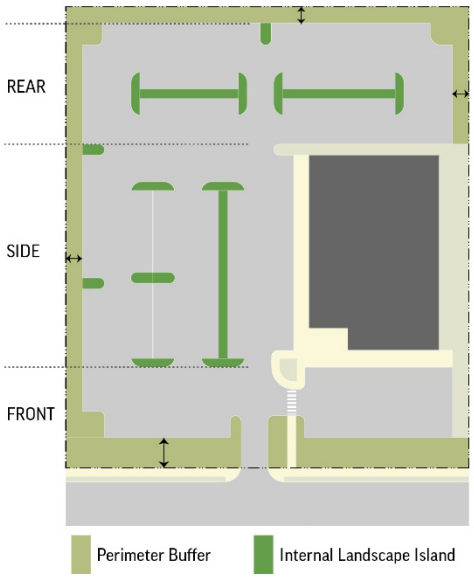


Figure 7-1 Parking Design
Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-6 is based on larger parking areas and parking in the frontage area requiring greater limits or landscape design mitigation than smaller parking areas or parking in the rear of buildings.

1. The landscape areas required by Table 7-6 shall be allocated as follows:
   a. The perimeter landscape areas shall be continuous, except for where driveways or sidewalks directly access the parking area.
   b. Perimeter landscape and interior islands shall be designed at regular intervals to break up larger expanses of pavement with green space, impervious surfaces, and ~~shade~~**overstory** trees.
   c. Interior landscape islands shall be either:
      (1) A peninsula extending from the perimeter landscape area at least 9 feet wide and the depth of adjacent parking spaces.
      (2) An end cap island at the required intervals that is at least 8 feet wide and at

least 280 square feet for one stall and at least 300 square feet for two stalls; or

(3) A continuous "center strip" between two opposing stalls along the entire parking bank that is at least 6 feet wide.

d. Perimeter areas and center strips that include a sidewalk shall meet both the sidewalk width and the landscape area width independently, with no landscape area being less than 6 feet wide.

e. Perimeter and interior landscape areas shall include plant materials meeting the requirements of Section 36-8.03 applicable to parking areas.

f. The use of Silva cells or structural soil technology that contains a mixed medium of rock, clay loam soil, and water absorbing polymer should be used around islands and peninsulas to increase the available soil volume and allow for overstory trees to be grown.

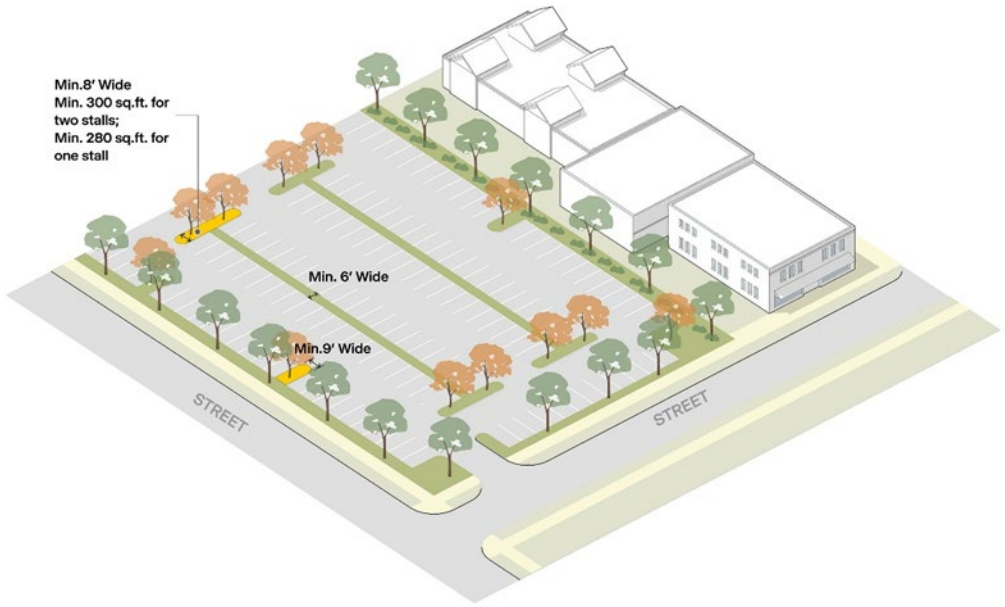


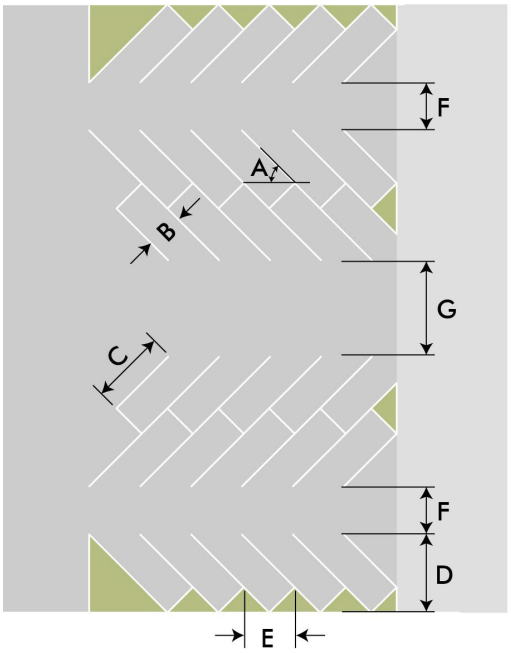
Figure 7-2 Parking Landscape
The required landscape elements should be located to break up the larger expanses of parking and to ensure the survival and maximum mitigating impact of planting in the landscape areas.

C. **Sidewalks.** In meeting the standards of Sections 36-7.03.D and 36-7.04.B, a sidewalk connection shall be provided from the perimeter of the parking lot to the building entrance or building frontage. For parking areas with over 200 spaces, a sidewalk connection shall be provided through the parking areas. Sidewalks meeting this standard may be located internal to the parking lot if separated from the surface parking, in perimeter landscape area or landscape median, or along internal access lanes.

D. **Parking Dimensions.** Parking areas shall be designed to meet the dimension specifications in Table 7-7.

Table 7-7: Parking Dimensions							
Parking Angle Width (A)	*Width (B)*	*Length (C)*	*Depth to Curb (D)*	*Curb Width (E)*	*Aisle Width – One-way (F)*	*Aisle Width – Two-way (G)*	*Bumper Overhang**
0°	*7.0'*	*22'*	*7.0'*	*22'*	*12'*	*20'*	*n/a*
30°	*8.5'*	*20'*	*18'*	*17'*	*15'*	*20'*	*1.5'*
45°	*8.5'*	*20'*	*20'*	*12'*	*15'*	*20'*	*1.5'*
60°	*9.0'*	*19'*	*21'*	*10.5'*	*18'*	*24'*	*2.0'*
90°	*9.0'*	*18'*	*18'*	*9.0'*	*20'*	*24'*	*2.0'*

*Amount of Depth to Curb dimension that may overhang landscape area, sidewalk, or wheel stop block. If overhanging sidewalk, this amount shall be added to the required minimum sidewalk width.



A: Parking Angle

B: Width

C: Length

D: Depth to Curb

E: Curb Width

F: Aisle Width -- One-way

G: Aisle Width -- Two-way

Figure 7-3 Parking Dimensions *Dimension standards of Table 7- 7, applied to typical parking layouts.*

E. **General Design Standards.**

1. All required parking shall be on-site except as specifically provided in this article for credits or shared parking sections. Additionally, the PD Director may allow for a portion of required parking off-site through a zoning site plan review subject to the following specific considerations:
   a. The parking is within 600 feet of the lot for industrial and manufacturing uses or district and 300 feet of the lot for office, business, commercial or residential uses or districts;
   b. It is in the same or comparable zoning district;
   c. The presence of the off-site lot does not negatively impact potential development on that lot or in the vicinity;
   d. There are no pedestrian barriers or other access constraints between the parking and use, and safe connections are provided between each; and
   e. An agreement demonstrating rights and control of the off-site property is provided.

2. No parking space shall be located where it backs into a street except:
   a. Residential parking in driveways accessing buildings and lots with six units or less; or
   b. On-street parking on public streets or private streetscapes according to the standards in Section 36-3.03.

3. Required parking areas shall be used solely for parking of vehicles in operating condition for patrons, occupants, or employees of the use, unless specifically authorized otherwise by provisions in this code.

4. Parking and access areas shall be designed and graded to adequately address drainage and runoff, including curb, gutters, inlets, pervious pavement, bioretention, and green infrastructure strategies approved by the PW Director to support stormwater control measures that minimize runoff and promote infiltration of storm water.

5. All driveway approaches in the right-of-way, from the street edge to the property line shall be concrete.

6. Vehicle parking, storage, maneuvering areas, and driveways on private property shall have an all-weather, hard surface that prevents the release of dust, mud, or silt, including asphalt or concrete. Acceptable surfaces include:
   a. Asphalt
   b. Concrete
   c. Pervious or permeable pavement with approval by the PW Director and subject to industry standards or performance specifications.
   d. Ribbon driveways consisting of two-wheel tracks may be acceptable for residential drives for access to less than three dwelling units.

F. **Loading Requirements.** In mixed-use, commercial, or industrial districts, off-street loading shall be required as indicated in Table 7-8.

1. The number and size of spaces may be revised based on the operating characteristics of the particular use and determined through zoning site plan review.

2. Loading areas shall be located on a remote portion of the building and site or internal to the block and buffered by other buildings, and are prohibited in any front or street side setback.

3. Loading areas and activities shall not interfere with the use of walkways, drive aisles, stacking areas, internal access lanes, or public streets, and shall be designed to avoid any backing from or onto a public street (except in the Center City district or as permitted in F.6).

4. Loading areas shall be graded for property drainage and provided with an all-weather, dust-free surface.

5. Loading shall be screened from public streets or adjacent residential areas in a manner that best limits visibility and mitigates noise, according to the buffer types and design standards in Section 36-8.04.

6. In any areas, projects, or zoning district designed to promote pedestrian activity, or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted by the PD Director. Alternate loading standards may include sharing of loading spaces among multiple smaller tenants, using side streets, on-street parking, or alleys – particularly where there is sufficient space during off hours for loading or deliveries, or other similar strategies that avoid designing sites for large vehicle access.

Table 7-8: Loading Areas	
Gross Floor Area	***Required Loading Area and Size***
Under 10,000 s.f.	n/a; or may be shared per 7.04.F.6
10,001 – 25,000 s.f.	1 space; 10' x 25'
25,001 – 50,000 s.f.	2 spaces; at least one of which is increased to 10' x 50'
50,001 or more s.f.	3 spaces, plus 1 for every 50,000 s.f. over 100,000; at least two of which shall be increased to 10' x 50'

36-7.06 Modifications

The PD Director or the Planning and Zoning Commission may consider ~~alternative~~ **modifications to the** landscape and site design plans through the zoning site plan **modification** process in Article 2. In addition to the general zoning site plan criteria in Sections 36-2.03, any proposed alternative landscape and site design shall result in one or more of the following additional benefits:

A. The **modification**~~alternative~~ is based on evidence of similar uses in similar contexts or other industry standards that indicate the access and parking plan is sufficient due to any of the following:

1. The format of the use;
2. The extent of the project and the scale of the access and parking management or shared parking strategies (larger scales warranting more flexibility and smaller scales warranting less);
3. The likelihood that patrons or tenants have reduced car ownership or drive less;
4. The availability and practicality of walking, bicycling or transit access supporting the use; or
5. Other transportation demand management plans proposed by the applicant, including the ability for the plan to meet evolving needs through changes in uses, parking demand, and/or transportation habits.

B. The alternative results in better site arrangement considering proposed landscape and buildings, preserving existing landscape, or promoting better environmental performance of the site and buildings.

Article 8. Landscape & Site Design

36-8.01 Intent
36-8.02 Applicability
36-8.03 Required Landscape
36-8.04 Buffers & Screening
36-8.05 Plant Specifications
36-8.06 Tree Preservation and Protection
36-8.07 Outdoor Lighting
36-8.08 Modifications

36-8.01 Intent

The intent of this article is to:

A. Enhance the city's identity and sense of place by creating vibrant, well-designed streetscapes, civic spaces, and open spaces that reflect Springfield's character and aspirations.

B. Celebrate the uniqueness of Springfield's diverse neighborhoods by integrating intentional and context-sensitive landscape design that highlights distinct areas throughout the city.

C. Foster harmony and cohesion across developments by coordinating landscape and design elements with consistent and meaningful relationships between private lots and public frontages.

D. Elevate the quality and impact of development by integrating landscape designs that balance aesthetic appeal with environmental sustainability and social well-being.

E. Strengthen ecological resilience by enhancing the environmental function of unbuilt portions of sites, protecting existing natural features, and incorporating them as integral elements of development projects.

F. Mitigate the visual, auditory, and functional impacts of development through thoughtfully designed landscapes that prioritize screening, buffering, and enhancing site usability.

G. Promote the use of native and climate-adapted landscape to restore ecological balance, conserve resources, support biodiversity, and create resilient and regionally appropriate landscapes.

H. Integrate green infrastructure solutions into landscape design to manage stormwater sustainably, reduce urban heat islands, improve air and water quality, and create multifunctional spaces that contribute to climate resilience.

I. Preserve and strengthen the tree canopy throughout the city for the aesthetic, economic, ecosystem services, and environmental benefits it provides.

36-8.02 Applicability

A. **General Applicability.** The standards in this article shall apply to the following:

1. A building permit for a new principal structure;

2. A building permit for an existing principal structure that results in an increase **per section 36-1.06**~~of the gross floor area by more than 15% and more than 500 square feet~~;

~~3. A zoning site plan that increases the impervious area by more than 20%;~~

3. Any addition of parking to nonresidential uses or residential uses with 10 or more dwelling units;

4. Any change of use to a site or building that increases the activity or intensity of use on a site in a manner that could negatively impact adjacent property; or

5. Any new leased parcels or outlot development shall independently meet all landscape requirements as if it were a new stand-alone development.

B. **Applicability to Existing Buildings & Sites**. In cases where the landscape and site design standards apply to existing sites or buildings, the intent is to bring the site into full compliance with these standards. For infill and rehabilitation of existing sites, the PD Director may prorate the requirements to the extent of the site work, and reduce requirements where clear and documented physical constraints or existing infrastructure deem or make full compliance impractical. Standards shall be applied according to the following order of priority areas:

1. Streetscapes and frontage areas along public right-of-way;

2. Perimeter landscape and buffers;

3. Interior parking and site landscape;

4. Other lot open spaces.

The site shall be brought closer to compliance by meeting at least 50% of the required planting standard in the applicable portions of the site, and in no case shall the reduction be below the minimum necessary to address the documented constraint.

36-8.03 Required Landscape

A. **Design Objectives.** Landscape plans shall meet the following design objectives:

1. Frame important streets and emphasize gateways with thoughtfully placed street trees, massed plantings, and vertical elements that enhance the character of each district or corridor.

2. Provide comfort, spatial definition, and visual interest to outdoor spaces such as walkways, civic spaces, parks, trails, and plazas to support vibrant and active community gathering places.

3. Design landscapes to serve multiple purposes, including aesthetic appeal, screening, environmental enhancement, stormwater management, and recreational opportunities, promoting efficient and holistic site design.

4. Strategically locate plants and landscape features to improve resource and energy efficiency with arrangements that consider wind blocks, heat mitigation, water conservation, solar access, and other elements inherent to the site.

5. Prioritize storm water management and green infrastructure to prevent erosion through natural landscape elements that intercept, infiltrate, store, or convey precipitation and runoff.

6. Prioritize the protection and adaptive reuse of healthy, established plants, trees, and natural features that contribute to site functionality and ecological balance, minimizing unnecessary removal or replacement.

7. Use native and regionally adapted species to enhance biodiversity, provide habitat for local

wildlife, and create resilient landscapes that reflect the Ozarks Bioregion.

B. **Planting Requirements.** The required landscape shall be based on different elements of the site according to Table 8-1.

Table 8-1: Plant Requirements

Site Element	*Trees*	*Evergreen Trees*	*Shrubs*
Streetscape. *The landscape area in the ROW or along the lot line immediately abutting the right of way.*	1 overstory tree per 40' of lot frontage. [3]	n/a	n/a
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement.[2] Streetscapes with ~~c~~Constrained right-of-way or with overhead utilities~~streetscapes~~ may substitute one understory tree per 20' of lot frontage.		
Frontage & Foundation. *The area between the building line and ROW along a street, including street sides of corner lots.*	N/A for buildings setback 0'-10' AND 1 understory tree per 40' of lot frontage for buildings set back more than 10' from the front lot line~~;~~ [3] AND 1 overstory tree per 40' of lot frontage for buildings set back 30' or more from the front lot line [3]	Evergreen trees may be substituted for understory trees at a rate of one for one, and for overstory trees at a rate of two for one, for up to 50% of the requirement	1 shrub per 5' of building frontage for buildings setback more than 10' from the front lot line~~;~~ [2] 3 ornamental grasses may be substituted for 1 shrub up to 50% of the requirement [2]
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement [2]		
Parking. *Landscape areas on the perimeter or interior of parking.*	1 overstory tree per 10 parking spaces	Evergreen trees may be substituted for overstory trees at a rate of two for one, for up to 50% of the requirement	1 shrub per 10' of perimeter [1] Type I buffer for any parking area within 30' of a street or internal access lane~~street~~ (See Section 36-8.04) 3 ornamental grasses may be substituted for 1 shrub up to 50% of the requirement
	Understory trees may be substituted for overstory trees at a rate of two for one up to 50% of the requirement		
Buffers. *Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.*	See Section 36-8.04		
Civic and Open Spaces. *Areas of the site designed as part of a broader system of formal and natural open spaces.*	See Section 36-3.04		
Other.	All other unbuilt or unpaved areas of a site shall require a combination of ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces. Up to 20% of the landscape area may consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers, or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff in association with planting areas and complements the landscape design. The use of rock inorganic material requires a raised concrete barrier or steel edging to keep stray rocks or gravel contained.		

[1] Parking lot perimeter shall be the linear edge of any parking area or driveway within 100' of a property line or internal access street where there is not a building in between the parking and the boundary.

[2] Detached houses and duplexes are exempt from this requirement.

[3] Detached houses and duplexes may meet the Streetscape and Frontage & Foundation planting requirements by planting one understory tree and one overstory tree per 40' of lot frontage.

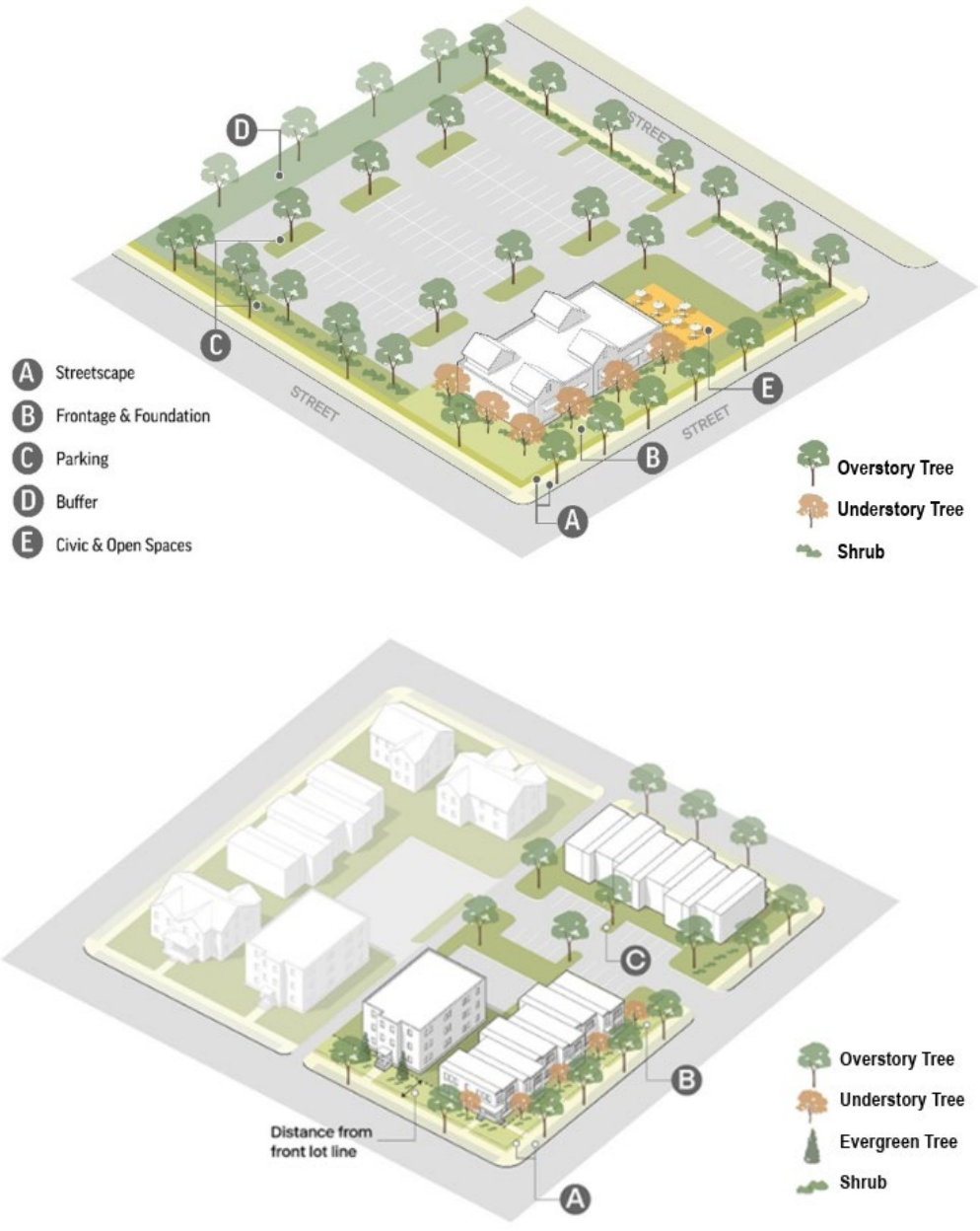


Figure 8-1 Landscape Design
The landscape requirements are allocated to different elements of the site and emphasize how different landscape standards and designs should be used to serve different functions on the site, including relating the streetscape, adding comfort and interest to active spaces, and or mitigating impacts on adjacent areas.

C. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and desirable species (as identified in Appendix A), or which equally or better meets the intent or design objective for landscape on a specific portion of the site, may count for landscape requirements provided measures are taken to ensure the survival through construction and all other location and design standards are met.

1. An inventory of all existing trees or significant woody vegetation including size, health, species, and any proposed for removal shall be provided by a Forester certified by the Society of American Foresters or an arborist certified by the International Society of Arboriculture.

2. Credits shall be based on:
   a. 1 for 1 basis provided it meets the minimum specifications for new plants
   b. 2 for 1 for any tree larger than 6" DBH
   c. 3 for 1 for any tree larger than 12" DBH

3. Trees or other existing landscape that contributes to the standard shall be identified on a landscape plan and the critical root zone shall be protected for the entirety of construction by a construction fence. Tree protection measures shall be based on applicable industry standards and best practices to ensure survival of the landscape.

4. Preservation of trees may provide a credit towards meeting the Water Quality Volume in accordance with the Flood Control and Water Quality Protection Manual.

5. Preservation of existing trees may also justify additional site or landscape design modifications subject to Sections 36-8.07, 36-7.06, and 36-2.03.C of this chapter.

D. **Design & Location.** The landscape required by Table 8-1 shall be arranged and designed to best achieve the design objectives of this section and intent of this article based on the context and adjacencies proposed on the site. Required plantings shall be planted in the following specific locations on the lot.

1. *Streetscape Trees.* Streetscape and frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and promote enclosure of the tree canopy. Where streetscape tree standards are **adjusted**~~combined~~ with frontage and foundation requirements pursuant to subsection D.7, trees may be located anywhere within the approved **adjusted**~~combined~~ landscape area. In the absence of a clearly established line along the block, trees may be planted in the following locations in order of priority:
   a. Centered between the sidewalk and curb where at least an 8-foot-wide landscape area exists;
   b. In tree wells that are at least 4 feet in all directions and at least 24 square feet located within the sidewalk (applicable on wider attached sidewalks or pedestrian-oriented commercial or mixed-use streets);
   c. 5 to 10 feet from the back of curb where no sidewalk exists or from the sidewalk where the sidewalk is attached;
   d. Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations; and
   e. Understory trees may be substituted for overstory street trees only in situations where no other alternative is available due to constraints of the site or right-of- way conditions. Understory trees should be used where trees are to be located within 10 feet of any overhead wires or in landscape areas between 4 and 6 feet wide.

2. *Frontage and Foundation Trees & Shrubs.* Foundation and frontage plantings shall be located in open spaces near the building or in planting beds associated with the design of any hardscape along the building frontage. Where landscape standards are **adjusted**~~combined~~ pursuant to subsection D.7, required trees and shrubs may be distributed throughout the **adjusted**~~combined~~ landscape area rather than meeting the specific distance requirements of this subsection.
   a. Understory and evergreen trees shall be located within 25 feet of the building.
   b. Shrubs and other plantings shall be located within 6 feet of the foundation.
   c. Where planting beds are used within hardscape around a foundation, they should

be at least 4 feet deep, at least 60 square feet, and concentrated along at least 50% of the building frontage.

d. Use larger and vertical landscape elements to frame entries, anchor the corners of buildings, or break up and soften large building elevations.

3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planted in perimeter buffers and interior islands planned and designed according to Section 36-7.05.
   a. There shall be at least one overstory tree per 40 feet of parking lot perimeter, or one understory or evergreen tree per 25 feet of perimeter.
   b. Evergreen trees shall only be permitted on the non-street perimeter buffer of parking areas and not in parking islands or streetscape or front buffers.
   c. There shall be at least one tree per interior island. Interior islands over 360 square feet shall have one overstory tree or two understory trees per 360 square feet.
   d. Shrubs shall be located to define parking lot edges, screen parking from adjacent sites, or create barriers no taller than 3 feet along sidewalks, drive aisles, and internal access streets, ensuring clear visibility and maintaining sight line for pedestrians and vehicles.
   e. Any parking within ~~3~~**2**0 feet of the **public right-of-way or internal access lane**~~street with a public sidewalk~~ shall have a Type I buffer and any parking area within 10 feet of any other property line shall have a Type II buffer per Section 36-8.04.

4. *Stream Buffers.* 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 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 or the water quality standards for redevelopment sites in the Flood Control and Water Quality Protection Manual are otherwise infeasible on a proposed zoning site plan, the lot will be considered conforming if approved by the ARC using the following design requirements.
   a. 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 **for the extra**~~in~~ building height **must be directly proportional to the amount of land (square footage)** ~~in direct proportion to the area (square footage) that is~~ being used for the **required** stream buffer **area**, provided the height is not increased more than one story above the required height limit; or
   b. 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% reduction in required parking. For every 167 square feet area of stream buffer or water quality stormwater control measure, a reduction of one parking space will be allowed.

5. *Visibility at Intersections.* Screens, buffers, and landscape shall be located and designed to maintain proper lines of sight at all intersections of streets, alleys, driveways, and internal access streets as provided in Section 36-3.03.B.7.

6. *Specific Applicability.* Where landscape standards for different conditions or elements of a site overlap, or are **adjusted**~~combined~~ pursuant to subsection D.7 effective site and landscape design may enable the space and plants to count toward more than one requirement, based on the greater plant requirement applicable to that area. For example, a buffer area required by Section 36-8.04 may also contribute to a parking area perimeter requirement, or a parking area perimeter may also contribute to a streetscape requirement, where the design can satisfy the greater of both requirements. Approval shall be subject to the PD Director determining that the design objectives of this section and intent of this article are achieved.

7. ~~*Combined*~~ *Streetscape, Frontage, and Foundation Landscape* ***Minor Adjustments***.
   a. Intent. The **minor adjustment** ~~combined~~ landscape area is intended to provide a level of shade, visual interest, buffering, and pedestrian comfort that

is equivalent to that achieved on non-constrained sites, while allowing flexibility in plant placement and configuration.

b. Applicability. Where required streetscape, frontage, and foundation landscape standards cannot reasonably be accommodated as separate planting zones due to right-of-way constraints, utility conflicts, limited frontage depth, required sight distance, or redevelopment conditions, the required landscape may be **adjusted**~~combined~~ into a single frontage landscape area.

c. Tree Quantity. When **adjusted**~~combined~~, the total number of required trees shall equal the greater of either the required streetscape or frontage tree requirement found in Table 8-1.

d. Tree Type Flexibility. Overstory and understory trees may be mixed to respond to overhead utilities and available soil volume~~, provided that no less than 50 percent of required trees are canopy-forming trees, unless limited by utility constraints~~.

e. Location. Trees shall be located between the public right-of-way and the primary building or parking area to maintain a landscaped edge along the street.

f. Minimum Landscape Depth. The **adjusted**~~combined~~ landscape area shall have a minimum continuous depth of 6 feet, except where interrupted by approved access points.

g. Approval. **Adjustment**~~Combination~~ of landscape standards under this subsection shall be subject to approval by the PD Director, who shall determine that the design achieves the intent of this section.

E. **Stormwater.** Landscape features should be designed as multifunctional spaces that address both aesthetic and stormwater management goals while meeting applicable design standards for landscape and stormwater. Techniques such as bioretention areas, rain gardens, vegetated filter strips, and swales should be incorporated to slow, capture, and/or infiltrate runoff from impervious surfaces, including parking lots, streets, and civic spaces, enhancing environmental performance and site functionality.

36-8.04 Buffers & Screening

A. **Design Objectives.** Intense land uses or site elements shall be buffered and screened from streetscapes and adjacent property according to the following design objectives. These objectives shall be used in applying the buffer requirements in Table 8-2 and Table 8-3.

1. Mitigate impacts of parking lots or vehicle circulation near streets or property lines with landscape barriers and low-level headlight screening.

2. Buffer and screen commercial uses, parking lots, and service areas abutting residential property with a combination of dense vegetation or fences and walls.

3. Soften transitions where changes in development patterns, intensity of land uses, or building scale occur.

4. Screen service and utility areas of buildings and sites from adjacent property or streetscapes with architectural features, fences, or landscape that limits visibility or noise.

5. Create landscape clusters that soften long expanses of building walls, fences, surface parking, or other similar areas.

6. Use berms, vertical landscape, dense plantings, or other grade or spatial changes to alter views, subdue sound, and change the sense of proximity of incompatible elements.

7. Address three layers of landscape, including: overstory trees (high-level – 30'+); evergreen or understory trees (mid-level – 6' to 30'); and shrubs, annuals, perennials, and ground cover (low-level – under 6'), to directly mitigate the potential impacts and adjacencies.

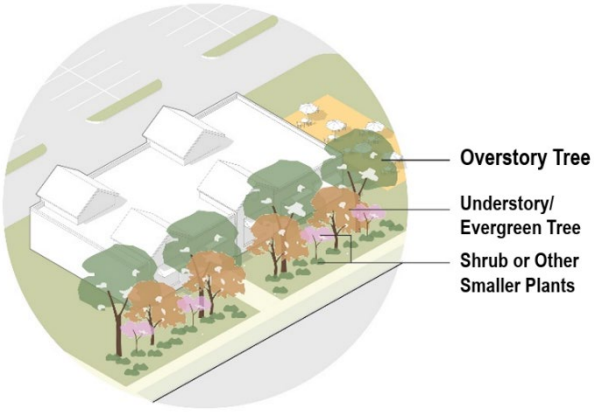


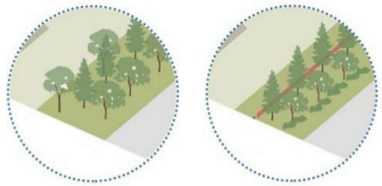
Figure 8-2 Buffer Layers
Effective buffer design should be based on the specific context, and the intent and degree of mitigation desired. Overstory trees provide separation and mitigation at upper levels, evergreen and understory trees provide separation and mitigation at mid-levels, and shrubs or other smaller plants provide separation and mitigation at ground levels. Different levels may receive different priorities based on the specific context, potential impacts, and adjacencies.

B. **Buffer Planting.** The planting requirements in Table 8-2 shall be used to buffer and screen more intense uses or elements of sites according to the design objectives of this section. The buffer width is independent of and may include any setback, parking perimeter buffer, or other open space requirement so that the larger requirement controls.

Table 8-2: Buffer Planting Requirements

Type and Applicability	*Buffer Planting Requirement*	
Type I – *A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian-oriented streetscapes.*	Width: 6' min. *Planting:* 1 overstory tree per 40' or 1 understory per 20'; and 1 shrub per 5' *Variation:* the shrub rate may be reduced by 50% in combination with the following: ▪ A ~~2.5' to~~ 4' decorative wall or **wooden** fence in constrained areas or along the streetscape; or ▪ 3' berm in areas that are at least 10' wide. ▪ Parking areas abutting public sidewalks that are at least 10' wide in the CC district, the buffer width may be reduced to 2', provided a ~~2.5' to~~ 4' decorative wall or **wooden** fence is used and the landscape is planted in tree wells within the parking area or right-of-way at required intervals.	 *Dense shrubs* *Decorative fence or wall* *Berm*
Type II *– A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.*	*Width:* 10' min. *Planting:* 1 overstory tree per 40'; 1 understory or evergreen tree per 25'; and 1 shrub per 10'; and Variation: The shrub and understory/evergreen tree rate may be reduced by 50% and the width reduced to 5' with the following: ▪ 6' high **wooden** fence with at least 50% opacity	 *Shrubs and evergreens* *6' fence or wall*
Type III *– A densely planted area intended to mitigate noise and create a visual screen for potentially incompatible land use adjacencies, or for large scale or intense uses along collector or arterial streets.*	*Width:* 20' min. *Planting:* 1 overstory tree per 40'; 1 understory or evergreen tree per 25'; 1 shrub per 10'; and *Variation*: the shrub and evergreen tree rate may be reduced by 50% in combination with the following: ▪ A 6' solid wall or **wooden** fence; or ▪ A 3' high berm and 4' high **wooden** fence with 50% opacity.	 *Separation and planting* *6' fence or wall* *Berm*

Table 8-2: Buffer Planting Requirements

Type and Applicability	*Buffer Planting Requirement*
Type IV - *A densely planted area intended to separate incompatible situations or high-intensity uses.*	*Width*: 40' min. *Planting:* 1 overstory tree per 40'; and 1 understory tree per 25'; and 1 evergreen tree per 15' *Variation:* The evergreen and understory tree requirement may be reduced by 50% where a combination of berms, fences, and/or shrubs accommodate the understory screening. The width may be decreased to 20' with a 25% increase in the plant rates. 

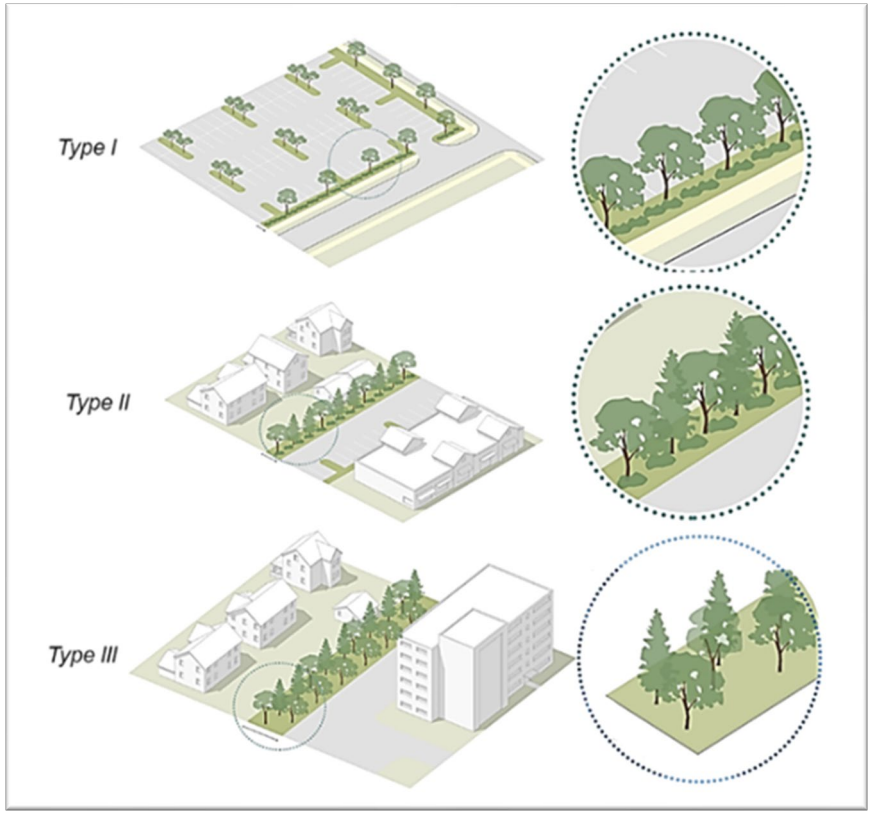


Figure 8-3 Buffer Types & Context
Application of the specific buffer type should be based on context and the adjacent site or projects.

C. **Buffer Locations.** Buffer types shall be required and applied as indicated in Table 8-3.

Table 8-3: Buffer Application

Intensity of Adjacent Site	Intensity of Proposed Development				
	Very Low	Low	Medium	High	Very High
Very Low	--	Type II	Type II	Type III	Type IV
Low	--	--	Type II	Type III	Type IV
Medium	--	Type II	--	Type II	Type III
High	--	Type III	Type II	--	Type II
Very High	--	Type IV	Type III	Type II	--

Use Intensity	
Very Low	▪ Residential: Detached house and duplexes in R-SF, R-MX1, R-MHC zoned districts
Low	▪ Residential: detached house; multi-unit house; townhouse; and small-lot apartment types or R-MX2 zoned districts
Medium	▪ Residential: medium- and large-lot apartment; and or apartment complexes orR-MX3 zoned districts ▪ Nonresidential: churches, schools, or similar institutional uses; neighborhood retail (under 5,000K s.f.); office uses (under 10,000 s.f.2 stories); artisan or small manufacturing (under 10,000K s.f.); or similar uses that do not operate between 10PM and 7AM
High	▪ Nonresidential: general commercial uses that may be larger scale (over 5,000K s.f.); light manufacturing; or other higher intensity uses that operate beyond 10PM
Very High	▪ Nonresidential: heavy commercial uses (over 1050,000K s.f.); or uses with significant outside activity or storage; or heavy industrial and manufacturing uses

Other Applications
▪ Parking areas within 20 feet of any public right-of-waystreet or internal access lanestreet shall have a Type I buffer ▪ Any parking area with 10 feet of any other property line shall have a Type II buffer per Section 36-8.04 ▪ Any lots that back up to or are adjacent to a collector or arterial street require a Type III buffer, which may be incorporated into the right-of-way landscape. (See Sections 36-3.03 and 36-3.04 for better approach to design blocks and lots in association with street networks and open spaces, and not back to streets.) ▪ Any lots adjacent to a highway or expressway shall require a Type IV buffer for residential and Type III buffer for nonresidential

When the adjacent property is vacant, the range of uses permitted within the zoning district of the vacant lot shall be used to determine the appropriate intensity for the buffer type.

D. **General Screening.** All of the following shall be screened from streets or adjacent property by placement of buildings, open space, dense evergreen hedge, and landscape berm at least 3' high, a decorative opaque fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design and placement of buildings, frontages, plantingsopen space, buffers, and other site requirements do not adequately screen these elements, the PD Director may require additional planting to achieve the design objectives of this section.

1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.

2. Permanent or temporary outdoor storage areas.

3. Trash enclosures, and similar collection facilities for recycling or household goods.

4. Utility**-minor as defined, or any ground-mounted utility equipment that exceeds 36 inches in height, width, or depth**~~stations or fixtures~~. **Screening of utility infrastructure will be subject to clearance requirements.**

5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.

6. Any continuous blank wall greater than 50 feet in length or 500 square feet in area that is visible from public streets, public spaces, common areas, or other sensitive boundaries such as residential zones, parks, or civic spaces. These walls shall incorporate a buffer to mitigate the visual impact and ensure compatibility with surrounding environments.

7. Nonresidential parking or residential parking lots with over 10 spaces adjacent to residential lots.

E. **Fences & Walls.** Fences and walls for individual property shall be located according to Table 8- 4.

Table 8-4: Fence & Wall Standards

	Residential Uses	***Nonresidential Uses [1]~~Commercial & Industrial~~***
Front	**Fences at least 50% open, u**~~U~~p to 4' high	**Fences at least 50% open, u**~~U~~p to 4' high
Side & Rear	Up to 7~~6~~' if behind the front building line **and complies with sight distances per 36-3.03**	Up to 8' if behind the front building line **and complies with sight distances per 36-3.03**
Setbacks	All fences shall be at least 18 inches from any public sidewalk, except front fences meeting the front fence design standards may be built on the property line even if abutting a sidewalk.	
Generally	▪ **Decorative o**~~O~~rnamental enhancements such as a trellis or an arch associated with an entry or gateway may be up to 8' high. ▪ All fences or walls located in required yards and setbacks shall be designed so the most finished side faces out to the street or adjacent property. ▪ Fences or walls meeting required building setbacks can exceed the fence height limits, but may be limited by development standards, building codes, or other public health and safety standards.	

[1] Including Mix of Uses

1. *Materials.* All fences and walls shall be made of the following:
   a. Masonry, including brick, stone, integrally colored concrete, textured concrete, smooth or textured concrete masonry unit (CMU), stucco, or other similar material;
   b. Decorative metal, such as cast or wrought iron or other decorative metal;
   c. Chain link – steel; Aluminum or vin**y**~~a~~l clad except **that these type of fence materials are** prohibited **in**~~for~~ any front **yard**~~fence~~ in residential or commercial districts;
   d. Wood materials designed specifically for fencing purposes. Wood fence material shall meet EPA residential use standards;
   e. Vinyl, plastic, or composite fence products designed specifically for fencing purposes; or
   f. Steel or aluminum woven wire designed for fencing. Barbed or other sharp wire shall only be permitted to the side or rear of commercial and industrial fences and only if all portions of barbed wire are above 6 feet high.

2. *Sports & Recreation Fences*. Fences for sports and recreation facilities, or for any other similar public facility, may be up to 10 feet generally; or up to 14 feet for tennis, pickleball, or similar sport courts if at least 50% open above 7 feet high; and taller to serve the functional need for backstops or golf course protection.

3. *Sight Distances.* All fences, walls or screening shall be located out of the sight distances in Section 36-3.03.B.7, or otherwise limited to no more than 3 feet high in these areas.

4. *Drainage Easements.* No fence shall be constructed which could impede the flow of drainage waters. All fences must be installed in a manner that will not constrict the water flow planned for proper drainage of the lots in a subdivision.

36-8.05 Plant Specifications

A. **Design Objectives.** The plant specifications have the following design objectives:

1. Ensure the longevity and survival of landscape investments with proper species, location, installation, and maintenance of plants.

2. Promote regionally appropriate strategies, including limiting risk of disease or infestation through diversity of urban forest on an area- or city-wide basis, and to improve stormwater management and adaptation to local environmental conditions.

3. Establish minimum standards that balance immediate conditions with reasonable long- term growth and performance of landscape.

4. Utilize drought tolerant plants and landscape designs that conserve water and provide lower maintenance through different seasonal conditions.

5. Integrate native plants wherever practical to support local wildlife, enhance biodiversity, and contribute to the ecological integrity of the region.

B. **Species.** All trees and shrubs shall be selected and planted according to plant lists and industry guides administered by and available from the Department of Planning and Development and listed in Appendix A. In addition to any species on these lists, alternatives may be proposed and approved as part of the zoning site plan, provided they:

1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;

2. Are adaptable to the climate, region, and the specific conditions in which they are proposed;

3. Are not invasive or otherwise problematic to the overall health of the landscape; and

4. Are not listed in Appendix A as “Do Not Plant”.

C. **Plant Specifications.** All landscape materials shall meet the American Standards for Nursery Stock standards, and be selected for its native characteristics or survival in the climate and region. Plants shall meet the following specifications at planting:

Table 8-5: Plant Specifications

Type	*Specification*
Overstory Tree	1.5” caliper; Mature height of at least 30’; Deciduous tree
Understory Tree	1.0” caliper; 8’ minimum planting height for multi-stemmed; Mature height of 15’ – 30’; Deciduous tree
Evergreen Tree	6’ minimum planting height; Mature height of at least 10’. Evergreens with mature heights of 30’ or more may be classified as overstory, evergreen, or conifer trees.
Shrub	5-gallon minimum container or 18” minimum planting height; 36” minimum mature height
Ornamental Grass	**1-gallon minimum container or over 24” at mature height**
Ground Cover	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within two growing seasons.

General	At least 30% of plantings in any landscape project shall consist of plant species native to Missouri.

D. **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

Table 8-6: Tree Diversity

Required Trees	*Diversity*
1 - 4	▪ No specific requirement, but trees should be diversified from existing trees in the vicinity.
5 - 10	▪ At least 2 genus ▪ No more than 50% of any one species
11 - 20	▪ At least 3 genus; and ▪ At least 4 species ▪ No more than 40% of any one species
21 or more	▪ At least 3 genus; and ▪ At least 5 species ▪ No more than 33% of any one species

*Street trees may be uniform species to implement a streetscape design or existing pattern on a block, and diversity should be achieved through variation of site trees or by street tree diversity on broader block scale through streetscape master plans.

E. **Planting & Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods. At a minimum landscape plans shall demonstrate the following:

1. No plants shall be planted over any area that has been compacted. All planting areas shall be excavated and filled with amended soils to a depth of at least 24 inches, or additional sufficient depth to reach existing soils and remove any impervious material, compacted soils, stones 1 inch or larger, or any other material harmful to plat growth.

2. All plant materials and planting areas shall be prepared and planted according to American National Standards Institute: Tree Care Standards and ensure proper soil quality and conditions.

3. All plantings shall be properly maintained. Plant materials which fail to grow within a two-year period or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered by the PD Director to be removed and replaced.

4. The PD Director may defer planting for up to 9 months to account for seasonal conditions that make planting impractical and grant any conditional or temporary permits necessary to ensure planting occurs. **An escrow in the amount of the total cost estimate of landscaping for the construction must be given in January 1 dollars for the current calendar year.** The PD Director may approve substitutions of equal or better- performing species where a specific plant on an approved plan is not available in the region due to circumstances beyond the applicants control.

5. All elements of an approved landscape plan including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Deficiencies of any approved landscape plan at any point may be enforced as a violation of the provisions of this ordinance.

6. **All required landscape plantings shall be installed during the appropriate planting seasons to ensure survival and proper establishment. Acceptable planting seasons**

include:

- Spring (March 1 through May 10); and
- Fall (September 15 through November 10)

Planting outside these periods shall be allowed only when an arborist notifies the Planning and Development Department and follows required care and best practices to support plant growth.

7. All trees, shrubs, and other required planting shall retain the original nursery-provided identification tags until initial landscape inspection is completed. Tags must remain visible and legible at the time of inspection.

8. All required plantings shall have a warranty for a minimum of 6 months following the date of initial inspection. A mandatory reinspection shall occur within this warranty period to confirm species, survival, and establishment.

36-8.06 Tree Preservation and Protection

A. **Design Objectives.** The tree protection standards in this section have the following design objectives:

1. To preserve the city's character by preventing indiscriminate removal or destruction of trees.
2. To improve property values through implementation and management of street trees, and through maintaining an acceptable tree canopy over all property.
3. To increase the environmental performance of streetscapes and site design, recognizing the air quality, stormwater filtering and infiltration, habitat maintenance, and energy reduction benefits provided by mature trees.
4. To enhance compatibility of different projects with established buffers that mitigate impacts of development or other natural ambient conditions.
5. To retain high priority trees and limit unnecessary tree removal on redeveloped or undeveloped sites.
6. To establish tree protection measures during development and reward tree protection efforts with flexible development standards.
7. To preserve exceptional trees that are unique, native, possess exceptional aesthetic value, or are otherwise considered a valuable community resource.

B. **Applicability**. The provisions of this section shall specifically apply to:

1. All public right-of-way or other municipal property, including parks, open spaces and municipal grounds.
2. All development that requires a landscape plan according to Section 36-8.02.
3. The following additional development activities:
   a. Any disturbance of more than 5,000 square feet of land;
   b. Any new residential structure that is built on a vacant lot and not zoned R-SF;
   c. Any clearing of existing trees with a Diameter at Breast Height of 4~~12~~ inches or greater, by any means where the clearing activity will cover an area of land of 5,000 square feet or greater; or
   d. Any activity requiring a land disturbance permit.

C. **Protected Trees.**

1. Trees are protected based on their size and location, as specified in Table 8-7 and Figure 8-4.
2. Protected trees require mitigation if removed.
3. Priority trees require special circumstances and approval to remove the tree and require additional mitigation if authorized to be removed.
4. Tree preservation shall be prioritized in site layout and design prior to consideration of tree removal or replacement
5. Removal of tree solely for the purpose of reducing mitigation or replacement obligations is prohibited.

Table 8-7: Protected Trees

Location	*Protected Tree*	*Mitigation If Removed*	*Priority Trees [1]*	*Mitigation If Removed*
Area 1: Street Trees	--	--	> 6" DBH	▪ 1 tree for every 6" DBH removed ▪ Maximum 4 to 1 replacement
Area 2: Frontage Trees	4" – 6" DBH	1 to 1 replacement	> 6" DBH	▪ 1 tree for every 6" DBH removed ▪ Maximum 3 to 1 replacement
Area 3: Lot Trees	64" – 20" DBH	1 to 1 replacement	> 20" DBH	▪ 1 tree for every 12" DBH removed ▪ Maximum 3 to 1 replacement
Area 4: Buildable Area Trees	6" – 30" DBH	1 to 1 replacement	> 30" DBH	▪ 1 tree for every 12" DBH removed ▪ Maximum 2 to 1 replacement
Any Area	--	--	Any Missouri State Champion Tree	▪ 1 tree for every 6" DBH removed ▪ Maximum 4 to 1 replacement

[1] Priority trees may only be removed as provided in Section 36-8.06.D.
DBH – Diameter at Breast Height

Area 1. "Street trees" includes any tree that is 6" DBH or more, and in the public right-of-way.

Area 2. "Frontage trees" includes any tree that is 4" DBH or more, on private property and within 20 feet of the front lot line.

Area 3. "Lot trees" includes any tree that is 6" DBH or more, on private property, but outside of the frontage or buildable area.

Area 4. "Buildable area trees" includes any tree that is 6" DBH or more, and in the buildable area determined by the zoning setbacks applicable to the principal building.

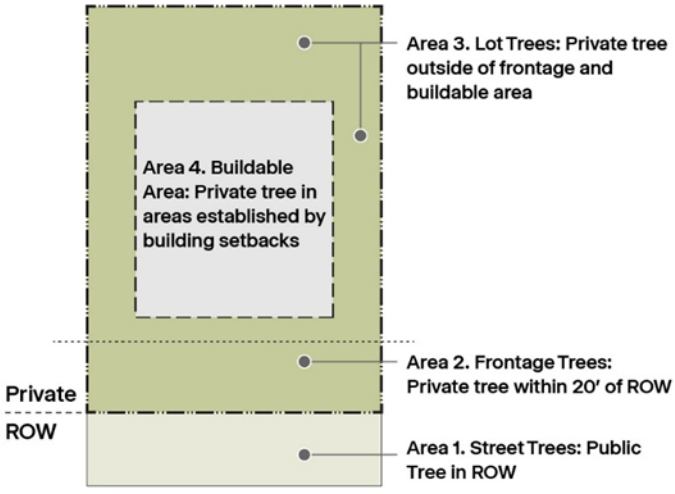


Figure 8-4 Tree Protection Areas *Tree protection provisions and required mitigation is based on the area of the lot and the size of trees in particular areas.*

D. **Exceptions – Authorizations for Removal.** The PD Director may consider an exception to remove a tree prohibited from removal under Section 36-8.06.C only upon a written request indicating the specific tree and documentation establishing justification for removal. The PD Director may grant the exception for the following reasons:

1. The tree is dead by natural or environmental causes;

2. The tree is diseased or dying, and constitutes a threat to healthy trees, property, or public safety; or

3. Removal of the tree is necessary for construction, development or redevelopment under the following criteria:
   a. All reasonable efforts have been made to avoid removing the tree through comparable alternative designs;
   b. The presence of the tree places an undue financial burden on the property owner or applicant; and
   c. No other reasonable accommodations, including adjustments to the otherwise allowable building footprint can be made to preserve the tree.

4. Emergency situations such as storm damage, emergency access or other safety measures make it necessary to remove or alter the tree. In such cases, no permit or authorization is needed at the time of the occurrence, but a permit and any necessary mitigation shall be processed after the emergency situation is addressed.

5. The tree is an invasive or undesirable species or is identified on the Do Not Plant list found in Appendix A **and the User's Manual**. These trees are not protected and should be removed from all sites, whether through development or property maintenance. No mitigation or specific authorization is required for their removal.

E. **Tree Inventory and Canopy Assessment.**

1. *Tree Identification Required.* Prior to site disturbance, applicants shall identify existing tree resources using one of the following methods, as approved by the PD Director:

   a. *Tree Inventory.* For sites with limited tree cover, a visual inventory identifying the approximate number, size, and location of protected trees may be submitted.

   b. *Canopy Coverage Assessment.* For heavily treed or wooded sites, a canopy coverage assessment may be used in lieu of a tree-by-tree inventory for purposes of calculating mitigation and replacement requirements.

   c. *Aerial Imagery Standards.*
      (1) Canopy coverage shall be calculated using aerial imagery dated no earlier than 5 years prior to the date of application.
      (2) Imagery shall pre-date submission of the current development application.
      (3) The PD Director may establish administrative guidance identifying acceptable imagery sources and methodologies.

F. **Tree Mitigation and Replacement Calculation.**

1. *Canopy Equivalency Standard.* For purposes of calculating required replacement, one (1) replacement tree shall be equivalent to 400 square feet of tree canopy.

2. *Replacement Formula.* Required replacement trees shall be calculated by dividing the total canopy area removed by 400 square feet.

3. *Rounding.* Fractions shall be rounded up to the nearest whole tree.

4. *Relationship to Table 8-7.* Table 8-7 shall continue to apply to individual protected and priority

trees. For projects involving substantial tree removal or wooded sites, the PD Director may require use of the canopy-based method to ensure proportional and predictable mitigation.

5. *Maximum Replacement Requirement.*
   a. The total number of required replacement trees shall not exceed 20 trees per acre of site area.
   b. Where calculated replacement requirements exceed this maximum, the required number shall be reduced to the capped amount.
   c. The cap shall apply regardless of whether replacement trees are planted on-site or satisfied through alternative compliance.

6. *Tree Replacement Methods.* On-site replacement. Required replacement trees shall be planted on-site where sufficient area exists to support healthy tree growth.

7. *Alternative or Phased Planting.* The PD Director may approve alternative or phased planting approaches where site constraints limit full on-site replacement. Compliance with the intent of this section shall be verified through the zoning site plan procedure.

8. *Fee-in-Lieu of Tree Replacement (Reserved).*

G. **Protection Measures.** All trees that are prohibited from removal and any other tree that will remain on site according to the Tree Protection and Removal Plan shall be protected by the following measures.

1. *Tree Protection and Removal Plan*. A tree protection and removal plan shall be provided for all applicable projects where:
   a. The property has a tree protected by Section 36-8.06.C;
   b. As part of a landscape plan associated with development, where existing trees will be retained and protected to meet landscape requirements; and
   c. Any trees are proposed to be removed as part of a building permit or associated with grading or demolition.

   The tree protection and removal plan shall show all existing trees sizes and species, identify trees proposed for removal and trees to be retained, and include locations of protection fences and other protection measures required by this section.

2. *Fences.* Protective/temporary fences shall be required for all trees noted to remain on the tree protection and removal plan, or are otherwise not authorized for removal. This is to prevent infringement on the root system from any construction-related activities and shall be installed according to Table 8-8.

Table 8-8: Protective Fencing

Tree Size	*Fenced Area (lessor of)*	
> 30" DBH	20' from center of tree	Fencing protecting 100% of the drip line on all sides of the tree
20" – 30" DBH	15' from center of tree	
< 20" DBH	10' from center of tree	
	All required protective / temporary fencing shall be at least 4' high	

   a. Fences shall be a snow fence, chain-link fence, orange vinyl construction fence, or other similar fencing.
   b. Fenced areas shall exclude any preexisting structures, foundations, slabs, roadways, sidewalks, and driveways. The fence shall be installed along the edge of the driveways/roadways encompassing the tree to restrict access from the street side.

c. All fences shall appear on construction documents and be installed prior to any other construction-related activity.
d. The fence shall remain in place at all times until all other construction-related activity has been completed or final grade achieved.
e. As part of a permit or review of a tree protection and removal plan, the City may determine that areas of the site removed from construction activity and where damage to roots is not likely may not need protective fences.

3. *Prohibited Activities.* Except for work that is necessary related to utility lines or activity that merely disrupts the surface of the ground, the following activities are prohibited in relation to the protected fences around root zones of all trees.
a. No materials for construction or waste accumulated due to excavation, demolition, or construction shall be placed under the canopy.
b. No equipment shall be cleaned or other materials or liquids deposited or allowed to flow over land within the limits of the canopy, including paint, old solvents, asphalt, concrete, mortar, or similar materials.
c. No signs, wires or other attachments other than those of lightning protection or structural support shall be attached to any tree.
d. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.
e. No grade changes (cut or fill) shall be allowed within the limits of the drip line.
f. New paving with asphalt, concrete, or other impervious materials shall be avoided within the limits of the drip line or otherwise protected root zone, and no new work shall be permitted in a manner which may be expected to severely damage or kill a tree.
g. No other act by which soil is removed and land changed that may result in the movement of sediments, and may include tilling, clearing, excavation, or removal of vegetation that may cause unmanaged stormwater runoff and drainage in the direct path of the drip line.

H. **Violation and Enforcement**. Removal, damage or impairment of any protected tree, except as provided in this section, is a violation of this ordinance, enforceable as provided in Section 36-1.07 and each tree shall be considered a separate incident. Any fines and penalties shall be in addition to the mitigation measures required in sub-section C for removal of protected trees.

36-8.07 Outdoor Lighting

A. **Design Objectives.** Outdoor lighting of sites and buildings shall meet the following design objectives:

1. Provide safety and security in publicly accessible areas.

2. Create comfort and atmosphere with softer and warmer lighting in gathering spaces, social places, and pedestrian-oriented areas and streetscapes.

3. Limit backlight, uplight, glare, or other impacts that outdoor lighting could have on adjacent sites.

4. Accent the architectural features of buildings, gateways, or other portions of sites visible from the streetscape or other public spaces.

5. Design the appropriate scale, location, and type of light fixtures considering pedestrian- oriented or vehicle-oriented portions of sites, and the context and character of distinct areas.

6. Reduce light pollution and comply with the “dark sky” principles for responsible outdoor lighting, including useful, targeted, controlled, low-level, and color-appropriate lighting.

7. Develop energy efficient lighting strategies in balance with other site lighting objectives.

B. **Mounting Height.** All exterior lighting shall be limited to the mounting heights specified in the following

table:

Table 8-9: Maximum Light Mounting Height	
Driveways and Parking Areas	▪ 20' in residential districts; ▪ ~~2~~05' within 100' of a residential use or residentially zoned property or within 25' of any street; ~~and~~ ▪ 35' in all other districts or situations ▪ The maximum permitted average illumination at any point along the perimeter of the property ~~of all parking area~~ is 5 footcandles~~.~~
Pedestrian Walkways, Plazas or Courtyards, and Pedestrian-oriented Streetscapes	16'
Facade Lights	Below the eave or cornice line, provided the light is directed downward or otherwise designed and located to limit up-lighting beyond the facade
Other Site Lighting	▪ 12' nonresidential; and ▪ 7' residential
Building Mounted Security Lights	May be mounted at heights required to provide adequate security provided all efforts be made to mitigate off-site impacts including dimmers, timers, sensors, shields or other technology
General	Light poles shall be setback from adjacent property at least 1/3 of the height.

C. **Shielding.** All exterior fixtures shall be shielded and installed so that the direct illumination shall be confined to the property boundaries of the source and use shields according to Table 8-10.

Table 8-10: Required Shielding			
Wattage or Mounting Height	***Shield Type***		
	Full Cutoff [a]	***Cutoff*** [b]	***Semi-cutoff*** [c]
Lights mounted above 25'; or Lights above 5,000 lumens	Required	Prohibited	Prohibited
Lights between 2,400 and 5,000 lumens and mounted below 25'.	Permitted	Required	Prohibited
Lights below 2,400 lumens and mounted between 12' and 25'	All shielding types permitted		
Lights below 2,400 lumens and mounted less than 12'	No shielding required		
Decorative lighting below 200 lumens at any height	No shielding required		

a Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.

b Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.

c Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

D. **Design & Performance Standards.** In addition to the height and location standards, exterior site lighting shall meet the following performance standards:

1. Light locations, illumination levels, and fixtures shall be designed to minimize backlighting, uplighting, and glare.

2. Light levels at the perimeter of property shall not exceed:
   a. 0.3 footcandle in or abutting residential zoning districts for lights less than 15 feet high;
   b. 0.5 footcandle in or abutting residential zoning districts for all other lights; and
   c. 1.0 footcandle along any other property boundary.

3. All outdoor lighting shall have a correlated color temperature (CCT) of no more than 3,000K to minimize blue light emission glare.

4. The style of light standards and fixtures shall be consistent with the style and

character of architecture proposed on the site and building.

5. Lighting shall be designed to meet the functional and security needs of the site, without adversely affecting adjacent properties. Performance and operational characteristics such as dimming interfaces or timers that reduce lights to minimal security levels for off hours should be used.

6. No lighting shall be permitted in required buffer in Section 36-8.04, except if the buffer yard includes a publicly accessible sidewalk or trail.

7. Lighting plans shall demonstrate compliance with industry standards and guidelines for environmental and energy performance, including the fixture types, light source, and energy source.

8. A photometric plan prepared by a qualified professional may be required by the PD Director for large-scale uses or where certain compatibility and adjacency issues exist because of anticipated lighting.

E. **Exemptions.** The following are exempt from the specific lighting specifications and standards, but still may be subject to general landscape and sight design standards or other conditions and industry standards to mitigate impacts as much as practical:

1. Outdoor recreational uses;

2. Emergency warning or automated security lighting that is only activated during specific events; and

3. Temporary holiday lights.

36-8.08 Modifications

A. **Alternative Landscapes.** The PD Director or the Planning and Zoning Commission may consider alternative landscape and site design plans through the zoning site plan **modification** process in Article 2. In addition to the general zoning site plan criteria in Section 36-2.03, any proposed alternative landscape and site design shall result in one or more of the following additional benefits:

1. Better allocation of plants in relation to the following areas in order of priority of design objectives:
   a. Mitigating any off-site impacts on adjacent property due to higher intensity activities
   b. Relationship to streetscapes and abutting civic or open spaces.
   c. Enhancements to active or social spaces within the site.

2. Preserve existing, established, healthy and desirable landscape and improve the environmental performance of the site.

3. Improve the longevity, survival, health, or general species mix of plant materials specific to the context and vicinity of the site.

4. Lighting results in better compliance with industry standards and guidelines of the Illuminating Engineering Society and Dark Sky International (IES / IDA).

Article 9. Signs

36-9.01 Intent
36-9.02 Applicability
36-9.03 Exempt Signs
36-9.04 Permitted Sign Allowance
36-9.05 Standards for General Sign Types
36-9.06 Standards for Specific Sign Types
36-9.07 General Standards - All Signs
36-9.08 Design Guidelines
36-9.09 Alternative Sign Plans

36-9.01 Intent

The intent of this article is to:

A. Create an attractive aesthetic environment in the city.

B. Enhance the quality and civic design of the community through the visual priority of buildings, streetscapes, open spaces, scenic views, landscapes, and other investments in the public realm and civic assets of the city.

C. Improve economic viability by assuring that the city is a visually pleasant place to visit, conduct business, and live.

D. Provide effective identification and communication for businesses, institutions, and other community destinations without excessive competition for visual attention.

E. Ensure that signs and graphics maintain the unique character of distinct places and districts.

F. Encourage creativity or flexibility in sign design that improves quality, uniqueness, or aesthetic characteristics of the area, as opposed to simply calling greater attention to one particular use or site.

G. Protect property values and investments by minimizing adverse effects from signs on adjacent property and public spaces.

H. Promote safety for pedestrians, bicyclists, motorists, or other users of the public rights-of-way with proper design, location, construction, operation, and maintenance of signs.

I. Ensure that the constitutionally guaranteed right of free speech is protected through appropriate and reasonable standards for signs as a way of public communication.

36-9.02 Applicability

A. **Permits Required.** A permit is required for all new signs or changes to existing signs, except:

1. Signs exempt from the permit under Section 36-9.03, subject to the limits and qualifications of each exemption.

2. Modifications of nonconforming signs subject to the provisions of Section 36-1.06.

3. Ordinary maintenance or repair of existing signs not involving structural changes.

4. The change of copy or content, change of sign panels, or similar changes to an existing sign that conforms to these standards.

5. Signs, including exempt signs, may require other permits demonstrating compliance with other codes such as building codes or electrical codes, as determined by the PD Director.

B. **Applications.** Application for sign permits shall be signed by the property owner or the owner's authorized agent, and include plans, specifications, and details that identify compliance with the applicable standards. Plans shall include:

1. Calculations of sign allowances for specific sign types based on the lot or building dimensions.

2. A zoning site plan and building elevations showing specific locations of all permitted signs.

3. Sign designs with the dimension, type, materials, and other specifications for each sign and a schedule showing the totals for all signs within each sign type compared to allowances.

4. Other construction specifications including associated foundations, attachment methods, or electrical work necessary to demonstrate compliance with other applicable codes.

C. **Sign Measurements.** Sign dimensions shall be interpreted as follows:

1. *Area Calculation*. The total sign allowance and individual size of any sign shall be calculated as follows:
   a. The area of the sign shall be computed by the area of the face of the smallest geometric shape enclosing the sign face. Bases or supporting structures that include no message, and decorative frames may be excluded from the sign area calculation.
   b. Building signs mounted within a frame, panel, or distinct background shall include the entire frame, panel, or background areas.
   c. Building sign mounted directly on the wall, window, or otherwise not on a background or panel shall be measured by the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the copy and graphics display. Gaps between the copy or graphic display which are greater than two times the height of the sign area may be subtracted from the calculation of the sign area, but it shall be interpreted as two signs.
   d. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.
   e. Signs mounted on illuminated objects and surfaces shall count the entire illuminated surface as the sign area. Examples include lit canopies or awnings, or digital or illuminated projections on a wall surface.

2. *Double-faced Signs.* Where the interior angle between two sign faces of a double-faced sign is no more than 45 degrees and the sign faces are no more than 5 feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be 50% of the sum of all sign faces.

3. *Three-dimensional Objects*. A three-dimensional object or other non-planer sign area is measured as 50% of the sum of four vertical and rectangular planes that enclose the entire object.

4. *Height.* Sign height is measured from the existing lowest grade directly below the sign to the highest point on the sign or sign structure. Decorative elements up to 1 foot above the sign may be excluded from the height. The average grade below the sign may be used; however, if the grade differs by more than 15 feet height shall be measured from 10 feet above the low point. 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 the sign shall be used.

5. *Clearance.* Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.

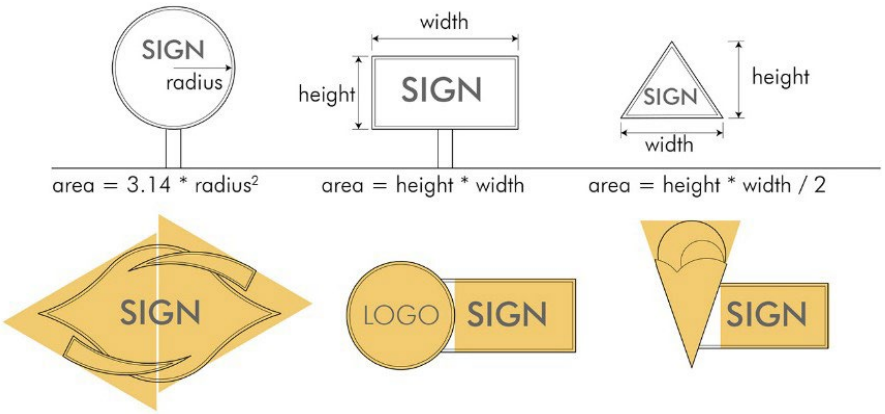


Figure 9-1 Sign Measurements *The size of a sign is generally measured by the area it is mounted upon, or when mounted directly on walls or irregular shapes, the area of up to two standard geometric shapes that encompass the sign or the outer limits of the sign. [36-9.02.C.1.]*

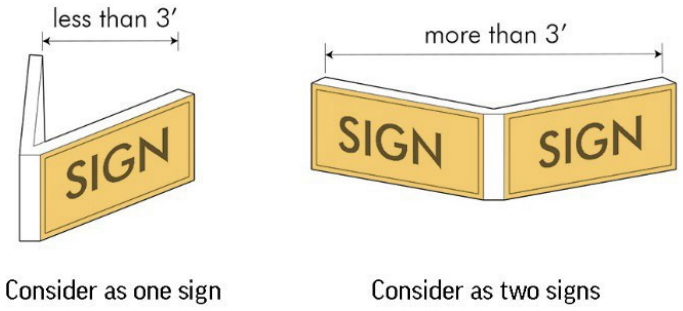


Figure 9-2 Double Faced Signs *Double faced signs generally count the area of only one side as the sign area; except where they are more than 3 feet apart at any one point, then each sign face counts to the area. [36-9.02.C.2.]*

36-9.03 Exempt Signs

The following signs are exempt from a permit provided they meet all other applicable requirements of this article. Unless specifically noted, exempt signs do not count towards the sign allowance specified for the applicable zoning district. Any signs beyond these exemptions and limitations shall only be allowed by a permit and count towards the sign allowance for the lot and building.

A. **Property Identification Signs.** Signs identifying a property address or building are encouraged to help public safety personnel, emergency services personnel, and the general public locate the property. Property identification signs shall be visible from the right-of-way and are subject to the following limitations:

1. *Address Signs.* Two per address up to 2 square feet each, only one of which may be ground mounted. Address signs on buildings shall be placed between 4 feet and 12 feet high on the building. Ground-mounted address signs shall be no more than 36 inches high.

2. *Building Name Plate.* Each building or site may have one name plate sign of up to 20 square feet per street. Building name plate signs shall be associated with the permanence or significance of the building or site, rather than a particular tenant, and include designs such as engraved stone, bronze plates, or similar ornamental detail integrated with the architecture of the building or the landscape of the site.

B. **Public Safety, Traffic Control or Public Information.** Signs designed and located to control traffic movement and safety of vehicles and pedestrians according to Manual of Uniform Traffic Control Devices (MUTCD) standards, signs required by the city's building or fire code, or signs otherwise required to support any official action or legal obligation of a federal, state, or local government, may be designed and located to meet the public purpose of the official entity or the requirements of other codes.

C. **Flags**. Flags shall be mounted to a building below the building height or mounted on a permanent pole subject to the height limit of the zoning district and setback from the property line a distance equal to the actual height of the flagpole. 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. No flagpole may be placed in any easement or within a distance to an easement equal to the height of the flagpole without the permission of the easement owner.

D. **Window Signs.** Wall signs do not include signs on the inside of a window. Wall signs on the exterior face of windows are not permitted, except that lettering on the exterior face of a window stating the days and times that the business is open is permitted as an exempt sign.

E. **Temporary Signs**. All temporary signs are prohibited except as expressly authorized under Section 36-9.05.C~~D~~. Temporary signs expressly authorized under Section 36-9.05.C~~D~~ are not exempt from the sign permit requirement except as specifically noted in that section.

F. **Construction Signs.** Non-illuminated temporary signs pertaining to the construction, sale, or lease of the premises are exempt from the sign permit subject to the following limits:

1. Residential districts: maximum effective area 6 square feet.

2. Nonresidential districts: maximum effective area 34 square feet.

3. One sign per street frontage.

4. The sign shall be removed within 7 days of the completion of construction, sale, or lease.

G. **Interior Signs.** Any sign that is not legible from the right-of-way, from any point along the perimeter of the property or from adjacent property, or from publicly accessible common spaces are exempt from permits and the standards of this article, but may be subject to electrical, fire, or building codes or other construction specifications. The sign shall be considered legible if the sign content exceeds one inch per 30 feet of distance from the right-of-way, adjacent area, or publicly accessible common space.

H. **Machinery & Equipment Signs.** Accessory signs necessary to devise function or safety on machinery or equipment, such as on gasoline pumps or vending machines. Devices or signs may not be enlarged beyond practical purposes to increase the sign area or visibility of the devices.

I. **Special Event Signs**. Temporary special event signs advertising drives, grand openings, or events of a civic, philanthropic, educational, religious, political, or similar nature may be displayed without a permit subject to the following limits: in residential districts, 10 square feet maximum; in commercial districts, 34 square feet maximum; displayed for no more than 30 days per year; and removed within 24 hours after the event.

J. **Venue Signs.** Signs associated with and accessory to a public or common gathering space for events, and which are oriented only towards patrons of the event, such as scoreboards, institutional logos, crowd instructions, or event-related messages are exempt from the permits and standards provided they are accessory to the facility and any structures the signs are mounted on are approved as part of a zoning site plan for the facility.

K. **Now Hiring Signs.** "Now hiring" signs not exceeding 6 square feet in size are exempt from permit.

L. **Vehicular Signs.** Signs lawfully displayed on a vehicle in normal operation are exempt from permit. Vehicular signs shall 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 motor vehicle, except that a roof sign not to exceed 2 square feet in effective area shall be allowed. This exemption shall not include signs in transit to a site of permanent use, nor any inoperable vehicle or trailer located for the primary purpose of advertising, which is regulated as a detached sign.

M. **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 10 square feet in effective area. The bottom of the banner shall be a minimum of 10 feet above the parking lot grade.

N. **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, are exempt from permit. These signs shall be attached only, and may not exceed a total of 4 square feet in effective area per business.

O. **Political Signs.** Temporary signs of an ideological, political, or noncommercial nature are exempt from permit subject to the same time, place, and manner limits applicable to other temporary signs in the same zoning district under Section 36-9.05.C~~D~~. Any sign permitted under this article may contain ideological or noncommercial copy in lieu of any other copy.

P. **Directional Signs.** Detached directional signs not exceeding 5 square feet in effective area and 4 feet in height above street grade are exempt from permit. Any logo, business name, product or service identification, or other advertising shall not exceed 20 percent of the effective area.

36-9.04 Permitted Sign Allowances

A. **Residential Signs.** The following signs are permitted in residential districts (R-SF, R-MX1, R-MX2, R-MX3, and R-MHC), and for any residential building or use permitted in a nonresidential district. All planned zoning applications containing a residential component shall follow these standards, unless specifically amended by the approved regulating plan in Section 36-2.06.

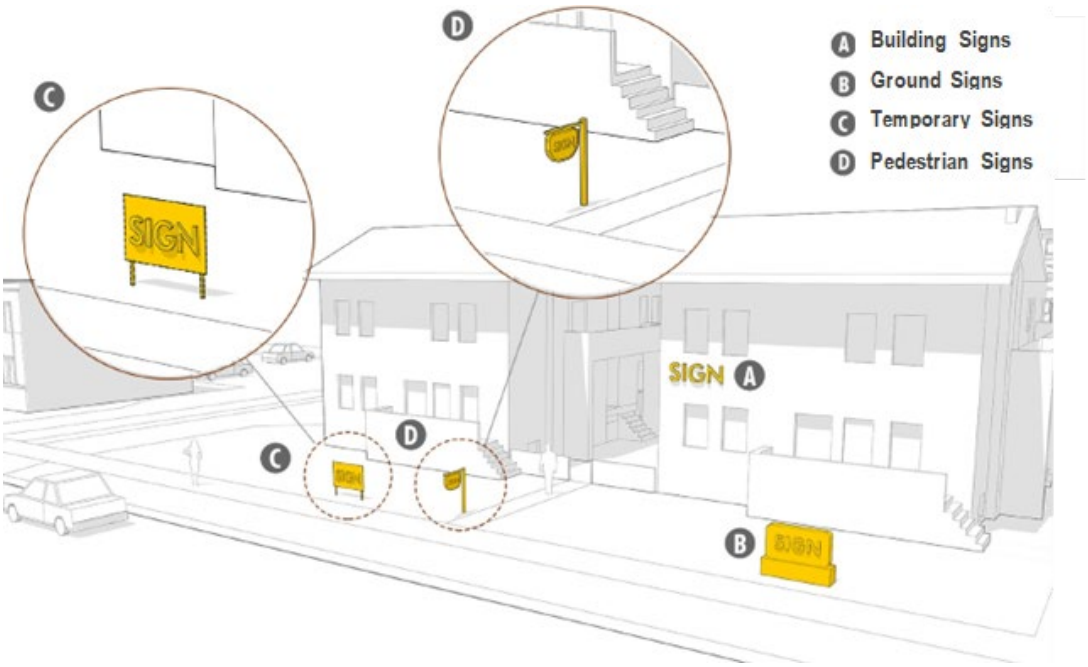


Figure 9-3 Residential Sign Types

Table 9-1: Residential Sign Allowances	
Ground Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ Maximum effective area of 6 square feet. ▪ A premises with 250 or more feet of frontage along one street, or 5 or more acres in lot area, may have a sign up to 34 square feet in effective area
Maximum Size	▪ 100 s.f. on local and collector streets ▪ 200 s.f. on secondary arterial streets ▪ 250 s.f. on primary arterial streets, freeways, or expressways
Quantity	1 / lot, but lots with more than 425' of frontage may have 2
Maximum Height	25'
Location	▪ Each ground sign shall be located no closer to the centerline of the adjacent street than the distance established by the major thoroughfare plan for the applicable street classification, as set forth in Section 36-9.05.A.1 ▪ 300' separation from another ground sign **is maintained between all ground signs on a given premises**
Other standards	See Sections 36-9.05.A and 36-9.06.A.
Building Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 1 s.f. / lineal foot of wall along the street frontage ▪ 2 s.f. / lineal foot of wall along the street frontage if site has no ground sign
Maximum Size	n/a – subject to overall allowance
Quantity	1 / street-facing wall or other wall facing internal common areas
Maximum Height	▪ At least 1 foot below the top of the wall it is mounted on for flat roof buildings ▪ At least 1 foot below the roof deck or eave line for pitched roof buildings
Other Standards	See Section 36-9.05.B.
Pedestrian Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 1 / public building entrance
Maximum Size	10 s.f.
Maximum Height	▪ 14' if mounted on a wall ▪ 6' if mounted on the ground
Other Standards	See Section 36-9.05.C
Incidental Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 12 s.f. / lot or 25 s.f. /ac., whichever is greater
Maximum Size	6 s.f; or 12 s.f. for lots more than 1 ac. and if setback at least 50' from property line
Maximum Height	▪ 14' high if mounted on a building ▪ 4' high if ground mounted, or 8' high if setback at least 50' from property line
Location	Signs shall be setback at least 6' from any front lot line, and 10' from any other property line
Temporary Signs	
Total Allowance	Temporary signs are prohibited in residential districts except as expressly authorized in Section 36-9.05.**C**~~D~~. The express residential allowance is one (1) non-illuminated temporary sign of up to 4 square feet, displayed for not more than 2 consecutive days, twice per calendar year, no permit required.
Quantity	As provided in Section 36-9.05.**C**~~D~~.
Maximum Size	4 s.f.

Maximum Height	4’
Other Standards	See Section 36-9.05.~~C~~D

B. **Nonresidential Signs.** The following signs are permitted in nonresidential districts (C-MX1, C-MX2, CC, GC, GI, and HM), and for any overlays of these districts that do not specifically modify sign standards. All planned zoning applications containing a nonresidential component shall follow these standards, unless specifically amended by the approved regulating plan in Section 36-2.06.

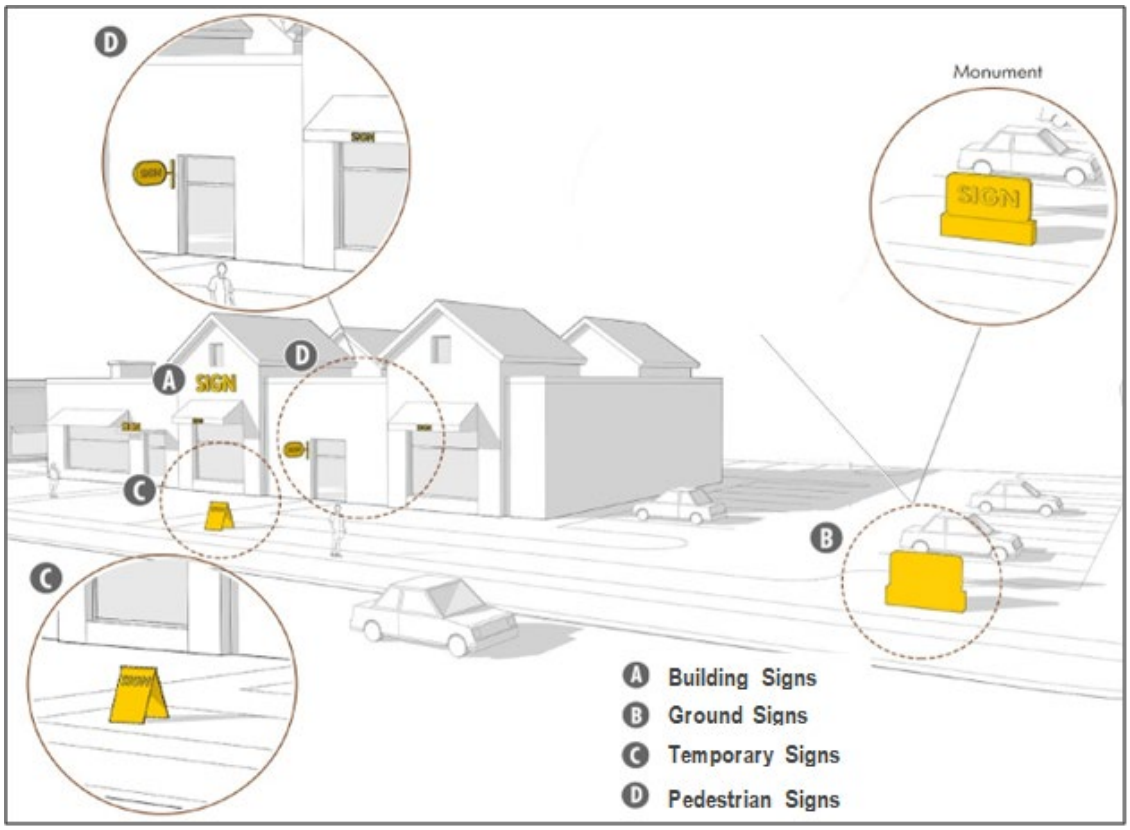


Figure 9-4 Nonresidential Sign Types

Table 9-2: Nonresidential Sign Allowances	
Ground Signs	
Total Allowance	▪ 50 square feet plus 1 s.f. per 1 linear~~l~~ foot of street frontage on local, collector, or secondary arterial street ▪ 100 square feet plus 2 s.f. per 1 linear~~l~~ foot of street frontage on primary arterial, expressway, or freeway
Maximum Size	▪ 250 s.f. for lots fronting on a local, collector, or secondary arterial; or any lot that contains a state licensed off-premises sign ▪ 400 s.f. for lots fronting on primary arterial, expressway, or freeway
Quantity	▪ 1 / lot ▪ Plus 1 additional sign per each 425' of lot frontage on a primary arterial, expressway, or freeway
Maximum Height	▪ 50 square feet plus 1 s.f. per 1 linear~~l~~ foot of street frontage on local, collector, or secondary arterial street ▪ 100 square feet plus 2 s.f. per 1 linear~~l~~ foot of street frontage on primary arterial, expressway, or freeway
Location	▪ Each ground sign shall be located no closer to the centerline of the adjacent street than the distance established by the major thoroughfare plan for the applicable street classification, as set forth in Section 36-9.05.A.1 ▪ 300' separation from any other ground sign **is maintained between all ground signs on a given premises, with the 300-foot spacing of all ground signs on a given premises measured radially from the center of the sign**; 100' separation from an~~y~~ state permitted off-premises sign ▪ The PW Director may require additional setback from centerlines of streets or for utility easements when a plan for expansion of any public facility is planned and could be built within two years.
Other Standards	See Section 36-9.05.A
Building Signs	
Total Allowance	3 s.f. / 1 linear~~l~~ foot of wall length
Maximum Size	n/a – limited by total wall allowance for each wall
Quantity	n/a – limited by total wall allowance for each wall
Maximum Height	▪ At least 1 foot below the top of the wall it is mounted on for flat roof buildings ▪ At least 1 foot below the roof deck or eave line for pitched roof buildings
Other Standards	See Section 36-9.05.B
Temporary Signs	
Total Allowance	Temporary signs are prohibited in nonresidential districts except as expressly authorized in Section 36-9.05.C~~D~~. The express nonresidential allowance is a temporary sign of up to 35 square feet displayed under a sign permit issued by Building Development Services for a period of 15 or 30 days, with a maximum of 6 permits per premises per calendar year.
Quantity	1 permitted temporary sign per premises at any one time, as provided in Section 36-9.05.C~~D~~
Maximum Size	35 s.f., plus a banner sign of highly flexible, lightweight material up to 4 s.f. in effective area is permitted for not more than 30 days per calendar year without a permit.
Maximum Height	20' or below the top of the wall plane, whichever is less if mounted on a wall; 5' if mounted on the ground. All temporary signs shall be attached to a building as an attached sign or attached at each side or corner within the supports of the structure for a permanent sign.
Other Standards	See Section 36-9.05.C~~D~~

36-9.05 Standards for General Sign Types

A. **Ground Signs**. Ground signs are subject to the following additional standards:

1. Setback from Centerline of Street. All ground signs and 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, in accordance with the following table:

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

2. Support structures and bases shall be constructed with durable, quality materials that complement the building or are integrated into the landscape and other site elements in terms of material, colors, and ornamentation.

3. **Freeway Commercial Sign District.** In the designated freeway commercial sign districts, larger and taller detached signs are permitted in business areas. The maximum height for any detached sign in a freeway commercial sign district shall be 70 feet above street grade of the closest street to the sign. The maximum effective area for any detached sign in a freeway commercial sign district shall be 600 square feet. The designated freeway commercial sign districts are:

   a. Property within a 660-foot radius from the intersection of: Interstate 44 and Kansas Expressway; Kearney Street and Schoolcraft Freeway (U.S. Highway 65); Sunshine Street and Schoolcraft Freeway (U.S. Highway 65); the southwest quadrant of Chestnut Expressway and Schoolcraft Freeway (U.S. Highway 65); or Interstate 44 and Mulroy Road.

   b. 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 Interstate 44 and Glenstone Avenue. 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.

   c. Property at the southwest quadrant of Interstate 44 and Schoolcraft Freeway (U.S. Highway 65) within a 1,800-foot radius from the center of the intersection of these two highways. Any premises having frontage along Schoolcraft Freeway (U.S. Highway 65) in this district is permitted to erect two detached signs with a maximum height of 60 feet above adjacent street grade with a maximum combined effective area of 450 square feet.

B. **Building Signs**. Buildings signs are subject to the following additional standards:

1. Signs attached to a building shall not extend more than 18 inches off the surface, except projecting signs meeting the following additional limitations:
   a. Projecting building signs may extend from and be perpendicular to the wall up to 10 feet, but no closer than 5 feet to the back of the curb.
   b. Projecting building signs may extend vertically above a canopy or similar building

projecting up to 4 feet above the mounting service surface, provided it below the wall plane, roof deck, or eave line for the building elevation.

c. Projecting signs shall have a minimum a minimum clearance of 10 feet above the highest level of the ground under the sign at the sign's lowest point.

d. A business may have a projecting sign only if it does not have a roof sign or the maximum allowable number of detached signs for that premises. 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 not exceed 20 square feet in effective area.

e. In the Center City (CC) and Commercial Street (COM1) zoning districts, and along College Street between Grant and Nettleton Avenue, each premises with multiple businesses located on the ground floor with direct exterior public access is permitted a projecting sign not to exceed 10 square feet per business, with minimum 10-foot clearance, regardless of detached signs allowed on the premises. If the premises consists of only one business located on the ground floor with direct public access, a projecting sign not to exceed 30 square feet may be permitted.

f. Projecting signs meeting the standards of this section have a limited license to project over public right-of-way but may be required to be removed by the city for any public safety reason or any other priority use of the right-of-way.

2. **Roof Signs.** 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 4 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. A sign mounted on the lower one-third of a mansard roof shall be considered a wall sign and not a roof sign.

3. No portion of a building wall may be built above the roofline, that serves no other structural or architectural purpose, other than to mount a sign or expand the sign area allowance or sign height.

4. **Channel Letter Along Roof Edge.** Individual channel letters located along a rood 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 6 inches in height. The maximum allowable height of the individual letters shall not exceed 12 inches.

5. **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 7 feet above the walking surface.

C. **Temporary Signs**. All temporary signs are prohibited except as expressly authorized in this Section 36-9.05.CD. Temporary signs are subject to the following standards:

1. **General Prohibition.** All temporary signs are prohibited except as expressly authorized in this subsection. A temporary sign means any sign that is not permanently affixed to a building or sign structure.

2. **Residential Districts.** A premises in a residential district may display one (1) non-illuminated temporary sign of up to four (4) square feet in effective area for not more than two (2) consecutive days, twice (2 times) each calendar year. No permit is required for a temporary sign authorized under this paragraph. No other temporary sign is permitted in a residential district except an exempt sign authorized under Section 36-9.03.

3. **Nonresidential Districts – Banner Allowance Without Permit.** A premises in a nonresidential district may use a banner sign composed of highly flexible, lightweight material, up to four (4) square feet in effective area, for not more than thirty (30) days per calendar year, without obtaining a sign permit.

4. **Nonresidential Districts – Temporary Sign Permit.** Except for exempt signs under Section

36-9.03 and the banner allowance in paragraph (3) above, a sign permit issued by Building Development Services is required for each temporary sign in a nonresidential district. A temporary sign permit allows a temporary sign to be displayed for either fifteen (15) or thirty (30) days, as elected by the applicant at the time of permit issuance. Each premises, and each business within a multi-tenant premises, may obtain up to six (6) temporary sign permits per calendar year. Each business may display one (1) temporary sign of no more than thirty-five (35) square feet in effective area at any one time. All temporary signs shall either be attached to a building as an attached sign or attached at each side or corner within the supports of the sign structure for a permanent sign.

5. **Inflatable Display Objects.** 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 (7) days. The inflatable display object shall be located on grade and appropriately anchored. A temporary sign permit is required.

6. **Streamers.** Streamers are prohibited regardless of color, design, or script displayed on the streamers.

7. **Unusual Situations.** In nonresidential districts: (a) a temporary business with a valid business license and a temporary building permit may apply for and obtain a special permit for a temporary sign for the period of the building permit, attached to a temporary or permanent structure; (b) a temporary business with a valid business license but no structure may apply for and obtain a special permit for a temporary sign attached to a nearby temporary or permanent structure or to the business vehicle in a workmanlike manner; and (c) in the event of 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 sixty (60) days, unless extended by the PD Director for a continuing hardship.

8. **Construction Standards.** Temporary signs shall not be illuminated or painted with light-reflecting paint, and shall be securely anchored so as not to pose a distraction or hazard.

36-9.06 Standards for Specific Sign Types

A. **Neighborhood Identification Signs.** Residential projects with more than 25 lots or more than five acres and with multiple blocks or internal streets are permitted gateway signs in addition to the permitted ground sign allowances subject to the standards in Table 9-3:

Table 9-3: Neighborhood Identification Signs

Ground Signs	
Allowance	▪ Maximum effective area: 50 square feet total per neighborhood
Location	▪ 6' setback from all property lines ▪ Permitted in R-SF and R-MX1 zoning districts
Maximum Height	▪ 5' – monument signs only; unless mounted on a retaining wall or accessory structure incorporated into the landscape design and approved through the zoning site plan process
Other Standards	▪ Neighborhood Identification signs shall be located in a common area owned and controlled by a property owner association to ensure on-going maintenance of the sign and landscape.

B. **Off-premises Signs.** Off premises signs shall only be permitted as follows:

1. *General Allowance.* Off-premises signs are only permitted within 660 feet of an interstate or primary highways where the city is required to allow off premises signs according to RSMo. Chapter 226.500 to 226.000. Where intersecting streets are not state controlled the sign shall

not be located in a right triangle formed by 660 feet from the intersection along the non-state right-of-way, 660 feet from the intersection along the state-controlled right-of-way and the diagonal line connecting those two end points. Off-premises signs on state right-of-way shall meet the Missouri Department of Transportation's outdoor advertising permit standards.

2. *Standards.* State licensed signs shall meet the size and location standards in Table 9-4.

Table 9-4: Off-Premises Signs

Total Allowance	▪ Off premises signs shall be limited by the applicable ground sign allowance unless otherwise authorized by state permit. ▪ Detached signs otherwise permitted by Table 9-2 shall be further restricted on any site with an off-premises sign to: ○ One additional detached sign; ○ 250 s.f. maximum area or applicable property allowances, whichever is less; ○ 25' maximum height; and ○ 100' separation from any other detached sign.
Location	▪ 25' setback from all right-of-way or other property lines ▪ 125' setback from any property in a non-business area ▪ 1,500' separation from any other off-premises sign, except on I-44 where the required separation shall be 2,500' ▪ The PW Director may require additional setback from centerlines of streets or for utility easements when a plan for expansion of any public facility is planned and could be built within 2 years.
Maximum Height	25'
Other Standards	▪ Applicants for off-premises signs shall obtain a state permit prior to submitting an application to the City. ▪ Signs with a valid state-issued permit may contain off-premises or on-premises information.

3. *Scenic Corridors.* Off-premises signs in scenic corridors shall conform to the following additional standards:
   a. *Location*. Scenic corridors are 660 feet from the edge of right-of-way on the following corridors:
      (1) James River Freeway (U.S. 60);
      (2) West By-Pass and U.S. 160; and
      (3) Kansas Expressway north of the nearest paved portion of I-44 and south of the nearest paved area of the James River Freeway (U.S. 60).
   b. *Limitations.*
      (1) Off-premises signs shall not be oriented towards or have copy visible from the listed scenic corridors but may be located on property and oriented to street other than the designated scenic corridor.
      (2) Off-premises signs shall be separated by at least 2,500 feet from other off-premises sign.
      (3) The maximum area shall not exceed 128 square feet and the maximum height shall not be more than 20 feet above the highest paved portion of the right-of-way.

C. **Landscape Wall Signs.** A landscape wall sign consists of individual letters mounted on a screen or perimeter wall, attached or detached from a building, which is architecturally integrated with the overall development. Landscape wall signs shall meet the wall sign allowances applicable to the use and zoning district.

D. **Historic Landmark Signs.** One free-standing or façade-mounted sign identifying a premises of historical

significance is permitted in any locally or nationally designated historic district, and at any duly-designated historic site, historic landmark, or interior landmark located elsewhere within the City. Such sings shall identify, at minimum, the original owner, the current owner, and the year the building was built. No such sign may exceed 2 square feet in sign area. Illumination shall be from the exterior only. Free-standing signs are only permitted for structures with a front yard setback of 20 feet or more, with a minimum 2-foot setback from any public right-of-way line or lot line, and shall not exceed 30 inches in height.

E. **Drive-through Service Signs.** Signs for drive-through services shall be reviewed in coordination with the accessory use standards for drive-throughs in Section 36-4.04. Drive-through uses shall generally permit the following signs:

1. One menu board per drive through service station, with a maximum sign area of 32 square feet and a maximum height of 8 feet.

2. Signs shall be set back at least 20 feet from any adjacent property, and incorporated into the building, circulation plans to otherwise minimize impacts on the streetscape or adjacent property.

3. Menu board signs shall meet all other monument sign design standards, if the menu screen is visible from the right-of-way.

4. Deviations from these standards may only be approved in association with the zoning site plan review or any conditional review required according to Section 36-4.03.E, provided they equally or better meet the review criteria associated with the zoning site plan or permit review.

36-9.07 General Standards – All Signs

A. **Public Health, Safety, & Maintenance.**

1. All signs shall be designed, constructed, located, and maintained in a manner that is compliant with all electrical, fire, building codes, and any other industry standards so that the sign does not present any potential risk to public safety.

2. No sign shall be designed or located in a way where it can obscure, imitate, or be confused with an official government sign for traffic direction or any other public safety symbol.

3. Signs shall not obstruct visibility of pedestrians and vehicles with sight triangles, as defined by Section 36-3.03.B.7.

4. No sign shall hide from the view of those to whom the device is directed any traffic or street sign, signal, or similar device.

5. Any sign projecting over a walkway, active area in front of a building, or other area where people may pass shall maintain at least 7.5 feet vertical clearance and 14 feet vertical clearance if it is accessible to vehicles.

6. No sign, sign structure, or associated grounds shall present any dilapidated state or condition that may negatively impact the relationship to or appearance from the public right-of-way or adjacent property.

7. Affirmative Maintenance Duty. No person shall maintain or allow to be maintained on any premises owned or controlled by that person any dangerous or defective sign. All signs, together with all their supports, braces, connections, or anchors, shall be kept in good repair. Unsafe, damaged, or deteriorated signs, or signs in danger of breaking apart or falling, shall be removed or repaired by their owner. Any fading, chipping, peeling, or flaking or paint, plastic, or glass; or any mechanical, electrical, or structural defect shall be corrected upon written notice by the PD Director.

8. Abandoned Signs. A sign shall be deemed abandoned or discontinued whenever: (a) a

detached sign and sign structure is not removed within six (6) months of the removal of the principal structure on the lot and a new building permit has not been issued; or (b) the sign faces have been removed for a period of six (6) months. An abandoned sign shall be removed by the owner upon written notice by the PD Director.

B. **Specific Designs Prohibited.**

1. No sign shall be placed on any vehicle or trailer visible from the right-of-way, where the sign and the vehicle or trailer is located to avoid the standards or criteria for permitted permanent signs in this article. For purposes of this paragraph, any inoperable vehicle, or any trailer, located for the primary purpose of advertising shall be deemed a detached sign and shall be subject to all standards applicable to detached signs under this article.

2. No sign shall be attached to any public utility pole, placed in any utility easement, or installed within the public right-of-way, except:
   a. Official government signs exempt from these standards according to Section 36-9.03.B;
   b. Signs attached to and projecting from buildings and meeting the standards in section 36-9.05.B.1; or
   c. Signs otherwise licensed by the City through special events or management of the design and use of the right-of-way, apart from this code.
   d. Signs located in a utility easement shall require written approval of the utility provider.

3. Grouping or arranging signs to have the effect of a larger permitted sign or increase visibility to the public beyond size or quantity limits is prohibited

4. No sign shall include balloons, streamers, pennants, inflatable display objects, motion-picture projection used in conjunction with any advertisement, searchlights, strobe lights, or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means.
   a. This limitation shall not apply to pedestrian signs, provided any animated element shall apply to the size of the overall pedestrian sign allowances.
   b. This provision shall not apply to prohibit flags, temporary signs, or digital displays meeting the standards of this article and which have motion, or to signs approved in association with a special event permit.
   c. This provision shall not apply to prohibit temporary holiday displays or works of art, provided there is no business message associated with them.

5. Any sign with a business message shall be located on the lot of the business activity and shall not direct attention to a business, product, or service sold or offered off-premises, except:
   a. Signs for multi-tenant premises, which must be associated with the site and located in common areas controlled by the businesses or property owners' associations; or
   b. State licensed signs according to Section 36-9.06.B.

6. 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 a

C. **Illumination.**

1. Any illumination shall be designed to eliminate glare or any other negative impacts on surrounding right-of-way and property. In general, any direct source of light shall not be visible from the public street or adjacent property.

2 Light from an illuminated sign shall not spill onto adjacent properties. The light reading at any point within 10 feet from an adjacent private property shall be less than one foot-candle.

3. External light sources shall be directed and shielded to conceal the light source and illuminate only the surface of the sign.

4. External illumination of signs 10 feet high or more shall only occur from the top down.

5. No light source shall cause any glare, flashing, movement, or other distraction to traffic.

6. Exposed incandescent, neon, or tube lighting, or other integral illumination where the light source is the sign, shall be limited to window signs mounted to the inside of the building, or used only as an accent of less than 10% of the sign area.

D. **Digital or Electronic Message Displays.** Digital or electronic message displays may be incorporated into permitted signs and are subject to the following additional limitations:

1. Digital and electronic message displays are permitted for a portion not to exceed 40 percent of the sign allowance in nonresidential districts for signs in non-business areas, and may be considered through a conditional use permit for nonresidential uses allowed in residential districts.

2 Only static displays are permitted with at least 8 seconds before transitioning to another static display. However, in nonresidential districts any sign setback at least 125 feet from a non-business area and elevated at least 10 feet above the street grade may use the following limited animation techniques:
   a. Frame effects during transition;
   b. Static displays of at least 3 seconds; and
   c. Transitions lasting no longer than 2 seconds.

3. Flashing is prohibited on all signs.

4. All digital or electronic displays shall be equipped with automatic dimming technology to adjust the brightness in direct response to ambient conditions.

5. No digital or electronic display shall exceed a brightness level or 0.3 foot-candles above ambient light measured at a distance equal to the square root of the sign copy area times 100 feet.

6. Non-Business Area Buffer (100 feet). Digital or electronic message displays within 100 linear feet of a non-business area shall display static copy for at least three (3) seconds per copy frame, and any frame-effect transition shall last no longer than two (2) seconds.

7. Signs permitted for nonresidential uses in residential districts shall be limited to no more than 40% of the allowed sign area and shall be setback at least 100 feet from any residentially used property.

36-9.08 Design Guidelines

A. **Applicability.** All signs should meet the following design guidelines to convey durability and quality appearance. Where the PD Director determines that signs present a substantial deviation with these guidelines and conflict with the intent of this article, the PD Director may deny the sign permit or require that the sign plan be reviewed according to Section 36-9.09.

B. **Placement.** The location of all permanent building signs shall be incorporated into the architectural design of the building according to the following principles:

1. Placement of signs should be considered part of the overall facade design and composition.

2. Sign locations should align with major architectural features such as storefront sign bands, cornices and parapets, entrance features, marquees, windows, canopies, and other similar architectural features.

3. Signs shall not be placed where they obstruct any significant building design feature, including

windows, architectural details, trim, and ornamentation.

C. **Durability & Appearance**. All permanent signs shall be designed to convey durability and a quality appearance according to the following principles:

1. Materials, particularly for the frames, casings or bases of signs, should be chosen to complement the architecture of the building, and coordinate with other accent materials or architectural details of the building and site.

2. Simple 2- and 3-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.

3. Buildings and sites that have that have multiple building or ground signs should coordinate all signs using one or more consistent coordinating elements, such as similar fonts, colors, sign scale or shapes, backgrounds, or casing and framing material.

D. **Multi-tenant Buildings & Sites.** Buildings and sites that have multiple wall or ground signs, or multiple tenant components on a single sign shall coordinate all signs for the building or site. Coordination may be established by combinations of two or more of the following:

1. The same or similar fonts, in terms of color, scale, and style. However, a primary and secondary font may be incorporated into signs.

2. The same sign background in terms of material and color or coordinated colors.

3. The same casing or framing in terms of materials and style, provided it is prominent enough to be a visible coordinating element across multiple signs.

4. A consistent scale, orientation, shape or placement of signs. For example, all oval signs, or all signs located within a sign band across storefronts.

5. Pedestrian signs or portions of principal signs that are less than 33% of the sign areas, may deviate from coordinating elements to account for logos, icons, or branding unique to the tenants.

36-9.09 Alternative Sign Plans

Shopping centers, office parks, campuses, or other nonresidential areas with multiple uses or buildings on a single site or development over 2 acres, may propose a property specific sign plan. The sign plan shall be based on the intent, types of signs, and standards of this article, but the Planning and Zoning Commission may approve deviations to these standards in coordination with other land development approvals, where they find that the specific sign plan meets the following criteria:

A. The sign plan promotes a unique character for the area and improves the image and identity of the project as it relates to the surrounding community. In particular, the sign plan considers:

1. Mitigating impacts and improving relationships to adjacent property not subject to the plan.

2. Coordination with streetscapes, including pedestrian or traffic qualities of a particular street.

3. Integration with the architecture of the buildings or other landscape and site design components of the site.

4. Any deviations from these standards, and particularly those for the size, quantity, or location of signs, clearly meet the intent of this article and conform to the design guidelines in Section 36-9.08.

B. The sign plan coordinates with multiple components of the project, including building designs, open and common space designs, and access and circulation, and where there are distinctions in the type and design of the signs within the plan, they are based on effective transitions with the overall development plan.

C. The sign plan has clear and explicit standards for the size, location, design, and quality of the signs, and it anticipates future tenants or changes in tenants through subsequent sign permits without requiring amendments to the plan.

D. The property owner or landlord has authorized the plan, and any changes to the plan will require the property or landlord to submit a new application to be approved by the Planning and Zoning Commission.

Article 10. Supplemental Districts & Standards

36-10.01 Airport Overlay **District**
36-10.02 Commercial Street District
36-10.03 Midtown Urban Conservation District
36-10.04 Phelps **Grove** Urban Conservation District
36-10.05 Rountree Urban Conservation District
36-10.06 Walnut Street – East Urban Conservation District
36-10.07 Walnut Street – West Urban Conservation District
36-10.08 Short-term Rentals
36-10.09 Marijuana & Medical Marijuana Uses
36-10.10 Wireless Telecommunication Facilities
36-10.11 Grant Avenue Parkway District
36-10.12 Moon City Live/Work District

36-10.01 Airport Overlay District

A. **Intent.** The intent of the Airport Overlay District is to:

1. Regulate the development of noise-sensitive land uses~~;~~.
2. Promote compatibility between the Springfield-Branson National Airport and surrounding land uses.
3. Protect the Springfield-Branson National Airport from incompatible development.
4. Promote the health, safety, and general welfare of all property uses in the vicinity of the airport.

B. **Applicability.** The standards in this section apply to the following sub-districts indicated in Figure 10-1, and overlayed onto the official zoning map as airport overlay (AO) zones.

1. *AO-1.* All areas with 2,000 feet of any airport runway centerline extending out 10,000 feet from both ends of any airport runway.
2. *AO-2.* [Not currently used.]
3. *AO-3.* All areas encompassing the airport zoned 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.

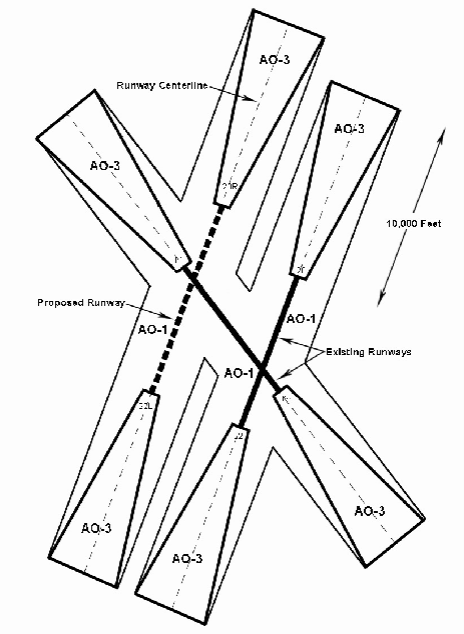


Figure 10-1 Airport Overlay Zones
AO-1 and AO-3.

4. *Split Zoned Tracts & 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.

C. **Allowed, Limited, & Prohibited Uses.** Uses in any underlying zoning district from Table 4-3, Section 36-4.02 shall be further restricted by the standards of the AO districts.

1. *Prohibited in AO-1.* The following uses are prohibited in the AO-1 district, except as modified by the AO-3 district. The AO-3 district shall take precedence over the AO-1 district:
   a. Residential uses – all
   b. Schools – including Primary/Secondary and College / University
   c. Assembly uses – all
   d. Event venue uses – all
   e. Medical Service uses – all
   ~~f.~~ Cultural Facility uses - all
   g. Daycare uses – all
   h. Entertainment & Recreation uses – all

2. *Limited in AO-3.* If permitted by the underlying district, the following uses shall be limited as specified in the AO-3 district:
   a. Residential uses – limited to detached houses on lots greater than 10 acres, except any lot that legally existing prior to initial adoption of the AO district shall be permitted on detached house.

3. *Prohibited in AO-3.* The following uses are prohibited in the AO-3 district:
   a. Lodging uses – all
   b. Transportation – Commercial Parking Lot
   c. Accessory off-street parking in a structure. Accessory off-street parking lots or facilities open to the sky are allowed.

4. *Conditional Uses.* The following uses may be permitted by a conditional use permit in the AO-1 or AO-3 zone:
   a. Open Space uses – all.
   b. In addition to the general procedures and criteria for conditional use permits in Section 36-2.04, conditional use permits shall be subject to the following additional conditions and criteria in the AO districts:
      (1) No use may be closer than 1.5 miles (7,920 feet) from the ultimate end of an existing or planned runway as approved by the Federal Aviation Administration.
      (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 airport board shall review potential impacts to the airport and shall make its recommendation(s) to the Planning and Zoning Commission. 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 electric emissions
         (e) Noise sensitive concerns
         (f) Public safety

D. **Additional Standards.** Any development, use, or building initiated in the AO district shall be subject to the following additional standards:

1. When a plat or building permit is required, 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.

2. No use may 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 to pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the airport.

3. 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.

4. Any permitted residential uses shall meet minimum construction standards to achieve a minimum outdoor to indoor noise-level reduction (NLR) of 30 decibels.
   a. 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 10 decibels over standard construction.
   b. A base airport noise level of 70 day-night average sound level (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.
   c. The BDS Director shall not issue a building permit for any structure within the AO zones unless the plans and specifications accompanying the application have been certified by a registered professional engineer or registered professional architect in the State of Missouri as meeting the NLR standards specified in this subsection. 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.
   d. This subsection 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.

36-10.02 Commercial Street District

A. **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.

B. **Permitted Uses.**

1. 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:

a. Accessory uses, as permitted by Section 36-4.04.
b. Athletic clubs, fitness centers, and indoor sports facilities.
c. Auction sales and flea markets entirely within enclosed buildings.
d. Banks and financial institutions, including automatic teller machines.
e. Catering businesses.
f. Colleges, universities, and business colleges.
g. 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.
h. Day care centers in accordance with Chapter 38, Article IX, Springfield City Code.
i. Educational, cultural, public, or nonprofit institutions such as museums, art galleries, and libraries, but not including elementary and secondary schools and correctional institutions.
j. 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.
k. Glass and mirror sales.
l. Governmental buildings and uses.
m. Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an existing elementary or secondary school, or within 200 feet of an existing child day care center or church and as prescribed and subject to all other requirements in Section 36-10.09.
n. Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within an 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 36-10.09.
o. Offices, administrative, business, finance, and professional.
p. Offices, medical and dental.
q. 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.
r. Pet stores and pet grooming.
s. Police and fire stations.
t. Recording studios.

u. Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.
v. Retail sales use group excluding convenience stores with gas pumps.
w. Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
x. Schools, business.
y. Taverns and cocktail lounges.
z. Temporary uses, as permitted by Section 36-4.03.J.
aa. 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 right-of-way with a six-foot tall barrier that is in conformance with Section 36-8.04. 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.
bb. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

2. 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.
a. 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.
b. Bed and breakfasts.
c. Commercial off-street parking lots and structures.
d. Community center, nonprofit.
e. Cultural centers.
f. Medical and dental clinics.
g. 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.
h. Office equipment repair.
i. Private clubs and lodges.
j. Repair shops, home appliance.
k. Residential uses.
l. 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.
m. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
n. Short-term rental type 3 in accordance with Section 36-10.08.C, and subject to conditions in subsection 36-10.08.C.2, if applicable.

C. **Conditional Uses.**

1. The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, Section 36-2.04 of this article and the requirements of this subsection 36-10.02(3):
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. Awning and canvas sales and rental.
e. Banks and financial institutions, including automatic teller machines, with drive-through facilities.
f. Boarding, rooming, and lodging houses.

g. Bus stations.
h. Construction equipment storage yards or other outdoor storage in COM-2 district only.
i. Convenience stores with gas pumps.
j. Funeral homes and mortuaries.
k. Group homes, custodial.
l. Hospitals with ambulance services as accessory uses.
m. Hotels, motels, and inns.
n. Household resource recovery collection centers, screened from all residential districts and public right-of-way in conformance with Section 36-8.04.
o. Public service and public utility uses, as follows:
(1) Tier I wireless facilities in accordance with Section 36-10.10.
(a) Tier III wireless facilities in accordance with Section 36-10.10, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
(b) Tier IV wireless facilities in accordance with Section 36-10.10, provided wireless towers are setback from any residential district at least 2 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.
(c) Tier V wireless facilities in accordance with Section 36-10.10.
p. Restaurants with drive-in, vehicular pick-up window, and drive-thru facilities.
q. Schools or development centers for persons with handicaps or development disabilities.
r. Structures greater than three stories in height.
s. 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 Department of Planning and Development.
t. Television and radio studios with transmitting facilities.
u. Towers, other than wireless facilities, and related facilities, in accordance with Springfield City Code.
v. Transitional service shelter.
w. Warehouses, storage and distribution centers.

2. 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.
j. 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.

(1) In addition to all other requirements for review and approval of a conditional use permit, the following shall apply:

(a) The proposed use shall generally conform to the goals and policies of the commercial street strategy for success and any other plans or policies in place at the time of approval of the conditional use permit.

(b) 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.

(c) 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 36-2.01.F:

i. Commercial Club.
ii. Commercial Street Community Improvement District Board.
iii. Midtown Neighborhood Association.
iv. Grant Beach Neighborhood Association.
v. Woodland Heights Neighborhood Association.
vi. Urban Districts Alliance.

D. **Use Limitations.**

1. All activities and permitted uses except for the following shall be conducted entirely within a completely enclosed building.
   a. Automobile servicing, but not repair.
   b. Drive-in, pick-up window, or drive-thru facilities.
   c. Occasional sidewalk sales.
   d. Off-street parking and loading facilities.
   e. Outdoor eating and drinking facilities.
   f. 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.
   g. Playgrounds associated with a school or day care center.
   h. Street vendors licensed by the City of Springfield.

2. No vibration, glare, or heat shall be detectable at the lot line.

3. No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.

4. All uses shall operate in accordance with the noise standards contained in Section 36-4.05.

5. 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.

6. No use shall emit an odor that creates a nuisance as determined by Springfield City Code.

7. Uses on parcels not served by public water and public sewer shall meet the requirements of subsection Section 36-4.06.G.

E. **Bulk Regulations.**

1. *Maximum Structure Height.* Three stories unless a conditional use permit for more stories is approved.

2. *Yard Requirements (additional bufferyard may be required by subsection (8).*
   a. Front yard: None.
   b. Side yard: None.
   c. Rear yard: None.

F. **Open Space Requirements**. None.

G. **Design Requirements.**

1. A zoning site plan meeting the requirements of Section 36-2.03, shall be submitted and approved.

2. If required, a landscape plan, meeting the requirements of Section 36-8.03 and Section 36-7.05 shall be submitted and approved.

3. All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with Section 36-8.03.

4. Refuse storage areas shall be screened from view in accordance with Section 36-8.04.

5. Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with Section 36-8.04.

6. Lighting shall be designed to reflect away from any adjacent residential area and in accordance with Section 36-8.07.

7. Accessory buildings and structures shall meet the requirements of Section 36-4.04.

8. 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:
   a. *Building Facades*. 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 facade or wall:
      (1) Changes in color, texture, and material; or
      (2) Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
      (3) Groupings of windows or fenestration.
   b. On each lot, the building facade shall be built to the district minimum setback line for at least 80%of the street frontage. This does not include Blaine Street frontage.
   c. The building facade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
   d. The portions of the building facade 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.
   e. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.
   f. Fenestration on the ground floor facades shall comprise at least 40%, but not more than 90% of the facade area, measured as a percentage of the facade between floor levels.
   g. Fenestration on the upper floor facades shall comprise at least 20%, but not more than

60% of the facade area, measured as a percentage of the facade between floor levels.

h. 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.

i. The maximum story height for the ground story is 20 feet.

j. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.

k. *Building Materials and Colors.*

(1) 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% of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:

(a) Customary brick masonry;
(b) Natural or cast stone;
(c) Oversized brick;
(d) Split-faced block;
(e) Architectural pre-cast concrete; and
(f) Accent materials such as glass block and ceramic tiles.

(2) Facade 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 facade and promote sustainable development.

l. 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.

H. **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 Section 36-8.04.

36-10.03 Midtown Urban Conservation District

A. That the following described property is designated as Urban Conservation District Number 3, to be known as the Mid-Town Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

1. **MID-TOWN URBAN CONSERVATION DISTRICT LEGAL DESCRIPTION**

Beginning at the Northeast corner of Lot 29, Grove Hill Addition, being a point on the Southern Right-of-way of an alley between Commercial and Blaine Streets, thence Westerly along the said Right-of-way as it currently exists crossing Hampton Avenue to the Northwest corner of Lot 3, Nixon's Addition, thence West-southwesterly crossing Texas Avenue to the Northeast corner of Lot 56, Frisco Addition being a point on the Southern Right-of-way of an alley between Commercial and Pacific Street, thence West-southwesterly along the said Right-of-way as it currently exists crossing Sherman, Clay, Summit, Washington, Benton, Jefferson, and Robberson Avenues to the Northwest corner of Lot 2, Block 30, North Springfield Addition, being a point on the Eastern Right-of-way of Boonville Avenue, thence southerly along the said Right-of-way as it currently exists crossing Pacific, Court, Locust, Division, Lynn, Calhoun, Webster, Scott and Central Streets to the Northern Right-of-way of Chestnut Expressway, thence Easterly along said Right-of-way as it currently exists crossing Jefferson, Benton, and Washington Avenues to the Western Right-of-way of the Burlington Northern Railroad, thence Northeasterly along the said Right-of-way as it currently exists to the Western Right-of-way of National Avenue, thence Northerly along the said Right-of-way as it currently exists crossing Division, Locust, Pacific and Blaine Streets to the Northeast

corner of Lot 29, Grove Hill Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: Area bounded generally on the north by Blaine Street including properties on both sides of Blaine Street between Texas and National Avenues, on the west by Boonville Avenue, on the south by Chestnut Expressway and on the east by the Burlington Northern Railroad Right-of-way and National Avenue.)

B. The following sub-districts are hereby established within the Mid-Town Urban Conservation District, to be known as Areas A, B, C, D and E which are described as follows:

1. *Area A Benton Avenue Area.*

Beginning at the Northeast corner of Lot 44, Ozark Land Addition, thence Westerly along the Northern line of said Lot 219' M/L, thence Southerly to a point 219' M/L Westerly of the Southeast corner of Lot 40 of said Addition, being a point on the Northern Right-of-Way of Webster Street as it currently exists, thence Southeasterly crossing said Street to a point on the Southern Right-of-Way of said Street 195' M/L Westerly of the Southwest corner of Webster Street and Benton Avenue as it currently exist, thence Southerly 85' M/L, thence Westerly 85' M/L. thence Southerly 292' M/L following the Eastern line of Root and Bowerman's Addition East of Jefferson, thence Easterly 277' M/L to the Western Right-of-Way of Benton Avenue to a point 376' M/L Southerly of the Southwest corner of Webster Street and Benton Avenue as it currently exists, thence Northerly along the Western Right-of-Way of Benton Avenue as it currently exists crossing Webster Street to the Northeast corner of Lot 44, Ozark Land Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: West side of North Benton Avenue -- Calhoun Street to a point south of Webster Street.)

2. *Area B Benton/Calhoun Corner.*

All of lot 38 and the south 50 feet of Lot 37 in Ozark Land Company's Addition to the City of Springfield, Greene County, Missouri. Section 13, Township 29, Range 22.

3. *Area C.*

Drury Student Housing - Calhoun and Summit

All of Lots 152, 153, and 154 in the Amended Plat of M.H. Merriman's Second Addition to the City of Springfield, Greene County, Missouri. All being in Section 13, Township 29, Range 22.

4. *Area D.*

Drury Parking - Clay and Summit

A tract of land lying in Section 13, Township 29, Range 22 in the City of Springfield, Greene County, Missouri, more particularly described as foleys. Beginning at the Northwest corner of Lot 132 in the Amended Plat of M.H. Merriman's Second Addition, thence Easterly along the South ROW of Webster Street to the Northeast corner of Lot 106 in the Subdivision of Block A of Merriman's Second Addition, thence Southerly along the West ROW of Clay Avenue to the Southeast corner of Lot 118 in the Subdivision of Block A of Merriman's Second Addition, thence continuing Southerly to the Southwest corner of the intersection of Pythian Street and Clay Avenue, being a point on the North line of Block 9 of J. D. Fairbanks Addition, thence Westerly along the South ROW of Pythian Street to the Northwest corner of Lot 7 of Block 4 of

J. D. Fairbanks Addition, thence Northerly to the Southwest corner of Lot 120 in the Amended Plat of M.H. Merriman's Second Addition, thence continuing Northerly along the East ROW of Summit Avenue to the Point of Beginning except for Lots 129, 130, and 131 of M. H. Merriman's Second Add. Amended.

5. Area E (Reserved).

Beginning at the Northwest corner of Lot 1.8 Frisco Addition, being the Southeast corner of Summit Avenue and an alley between Commercial and Pacific Streets, thence East-northeasterly along the Southern Right-of-way of said alley as it currently exists crossing Clay and Sherman Avenues to the Northeast corner of Lot 56, Frisco Addition, thence East-northeasterly crossing Texas Avenue to the Northwest corner of Lot 3, Nixon's Addition, being a point on the Southern Right-of-way of an alley between Commercial and Blaine Streets, thence Easterly along said Right-of-way as it currently exists crossing Hampton Avenue to the Northeast corner of Lot 25, Grove Hill Addition, being a point on said Right-of-way, thence Southerly along the Eastern line of said Lot 25 corner of Lot 56, Frisco Addition, thence to the Southeast corner of said Lot 25, thence Southeasterly crossing Blaine Street to a point on the Southern Right-of-way of said Street 136.5' M/L Easterly of the Southeast corner of Hampton and Blaine, thence southerly 313' M/L to a point on the Northern Right-of-way of Pacific Street 209' M/L Easterlv of the Northeast corner of Hampton Avenue and Pacific Street, thence Southerly crossing Pacific Street to the Northeast corner of Lot 1, Carrs Addition, thence Southerly along the Eastern line of said Lot 1 to the Southeast corner of said Lot 1, thence Southeasterly crossing an alley between Pacific and Locust Streets as it currently exists to a point on the Southern Right-of-way of said alley 200' M/L Easterly of the Southeast corner of Hampton Avenue and said alley, thence Southerly 169' M/L to a point on the Northern Right-of-way of Locust Street 200' M/L Easterly of the Northeast corner of Hampton Avenue and Locust Street, thence South-southwesterly to a point on the Southern Right-of-way of Locust Street 186.5' M/L Easterly of the Southeast corner of Hampton Avenue and Locust Street, thence Southerly 179' M/L to a point on the Northern Right-of-way of an alley between Locust and Division Streets 186.5' M/L Easterly of the Northeast corner of Hampton Avenue and said alley, thence Westerly along the Northern Right-of-way of said alley as it currently exists 186.5' M/L crossing Hampton and Frisco Avenues to a point on the Eastern line of Lot 3, Block 1, North Springfield Addition 25' M/L Northerly of the Southeast corner of said Lot 3, thence Southerly along the Eastern .line of Lot 3 and 4 of said Block and Addition to the Southeast corner of said Lot 4, thence Westerly along the Southern line of said Lot 4 to the Southwest corner of said Lot 4, thence Westerly crossing Sherman Avenue to the Southeast corner of Lot 4, Block 2 of said Addition, thence Westerly along the Southern line of Lots 4 and 11 of said Block and Addition to the Southwest corner of said Lot 11 being a point on the Eastern Right-of-way of Clay Avenue, thence Northerly along said Right-of-way to the Southeast corner of Clay Avenue and Locust Street, thence Northwesterly to the Northwest corner of Clay Avenue and Locust Street, thence Westerly along the Northern Right-of-way of Locust Street to the Northeast Corner of Summit Avenue and Locust Street, thence Northerly along the Eastern Right-of-way of Summit Avenue crossing Pacific Street to the Northwest corner of Lot 18, Frisco Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: Area north of Division and south of Commercial and between Summit and National Avenues.)

AND

Beginning at the Southwest corner of Lot 120, Merrimans 2nd Addition Amended, thence Northerly along the Western line of Lots 120 through 140 crossing Webster and Calhoun Streets to the Northwest corner of said Lot 140, thence Northwesterly crossing: Commit Avenue to the Southeast corner of Lot 152 of said Addition, thence Northerly 30' M/L along the Eastern line of said Lot 152, thence Westerly to a point on the Western line of said Lot 152 30' M/L Northerly of the Southwest corner of said Lot 152, thence Northerly along the Western line of Lots 152, 151, 150, 149, and 148 of said Addition to the Northwest corner of said Lot 148, thence North-northwesterly crossing Lynn Street to the Southeast corner of Lot 7, Ozark Land Company Addition, thence Northerly along the Eastern line of Lots 7, 6, 5, 4, 3, 2, and 1 of said Addition to the Northeast corner of said Lot 1, thence Northerly crossing Division Street to the Southwest corner of Lot 6, Block 4, North Springfield Addition, thence Northerly along the

Western line of Lots 6, 5, 4, 3, 2, and 1 of said Block and Addition to the Northwest corner of said Lot 1, thence Easterly along the Northern line of said Lot 1 to the Northeast corner of said Lot 1, thence Southerly along the Eastern line of Lots 1 through 6 of said Block and Addition to the Southeast corner of said Lot 6, thence Easterly cross Summit Avenue to the Southwest corner of Lot 9, Block 3 of said Addition, thence Easterly along the Southern line of said Lot 9 to the Southeast corner of said Lot 9, thence Southeasterly crossing Division Street to the Northwest corner of Lot 48, Merrimans 1st Addition, thence Southerly along the Western line of Lots 48 & 47 of said Addition.to the Northwest corner of Lot 46 of said Addition, thence Easterly along the Northern line of Lots 46, 27, 22 & 3 (of said Addition crossing Clay and Sherman Avenues to the Northeast corner of said Lot 3, thence Northerly 25' M/L to the Northwest corner of Lot 3, Bigelows Addition, thence Easterly along the Northern line of Lots 3, 15, 27, 39 of said Addition crossing Texas and Frisco Avenues to the Northeast corner of said Lot 39, thence Southeasterly crossing an alley , as it currently exists between Frisco and Hampton Avenues to the Northwest corner Lot 25, A. E. Mitchells Addition, thence Easterly along the Northern line of Lots 25 through 27 of said Addition to the Northeast corner of said Lot 27, thence Southerly along the Eastern line of Lots 27 through 35 of said Addition to the Southeast corner of said Lot 35, thence Westerly 190' M/L to the Northeast corner of Lot 1, Catlin's 2nd Addition, thence Westerly along the Northern line of Lots 1, 2 and the East 1O' M/L of Lot 3 of said Addition to the Northwest corner of the East 1O' M/L of Lot 3 of said Addition being the Eastern Right- of-way of Frisco Avenue, thence Westerly crossing Frisco Avenue to the Northeast corner of Lot 21, Catlin's 2nd Addition, thence Westerly along the Northern line of Said Lot 21 to the Northeast corner of said Lot 21, thence Southerly along the Western line of said Lot 21 to the Southwest corner of said Lot 21., thence Southerly crossing Lynn Street to the Southwest corner of Lynn Street and Frisco Avenue, thence Easterly crossing Frisco Avenue to the Southeast corner of Lynn Street and Frisco Avenue being the Northwest corner of Lot 18, Catlin's 2nd Addition, thence Easterly along the Northern line of Lots 18 through 20 to a point 101 Easterly of the Northeast corner of said Lot 20 being a point on a vacated alley adjacent and East of said Lot 20, thence Southerly following a line 10' M/L Easterly of the Eastern line of said Lot 20 to a point 10' Easterly of the Southeast corner of said Lot 20, thence Southerly 10' M/L, thence Westerly 1O' M/L to a point 10' Southerly of the Southeast corner of said Lot 20 being a point on the center line of a vacated alley adjacent and Southerly of said Lot 20, thence Westerly following said center line of vacated alley located 10' M/L Southerly of said Lots 20, 19, & 18 to a point on the Eastern Right-of-way of Frisco Avenue 10' MIL Southerly of said Lot 18, thence Southeasterly crossing Frisco Avenue to the Northeast corner of Block C, Lamblets Addition, thence Southerly along the Eastern line of said Block C to the Southeast corner of said Block C, thence Westerly along the Southern line of said Block C to the Southwest corner of said Block C, thence Northerly along the Western line of said Block C to the Northwest corner of said Block C, thence Northwesterly crossing Texas Avenue to the Southern line of the Northern half of an alley adjacent North of Block A, Lamblets Addition, thence Westerly along the Southern line of the Northern half of said alley to a point on the Eastern line of Lot 26, Merrimans 2nd Addition 25' M/L Southerly of the Northeast corner of said Lot 26, thence Southerly along the Eastern line of Lots 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, It 14 & 13 of said Addition crossing Calhoun Street to the Southeast corner of said Lot 13, thence South-southeasterly crossing Webster Street to the Northwest corner of Lot 6, Block 15, J. Fairbank's Addition, thence Easterly along the Northern line of said Lot 6 to the Northeast corner of said Lot 6, thence Southerly along the Eastern line of Lots 6 & 5 of said Addition to a point 10' M/L Southerly of Northeast corner of said Lot 5, thence Westerly 140' MIL, thence Southerly 50.5' M/L to a point on the Southern line of said Lot 5, thence Westerly 43' M/L to the Southwest corner of said Lot 5, thence Southerly along the Western line of Lots 4, 3, 2, & 1 of said Block and Addition to the Northwest Right-of-way of the Burlington Northern Railroad as it currently exists, thence Southwesterly along the said Right-of-way crossing Sherman Avenue to the Southeast corner of Lot 60, Merrimans 2nd Addition Amended, thence Westerly along the Southern line of said Lot 60 to the Southeast corner of Lot 61, Block A, Merrimans Subdivision, thence Northerly along the Eastern line of Lots 61 through 63 of said Subdivision to a point 10' M/L Northerly of the Southeast corner of said Lot 63, thence Westerly to a point on the Western line of said Lot 63, 10' M/L Northerly of the Southwest corner of said Lot 63, thence Westerly crossing Clay Avenue to the Northwest corner of Lot 117 of said Subdivision, thence Southerly along the Eastern line of Lots 117 and 118 of said Subdivision to the Southeast corner of said Lot 118, thence Westerly along the Southern line of said Lot 118 to the Southeast corner of Lot 120, Merrimans 2nd Addition Amended, thence Westerly along the Southern line of said Lot 120 to the Southwest corner of said Lot 120 being the point of beginning, all in Springfield,

Greene County, Missouri.

(Location: Area south of Division Street and North of Pythian Street between Summit and Hampton Avenues.)

Except for any part of:

All of Lots 152, 153, and 154 in the Amended Plat of M.H. Merriman's Second Addition to the City of Springfield, Greene County, Missouri. All being in Section 13, Township 29, Range 22 (Area C)

AND

A tract of land lying in Section 13, Township 29, Range 22 in the City of Springfield, Greene County, Missouri, more particularly described as follows. Beginning at the Northwest corner of Lot 132 in the Amended Plat of M.H. Merriman's Second Addition, thence Easterly along the South ROW of Webster Street to the Northeast corner of Lot 106 in the Subdivision of Block A of Merriman's Second Addition, thence Southerly along the West ROW of Clay Avenue to the Southeast corner of Lot 118 in the Subdivision of Block A of Merriman's Second Addition, thence continuing Southerly to the. Southwest corner of the intersection of Pythian Street and Clay Avenue, being a point on the North line of Block 9 of J. D. Fairbanks Addition, thence Westerly along the South ROW of Pythian Street to the Northwest corner of Lot 7 of Block 4 of J. D. Fairbanks Addition, thence Northerly to the Southwest corner of Lot 120 in the Amended Plat of M.H. Merriman's Second Addition, thence continuing Northerly along the East ROW of Summit Avenue to the Point of Beginning except for Lots 129, 130, and 131 of M. H. Merriman's Second Add. Amended (Area D).

C. **District Regulations.**

1. *General Provisions.* Notwithstanding any other provisions of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urban Conservation District No. 3, known as the Mid-Town Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Mid-Town Urban Conservation District.

2. *Definitions.*
   a. The following definition shall apply to Urban Conservation District No. 3, the Mid-Town Urban Conservation District:

      University Student Housing. A dwelling or dwellings, owned and operated by a university and located on a lot(s); each dwelling containing one or more dwelling units each of which is totally separated from the others.

   b. The following definitions shall apply to Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area B:

      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 parking or loading spaces for motor vehicles. The gross floor area shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, whether closed or enclosed and shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

      Guest. Persons who are visiting Drury University on a temporary basis and who are:
      (1) alumni of Drury University;
      (2) faculty;
      (3) staff;

(4) consultants;
(5) friends of faculty or staff; or
(6) persons with an interest in the development or growth of Drury University and their immediate families.

Guest may also include no more than 2 non-Greene County resident students for no more than a total of 7 days in any one academic year when other student housing is temporarily unavailable. Guests do not include other people who are enrolled in any class, seminar, camp or other similar learning experience or function of the college regardless of duration.

3. *Permitted and Conditional Uses.* The underlying zoning districts shall govern all permitted and conditional uses in the Mid-Town Urban Conservation District unless otherwise stated within Sections 4, 5, and 6 of this ordinance.

4. *Non-conforming Uses.* Any existing use in the Mid-Town Urban Conservation District non-conforming under General Ordinance Number 4040 shall have been registered with the Director of Building Development Services by June 1, 1990, or shall otherwise be presumed to be illegal. All non-conforming uses shall adhere to Section 36-1.06.B.

5. *Parking.*
   a. *Off-Street Parking Requirements.* All users shall adhere to the off-street parking requirements in Section 36-7.04 with the exception that no less than three off-street parking spaces shall be provided for each duplex.
   b. *Parking Lot Landscaping.* Parking lots shall be landscaped according to the standards of Section 36-7.05 with the exception that interior landscaping requirements shall apply to parking lots of 20 or more spaces. This provision is applicable to new parking lots or an expansion of an existing parking lot that results in a parking lot that contains 20 or more spaces. Landscaping provisions shall only apply to the expanded portion of existing parking lots.

6. *Site Plan Review.*
   a. Review and approval of a site plan by the ARC shall be required for any new use or a conversion except single-family uses in a single-family dwelling. Notice of any meeting at which such site plan shall be reviewed shall be given to the Mid-Town Neighborhood Association President and representatives of such Association shall be permitted to provide comment on any such site plan prior to any action to approve such site plan by the committee.
   b. Site plans shall be reviewed for their conformity with the following review criteria:
      (1) All fire, health, building, plumbing, and electrical requirements of the City of Springfield are met.
      (2) The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private right-of-way.
      (3) The proposed site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
      (4) The circulation elements of the proposed site plan do not create hazards to safety 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.
      (5) The proposed site plan will not result in a large increase in traffic through the residential neighborhood.
      (6) The screening of the site provides adequate shielding for nearby uses which may be incompatible with the proposed use.
      (7) The proposed structures or landscaping do not lack amenity in relation to, or are not incompatible with, nearby structures and uses.
      (8) The proposed site plan does not create drainage or erosion problems on or off the site.
      (9) Efforts are made to preserve existing trees on the development site.
      (10) For non-residential developments in proximity to existing residential developments, the following design considerations should be addressed:
      (a) Structures are constructed using materials, surface textures, and colors

similar in nature to surrounding residential development.
(b) Roofs are peaked with the same slope as typical surrounding residential development.
(c) Consideration is given to the scale, orientation, and proportion of surrounding development.

c. Projects whose site plans fail to comply with the criteria, or which will have an adverse impact on the area, shall not be issued a building or occupancy permit until the adverse conditions are mitigated.

D. **Area A Regulations.**

1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area A.

2. *Permitted Uses.*
   a. Single-family detached, duplex, and single-family semi-detached dwellings.
   b. Accessory apartments in owner-occupied single-family detached dwellings, in accordance with Section 36-4.04.C.
   c. Accessory uses, as permitted by Section 36-4.04.
   d. Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters and temporary outdoor revivals, on a minimum of 2 acres of land, to provide sufficient land area for off-street parking, buffer yards, and proper site design to lessen the impact on adjoining residential neighborhoods.
   e. Day care homes in accordance with Chapter 38, Article IX, Springfield City Code.
   f. Group homes, custodial.
   g. Home occupation uses, as permitted by Section 36-4.04.D.
   h. Public and private parks, playgrounds.
   i. Temporary uses, as permitted by Section 36-4.03.
   j. Non-commercial, 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.
   k. Transitional housing.

3. *Conditional Uses.* The following conditional uses may be permitted, provided they meet the provisions of, and a conditional use permit (CUP) is issued pursuant to Section 36-2.04:
   a. The following uses, provided the existing structure is preserved and was built before January 1, 1940:
      (1) Offices, administrative, business, financial, and professional.
      (2) Art galleries, libraries, and museums.
      (3) Studios for art, dancing, music, photography, interior decorating, or similar course of study.
      (4) Day care centers in accordance with Chapter 38, Article IX, Springfield City Code.
      (5) Antique shops.
      (6) Book or stationery stores.
      (7) Clothing boutiques or ready-to-wear shops.
      (8) Dry goods or notions stores.
      (9) Florists or gift shops.
      (10) Tailors.
      (11) Bed and breakfast inns.
   b. The following uses, provided the use is located on property zoned R-MX2:
      (1) University student housing.

(2) Multi-family dwellings.

4. *Refuse Storage.* In addition to the standards of Section 36-8.04, refuse storage shall adhere to the following:
   a. Waste cans, dumpster units, or other forms of litter control and refuse disposal devises approved for use in the City of Springfield shall be placed on the site in a location where they are least visible from a public right-of-way, other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device shall be visible from public right-of-way (except alleys) or from adjoining properties.

5. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
   a. *Size.* A maximum of 16 square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 16 square feet. A single-sided detached sign shall not exceed 16 square feet.
   b. *Height.* No detached sign shall exceed a height of 5 feet above the ground area upon which it is located.
   c. *Location.* Wall signs shall be attached in a manner and in a location which does not obscure significant architectural features of the structure.
   d. *Sign Types.* Only on-premises signs are allowed in Area A.

E. **Area B Regulations.**

1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area B.

2. *Permitted Uses.*
   a. Administrative and faculty offices.
   b. Classrooms.
   c. Meeting rooms.
   d. Galleries and studios.
   e. Religious services.
   f. Social activities.
   g. Parking as an accessory use to other permitted uses.
   h. The existing house may be used as housing for guests, not students, of the College.
   i. Churches.

3. *Use Limitations.*
   a. All activities or permitted uses, except vehicle parking, shall be conducted within a completely enclosed building.
   b. Screening and fencing shall be provided in accordance with Section 36-8.04.
   c. The existing house is a contributing structure in the Mid-Town National Register Historic District. Exterior modifications to it shall meet the Secretary of Interior's standards for historic preservation.
   d. Hours of operation for classes shall be from 7:00 A.M. until 8:00 P.M.
   e. A resident manager shall be provided for the guest house.

4. *Intensity of Development.* The maximum amount of gross floor area shall not exceed what exists at the time of the passage of this Ordinance as shown on Exhibit 1.

5. *Bulk, Area, and Height Requirements.* All structures, drives, parking, open space, and pedestrian facilities shall be situated in conformance with their locations at the time of

passage of this amendment. There shall be no reductions in the amount of open space that is shown on Exhibit 1.

6. *Access to Public Thoroughfares.* Access to the adjoining public thoroughfares shall be situated in conformance with Exhibit 1.

7. *Off-Street Parking.*
   a. No additional parking is required, and the number of existing parking spaces shall not be reduced to below what exists at the passage of this Ordinance. It is the intent of this Ordinance that any additional parking required for this property shall be provided by Drury University's other parking facilities.
   b. Parking shall be restricted by permit issued by Drury University and shall be limited to those in attendance at activities on this property permitted by this Ordinance. Parking for the guest house shall be limited to those spaces north of that building.

8. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
   a. Drury University is permitted one freestanding site identification sign. Maximum effective area is 50 square feet and maximum height is 8 feet above finished grade.

9. *Refuse Storage.* In addition to the standards of Section 36-8.04, refuse storage shall adhere to the following:
   a. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of sight-proof fence or wall shall be provided. These devices may not occupy the parking spaces required by this exhibit.

10. *Exterior Lighting.* All exterior lighting shall meet the standards of Section 36-8.07, and the developers shall submit a lighting plan with the final development plan demonstrating compliance with said section.

11. *Amendments.* Amendments to Area B's final development plan are not permitted more often than once every 60 months. In addition to the requirements of Section 36-2.01, written notice of any proposed amendment shall be provided by first class mail at the cost of the property owner for each record owner of all property within 1,000 feet of the property within this Area.

12. *Final Development Plan.*
   a. No building or other permits may be issued for development permitted in Area B until the final development plan has been approved in the manner described in this subsection.
   b. A final development plan showing conformance with the requirements of this section shall be submitted to the Department of Planning and Development and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any uses or improvements permitted or required by this exhibit.
   c. The Administrative Review Committee (ARC) is hereby authorized to, acting jointly, approve the final development plan(s) provided such plan substantially conforms to the provisions of this Ordinance.
   d. The ARC is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:

e. Any uses with the Area other than those specifically prescribed by the Ordinance.
f. Any increase in the intensity of use permitted within the Area.
g. Any deviation from the height and setback standards prescribed by the Ordinance.
h. Any reduction in the required parking prescribed by the Ordinance.

F. **Area C Regulations.**

1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area C:

2. *Permitted Uses.*
   a. University student housing.
   b. Single-family detached dwellings.

3. *Design Considerations.* Design of the residential structures in this area shall be of a scale consistent with single-family development in the neighborhood. Large apartment buildings are inappropriate. Development of this area shall consist of detached structures with one or more dwelling units per structure, not to exceed the overall permitted density of the underlying zoning district.

G. **Area D Regulations.**

1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area D:

2. *Access.* Vehicular access to parcel(s) in Area D shall be limited Summit Avenue. Vehicular access to said parcels shall not be permitted from Clay Avenue or Webster Street. The standards in this subsection are not applicable to any parcels that are developed for single-family use and have frontage on Clay Avenue or Webster Street.

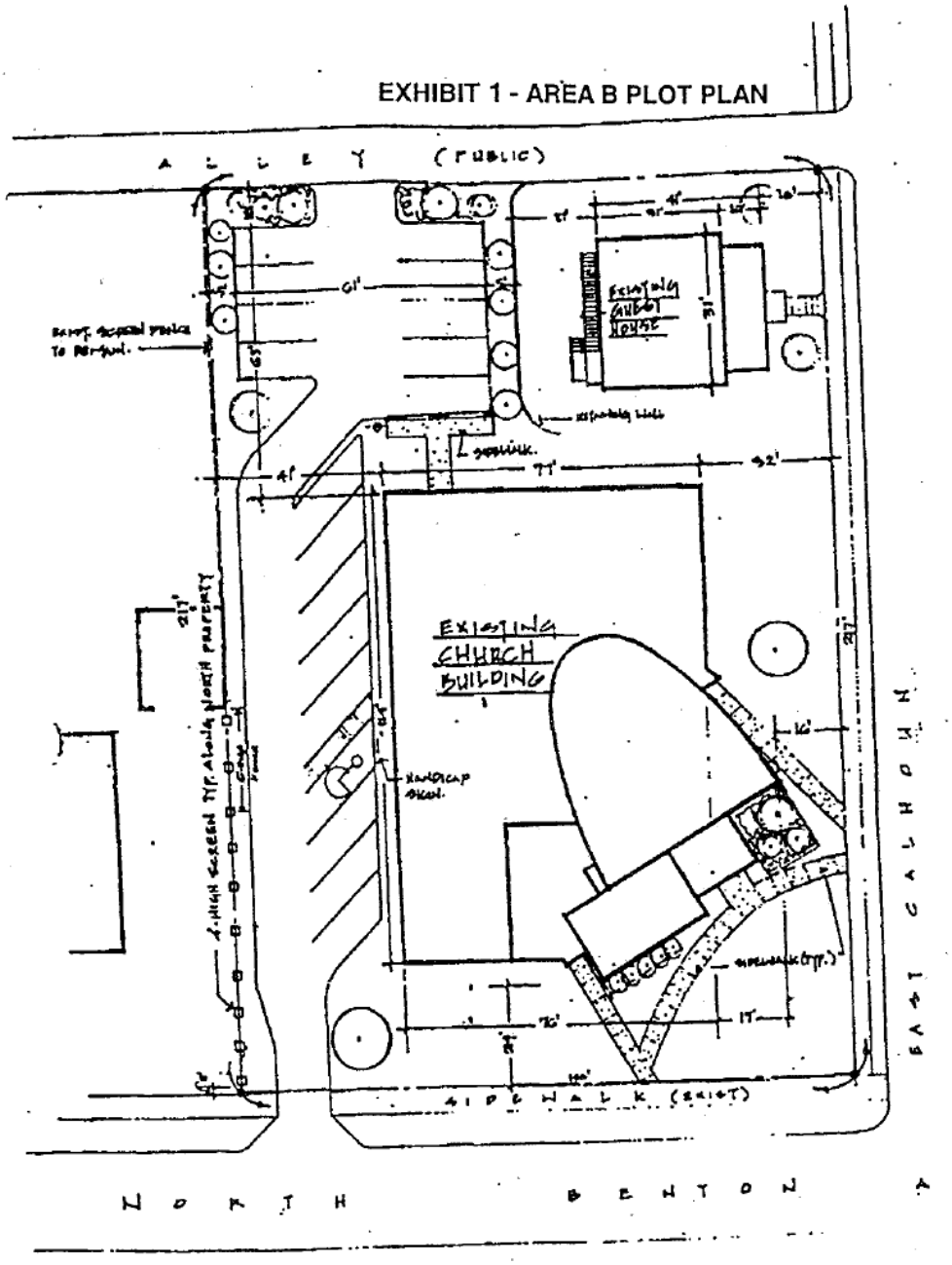
3. *Buffer Yards.*
   a. Parcels abutting Clay Avenue and separated from a single-family use or zoning district by a street right-of-way shall, at a minimum, adhere to the standards of Buffer yard Type III as established in Section 36-8.04. The buffer yard shall be installed when a building permit is issued for said parcel(s).
   b. Parcels abutting Webster Street and separated from a single-family use or zoning district by a street right-of-way shall, at a minimum, adhere to the standards of Bufferyard Type II as established in Section 36-8.04. The bufferyard shall be installed when a building permit issued for said parcel(s).
   c. The standards in this subsection are not applicable to any parcels that are developed for single-family use.

H. **Exhibits.**

Table 10-1: Mid-Town UCD Summary of Ordinances

G.O. #	*Date*	*Subject*
4040	06/05/89	Created Urban Conservation District #3, the Mid-Town Urban Conservation District
4060	07/31/89	Designated Area B and enacted regulations allowing accessory apartments in Area B.
4762	12/15/97	Designated Area C and enacted special regulations for the use and development of land in Area C.
5216	09/23/02	Repeals all previous ordinances and enacts a new Urban Conservation District #3, the Mid-Town Urban Conservation District including sub-areas A, B, C, D, and E.

EXHIBIT 1 - AREA B PLOT PLAN



PLOT PLAN

NORTH

17

Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville Avenue - Springfield, Missouri 65801

Zoning Case Z-19-2002 (Amending Mid-Town Urban Conservation District)

Location: 2-1100 blocks E. Chestnut Expressway and Commercial, 8-1700 blocks N. Boonville and National

Existing Zoning: UCD #3

LOCATION SKETCH

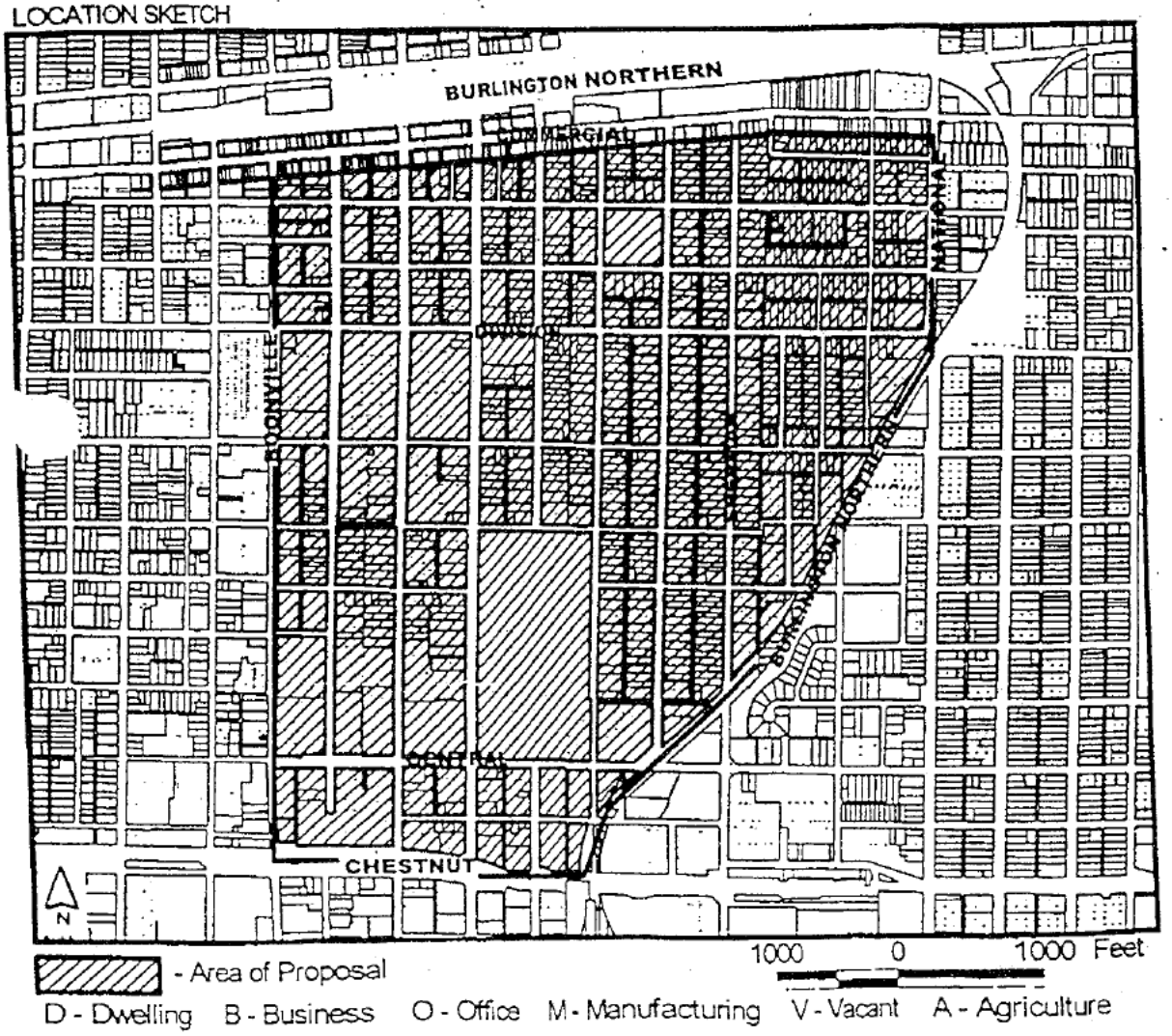



Exhibit 2
Z-19-2002
Mid-Town UCD
Sub Areas
N
Parcels
Lot Lines
Sub Areas
UCD 3 A
UCD 3 B
UCD 3 C
UCD 3 D
UCD 3 E
A
B
C
D
E
Drury
University
Planning & Development Department
City of Springfield, Missouri
36

36-10.04 Phelps Grove Urban Conservation District

The following described property is designated as Urban Conservation District No. 4, to be known as the Phelps Grove Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

A. **Phelps Grove Urban Conservation District Legal Description.**

Part of Section 25, Township 29 North, Range 22 West, in the City of Springfield, Greene County, Missouri described as follows:

All of Waverly Place Addition except Block A and Lots 8, 10, 11, 12, 13, 14, and 15 of Block B; All of Normal Park Addition except Block 1, and Lots 9 and 1o of Block 4; All of Roanoke Subdivision; All of Morningside Subdivision; All of Marlborough Subdivision; All of Amended Plat of Jefferson Place Subdivision; All of Blocks A, B, C, D, and E of Phelps Park Terraces; All of Plot A, all of Plot C, and all of Lots 9 through 14 and Lot 18 of Phelps Grove Park Subdivision; And all of Colonial Place Addition. AND ALSO, Beginning 562 feet South of the Northeast Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 25, Township 29, Range 22; thence South 132 feet to the Northeast corner of Lot 1 in Block "D" of Waverly Place Addition, thence West 330 feet along the north line of said Block "D" to a point 23 feet west of the Northwest corner of Lot 10 of said Block "D", thence North 132 feet, thence East 330 feet to the. point of beginning.

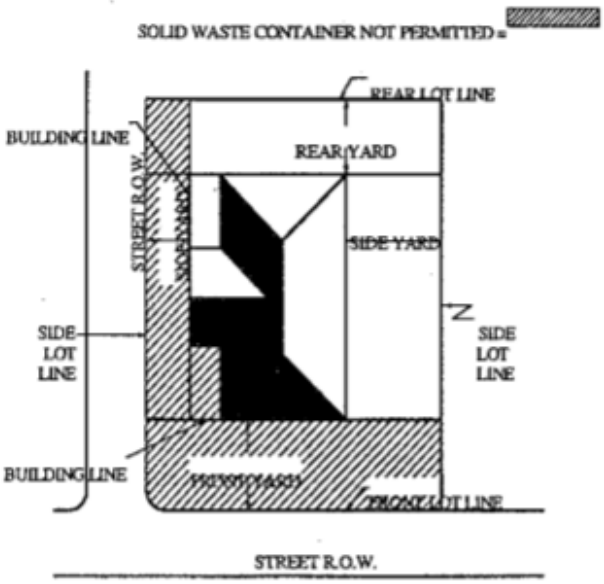
B. **District Regulations.** Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urban Conservation District No. 4, known as the Phelps Grove Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Phelps Grove Urban Conservation District.

1. *Renting Sleeping Rooms and Serving Meals.* Renting sleeping rooms and serving meals to not more than two persons not members of the family owning and occupying the dwelling unit, provided one off-street parking space is provided for each person, is a permitted home occupation.

2. *Accessory Apartments.* Accessory apartments are prohibited.

3. *Solid Waste Containers.*
   a. Solid waste containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within 24 hours after being placed at the curb. The person placing the solid waste container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection.
   b. Solid waste containers, unless placed at the curb for collection in accordance with subsection 2.C.1, are prohibited from the front yard (Figure 1).
   c. Solid waste containers, unless placed at the curb for collection in accordance with subsection 2.C.1, or visually screened by a solid fence or wall not less than the height of the solid waste container, are prohibited from the following additional portions of a lot or tract of land (Figure 1):
      (1) Any portion of a lot between the street and a side building line, and extending from the front yard to the rear lot line.
      (2) Any portion of a lot located between a front yard, a side yard adjacent to a street, and a recessed portion of a building facade.

Figure 10-2 Solid Waste Containers



4. *Non-Conforming Lots of Record. In* the R-SF, Single-Family Residential District, notwithstanding the regulations imposed by any other provision of this article, a single-family detached dwelling which complies with the restrictions in Section 36-1.06.E 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 dimension at such location would not have been prohibited by article; and
   b. Fronts on a local or collector street or can be provided with vehicular access via an alley or an access easement; and
   c. Is not less than 40 feet in width and that consists entirely of a tract of land, or an existing single-family dwelling sited on a tract of land less than 40 feet in width, may be replaced per the non-conforming Section 36-1.06. Off-street parking shall not be required when on-street parking is available within 200 feet of the subject property on a street with a minimum pavement width of 24 feet.

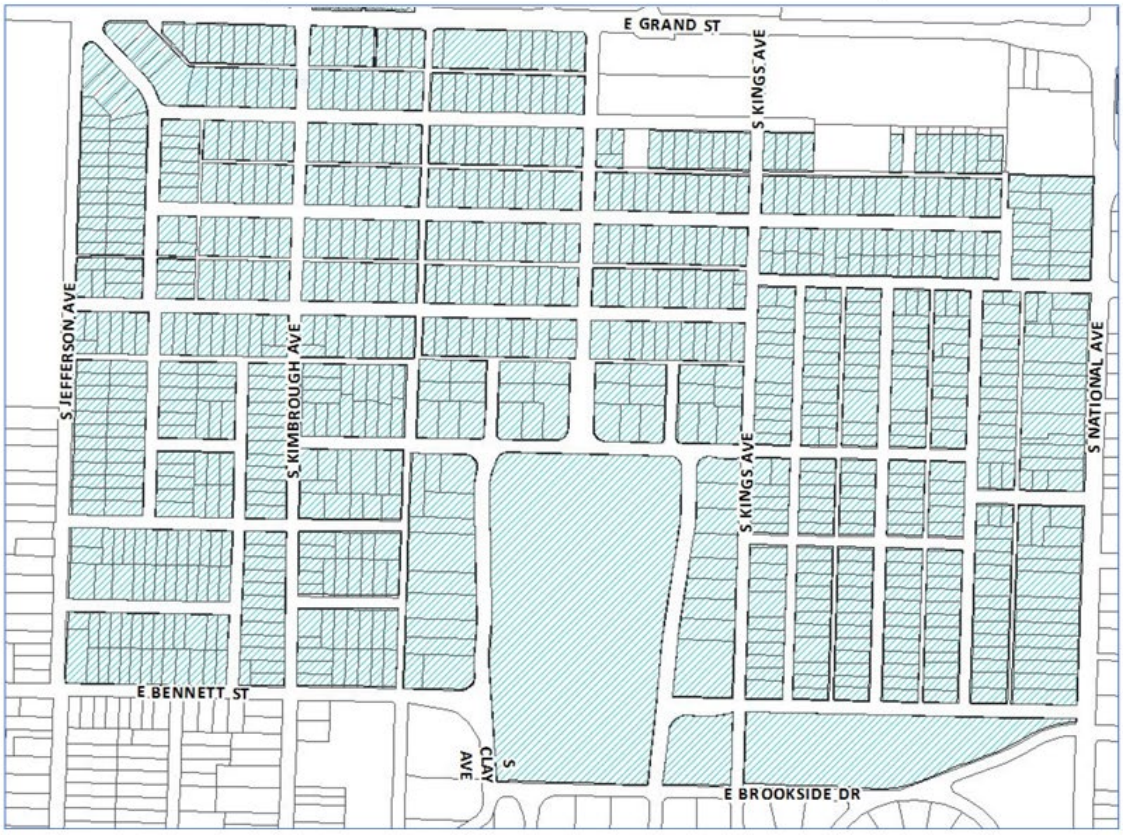
5. *Enforcement.* Any person who shall occupy a premises as lessee or licensed operator shall be jointly and severally responsible for compliance with the provisions of this Ordinance in the same manner as the owner.

C. **Exhibits.**

Table 10-2: Phelps UCD Summary of Ordinances

G.O. #	Date	Subject
4679	03/03/97	Created Urban Conservation District #4, the Phelps Grove Urban Conservation District.
5082	05/29/01	Repealed G.O. #4679. Revised the Urban Conservation District to conform with City Code.
6517	04/22/19	Replaced G.O. #5082. Amended the Urban Conservation District to create a new subsection D, regarding minimum lot width for non-conforming lots of record.

Phelps Grove Urban Conservation District



36-10.05 Rountree Urban Conservation District

The property described in this section is designated as Urban Conservation District No. 2. Urban Conservation District No. 2 shall also be known as and depicted on maps as the Rountree Urban Conservation District. Property in the Rountree Urban Conservation District shall be subject to the provisions herein and in Section 36-403, Urban Conservation District, of the Springfield Land Development Code. The Rountree Urban Conservation District is described as follows:

A. **Rountree Urban Conservation District Legal Description.** Beginning at the northwest corner of Lot 5 in O.H. Mitchell's Addition, as recorded, being on the east right-of-way line of National Avenue; thence east along the north line of Lots 5 through 9 in said O.H. Mitchell's Addition and its easterly extension, to a point 4.5 feet east of the northeast corner of said Lot 9 in O.H. Mitchell's Addition; thence south along a line 4.5 feet east of the east line of said Lot 9 to a point 170.5 feet north of the north right-of-way line of Elm Street; thence east along a line 170.5 feet north of said north right-of-way line of Elm Street to a point 104.5 feet east of the east line of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 160.0 feet north of said north right- of-way line of Elm Street; thence east along a line 160.0 feet north of said north right-of-way line of Elm Street, to a point 68.0 feet west of the west line of Lot 13 of Block 1 in Chamberlain's Addition, as recorded; thence north to a point 244.5 feet north of said north right-of-way line of Elm Street; thence east 68 feet to the east line of Lot 12 of Block 1 in said Chamberlain's Addition; thence south along the west line of said Block 1 in Chamberlain's Addition, to the northwest corner of Lot 13 of Block 1 in said Chamberlain's Addition being on the south line of an alley; thence east along the south line of said alley to the northeast corner of Lot 15 of Block 1 in said Chamberlain's Addition; thence north to the southwest corner Lot 9 of Block 1 in said Chamberlain's Addition; thence north 100.0 feet along the west line of said Lot 9; thence east to the east line of Lot 7 of Block 1 in said Chamberlain's Addition, to a point 100.0 feet north of the southeast corner of said Lot 7, being on the west right-of-way line of Fremont Avenue; thence south along said west right-of-way line to the northeast corner of Lot 18 of Block 1 in said Chamberlain's Addition; thence east to the northwest corner of Lot 20 of Block 1 in Chamberlain's Addition, being on the east right-of-way line of Fremont Avenue; thence east along the north line of Lots 20 through 25 of Block 1 in said Chamberlain's Addition, to the northeast corner of said Lot 25, being on the westerly right-of-way line of the Burlington Northern and Santa-Fe Railway Company; thence northeasterly, perpendicular from said westerly right-of-way line a distance of 25.0 feet; thence southeasterly to a point on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company, said point being the westerly extension of the north line of Lot 7 in Arlington Heights, as recorded; thence east along said westerly extension of the north line of said Lot 7, to the northwest corner of said Lot 7; thence north along the west line of Lot 6 in said Arlington Heights to the north line of the south 130.5 feet of said Lot 6; thence east along the north line of the south 130.5 feet of said Lot 6 and the south 130.5 feet of the west 46.0 feet of Lot 5 in Arlington Heights to the west right-of-way line of Weller Avenue; thence south along said west right-of-way line of Weller Avenue to a point 50.0 feet north of the south line of said Lot 5 in Arlington Heights; thence east along a line 50.0 feet north of the south line of Lot 5, Lot 4 and the west half of Lot 3 in said Arlington Heights; thence south along the east line of the west half of said Lot 3 to the north line of Lot 10 in said Arlington Heights; thence east along the north line of Lots 10 through 12 and its easterly extension to the northwest corner of Lot 36 in East Elm Street Addition, as recorded; thence south along the west line of said Lot 36 in East Elm Street Addition, to a point on the north line of the south 180.0 feet of said Lot 36; thence east along the north line of the south 180.0 feet of said Lot 36 and Lot 35 to a point 10.0 feet east of the west line of said Lot 35 in said East Elm Street Addition; thence south along the east line of the west 10.0 feet of said Lot 35 to the north line of the south 160.0 feet of said Lot 35; thence east along the north line of the south 160.0 feet of Lots 35 through 31 to the east line of said Lot 31; thence north along the

east line of said Lot 31 to the northeast corner of said Lot 31; thence east along the north line of Lots 30 through 23 to the northeast corner of said Lot 23 in East Elm Street Addition; thence east to the northwest corner of Lot 20 in said East Elm Street Addition; thence east along the north line of Lots 20 and 19 and its easterly extension to a point 105.5 east of the northeast corner of said Lot 19 in said East Elm Street Addition; thence south to a point 105.5 feet east of the northeast corner of Lot 54 in said East Elm Street Addition, being on the south right-of-way line of Elm Street; thence east along said south right-of-way line to a point 210.0 feet west of the west right-of-way line of Glenstone Avenue; thence south along a line 210.0 feet west of the west right-of-way line of Glenstone Avenue to the north right-of-way line of Cherry Street; thence south to a point 15.0 feet west of the northeast corner of Lot 21 in Burks' Subdivision, as recorded, being on the south right- of-way line of Cherry Street; thence west along said south right-of-way line to the northeast corner of Lot 5 in the Amended Plat of Dundee Reserve Addition, as recorded; thence south along the east line of Said Lot 5 to the southeast corner of said Lot 5; thence east along the south line of Lot 4 in said Amended Plat of Dundee Reserve Addition to the southeast corner of said Lot 4; thence southeasterly along the northeasterly lines of Lots 8 through 10 to the northeastern corner of said Lot 10; thence east to the southeast corner of Lot 2 in said Amended Plat of Dundee Reserve Addition; thence south along the east line of Lots 11 through 13 in said Amended Plat of Dundee Reserve Addition to the northerly right-of-way line of Kentwood Avenue; thence southeasterly along said northerly right-of-way line of Kentwood Avenue to the intersection of the north right-of-way line of Monroe Street; thence southeasterly to the northwest corner of Lot 17 in said Burk's Subdivision being on the south right-of-way line of Monroe Street; thence east along said south right-of-way line of Monroe Street to the northeast corner of said Lot 17 in Burk's Subdivision; thence south along the east line of Lots 17 through 12 in said Burks's Subdivision to the southeast corner of said Lot 12; thence west along the south line of said Lot 12 to the southwest corner of said Lot 12 being on the east right-of-way line of Kentwood Avenue; thence south along said east right-of-way line of Kentwood Avenue to the northerly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence southwesterly to the intersection of the southerly right-of-way line of said Burlington Northern and Santa Fe Railway Company and the south right-of-way line of Madison Street; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right- of-way line to the intersection with the easterly extension of the north line of Lot 1 in Second Addition to Parkhazel, as recorded; thence west along said westerly extension, to a point 40.0 feet east of the northeast corner of Lot 1 in said Second Addition to Parkhazel; thence south on a line 40.0 feet east of said Second Addition to Parkhazel to the northwest corner of Lot 101 in First Addition to Parkhazel, as recorded; thence east along the north line of said Lot 101 to the northeast corner of said Lot 101; thence south along the east line of said Lot 101 to the southeast corner of said Lot 101, being on the north right-of-way line of Lombard Street; thence southeasterly to the northeast corner of Lot 73 in Parkhazel Addition, as recorded, being on the south right-of-way line of Lombard Street; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition and its southerly extension to the northeast corner of Lot 79 in said Parkhazel Addition, being on the south right-of-way line of Belmont Street; thence east along said south right-of-way line to the centerline of an alley vacated by Ordinance #383; thence south along said centerline to an intersection with the easterly extension of the north line of Lot 82 in said Parkhazel Addition; thence west along said easterly extension and the north line of said Lot 82 to a point on the east line of the west 107.5 feet of said Lot 82; thence south on the east line of the west 107.5 feet of Lots 82, 83, and 84 in said Parkhazel Addition to the south line of said Lot 84, being on the north right-of-way line of Grand Street; thence southeasterly to the to the northeast corner of Lot 4 in Grand View, as recorded, on the south right-of-way line of Grand Street; thence south along the east line of said Lot 4 in Grand View to the southeast corner of said Lot 4; thence west along the south line of Lots 4 through 6 in said Grand View to the southwest corner of said Lot 6, being on the east right-of-way line of Kentwood Avenue; thence west to a point on the west right-of-way line of Kentwood Avenue, being on the east line of Lot 6 in Country Club District, as

recorded, said point being 150.0 feet south of the south right-of-way line of Grand Street; thence west to a point on the west line of Lot 13 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 13, being on the east right-of-way line of Delaware Avenue; thence southwesterly to the northeast corner of Lot 3 in Hawthorn Place, as recorded, on the west right-of-way line of Delaware Avenue; thence west along the north line of said Lot 3 to the intersection with the southerly extension of the east line of Lots 2 and 3 in said Hawthorn Place; thence north along said southerly extension to the southeast corner of said Lot 2; thence west along the south line of said Lots 2, 23 and 26 in said Hawthorn Place to the southwest corner of said Lot 26, being on the east right-of-way line of Pickwick Avenue; thence southwesterly to the southeast corner of Lot 4 in Home Place, as recorded, on the west right-of-way line of Pickwick Avenue; thence west along the south line of Lot 4 and 12 in said Home Place Addition to the southwest corner of said Lot 12, being on the east right-of-way line of Fremont Avenue; thence northwesterly to the southeast corner of Lot 13 of Block 1 in Sanford Place, as recorded, on the west right-of-way line of Fremont Avenue; thence west along the south line of said Lot 13 and Lots 1 through 6 of Block 1 in said Sanford Place to the southwest corner of said Lot 6, being on the east right-of-way of Kickapoo Avenue; thence north along said east right-of-way line of Kickapoo Avenue to the northwest corner of said Lot 6 of Block 1 in said Sanford Place; thence north to a point on the north right-of-way line of Grand Street, said point lying 11.25 feet west of the southwest corner of Lot 17 in Dream-Wold Place, as recorded, being the on the east right-of-way line of Kickapoo Avenue; thence westerly along said north right-of-way line of Grand Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

B. The following subareas are hereby established within the Rountree Urban Conservation District, to be known as Subareas A, B, C, D, E, and F. These subareas are described as follows:

1. *Subarea A.* Beginning at the northwest corner of Lot 5 in O.H. Mitchell's Addition, as recorded, being on the east right-of-way line of National Avenue; thence east along the north line of Lots 5 through 9 in said O.H. Mitchell's Addition and its easterly extension, to a point 4.5 feet east of the northeast corner of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 4.5 feet east of the southeast corner of said Lot 9 in O.H. Mitchell's Addition, being on the north right-of-way line of Elm Street; thence south to the northeast corner of Lot 9 in Elmwood Ralph Walkers Subdivision as recorded, being on the south right-of-way line of Elm Street; thence south along the east line of Elmwood Ralph Walkers Subdivision to the southeast corner of Lot 8 in said Elmwood Ralph Walkers Subdivision, being on the north right-of-way line of Cherry Street; thence southeasterly to the northeast corner of the west 86.3 feet of the east 345.2 feet of the north 208.33 feet of Lot 12 in George M. Jones 1st Addition, as recorded, being on the south right-of-way line of Cherry Street; thence south along the east line of the west 86.3 feet of the east 345.2 feet of the north 208.33 feet of said Lot 12 in George M. Jones 1st Addition to the north line of Lot 3 in Noland Subdivision, as recorded; thence west along the north line of said Noland Subdivision, to a point 3.75 feet west of the northeast corner of Lot 1 in said Noland Subdivision; thence south to a point 3.75 feet west of the southeast corner of said Lot 1, being on the north right-of-way line of Harrison Street; thence west along said north right-of-way line of Harrison Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

   And also the following;

   Beginning at a point 80.0 feet east of the northwest corner of Lot 8 in George M. Jones 1st Addition, as recorded, being on the east right-of-way line of National

Avenue, and the south right-of-way line of Page Street; thence east along said south right-of-way line of Page Street, to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue; thence south to a point on the north line of the south 208.33 feet of said Lot 8; thence west along said north line to a point 456.0 feet west of the east right-of-way line of National Avenue; thence south to a point 456.0 feet west of the west right-of-way line of National Avenue on the north right-of-way line of Belmont Street; thence southwesterly to the northeast corner of Lot 12 in Normal View Place, as recorded, being on the south right-of-way line of Belmont Street; thence south along the east line of said Lot 12 to the southeast corner of said Lot 12; thence south to the northeast corner of Lot 17 in said Normal View Place; thence east along the easterly extension of the north line of said Lot 17 to a point on the west line of Lot 21 in said Normal View Place; thence south along the west line of said Lot 21 and Lot 20 in said Normal View Place, to the northwest corner of Lot 19 in said Normal View Place; thence east along the north line of said Lot 19 to the northeast corner of the west 49.83 feet of said Lot 19; thence south to a point 49.83 feet east of the southwest corner of Lot 18 in said Normal View Place, on the north right-of-way line of Grand Street; thence westerly along said north right-of-way line of Grand Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

2. *Subarea B.* Beginning at the northwest corner of Lot 1 in Wells Place, as recorded, being on the east right-of- way line of National Avenue, and the south right-of-way line of Harrison Street; thence east along said south right-of-way line of Harrison Street, to the northeast corner of said Lot 1 in Wells Place; thence south along the east line of Lots 1 through 8 in said Wells Place to the southeast corner of said Lot 8, also being the northeast corner of Lot 1 in Lena V. Taylor Addition, as recorded; thence south along the east line of Lots 1 through 4 in said Lena V. Taylor Addition to the southeast corner of said Lot 4, also being the northeast corner of Lot 1 in Madison Place, as recorded; thence south along the east line of Lots 1 through 4 in said Madison Place to the southeast corner of said Lot 4, being on the north right-of-way line of Madison Street; thence south to the northeast corner of Lot 1 in Andrus Place, as recorded, being on the south right-of-way line of Madison Street; thence south along the east line of Lots 1 through 6 in said Andrus Place to the southeast corner of said Lot 6, also being the northwest corner of Lot 10 in said Andrus Place; thence east along the north line of said Lot 10 to the northeast corner of said Lot 10, being on the west right-of-way line of McCann Avenue; thence south along said west right-of-way line to the southeast corner of Lot 9 in said Andrus Place, being on the north right-of-way line of Page Street; thence west along said north right-of-way line of Page Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

3. *Subarea C.* Beginning at the northwest corner of Lot 20 of Block 1 in Chamberlain's Addition, as recorded, being on the east right-of-way line of Fremont Avenue; thence east along the north line of Lots 20 through 25 of Block 1 in said Chamberlain's Addition, to the northeast corner of said Lot 25, being on the westerly right-of-way line of the Burlington Northern and Santa-Fe Railway Company; thence perpendicular, northeasterly from said westerly right-of-way line a distance of 25.0 feet; thence southeasterly, parallel with said westerly right-of-way line, a distance of 140.0 feet; thence southwest 25.0 feet perpendicular to said westerly right-of-way line; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right-of-way line, to a point on the west right-of-way

line of Weller Avenue, said point being the northeast corner of Lot 1 of Block 2 in Pickwick Place, as recorded; thence south along said west right-of-way line of Weller Avenue, to the southeast corner of Lot 2 of Block 2 in said Pickwick Place; thence west along the south line of said Lot 2 to the centerline of the alley vacated in Book 29 at Page 491 in said Block 2 ; thence south along the centerline of said vacated alley to the intersection of the easterly extension of the south line of Lot 18 of Block 2 in said Pickwick Place; thence west along said south line of said Lot 18 of Block 2 and its easterly extension, to the southwest corner of Lot 6 of Block 3 in said Pickwick Place; thence north along the west line of Lots 6, 5, and 4 of Block 3 in said Pickwick Place, to the northwest corner of said Lot 4; thence west to the southeast corner of Lot 15 of Block 3 in Pickwick Place; thence west along the south line of said Lot 15 to the southwest corner of said Lot 15, on the east right-of-way line of Fremont Avenue; thence north along the east right-of-way line of Fremont Avenue to the northwest corner of Lot 13 of Block 3 in said Pickwick Place, on the south right-of-way line of Cherry Street; thence northwesterly to the southwest corner of Lot 12 of Block 2 in Chamberlain's Addition, being on the north right-of-way line of Cherry Street; thence north along the west line of said Block 2 in said Chamberlain's Addition to the northwest corner of Lot 14 in said Chamberlain's Addition, being on the south right-of-way line of Elm Street; thence northeasterly to the southwest corner of Lot 20 of Block 1 in said Chamberlain's Addition, on the north right-of-way line of Elm Street and the east right-of-way line of Fremont Avenue; thence north along said east right-of-way line to the point of beginning.

4. *Subarea D.* Beginning at a point 4.5 feet east of the southeast corner of Lot 9 in O.H. Mitchell's Addition, as recorded, being on the north right-of-way line of Elm Street; thence north along a line 4.5 feet east of the east line of said Lot 9 to a point 170.5 feet north of said north right-of-way line of Elm Street; thence east along a line 170.5 feet north of said north right-of-way line of Elm Street to a point 104.5 feet east of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 160.0 feet north of said north right-of-way line of Elm Street; thence east along a line 160.0 feet north of said north right-of- way line of Elm Street, to a point 68.0 feet west of the west line of Lot 13 of Block 1 in Chamberlain's Addition, as recorded; thence north to a point 244.5 feet north of said north right-of-way line of Elm Street; thence east 68 feet to the east line of Lot 12 of Block 1 in said Chamberlain's Addition; thence south along the west line of said Block 1 in Chamberlain's Addition, to the northwest corner of Lot 13 of Block 1 in said Chamberlain's Addition being on the south line of an alley; thence east along the south line of said alley to the northeast corner of Lot 18 of Block 1 in said Chamberlain's Addition, on the west right-of-way line of Fremont Avenue; thence south along said west right-of-way line to the southeast corner of said Lot 18, on the north right-of-way line of Elm Street; thence southeasterly to the northeast corner of Lot 1 in the Amended Plat of Walkers Second Subdivision, as recorded, being on the south right-of-way line of Elm Street; thence south along the east line of said Amended Plat of Walkers Second Subdivision to the southeast corner of Lot 14 in said Amended Plat of Walkers Second Subdivision, being on the north right-of-way line of Cherry Street; thence southwesterly to the intersection of the south right-of-way line of Cherry Street and the west right-of-way line of Fremont Street; thence south along said west right-of-way line of Fremont Avenue to the northeast corner of Lot 23 in Zobeth, as recorded; thence west along the north line of Lots 23 through 11 and its westerly extension to a point 11.25 feet west of the northwest corner of said Lot 11 in Zobeth, being on the east right-of-way line of Kickapoo Avenue; thence northwesterly to a point 164.0 feet south of the north line of Lot 12 in George M. Jones First Addition, as recorded, being on the west right-of-way line of Kickapoo Avenue; thence west along the south line of the north 164.0 feet of said Lot 12 to a

point 111.75 feet west of the west right-of-way line of Kickapoo Avenue; thence south to a point 184.0 feet south of the north line of said Lot 12; thence west along the south line of the north 184.0 feet of said Lot 12 to a point on the west line of the west 200.0 feet of said Lot 12; thence south to the northeast corner of Noland Subdivision, as recorded; thence west along the north line of said Noland Subdivision, to a point on the west line of the east 259.9 feet of the north 208.33 feet of said Lot 12 in George M. Jones First Addition; thence north to a point 259.9 feet west of the north east corner of said Lot 12 in George M. Jones First Addition, being on the south right-of-way line of Cherry Street; thence northwesterly to the southeast corner of Lot 8 in Elmwood Ralph Walkers Subdivision, as recorded, being on the north right-of-way line of Cherry Street; thence north along the east side of said Elmwood Ralph Walkers Subdivision to the northeast corner of Lot 9 in said Elmwood Ralph Walkers Subdivision, being on the south right-of- way line of Elm Street; thence north to the point of beginning.

5. *Subarea E.* Beginning at the northwest corner of Lot 16 of Block 3 in Pickwick Place, as recorded, on the east right-of-way line of Fremont Avenue; thence east along the north line of said Lot 16 and its easterly extension to the northwest corner of Lot 4 of Block 3 in said Pickwick Place; thence south along the west line of Lots 4, 5 and 6 of said Block 3 to the northwest corner of Lot 7 of said Block 3; thence east along the north line of said Lot 7 and the north line of Lot 19 of Block 2 in said Pickwick Place and its easterly extension to the centerline of an alley vacated in Book 29 at Page 491 in said Block 2; thence north along said centerline to the westerly extension of the south line of Lot 2 of said Block 2; thence east along said westerly extension and south line of Lot 2 to the southeast corner of said Lot 2, on the west right-of-way line of Weller Avenue; thence northeasterly to the intersection of the west line of Lot 14 of Block 1 in said Pickwick Place and the westerly right-of-way line of the Burlington Northern and Santa Fe Railway Company, being on the east right-of-way line of Weller Avenue; thence southeasterly, along said westerly right-of-way line to the intersection with the north line of the south 150.0 feet of the east 50.0 feet of Lot 7 of Block 1 in Philips' Addition, as recorded; thence west along said north line to a point on the west line of the east 50.0 feet of said Lot 7; thence south along said west line to a point 50.0 feet west of the southeast corner of said Lot 7, on the north right-of-way line of Monroe Terrace; thence southeasterly to a point 30.0 feet west of the northeast corner of Lot 19 of Block 2 in said Philips' Addition, on the south right-of-way line of Monroe Terrace; thence south to a point 30.0 feet west of the southeast corner of said Lot 19; thence west along the south line of said Lot 19 to a point 20.0 feet east of the northwest corner of Lot 7 of Block 2 in said Philips' Addition; thence south to a point 20.0 feet east of the southwest corner of said Lot 7, on the north right-of-way line of Madison Street; thence southeasterly to the northeast corner of Lot 5 in Rollston-Luster Place, on the south right-of-way line of Madison Street; thence south along the east line of said Lot 5 to the southeast corner of said Lot 5; thence west along the south line of said Lot 5 to a point 250.0 feet east of the east right-of-way line of Delaware Street; thence south to a point to a point 250.0 feet east of the east right-of-way line of Delaware Street on the north right-of-way line of Page Street, a private street; thence southeasterly to a point on the south right-of-way line of Page Street, being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence south to a point on the north side of a 15.0 foot alley as shown on First Addition to Parkhazel Addition, being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence southwesterly, to the northwest corner of Lot 117 in said First Addition to Parkhazel Addition, on the south side of said 15.0 foot alley; thence south along the west line of said Lot 117 to the southwest corner of said Lot 117, on the north right-of-way line of Lombard Street: thence southeasterly to the northeast corner of

Lot 24 in Parkhazel Addition, as recorded, on the west right- of-way line of Fairway Avenue; thence south along said west right-of-way line to the southeast corner of Lot 13 in said Parkhazel Addition, on the north right-of-way line of Grand Street; thence south to the northeast corner of Lot 11 in Country Club District, as recorded, on the south right-of- way line of Grand Street; thence south along the east line of said Lot 11 to a point on the south line of the north 150.0 feet of said Lot 11; thence west to a point on the west line of Lot 13 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 13, being on the east right-of-way line of Delaware Avenue; thence southwesterly to the northeast corner of Lot 3 in Hawthorn Place, as recorded, on the west right-of-way line of Delaware Avenue; thence west along the north line of said Lot 3 to the intersection with the southerly extension of the east line of Lots 2 and 3 in said Hawthorn Place; thence north along said southerly extension to the southeast corner of said Lot 2; thence west along the south line of said Lots 2, 23 and 26 in said Hawthorn Place to the southwest corner of said Lot 26, being on the east right-of-way line of Pickwick Avenue; thence southwesterly to the southeast corner of Lot 4 in Home Place, as recorded, on the west right-of-way line of Pickwick Avenue; thence west to the southwest corner of said Lot 12, being on the east right- of-way line of Fremont Avenue; thence northwesterly to the southeast corner of Lot 13 of Block 1 in Sanford Place, as recorded, on the west right-of-way line of Fremont Avenue; thence west to the southwest corner of said Lot 6, being on the east right-of-way of Kickapoo Avenue; thence north along said east right-of-way line of Kickapoo Avenue to the northwest corner of said Lot 6 of Block 1 in said Sanford Place; thence north to a point on the north right-of-way line of Grand Street, said point lying 11.25 feet west of the southwest corner of Lot 17 in Dream-Wold Place, as recorded, being the on the east right-of-way line of Kickapoo Avenue; thence westerly along said north right- of-way line of Grand Street to a point 49.83 feet east of the southwest corner of Lot 18 in Normal View Place; thence north to a point 49.83 feet east of the northwest corner of Lot 19 on said Normal View Place; thence west along the north line of said Lot 19 to the northwest corner of said Lot 19; thence north along the west line of Lot 19 through 24 to the northwest corner of said Lot 24, on the south right-of-way line of Belmont Street; thence northeasterly to a point on the north right-of-way line of Belmont Street, being 161.25 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point on the north line of the south 208.33 feet in Lot 8 of George M. Jones Addition, being 161.25 feet west of the west right-of-way line of Kickapoo Avenue; thence east along said north line to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue on the south right- of-way line of Page Street; thence northwesterly to the southeast corner of Lot 24 in Andrus Place, as recorded, on the north right-of-way line of Page Street; thence west along said north right-of-way line to the southeast corner of Lot 9 in said Andrus Place, on the west right-of-way line of McCann Avenue; thence north along said west right-of-way line to the northeast corner of Lot 10 in said Andrus Place; thence west along the north line of said Lot 10 to the northwest corner of said Lot 10; thence north along the west line of Lots 11 through 16 in said Andrus Place to the northwest corner of said Lot 16 on the north right-of-way line of Madison Street; thence north to the southwest corner of Lot 5 in Madison place, as recorded, on the north right-of-way line of Madison Street; thence north along the west line of Lots 5 through 8 in said Madison Place to the northwest corner of said Lot 8, also being the southwest corner of Lot 5 in Lena V. Taylor Addition, as recorded; thence north along the west line of Lots 5 through 8 in said Lena V. Taylor Addition to the northwest corner of said Lot 8, also being the southwest corner of Lot 9 in Wells Place, as recorded; thence north along the west line of Lots 9 through 16 in Wells Place to the northwest corner of said Lot 16, on the south right-of-way line of Harrison Street;

thence north to the southwest corner of Lot 41 in said Wells Place, on the north right-of-way line of Harrison Street; thence east along said north right-of-way line to a point 3.75 feet west of the southeast corner of said Lot 1 in Noland Subdivision; thence north to a point 3.75 feet west of the northeast corner on the north line of said Noland Subdivision; thence east along said north line to the northeast corner of Lot 4 in said Noland Subdivision; thence north to the south line of the north 184.0 feet of Lot 12 in George M. Jones First Addition, as recorded, being 211.25 feet west of the west right-of-way line of Kickapoo Avenue; thence east along the south line of the north 184.0 feet of said Lot 12 to a point 111.75 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point 164.0 feet south of said Lot 12; thence east along the south line of the north 164.0 feet of said Lot 12 to the west right-of-way line of Kickapoo Avenue; thence southeasterly to a point 11.25 feet west of northwest corner of Lot 11 in Zobeth, as recorded, being on the east right-of-way line of Kickapoo Avenue; thence east to the northeast corner of Lot 23 in said Zobeth, on the west right-of-way line of Fremont Avenue; thence northeasterly to the point of beginning.

6. *Subarea F.* Commencing at the northwest corner of Lot 7 in Arlington Heights, as recorded; thence west on a line of the westerly extension of the north line of said Lot 7, to a point on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company, for the point of beginning; thence east along said westerly extension of the north line of said Lot 7, to the northwest corner of said Lot 7; thence north along the west line of Lot 6 in said Arlington Heights to the north line of the south 130.5 feet of said Lot 6; thence east along the north line of the south 130.5 feet of said Lot 6 and the south 130.5 feet of the west 46.0 feet of Lot 5 in Arlington Heights to the west right-of-way line of Weller Avenue; thence south along said west right-of-way line of Weller Avenue to a point 50.0 feet north of the south line of said Lot 5 in Arlington Heights; thence east along a line 50.0 feet north of the south line of Lot 5, Lot 4 and the west 52.0 feet of Lot 3 in said Arlington Heights; thence south along the east line of the west 52.0 feet of said Lot 3 to the north line of Lot 10 in said Arlington Heights; thence east along the north line of Lots 10 through 12 and its easterly extension to the northwest corner of Lot 36 in East Elm Street Addition, as recorded; thence south along the west line of said Lot 36 in East Elm Street Addition, to a point on the north line of the south 180.0 feet of said Lot 36; thence east along the north line of the south 180.0 feet of said Lot 36 and the north line of the west 10.0 feet of Lot 35 in said East Elm Street Addition; thence south along the east line of the west 10.0 feet of said Lot 35 to the north line of the south 160.0 feet of the east 40.0 feet of said Lot 35; thence east along the north line of the south 160.0 feet of Lots 35 through 31 to the east line of said Lot 31; thence north along the east line of said Lot 31 to the northeast corner of said Lot 31; thence east along the north line of Lots 30 through 23 to the northeast corner of said Lot 23 in East Elm Street Addition; thence east to the northwest corner of Lot 20 in said East Elm Street Addition; thence east along the north line of Lots 20 and 19 and its easterly extension to a point 105.5 east of the northeast corner of said Lot 19 in said East Elm Street Addition; thence south to a point 105.5 feet east of the southeast corner of said Lot 19, being on the north right-of-way line of Elm Street; thence south to a point 105.5 feet east of the northeast corner of Lot 54 in said East Elm Street Addition, being on the south right-of-way line of Elm Street; thence east along said south right-of- way line to a point 210.0 feet west of the west right-of-way line of Glenstone Avenue; thence south along a line 210.0 feet west of the west right-of-way line of Glenstone Avenue to the north right-of-way line of Cherry Street; thence south to a point 15.0 feet west of the northeast corner of Lot 21 in Burks' Subdivision, as recorded, being on the south right-of-way line of Cherry Street; thence west along said south right-of-way line to the northeast

corner of Lot 5 in the Amended Plat of Dundee Reserve Addition, as recorded; thence south along the east line of Said Lot 5 to the southeast corner of said Lot 5; thence east along the south line of Lot 4 in said Amended Plat of Dundee Reserve Addition to the southeast corner of said Lot 4; thence southeasterly along the northeasterly lines of Lots 8 through 10 to the northeastern corner of said Lot 10; thence east to the southeast corner of Lot 2 in said Amended Plat of Dundee Reserve Addition; thence south along the east line of Lots 11 through 13 in said Amended Plat of Dundee Reserve Addition to the northerly right-of- way line of Kentwood Avenue; thence southeasterly along said northerly right-of-way line of Kentwood Avenue to the intersection of the north right-of-way line of Monroe Street; thence southeasterly to the northwest corner of Lot 17 in Burk's Subdivision, as recorded, being on the south right-of-way line of Monroe Street; thence east along said south right-of-way line of Monroe Street to the northeast corner of said Lot 17 in Burk's Subdivision; thence south along the east line of Lots 17 through 12 in said Burks's Subdivision to the southeast corner of said Lot 12 in Burks's Subdivision; thence west along the south line of said Lot 12 to the southwest corner of said Lot 12 being on the east right-of-way line of Kentwood Avenue; thence south along said east right-of-way line of Kentwood Avenue to the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence southwesterly to the intersection of the westerly right-of-way line of said Burlington Northern and Santa Fe Railway Company and the south right-of-way line of Madison Street; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right- of-way line to the intersection with the easterly extension of the north line of Lot 1 in Second Addition to Parkhazel, as recorded; thence west along said westerly extension, to a point 40.0 feet east of the northeast corner of Lot 1 in said Second Addition to Parkhazel; thence south on a line 40.0 feet east of said Second Addition to Parkhazel to the northwest corner of Lot 101 in First Addition to Parkhazel, as recorded; thence east along the north line of said Lot 101 to the northeast corner of said Lot 101; thence south along the east line of said Lot 101 to the southeast corner of said Lot 101, being on the north right-of-way line of Lombard Street; thence southeasterly to the northeast corner of said Lot 73 in Parkhazel Addition, as recorded, being on the south right-of-way line of Lombard Street; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition and its southerly extension to the northeast corner of Lot 79 in said Parkhazel Addition, being on the south right-of-way line of Belmont Street; thence east along said south right-of-way line to the centerline of an alley vacated by Ordinance #383; thence south along said centerline to an intersection with the easterly extension of the north line of Lot 82 in said Parkhazel Addition; thence west along said easterly extension and the north line of said Lot 82 to a point on the east line of the west 107.5 feet of said Lot 82; thence south on the east line of the west 107.5 feet of Lots 82, 83, and 84 in said Parkhazel Addition to the south line of said Lot 84, being on the north right-of-way line of Grand Street; thence southeasterly to the northeast corner of Lot 4 in Grand View, as recorded, on the south right-of-way line of Grand Street; thence south along the east line of said Lot 4 in Grand View to the southeast corner of said Lot 4; thence west along the south line of Lots 4 through 6 in said Grand View to the southwest corner of said Lot 6, being on the east right-of-way line of Kentwood Avenue; thence west to a point on the west right-of-way line of Kentwood Avenue, being on the east line of Lot 6 in Country Club District, as recorded, said point being 150.0 feet south of the south right-of-way line of Grand Street; thence west to a point on the west line of Lot 11 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 11; thence north along the west line of said Lot 11 to the northwest corner of said Lot 11, being on the south right-of-way line of Grand Street; thence northeasterly to the intersection of the north right-of-way line of Grand Street and the east right-of-way

line of Fairway Avenue, being the southwest corner of Lot 72 in said Parkhazel Addition; thence north along said east right-of-way line of Fairway Avenue to the south right-of-way line of Lombard Street, being the northwest corner of Lot 25 in said Parkhazel Addition; thence north to the north right-of-way line of Lombard Street, being on the south line of Lot 116 in First Addition to Parkhazel; thence west along said north right-of-way line to the southwest corner of Lot 117 in said First Addition to Parkhazel; thence north along the west line of said Lot 117 to the south line of a 15.0 foot alley on the north side of said First Addition to Parkhazel, being the northwest corner of said Lot 117; thence northeasterly to a point on the north line of said 15.0 foot alley, said point being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence north to a point on the south line of Page Street, a private street, being 280.0 feet east of said Delaware Avenue; thence northwesterly to a point on the north line of Page Street, a private street, being 250.0 feet east of the east right-of-way line of Delaware Street; thence north to a point being 250.0 feet east of the east right-of-way line of Delaware Street on the south line of Lot 5 in Rollston-Luster Place, as recorded; thence east along the south line of said Lot 5 in Rollston-Luster Place to the southwest corner of Lot 6 in said Rollston-Luster Place; thence north along the west line of said Lot 6 to the northwest corner of said Lot 6 on the south right-of-way line of Madison Street; thence northwesterly to the southwest corner of the east 40.0 feet of Lot 7 of Block 2 in Philips' Addition, as recorded, being on the north right-of-way line of Madison Street; thence north along the west line of the east 40.0 feet of said Lot 7 of Block 2 in Philips' Addition to a point on the north line of said Lot 7, being 40.0 feet west of the northeast corner of said Lot 7; thence east along the north line of said Lot 7 to a point 30.0 feet west of the northeast corner of said Lot 7; thence north along the west line of the east 30.0 feet of Lot 19 of Block 2 in said Philips' Addition to a point 30.0 feet west of the northeast corner of said Lot 19, being on the south right-of-way line of Monroe Terrace; thence northwesterly to a point 50.0 feet west of the southeast corner of Lot 7 of Block 1 in said Philips' Addition, on the north right-of-way line of Monroe Terrace; thence north along the west line of the east 50.0 feet of the south 150.0 feet of said Lot 7 of Block 1 in said Philips' Addition; thence east along the north line of the east 50.0 feet of the south 150.0 feet of said Lot 7 to the intersection with the westerly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence northeasterly and perpendicular to the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence along said easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company to the point of beginning.

And also the following;

All of the south 100.0 feet of Lots 7 through 9 of Block 1 in Chamberlain's Addition, as recorded.

C. **Rountree Urban Conservation District Zoning Regulations.**

1. *Applicability*.

a. The extent to which compliance with the regulations herein is required shall be as follows:

(1) All new development requires full and complete compliance with all applicable regulations;

(2) Expansion or enlargement of an existing building (not to exceed 30% of the total floor area) shall be exempt from the building and lot standards and design standards;

(3) Redevelopment which replaces an existing building in the same footprint (within 10%) shall not be required to meet parking setback requirements

within Subarea C;

(4) Any change of use of a property requires compliance with all parking and loading, screening, fencing, and signage standards;

(5) Facade changes to existing building require compliance with all applicable facade regulations;

(6) In the event that a dwelling existing as of June 5, 2023, is subsequently destroyed or damaged, that dwelling may be reconstructed or repaired in substantial conformance with its location on the lot, size, and general appearance prior to such destruction or damage without requiring compliance with these regulations, provided that such plans for the reconstruction or repair must be submitted to the PD Director for determination of such substantial conformance.

2. *General Provisions.* These regulations shall supplement the Zoning Ordinance and shall, together with the Zoning Ordinance, govern and control the use and development of land throughout the Rountree Urban Conservation District. In the event of a conflict between these regulations and the Zoning Ordinance for property in the Rountree Urban Conservation District, these regulations shall control. In the event of a conflict between these regulations and provisions in an individual planned development district in the Rountree Urban Conservation District, the provisions of the planned development shall control.

3. *Permitted and Conditional Uses.* Only those uses stated within Section 36-10.07.D.1 and Section 36-10.07.H.1 herein shall be permitted by right or conditional use permit.

4. *Non-Conforming Uses.* Any use in the Rountree Urban Conservation District non-conforming under General Ordinance 3645 shall have been registered with the BDS Director by July 1, 1986. Any uses not registered by that date shall be presumed illegal. Non-conforming uses shall adhere to Section 36-1.06.B.

5. *Site Plan Review.*

a. *Applicability.* The site plan review and approval process set forth in Section 36-2.03 shall be required for any permitted, accessory, or conditional uses in the Rountree Urban Conservation District. No activities or uses, except for temporary uses allowed in the District, shall be exempt from this requirement.

b. *Submittal Requirements.* In addition to the requirements set forth in Section 36-2.03, the applicant shall be required to submit a building elevation plan showing the height, facade, exterior building materials, signage, and window specifications for all proposed building within Subareas A through D.

c. *Review Criteria.* In addition to the review criteria set forth in Section 36-2.03, the site plan review process shall include a review of whether the proposed development aligns with the Rountree Neighborhood Plan, including conformity with the following review criteria:

(1) Existing buildings proposed to be converted to another use must meet all fire, health, building, plumbing, and electrical requirements of the City.

(2) The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private right-of-way.

(3) The proposed site plan is not injurious to or detrimental to the use and enjoyment of surrounding property.

(4) The circulation elements of the proposed site plan do not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconveniences to vehicular and pedestrian travel.

(5) The screening of the site provides adequate shielding for nearby uses which may be incompatible with the proposed use.
(6) The proposed structures or landscaping are not lacking amenity in relation to, or are not incompatible with, nearby structures and uses.
(7) The proposed site plan does not create drainage or erosion problems on or off the site.

d. *Registration of Rental Property.* All owners of rental housing in the Rountree Urban Conservation District must register said property with the City Manager as required by City Code Sections 74-351 and 74-352, as amended from time to time.

D. **Subarea A through D Regulations.**

1. *Permitted and Conditional Uses.* The following key is to be used in the interpretation of Table 1, Permitted and Conditional Uses Subareas A through D, in this section:
   a. *Permitted Uses.* Uses which are marked as "P" in the table shall be allowed in a subarea subject to all applicable regulations herein.
   b. *Conditional Uses.* Uses which are marked as "C" in the table shall be allowed in a subarea upon the approval of a Conditional Use Permit as detailed in Section 36-2.04.
   c. *Uses Not Listed.* If a proposed use is not listed in the table, the ARC shall determine if the use is substantially similar to a use listed in the table. If it is, the proposed use shall be treated in the same manner as the substantially similar use. If not, the use shall be prohibited.
   d. *Conversions.* Structures existing at the time of the adoption of these regulations may be converted to any use permitted in that subarea.
   e. *Additional Regulation.* If uses have specific standards, such standards are referenced in this column. Use-specific standards shall apply to permitted and conditional uses. Where use-specific standards conflict with Rountree Urban Conservation District subarea standards, the subarea standards shall be followed.

Table 10-3: Rountree UCD Subareas A through D Uses

Use	*Use Specific Regulations*	*Subareas*			
		A	*B*	*C*	*D*
Residential Uses					
Dwelling, Multifamily, stand alone		P	P	P	P
Dwelling, Multifamily above ground floor as part of a mixed use		P	P	P	P
Dwelling, Single Family Attached		P	P	P	P
Dwelling, Single Family Detached existing		P	P	P	P
Dwelling, Single Family Detached new development					P
Group Home		P	P	P	P
Day Care Home		P	P	P	P
Churches		P	P	P	P
Schools		P	P	P	P
Parks		P	P	P	P
Non-Profit Neighborhood Community Centers			P		P
Lodging Uses					
Short Term Rental Type 3		P	P	P	P
Bed and Breakfast				P	P
Commercial Retail Uses					
Retail sales use group, stand alone		P	P	P	
Retail sales use group as part of a mixed use		P	P	P	P

Table 10-3: Rountree UCD Subareas A through D Uses					
Use	***Use Specific Regulations***	***Subareas***			
		A	***B***	***C***	***D***
Entertainment Oriented use group, stand alone < 5,000 sq ft		P			
Entertainment Oriented use group as part of a mixed use		P			
Package Liquor		P		P	
Adult Oriented uses					
Pawn Shop					
Artisan Manufacturing		P	P	P	
Personal Service and Office Uses					
Daycare		P	P	P	P
Personal Service use group, stand alone		P	P	P	
Personal Service use group as part of a mixed use		P	P	P	P
General Office use group as part of a mixed use		P	P	P	P
General Office, conversion	2.a below				P
Medical Office use group, stand alone		P	P	P	
Medical Office use group as part of a mixed use		P	P	P	P
Title Loan/Short Term Lending					
Eating and Drinking Uses					
Restaurants, stand alone		P	P	P	
Restaurants as part of a mixed use		P	P	P	P
Breweries and tasting rooms		P		P	
Drive-thru accessory to a restaurant use		P			
Vehicle Oriented Uses					
Commercial off-street parking lots	2.b below	C	C	C	C
Commercial off-street parking structures above ground floor as part of a mixed use		C	C	C	C
Food Truck		P	P	P	P
Outdoor display/sale of merchandise, temporary		P	P	P	P
Outdoor display/sale of merchandise, permanent					
Seasonal sales		P	P	P	P
Accessory Uses					
Accessory Uses and Structures		P	P	P	P
Home Occupations		P	P	P	P
Outdoor dining		P	P	P	P

2. *Use-Specific Standards.*
   a. *General Office Conversion.*
      (1) *Applicability*. Single-family dwellings 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).
      (2) *Location of Entrances.* Only one entrance shall be located on the front facade of the structure. the front facade of the structure shall face Cherry or Elm Streets.
      (3) *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.

(4) *Signs.* General office conversion uses shall be permitted one monument sign in accordance with the standards set forth below.
(a) *Area.* The monument sign shall not exceed 6 square feet in area.
(b) *Height.* The monument sign shall not exceed 4 feet in height.
(c) *Location.* The monument sign shall be located a minimum of 5 feet from all property lines, right-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.
(d) *Sign Base.* The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 10% and a maximum of 25% 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.
(e) *Landscape.* The monument sign shall have a landscape area equal to the area of the sign surrounding the sign base. A minimum of 80% of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.

b. *Commercial Off-Street Parking Lots.* Commercial off-street parking lots adjacent to public right-of-way, excluding alleys, shall provide the following:
(1) A fully opaque wall or fence with a height of 4 feet shall be used in conjunction with required parking lot perimeter landscaping contained in this section. Plant materials shall be installed between the sidewalk and the wall or fence to provide a softening effect.
(2) Four understory trees shall be planted for every 100 lineal feet of frontage adjacent to right-of-way, excluding alley right-of-way and additional plantings shall be clustered at points of pedestrian ingress and egress.
(3) Points of pedestrian ingress and egress, outside of vehicular curb cuts, shall be provided.
(4) To the greatest extent possible, the screening standards established above shall provide safe site distance where driveway access intersects public right-of-way.

c. *Farm Stand.*
(1) *Farm Products Sold.* Only farm products or value-added farm products grown and/or processed on the parcel on which the farm stand is located may be sold at a farm stand. The sale of non-agricultural items or products produced off site is prohibited.
(2) *Farm Stand Structure.* A structure associated with a farm stand shall not have a floor area greater than 100 square feet.

3. *Building and Lot Standards [Figure 10-3].*
a. *Subarea A.* This subarea is characterized by a mix of non-residential and multi-family development and bookends the development along National Avenue. The intent of the regulations for this subarea is to regulate the physical form in order to facilitate quality redevelopment of these higher intensity nodes along the neighborhood edge. This subarea is designated to provide for sensitive and respectful development that allows for walkability and concentrated density to support National Avenue as a future Public Transportation Corridor in the neighborhood.

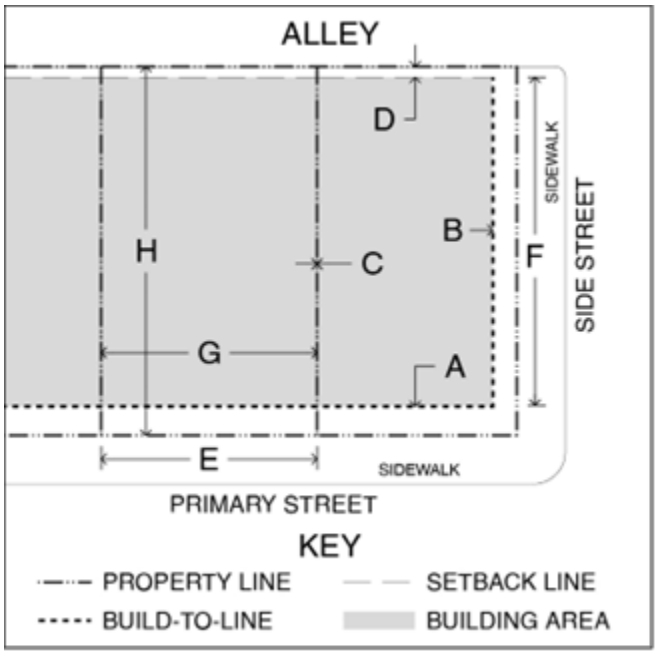


Figure 10-3 Building Lot Standards

(1) *Build-to-Line.*
- (a) Primary Street: 15 feet [A]
- (b) Side Street: 10 feet [B]
  * To match average front facade line of the block face

(2) *Setbacks.*
- (a) *Side Setback.* Zero foot minimum; 10 feet maximum [C]
  * Applicable to principal and accessory structures
- (b) Rear Setback: 5 feet minimum [D]*
  Applicable to principal structure only

(3) *Building Form.*
- (a) *Primary Street.* At least 85% of Build-to-Line [E]
- (b) *Side Street.* At least 85% of Build-to-Line [F]
- (c) *Lot Width.* Per existing [G]
- (d) *Lot Depth.* Per existing [H]

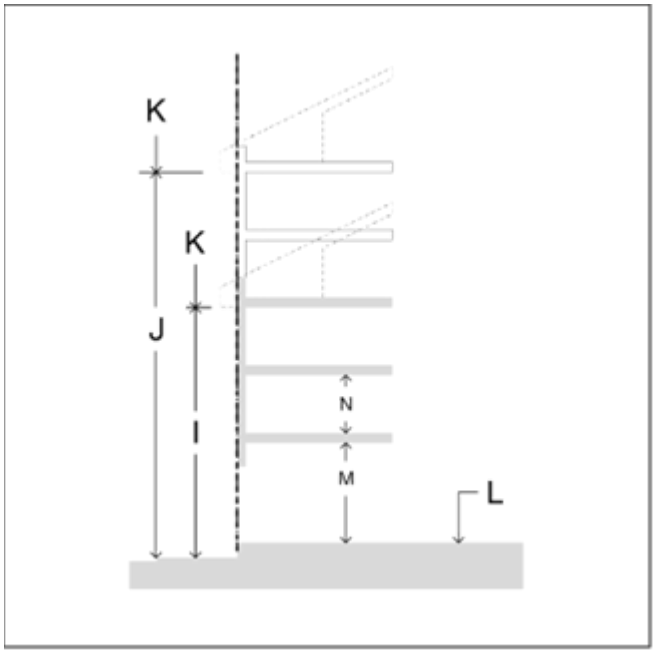


Figure 10-4 Subarea A Building Height

4. *Building Height [Figure 10-4].*
   a. Minimum: Two stories or 32 feet [I]
   b. Maximum: Five stories or 68 feet [J]
      * Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story.
      * All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-MX1 District.
   c. Maximum from Bottom of Eave to Top of Parapet or Roof: 15 feet maximum [K]
      * Finished Ground Floor Level: Six inch maximum, however, if residential on the first floor must be at least 3 to 6 feet [L]
      * Measured from elevation of back of sidewalk or adjacent lot level

5. *Ceiling Heights [Figure 10-4].*
   a. *First Floor.* 12 feet minimum; 15 feet maximum (floor to floor) [M]
   b. *Upper Floors.* 8 feet minimum; 12 feet maximum (floor to floor) [N]

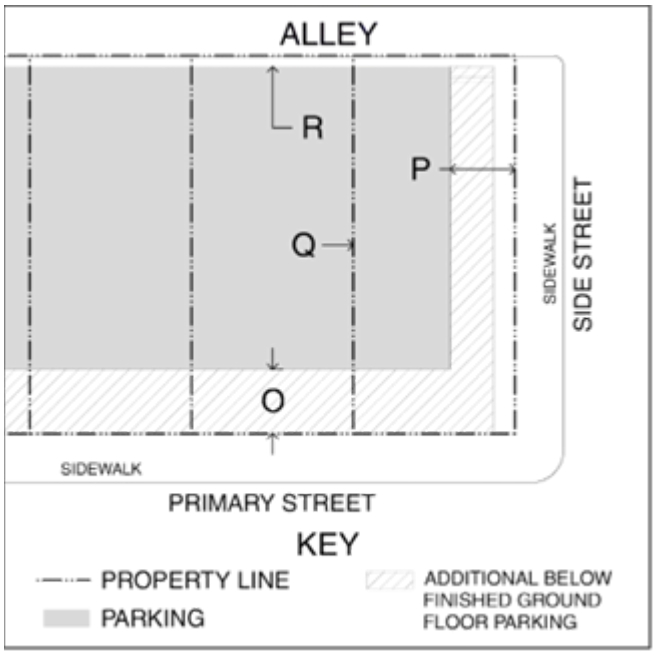


Figure 10-5 Subarea A Parking Requirements

6. *Parking Location [Figure 10-5].*
   a. *Primary Street Setback.* 50 feet maximum [O]
   b. *Side Street Setback.* 10 feet maximum [P]
   c. *Side Setback.* Zero-foot if surface lot [Q]
   d. *Rear Setback.* 5 feet minimum [R]
      * Above-grade parking garages must match build-to-line and setbacks
      * At-grade parking lots must match the parking location requirements above
      * Below-grade parking garages must match build-to-line and setbacks
      * Per principal structure if structured parking

7. *Required Spaces.*
   a. *Non-residential Office Uses.*
      * <7,500 square feet: No off-street parking required
      * >7,500 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.

   b. *Residential Uses.*
      * One off-street parking space per dwelling unit

8. *Signs.* Signage shall conform to the requirements found in Article 9 except that only one detached sign shall be permitted per premises.

E. ***Subarea B.*** This subarea is characterized by a mix of non-residential and multi-family development along the National Avenue corridor. The intent of the regulations for this subarea is to regulate the physical form of development along the corridor in order to preserve and enhance the integrity and quality of this edge of the neighborhood. This subarea is designed to provide for sensitive and respectful infill development which is of a complementary scale and character and serves as a transition to the single-family homes found in the neighborhood along McCann Avenue.

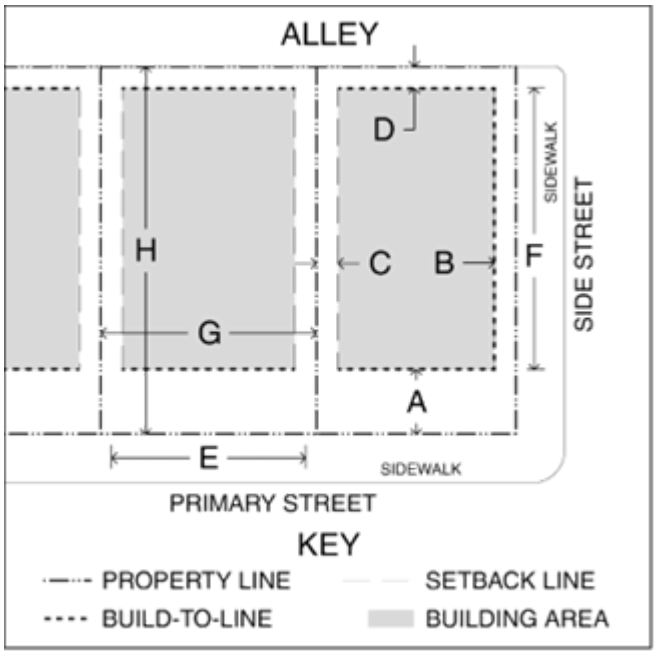


Figure 10-6 Subarea B Building Placement

1. *Build-to-Line [Figure 10-6].*
   a. Primary Street: 15 feet minimum; 50 feet maximum [A]
      *To match average front facade line of the block face
   b. Side Street: 10 feet minimum [B]
      * To match average front facade line of the block face

2. *Setbacks [Figure 10-6].*
   a. Side Setback: 5 feet minimum [C]
   b. Rear Setback: 30 feet minimum [D]
      * Applicable to principal structure only

3. *Building Form [Figure 10-6].*
   a. Primary Street: At least 30% of Build-to-Line [E]
   b. Side Street: At least 25% of Build-to-Line [F]
   c. Lot Width: Per Existing [G]
   d. Lot Depth: Per Existing [H]

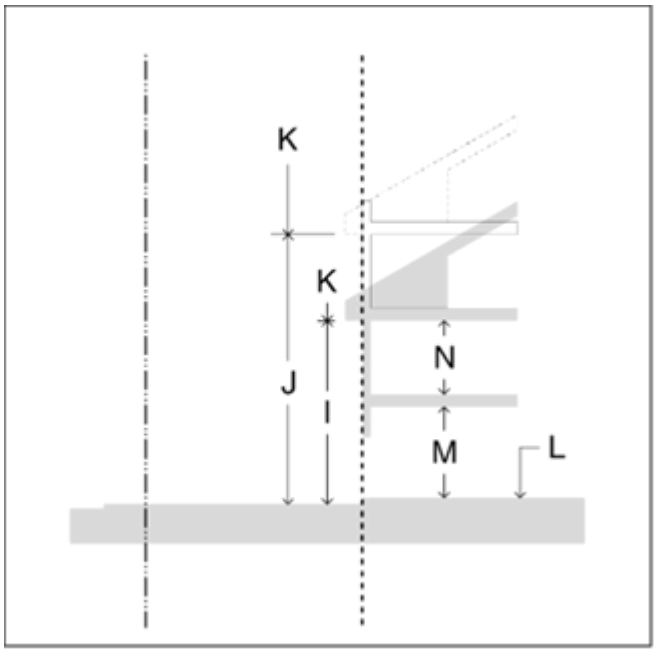


Figure 10-7 Subarea B Building Height

4. *Building Height.*
   a. Minimum: Two stories or 32 feet [I]
   b. Maximum: Four stories or 55 feet [J]
      * Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story
      *All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH District

5. *Maximum from Bottom of Eave to Top of Parapet or Roof.*
   a. 15 feet maximum [K]
   b. Finished Ground Floor Level: 6 inch maximum; however, if residential on the first floor must be at least 3 to 6 feet [L]
      *Measured from elevation of back of sidewalk or adjacent lot level.

6. *Ceiling Heights.*
   a. First Floor: 12 feet minimum; 15 feet maximum (floor to floor) [M]
   b. Upper Floors: 8 feet minimum; 12 feet maximum (floor to floor) [N]

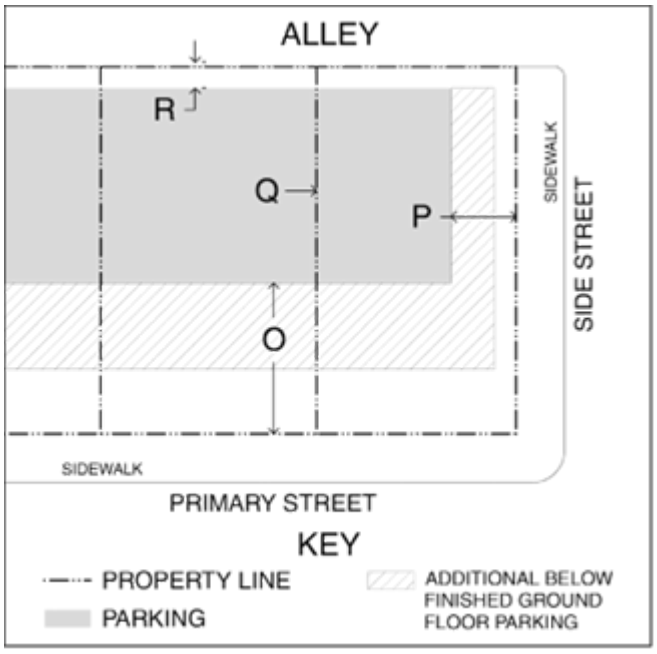


Figure 10-8 Subarea B Parking Requirements

7. *Parking Location [Figure 10-8].*
   a. Primary Street Setback: 60 feet minimum [O]
   b. Side Street Setback: 10 feet minimum [P]
   c. Side Setback: Zero-foot setback if surface lot; per principal building if structured parking [Q]
   d. Rear Setback: 5 feet minimum [R]
      (1) * Above-grade parking garages must match build-to-Line and Setbacks
      (2) * At-grade parking lots must match requirements above
      (3) * Below-grade parking garages must match Build-to-Line and Setbacks

8. *Required Spaces.*
   a. Non-residential office uses:
      (1) < 7,500 square feet: No off-street parking required
      (2) >7,500 square feet: One off-street parking space per 1,250 s.f. over 7,500 s.f.
   b. Non-residential retail uses:
      (1) < 3,000 square feet: No off-street parking required
      (2) > 3,000 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
   c. Residential uses:
      (1) One off-street parking space per dwelling unit

9. *Signs.* All signage shall meet the standards of Article 9 unless other modified herein:
   a. Size: A maximum of 20 square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 15 square feet.
   b. Height: No detached sign shall exceed a height of 7 feet as measured from the street grade.
   c. Sign Types: Only on-premises signs are permitted in Subarea B.

F. **Subarea C.** This subarea is characterized by a mix of low intensity non-residential, multi- family and some single-family residential development. The intent of the regulations for this subarea is to regulate the physical form of the neighborhood center subarea in order to preserve and enhance the integrity and quality of the Cherry Pickwick Business District and serve as a primary gathering place in the neighborhood. This subarea is designated to provide for sensitive and respectful infill development which allows for the dense, urban, mixed-use development appropriate for this vibrant neighborhood

commercial center found in the neighborhood.

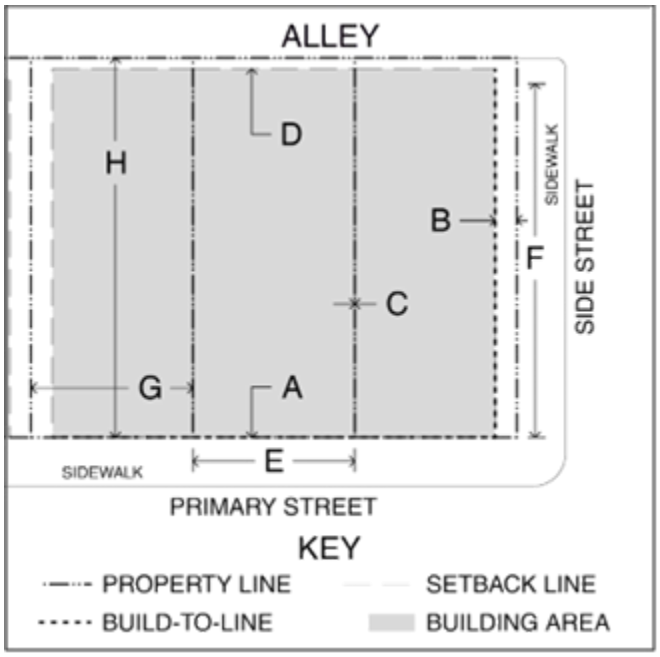


Figure 10-9 Subarea C Building Placement

1. *Build-to-Line.*
   a. *Primary Street.*
      (1) Zero-foot minimum;
      (2) 10 feet maximum [A]

   b. *Side Street.*
      (1) Zero-foot minimum;
      (2) 10 feet maximum [B]
      (3) To match average front facade line of the block face

2. *Setbacks.*
   a. *Side Setback.* Zero-foot minimum; 10 feet maximum [C]
   b. *Rear Setback.* 5 feet minimum [D]
      (1) Applicable to principal building only

3. *Building Form.*
   a. *Primary Street.* At least 80% of Build-to-Line [E]
   b. Side Street: At least 40% of Build-to-Line [F]
   c. Lot Width: Per Existing [G]
   d. Lot Depth: Per Existing [H]

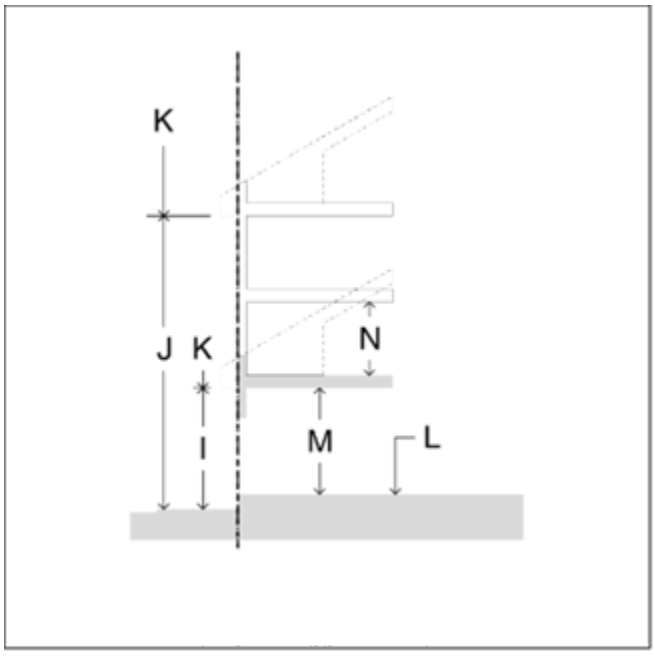


Figure 10-10 Subarea C Building Height

4. *Building Height.*
   a. Minimum: One story or 15 feet [I]
   b. Maximum: Three stories or 41 feet [J]
      (1) Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story

5. *Bottom of Eave to Top of Parapet or Roof.*
   a. 15 feet maximum [K]

6. *Finished Ground Floor Level.*
   a. Maximum: 6 inches [L]
      (1) Measured from elevation of back of sidewalk or adjacent lot level

7. *Ceiling Height.*
   a. First Floor: 12 feet minimum; 15 feet maximum (floor to floor) [M]
   b. Upper Floors: 8 feet minimum; 12 feet maximum (floor to floor) [N]

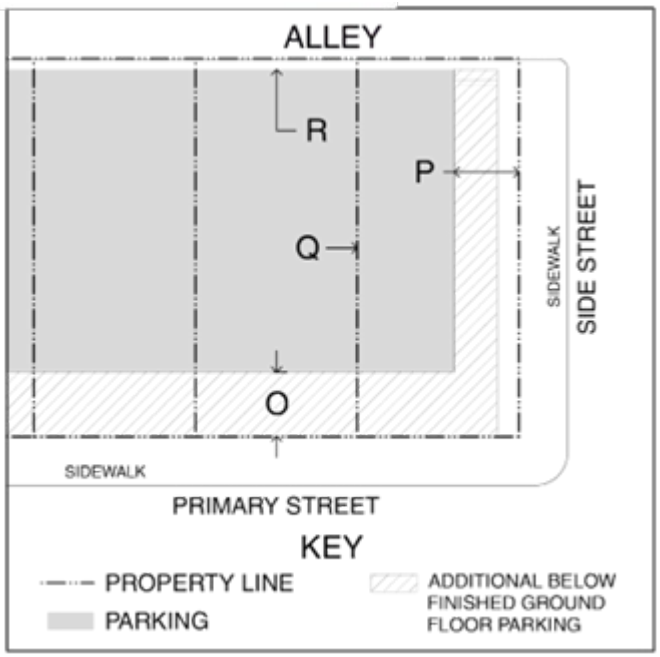


Figure 10-11 Subarea C Parking Requirements

8. *Parking Location.*
   a. Primary Street Setback: 30 feet minimum [O]
   b. Side Street Setback: 10 feet minimum [P]
   c. Side Setback: Zero-foot if surface lot; per principal building if structured parking [Q]
   d. Rear Setback: 5 feet minimum [R]

9. *Required Spaces.*
   a. Non-residential office uses:
      (1) < 7,500 square feet: No off- street parking required
      (2) > 7,500 square feet: One off-street parking space per 1,250 s.f. over 7,500 s.f.
   b. Non-residential retail uses:
      (1) < 3,000 square feet: No off-street parking required
      (2) > 3,000 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
   c. Residential uses:
      (1) One off-street parking space per dwelling unit

10. *Signs.* All signage shall meet the standards of Article 9 unless modified herein.
   a. Number. Each premises shall be permitted to use one detached sign and one wall sign. Roof signs are not permitted. One projecting sign may be substituted for the permitted detached sign.
   b. Size. Each premises is allowed 2 square feet of effective sign area for each lineal foot of building frontage on a public street. Detached signs shall not exceed 20 square feet of effective area.
   c. Height. No detached sign shall exceed a height of 7 feet as measured from the street grade.
   d. Sign Lighting. No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons, spotlights, or strobe lights shall be permitted.
   e. Sign Types. Only on-premises signs are permitted in Subarea C.

G. **Subarea D.** This subarea is characterized by a mix of primarily multi-family and single- family development along Cherry and Elm Streets. The intent of the regulations for this subarea is to regulate the physical

form within this subarea to allow for neighborhood mixed-use in conjunction with multi-family development. The regulations are intended to preserve and enhance the integrity and quality of the development along the Cherry and Elm Street corridors as a neighborhood front door. The subarea is designated to provide for sensitive and respectful infill development which allows for a greater range of housing types and a mix of uses mixed-use that is compatible and complementary to the neighborhood.

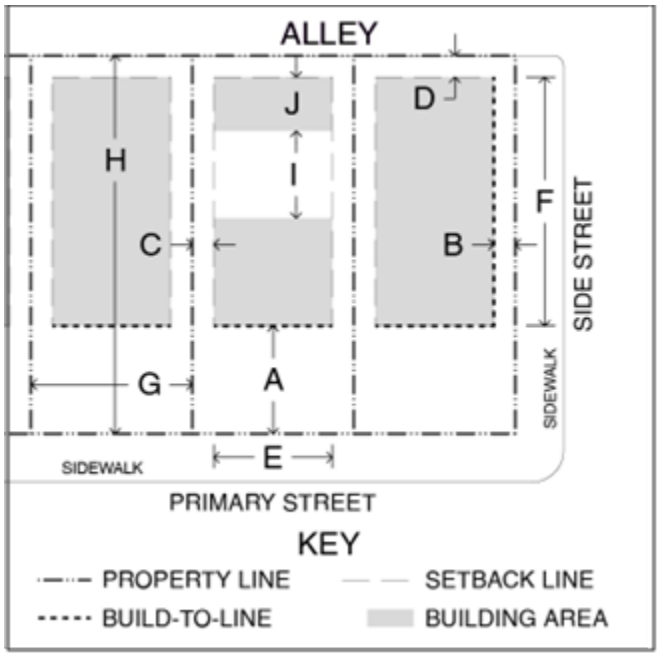


Figure 10-12 Subarea D Building Placement

1. *Build-to-Line.*
   a. Primary Street: 15 feet minimum; 50 feet maximum [A]
      (1) To match average front facade line of the block face
   b. Side Street: 10 feet [B]
      (1) Applicable to principal and accessory building
      (2) To match average front fade line of the block face

2. *Building Setback.*
   a. Side Setback: 5 feet minimum; 15 feet maximum [C]
      (1) Applicable to principal building and accessory building
   b. Rear setback: 5 feet minimum; 120 feet maximum [D]
      (1) Applicable to principal building only
   c. Rear Setback: 5 feet [D]
      (1) Applicable to accessory building only with rear alley access

3. *Building Form.*
   a. Primary Street: At least 50% of Build-to-line [E]
      (1) 30% for detached single-family dwelling, lot width
         (a) >100 ft Side Street: At least 60% of Build-to-line [F]
      (2) 25% for detached single family dwelling
   b. Lot Width: Per existing [G]
   c. Lot Depth: Per existing [H]
   d. Distance between buildings: 25 feet minimum [I] when accessory building is located partially or completely behind the principal building; 10 feet minimum when accessory building is located anywhere other than completely behind the principal building
   e. Depth of Accessory Building: 30 feet maximum [J]

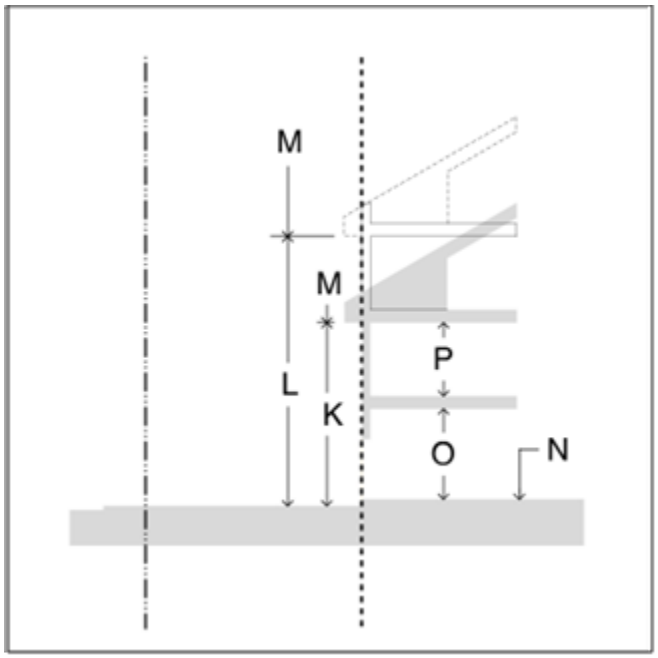


Figure 10-13 Subarea D Building Height

4. *Building Height.*
   a. Minimum: Two stories or 32 feet [K]
   b. Maximum: Three stories or 45 feet [L]
      (1) Two stories and 25 feet for rear garages and carriage houses; and in no case shall they be taller than the principal building
      (2) Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story

5. *Maximum from Bottom of Eave to Top of Parapet or Roof.*
   a. 15 feet maximum [M]

6. *Finished Ground Floor Level.*
   a. Minimum: One foot [N]
   b. Maximum: 4 feet
      (1) Measured from elevation of back of sidewalk or adjacent lot level

7. *Ceiling Heights.*
   a. First Floor: 12 minimum; 15 feet maximum (floor to floor) [O]
   b. Upper Floors: 8 feet minimum; 12 feet maximum (floor to floor) [P]

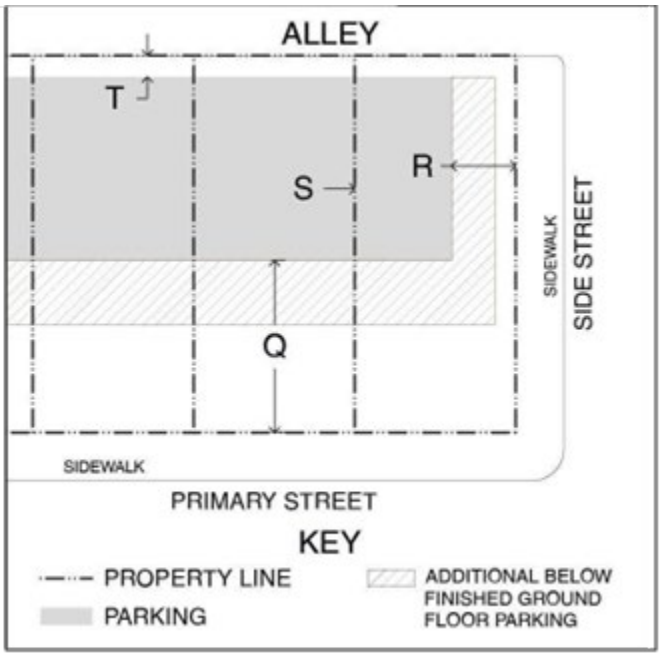


Figure 10-14 Subarea D Parking Requirements

8. *Parking Location.*
   a. Primary Street Setback: Primary Street Build-to-line [A], plus 50 feet minimum [Q]
   b. Side Street Setback: 10 feet minimum [R]
   c. Side Setback: Zero-foot, if surface lot; per principal building if structured parking
   d. Rear Setback: 5 feet minimum
      (1) Above-grade parking garages are prohibited
      (2) At-grade parking lots must match above requirements
      (3) Below grade parking garages must match build-to-lines and setbacks

9. *Required Spaces.*
   a. Non-residential office uses:
      (1) < 7,500 square feet: No off- street parking required
      (2) > 7,500 square feet: One off-street parking space per 1,250 s.f. over 7,500 s.f.
   b. Non-residential retail uses:
      (1) < 3,000 square feet: No off-street parking required
      (2) > 3,000 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
   c. Residential uses:
      (1) One off-street parking space per dwelling unit

10. *Signs.* All signage shall meet the standards of Article 9 unless modified herein.
Size: A maximum of 20 square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 15 square feet. A single-sided, detached sign may not exceed 20 square feet.
   a. Height: No detached sign shall exceed a height of 7 feet as measured from the street grade.
   b. Sign Types: Only on-premises signs are permitted within Subarea D.

11. *Building Orientation, Materials, Siting and Design.* The following regulations shall apply to all principal structures within Subareas A through D, except for single-family detached dwelling units which shall conform to the requirements of Section 5 herein.
   a. Building Orientation: All principal buildings shall have a primary entrance that has a relationship toward and engages the public street. For corner lots, the primary entrance must engage and have a relationship toward the higher classification street.

b. 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 ARC.
   (2) The ground level must offer pedestrian interest along sidewalks and pedestrian paths through the use of contrasting exterior building cladding materials and architectural elements.
   (3) In no instance shall the finish of non-natural materials utilize mimic or match the texture of the natural materials utilized.
   (4) A maximum of 3 exterior building cladding materials may be used.
   (5) Vinyl and steel clapboard siding and/or adhered thin veneer exterior building materials are prohibited.

12. *Roof Finishing.*
   a. Eaves may expose rafters.
   b. Gutters and downspouts may not discharge upon public right-of-way.

13. *Transparency.*
   a. Ground Level Transparency. The ground level of nonresidential or mixed- se buildings must offer pedestrian interest along sidewalks and pedestrian paths through the placement of windows and doors. Therefore, the first floor of any building facade facing a public right-of- way, except for alleys, shall include at least 40% of the subject facade in transparent clear glass windows and/or doors arranged so that the uses inside are visible from and/or accessible to the street. Windows and/or doors with reflective or tinted glass that impede views into a building are prohibited.
   b. All Stories Transparency. All stories of building facades, including the ground level, that face a public right-of-way, except for alleys, shall include at least 40% of the subject facade in windows or doors. The PD Director may waive transparency requirements by up to 20% medical and dental office uses.



Figure 10-15 Transparency

14. *Awnings and Canopies.* 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 3 feet and a maximum of 10 feet.



Figure 10-16 Awnings and Canopies

15. *Articulation.* The ground level must offer pedestrian interest along sidewalks and pedestrian paths that face a public right-of-way, except for alleys, through the use of contrasting elements. Facades 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 breakdown large expanses of flat, unembellished surfaces.

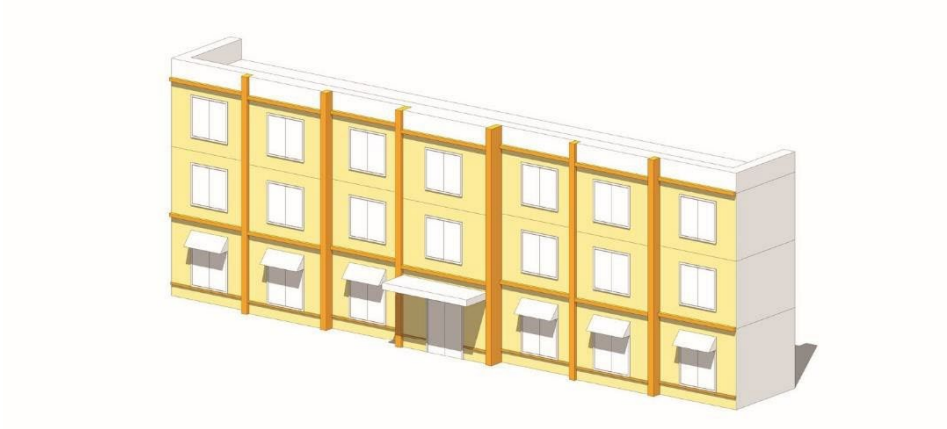


Figure 10-17 Articulation

16. *Access, Parking, and Loading.* The following regulations shall apply to all development within subarea A through D except for single-family detached dwelling units, which shall conform to the regulations contained in Section 5 herein.
    a. In addition to the standards of Section 36-7.05, the following standards shall apply:
        (1) Any off-street parking that is provided must be located behind the building or within or under the building.
        (2) When the depth of the lot is insufficient to permit required parking to the rear of the building, parking may be located to the side of the building, provided that it is screened from view of the street by a wall of primary building material, between 36 and 48 inches in height. Screening is not required in Subarea C.

b. Parking shall not exceed the minimum required parking by more than one space per 1,000 square feet of building area unless any such extra spaces are provided in an enclosed parking garage.
c. Access shall be provided from a side street, alley, or access easement where possible.
d. Vehicular Cross Access Drives:
(1) 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.
(2) 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 in conformance with Public Works Design Standards to accommodate traffic by automobiles, service vehicles, and emergency vehicles.

17. The PW Director may waive or modify the requirements 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.
(1) Easements allowing cross access to and from properties served by a vehicular cross-access drive, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Greene County Recorder's Office before issuance of a building permit for development.
b. Pedestrian Walkways:
(1) 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.
(2) ADA accessible 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.

18. *Screening.*
a. Used Frying Oil, Trash, and Recycling Receptacles. The following screening requirements shall apply to all non-single-family development:
(1) Used frying oil, trash, and recycling receptacles shall be screened on three sides with a solid, opaque material with a minimum height of 6 feet and a maximum height of 8 feet.
(2) Materials used for screening shall complement the exterior building cladding materials of the primary building.
(3) Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
(4) If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
(5) Shrubs shall be installed every 3 feet along the exterior of the enclosure, except for enclosure openings, to provide a softening effect.
(6) Enclosure openings shall be gated with an opaque material.
(7) Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed
(8) Property owners shall be responsible for ensuring that used frying oil, trash, and recycling receptacles are placed in the enclosure at all times other than when such receptacles are being accessed.
(9) Access drives shall be constructed of materials and to a thickness in conformance with Public Works Design Standards. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
(10) Enclosures shall be of an adequate size to accommodate expected receptacles. The enclosure shall be designed to be expandable to accommodate future additional containers.
(11) 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.

(12) Used frying oil, trash, and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

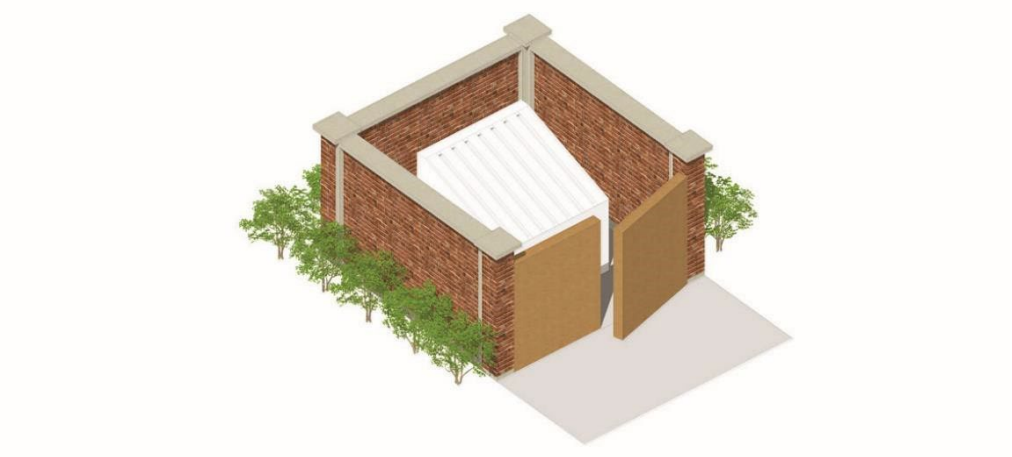


Figure 10-18 Used Frying Oil, Trash, and Recycling Receptacle Screening

b. Ground Mounted Mechanical Units.

(1) 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.

(2) Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.

(3) Materials used for screening shall be designed and established so that the area or element being screened is no more than 20% visible through the screen.

(4) Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.



Figure 10-19 Ground/Wall-Mounted Mechanical Unit Screening

c. Roof Mounted Mechanical Units.

(1) Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts.

(2) Roof mounted mechanical units that are visible from any public right-of- way or adjacent residential property shall be completely screened from public view.
(3) Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.
(4) 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.
(5) Additional screening may be required due to topographic differences in the adjoining properties.

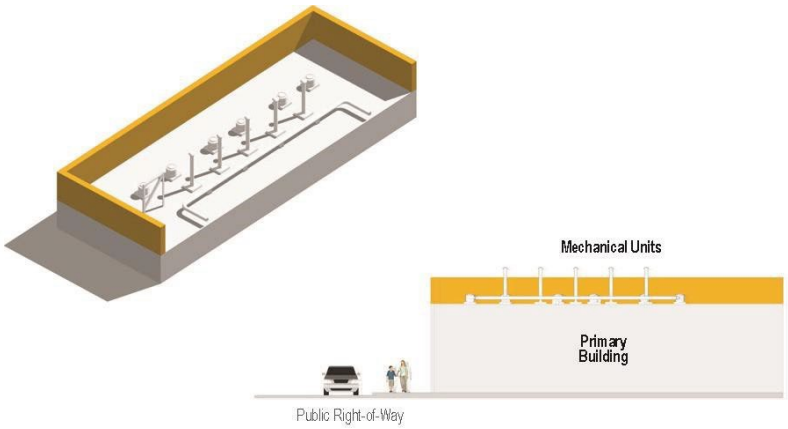


Figure 10-20 Roof-mounted Mechanical Unit Screening

19. *Fencing.*
a. No fence or wall over 6 feet shall be erected on any lot within the Rountree Urban Conservation District.
b. No fence over 48 inches in height shall be erected within 20 feet of National Avenue, Cherry Street, Elm Street or Pickwick Avenue.
c. Fences within 80 feet of National Avenue, Cherry Street, Elm Street and Pickwick Avenue shall be at least 80% transparent.
d. Chain link, vinyl, metal sheeting and plastic fencing are prohibited within 20 feet of National Avenue, Cherry Street, Elm Street and Pickwick Avenue.
e. Chain link shall not be used to satisfy landscaping and screening requirements.
f. The finished side of the fence or wall must face the adjacent property or the street.
g. At- and below-grade patios shall be enclosed by a fence or wall with a height between 36 inches and 48 inches.

20. *Landscaping and Bufferyards.* Bufferyards shall be required along interior property lines of all non- single-family development when adjacent to single-family uses. It is not anticipated that the bufferyard will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics.
a. Applicability: Bufferyards are required in the following situations:
(1) The construction or installation of any new primary building or primary use; and
(2) The expansion of any existing primary building that results in an increase in gross floor area by more than 5% or 1,000 square feet, whichever is greater. In the case of expansions that trigger compliance with the bufferyard requirements, bufferyards are only required in proportion to the degree of expansion. The ARC is authorized to allow the bufferyard plantings to be established adjacent to the area of expansion.
b. Bufferyard Standards:
(1) Width: The bufferyard shall have a minimum width of 7 feet. Required yard

setbacks may be utilized for the bufferyard.

(2) Fences: The exterior line of the bufferyard shall be improved with a fence meeting the following standards:
   (a) Height: The fence shall be 6 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 in line with the fences of adjacent properties, shall provide safe site distance where driveway curb cuts intersect public right-of-way, and shall not extend beyond the front elevation of the primary building.

c. Landscape Elements: The bufferyard shall, at a minimum, be improved with the following landscape elements:
   (1) Canopy/Evergreen Trees: 4 canopy and/or evergreen trees shall be planted per every 100 lineal feet of bufferyard.
   (2) Shrubs/Native Grasses: 10 shrubs/native greases shall be planted per every 100 lineal feet of bufferyard.



Figure 10-21 Buffer Area Landscape

d. Installation and Maintenance of Landscape Areas:
   (1) All installed landscape shall conform to the most recently approved American National Standards Institute Tree Care Standards.
   (2) 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 weather conditions are not conducive to planting, the developer shall apply to the ARC 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.
   (3) A total cost estimate of landscaping for the construction must be given in January 1 dollars for the current calendar year. 20% of the total landscaping costs must be deposited in escrow with the City before building permits are granted. The 20% 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.
   (4) 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.
   (5) 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.
   (6) For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of 18 months following City

approval of installation. During this guarantee period, the landowner shall supply water as necessary to promote successful establishment and growth.

(7) Any required landscape area not intended for stormwater management that is greater than 150 square feet in area shall be provided with an underground irrigation system or shall 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 right-of- way.

(8) All plantings required under this subsection G shall be maintained perpetually and replaced if they die or are substantially weakened or damaged. If plantings die, they shall be replaced with more culturally suitable species of the same type (e.g. tree, shrub, groundcover).

H. **Subarea E and F Regulations.** Subareas E and F of the Rountree Urban Conservation District are known as the Rountree Single-Family Neighborhood Area. Subareas E and F are characterized by a diverse single-family housing stock. The regulations in this Section are intended to promote the continued status of these subareas as single-family residential and off-set the potential adverse impact of adjacent land uses to the character of these subareas.

1. *Permitted and Conditional Uses.* The following key is to be used in the interpretation of Table 2, Permitted and Conditional Uses Subareas E and F, in this section:
   a. Permitted Uses: Uses which are marked as "P" in the table shall be allowed in a subarea subject to all application regulations of this district.
   b. Conditional Uses: Uses which are marked as "C" in the table shall be allowed in a subarea upon the approval of a conditional use permit as detailed in Section 36-2.04.
   c. Uses Not Listed: If a proposed use is not listed in the table, the ARC shall determine if the use is substantially similar to a use listed in the table. If it is, the proposed use shall be treated in the same manner as the substantially similar use. If not, the use shall be prohibited.
   d. Additional Regulations: If uses have additional regulations, such standards are referenced in this column. Additional regulations shall apply to permitted and conditional uses. Where additional regulations conflict with Rountree Urban Conservation District subarea standards, the subarea standards shall be followed.

Table 10-4: Subareas E and F Uses

Use	*Additional Regulations*	*Subareas*	
		E	*F*
Residential Uses			
Dwelling, Single Family Detached		P	P
Dwelling, Single Family Semi-Detached	Section 36-5.05.C	P	P
Day Care Homes		P	P
Group Homes, residential	Section 36-4.03.F	P	P
Other Uses			
Churches (min 2 acres of land)		P	P
Adaptive use of non-residential structures		C	C
Non-commercial, not-for-profit residential neighborhood facilities		C	C
Public museums and libraries (min 2 acres of land)		C	C
Accessory Uses			
Accessory Uses	Section 36-4.04	P	P

2. *Building and Lot Standards.*

Table 10-5: Subareas E and F Building and Lot Standards	
	Areas E and F
Lot Standards	
Lot Area	Per R-SF, Residential Single-Family Residential District
Lot Width	Minimum per R-SF, Residential Single-Family Residential District Maximum of 100 feet; except that lots existing as of June 5, 2023 are exempt from the 100 foot maximum lot width restriction
Lot Depth	Per R-SF, Residential Single-Family Residential District
Yard Setbacks (build to line)	
Front, minimum (ft)	25 (Primary Street) 5 (Side Street) Exception: 15 for parcels fronting McCann Avenue and Belmont Street in Area E and the south side of Cherry Street east of Fairway Avenue in Area F
Front, maximum (ft)	50 (Primary Street) 10 (Side Street)
Side, minimum (ft)	5 (Primary building) 3 (Accessory building)
Side, maximum (ft)	15 (Primary Building)

3. *Design Standards.*
   a. Pedestrian Access: A hard-scaped pedestrian path shall be provided from the primary pedestrian entrance of a single- family home to the driveway and/or sidewalk.
   b. Building Entrance: The primary pedestrian entrance to a new single-family residential home, or home to be rehabilitated, shall be located off the front porch, front stoop, or side porch.
   c. Individual Identity: To the extent possible, single-family homes constructed adjacent to each other should exhibit unique characteristics, regardless of whether they utilize the same floor plan. Acceptable alternatives may include varying roof pitches and orientation, window arrangement, porch arrangement, materials, and other building elements, provided that such alternatives shall not conflict with other design elements addressed in these regulations.
   d. Porches:
      (1) Single-family residential homes shall include a front porch, stoop, or side porch.
      (2) When a front porch is provided, the porch shall be at least 8 feet in depth and, shall span at least 12 feet in width or approximately 50% of the front building facade, whichever is greater.
   e. Garages:
      (1) A garage is not a required building element. When utilized, attached or detached garages shall be located on the parcel in a manner consistent with most of single-family homes in the vicinity, except that it is preferable to remove the garage from the front building facade where possible.
      (2) Attached garages located on front building facades shall be recessed a minimum of 20 feet behind the front building line (including the porch). The total garage opening facing the street shall not exceed 18 feet in width.
      (3) Detached garages shall be of a similar height as garages on adjacent lots, shall have a roof pitch like that of garages on adjacent lots and shall be of a scale such that the garage is clearly accessory to the principal residential structure.
      (4) No metal carports or metal storage buildings shall be visible from the public street (alleys excluded).

f. Roof:
   (1) The principal structure's roof pitch and the orientation of the roof ridge shall be compatible with homes in the vicinity. This requirement does not disallow roof line alterations, if necessary, for structures subject to rehabilitation so long as the alteration is reasonably consistent with the surrounding neighborhood.
   (2) The roof style, including gables and dormers, shall be consistent with homes in the vicinity. False dormers may be permitted to ensure consistency of roof style.
   (3) Exposed fastener metal roofs are not permitted.

g. Fencing: Chain link and other wire fences shall not be permitted in front of the building face.

h. Utility Placement: Electric and gas meters serving new construction shall not be placed on a street-facing building facade. Every effort shall be made to locate or re-locate electric and gas meters to a non-street facing building facade of a dwelling unit to be rehabilitated.

i. Circular Drives: Circular driveways are permitted if sufficient frontage is available and if approved by the City Traffic Engineer.

j. Solid Waste Containers:
   (1) Solid waste containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within 24 hours after being placed at the curb. The person placing the solid waste container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection (11).
   (2) Solid waste containers, unless placed at the curb for collection in accordance with subsection (a) above, are prohibited in the front yard.

36-10.06 Walnut Street – East Urban Conservation District

A. **Walnut Street Urban Conservation District – East Legal Description**. Beginning at a point 20’ East of the SW cnr. of Lot 3, O.H. Mitchell’s Add., thence E to the SE cnr. of Lot 10 Mitchell’s Add., thence S 49.5’, thence E 110.5’, thence S 8’, thence E 578.65’ M/L, thence N 83.5’, thence E 68’ to the SW cnr. of Lot 12 Chamberlain’s Add., thence E along the S line of Lot 12 through 10 of Chamberlain’s Add. to the SE corner of Lot 10, thence N 101.5’ along E line of said Lot 10, thence E 200’ to a pt. on the E Row of Fremont Ave., thence S 101.5’ to the SW cnr. of Lot 5 Chamberlain's Add., thence E along the S line of Lots 1 through 5 of said Add. to the SE cnr. of said Lot 1 being a pt. on the SW ROW of Burlington Northern RR, thence continuing E 220' S of and parallel to Walnut St. to a pt. on the W line of Lot 6, Arlington Heights Add., thence N along the w line of said Addition 120', thence E 202' to a pt. on the E ROW line of Weller, thence S 80', thence E 162' M/L, thence S 50.5' to a pt. 52' W of the SE cnr. of Lot 3 Arlington Heights Add., thence continue E across 14.5' vacated alley (Delaware) to SW cnr. Lot 1 E Elm St. Add., thence continue E along s line of Lots 1 through 14, E Elm St. Add., thence continue E 100' to SW cnr. of Lot 17 E. Elm St. Add., thence continue E 100' to SE cnr. of Lot 18 said Add., thence continue E 52.18'., thence N 231' to the S ROW of Walnut St., thence W along the S ROW of Walnut St. to a pt. 60' S of the SE cnr. of Lot 176 Kennedy Heights Sub., thence N to the SE cnr. of said Lot 176, thence continuing N along the E line of said Lot 176 to the NE cnr. of said lot, thence W along the N line of Lots 176 through 172 Kennedy Heights Sub., said pt. being 15' W of the SE cnr. of Lot 163 Kennedy Heights Sub., thence N 53' along the W line of said Lot 163, thence 10' W along the S line of said Lot 163, thence continuing W along the S line of Lots 164 through 171 Kennedy Heights Sub. 200' to the SW cnr; of said Lot 171, thence S 27' to a pt. 210' N of N ROW of Walnut St., thence w 204.3', thence S 3', thence W 80', thence N 18', thence W 97.5', thence S 17', thence W 80' to a pt. on the E ROW of vacated alley (Delaware) 181.8' N of the N ROW of Walnut St., thence S 41.8', thence W across vacated alley (Delaware) 14.5' to the NE cnr. of Lot 8, Block 9 Frisco Heights Add., thence continuing W along the N line of Lots 8 through 14, Block 9 said Add.to the NW cnr. of Lot 14, Block 9 Frisco Heights Add. and being a pt. on the E ROW line of Weller Ave., thence continue w 40' across Weller Ave. to the NE cnr. of Lot 7, Block 8, Frisco Heights Add., thence N 10' to center line of vacated alley, thence W along center line of vacated alley to a pt. on the E ROW line of Pickwick Ave. 10' N of the NW cnr. of Lot 12, Block 8, Frisco Heights Add., thence continue W across Pickwick 50' to a pt. on the W ROW line of Pickwick, the pt. being the NE cnr. of Lot 2, Block 7, Frisco Heights Add., thence continue W 46' to the SE cnr. of Lot 1, Pickwick Terrace Add., thence continue W along the S line of Lots 1 through 7 Pickwick Terrace to the SW cnr. of said Lot 7, a pt. on the NE ROW of the Burlington-Northern RR, thence continue W to a pt. on the W ROW line of said RR 150' N of N ROW line of Walnut St., thence northwesterly along the RR ROW to a pt. 270' N of the N ROW line of Walnut St., thence W across that portion of vacated Fremont Ave. and continuing W along the center line of vacated alley to a pt. 10' N of the NW cnr. of Lot 1 Whiteheads Sub., thence continue W across Kickapoo Ave. to a pt. 270' N of the N ROW line of Walnut St., thence N along the W ROW line of Kickapoo Ave. to the S ROW line of McDaniel St., the pt. being the NE cnr. of Lot 10, L.C. Hubble's Sub., thence W along S ROW of McDaniel St. 213' to the NW cnr. of Lot 8, L.C. Hubble's Sub., thence S 93.5', thence W 125' to a pt. on the E line of Lot 1, Hawthorne Add. 93.5' S of the S ROW line of McDaniel St., thence S 118.5' to a pt. 10' S of the SE cnr. of Lot 1, Hawthorne Add., being the center line of vacated alley, thence w 166' to a pt. 212' S of the S ROW of McDaniel St., being apt. on the E line of Lot 8, Hawthorne Add., thence South along E. line of Lots 8 and 9 to the SE cnr. Lot 9 said Add., thence West 84' along S line of said Lot 9 to a point N of the E line of Lot 10 Hawthorne Add., thence to SE cnr. of said Lot 10, thence SWly across Walnut Street to a point 20' E of NW cnr. of Lot 3, O.H. Mitchell's Add., thence to point of beginning.

(Location: Walnut Street -- Point east of National to point west of Glenstone).

The /same is hereby rezoned from R-1, Single-Family District, and R-3, Multi-Family District, to Urban Conservation District No. 1, known as the East Walnut Street Urban Conservation District, and Chapter 36, Article I, Zoning, of the Springfield City Code, Section 80.030 thereof, Zoning Maps, is hereby amended, changed and modified accordingly; which district shall be subject to the regulations set forth in Section 80.1150, Urban Conservation District, and the regulations set forth in Sections 2 and 3 of this ordinance.

B. The following regulation shall govern and control the use and development of land in East Walnut Street Urban Conservation District No. 1, which regulations are as follows:

1. *Uses Permitted.* The following uses shall be permitted:
   a. All uses permitted by right in the R-SF, Single-Family Residential District as set forth in Section 36-4.02.

2. *Conditional Use Permits.* All uses permitted upon issuance of a conditional use permit in the R-SF, Single-Family Residential District as set forth in Section 36-4.02 provided all conditions of the use permit as required therein are satisfied and a certificate of appropriateness as set forth in the ordinance is obtained.
   a. *Application and Standards Relating to Conditional Use Permits.* No use permit shall be issued unless the following conditions have been met or provisions made therefore:
      (1) The application including a site plan is complete and does not contain or reveal violations of the regulations applicable to the Walnut Street Urban Conservation District.
      (2) Existing buildings proposed to be converted to uses requiring a conditional use permit must meet all fire, health, building, plumbing, and electrical requirements of the City of Springfield.
      (3) The proposed site plan does not interfere with easements, roadways, utilities, and public or private right-of-way.
      (4) The proposed use as shown by the site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
      (5) The circulation element of the proposed site plan does not create hazards to safety 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.
      (6) The screening of the site provides adequate shielding for nearby, less intense uses.
      (7) The proposed structures or landscaping are not lacking amenity in relation to, or are not incompatible with, nearby structures and uses.
      (8) The proposed use as shown by the site plan does not create drainage or erosion problems on or off the site.
      (9) The application and site plan have been reviewed by the Landmarks Board to determine whether the goal or historic preservation is met, the existing structure is preserved, and any exterior modifications are consistent with the Secretary of Interior's Standards for Historic Preservation Projects and the East Walnut Street Urban Conservation District Design Guidelines. Such determinations shall be shown by the Board issuing a certificate of appropriateness.
      (10) The Planning and Zoning Commission may require such additional conditions as it deems necessary to further the public interest, to achieve the intent of the Urban Conservation District Plan, and to assure that the conditions stated above are satisfied.

3. *Other Zoning Regulations.* All other zoning regulations pertaining to the R-SF zoning district shall apply to the area except for use regulations unless otherwise modified herein. The following general provisions apply to all property located within the East Walnut Street Urban Conservation District:
   a. *Certificate of Appropriateness.* A person shall be required to secure a certificate of appropriateness in the following instances before the commencement of exterior work upon any new or existing structure, or outside work on any site or parcel in the Walnut Street Urban Conservation District except for ordinary maintenance and repair.
      (1) Any construction, alteration, or removal affecting the exterior of a structure that requires a building or demolition permit from the City of Springfield including but not limited to the construction of new buildings.
      (2) A material change to the exterior appearance of existing structures

including but not limited to additions, reconstruction, or alteration, which affects a significant exterior architectural feature of a structure as specified in the Urban Conservation District Design Guidelines or Historic Survey conducted in East Walnut Street Urban Conservation District, copies of which are on file with the PD Director.

(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 PD Director would affect the East Walnut Street Urban Conservation District.

b. *Administrative Review.* A person who is required to obtain a certificate of appropriateness shall submit an application to the PD Director. Individuals in the district are encouraged to contact the Director in order to determine in a certificate is required. If the application is for work that will have no effects on exterior architectural details or is one of any number of items that the Landmarks Board (hereinafter called the Board) has designated for action, then the PD Director may 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 City has issued said certificate, has issues a certificate of economic hardship, or in the event of demolition being refused, the requisite time period has expired. If the PD Director determines that the application is for action not designated for administrative review, then the Director shall submit the application to the Board. The PD Director may require as a condition of processing the application that the applicant submit information as determined by the Director. The PD Director shall also have the authority to refer any building or demolition permit application for structures on a lot contiguous to the Walnut Street Urban Conservation District to the Board for the sole purpose of review and comment when, in his opinion, the proposed improvements would have a significant adverse impact on the Urban Conservation District.

c. *Board Review and Action on Certificates of Appropriateness.* The Board shall meet within 10 working days of notification that the PD Director has received an application for a certificate, and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this ordinance.

(1) If the certificate is denied, no permit for the work shall be issued and the applicant shall not proceed with the work. The 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 Board in considering whether or not to issue a certificate of appropriateness shall be guided by the general purpose of this

ordinance and the following:

(1) The Secretary of Interior's Standards for Historic Preservation Projects, a copy of which is attached hereto and incorporated herein by reference as Exhibit A.

(2) The Design Guidelines for the Walnut Street Urban Conservation District which are on file with the PD Director.

(3) For new construction, the 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 ordinance to discourage contemporary architectural expression or to encourage the emulation of existing building or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of material, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.

(4) In the event the Board concludes that the request, if granted, will have a detrimental effect upon the Urban Conservation District or any adverse effect on a historical or architectural resource, then the Board shall deny the request for a certificate.

e. *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 BDS Director 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 shall issue a stop work order. A certificate shall become void unless construction is commenced within 6 months of date of issuance. 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.

f. *Applicant's Action if Application is Denied.* In the event that a certificate is denied, the applicant may:

(1) Produce new evidence supporting his proposal and resubmit the application within ten working days of denial by the Board.

(2) Wait 6 months and resubmit the application.

(3) Apply for a certificate of economic hardship.

(4) If the request is for a demolition permit, 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. Any person who has been denied a demolition permit while the moratorium for the Walnut Street Area was in effect shall be given credit with the respect to the delay experienced during said moratorium. The 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.

4. *Certificate of Economic Hardship.*

a. *Application Procedure.* Application for a certificate of economic hardship shall be made on a form prepared by the board and submitted to the PD Director. The board shall meet within 10 working days of notification that the PD Director has received a completed application for a certificate of economic hardship.

b. *Review Criteria*. The 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 rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

(3) 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 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 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 year, 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 of 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) Any other information considered necessary by the Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.

c. Board Review and Action: A certificate of economic hardship shall be issued when the structure of part thereof has degenerated beyond feasible limits for rehabilitation or rehabilitation is impracticable and there is an economic hardship.

(1) If approved, the BDS Director will be instructed to issue a building or demolition permit, as requested, for the proposed work. 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 board in whole or in part.

C. **Definitions.** Unless specifically defined below, words, or phrases in the ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

Alteration. 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.

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.

Design Guidelines. A standard of appropriate activity that will preserve the historic architectural character of a structure or area.

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.

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.

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 portions or the public infrastructure.

Rehabilitation. The act of process of returning a property 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 restoration not only because of physical condition but also inability to turn the property to use or account profitably.

Removal. Any relocation of a structure, object, or artifact on its site or to another site.

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, detail, proportion, rhythm, scale, setting, shape, and workmanship.

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 noticeable changing its exterior appearance.

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 or the foregoing, advertising signs, billboards, backstops for tennis courts, fences, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae including supporting towers, roads, ruins or remnants (including foundations), swimming pools, walkways, or any similar item.

Survey. The systematic gathering of information on the architectural historical, or archaeological

significance of buildings, sites, structures, objects, or areas, and districts worthy of preservation.

D. **Exhibits.**

"EXHIBIT A"

SECRETARY OF INTERIOR'S STANDARDS FOR

HISTORIC PRESERVATION PROJECTS

Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

All buildings, structures, and sites shall be recognized as a product of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance, and this significance shall be recognized and respected.

Distinctive stylistic features or examples of skilled craftmanship which characterizes a building, structure, or site shall be treated with sensitivity.

Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications or features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall be not undertaken.

Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.

Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

APPENDIX 1

AFFECTED ADDRESSES

East Walnut Street from a point east of National Avenue to a point west of Glenstone Avenue and all of

Cordova Court. The following addresses are included:

East Walnut Street Addresses:

1208	1345	1465	1635
1213	1351	1471	1638
1218	1354	1477	1647
1221	1358	1481	1648
1230	1363	1485	1655
1231	1400	1501	1656
1234	1401	1504	1666
1235	1404	1505	1673
1244	1410	1510	1700
1249	1420	1513	1701
1260	1430	1520	1704
1300	1435	1523	1708
1303	1440	1526	1714
1314	1448	1531	
1320	1451	1538	
1330	1456	1603	
1333	1460	1611	
1336	1461	1619	
1344	1464	1622	

Cordova Court Addresses:

300	316
307	319
310	336
311	342

APPENDIX 2 SUMMARY OF AMENDMENTS

October 1, 1989 – No amendments have been made as of this date.

36-10.07 Walnut Street – West Urban Conservation District

A. **Legal Description.** That the following described property, is designated as Urban Conservation District Number 1, to be known as the Walnut Street-West Urban Conservation District, which district shall be shown on the district maps and is described as follows:

1. *Walnut Street-West Urban Conservation District Legal Description.* Beginning at the Northwest Corner of Lot 6 E.T. Robberson's Addition, being the Southeast Corner of Walnut St. and John Q. Hammons Parkway, thence South along the East Rights- of-way of John Q. Hammons Parkway to the Northwest Corner of Lot 16 E.T. Robberson's Addition, being at a point on the South line of an existing 20 foot alley, thence East along the South line of said alley to a point on the West Rights-of-way line of National Ave. 238 feet M/L South of the Southwest Corner of Walnut St. and National Ave., thence Easterly 80 feet M/L crossing National Ave. to the Southwest Corner of Lot 4 O.H. Mitchell Addition, thence East to a point 20 feet East of the Southwest Corner of Lot 3 O.H. Mitchell Addition, being a point on the South line of Lot 3 O.H. Mitchell Addition, thence North to a point 20 feet East of the Northwest Corner of Lot 3 O.H. Mitchell Addition, thence Northeasterly across Walnut St. to the Southeast Corner of Lot 10 Hawthorne Addition, thence North to a point on the South line of Lot 9 Hawthorne Addition,

thence East to the Southeast Corner of Lot 9 Hawthorne Addition, thence North along the East line of Lots 9 through 4, Hawthorne Addition to the Northeast Corner of Lot 4 of Hawthorne Addition, also being the South Rights-of-way line of McDaniel St., thence West 166 feet M/L to the Northwest Corner of Lot 4 Hawthorne Addition, thence Westerly 80 feet M/L to the Northeast Corner of Lot 41 East Side Addition also being the Southwest Corner of McDaniel St. and National Ave., thence North 160 feet M/L to the Northeast Corner of Lot 27 East Side Addition, thence West to the Northwest Corner of said Lot 27, thence continue West 15 feet across the alley to the Northeast Corner of Lot 21 East Side Addition, thence South along the East line of Lots 21 and 22 in East Side Addition to and across McDaniel St. and continue South along the East line of Lots 35 through 40 of East Side Addition to the Southeast Corner of Lot 40 East Side Addition, thence West along the South line of Lot 40 East Side Addition, to and across Florence Ave. continuing West along South line of Lot 34 East Side Addition to and across Hampton Ave. to a point on the West Rights-of-way of Hampton Ave. 182feet M/L North of the North Rights-of-way of Walnut St., thence North 18 feet along the West Rights-of-way of Hampton Ave., thence West 150 feet, to the East line of property described in Book 2703 Page 1103, thence North along the East property line of Book 2703 Page 1103 to the South Rights-of-way line of McDaniel St. as it now exists, thence West along the South Rights-of-way line of McDaniel St. 61.4 feet, thence South 207.6 feet, thence West 63 feet,. Thence South 52 feet, thence West 419 feet M/L to a point on the East line of One Parkway Place 210 feet North of the North Rights-of-way line of Walnut St., thence South along the East line of One Parkway Place 210 feet to the North Rights-of-way of Walnut St. thence continuing South Across Walnut St. to a point on the South Rights-of-way of Walnut St. and the North line of Lot 10 of E.T. Robberson Addition, thence West along the North line of Lots 6 through 10 of E.T. Robberson Addition to the Point of Beginning. All in the City of Springfield, County of Greene, State of Missouri.

(Location: East Walnut Street - Hammons Parkway to a point east of National and north on National to a point north of McDaniel.)

B. **Subareas.** The following sub-districts are hereby established within the Walnut Street- West Urban Conservation District, to be known as Sub Areas A & B which are described as follows:

1. *Sub Area A Walnut Street Area.* Beginning at the Northwest Corner of Lot 6 E.T. Robberson's Addition, being the Southeast Corner of Walnut St. and John Q. Hammons Parkway, thence South along the East Rights-of-way of John Q. Hammons Parkway to the Northwest Corner of Lot 16 E.T. Robberson's Addition, being at a point on the South line of an existing 20 foot alley, thence East along the South line of said alley to a point on the West Rights-of- way line of National Ave. 238 feet M/L South of the Southwest Corner of Walnut St. and National Ave., thence Easterly 80 feet M/L crossing National Ave. to the Southwest Corner of Lot 4 O.H. Mitchell Addition, thence East to a point 20 feet East of the Southwest Corner of Lot 3 O.H. Mitchell Addition, being a point on the South line of Lot 3 O.H. Mitchell Addition, thence North to a point 20 feet East of the Northwest Corner of Lot 3 O.H. Mitchell Addition, thence Northeasterly across Walnut St. to the Southeast Corner of Lot 10 Hawthorne Addition, thence North to a point on the South line of Lot 9 Hawthorne Addition, thence East to the Southeast Corner of Lot 9 Hawthorne Addition, thence North to the Northeast corner of said Lot 9, thence West to the Northwest corner of said Lot 9, thence West across the National Avenue right-of-way to the Northeast corner of Lot 46 of East Side Addition, thence West along the North line of said Lot 46 and across a 15 feet wide alley to the Northeast corner of Lot 40 of East Side Addition, thence South along the East line of Lot 40 of East Side Addition to the Southeast Corner of Lot 40 East Side Addition, thence West along the South line of Lot 40 East Side Addition, to and across Florence Ave. continuing West along South line of Lot 34 East Side Addition to and across Hampton Ave. to a point on the West Rights-of-way of Hampton Ave. 182feet M/L North of the North Rights-of-way of Walnut St., thence North 18 feet along the West Rights-of-way of Hampton Ave., thence West 150 feet, to the East line of property described in Book 2703 Page 1103, thence North along the East property line of Book 2703 Page 1103 to the South Rights-of-way line of McDaniel St. as it now exists, thence West along the South Rights-of-way line of McDaniel St. 61.4 feet, thence South 207.6 feet, thence West 63 feet. Thence South 52 feet, thence West 419 feet M/L to a point on the East line of One Parkway Place 210 feet North of the North Rights-of-way line of Walnut St., thence South along the East line of One Parkway Place 210 feet to the North Rights-of-way of Walnut St. thence continuing South Across Walnut St. to a point on the South Rights-of-way of Walnut St. and the

North line of Lot 10 of E.T. Robberson Addition, thence West along the North line of Lots 6 through 10 of E.T. Robberson Addition to the Point of Beginning. All in the City of Springfield, County of Greene, State of Missouri.

2. *Sub Area B National Avenue Area.* Beginning at the Southeast corner of Lot 8 of Hawthorn Addition, thence North along the East line of Lots 8 through 4 of Hawthorne Addition to the Northeast Corner of Lot 4 of Hawthorne Addition, also being the South Rights-of-way line of McDaniel St., thence West 166 feet M/L to the Northwest Corner of Lot 4 Hawthorne Addition, thence Westerly 80 feet M/L to the Northeast Corner of Lot 41 East Side Addition also being the Southwest Corner of McDaniel St. and National Ave., thence North 160 feet M/L to the Northeast Corner of Lot 27 East Side Addition, thence West to the Northwest Corner of said Lot 27, thence continue West 15 feet across the alley to the Northeast Corner of Lot 21 East Side Addition, thence South along the East line of Lots 21 and 22 in East Side Addition to and across McDaniel St. and continue South along the East line of Lots 35 through 39 of East Side Addition to the Southeast Corner of Lot 39 East Side Addition, thence east across a 15 feet wide alley to the Southwest corner of Lot 45 of East Side Addition, thence continuing East to the Southeast corner of said Lot 45, thence East across National Avenue right-of-way to the Southwest corner of Lot 8 of Hawthorn Addition, thence east to the Point of beginning.

C. **District Regulations.** Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the enforcement, administration, interpretation, and use and development of land throughout Urban Conservation District No. 1, known as the Walnut Street-West Urban Conservation District. Unless otherwise stated herein, the minimum requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Walnut Street-West Urban Conservation District.

1. *Permitted Uses.* The following uses shall be permitted in the Walnut Street-West Urban Conservation District except for those properties identified in subsection 3.C.
   a. Single-family-detached dwellings.
   b. Single-family-semi-detached dwellings~~, in accordance with *Section 3-3100*~~.
   c. Townhouses containing no more than four dwelling units.
   d. Duplexes.
   e. Multi-family dwellings.
   f. Boarding and lodging houses.
   g. Nursing homes.
   h. Day care homes and group day care homes in accordance with Springfield City Code.
   i. Group homes, custodial.
   j. Public parking areas in accordance with subsection 4.D. or 5.D., except parking designed for or used for parking of trucks having a capacity of 3/4 ton or larger or the chassis thereof, or a single unit with more than one rear drive axle shall not be permitted.
   k. Community centers, nonprofit.
   l. Little Theater group, or dramatic clubs.
   m. Art galleries, libraries or museums.
   n. Offices, administrative, business, financial and professional.
   o. Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
   p. Day care centers in accordance with Springfield City Code.
   q. Zero-lot-line construction, in accordance with Section 36-5.03.C~~3-3200~~.
   r. The following commercial uses shall be permitted in contributing buildings as established in subsection 3.D., provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*. Commercial uses are limited to the following types:
      (1) Antique shops;
      (2) Book or stationary stores;
      (3) Clothing boutiques or ready-to-wear shops;
      (4) Dry goods or notion stores;
      (5) Florist or gift shops;

(6) Tailors; and
(7) Bed and breakfast inns.

s. *Outdoor Display and Sales.* Outdoor display and sales are permitted as an accessory use subject to the following conditions:
(1) A permitted commercial use, as established in Section 36-10.07.C. shall be operating within the building or structure;
(2) Outdoor display and sales shall be limited to the side and rear yard of a lot; and on a corner lot, outdoor display and sales shall be limited to the rear yard and any side yard that does not abut a street;
Outdoor display and sales shall not encroach within a side or rear yard setback, shall be located a minimum of 10 feet behind the front building line and shall not encroach within any required vehicular use area;
(3) Outdoor sales shall be limited to hours between sunrise and sunset;
(4) Outdoor display and sales shall be limited to those items that would typically be displayed outdoors, including but not limited to: birdbaths, statuettes, outdoor furniture, plants, etc.;
(5) Items for outdoor display and sales shall be stored in an organized manner and must be integrated as part of a plan that shall require the issuance of a certificate of appropriateness from the Landmarks Board; and
(6) When considering the issuance of a certificate of appropriateness for outdoor display and sales areas, the Landmarks Board shall consider whether the proposal will detract from any element that promotes the historic context of the *Walnut Street National Historic District*; and will unduly impact any adjacent residential use by increasing noise, lighting or traffic directly associated with the commercial activity.

2. The following commercial uses shall be permitted for the properties commonly addressed as 1041 East Walnut Street, 1050 East Walnut Street, 1108 East Walnut Street, 1111 East Walnut Street, 1112 East Walnut Street, 1129 East Walnut Street, all being in Springfield, Greene County, Missouri, and more particularly described as:
Beginning on the north side of East Walnut Street, 974.3 feet west of the range line dividing Ranges 21 and 22, being the southeast corner of Moses Levy's lot; thence east 123.3 feet to the southeast corner of the W. H. Garrett lot for a beginning point; thence east 76 feet, thence north 200 feet; thence west 76 feet, thence south 200 feet to the point of beginning being a part of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) Section 24, Township 29, Range 22.

All of Lot 10 and Lot 11 except the east 20 feet, Ad. E. Smith's Addition.

Lot 8, Ad. E. Smith's Addition.

Lot 49 East Side Addition.

Lot 7 and west 24 feet and two inches of Lot 6, Ad. E. Smith's Addition.

All of Lot 51 and Lot 52 except the east 17.5 feet, East Side Addition.

a. Temporary outdoor green grocer's market limited to daylight hours, four days per week. Notwithstanding other provisions of Chapter 36 of the City Code prohibiting outdoor storage and display of goods for sale, such storage and sales shall be permitted, limited to flowers, potted plants, perishable vegetables and vegetative produce, craft items and baked goods, from portable stands, stalls, or hand carts located in the front yards. Sales from trucks or other vehicles are prohibited. No overnight storage of goods, stands, stalls, or hand cards is allowed from the front yard of any premises, and all goods, stands, stalls, and hard carts must be removed from the front yard by sundown of each day of operation.
b. Personal service establishments including beauty parlors, barber shops, dry cleaning and pick-up, shoe repair, self-service laundromats, express or mailing offices, hearing aid and eye glass shops, massage therapy and spas.

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 36-2.04 and, these uses shall only be permitted in a contributing building as established in subsection 2.D. except for such accessory outdoor uses with conditions set forth below, provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*; a certificate of appropriateness has been issued by the Landmarks Board indicating approval of the work; the use does not create any amplified sound outside the contributing building; and the use is in compliance with the noise standards of Section 36-4.05 of this code and Chapter 78, Article IV, Division 2, Section 78-112, Springfield City Code.

a. Restaurants (sit down or dine in), excluding drive-in and carry-out facilities, which restaurants may include outdoor dining as an accessory use to the main structure with the following limitations:
   (1) Outdoor dining shall be limited to the hours of 11:00 a.m. and 11:00 p.m.;
   (2) All preparation of food for outdoor dining use shall be prepared in the contributing building approved for restaurant use;
   (3) Accessory structures existing at the time of the passage of this ordinance shall be used only for storage and parking accessory to the use of the contributing building, and dining and beverage service, including the sale of alcohol, but in no event shall the accessory structure be used for food preparation; and
   (4) All outdoor activity shall cease at 11:00 p.m. other than routine ingress and egress from the contributing building.

4. *Use Guidelines for 1200 and 1201 East Walnut.* The following use regulations shall apply for the properties commonly addressed as 1200 East Walnut and 1201 East Walnut, more particularly described as:

All of Lot 4 and the West 20 feet of Lot 3 in O. H. Mitchell's Addition plus all of Lot 10 in Hawthorn Addition, all in the City of Springfield, Greene County, Missouri.

a. The following uses shall be permitted.
   (1) Single-family-detached dwellings.
   (2) Single-family-semi-detached dwellings, in accordance with Section 36-5.05.C.
   (3) Townhouses containing no more than four dwelling units.
   (4) Duplexes.
   (5) Multi-family dwellings.
   (6) Boarding and lodging houses.
   (7) Nursing homes.
   (8) Day care homes and group day care homes in accordance with Springfield City Code.
   (9) Group homes: custodial.

b. The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to Section 36-2.04. These uses shall only be permitted in a contributing building as established in subsection 3.D, provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*; and a certificate of appropriateness has been issued by the Landmarks Board indicating approval of the proposed work.
   (1) Public parking areas, in accordance with Subsection 4.D or 5.D.
   (2) Antique shops.
   (3) Bed and breakfast inns.
   (4) Book or stationary stores.
   (5) Clothing boutique or ready to wear shop.
   (6) Community centers, nonprofit.
   (7) Dry goods or notion stores.
   (8) Florist or gift shop.
   (9) Little Theater group, or dramatic clubs.
   (10) Art galleries museums or libraries.
   (11) Offices, administrative, business, financial and professional.
   (12) Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.

(13) Tailors.
(14) Day care centers in accordance with Springfield City Code.
(15) Zero-lot-line construction, in accordance with Section 36-5.03.

5. *Contributing Buildings.* For purposes of this ordinance, contributing buildings shall be determined in accordance with the *Walnut Street Historic District National Register of Historic Places Nomination* as officially listed in the National Register of Historic Places on March 21, 1985, and incorporating any amendments of said nomination.

6. *Certificate of Economic Hardship.* The standards contained in Section 36-2.11.E, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District.

7. *Additional Standards Regarding Certificates of Appropriateness and Economic Hardship.* All sites and parcels within the Walnut Street-West Urban Conservation District and subject to the issuance of certificates of appropriateness and economic hardship shall also be subject to the standards contained in Section 36-2.11.

8. *Refuse Storage.* In addition to the standards of Section 36-8.04, refuse storage shall adhere to the following:
   a. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices, approved for use in the City of Springfield, shall be placed on the site in a location where they are least visible from a public right-of-way other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device shall be visible from public right-of-way (except alleys) or from adjoining properties.

9. *Minimum Maintenance Requirements.* Every owner, and every person in actual possession of property in the district, shall keep all interior and exterior portions of buildings and other structures in good repair.
   a. *Public Areas.* All sidewalks leading to a building, steps, driveways, parking spaces, and similar paved areas for public use shall be kept in a proper state of repair. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.
   b. *Structural Members.* All supporting structural members of all structures shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.
   c. *Exterior Surfaces (Foundations, Walls, and Roofs).* Every foundation, exterior wall, roof, and all other exterior surface shall be maintained in a workmanlike state of maintenance and repair.
   d. *Foundation Walls.* All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
   e. *Exterior Walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.
   f. *Roofs and Drainage.* The roof shall be structurally sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building. 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.
   g. *Decorative Features.* All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
   h. *Signs and Awnings.* All canopies, signs, awnings, stairways, fire escapes, exhaust ducts, and similar overhang 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 treatment.

i. *Chimneys.* All chimneys 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 periodic application of weather-coating materials such as paint or similar surface treatment.

j. *Stairs and Porches.* Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair.

k. *Window and Door Frames.* Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

l. *Weathertight.* Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

m. *Glazing.* Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.

n. *Door Hardware.* Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.

o. *Basement Hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain, and surface drainage water into the structure.

p. *Grading and Drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water shall be determined as any accumulation that has not dispersed within seven days of the last recorded local rainfall.

q. *Accessory Structures.* All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in compliance with Sections 36-5.03.B and 36-6.03.B.

10. The Landmarks Board may refer violations of this section to the BDS Director for purposes of conducting such inspections and enforcement proceedings as BDS Director may deem appropriate so that the building or structure may be preserved in accordance with the purposes of this ordinance.

11. The provisions of this section shall be in addition to all other applicable provisions of the Springfield City Code relating to the construction and maintenance of buildings and structures.

D. **Area A Regulations.**

1. *Site Plans.* Any development or use requiring a site plan pursuant to Section 36-2.03, and located within the Walnut Street-West UCD, must first acquire a certificate of appropriateness, when required, from the Landmarks Board in accordance with Section 36-10.07.D.2. Site plans may also be subject to conditions by City Council in order to promote the intent of the *Walnut Street Preservation Plan.*

2. *Certificate of Appropriateness.* The standards contained in Section 36-2.11, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District, unless otherwise modified herein.

a. *When Required.* A certificate of appropriateness shall be required in accordance with the standards contained in Section 36-2.11.D with the following modification:

(1) Section 36-2.11.D.1.b shall be applicable to structures as specified in the *Walnut Street Design Guidelines* or *Historic Survey* conducted in the Walnut Street-West Urban Conservation District.

b. *Review Criteria.* The Landmarks Board, in considering whether or not to issue a certificate of appropriateness, shall be guided by the standards contained in Section 36-2.11.D.3 with the following modifications:

(1) The *Walnut Street Design Guidelines* which are on file with the PD Director shall be used to fulfill the standard referenced in Section 36-2.11.D.

(2) For demolition, the Landmarks Board shall also consider the standards contained in Section 36-2.11.D.3.d with the following additions and

modifications:
(a) The visual and spatial relationship of the structure to its surroundings and to the rest of the Walnut Street Urban Conservation District - West.
(b) The Board shall consult the Walnut Street Historic Survey, the Walnut Street Historic District National Register Nomination and/or the Walnut Street Preservation Plan in addition to those items contained in Section 36-2.11.D.3.d.

(3) The alternatives available to the demolition applicant including:
(a) Donation of the subject structure or site to a public or benevolent agency.
(b) Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.
(c) The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
(d) The potential of such structure or site for renovation and its potential for continuing use.

(4) The Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.

3. *Demolition of Contributing Buildings.* The standards contained in Section 36-2.11.D.3.d shall not be applicable to the Walnut Street- West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a contributing building as defined in Section 36-10.07.C.5. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a contributing building in the Walnut Street Urban Conservation District - West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a contributing building unless a certificate of economic hardship has been issued by the Landmarks Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.

4. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
a. *Number.* Each premises shall be permitted one detached sign and shall also be permitted either one projecting sign or one wall sign.
b. *Size.* A maximum of 16 square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed 16 square feet. A single-sided detached sign shall not exceed 16 square feet.
c. *Height.* No part of a detached sign shall exceed a height of 5 feet above the ground area upon which it is located.
d. *Sign Lighting.* No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.
e. *Sign Types.* Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.
f. *Exempt Signs.* Those signs set forth below shall also be permitted.
(1) *Address Numbers and Name Plates. Address* numbers for each residential building not exceeding one square foot in effective area and one name plate not exceeding 2 square feet in effective area per dwelling unit or business.
(2) *Banner Signs.* One sign composed of highly flexible lightweight material, such as a banner, per business premises, which is not over 4 square feet in effective area, posted for not more than 30 days per year.
(3) *Directional Signs.* Detached on-premises directional signs which do not exceed 5 square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed 20% of the effective area. No part of the sign shall exceed 4 feet in height above street grade or 4 feet in height above the lowest level of the ground under the sign if elevation of premises at sign location is more than 12 inches above street grade, excluding berms or other landscaping features. A certificate of appropriateness much be issued prior to installation of directional signs.

(4) *Flag.* A flag or similar device identifying any person.
(5) *Government Signs.* Any sign erected or maintained by or for any agency or government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.
(6) *Internal Signs.* Any on-premises sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.
(7) *Neighborhood Identifications Signs.* A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name, or historic district. A certificate of appropriateness must be issued prior to installation of neighborhood identification signs.
(8) *Real Estate Sale, Lease, And Construction Signs.* Non-illuminated temporary on-premises signs pertaining to the construction, sale, or lease of that premises, not to exceed 6 square feet in effective area. Such 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.
(9) *Miscellaneous Exempt Signs.*
(a) A temporary sign not exceeding 4 square feet in background area advertising drives 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.
(b) Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of 4 square feet in effective area per business.

5. *Off-Street Parking Requirements.* All uses shall provide off-street parking in accordance with Section 36-7.04, unless the contributing structure is intact, whereas Section 36-7.04 is otherwise modified herein:
a. Parking Spaces Required.
(1) Non-residential uses shall have at least one parking space for each 350 square feet of gross leasable area, excluding outdoor display and sales areas. However, parking requirements may be reduced for uses that demonstrate a sensitivity to historic preservation. The applicant may submit a parking plan to the ARC for modification to the requirements. The ARC shall consult with the Landmarks Board for overall sensitivity to historic preservation.
(2) Residential uses shall have at least one and 1.5 parking spaces for each dwelling unit.
b. *Parking Lot Surface.* Parking lots and driveways shall be surfaced with either asphalt, concrete or pavers so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be subjected.

E. **Area B Regulations.**

1. *Site Plans.* All development and uses shall comply with the site plan requirements of Section 36-2.03.

2. *Certificate of Appropriateness.*
a. *When Required.* A certificate of appropriateness shall be required when a contributing structure is proposed to be demolished.
b. *Review Criteria.* The Landmarks Board, in considering whether or not to issue a certificate of appropriateness, shall be guided by the standards contained in Section 36-2.11.D.3 with the following modifications:
(1) For demolition, the Landmarks Board shall also consider the standards contained in Section 36-2.11.D.3.d with the following additions and modifications:
(a) The visual and spatial relationship of the structure to its surroundings

and to the rest of the Walnut Street Urban Conservation District - West.

(b) The Landmarks Board shall consult the Walnut Street Historic Survey, the Walnut Street Historic District National Register Nomination and/or the Walnut Street Preservation Plan in addition to those items contained in Section 36-2.11.D.3.d

(2) The alternatives available to the demolition applicant including:

(a) Donation of the subject structure or site to a public or benevolent agency.

(b) Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.

(c) The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.

(d) The potential of such structure or site for renovation and its potential for continuing use.

(e) The Landmarks Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.

3. *Demolition of Contributing Buildings.* The standards contained in Section 36-2.11.D.3.d shall not be applicable to the Walnut Street- West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a contributing building as defined in subsection 2.D. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a contributing building in the Walnut Street Urban Conservation District - West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a contributing building unless a certificate of economic hardship has been issued by the Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.

4. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:

a. *Number.* Each premises shall be permitted one detached sign and shall also be permitted either one projecting sign or one wall sign.

b. *Size.* A maximum of 50 square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed 50 square feet. A single-sided detached sign shall not exceed 50 square feet.

c. *Height.* No part of a detached sign shall exceed a height of 10 feet above the ground area upon which it is located.

d. *Sign Lighting.* No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.

e. *Sign Types.* Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.

f. *Exempt Signs.* Those signs set forth below shall also be permitted.

(1) *Address Numbers and Name Plates.* Address numbers for each residential building not exceeding one square foot in effective area and one name plate not exceeding 2 square feet in effective area per dwelling unit or business.

(2) *Banner Signs.* One sign composed of highly flexible lightweight material, such as a banner, per business premises, which is not over 4 square feet in effective area, posted for not more than 30 days per year.

(3) *Directional Signs.* Detached on-premises directional signs which do not exceed 5 square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed 20% of the effective area. No part of the sign shall exceed 4 feet in height above street grade or 4 feet in height above the lowest level of the ground under the sign if elevation of premises at sign location is more than 12 inches above street grade, excluding berms or other landscaping features. A certificate of appropriateness much be issued prior to installation of directional signs.

(4) *Flag.* A flag or similar device identifying any person.

(5) *Government Signs.* Any sign erected or maintained by or for any agency or

government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.

(6) *Internal Signs.* Any on-premises sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.

(7) *Neighborhood Identifications Signs.* A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name, or historic district. A certificate of appropriateness must be issued prior to installation of neighborhood identification signs.

(8) *Real Estate Sale, Lease, And Construction Signs.* Non-illuminated temporary on-premises signs pertaining to the construction, sale, or lease of that premises, not to exceed 6 square feet in effective area. Such 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.

(9) *Miscellaneous Exempt Signs.*

(a) A temporary sign not exceeding 4 square feet in background area advertising drives 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.

(b) Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of 4 square feet in effective area per business.

5. *Off-Street Parking Requirements.* All uses shall provide off-street parking in accordance with Section 36-7.04, unless the contributing structure is intact, whereas Section 36-7.04 is otherwise modified herein:

a. Parking Spaces Required.

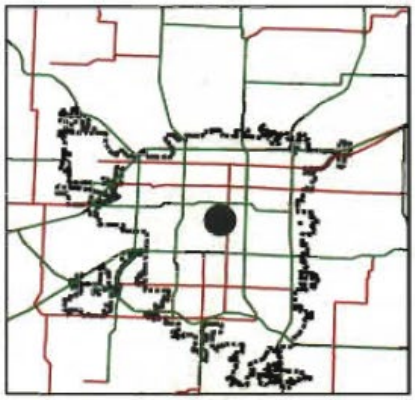
(1) Non-residential uses, except restaurant uses which shall follow the requirements, shall have at least one parking space for each 350 square feet of gross leasable area, excluding outdoor display and sales areas. However, parking requirements may be reduced for uses that demonstrate a sensitivity to historic preservation. The applicant may submit a parking plan to the ARC for modification to the requirements.

(2) Residential uses shall have at least one and 1.5 parking spaces for each dwelling unit.

b. *Parking Lot Surface.* Parking lots and driveways shall be surfaced with either asphalt, concrete or pavers so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be subjected.

F. **Definitions.** The Walnut Street-West Urban Conservation District shall be subject to all applicable definitions found in Article 11. Any definition found in Article 11 and referencing historic structures, historic sites, historic landmarks, or historic districts shall also be deemed applicable to any building or property within the Walnut Street-West Urban Conservation District.

G. **Exhibits.**



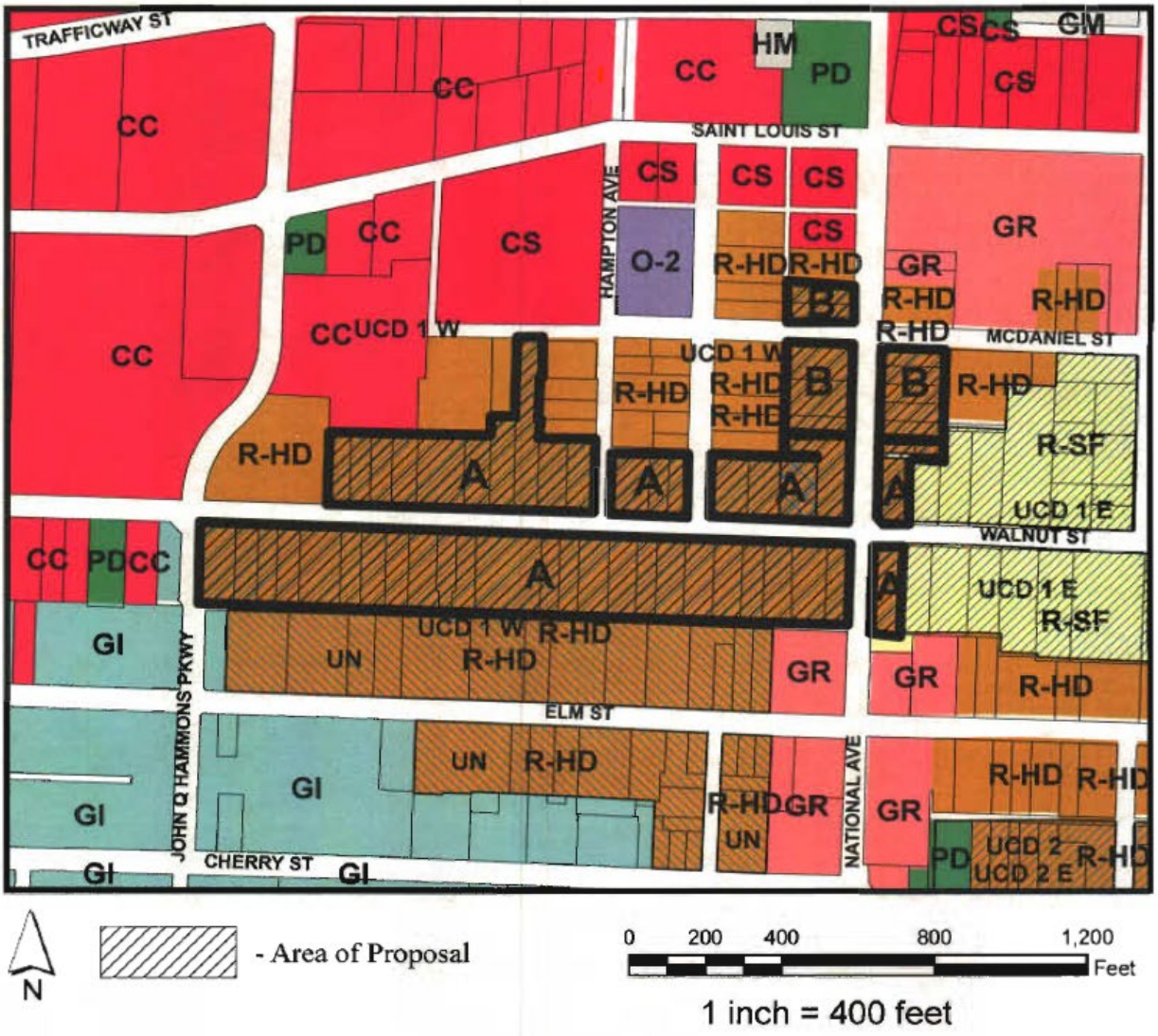
Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville - Springfield, Missouri 65801

Exhibit 2
Z-02-2010
Walnut Street-West UCD
Sub Areas

Location: 900-1200 blk E. Walnut & 200-300 blk S. National

LOCATION SKETCH



36-10.08 Short-term Rentals

A. **Short-term Rental Type 1.**

1. This section (1) shall apply to a short-term rental use that:
   a. Is rented for periods of less than 30 consecutive days;
   b. Is located within a R-SF or R-MX1 zoning district; and
   c. Is a residential dwelling that is the primary residence of the short-term rental owner or operator.

2. The following provisions shall apply to a short-term rental type 1:
   a. A short-term rental type 1 shall only be located in the primary structure or an accessory dwelling unit per Section 36-4.04.C;
   b. Annual business license shall be obtained; and
   c. 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 1 which is not in compliance with the provisions of this section.

B. **Short-term Rental Type 2.**

1. This section (B) shall apply to a short-term rental use that:
   a. Is rented for periods of less than 30 consecutive days;
   b. Is located within a R-SF or R-MX1 zoning district; and
   c. Is not a residential dwelling that is the primary residence of the short-term rental owner or operator.

2. The following provisions shall apply to a short-term rental type 2:
   a. Density limitations: no short-term rental type 2 shall be located within 500 feet of another short-term rental type 2, as measured by the shortest distance between the two closest property lines;
   b. A short-term rental type 2 shall only be located in the primary structure or an accessory dwelling unit;
   c. No exterior alterations that would change the single-family residential character of the short-term rental type 2, other than those necessary to ensure the safety of the structure, shall be made;
   d. No residential structure shall be removed for parking or to expand the short-term rental type 2;
   e. A short-term rental type 2 shall not be rented for receptions, parties, weddings, or any similar activities on the property;
   f. The owner of a short-term rental type 2 shall provide notification as required by Section 36-10.08.D;
   g. A certificate of occupancy shall be obtained in accordance with Article I, Division 6 of Chapter 38, Building Development Codes;
   h. An annual business license shall be obtained; and
   i. 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.

3. A short-term rental type 2 permit shall be required for short-term rental type 2 uses.
   a. An application fee as set forth in the schedule of fees, shall accompany any short-term rental type 2 application and is in addition to the permit and certificate of occupancy fee required by this section. The additional fee shall be for the costs of processing the application.
   b. 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 10 days prior to the meeting, to the owner of each real property within 500 feet of the short-term rental property, as shown on the records of the county assessor, to the occupant of each real property within 500 feet of the short-

term rental property, which may be addressed to “occupant” and mailed to the physical address, and to the president or other association officer(s) of any neighborhood association(s) as on file with the PD Director.

c. Notice of the neighborhood meeting shall be posted by the applicant at least 10 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 PD Director. 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.

d. 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.

e. The mailing shall be performed by the Department of Planning and Development; 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 Department of Planning and Development for mailing, in sufficient time to allow for mailing for at least 10 days prior to the date of the neighborhood meeting. A file copy of the letter shall be provided to the Department of Planning and Development. The notice letter shall contain the following at a minimum and any additional information as required by the PD Director:
   (1) Description and details of proposed short-term rental operation including number of days per month to be rented and any other proposed changes;
   (2) Meeting date, time and location;
   (3) Applicant or their representative's contact information; and
   (4) Information sheet provided by the city, including notice that an owner of residential real property within 500 feet of the short-term rental property has 10 days from the date of the neighborhood meeting to submit a letter objecting to the short-term rental.

f. No more than 10 days following the neighborhood meeting, the applicant shall submit a summary of the meeting to the Department of Planning and Development using the following format as set forth below (“meeting summary”):
   (1) Meeting date, time, and location;
   (2) Number of individuals in attendance with an attached sign-in sheet;
   (3) List of issues raised, and any verbal comments received and how the applicant plans to respond; and
   (4) Additional information, such as comment cards and letters, shall be attached to the summary.

g. If the applicant does not submit a complete meeting summary within 10 days of the neighborhood meeting, the application shall be considered incomplete, and the applicant will be required to conduct a new meeting.

h. If at least two or at least 30%, whichever is greater, of adjacent owners of residential real property, including those adjoining and immediately across the street, submit a letter of objection no more than 10 days after the neighborhood meeting, the application shall be denied. If the application is denied for this reason, an applicant may file an appeal to the Planning and Zoning Commission for a resolution to approve the application. An appeal must be filed within 10 days of denial. The decision of the Planning and Zoning Commission shall be final for the purposes of Chapter 536, RSMo.

i. If the applicant submits a complete meeting summary and less than two or less than 30%, whichever is greater, of adjacent owners of residential real property, including those adjoining and immediately across the street, submit a letter of objection, the application shall be approved, provided that all other requirements have been satisfied.

j. The City shall have the authority from time to time to prepare forms to implement this section including application forms, forms for notice, forms for proof of ownership, and other appropriate requirements.

C. **Short-term Rental Type 3.**

1. This section (C) shall apply to a short-term rental use that:
   a. Is rented for a period of less than 30 consecutive days; and
   b. Is not located in an R-SF or R-MX1 zoning district, but in a zoning district that allows residential uses.

2. The following provisions shall apply to a short-term rental type 3:
   a. A maximum of two units, or 10% of the units on a premises, whichever is greater, may be used as two short-term rental type 3 units;
   b. A short-term rental type 3 unit shall not be rented for receptions, parties, weddings, or any similar activities on the property;
   c. A short-term rental type 3 shall provide notification as required by Section 36-10.08.D;
   d. A certificate of occupancy shall be obtained in accordance with Article I, Division 6 of Chapter 38, Building Development Codes;
   e. Annual business license shall be obtained; and
   f. 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.

D. **Short-term Rental Notification Requirements.**

1. The owner of a short-term type 2 or short-term rental type 3 shall post, conspicuously in each rental unit the following information:
   a. The names and contact information of the person or persons responsible for the day-to-day operations of the short-term rental;
   b. The certificate of occupancy and business license number;
   c. The restrictions on noise applicable under Section 36-4.05 including limitations on the use of amplified sound;
   d. Any applicable parking restrictions;
   e. Trash collection schedule; and
   f. That the short-term rental unit may not be rented for receptions, parties, weddings or other similar activities on the property.

E. **Short-term Rental Revocation, Suspension, or Denial of a Permit.**

1. The PD Director may immediately revoke or suspend a permit, or deny either the issuance or renewal thereof, if it is found that:
   a. The owner or operator failed to comply with the short-term rental requirements in this section or any other city codes and ordinances. The PD Director may suspend, revoke, or deny an application to renew a short-term rental permit for a period of 12 months. During that time, another short-term rental may be established pursuant to this section and cause the revoked or denied short-term rental from being re-established due to the density limitation.
   b. The PD Director 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 section.
   c. When a short-term rental permit is denied by the PD Director, 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 section or other pertinent code used as a standard for the basis of denial.
   d. If the PD Director denies, suspends, or revokes a permit, the owner may file an appeal request to the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be final for the purposes of Chapter 536, RSMo.

F. **Transferability/Renewal.**

1. The owner of a permitted short-term rental may transfer the property along with the permitted use to another within 30 days of the change in property ownership, 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.

2. Nonconforming permitted short-term rentals are eligible for transferring of business ownership

in the event of a change of property ownership. This will need to take place within 30 days of the change in property ownership.

3. Nonconforming short-term rentals will be eligible for business license renewal provided they meet all of the other requirements of this section except the density limitations. Renewal of short-term rentals will be conducted by the Licensing Division of the Finance Department.

G. **Implementation.**

1. 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.

2. 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 Section 36-10.08.B.2.a. Applications received after this initial period will be subject to this density.

H. **Hosting Platform Responsibilities.**

1. *Definitions.*

Booking transaction. Any reservation or payment service provided by a person who facilitates a short-term rental transaction between a short-term rental licensee and a transient guest.

Hosting platform. A person who participates in the rental of a short-term rental by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

Person. Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, limited liability company, or organization of any kind.

Short-term rental: see Section 36-11.01.

Short-term rental licensee: a person who holds a business license for a short-term rental.

Transient guest. A person who occupies a room or rooms in a short-term rental for less than 30 consecutive days during any calendar quarter.

2. Hosting platforms shall be responsible for collecting all applicable City taxes and remitting the same to the City. The hosting platform shall be considered an agent of the short-term rental licensee for tax collection and remittance responsibilities as set forth in Chapter 70, Article V of this Code.

3. Subject to applicable laws, hosting platforms shall disclose to the City on a monthly basis each short-term rental listing located in the City, the address of each such listing, the revenue for each such listing, and the tax due amount.

4. Hosting platforms shall not complete any booking transaction for any property subject to this section unless it is licensed as a short-term rental at the time the hosting platform receives a fee for the booking transaction. Hosting Platforms that display short-term rental listings for properties shall require all owners using the platform to include a license number in any new listing for a short-term rental on the platform. A Hosting Platform shall remove any listing for a short-term rental from the platform after notification by the City that the short-term rental listing lacks a license number or the license number is invalid, expired, or has been revoked. The

notification must identify the listing(s) to be removed by its URL and state the reason for removal. The platform shall remove the listing from public view within seven business days from the date of the notice.

I. **Penalties.**

1. Any violation of this section shall be punishable by a fine of not more than $1,000.00 or by imprisonment in jail for a period not exceeding 180 days, or both such fine and imprisonment. The court shall not suspend imposition of sentence for any violation of this section.

2. Each day a violation continues shall be deemed a separate offense.

3. Any person found guilty of a violation of this section shall be sentenced to a minimum fine of $500.00.

4. Any person found guilty of a violation on this section who has previously been found guilty of a violation of this section shall be sentenced to a minimum fine of $1,000.00.

36-10.09 Marijuana & Medical Marijuana Uses

A. **Intent.** The intent of this section is to allow marijuana and medical marijuana uses while minimizing any possible adverse effects of these uses on the surrounding neighborhood. Marijuana-related uses are subject to additional district- or use-specific standards in this section.

B. **Applicability.** In association with the use table in Section 36-4.02, specific marijuana and medical marijuana uses are further restricted to specific districts indicated in Table 10-6. All uses are subject to the general use, development, form, and design standards of the applicable district.

Table 10-6: Permitted Marijuana and Medical Marijuana Uses and Districts

Use Type	Separation	*CC*	*C-MX2*	*GC*	*LIC*	*HM*
Medical, comprehensive, or microbusiness dispensary facility	1,000' from elementary or secondary school or place of worship. 200' from a child daycare	P	P	P	P	P
Medical or comprehensive marijuana infused product manufacturing Type 2 extraction	1,000' from elementary or secondary school or place of worship. 200' from a child daycare	P	P	P	P	P
Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility	1,000' from elementary or secondary school, place of worship, or child daycare			P / C	P / C	P / C
Marijuana testing facility	1,000' from elementary or secondary school, place of worship, or child daycare				P	P
Medical or comprehensive marijuana infused product manufacturing Type 1 extraction	1,000' from elementary or secondary school, place of worship, or child daycare					P / C

C = Conditional use permit required if adjacent to or across the street from residential uses; use is subject to the process and criteria in Section 36-2.04 in addition to the standards and criteria of this section.

C. **Specific Use Standards.** Marijuana and medical marijuana facilities shall meet the following additional standards in districts where they are permitted or allowed by conditional use permit.

1. A business license shall be obtained annually, and the marijuana and medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place

on the premises.

2. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including engineering controls, such as system design and operational processes. The plan shall be reviewed and certified by a professional engineer or a certified industrial hygienist to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
3. The location and separation measures of Table 10-6 shall be applied as follows:
   a. In the case of a freestanding facility, the distance between the facility and the protected use shall be measured from the closest external wall of the facility structure to the closest point of the property line of the protected use.
   b. If the protected use is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the protected use.
   c. If the facility is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured from the facility's closest entrance or exit to the property line of the protected use.
   d. If the facility and the protected use are both part of a larger complex or campus, the distance shall be measured between the entrances of the facility and the protected use.
   e. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
4. No marijuana or medical marijuana facility shall be located in a building that contains a residence.
5. All marijuana and 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.
6. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana facility.
7. 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.
8. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

D. **Definitions.** The following terms shall have the specific meaning given for interpreting this section:

Child Daycare. A childcare facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.

Comprehensive Facility. A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

Comprehensive Marijuana Cultivation Facility. A facility licensed by the state to acquire, cultivate, process, package, store on-site or offsite, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

Comprehensive Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, primary caregiver, or consumer, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer, and consistent with the limitations in Article XIV of the Missouri State Constitution and Springfield City Code, to a comprehensive facility, a marijuana testing facility, or a medical marijuana facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but such facility shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV of the Missouri State Constitution and Springfield City Code. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Comprehensive Marijuana-infused Products Manufacturing Facility. A facility licensed by the state to acquire, process, package, store, manufacture, and transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

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.

Elementary or Secondary School. 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 not including any private school in which education is primarily conducted in private homes.

Flowering Marijuana Plant. A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

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 marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

Marijuana Facility. A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness marijuana dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the state pursuant to Article XIV, Section 2 of the Missouri State Constitution. Marijuana facilities do not include medical marijuana facilities licensed pursuant to Article XIV, Section 1 of the Missouri State Constitution.

Marijuana-infused Products. Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

Marijuana Microbusiness Facility. A facility licensed by the state as a microbusiness marijuana

dispensary facility or microbusiness wholesale facility, as defined in this section.

Marijuana Testing Facility. A facility certified by the state to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility.

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, package, store onsite or off-site, transport to and from, and sell marijuana, marijuana seeds, and marijuana vegetive cuttings (also known as clones) to a marijuana dispensary facility, marijuana testing facility, medical marijuana cultivation facility, or medical marijuana-infused products manufacturing facility. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store onsite or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer to a qualifying patient, a primary caregiver, as set forth and defined in Article XIV of the Missouri Constitution, anywhere on the licensed property or to any address as defined by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical Marijuana Facility. Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as governed by Article XIV, Section 1, of the Missouri State Constitution.

Medical Marijuana-infused Products Manufacturing Facility. A facility licensed by the state to acquire, process, package, store onsite or off-site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility.

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.

Microbusiness Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, qualifying patient, or primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with state and local law, a microbusiness wholesale facility or a marijuana testing facility. Microbusiness marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness Wholesale Facility. A facility licensed by the state to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

Place of Worship. A permanent building primarily and regularly engaged in organized services for religious worship open to the public or a specific congregation of members or participants.

Preroll or Infused Preroll. A consumable or smokable marijuana product, generally consisting of:
a. A wrap or paper;
b. Dried flower, buds, and/or plant material; and
c. A concentrate, oil, or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

36-10.10 Wireless Telecommunication Facilities

A. **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.
1. 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.
2. New personal wireless telecommunications technologies, such as personal communications systems (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.
3. The Telecommunications Act of 1996 preserves the authority of the city to regulate the placement, construction, and modification of towers, antenna support structures, and telecommunications facilities and to protect the health, safety, and welfare of the public, which is granted to the city under the Constitution and statutes of the State of Missouri and the Charter.
4. 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 chapter, will not have the effect of prohibiting any person from providing wireless telecommunications services.
5. The Federal Communications Commission (FCC) has exclusive jurisdiction over:
   a. The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
   b. The regulation of radio signal interference among users of the radio frequency spectrum.
6. 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.
7. 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 right-of-way by abutting landowners and members of the public.

B. **Legislative Purposes.** The general purpose of this section 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 are:

1. To direct the location of towers and telecommunications facilities in the city;
2. To protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
3. To minimize adverse visual impacts of towers and telecommunications facilities through careful design, sitting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
5. 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;
6. To the greatest extent feasible, ensure that towers and telecommunications facilities are compatible with surrounding land uses;
7. 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; and
8. To create a licensing process which allows the city to more efficiently administer this section.

C. **Applicability.**

1. All towers, antenna support structures, and telecommunications facilities, any portion of which are located within the city of Springfield, are subject to this chapter. 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 as set forth in the schedule of fees. 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 FCC; 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 that 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 right-of-way.
2. Except as provided in this section, any current legal use being made of an existing tower or antenna support structure on the effective date of this section, herein "nonconforming structures," shall be allowed to continue, even if in conflict with the terms of this section. 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.

D. **Permitted, Conditional, & Accessory Uses.**

1. *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 chapter 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 City

Council prior to installation. Multiple locations may be approved in one application process.

Table 10-7: Wireless Facilities and Telecommunication Towers

Tier	Descriptions
Tier I	Wireless facilities and antennas mounted on buildings or other structures, including existing towers, public buildings and structures, school buildings and structures, and churches.
Tier II	Cell towers of a stealth design that are not greater than 60' 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.
Tier III	Cell tower of a monopole or stealth design that are <100' in height.
Tier IV	Cell towers of a stealth or monopole design that are >100' in height.
Tier V	Cell towers that are: a. Not of a stealth or monopole design; or b. >100' in height and not setback from any residential district at least 2 feet for every one foot of height; or c. Not able to collocate at least 1 additional provider if the tower height is >100' or at least 2 additional providers' facilities if the tower height is >120'.

2. *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:
   a. 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 chapter by more than 20 feet;
   b. 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 right-of-way, and a building permit has been obtained from the Department of Building Development Services;
   c. 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 BDS Director 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 right-of-way, and does not pose any danger to the traveling public; and
   d. 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.

E. **Co-location.**

1. *Co-location of facilities.* New towers constructed within the city with height in excess of 60

feet should be capable of accommodating two additional carriers or telecommunications 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.

2. *Co-location or installation.*
   a. 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 co-location capabilities under this section, and has available additional capacity for installation or co-location 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 , the credit worthiness, and the technical abilities of the proposed tenant. However, in no event shall a licensee be required to allow co-location of facilities if to do so would result in technical interference with the delivery of licensee's service. Failure to permit co-location or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for co-location may result in any enforcement action as permitted in Section 36-1.07 or termination of utilities following a hearing as permitted in subsection H of this section.
   b. For the purpose of co-location of antennas, a legal nonconforming tower may be used.
   c. Failure to comply with the provisions of this subsection E.2 constitutes a material violation of this section, for the purposes of subsection H of this section.

3. *Exception from Height & Bufferyards/Requirements for Co-location.*
   a. A licensee of an existing tower may modify the height of its tower to accommodate co-location 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.
   b. Permission to exceed the maximum permitted height pursuant to this section shall not require an additional distance separation as set forth in subsection F.3.e, nor additional bufferyards or landscaping above that required for the original tower. The tower's premodification height shall be used to calculate such distance separations.

4. *Same Tower Type.* A tower which is modified to accommodate the co-location 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 BDS Director if it is demonstrated that permitting a different tower type will not exceed the height permitted in subsection E.3 and will permit the co-location of more carriers than could be accomplished by the modification of the same tower type as the existing tower.

5. *Movement of Tower.*
   a. A tower which is being rebuilt to accommodate the co-location 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 bufferyards are maintained.
   b. A tower that is relocated pursuant to subsection E.5. shall continue to be measured from the original tower site for the purpose of calculating the separation distances between towers pursuant to subsection F.3.e. The relocation of a tower under this

subsection shall in no way be deemed to cause a violation of subsection F.3.e.

c. A tower that is relocated on the same premises it was constructed on which comes within the separation distances established in subsection F.3.e shall only be permitted when notarized written consent is obtained from affected residential property owners.

6. *Appeal Process.* Any applicant who is denied a tower application, or who is determined by the BDS Director to be in violation of this section shall have the right to 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 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 co-location, and said tower is not being made available for joint use or co-location as indicated at the time of application, the hearing examiner shall order utilities disconnected until such time as the tower is used jointly for co-location 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 supersedeas 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.

F. **Construction Standards.**

1. *Setbacks.*

a. All towers shall be set back a distance equal to:

(1) 50% of the height of the tower up to 100 feet, plus 1 foot for each foot over 100 feet in height; or

(2) 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 co-location.

In the event a tower is capable of being used for co-location 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.

b. 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.

2. *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.

3. *Separation or Buffer Requirements.*

a. 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:

Table 10-8: Tower Separation & Buffer

Designated Area	*Separation Distance*
Single-family or duplex residential units in a residential district [1]	300'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% 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'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant unplatted residentially zoned land and residential units in nonresidential zoned districts [3]	200' or 100% of tower [2], whichever is greater.
Existing multifamily residential units greater than duplex units	100' or 100% t height of tower, whichever is greater.
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply.
Approved heliports	100' or 100% 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.

a. The minimum tower separation distances above listed shall be calculated and applied irrespective of city and county jurisdictional boundaries.
b. Measurement of tower separation distances for the purpose of compliance with this section shall be measured from the center of a tower to the closest point of a designated area as specified in the table above.
c. Separation distances from other uses set forth in this subsection may be reduced for towers designed for the co-location of telecommunications facilities of other carriers by obtaining a conditional use permit, which will require demonstrating that the separation distances will:
   (1) Have the effect of preventing service to an area of the city; or
   (2) Constitute a barrier to entry into the marketplace by the applicant.
d. Proposed towers must meet the following minimum separation requirements from towers existing at the time a license is granted pursuant to this section, unless constructed for the purpose of providing co-location 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.

Table 10-9: Separation From Other Towers

Proposed Towers / Types	Existing Towers / Types			
	Lattice or Guyed >150'	Lattice or Guyed < 150'	Monopole Towers >75'	Monopole Towers < 75'
Lattice	3,000'	2,500'	1,500'	750'
Guyed	3,000'	2,500'	1,500'	750'
Monopole >75'	1,500'	1,500'	1,500'	750'
Monopole < 75 ft. in height	750'	750'	750'	750'

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.

4. *Method of Determining Tower Height.* The height of the tower shall be measured as the vertical distance between the highest point of the tower and the natural grade below this point.

5. *Illumination.* Towers shall not be artificially lighted except as required by the Federal Aviation Administration 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.

6. *Finished Color & 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.

7. *Fencing & 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 36-8.04 of this chapter.

8. *Bufferyard & Landscape.* All landscaping on parcels containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable bufferyard 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 Section 36-8.04 and, if a conditional use permit is required, Section 36-2.04. All vegetation used in the landscaping shall be located outside any fenced area.

9. *Security.* All towers must be secured to protect against trespass or unauthorized use of the property, tower, or telecommunications facilities.
   a. If high voltage is necessary for the operation of a tower or telecommunications facility 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".
   b. 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.

10. *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.

11. *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 facility shall agree:
    a. To demonstrate compliance with good engineering practices;
    b. To provide the City a copy of all intermodulation studies submitted to the FCC;
    c. Not to induce objectionable technical interference to the city's public safety radio services;
    d. 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);
    e. In the case of colocation 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;
    f. To pay for any studies requested by the City Manager to determine if the applicant's telecommunications facilities are causing objectionable technical interference;
    g. 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.

12. *Certifications & Inspections.*
    a. 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-City Code and federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to subsection G.2.a 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 G.2.a 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.
    b. 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-City Code and federal and state law.
    c. The City reserves the right to conduct such inspections at any time, upon reasonable

notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.

13. *Maintenance.*
    a. 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.
    b. 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.
    c. 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.

14. *Drainage.* All parcels upon which towers are located must contain adequate drainage facilities, which are approved by the PW Director.

15. *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.

G **Licensing Requirement.**

1. *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 original passage of this section. Unless otherwise expressly provided elsewhere in this section, the license required by this section is in addition to the procedures and approval required pursuant to this chapter 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 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. A license shall be for a term of not more than five years. A renewal must be made in compliance with Section 36-4.03, and an applicant must demonstrate an existing tower or telecommunications facility is needed and reasonable alternatives will not meet their needs for continued service capability. Owners of existing towers without an active license shall have six months from passage of said ordinance to obtain a license as required by this subsection; all licenses active at the passage of this section shall remain valid until natural expiration.

2. *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:
    a. *License Application.* Prior to the construction of any tower, a license application and fee as set forth in the schedule of fees shall be submitted to the Finance Director. 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 as set forth in the schedule of fees. 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:

(1) 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, and 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 J regarding abandonment.

(2) An affirmative statement of whether the applicant will be developing the tower for its own use or for the use of others.

(a) If for applicant's use, the following is required:

(i) A description of the use.

(ii) A description of the network the proposed tower will be part of.

(iii) A description of the technological design proposed and description of alternatives.

(iv) Evidence of drive-by tests or other studies relating to the proposed tower which support location on the proposed property.

(v) Construction date or schedule.

(b) 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 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.

(3) The legal description, parcel identification number, and address of the parcel of land upon which the tower is to be situated.

(4) 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.

(5) 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.

(6) Written documentation containing the following information:

(a) Whether the applicant's telecommunications facilities are technically capable of being installed or collocated on another person's tower or useable antenna support structure.

(b) 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 co-location is technically or economically infeasible. "Technically infeasible" for the purpose of this subsection means that the co-location 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. The City may require additional evidence of co-location being technically infeasible if, in the opinion of the Board of Adjustment that additional information is necessary to determine that co-location is technically infeasible. "Economic infeasibility" for purposes of this section shall mean that the cost of co-location is not a reasonable business decision from an economic standpoint when all factors are considered.

(c) 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 co-location that will be accommodated.

(d) 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.

(e) Written technical evidence from a structural engineer that the proposed structure meets the standards set forth in Section 36-10.03, and the applicable requirements of the Department of Building Development Services.

(f) 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 and the applicable requirements of the Department of Building Development Services.

(g) 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.

(h) 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 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.

(7) A map of the city and the first one-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 and specifications, and signal area coverage.

(8) A site plan drawn to scale specifying the location of tower(s), its planned height, guy anchors (if any), transmission building(s), all telecommunications facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences, and zoning designation of adjacent land.

(9) 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.

(10) 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.

(11) The identity of all adjacent property owners.

(12) If the proposed tower is sited within Central Springfield, evidence that:

(a) Sites outside Central Springfield will not accommodate the proposed tower, considering size, topography, and physical features; or

(b) 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 City Council.

(c) 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.

(13) A maintenance bond in the amount of 10% 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.

(14) 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, removal of said tower will be guaranteed.

(15) 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.

(16) 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.

(17) A statement that the applicant has no outstanding and overdue debt to the City.

(18) 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.

(19) 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 sitting 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 Finance Director, the PD Director shall approve or deny the application if the Finance Director determines that the applicant meets all the requirements of subsection G.2. 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 Finance Director shall issue the license itself after all requirements for the tower are complete.

b. *Conditional Use Permit (CUP) 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 PD Director in accordance with Article 2 of

this chapter.

c. *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 City 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, and the landscaping plan, and shall 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:

(1) 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

(2) The tower height will not exceed 60 feet; and

(3) The stealth design blends into the surrounding area and the structures existing on the premises where the tower is to be located; and

(4) The site plan minimizes the impact of the presence of the tower on adjacent uses; and

(5) 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

(6) A request for reduction of the separation requirements of subsection F.3.e for towers on the same premises is a part of the stealth design to be utilized on said site; and

(7) A request for reduction of the separation requirements of subsection F.3.e 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 marketplace by the applicant, or will constitute a technical or economic hardship on the applicant; and

(8) 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

(9) 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.

d. *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 BDS Director. 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 PW Director. 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 G.2. The application shall also include items (1) through (19) listed in subsection G.2.a above.

3. *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 Finance Director 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 as set forth in the schedule of fees shall be required and shall be renewable every five years in accordance with subsection G.7.

4. *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.

5 *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 their representative to that effect. All licensees or owners of towers in existence on the effective date of this section 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.

6. *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.

7. *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 as set forth in the schedule of fees. 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.

H. **Revocation of License.** The City may at any time revoke a tower license for failure to comply with the provisions of this section, 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:

1. The Finance Director 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 Finance Director shall provide licensee with written findings of fact which are the basis of the revocation.

2. 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 H.1. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.

3. After the public hearing, the hearing examiner shall, within 30 days after the public hearing date, issue a written order setting forth their findings of fact and conclusions of law forming the basis for their decision.

4. 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 supersedeas 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.

5. Upon satisfactory correction by licensee of the violation upon which said notice was given as determined in the Finance Director's sole discretion, the initial notice shall become void.

6. Upon licensee's failure to correct a violation as found by the hearing examiner, the City Manager or their 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 H.4 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.

I. **Transfer of License.** A tower license may not be sold, transferred, leased, or assigned to any other person, without the consent of the Finance Director, such consent not to be unreasonably withheld.

J. **Abandonment of Tower.**

1. 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 H 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.

2. 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.

3. 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 J.2. All interested parties shall be allowed an opportunity to be heard at the public hearing.

4. After a public hearing is held pursuant to subsection J.1.b, 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 G.2.a.(14) or performance bond or letter of credit filed pursuant to subsection M 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.

K. **Variances & 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 chapter or the granting of a special exception under subsection F.3.d.

L. **Location of Towers on City-owned Property.** The City Manager or their 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 G 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.

M. **Miscellaneous.**

1. *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.

2. *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.

N. **Enforcement & Reservation of Rights.**

1. The provisions of this section 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 until such noncompliance has been cured.

2. 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.

O. **Definitions.** For the purposes of this section, 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.

Act. The federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may, from time to time, be amended.

Antenna Support Structure. Any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities.

Applicant. Any person that applies for a tower license pursuant to subsection G of this section.

Application. 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.

City. The City of Springfield, a municipal corporation, in the State of Missouri, acting by and through its City Manager or their designee.

Code. The City of Springfield Code of Ordinances.

Communications or *Telecommunications*. 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.

Engineer. Any engineer licensed by the State of Missouri.

FCC. The Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

Licensee. Any person who has lawfully obtained a tower license pursuant to subsection G.

Person. Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.

Site. The actual location of a tower, which may be only part of a larger parcel or premises.

Stealth. Any tower or telecommunications facilities designed to blend into the surrounding environment. *Telecommunications Facilities*. Any cables, wires, lines, wave guides, antennas or 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:

a. 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;
b. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
c. 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.

Tower. 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 FCC. A 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 right-of-way or easements for that purpose, and are a part of a system of such utility poles throughout the city of Springfield, Missouri.

36-10.11 Grant Avenue Parkway District

A. **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 10-10, shall be utilized in the interpretation of this division. If a term is utilized in this division and is not defined in Table 10-10, the definitions included in Article 11 shall be utilized.

Table 10-10: GAP District Definitions

Term	*Definition*
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.
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.
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 36-2.03.

   b. *Submittal Requirements.* In addition to the submittal requirements detailed in section 36-2.03 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 36-2.03 alignment with the Grant Avenue Parkway Corridor Plan shall be considered in the site plan review process.

B. **Bulk Standards.** Table 10-11 addresses the requirements applicable to development of a lot per subdistrict.

Table 10-11: GAP District Bulk Standards						
Standard	***Subdistrict A***	***Subdistrict B***	***Subdistrict C***	***Subdistrict D***	***Subdistrict E***	***Subdistrict F***
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 10-22 and 10-23)						
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.						

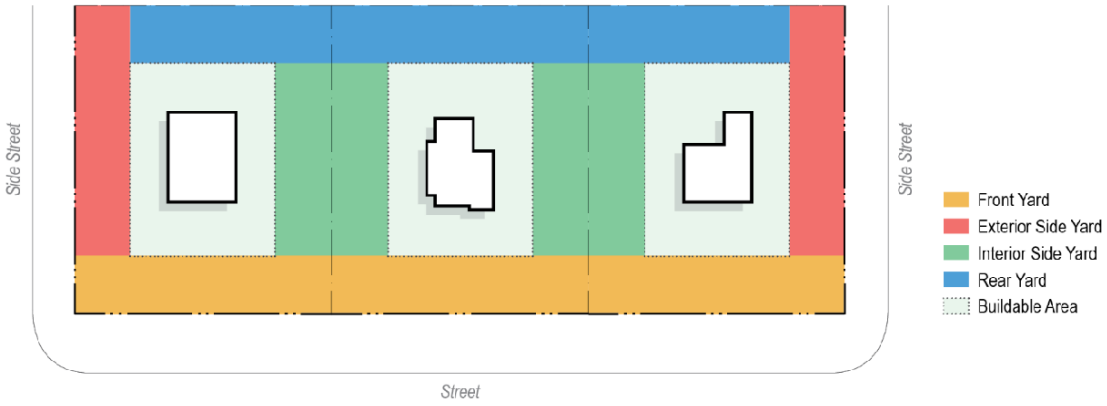


Figure 10-22 Required Yard



Figure 10-23 Build-To-Zones

C. **Permitted and Conditional Uses.** The following key is to be used in the interpretation of Table 10-12, 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 36-2.04.

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 ARC 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.

D. ***Conversions.*** Structures existing at the time of the adoption of this ordinance [September 20, 2021 G.O. 6684] in subdistricts A, B, and/or C may be converted to any use permit in that subdistrict.

1. *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 10-12: GAP District Permitted and Conditional Uses							
Use	***Additional Regulation***	***Subdistrict A***	***Subdistrict B***	***Subdistrict C***	***Subdistrict D***	***Subdistrict E***	***Subdistrict F***
Residential Uses							
Dwelling, Live Work	36-10.11.E.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	36-10.11.E.2	P	P	P		P	P
Dwelling, Multifamily conversion	36-10.11.E.3		P	P	P		
Dwelling, Single-Family Semi-detached			P	P	P		
Dwelling, Single-Family Detached existing	36-10.11.E.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	36-10.11.E.5		P	P	P		
Hotel	36-10.11.E.6	P	P	P		C	C
Short-Term Rental Type 1	36-10.08.A				P		
Short-Term Rental Type 2	36-10.08.B				P		
Short-Term Rental Type 3	36-10.08.C	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

Table 10-12: GAP District Permitted and Conditional Uses							
Use	***Additional Regulation***	***Subdistrict A***	***Subdistrict B***	***Subdistrict C***	***Subdistrict D***	***Subdistrict E***	***Subdistrict F***
General Retail Use Group, greater than 10,000 sq. ft.		C	C				
Medical or Comprehensive Marijuana Dispensary Facility	36-10.09	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	36-10.11.E.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	36-10.11.E.8	P					

Table 10-12: GAP District Permitted and Conditional Uses							
Use	***Additional Regulation***	***Subdistrict A***	***Subdistrict B***	***Subdistrict C***	***Subdistrict D***	***Subdistrict E***	***Subdistrict F***
Commercial Off-Street Parking Structures above ground floor as a part of mixed use		P					
Industrial Uses							
Artisan Manufacturing	36-10.11.E.9	P	P	P		P	P
Brewery/Winery/Distillery		P					
Medical or Comprehensive Marijuana Cultivation Facility or Microbusiness Marijuana Wholesale Facility	36-10.09	P					
Medical or Comprehensive Marijuana Infused Product Manufacturing Type 2 Post Extraction Facility	36-10.09	P					
Marijuana Testing Facilities	36-10.09	P					
Personal Storage							
Accessory Uses							
Accessory Structures and Uses	36-4.04	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	36-10.11.E.10	P	P	P	P	P	P
Solar Energy Collection System, roof	36-10.11.E.11	P	P	P	P	P	P
Temporary Uses							
Farm Stand	36-10.11.E.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

E. **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 5 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 10-24).* 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 6 square feet in area.
      (2) *Height.* The monument sign shall not exceed 4 feet in height.

(3) *Location.* The monument sign shall be located a minimum of 5feet from all property lines, right-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 right-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 10% and a maximum of 25% 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% 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.

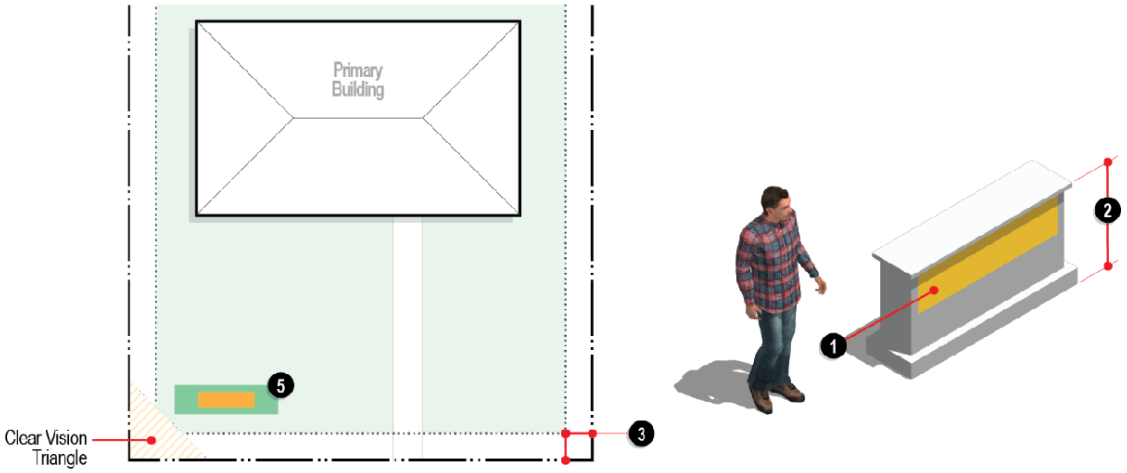


Figure 10-24 Bed and Breakfast Monument Signs

6. *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.

7. *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 10-25).* 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 6 square feet in area.
(2) *Height.* The monument sign shall not exceed 4 feet in height.
(3) *Location.* The monument sign shall be located a minimum of 5 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 Section 36-3.03.B.7.
(4) *Sign base.* The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 10% and a maximum of 25% 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% of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.

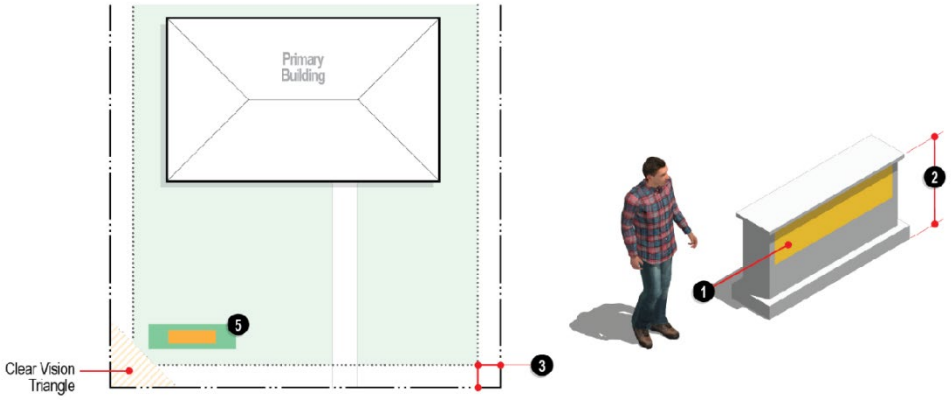


Figure 10-25 General Office Conversion Monument Sign

8. *Commercial Off-street Parking Lots.* Commercial off-street parking lots shall provide all of the landscape required in Section 36-10.11.H as well as the screening and landscape elements detailed below in areas adjacent to public right-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. 4 understory trees shall be planted for every 100 lineal feet of right-of-way adjacent frontage, excluding alley right-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 intersects public right-of-way.

9. *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 % 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.

10. *Solar Energy Collection System, Canopy (Figure 10-26).*

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.

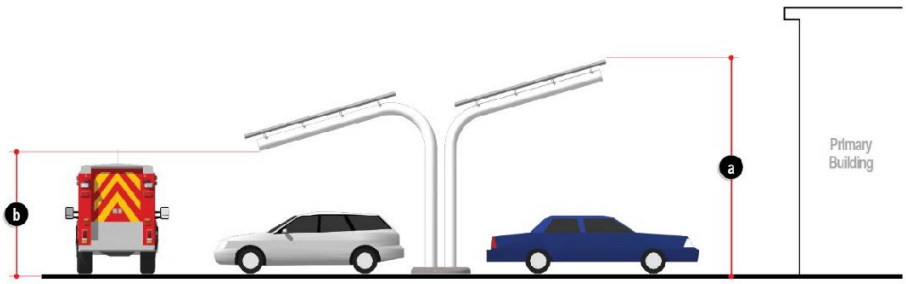


Figure 10-26 Solar Energy Collection System, Canopy

11. *Solar Energy Collection System, Roof-mounted (Figure 10-27).*
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.

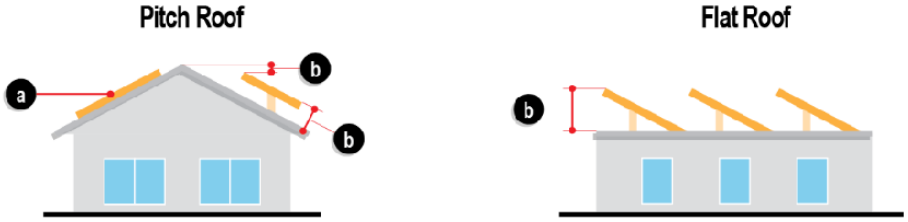


Figure 10-27 Solar Energy Collection System, Roof-mounted

12. *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 8 feet in height.
(3) Comply with all required setbacks of the primary building. 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 10-14, shall be permitted.

F. **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 General Ordinance 6684 shall be exempt from the requirements of Section 36-10.11.F.

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 10-13.

Table 10-13: GAP District Frontage Types by Subdistrict

Frontage Type	*Subdistrict A*	*Subdistrict B*	*Subdistrict C*	*Subdistrict D*	*Subdistrict E*	*Subdistrict F*
Projecting Porch		●		●		●
Engaged Porch		●	●	●		●
Integral Porch	●	●	●	●	●	●
Balcony	●	●	●	●	●	●
Forecourt		●	●		●	●
Shopfront	●	●	●		●	●

(1) *Projecting Porch (Figure 10-28).* 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.* 10 feet.
(b) *Depth.* 8 feet.
(c) *Height.* 8 feet.
(d) *Finish Level Above Sidewalk.* 18 inches.

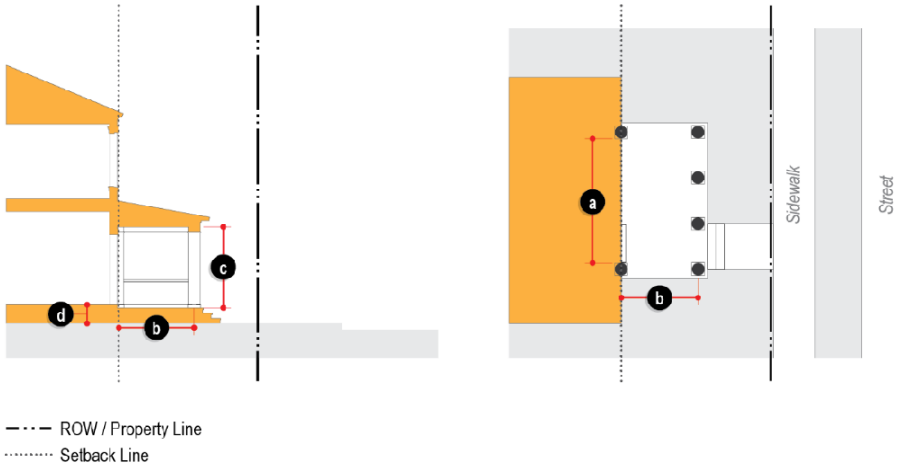


Figure 10-28 Projecting Porch Frontage Type

(2) *Engaged Porch (Figure 10-29).* The primary façade of the building is built to the minimum front yard setback or is located a minimum of 10 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.* 10 feet.
(b) *Depth.* 8 feet.
(c) *Height.* 8 feet.
(d) *Finish Level Above Sidewalk.* 18 inches.

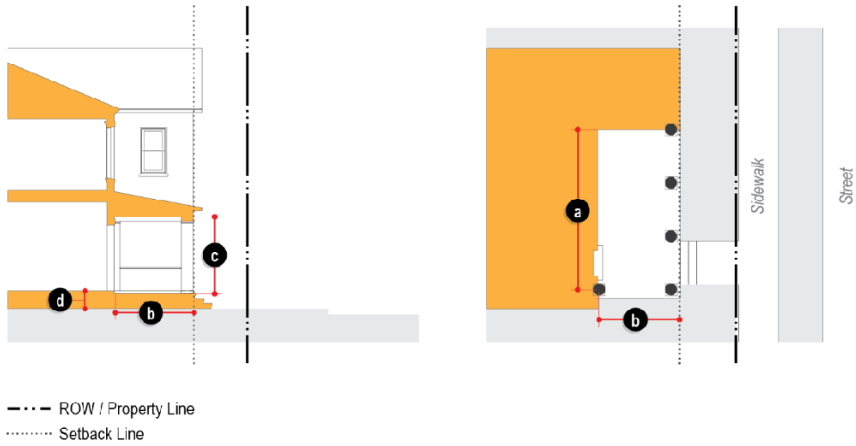


Figure 10-29 Engaged Porch Frontage Type

(3) *Integral Porch (Figure 10-30).* The primary façade of the building is built to the minimum front yard setback or is located a minimum of 10 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.* 8 feet.
(b) *Depth.* 8 feet.
(c) *Height.* 8 feet.
(d) *Finish Level Above Sidewalk.* 18 inches.

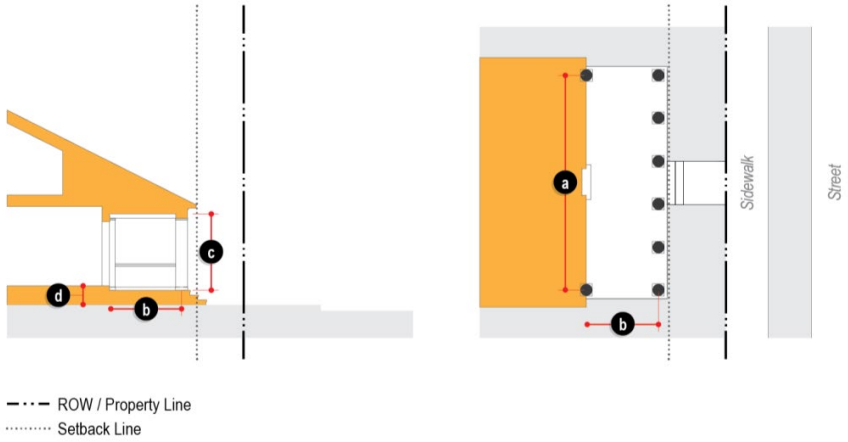


Figure 10-30 Integral Porch Frontage Type

(4) *Balcony (Figure 10-31).* The primary facing façade of the building is set back a minimum of 8 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.* 4 feet.
(b) *Depth.* 4 feet.
(c) *Vertical Clearance.* 8 feet.
(d) *Projection From Building Facade.* 8 feet, maximum.
(e) *Railing Height.* 5 feet, maximum.

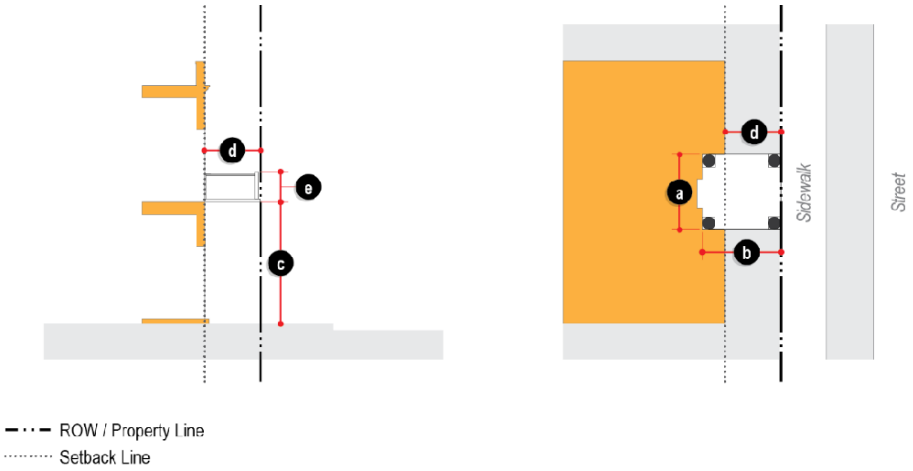


Figure 10-31 Balcony Frontage Type

(5) *Forecourt (Figure 10-32).* 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.* 12 feet.
(b) *Depth.* 12 feet.

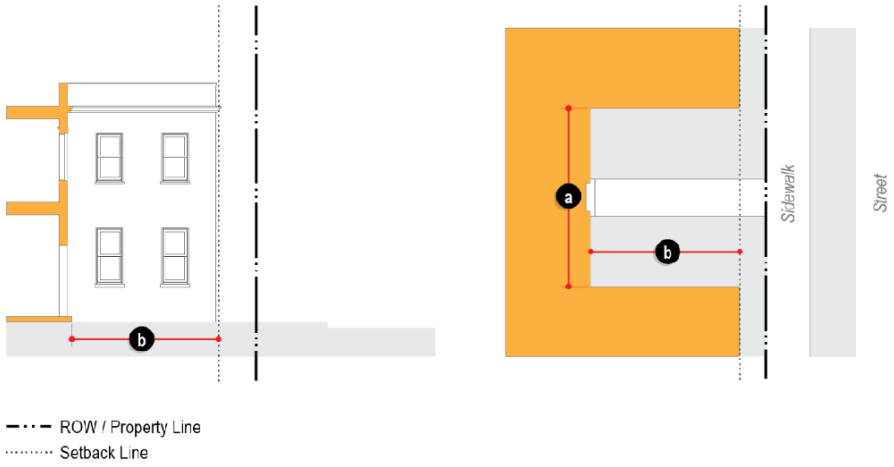


Figure 10-32 Forecourt Frontage Type

(6) *Shopfront (Figure 10-33).* 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.* 16 square feet.
(b) *Window width.* 3 feet.
(c) *Window height.* 4 feet.
(d) *Sill height.* 3 feet, maximum.
(e) *Depth of Recessed Entrance.* 5 feet, maximum.

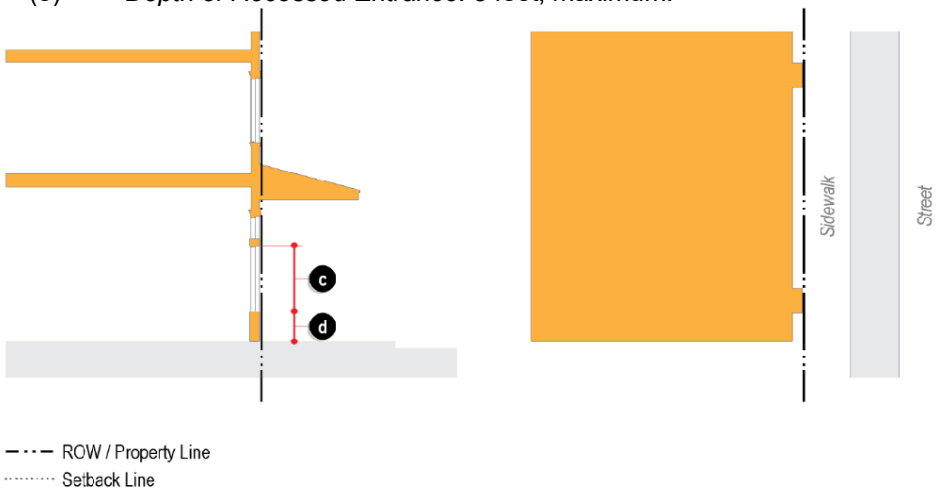


Figure 10-33 Shopfront Frontage Type

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 ARC.

(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 right-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 right-of-way.

(2) *Height.*

(a) Fences in front and/or exterior side yards shall not exceed 4 feet in height.

(b) Fences in interior side and/or rear yards shall not exceed 6 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%. 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 ARC.

3. *Multifamily, Mixed Use, and Nonresidential Uses.*

a. *Building Siting (Figure 10-34).* Development located at the corner of two streets shall be sited to connect or anchor the corner with prominent architectural features and site treatments.

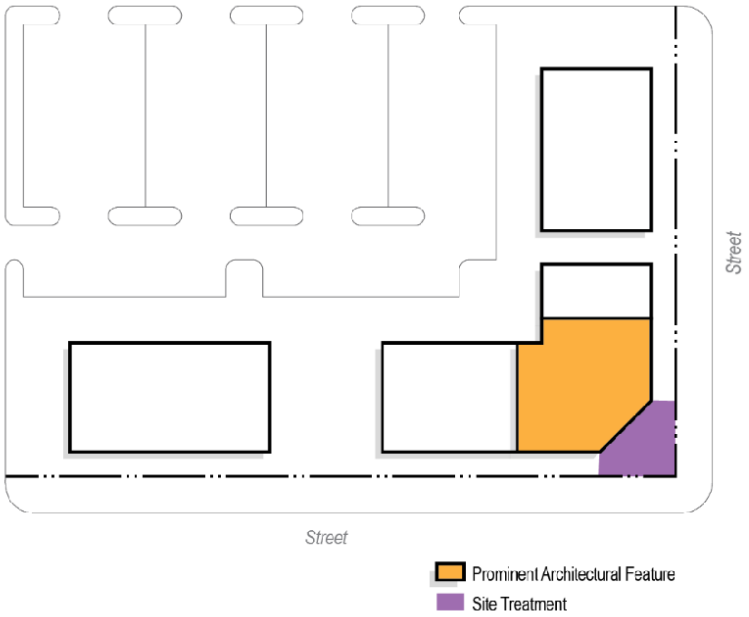


Figure 10-34 Building Siting

b. *Transparency (Figure 10-35).*

(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% of the subject facade in windows or doors. The ARC may waive transparency requirements by up to 20% for medical and dental office uses.



Figure 10-35 Transparency

c. *Awnings and Canopies (Figure 10-36).* 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 facade.

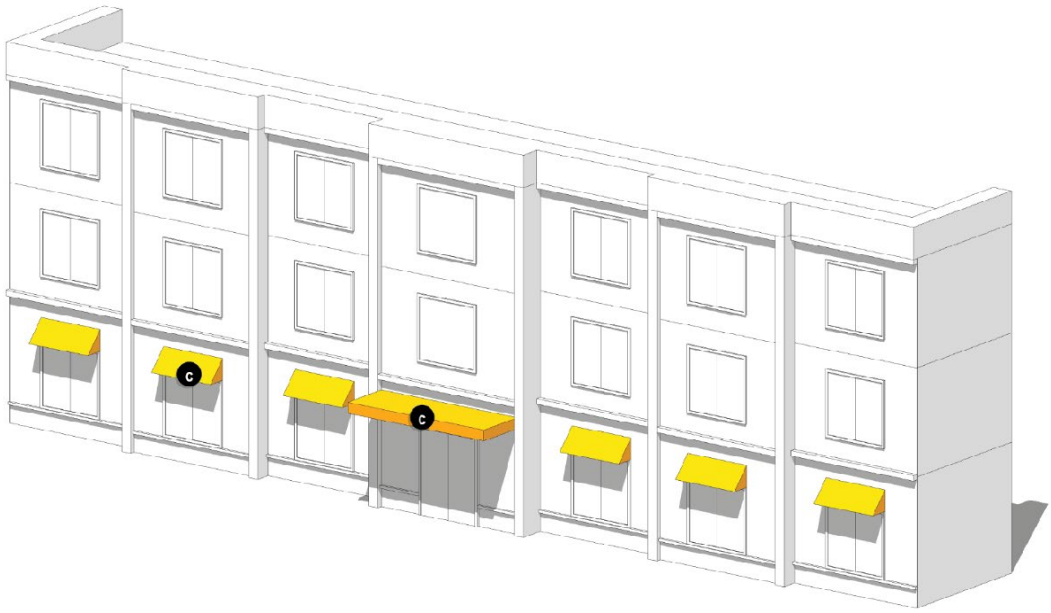


Figure 10-36 Awnings and Canopies

d. *Articulation (Figure 10-37).* 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 36-10.11.H) breakdown large expanses of flat, unembellished surfaces.

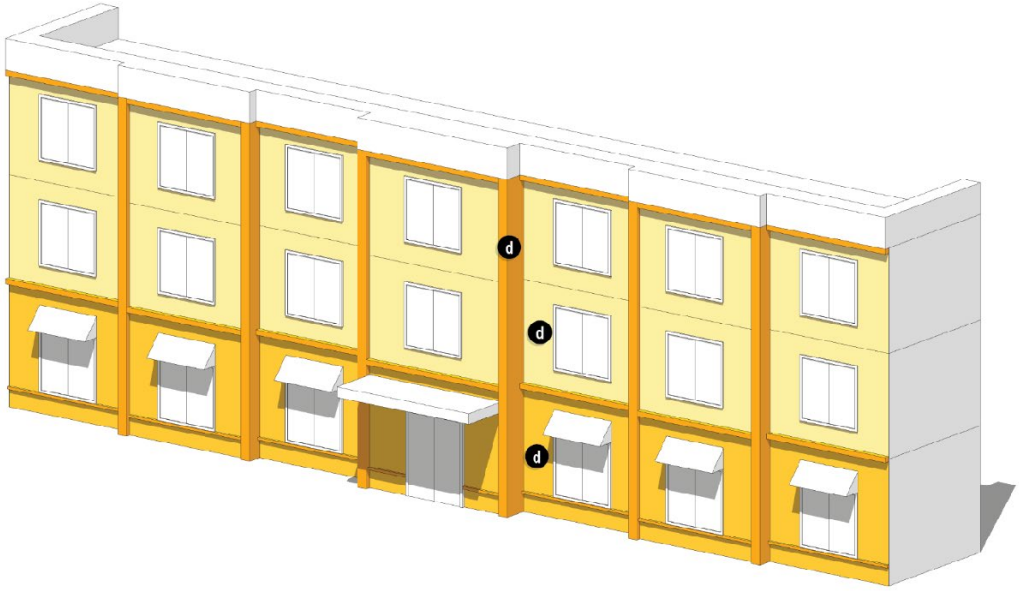


Figure 10-37 Articulation

G. **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 10-38).*
   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.

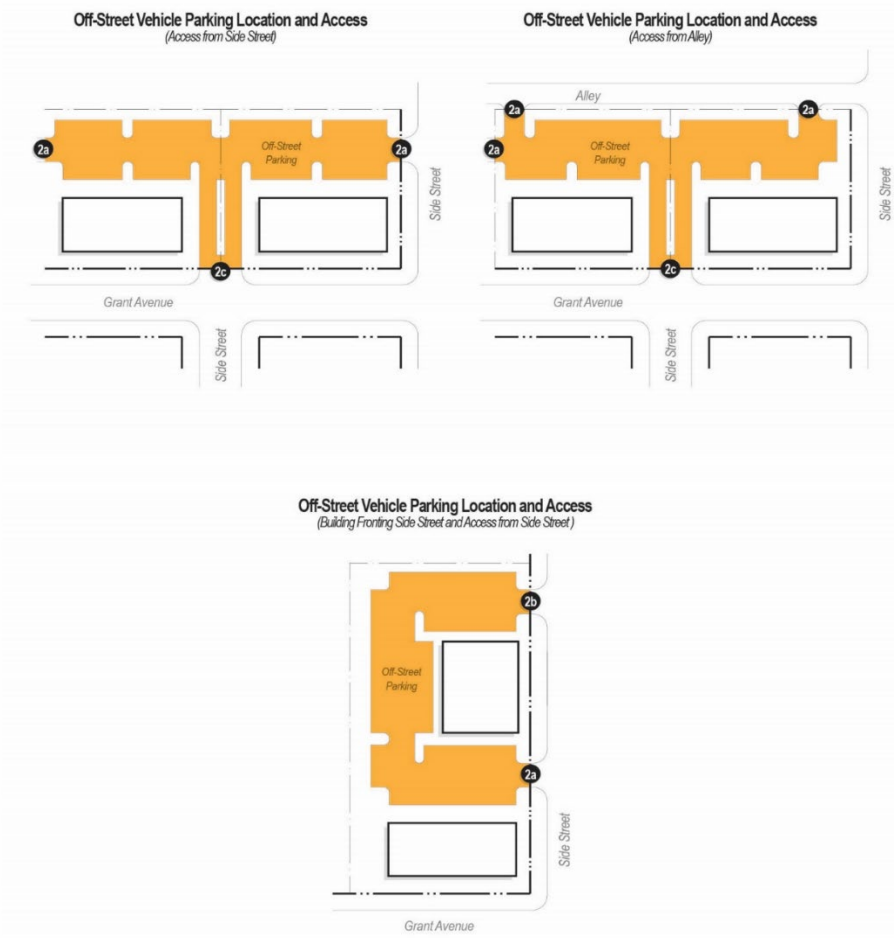


Figure 10-38 Off-street Vehicle Parking Location and Access

3. *Vehicular Cross Access Drives (Figure 10-39).* 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:
   c. 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.
   d. 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.
   e. The ARC 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.
   f. 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.

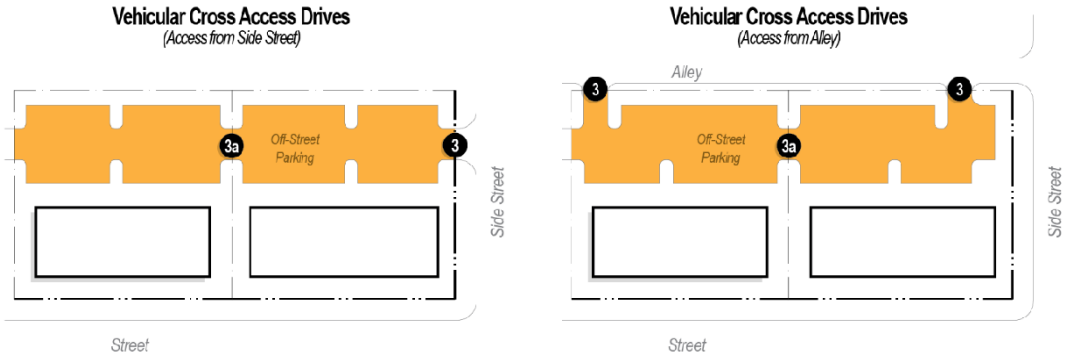


Figure 10-39 Vehicular Cross-access Drives

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 10-40).*
   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 **6**~~six~~ feet in length with the exception of vertical or wall mounted bicycle parking spaces.
(2) Bicycle racks shall be located at least **3**~~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 **7**~~seven~~ feet shall be maintained above all bicycle parking facilities.

d. *Off-street Bicycle Parking Requirements (Figure 10-40).*
(1) The number of required bicycle parking spaces shall be equal to 5% of required vehicle parking spaces or **10**~~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.

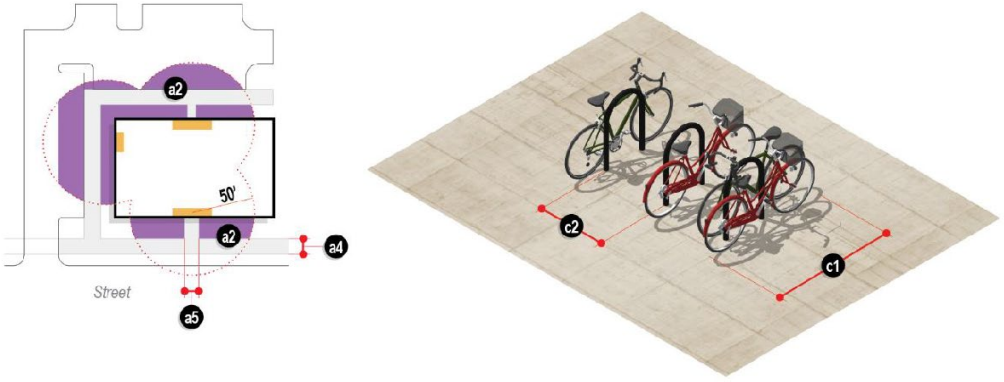


Figure 10-40 Off-street Bicycle Parking

H. **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 10-41).* 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 6 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 6 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.

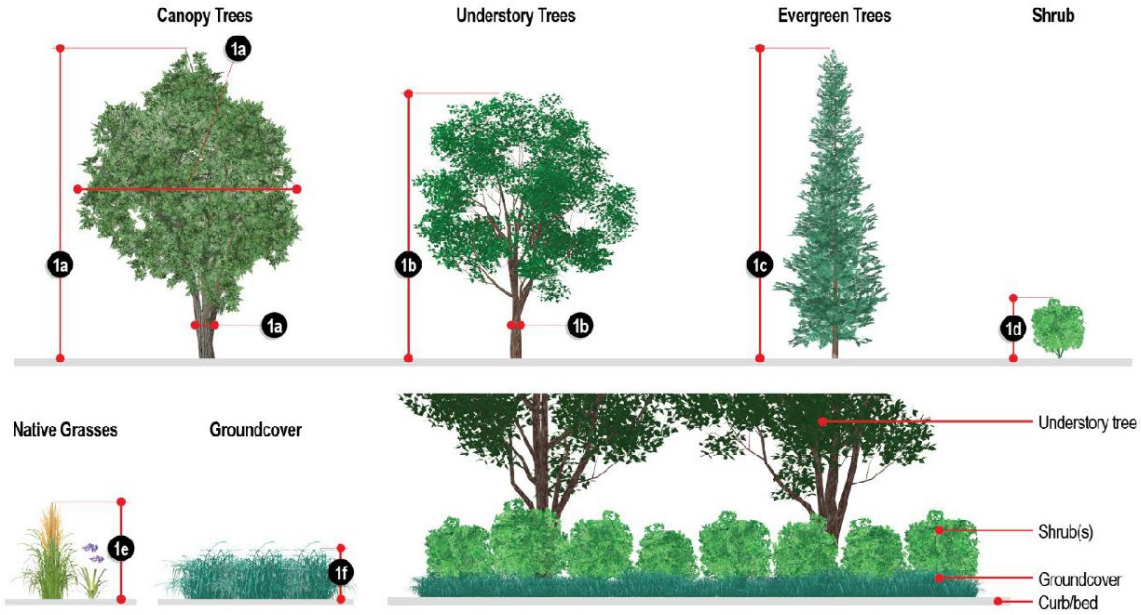


Figure 10-41 Planting Types

2. *Required Landscape Areas (Figure 10-42).* Landscape shall be provided as outlined below in the locations illustrated in Figure 10-42.

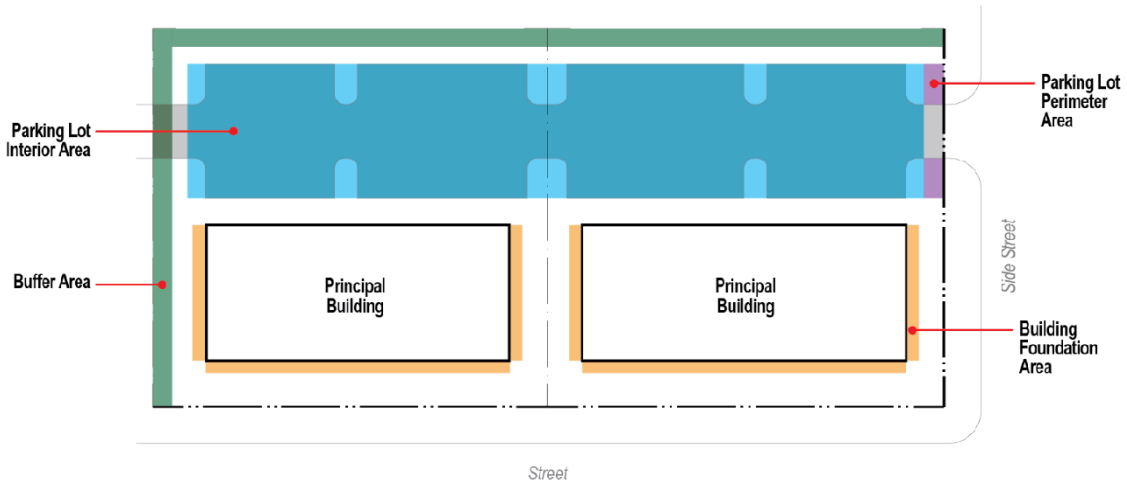


Figure 10-42 Required Landscape Areas

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 right-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 10-43).*
      (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 **7**~~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 3 feet nor greater than 5 feet, shall be planted for every 3 feet of landscape area length, spaced to adequately screen vehicle bumpers. 50% 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 3 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.

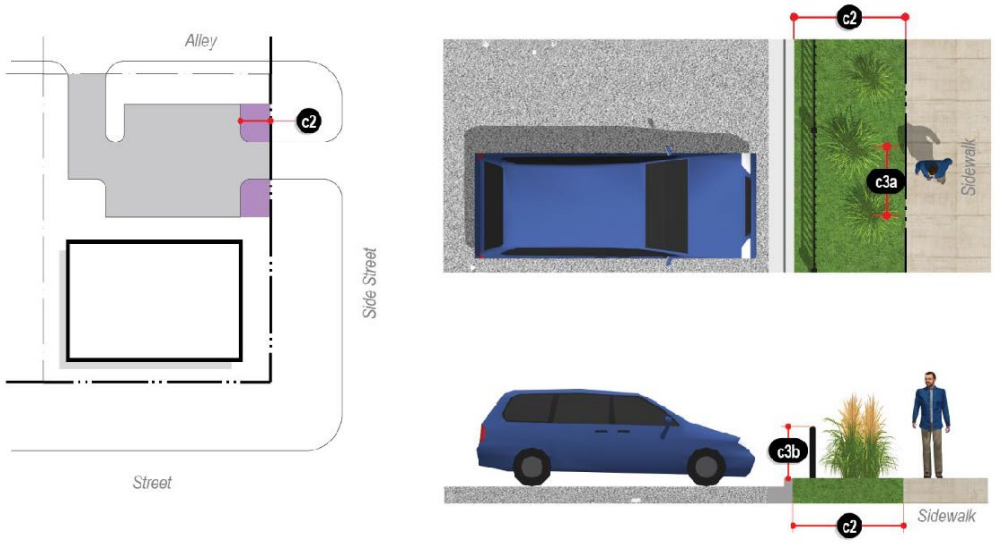


Figure 10-43 Parking Lot Perimeter Area Landscape

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 10-44).*
      (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.

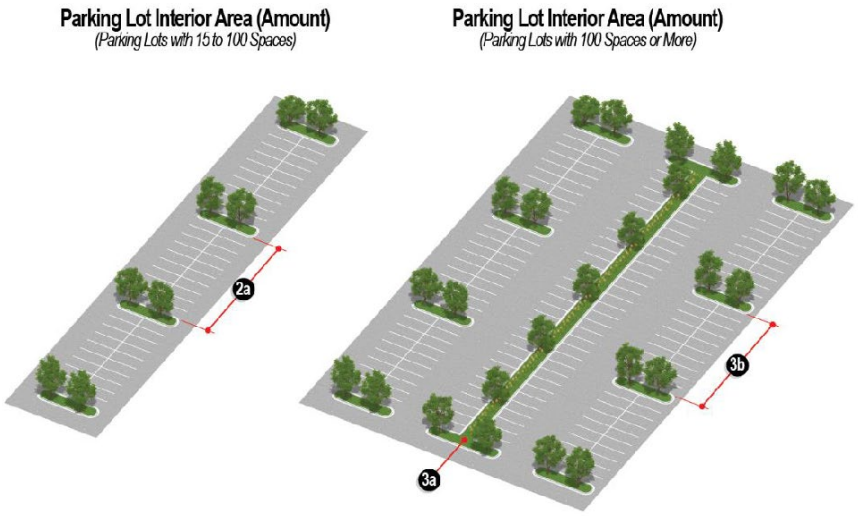


Figure 10-44 Parking Interior Area Landscape - Amount

c. *Parking Lot Median Standards (Figure 10-45).*
   (1) *Size.* Parking lot medians shall have a minimum width of 9~~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.

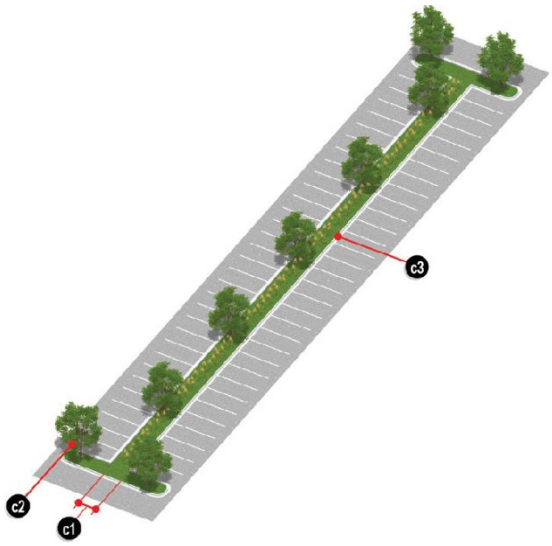


Figure 10-45 Parking Lot Median Standards

d. *Parking Lot Island Standards (Figure 10-46).*
   (1) *Size.* Parking lot islands shall be a minimum 9~~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 1~~one~~ canopy tree shall be provided for every parking lot island. If the island extends the width of a double row, then 2~~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.

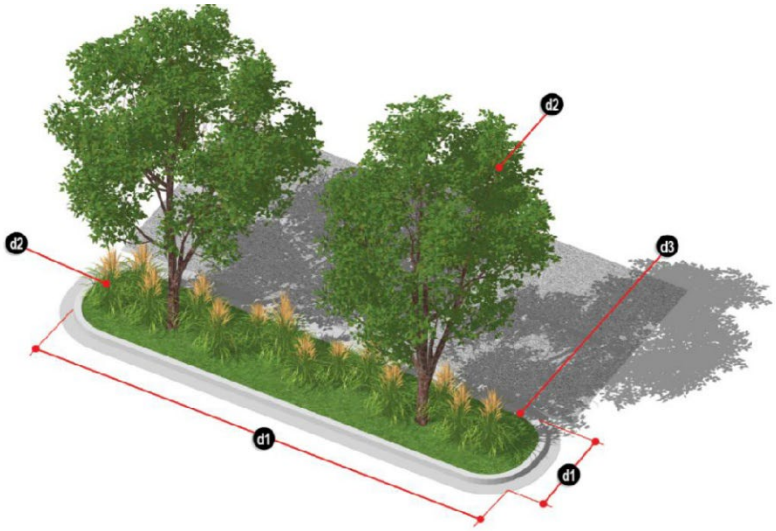


Figure 10-46 Parking Lot Island Standards

e. *Pedestrian walkways.* Pedestrian walkways, as required by Section 36-10.11.G.4, shall be located along parking lot medians. The ARC 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 ARC.

g. *Groundcover.* Except where areas are designed as vegetated stormwater management areas, a minimum of 75% 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 ARC.

5. *Building Foundation Area (Figure 10-47).* 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 7 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% of the length of the front and exterior side façade of the building.

e. Foundation plantings may include trees, shrubs, native grasses, and groundcover.

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 ARC.

g. Above-ground stormwater planter boxes along building facades may be substituted for foundation plantings.

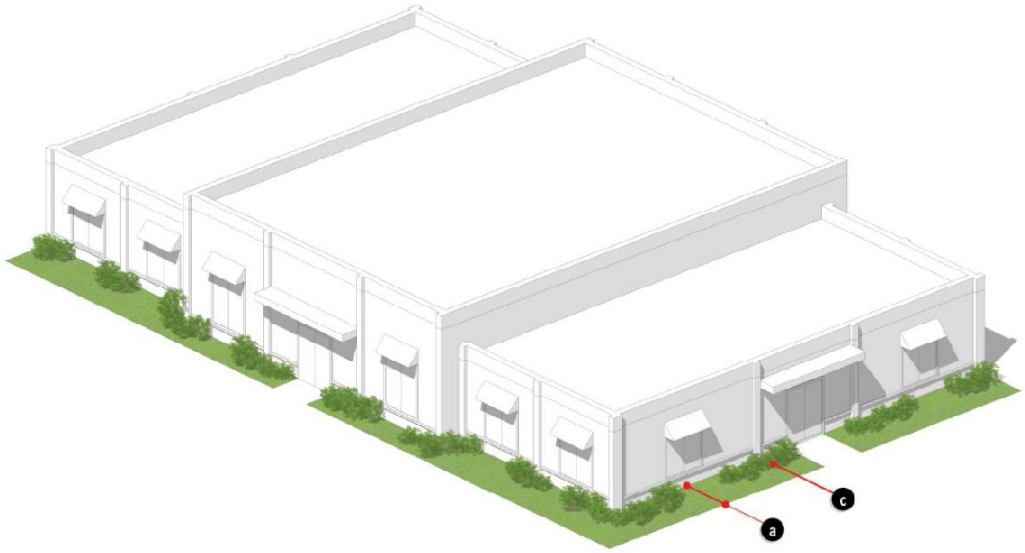


Figure 10-47 Building Foundation Area Landscape

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 5% 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 ARC 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 10-48).*
   (1) *Width.* Buffer areas shall have a minimum width of 7 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 6 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.* 4 canopy and/or evergreen trees shall be planted per every 100 lineal feet of buffer area.
      (b) *Shrubs/native grasses.* 10 shrubs/native grasses shall be planted per every 100 lineal feet of buffer area.

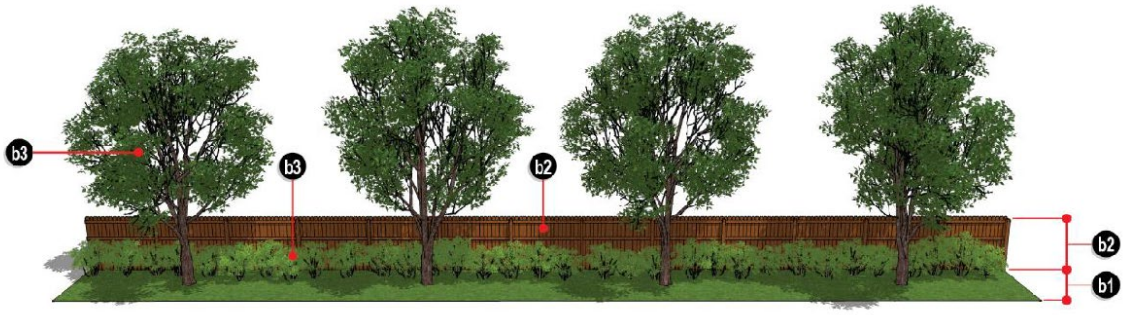


Figure 10-48 Buffer Area Landscape

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 ARC 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. 20% of the total landscaping costs should be deposited in escrow with the city before building permits are granted. The 20% 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 right-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).

l. **Screening.**

1. *Used Frying Oil, Trash, and Recycling Receptacles (Figure 10-49).* 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 6 feet and a maximum height of 8 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 3~~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.

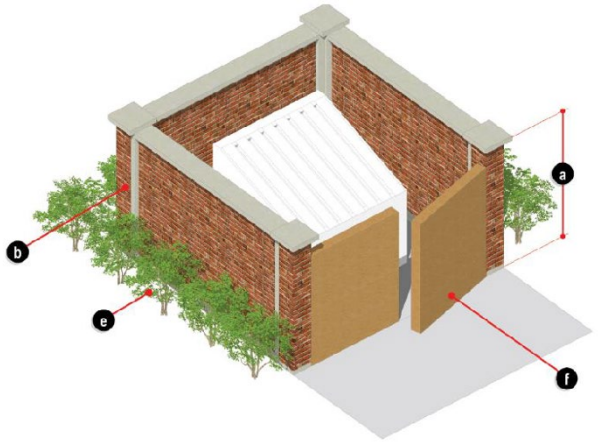


Figure 10-49 Used Frying Oil, Trash, and Recycling Receptacle Screening

2. *Ground/Wall-mounted Mechanical Units (Figure 10-50).* 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.

   b. 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.

   c. Ground/wall-mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.

   d. Materials used for screening shall be designed and established so that the area or element being screened is no more than 20% visible through the screen.

   e. Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

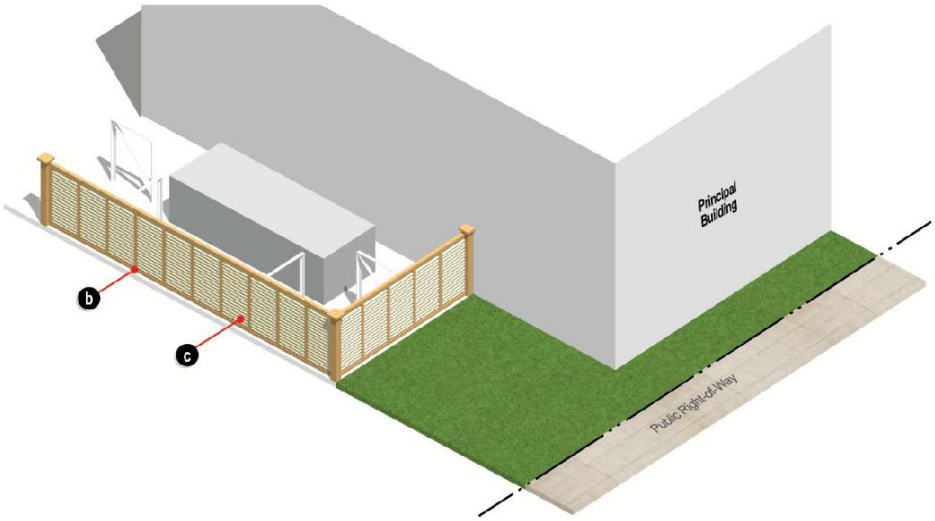


Figure 10-50 Ground/Wall-mounted Mechanical Unit Screening

3. *Roof-mounted Mechanical Units (Figure 10-51).* 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.

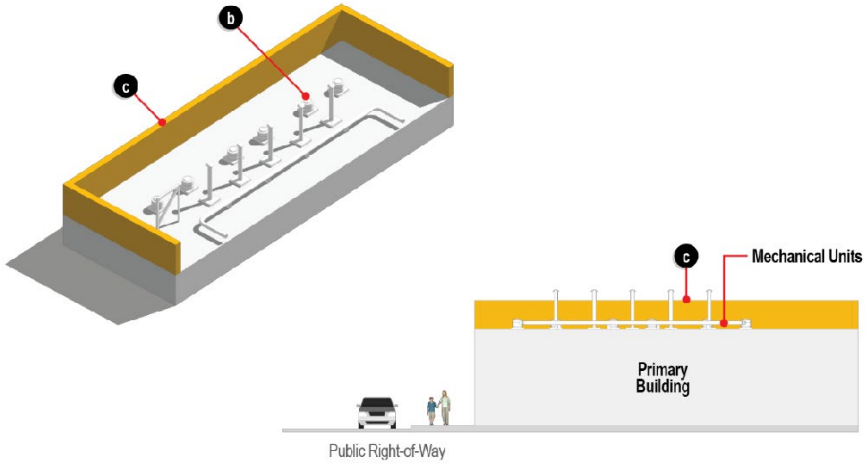


Figure 10-51 Roof-mounted Mechanical Unit Screening

J. **Signs.**

1. Sign Measurement.

a. Sign Area (Figure 10-52). 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.

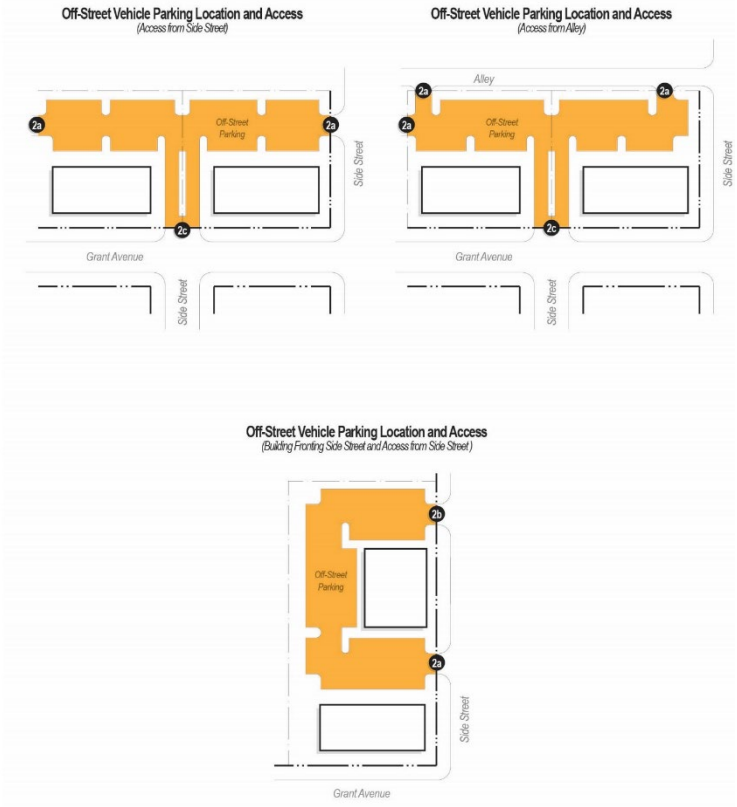


Figure 10-52 Sign Area Measurement

b. *Sign Height (Figure 10-53).* Sign height shall be measured from grade directly below the sign to the topmost portion of the sign.

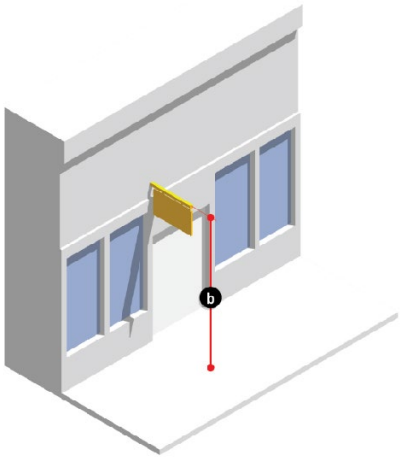


Figure 10-53 Sign Height Measurement

2. *Limit on Sign Area (Figure 10-54).*
   a. *Permanent Sign Area Limit.* Each lot shall be allowed **1**~~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 **6 inches**~~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 **6 inches**~~one-half square feet~~ of aggregate sign area for each linear~~l~~ foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.

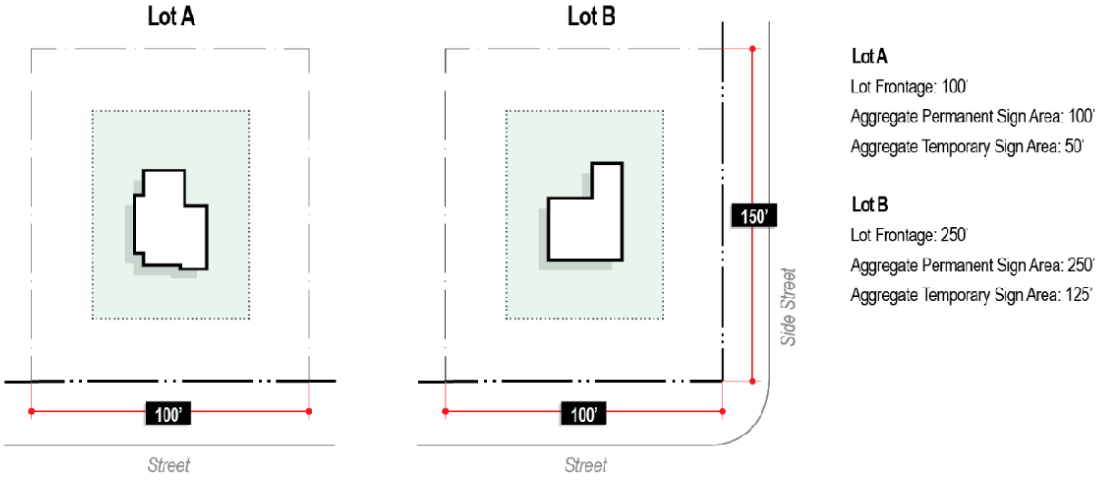


Figure 10-54 Limit on Sign Area

3. *Permitted and Allowed Sign Types.* Table 10-14 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 Article 9.

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 10-14 shall be considered prohibited.

Table 10-14: Permitted and Allowed Sign Types

Sign Type	*Single-family Uses*	*Non-single-family Uses*
Permanent Signs		
Wall Sign		P
Awning or Canopy Sign		P
Projecting Sign		P
Window Sign, Permanent		P
On-site Traffic Directional Sign		P
Temporary Signs		
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 10-55).*

(1) *Sign area.* The maximum sign area of a wall sign shall be 5% 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 **6**~~six~~ inches from the wall of the building or structure to which it is attached and shall maintain a minimum vertical clearance of **10**~~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.

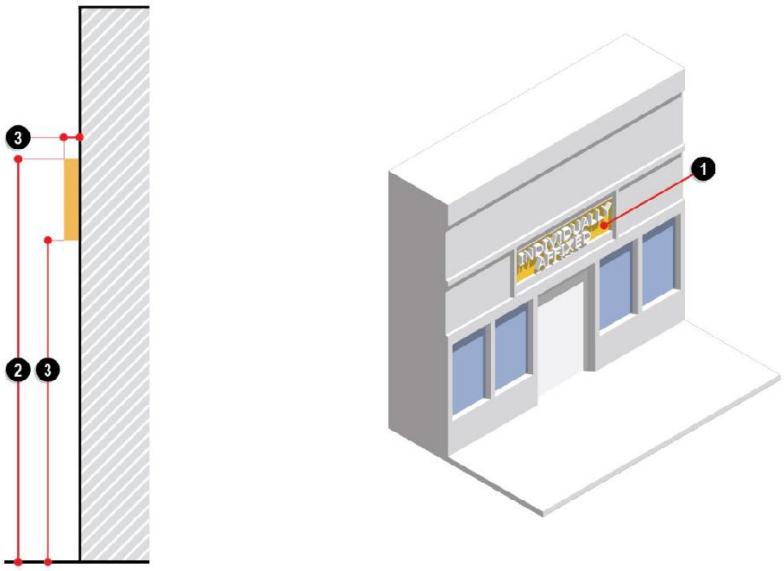


Figure 10-55 Wall Signs

b. *Awning or Canopy Signs (Figure 10-56).*
   (1) *Sign area.* The maximum sign area of an awning or canopy sign shall be 50% 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.

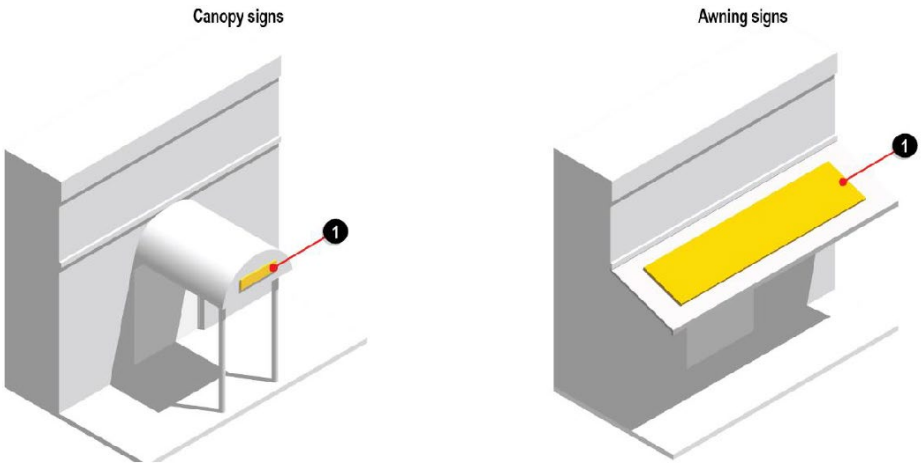


Figure 10-56 Awning or Canopy Signs

c. *Projecting Signs (Figure 10-57).*
   (1) *Sign area.* The maximum sign area of a projecting sign shall be 6 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 8 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 4~~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.

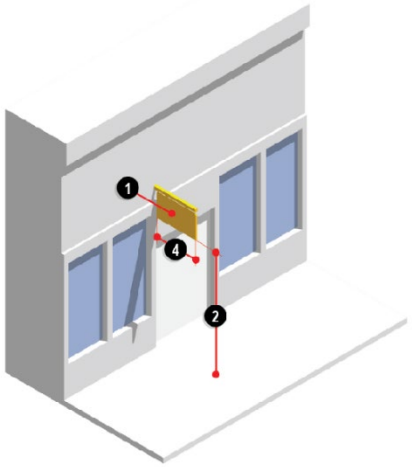


Figure 10-57 Projecting Signs

d. *Window Signs, Permanent (Figure 10-58).*

(1) *Sign area.* The maximum sign area of a permanent window sign shall be 25% 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.

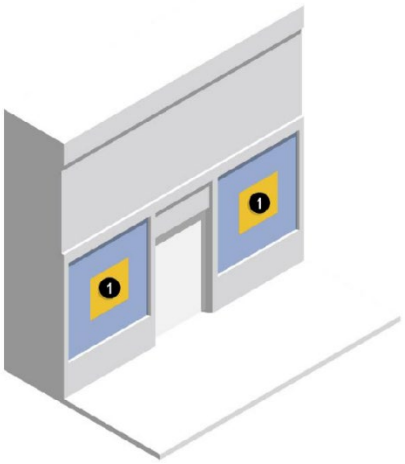


Figure 10-58 Windows Signs, Permanent

e. *On-site Traffic Directional Signs (Figure 10-59).*
   (1) *Sign area.* The maximum sign area of an on-site traffic directional sign shall be 6 square feet.
   (2) *Height.* The maximum height of an on-site traffic directional sign shall be 4 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 ARC.
   (4) *Location.* On-site traffic directional signs shall be located a minimum of **5**~~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 Section 36-3.03.B.7.

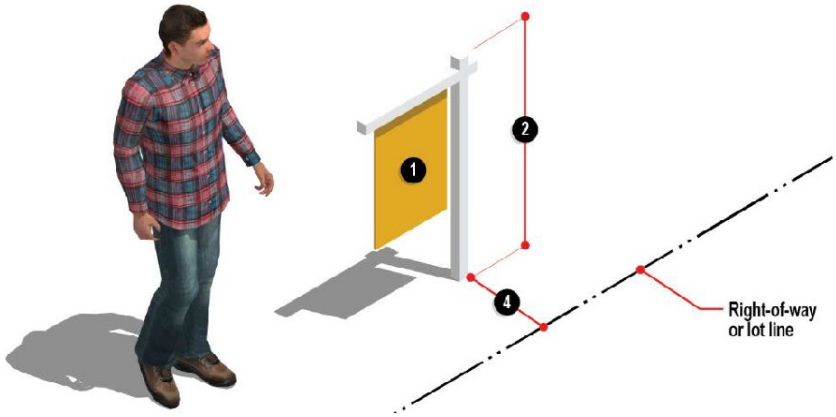


Figure 10-59 On-site Traffic Directional Signs

5. *Standards for Temporary Signs.*
   a. *Wall-mounted Banner Signs (Figure 10-60).*
      (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 10-60 Wall-mounted Banner Signs

b. *Sidewalk Signs (Figure 10-61).*

(1) *Sign area.* The maximum sign area of a sidewalk sign shall be 4 square feet.

(2) *Height.* The maximum height of a sidewalk sign shall be 3 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 3 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 3 feet and no more than 6 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.

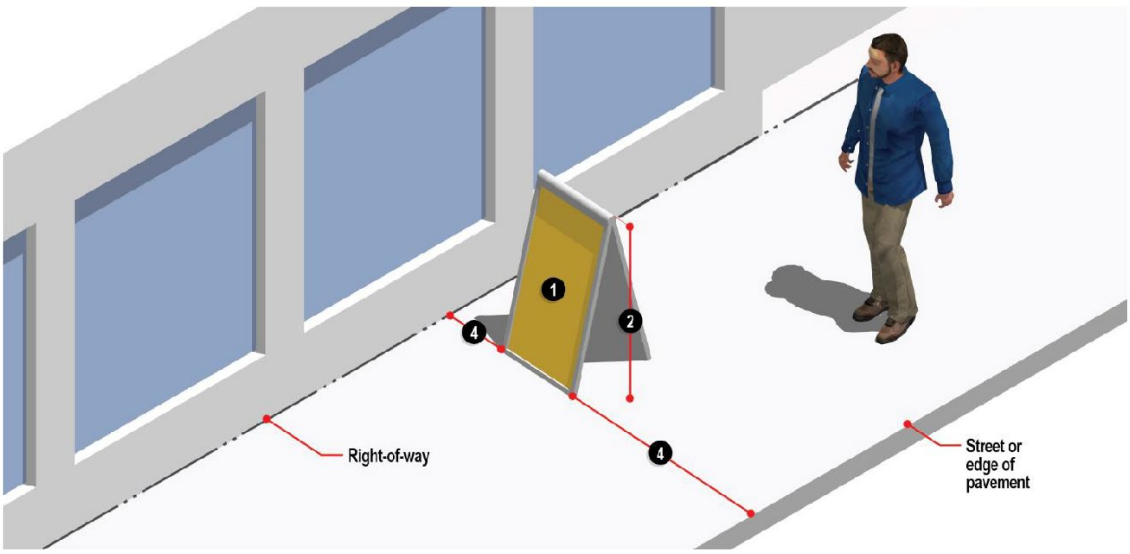


Figure 10-61 Sidewalk Signs

c. *Window Signs, Temporary (Figure 10-62).*
   (1) *Sign area.*
      (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% 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.

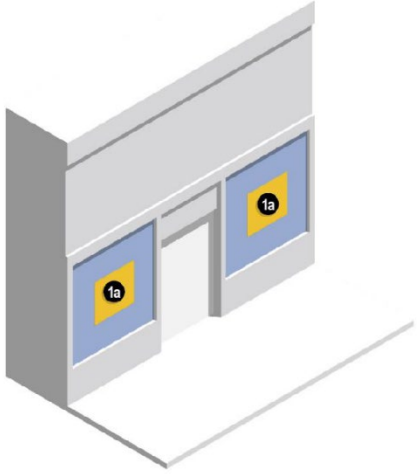


Figure 10-62 Window Signs, Temporary

d. *Yard Signs (Figure 10-63).*
   (1) *Sign area.* The maximum sign area of a yard sign shall be 3 square feet.
   (2) *Sign height.* The maximum height of a yard sign shall be 4 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.

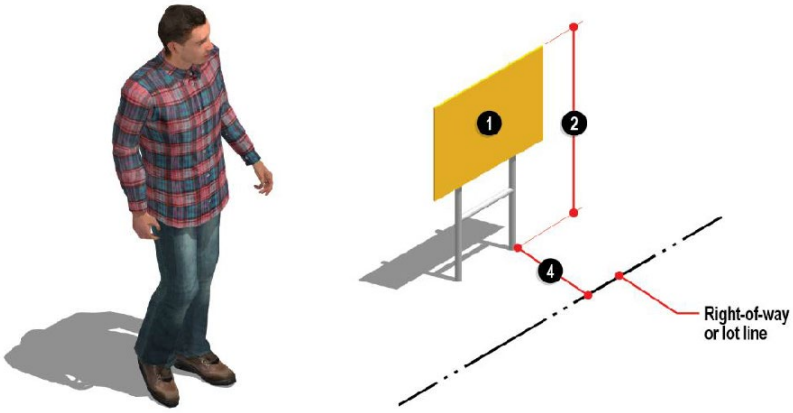


Figure 10-63 Yard Signs

e. *Post Signs (Figure 10-64).*
   (1) *Sign area.* The maximum sign area of a post sign shall be 4 square feet.
   (2) *Height.* The maximum height of a post sign shall be 6 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.

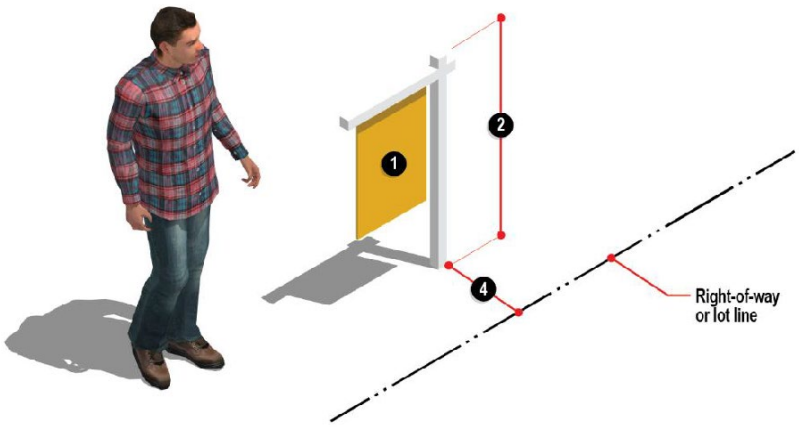


Figure 10-64 Post Signs

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, propellors, 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% 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% 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 ARC 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.

K. **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.

36-10.12 Moon City Live/Work District

A. **General Provisions.** The requirements of Section 36-4.03.D of the Springfield Zoning Ordinance shall be as modified herein for development within this district. The district is intended to facilitate live/work arrangements for artists.

B. **Permitted Uses**. Live/Work Units as defined and regulated by the Building Code as adopted, and in effect, by the City of Springfield, except as modified below. The following uses are permitted in the nonresidential area of the live/work units:

1. Two- and three-dimensional artists, artisans, designers, and craft persons.

2. Music and art teachers or other tutoring services.

3. Computer programming and web design.

4. Weavers, spinners, dressmakers, seamstresses, and tailors.

5. Offices for architects, engineers, and similar design occupations.

6. Home crafts, model making, rug weaving, woodworking, ceramics (with a kiln up to 7 cubic feet), and similar activities.

7. Literary artists – writers and composers of all kinds.

8. Performing artists – musicians, actors, and traditional dancers.

C. **Conditional Uses.** No additional conditional uses are permitted.

D. **Use Limitations.**

1. Maximum floor area of the live/work unit: 3,000 square feet.

2. Maximum percentage of nonresidential floor area: 50%.

3. Maximum number of nonresidential workers or employees permitted to occupy the nonresidential area at any one time: 2 employees.

4. Certain types of equipment, not customarily found in a home, will be allowed in the home studios of the artists so that they may create and produce their work. The equipment may not pose a danger to inhabitants or the structure or disturb the peace of the home (multi-family) or neighbors. The equipment employed shall not produce offensive noise, fumes, electrical interference, excessive heat, dust, or odors that are detectable beyond the property lines. The installation, maintenance, and use of equipment must comply with all safety, building, and fire codes of the City of Springfield, Missouri.

5. All activities conducted by the uses permitted by this district shall be conducted entirely on or in the principal residential property, housing structure, or in a permitted accessory building.

Incomplete works shall be located inside of a permitted structure or in the rear yard with no front or street-side exposure. All materials shall be stored in a permitted structure or in the rear yard with no front or street-side exposure. When stored in the rear yard, materials shall be kept in an orderly manner so as not to cause an eyesore to neighbors or alley traffic.

6. *Group Classes.* Group teaching in any visual, literary, and performing art is permitted in conjunction with a home studio so long as the following requirements are met:
   a. Group classes shall only be conducted between the hours of 9:00 a.m. and 10:00 p.m.
   b. Group classes shall not disturb the peace of the neighborhood.
   c. Group classes shall not produce offensive noise, fumes, electrical interference, dust, or odors detectable beyond the property lines.
   d. Group classes shall not exceed five persons at any one time, provided all occupancy requirements are met.
   e. No more than two classes shall be conducted at any one location per week.

7. *Retail Sales.* Retail sales are permitted only as accessory to the live/work use.

E. **Design Requirements.**

1. The entrance to the nonresidential area shall be located on a façade facing a street frontage.

F. **Signage.**

1. One detached sign shall be permitted on each property.

2. Signs shall not exceed a maximum effective sign face area of 6 square feet.

3. Freestanding signs shall not exceed a height of 4 feet measured from the base of the sign.

4. Signs shall not be illuminated.

5. Signs shall not be displayed or mounted in public space or impair or impede foot or vehicular traffic.

6. Building-mounted signs may be hung from the wall of the home or porch but may not be mounted above the roof line.

G. **Parking.** No additional off-street parking is required for a live/work unit.

Article 11. Definitions

36-11.01 Definitions
36-11.02 Description of Uses
36-11.03 Glossary of Design Terms

36-11.01 Definitions

All terms used in this code shall have their plain and commonly accepted meaning, based upon the context of their use in the code. The following terms shall have the meaning given below, except where more specifically described, limited, or qualified within the standards of this code. Some may have specific definitions of terms that have a more specific or technical meaning only for that article.

Abandon. The relinquishment of a property or cessation of a use of a building or property without actions that further the transfer of rights to another person, or where a lack of transfer, continuation, or reinitiation of use has occurred for a specified period.

Abut / Adjoin. To physically touch or border upon or to share a common property line or other defined boundary.

Activity Center. A dense area with significant pedestrian and vehicle traffic area that serves as an anchor, attracting people for shopping, employment, school, recreation, and socialization.

Adaptive Reuse. The process of reusing an existing building for a purpose other than which it was originally built or designed for.

Adjacent. A lot or parcel of land that shares a common boundary line or is separated from a property by right-of-way, easements, or other public, common, or shared space serving abutting properties.

Administrative Condominium Plat. A certified survey to confirm the legal boundaries of a unit or structure on a platted lot of record that could only be determined post-construction, such as for duplexes, townhouses, or for residential or non-residential condominiums where the units and lots are individually owned, and the property is on a lot of record in common ownership.

Administrative Lot Combination. A certified survey to confirm the combination of previously platted lots or legally established tracts of record prior to March 26, 1956, into fewer lots.

Administrative Plat. A certified survey to confirm the alteration or the division of one or more platted or un-platted parcels or of legally established tracts of record prior to March 26, 1956, into no more than 5 additional lots from the parent parcel.

Administrative Plat Correction. A certified survey or other legal instrument acceptable to record that corrects a tract, parcel, or lot was legally established and corrects an error or omission from prior legal instruments that results in no observable impacts on the development pattern or potential development.

Administrative Property Line Adjustment. Only in instances of a property line dispute, a minor encroachment, or a court-ordered and certified survey to confirm the alteration of legal boundaries of previously platted lots or legally established tracts of record prior to March 26, 1956. Absent a court-ordered and certified survey, only a single lot line may be adjusted as part of an administrative property line adjustment.

Administrative Tract Certification. A certified survey or other legal instrument acceptable to record that confirms a tract or parcel as legally established in the present configuration prior to annexation into the city, under a prior code at the time of its recording, or prior to March 26, 1956.

Agriculture Lands. Land used for the production, keeping, or maintenance of plants and animals for sale, lease, or personal use. This includes but is not limited to, forages, sod crops, grains, dairy animals and products, poultry and products, livestock (such as cattle, sheep, swine, and goats) bees and apiary products, fur animals, trees, fruits, vegetables, and nursery or greenhouse products. It also encompasses lands involved in soil conservation or forestry management programs. However, it excludes feedlots, stockyards, animal slaughterhouses, and facilities related to marijuana or medical marijuana.

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 show thereon, whether existing or proposed, including extension of such runways.

Alley. A public or private way at the rear or side of the property, dedicated as a means of access to the abutting property and generally internal to a block and having less width than a street.

Alteration (Historic Structure). Any act or process that changes one or more of the exterior architectural features of a structure, including the erection, construction, reconstruction, or removal of any feature of the structure.

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

Alternative Access. An access approved by the Department of Public Works that is not a public street.

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 animal specified herein or are dangerous or unsafe for contact with humans.

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 of parts of a sign.

Annex / Annexation. To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

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 significant may include aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations, tailings, or other similar 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.

Area Plan. A collection of plans submitted in support of a planned zoning application.

Automobile Sales. The sale, leasing, or rental of new or used vehicles.

Basement. Any level of a building where more than one-half of the vertical distance between floor and ceiling is below the grade of the site.

Bedroom. Any room intended and used principally for sleeping purposes with at least one window per International Residential Code (IRC).

Berm. A mound of earth typically located in a buffer, and in association with landscape or structural screens designed to shield or block noise, lights, views, or other impacts.

Bicycle Parking. A designated area in which bicycles are stored when not in use, including but not limited to racks, lockers, and stalls.

Block. A group of lots, tracts, or parcels bounded by platted streets, public parks, railroad rights of way, waters, and/or other barriers to the continuity of development and connectivity of the street network. See Table 3-1 for dimensions and other regulatory metrics.

Block Face. A lot or group of lots fronting on one side of a block between street intersections. Significant deviations in the pattern of a block or the continuity of a streetscape can also determine the block face.

Brownfield. An urban site for potential development having had previous development on it. May be affected by real or perceived environment contamination. An area with abandoned, idle, or under-used industrial and commercial facilities where expansion, redevelopment, or reuse is complicated by real or perceived environmental contamination.

Buffer. An area of a site used to promote separation and enhance compatibility between different development intensities, and using space, landscape, or the arrangement of buildings and structures, or any combination of these to create separation.

Building. Any structure having a roof supported by columns or walls on a fixed foundation or pad for the housing or enclosure of persons, animals or chattels.

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

Building, Accessory. A building that is subordinate, incidental, and on the same lot as a principal building.

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 with these codes.

Building, Detached. A building that does not have any party wall in common with another building.

Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by the maximum height regulations, yard setbacks, and any applicable bulk plane standard. When referencing the massing of a building, the building envelope shall be the actual and constructed three-dimensional space the building occupies.

Building Floor Area, Gross Leasable. In multitenant buildings, the total building floor area excluding non- leasable areas such as hallways, lobbies, malls, and restrooms.

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 restrooms or for utilities or for fitting rooms, dressing and alteration rooms, halls, storage rooms, file rooms, stairways, elevators shall be excluded.

Building Footprint (or Coverage). The horizontal area or portion of a lot which is occupied or covered by a building and defined by the ground level foundation elements of exterior walls. Building coverage may be expressed as a percentage of the lot for defining outer regulatory limits or square-footage when describing actual building footprints.

Building Materials. The physical characteristics which create the aesthetic and structural appearance of the resource, including a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete, or stucco.

Building, Principal. The main building on the lot, typically in terms of size and priority, in which the principal use of the property is conducted.

Building Types (Residential). Residential building types are further distinguished by lot and building development standards unique to each type, which affect the scale and form of residential buildings. The types are specifically:

(a) *Detached House*. A residential building designed for one principal dwelling unit situated on a single lot in a neighborhood setting. It may accommodate accessory buildings or an accessory dwelling unit subject to meeting additional criteria, lot standards, and building design standards.

Variants of this type are based primarily on the lot size required in different zoning districts or development contexts.

(b) *Duplex / Multi-unit House.* A residential building designed to accommodate two to four primary dwelling units on a single lot in a neighborhood setting. This building type has the scale, massing, and appearance of a detached house, and the accommodations for multiple units such as entrances, parking, or garages are minimized in the design of the building. Configuration of units may vary (up/down, front/back, side/side), and these variations typically prevent platting of individual units and lots (see *Townhouse*).

Variants of this type include and are commonly referred to as duplex, tri-plex, or quad-plex.

(c) *Townhouse.* A residential building type designed to accommodate **3**~~two~~ or more dwelling units, in a neighborhood or mixed-density setting. Each unit is separated by a common side wall with a side-by-side configuration, and each has its own private entrance. It is distinguished from a multi- unit house in that each unit may be platted on its own lot and may appear as distinct and separate units through entrances, facade designs, and other building form elements.

Variants of this type are based primarily on lot size and unit configurations.

(d) *Apartment.* A residential building designed to accommodate multiple units in a single building, in a mixed-density, high-density, or mixed-use setting. In some settings, buildings can accommodate accessory or ground floor non-residential uses.

Variants of this building type include small-, medium-, and large-scale buildings, dependent on the lot size, building footprint, height, and number of units. Multiple apartment buildings may be arranged into a larger apartment complex or project in some settings.

(e) *Apartment Complex.* Two or more apartment buildings located on a single lot and sharing a frontage outside a conventional block structure. This is a distinct development pattern that is suburban in nature and is not subject to the small-, medium-, or large-block structure format.

Bulk Plane. A theoretical plane beginning at a lot line, or other location specified in this chapter, and rising over a slope determined by a specific angle measured up from the starting point, and above

which no building shall extend.

Capital Improvement. Permanent improvement of a public asset to extend, enhance, or otherwise improve the longevity or useful life for the public good.

Caregiver. An individual who provides direct support or assistance to individuals within a facility that may reside at the facility.

Certificate of Appropriateness. The official document issued by the Landmarks Board or the PD Director approving any application for permission to construct, erect, demolish, relocate, reconstruct, restore, or alter any structure designated by the authority of this zoning code.

Certificate of Economic Hardship. A certificate issued by the Landmarks Board authorizing an alteration, construction, removal, or demolition even though a certificate of appropriateness has previously been denied or may be denied.

Change of Use. A use that substantially differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise, or lighting. A change of ownership which does not include any of the factors listed above shall not be considered a change of use.

Charter City. A city that is incorporated under its own charter rather than the general laws of the state. Charter cities have broader powers than do general law cities in matters that are “municipal affairs” (as opposed to matters of “statewide concern”).

Civic / Institutional Buildings. Buildings designed for a public or semi-public use but not limited to schools, hospitals, or educational institutions.

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

Cluster. A development design technique that concentrates buildings on smaller, and sometimes individual lots in specific areas on a site to provide more remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commercial. Relating to the sale of goods or services.

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

Complete Streets. Streets designed to accommodate all modes of travel and enable safe access for all users;; pedestrians, bicyclists, motorists and bus riders of all ages and abilities.

Comprehensive Plan. The official Springfield Comprehensive Plan, adopted pursuant to Section 11.6 of the Springfield City Charter, including any official amendments or replacements of that plan.

Concept Plan. A preliminary plan, diagram, or sketch used during the early stages of development that outlines the general layout and intended use of a site.

Conditional Use. A user 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 a specified in this chapter and authorized by the Planning and Zoning Commission.

Conditional Use Permit (CUP). A permit that provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions.

Condominium. A form of real property ownership, where individual units are designated for separate ownership and the remainder is designated for common ownership vested solely in the unit.

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

Courtyard Pattern. Residential buildings that front on a shared open space.

Corner Orientation. A structure on a corner lot that fronts two or more intersecting public streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side lot lines with no rear lot line.

Cul-de-sac. A short street having one end open to traffic and terminating at the other end by a vehicular turnaround.

***Current Replacement Value*. The total estimated cost in current dollar value to replace an existing structure or property with one of equal functionality, size, and utility, taking into account the cost of materials, labor, and modern building codes and disregarding original purchase price, depreciation, and current physical condition. The following are acceptable methods of calculation:**

(a) ***The sale of the structure or property within the previous year*;**
(b) ***An appraisal within the last two (2) years*;**
(c) ***The amount for which the structure or property was insured prior to the date of damage or destruction*; or**
(d) ***An alternative method determined acceptable by the City.***

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.

Degenerated Beyond Feasible Limits for Rehabilitation. When the conditions of the structure are such that the economics or 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 while 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 amount of development per acre permitted on a parcel under the applicable zoning.

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

Development. The activity of initiating a change of landscape, buildings, access, use, or operation on a property through activities such as grading, paving, excavating, construction, erection, repair, or rehabilitation of existing physical elements of property.

Development Pattern. The physical layout of blocks, streets, open spaces, lots and uses where common attributes or associated elements define distinct areas of the community by the scale, intensity, or other physical barriers or transitions.

Director. The department director of Planning and Development, unless otherwise stated, or their designee of the City of Springfield, Missouri.

Drive-through, Accessory. An accessory site design and building design component of any business or commercial use in which the provision of services or the sale of food or merchandise is made to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

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

Driveway Spacing. The distance from the center of a driveway to the center of an adjacent driveway on either side of the street/roadway.

Driveway Safety Study. An engineering evaluation focused on evaluating the design and placement of access points, such as driveways, intersections, or entrances, to ensure safe and efficient connectivity to public roadways.

Dwelling. Any building or portion of a building that is used as the residence of one or more households, but not including visitor accommodations, clubs, hospitals, tents, or similar uses providing transient or temporary accommodation.

Dwelling Unit. One or more rooms and a single kitchen and at least one bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single household, for residential occupancy (i.e., sleeping, living, cooking, and sanitary purposes).

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

Dwelling, Accessory. The use of a building or portion of a building for a dwelling unit that is subordinate, incidental, and on the same lot as a principal dwelling unit.

Dwelling, Principal. The building used as a dwelling unit, or group of units, that is the primary use on the lot in terms of location, size, and/or priority of the building.

Easement. A grant of one or more of the property rights by the property owner for use by the public, a corporation or another person or entity.

Economic and Housing Access Calamity. A declared period of crisis where severe economic and housing disruptions disproportionately affect residents within the city. During such calamity individuals, agencies, or churches meeting building, safety, and health codes may establish temporary facilities to provide food and lodging to those who are without permanent housing. These facilities are not considered “shelters” and are exempt from the general building, zoning, health, and fire codes herein.

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.

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.

Encroachment. Any architectural feature, structure or structural element that breaks the plan of a vertical or horizontal regulatory limit extending into a setback, or beyond the build-to-line into the public frontage, or above the height limit.

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

Flag. A type of sign on a piece of fabric, or similar material containing distinctive colors, patterns, or designs, typically attached on one edge to a staff or cord.

Floor Area. The area of the floors of a structure, as measured by the exterior faces of the walls, except any areas where the floor to ceiling height is under 6 feet or where other specific exclusions from this area included in the standards.

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

Front Building Line. The actual location of where the forward most portion of a building is established, and a line extended from that location parallel to the front of a lot. When expressed as a permitted range, the front building line is interpreted as the area within which a building shall be located.

Front Building Line, Required. The portion of the lot frontage (usually expressed as a percentage) required to be occupied by the front facade of the principal structure, or other specifically permitted substitutes that help define the relationship of the building frontage to the streetscape.

Frontage, Building or Lot. The area of the lot between the front building line and the front lot line. Frontage includes the design details and spatial elements of the lot and building that determine the relationship between the public and private realm.

General Public. Any and all individuals without any prior qualifications.

Glare. The effect produced by brightness sufficient to cause loss in visual performance or visibility.

Green Infrastructure. Measures that use plant or soil systems, permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or surface waters.

Greenway. Linear open spaces that link parks and neighborhoods within the community, such as paths or trails. Greenways provide public access to green spaces and opportunities for residents of all ages and abilities to be physically active.

Gross Floor Area. The total floor area of a building inclusive of all enclosed spaces.

Gross Leasable Area (GLA). The area of a building that can be leased to tenants, including storage areas and common areas apportioned to the number of tenants sharing the area. Gross leasable area shall be measured in the same manner of floor area, but is apportioned to specific uses or tenants in the building.

Ground Cover. Grasses or other plants, excluding weeds or noxious plants, that typically do not exceed 7 inches in height and are grown to keep soil from being blown or washed away.

Hazard. A source of danger to persons or damage to property.

Hazardous Substance. Any material or waste which poses a present or potential danger to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed; and any material which is hazardous within the meaning of any federal, state, or local law, regulation, or ordinance, including:

1. The federal Resource Conservation and Recovery Act, as amended, 42 USC 6901, et seq.;

2. Substances regulated under the federal Toxic Substances Control Act, as amended, 15 USC 2601, et seq.;
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 building or structure measured from the average established grade at the street lot line or from the average natural ground level, if higher; 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; or to the highest point of all other structures. In measuring the height of a building, the following structures shall be excluded: chimneys; cooling towers; telecommunication towers; ornamental cupolas, domes, or spires; elevator bulkheads; penthouse tanks; water towers; and parapet walls not exceeding 4 feet in height.

Historic Design Guideline. A standard of appropriate activity that will preserve the historic architectural character of a structure or area.

Historic District. An area designated as a historic district by ordinance of the City Council, pursuant to procedures in this section, 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.

Historic Landmark. A property or structure designated as a historic landmark by ordinance of the City Council, pursuant to procedures in this section, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the city. Historic landmark status will be reserved for those properties displaying exemplary historic or architectural significance.

Historic Preservation. The preservation of historically significant structures and neighborhoods to facilitate restoration and rehabilitation of the building(s) to a former condition.

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 City Council, pursuant to procedures in this section, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the city but which is of insufficient significance to merit historic landmark status.

Home Occupation. A business conducted by a resident accessory to a dwelling and subject to other standards and procedures of this chapter.

Household. The following arrangements constitute a household:
(a) One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in any district.
(b) 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.
(c) Four persons or less living as a single housekeeping unit in the R-MX1, R-MX2, R-MX3 districts and nonresidential districts which permit multifamily dwellings provided the off-street parking requirements of this chapter are met, otherwise three persons or less are permitted.

Illuminated Sign. A sign lighted by or exposed by artificial light.

Impervious Material or Surface. Any part of a lot that is covered by buildings, structures, parking areas, driveways. or any other surface that have been compacted or covered with a layer of materials so that it is highly resistant to infiltration by water such as compacted sand, limerock, or clay; asphalt, concrete, or compacted aggregate walkways, drives, and patios; and other similar structures.

Infill Development. Development that takes place on vacant or underutilized parcels within an area that is already developed and has access to existing urban services.

Infrastructure. The built or natural facilities and features, generally publicly funded, that are required to serve a community's development and operational needs. Infrastructure includes but is not limited to roads, utilities, and trees.

Intensity. The degree to which land uses generate traffic, noise, air pollution, and other potential impacts.

Interior Landmark. Any part of an interior designated as an interior landmark by ordinance of the City Council, pursuant to procedures in this zoning code, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the city and which remains substantially intact in terms of (1) original configuration, (2) original volume, or (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.

Internal Access Lanes. A private way internal to a large development intended to organize parcels, tracts, and lots similar to the surrounding block structure and development patterns; provide efficient access for all applicable modes of transportation; and create public space and frontages similar to the street design types and streetscapes of public streets.

Landscaped Area. A verdant outdoor space that has been designed and maintained to enhance or preserve its aesthetic appeal or function.

Landscape Materials. Lawn, 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.

Land Use. The occupation or use of land or water area for any human activity or any purpose.

Legacy District. A previously established regulatory district whose specific provisions will continue to be enforced.

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.

Lot. A parcel of land, established for individual and separate ownership by a subdivision plat or Tract Certification (see Outlot and Tract).

Lot Area. The area bounded by the front, rear, and side lot lines or, when expressed as a range, it shall be interpreted as a minimum and a maximum.

Lot Coverage. The percentage of total lot area which would be covered by a building, structure, or impervious surface.

Lot, Interior. A lot bounded by other lots on at least two sides and typically has frontage on only one public street.

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

Lot Line. A line dividing one lot from another lot or tract, or from a street or alley.

Lot Line, Front. The property line dividing a lot from a street or public or common space on which the building and lot orients. On a corner lot, generally the shorter street frontage shall be considered as a front lot line, except as noted on an approved plat.

Lot Line, Interior Side. A side lot line which is adjacent to a side lot line of another lot.

Lot Line, Rear. The line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to the front lot line.

Lot Line, Side. Any lot lines other than the front or rear lot line.

Lot Line, Street Side. A side lot line which separates the lot from a street.

Lot Line, Zero. 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.

Lot, Reverse Frontage. A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

Lot, Reverse Corner. A corner lot having its side lot line substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. A lot, other than a corner lot, having frontage on more than one street.

Lot Width. The horizontal distance between the side lot lines, typically measured at the front lot line, but for irregular lots it may be measured at the front setback line.

Lot of Record. A tract of land that has been platted or certified as legally established according to this chapter (see Tract of Record).

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 8 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 home as defined is a specific structure type, distinct from the various construction methods which may be used to site, transport, or erect any other residential building type meeting the standards of this chapter.

Manufactured Housing Development. See Small-format Housing Community in Section 36-5.05.D.

Mixed-use Building Type. A multi-story building which accommodates nonresidential and residential uses.

Mix of Uses. The use of real property for more than one type of use.

Mobile Home. A transportable, factory-built structure, 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 Vendor*. A food or vendor service operation that operates from a motorized vehicle, typically on an approved vendor site.**

Modular Home. A transportable, factory-built 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.

Motor-Vehicle Oriented Business. Any commercial business which, by design, type of operation, or nature of business, has as one of its functions, the provision of services to a number of motor vehicles or its occupants in a short time span, or the provision of services to the occupants of motor vehicles while they remain in a vehicle. Businesses included in this category shall have one or more of the following facilities: One or more pump islands for retail sale of gasoline; or one or more drive-through lanes/service windows for distribution of products or other transactions; or an automated car wash facility.

Multimodal. Refers to various modes of transportation (walking, bicycling, bus transit, rail transit, e-scooters and micromobility devices, shared mobility services, personal automobile, etc.) and emphasizes the importance of providing transportation choices beyond single-occupant vehicles.

Nativar Plant. A cultivated variety (cultivar) of a native plant that has been selectively bred for specific traits such as a color, size, disease resistance, or grow habit. Preference is given to open-pollinated or seed-grown varieties over highly modified cultivars shall count toward native planting requirements.

Native Plant. A plant species that occurs naturally in specific region, ecosystem, or habitat without human introduction. Native plants have evolved alongside local climate, soils, wildlife, and pollinators. A plant is considered native if it is indigenous to Missouri as documented by the Missouri Department of Conservation and Grow Native.

Natural Area. Aquatic or terrestrial habitats or areas which exist in their natural condition, and which have not been significantly altered by human activity or which have been restored to as close to their natural condition if disturbed previously by human activity.

Natural Feature. Features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

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.

Nonconforming, Lot. A lot that was legally platted before the adoption or amendment of current zoning regulations but does not meet the current requirements.

Nonconforming, Sign. A sign that was installed but does not conform to current regulations.

Nonconforming, Site Condition. A site feature such as parking, landscaping, open space, or other non-building characteristic associated with a conforming use or structure, that existed before the adoption of current regulations but does not comply with the current standards.

Nonconforming, Structure. A legally constructed building or structure, that existed before the adoption or amendment of current zoning regulations but does not comply with the current zoning requirements.

Nonconforming, Use. A use of land, structure, or building that was lawfully established prior to the adoption or amendment of the zoning regulations but does not comply with the current zoning requirements.

Open Space, Common. A common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners' association, which open area may be landscaped or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding, or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required right-of-way.

Open Space, Private or On-lot. An outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include yards and other landscape areas, decks, balconies, or patios.

Open Space, Usable. That portion of a lot, site, project, or neighborhood, whether public, common, or private available to all occupants of the building or site for environmental, scenic, or recreational purposes. Specific types of useable open space are defined in this chapter and shall not include driveways, parking lots, or other surfaces designed or intended for vehicular travel, or areas designed specifically for screening and mitigating impacts of development, unless they can be integrated with and contribute to one of the usable open space types.

Outlot. A parcel or parcels of land designated on a plat and intended for development at some point in the future, but which may be initially created under single ownership through a subdivision process. (*See* Lot and Tract)

Overlay District. A zoning district classification which encompasses a defined geographic area and imposes additional requirements above that required by the underlying zoning. Overlay districts may be combining, where they join property included in two or more adjoining districts based on common attributes or policies; or overlay district may be separating, where they distinguish property in a single district based on a specific attribute or context that requires different regulations.

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.

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.

Party (Common) Wall. A common or shared structural separation which may be centered on one building lot or between abutting dwelling, business, or industrial units or buildings on either side of a lot line.

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.

Perennial. A plant that regrows from the same root stock year after year.

Permitted Use. An authorized use within a zoning district.

Person. Any individual, corporation, association, firm, partnership, institution, or other legal entity, singular or plural.

Pick-up Window. A building feature or element typically accessory to a commercial establishment designed solely for the distribution of goods to the customer.

Plat, Administrative. A certified survey to confirm the alteration or the division of legally established tracts of record prior to March 26, 1956, or previously un-platted lots, not to exceed the creation of five additional lots.

Plat, Administrative Condominium. A certified survey to confirm the legal boundaries of a unit or structure on a platted lot of record that could only be determined post-construction, such as for duplexes, townhouses, or for residential or non-residential condominiums where the units and lots are individually owned, and the property is on a lot of record in common ownership.

Plat, Administrative Correction. A certified survey or other legal instrument acceptable to record that corrects a tract, parcel, or lot was legally established and corrects an error or omission from prior legal instruments that results in no observable impacts on the development pattern or potential development.

Plat, Final. A legally binding map, document or survey that applies to all or specific portions of the preliminary plat area, in accordance with an approved phasing plan from the preliminary plat.

Plat, Preliminary. Provides detailed planning review of development patterns, street networks and design types, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans.

Placetypes. A combination of interconnected and supporting land uses that create a place, neighborhood, or district. Placetypes provide a general vision for each area of the city that focus on how a mix of uses and properties function collectively, rather than individually to establish an identifiable and memorable place.

Pocket Neighborhood. A set of residences that are clustered around a shared open space such as a courtyard, greenway, or park. A pocket neighborhood can include single-family residences, both detached and attached, and similar apartment buildings.

Practical. Under the circumstances, all reasonable efforts have been undertaken to comply with the purpose, intent, design objective, or requirements of the standards in this chapter, and where physical, technical, or cost constraints could outweigh the potential benefits to the public of full compliance and would unreasonably burden the proposed project and other reasonable alternatives. Economic considerations may be a factor, but shall not be the sole or determining factor.

Premises. A premises is any land consisting of one or more lots or tracts under single or multiple ownership, and operating 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.

Preservation. The act or process of sustaining the form and extent of a structure or site element including but not limited to tree, other natural features, architecturally significant features, etc., as it now exists.

Private Street. A street that is privately owned and maintained, constructed to all applicable City standards and specifications, and provides the primary means of vehicular ingress and agree from a public street to any dwelling unit, lot, parcel or principal building.

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.

Recreational Vehicle. A motorized or towable vehicle that is designed to provide temporary living quarters for recreational, camping or travel use and 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 homes on wheels, or other similar units.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of any part of a vanished structure as it appeared at a specific point in time.

Rehabilitation. The act or process of returning a property or structure to a state of utility, through repair or alteration, which makes possible a 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 movement of a structure, object, or artifact on its site or to another site.

~~*Replacement Value*. The amount it would cost to replace a structure or restore a site to its previous condition considering all aspects of the investment at their current market costs. This amount may be based on estimates or, where discrepancies exist, the average of three independent estimates, in the sole discretion of the City.~~

Residence. A home or place where an individual is actually living at a specific point in time.

Restoration. The act or process of accurately recovering the form and details of a structure or property as it appeared at a particular point in time by removing later work or replacing missing original work.

Rezoning. The process by which the zoning district of a property is changed.

Right-of-way. See Chapter 98.

Rural Parcels. Tracts divided into lots of at least three acres for rural, agricultural, or very low-intensity development.

Screening. A method of reducing the impact of visual or noise intrusions through the use of plant materials, earthen berms, solid fences, or walls, or any combination thereof.

Setback. The required minimum horizontal distance between the lot line and the nearest front, side, or rear line of a building or structure, and where expressed as a range it shall function as a “build-to line”, within which range a building or structure shall be established.

Short-term Rental. The rental of an entire dwelling, or any portion thereof, for a period of less than 30 consecutive 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 Code.

Shrub. A self-supporting woody perennial plant of low or medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at maturity.

Sidewalk. A paved, surfaced, or leveled area, parallel to and usually separated from the street, used as a pedestrian path, or which otherwise provides pedestrian circulation and access to destinations and principal building entrances within a site.

Sign. Any advertisement, announcement, or direction of communication produced in whole or in part by the construction, erection, affixing, or placing of a structure, or produced by painting on, or pasting or placing any printed, lettered, pictured, figured, or colored materials on any building, structure, or surface.

Sign, Abandoned. A sign which advertises or identifies an out-of-business, moved, or non-existing business, service, or other use of premises.

Sign, Building. A sign incorporated in, painted on, attached to or erected against the facade of a building.

Sign, 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.

Sign, Electronic Message Display (EMD). A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Sign, Ground. A sign which is supported by its own structure not affixed to a building.

Sign, Incidental. A small permanent sign that supports the function or operation of the property.

Sign, Monument. A sign supported by or mounted directly upon the ground by a base that is integral to the entire sign structure and incorporated into the sign.

Sign, Off-premises. A permanent sign advertising goods and services not located on the premises where the sign is located, or otherwise expressing a message unrelated to the location or property. Most off- premises signs require an Outdoor Advertising Permit from the Missouri Department of Transportation.

Sign, Pedestrian. A sign that is not permanently affixed to a building, structure, or into the ground, but which has a durable design and stable support to allow placement of the sign on an interim or more permanent basis than temporary signs.

Sign, Temporary. A sign which is not intended as a permanent sign and which is easily relocated or removed.

Sign, Window. A sign painted on, mounted to, or applied to a window.

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.

Split Zoned. A lot that is divided into two or more zoning districts.

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; or other 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.

Stormwater Management. The collection, conveyance, storage, treatment and disposal of stormwater runoff to prevent accelerated channel erosion, increased flood damage, and degradation of water quality.

Story. The part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above the ceiling above. Story heights shall generally be 9 to 10 feet except the following guidelines can be used to address the effective scale and massing of buildings within permitted heights (see Height):
(a) The first story for residential buildings should be 9 feet to 14 feet;
(b) The first story for non-residential buildings should be 12 feet to 20 feet;
(c) Building types or parts of buildings that require high floor-to-ceiling heights, such as a gymnasium, atrium, or warehouse, shall have the number of stories calculated as the finished floor-to-ceiling height divided by 15;
(d) Any ground story that has more than 4 feet of its height exposed above finished grade along more than 50% of the foundation perimeter shall count as a story; or
(e) A half-story is the space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor area with head room of 6 feet or more is no greater than 60% of the total floor area of the story directly beneath.

Street. A public way used for passage or travel by pedestrians, bicycles, and/or vehicles, and that is designed to provide access, visibility, and public space to support use(s) fronting on it.

Street, Design Type. A reference to the design attributes of a specific segment of the street, regardless of the functional class, and including lane widths, number of lanes, parking, streetscape, and sidewalks. Street design types allow the design of segments of streets to transition and relate better to the context and anticipated abutting land uses, without disrupting the overall role of the street in the transportation system.

Street Design Type, Neighborhood. A human-scaled design type that balances walkability, landscape amenity, and vehicle access. It is characterized by street trees, comfortable sidewalks, traffic calming, and relatively low volumes and slow traffic speeds that enhance the livability and quality of the neighborhood.

Street Design Type, Parkway / Bikeway. A multi-modal design type with a higher degree of civic design and landscape amenity characterized by balanced design for pedestrians, bicycles, and automobiles and has an elevated degree of landscape and civic design.

Street Design Type, Pedestrian / Mixed-Use. A pedestrian-oriented design type appropriate in areas where walkability is a priority and there is a well-connected street network characterized by traffic calming methods to ensure slow speeds, on-street parking, wide sidewalks, and well-designed amenity zones that support businesses and economic activity along the block.

Street Design Type, Standard / Trafficway. A basic design type that is generally applicable

where no particular development characteristic or urban design characteristic warrant application of other design types.

Street, Functional Classification. A system of categorizing streets based on their role in the overall street network, considering traffic volumes, traffic speeds, and continuity of the street over longer distances, apart from the specific design type for any one segment. These include:

(a) *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, and has no relationship to and should be buffered from, abutting land.

(b) *Expressway.* A street or highway with limited or partially controlled 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, and has minimal relationship to and should be buffered from abutting land.

(c) *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.

(d) *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 but little relationship to abutting land unless specific street design types are applied.

(e) *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 and application of specific design types to better relate to abutting land.

(f) *Collector – Major, Minor, or Subdivision.* A street which collects and distributes traffic to and from local and arterial street systems, or which can provide an alternative or a complete substitute to larger arterial streets when located with sufficient frequency and continuity. The collector is primarily intended to provide for low to moderate volume, low speed, and moderate-length trips while providing access and public space to support abutting property based on specific design types.

(g) *Local – High-Activity, Low Activity, or Shared.* A street primarily providing direct access to abutting property and designed to accommodate low volume, low speed traffic, as well as provide public space that supports abutting property based on specific design types.

(h) *Alley.* A minor way which is used primarily for vehicular service access or parking access to the back or the side of properties otherwise abutting a street and is often used in areas with enhanced streetscape design.

(i) *Downtown Streets.* Streets which provide frontage for adjacent businesses as well as providing for the movement of pedestrians, bicycles, public transit, and 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:

(1) Tampa Street east of Benton Avenue;
(2) Phelps Street east of Washington Avenue;
(3) Market Avenue between Walnut and State Streets;
(4) Main Avenue between Mount Vernon and State Streets;
(5) Mount Vernon Street between Grant and Campbell Avenues; and
(6) Harrison Avenue between Grant and Market Avenues and classified as designated by the major thoroughfare plan.

(j) *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.

(k) *Residential Local.* A street for low-volume~~s~~, low-speed~~s~~, and short-length trips to and from abutting properties in residential neighborhoods.

(l) *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.

(m) *Commercial/Industrial Local.* A street for low-volume~~s~~, low-speed~~s~~, and short-length trips to and from abutting properties in commercial and industrial areas.

Street Frontage. The property line which abuts a public right-of-way.

Street, Grade. Beginning at the back of curb and measured at a right angle to the street center line.

Streetscape. The scene that may be observed or the area designed for activity along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures, and miscellaneous structures.

Street Width. The horizontal distance between the outside edges of the street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

Structure. Anything constructed or erected, located on or in the ground, whether permanent or temporary, including, but not limited to, houses, buildings, barns, backstops for tennis courts, bridges, fences, pergolas, parking lots, gazebos, radio and television antennae, signs, solar collectors, microwave antennae, supporting towers, roads, ruins or remnants (including foundations), swimming pools, walkways, septic systems, or any similar item.

Structure, Accessory. A detached structure that is subordinate, incidental, and on the same lot as a principal building, structure, or use.

Subdivision. The division 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 **administrative platting**~~re-subdivision~~ and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Subdivision, Administrative. Routine applications that impact the legal disposition of property (property lines, easements, etc.) but do not significantly alter development patterns or impact public infrastructure or services.

Subdivision, Major. Any subdivision not eligible as an administrative subdivision which requires a comprehensive review through preliminary plat and final plat procedures.

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.

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.

Tract. A parcel of land eligible for further subdivision. (See Lot and Outlot)

Traffic-calming. Physical design changes to a street or roadway used to decrease traffic speed and volume. Methods of traffic calming include but are not limited to: traffic circles, speed humps, and curb extensions.

Traffic Impact Study. A comprehensive engineering evaluation conducted to assess the effects of proposed developments or land-use changes on the surrounding transportation network. A TIS analyzes the anticipated changes in traffic volumes, patterns, and safety conditions caused by a development and includes a driveway safety study.

Transition Area. An area along or between the edges of placetypes, where dissimilar land uses converge. Typical transitional areas occur between one-to-two blocks on either side of both placetype boundaries. Transition areas can also exist adjacent to geographic land features located within a placetype, examples can include major roadways and crossroads, railways, waterways, parks, trails, and natural and built land features.

Transparency. When referring to the design of building facades, transparency is the percentage of windows and doors on the facade intended for two purposes: (1) to break up the scale and massing of the façade and relate the building to the streetscape and public spaces; and (2) to provide connections – visual and perceived – between the activities on the site and the public streetscape or spaces. Therefore, transparency has two measurements: (1) the extent of transparency, which is the percentage of the overall facade, measured at each story but which includes non-transparent components associated with the opening such as molding, casing or frames; and (2) the degree of transparency, which is typically the clarity of the glass used for the opening. A door **assembly** may count to this requirement if at least 25% of the door or door assembly meets the clarity requirement with windows in the door, or transom or side light doors alongside of the door. The clarity of the glass in the opening is met by a minimum Visible Light Transmission of 60% (VLT = the percent of total visible light that is transmitted through a glazing system) and a maximum Visible Light Reflectance of 15% (VLR = the percent of total visible light that is reflected by a glazing system). For upper story windows, these measures may be 40% VLT and 20% VLR.

Tree, Evergreen. A medium or large non-deciduous woody plant with a main trunk and mature height over 8 feet.

Tree, Overstory. A large deciduous woody plant that normally grows with a main trunk and has a mature height of 30 feet or more.

Tree, Understory. A small deciduous tree typically smaller than an overstory tree, with a mature height of approximately 15 to 30 feet.

Undeveloped Land. Land in its natural state before development.

Urban Forestry. Urban forestry is the careful care and management of urban forests. These are tree populations in urban settings maintained to improve the urban environment. Urban forestry advocates the role of trees as a critical part of the urban infrastructure.

Urban Service Area. The Urban Service Area delineated on the Urban Service Area map represents land where public investment has been made or is programmed for sanitary sewer service or major transportation facilities. Within the Urban Service Area, sewer services will be provided as available resources permit and streets and highways will be planned to handle urban populations.

Use, Accessory. A use of land, buildings, or structures that is subordinate, incidental, and on the same lot as a principal use.

Use, Principal. The primary purpose or activity of a lot or building.

Variance. Provides relief from a strict interpretation of the zoning and site design and development standards of this chapter, which when applied to a particular property in a specific context limits all reasonable use of the property. This application shall only apply to the design, dimension, and other site development standards of this chapter and shall not be used to authorize a use that is prohibited by the applicable zoning district.

***Vehicle Service Bay*. Any enclosed work area for the maintenance or repair of vehicles, comprising an average floor area of 420 square feet per bay to accommodate both service and access requirements.**

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.

Yard, Front. That portion of a lot extending across the full width of the lot between the front lot line and the nearest line or point of the principal building and between any accessory buildings.

Yard, Rear. That portion of a lot extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

Yard, Side. That portion of a lot extending from the front yard to the rear yard between the side lot line and the nearest line or point of the principal building.

Zoning. The division of a city or county by legislative regulations into areas, or zones, that specify allowable uses for real property and size restrictions for buildings within these areas.

36-11.02 Description of Uses

This section provides descriptions of uses of land and buildings associated with Table 4-~~2~~3. It is organized by categories and types of uses. Categories are general groupings of uses with similar characteristics, and types are based on common physical or operational characteristics, such as typical scale, format, or intensity of activity. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the PD Director shall make an interpretation on the most equivalent described use category and/or type, considering:

1. The similarity of the use in terms of scale, impact, and operations to other described uses;
2. The typical building format and site design associated with the use from existing examples; and
3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district, and the ability to complement and be compatible with other permitted uses.

Any uses that may not be interpreted as equivalent to a use in Table 4-3 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

A. **Residential Uses.**

Household Living. Residential occupancy of a dwelling unit by a household, with tenancy arranged on a monthly or longer basis. Household living occurs in a variety of types based on the scale and format of buildings, arrangement of dwelling units, and household accommodations.

Household Living – One-unit Dwelling. A residential building designed for one primary dwelling unit. One-unit dwellings include variations based on the lot size.

Household Living – Multi-unit Dwelling. A residential building designed for two or more principal dwelling units. Multi-unit dwellings include variations based on the building type and scale, including duplexes, multi-unit houses, townhouses, or apartments.

Household Living – Live / Work Dwelling. A combination of residential commercial activity located in a dwelling unit or sharing the same building as a dwelling sharing a common wall or with direct access between the residential and commercial elements,

and where each is intended as a principal use.

Household Living – Mixed-use Dwelling. A residential use in a building designed for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

Household Living – Small Format Dwelling. A parcel of land planned and designed for multiple home sites for the placement of manufactured or other small homes and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems, and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

Existing Residential. Any residential building and use, legally established when it originated but where new development of the same use or similar building type is no longer permitted in the zoning district. These uses shall be permitted so that continued use and further investment in the building and use is not discouraged, and if the use is destroyed beyond the protections of its legal nonconforming status could be built back to a similar extent based on the most applicable residential building type standards from residential districts.

Group Living. Residential occupancy of a structure by a group of people that do not meet the definition of a household, with tenancy arranged on a monthly or longer basis. Group living structures typically have a common eating area or social areas for residents, and they may receive some level of care, training, or services associated with their residency. Group living occurs in a variety of types based on the scale and format of buildings, arrangement of dwelling units, and the degree or intensity of associated services.

Group Living – Dormitory. A residential or institutional building offering seasonal and long- term residency for a discrete population based on membership or attendance at a school, instructional or training institution. Typical examples include student housing on a campus, or convent or seminary residences.

Group Living – 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 house parents 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 house parents or guardians.

Group Living – Group Home, Custodial. A dwelling in which unrelated mentally or physically handicapped, or otherwise mentally or physically impaired persons reside with house parents or guardians.

Group Living – Boarding House, Small. A residential building occupied by the owner or a resident manager, with 3 to 11 tenant rooms where non-household members may share residency on a monthly or longer basis. The owner / resident manager or service staff may provide housekeeping, meals, or other management of shared living facilities as an accessory service to the dwelling. Typical examples include houses or small apartments offering single-room occupancy, or co-housing courtyard or small complex.

Group Living – Boarding House, Large. A residential building occupied by the owner or a resident manager, 12 or more tenant rooms where non-household members may share residency on a monthly or longer basis. The owner / resident manager or service

staff may provide housekeeping, meals, or other management of shared living facilities as an accessory service to the dwelling. Typical examples include larger co-housing complexes, medium to large apartment buildings offering single-room occupancy, or a fraternity or sorority house.

B. **Civic Uses.** The Civic use category is the use of land and buildings to serve public or community interest, and to support or enhance the daily cultural, social, or recreation needs for residents and neighborhoods. It can include public and institutional uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. The civic use category includes the following types:

Assembly. An institutional use designed to serve the community for regular or periodic membership activities and events, including worship, civic, recreation, or entertainment activities, and accessory uses associated with organized activities, including child-care, concession services, and community events

Assembly – Small (<400 capacity and <2.5 acres). A place of public or community assembly designed and located to serve adjacent uses and nearby neighborhoods, or be accessory to other immediately abutting uses, and designed for less than 400 people capacity. All buildings and facilities are located on a lot of less than 2.5 acres. Examples include a small neighborhood association clubhouse or recreation center, common meeting rooms or meeting halls, or small religious facilities.

Assembly – Medium (400-800 occupants and <4 acres). Places of public or community assembly designed and located to serve community or civic needs of a broad vicinity and designed for 400 – 800 people capacity. All buildings and facilities fit on a lot or area arranged in a small campus of between 1 and 4 acres. Examples include a community/recreation center, small event center, or large religious facility.

Assembly – Large (>800 occupants or >4 acres). Places of public and community assembly designed and located to serve community or civic needs of a wide area – typically city-wide and designed for more than 800 people capacity. Buildings and facilities require large lots or campuses that are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations as a major destination. Examples include an auditorium, large event hall, major community worship hall or campus, or convention and conference center.

Cemetery. Property used for the interring of deceased humans, including mausoleums.

Crematorium. A building used to process and reduce deceased humans into tiny particles resembling ash, through exposure to flames, intense heat, or other industrial processes.

Cultural Facility. The use of land and buildings to serve public or community interest through government or non-profit agencies through cultural, social, or education offerings, or for the administration operations of organizations providing these services. This includes the use, but not sale, of literary, musical, artistic, or reference materials and the exhibit or repository of a collection for natural, scientific, artistic, or other cultural activities. This use may include the accessory sales related to the subject matter or accessory services to support the activity such as gift shops or cafes.

***Event*~~*Entertainment*~~ *Venue.* An institutional or commercial use designed to host spectators for performances or events, or rent facilities and grounds to host large gatherings. This use does not include facilities or events that are accessory to an otherwise permitted civic or

commercial use. Event venue uses are further refined by scale, intensity, and format based on the following:

Event~~Entertainment~~ Venue – Small (<1K capacity). A~~n event venue~~**gathering space** designed for less than 1,000 people capacity, such as a small auditorium, banquet hall, or amphitheater. This use may be accessory to and included with a school or assembly use.

Event~~Entertainment~~ – Medium (1K – 3K capacity). A~~n event venue~~**gathering space** designed for between 1,000 and 3,000 people capacity, such as a large event hall or small stadium. This use may be accessory to and included with a large school.

Event~~Entertainment~~ Venue – Large (>3K capacity). A~~n event venue~~**gathering space** designed for greater than 3,000 people capacity, such as an arena, fairgrounds, race track, or large stadium. This use may be accessory to and included with a college / university use in a campus format.

Funeral Home & Mortuary (Accessory Crematorium). A building used for services to honor and memorialize deceased humans, and associated activities and facilities related to services such as a chapel or crematorium, provided they only support and are incidental to on-site services and have no equipment or structures that alters the appearance of the building as a civic use.

Open Space. Any parcel or area of land or water unimproved with any residential, commercial, or industrial uses and dedicated or reserved for public or private community use and enjoyment.

Open Space – Athletic Field. Land designed for outdoor games and sports such as lacrosse, baseball, football, and soccer, and which may attract more structured and organized activities and periodically have more intense use due to participants and fans. Athletic fields may include accessory structures and uses for equipment storage, concessions, or other supporting activities.

Open Space – Open & Civic Space. A public, common, or private open area designed and used for both active or passive recreation and integrated into the development patterns and block structure of the neighborhood or district. (See Section 36-3.04 for specific design types in appropriate contexts.)

Open Space – Recreation Center & Grounds. Open spaces and associated facilities for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain or is otherwise owned and managed by a property owners association as a focal point for a neighborhood. Examples include a community gym, pool, club, golf course, or similar recreational facilities that serve as an organizing element or focal point for surrounding development.

Public Safety. Public uses that support the health, safety and security of the community at large through preventative measures, protective measures, emergency response measures, or similar government functions.

Public Safety – 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 and who are criminal offenders on probation or parole, or who are within 120 days of release from a prison, jail sentence or custody from the state department of

corrections, and who reside under the supervision of trained staff.

Public Safety – 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.

Public Safety – Police & Fire. Stations and associated living, administrative, and dispatch facilities that provide patrols and emergency response services to neighborhoods districts, and businesses.

School. A public or private institutional use designed to provide structured, seasonal, or year- round education opportunities. Schools are typically integrated into the surrounding context and development pattern as a civic amenity with public and civic spaces, but the format may differ based on the scale of the facilities and educational mission.

School – College / University. A school dedicated to post-secondary education and typically at a scale and capacity that involves multiple buildings and facilities organized on a. The use includes 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.

School – Primary / Secondary. A school that is part of a system of public or private education of at least kindergarten through 12th grade, but which may be divided into smaller campuses or facilities by district, neighborhood, or discrete age groups within the system. Primary schools are more neighborhood-oriented and integrated into the block structure and open space systems in more walkable patterns, and secondary schools tend to be larger, more intense, and concentrated facilities requiring more careful siting within the community or requiring a more civic-oriented campus pattern.

School – Vocational 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. Vocational Business Schools typically require facilities more similar to commercial businesses and may be located or integrated into commercial areas and buildings at a variety of scales and formats.

School – Vocational Industrial or Trade. 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. Vocational Industrial or Trade Schools typically require facilities associated with industrial activities and may be located or integrated into more intense commercial or industrial areas and buildings at a variety of scales and formats.

Transportation. A use category supporting the movement of people or freight, including accommodating navigation, access, and storage of vehicles involved in the transportation system.

Transportation – Airport. Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities, navigation and communication, and housing of aircraft.

Transportation – Bus Station. A transportation facility designed for the transfer, pick-up

and drop-off of passengers traveling by bus with buildings or associated passenger convenience facilities, distinguished from public stops accommodated in the design of the right-of-way.

Transportation – Commercial Parking Lot. A parcel of land where the principal use is to park vehicles in a structure or on a lot for a fee, which may be operated by a public, community, or private entity.

Transportation – Heliport. Any area of land or portion of a building used for the landing and take-off of helicopters for business or commercial purposes, including the landing pad, any communication or navigation facilities and instruments, and areas to accommodate the interchange of passengers or cargo.

Transportation – Motor or Rail Terminal. An area or building where storage and transfer of cargo occurs, and where vehicles may be stored and maintained for further deployment in shipping, or any other similar high-intensity activities associated with freight or public transportation.

Utility. A use category for services owned by a governmental entity, or any entity defined as a public utility for any purpose by the state public utilities commission, and for the delivery of energy, water, communication, or municipal services. All utilities may be further limited by site design and landscape standards of this code, or more specifically regulated and permitted by licensing agencies, franchise agreements, or specific conditions and design requirements of any easement or right-of-way authorizing the location of facilities. Utility facilities are further classified in the development code as follows:

Utility – Minor. Any electric, gas, water, and sewer facility that exceeds the standard transmission lines, pipes or conduits in the right-of-way and easements, and where a dedicated parcel or lot is needed to support utility systems in the immediate area. Structures and facilities are necessary to reduce the bulk quantity from larger transmission facilities into distribution and service facilities to serve the immediate area. Examples include water tanks or reservoirs, sub-stations, gas regulator stations, water and sewage pumps, and lift stations.

Utility – Major. A facility using manufacturing processes for generating, storing, or distributing energy, water, wastewater, or other utility products or services for use beyond the immediate vicinity, including any other facility used in the transmission or distribution of large utility flows between generating or treatment areas and substations or transmission lines.
Examples include power plants, water treatment plants, solar energy or wind energy farms, or regional transmissions and pipelines.

Utility – Wireless Telecommunication Facility. Towers, structures, and related equipment and grounds used for communication. These facilities are further defined by “tiers” and height limits in the specific wireless communication facility standards in Article 10, Section 36-10.10.

C. **Commercial Uses.**

Adult Entertainment. An establishment featuring live or recorded media, or a store with more than 50% of its merchandise, with an emphasis on specified sexual activities or displaying specified anatomical areas, including: (a) less than a completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered; (c) human genitals in a state of sexual stimulation or arousal; (d) acts

of human masturbation, sexual intercourse, or sodomy; and (e) fondling of other erotic or touching of human genitals, pubic region, buttock, or female breast.

Animal Care / Sales – Commercial service or retail use that provides the sale, care, or boarding of domesticated animals that is further refined by the scale and intensity of the operations, as follows:

Animal Care / Sales – Limited (<5K, no boarding). A small office or shop providing animal care or sales. The use involves less than 5,000 square feet of commercial area, and all activities occur indoors (except routine daily pet care). Examples include a veterinary office, small pet store, or small pet grooming or training.

Animal Care / Sales – Small (2K – 10K or limited boardings). An office or store providing animal care or sales, and where any overnight boarding is limited to that necessary for medical care or observation. The use involves between 2~~5~~,000 and 10,000 square feet of commercial space and limited outdoor activity areas necessary to accommodate the care **of** animals. Examples include a veterinary clinic, large pet store, or large pet grooming or training, or small kennel with no outside keeping of animals.

Animal Care / Sales – General (>10K or boarding (or outdoor care). A large facility providing animal care or sales, or any use offering routine daily care for animals, whether less than 24 hours or overnight boarding. The use involves more than 10,000 square feet of commercial space, or in the case of routine daily animal care involves any combination of indoor and outdoor space where multiple animals are cared for daily. Examples include a pet super-store, large grooming or training facility, animal hospital, or any animal daycare, kennel, or boarding service with significant need for outside care.

Daycare. A commercial service use offering non-residential care on a daily, weekly, or other regular basis for children or other individuals in need of non-medical, non-therapeutic, or non-custodial supervision.

Daycare – In-home / Accessory. 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.

Daycare – Commercial. 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.

Entertainment & Recreation. A commercial service use providing daily or regularly scheduled activities for entertainment, leisure, training and instruction, or recreation, offered to the public, offered by membership, or offered by group arrangements. This use type is further refined by the scale, format and intensity as follows:

Entertainment & Recreation – Small (<5K). An indoor entertainment and recreation use that involves a building less than 5,000 square feet. Examples include a small bowling alley, billiard hall, a small theater, or dance or yoga studio.

Entertainment & Recreation – Medium (5K - 10K). An indoor entertainment and recreation use that involves a building that is between 5,000 and 10,000 square feet or more. Examples include a larger arcade or game center, a fitness center or gym, or small theater.

Entertainment & Recreation – Large (10K - 50K). An indoor entertainment and recreation use that involves a building that is between 10,000 and 50,000 square feet or more.

Examples include a small sports and recreation center, large arcade or game center, large fitness center, or a moderate-sized theater.

Entertainment & Recreation – Complex (>50K). An indoor entertainment and recreation use that involves a building that is 50,000 square feet or more. Examples include a large bowling alley, a sports and recreation center, a large theater or theater complex, or skating rink.

Entertainment & Recreation – Outdoor. Any outdoor entertainment and recreation use, where a commercial business offers the grounds for use of patrons. Examples include racquet club, miniature golf, driving range, golf course, batting cages, sports and athletic complex, or band shell or amphitheater.

Food & Beverage Establishment. A commercial service use engaged in the business of serving prepared food or beverages to the public for immediate consumption. The serving of alcoholic beverages is accessory to this use but may be further regulated by business and liquor licenses. Food and beverage uses are further refined by scale, format, and intensity based on the following:

Food & Beverage Establishment – Small (<3K or <10% of mixed-use building). A small-scale establishment under 3,000 square feet of commercial area, or less than 10% of the building area in mixed-use projects and buildings accessory to other uses, such as a cafe, lunch counter, walk-up window, or similar small retail sales food or beverage outlet.

Food & Beverage Establishment – General (3K – 8K). A moderate scale establishment between 3,000 and 8,000 square feet of commercial area and typically includes separate kitchen and dining facilities, accessory bar area, or small accessory craft manufacturing area. Examples include a restaurant, or a small bar, brewery, bakery, or catering outlet.

Food & Beverage Establishment – Large (>8K). A large-scale establishment with over 8,000 square feet of commercial area, and typically includes separate kitchen and dining facilities, accessory bar and entertainment areas, or accessory craft manufacturing areas. Examples include a large restaurant, large bar, or large brewery, or a food court or hall.

Lodging. A commercial use providing accommodations for temporary, short-term overnight occupancy on a less than monthly basis, and accessory uses associated with typical guest services such as food service, recreation, or similar accommodations to support overnight-guests. Lodging is refined to the following scales based on building type, format, and intensity of use:

Lodging – Bed & Breakfast (<5 rooms). A small residential building used for commercial short-term lodging with shared living space between the primary occupants and patrons and includes no more than 5 guest rooms, and where meals may be offered to overnight guests.

Lodging – Small / Inn (6 – 12 guest rooms). A large residential building or small commercial building providing accommodations for short-term overnight occupancy for at least 6 but less than 12 guest rooms.

Lodging – Hotel / Motel, Medium (13 - 80 guest rooms). A commercial building providing accommodations for short-term overnight occupancy for between 13 but less than 80 guest rooms, and accessory accommodations or event or recreation space for overnight guests.

Lodging – Hotel / Motel Large / Conference Center (>80 guest rooms). A commercial building providing accommodations for short-term overnight occupancy more than 80 guest rooms, and may include accessory accommodations or event and recreation space for guests and overnight guests.

Lodging - Short-term Rental. The rental of an entire dwelling, or any portion thereof, for a period less than 30 consecutive days, where the owner is engaged in a contract for the rental of that specific swelling, or any portion thereof. Short-term rentals are further categorized as Type 1, 2, or 3, as defined in Section 36-10.08.

Marijuana & Medical Marijuana Uses. Uses involved in the production, distribution, prescription, or sale of cannabis. See Article 10, Section 36-10.09 for more specific definitions and standards for various types of businesses and services.

Medical Services. A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats:

Medical Services – Small (<10K). A medical service offering routine outpatient services, that occupies less than 10,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

Medical Services – Medium (10K – 30K). A medical service offering routine outpatient services, that occupies between 10,000 and 30,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

Medical Services – Large (30K – 100K). A medical service offering a full range of services, that occupies between 30,000 and 100,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include large out-patient offices, small hospital, remote surgical centers, or large clinic or analytical labs.

Medical Services – Campus / Complex (>100K, campus). A medical service with a full range of care, that occupies more than 100,000 square feet or multiple buildings, provides comprehensive medical care including emergency services, and accessory office, lab, and retail uses related to patron and patient needs. Examples include a large hospital or regional medical center campus.

Office. A commercial use focused on employment and engaged in the administrative, technical, or management aspects of business or professional services that typically do not have frequent or unscheduled on-premises interaction with the public or clients. Office uses are further refined by the scale and format of buildings based on the following:

Office – Small (<10K). An office use less than 10,000 square feet of commercial area, within a small building or occupying a portion of a mixed-use building.

Office – General (10K – 30K). An office use between 10,000 and 30,000 square feet of commercial area, typically within one moderate-sized building or the upper levels of a moderate or large mixed-use building.

Office – Large ~~:~~ (30K – 100K). An office use between 30,000 and 100,000 square feet of commercial area, typically within one large building with accessory retail or service uses.

Office – Campus / Complex (>100K). An office use with more than 100,000 square feet, typically within one large or high-rise building or involving more than one building in a campus pattern.

Personal Service. A commercial use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include a barbershop or beauty salon, travel agency, small equipment repair, tailor, bank, or personal financial services. Service uses are further refined by scale, intensity, and format based on the following:

Personal Service – Small (<5K). A service use under 5,000 square feet, typically in line with other small-scale uses in a multi-tenant commercial building or mixed-use building.

Personal Service – Medium (5K – 10K). A service use between 5,000 square feet and 10,000 square feet, typically in a small freestanding building or part of a large mixed-use building.

Personal Service – Large (>10K). A service use more than 10,000 square feet, typically in a moderate-freestanding building or part of a large mixed-use building.

Residential Care. A commercial or institutional use providing residency on short-term, long-term, interim or permanent bases for individuals that are in need of associated medical, therapeutic, or custodial care or supervision to assist in daily living, to aid rehabilitation from injury or infirmity, or for other protective or supervisory reasons. Residential care uses are further refined by the type and intensity of care based on the following:

Residential Care – Nursing Home. An assisted, 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, may be unable to care for themselves.

Residential Care – Transitional Housing. A residential or institutional building providing lodging for longer than 30 consecutive days for residents in need of housing and services due to economic, social, or physical difficulties, and may include associated services in a group setting on the same premises, including, but not limited to, job counseling, life or parenting skill courses, or job training. Such shelter may include office for staff of the providers and for counselors.

Residential Care – Transitional Shelter. An institutional building providing lodging on a short-term or emergency basis for shorter than 30 consecutive days for residents in need of housing and services, or offering meals and other social services, due to economic, social, or physical difficulties.

Residential Care – 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, meal, and lodging and that is accredited by the State of Missouri, the Joint Chief Hospitals Operations Administration (JCHOA) or Commission on Accreditation of Rehabilitation Facilities (CARF).

Retail. Commercial uses engaged in the sale, lease, or rental of household or commercial

products to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity, and format based on the following types:

Retail – Small (<5K or <10% of mixed-use building). A small-scale retail use under 5,000 square feet of commercial area, or less than 10% of the building area in mixed-use projects and buildings accessory to other uses, typically located in a mixed-use storefront building or a small single building that is part of a larger grouping of uses.

Retail – Medium (5K - 10K). A retail use between 5,000 and 10,000 square feet of commercial area, typically located in a multi-tenant, mixed-use, or moderate-sized freestanding building.

Retail – Large (10K - 50K). A moderate-scale retail use between 10,000 and 50,000 square feet of commercial area, typically located in a moderate to large free-standing, multi-tenant, or mixed-use building.

Retail – Extra-Large (>50K). A large-scale retail use with at least 50,000 square feet of gross commercial area in a large, freestanding building which may be integrated as part of a larger project.

Retail – Grocery Store. A specific retail use primarily selling food, produce, and household products for general household consumption, including a significant portion of inventory in fresh produce, baked goods, meats, or seafood, and accessory sales of prepared food. These uses often serve as a key anchor for neighborhood and community centers which justifies slightly larger scale than other general retail uses, provided they can still fit into the block structure, development pattern, and public-realm framework of the area. To accommodate this, retail grocery store is further refined by scale and format as follows:

Retail – Grocery Store, Small (<10K). A small grocery offering a limited selection of products or specialty foods or produce in a small-scale format under 10,000 square feet. Examples include a corner store, butcher shop, produce market, or urban-format groceries.

Retail – Grocery Store, Medium (10K – 40K). A mid-sized grocery offering a range of food and household products, and limited accessory services in a mid-sized building format between 10,000 and 40,000 square feet. Examples include a neighborhood market or traditional-scale full-service grocery store.

Retail – Large (>40K). A large grocery store offering a wide range of food and household products and associated accessory services in a large-scale format. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

Retail – Outside Sales. A specific retail use where the primary business is associated with merchandise that must be displayed outside. This is distinct from retail uses that may have an accessory component of its merchandise outside, whether permanent, seasonal, or as an occasional temporary outside retail display or service. Outdoor retail is further refined by the scale and intensity of the use as follows:

Retail – Outside Sales, Small (<0.5 acres; 25%-50%). Outdoor sales either on a lot less that 0.5 acres or lots larger than 0.5 acres where the outdoor display area is between 25% and 50% of the interior display area. Examples include a small nursery / greenhouse or a small equipment sales or rental business.

Retail – Outside Sales, Medium (0.5 – 2.5 acres; 50%-100%). Outdoor sales either on a

lot between 0.5 and 2.5 acres or on lots larger than 2.5 acres where the outdoor display area is between 50% to 100% of the interior display area. Examples include a nursery / greenhouse, a small car sales or rental lot, small lumber yard, or landscape supply store.

Retail - Outside Sales, Large (> 2.5 acres; > 100%). Outdoor sales either on a lot larger than 2.5 acres and where the outdoor display area is more than100% of the interior display area. Examples include a large nursery, large car sales or rental lot, boat or recreational equipment sales, outside flea market, or a large lumber yard or landscape supply store.

Vehicle Service – Car Wash. A facility providing self-service or professional washing of vehicles. Limited facilities to wash cars may be an accessory use to another permitted use provided it counts toward one of the vehicle service bays.

Vehicle Service – Gas Station. A specific retail use primarily involving the sale of fuel to the public, and which may involve accessory sales of vehicle accessories and convenience goods. This use may be combined with accessory vehicle service and repair uses, or accessory car wash, subject to the service bay limitations below. Gas station uses are further refined by the scale, format and intensity as follows:

Vehicle Service – Gas Station, Small (<5 service areas). The use is limited to no more than 4 fueling bays, 2 vehicle service bays, and 2,000 square feet of accessory retail or customer service areas. Examples include small neighborhood service stations.

Vehicle Service – Gas Station, Medium (5-12 service areas). The use is limited to between 5 and 12 fueling bays and no more than 3 vehicle service bays and 4,000 square feet of accessory retail or customer service areas. Examples include a general store and gas station.

Vehicle Service – Gas Station, Large (13-24 service areas). The use contains between 13 and 24 fueling stations, and no more than 3 vehicle service bays and 6,000 square feet of accessory retail or customer service areas. Examples include a large convenience center and gas station.

Vehicle Service – Gas Station, Extra-large (>24 service areas). The use contains 25 or more fueling stations, or 4 or more vehicle service bays, and other accessory retail or service areas. Examples include a truck stop or travel center.

Vehicle Service & Repair. A specific service use primarily involving motor vehicle and mechanical equipment maintenance, repair services, and accessory retail sales of supplies and accessories. Vehicle Service & Repair is further refined by scale, format, and intensity as follows:

Vehicle Service & Repair – Small (<0.5 acres; <4 service bays). A vehicle service and repair use with 1 to 3 service bays, where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited and requires no special site accommodations other than ordinary parking areas. This use is located on lots less than 0.5 acres. Examples include a small machine shop, mechanic, lubricant center, tire store, auto glass installation, or audio or alarm installation service.

Vehicle Service & Repair – Medium (0.5 – 1.5 acres; 4-8 service bays). A vehicle service and repair use with 4 to 8 service bays, where all work occurs indoors, but where the volume of work may require some outdoor storage of supplies, equipment, or

vehicles beyond ordinary parking needs of comparable sized businesses. This use is typically located on lots between 0.5 and 1.5 acres. Examples include a large machine shop, mechanic, lubricant center, tire store, or small auto body shop.

Vehicle Service & Repair – Large (>1.5 acres; >8 service bays). A vehicle service and repair use with 9 or more service bays, where some work may occur outdoors, and where the volume of work requires frequent outdoor storage of supplies, equipment, or vehicles. This use is typically located on lots larger than 1.5 acres. Examples include repair of large vehicles and equipment and collision repair center.

D. **Industrial Uses.**

Industrial & Business Services. A business whose customers include other businesses and industries, or the general public. The business services typically consist of dispatched fleet vehicles to perform some aspect of the service and involve dedicated outdoor storage. Examples include plumbing services, exterminators, HVAC repair, utility contractors, janitorial services, landscape contractors, ambulance dispatch center, transportation dispatch center, bus barn, commercial laundry services, or other similar business. The scale and intensity are determined by the number of fleet vehicles as follows:

Industrial & Business Services – Limited (<10 vehicle fleet). A small-scale light industrial or business service use with limited outdoor storage needs and with a vehicle fleet of up to 10 vehicles, where surface parking, vehicle storage, and general storage needs are similar to other general commercial uses.

Industrial & Business Services – General (11 – 25 vehicle fleet). A light industrial service business use where outdoor storage or warehouse storage is necessary, or with a vehicle fleet is between 11 and 25 vehicles, requiring dedicated areas for storage of vehicles during down times or off hours.

Industrial & Business Services – Large (>26 vehicle fleet). A large-scale industrial or business service use that may have substantial outdoor storage needs, large warehouses, or with a vehicle fleet that involves heavy equipment or is more than 26 vehicles, requiring large areas for storage of vehicles or equipment.

Manufacturing. A use primarily involving the processing, fabrication, packaging, or assembly of goods, from raw materials or partially competed secondary materials. Products may be finished or semi-finished and are typically stored and shipped to other areas for distribution to businesses, consumers, or retail outlets. Accessory sales, display, or customer service areas may be provided. Excludes feedlots, stockyards, animal slaughterhouses, and facilities related to marijuana or medical marijuana.

Manufacturing – Limited / Artisan (<10K). A small-scale manufacturing use producing primarily finished products with limited need for storage of materials or finished products with a building size less than 10,000 square feet. The use produces no negative byproducts such as smoke, odor, dust or noise discernable from outside of the building. Deliveries and distribution are made by general commercial delivery services requiring no special large truck access. Products or services are often made available to the public on premises generating customer activity. Examples include artists' studios, small bakeries, brewpubs, small wood or metal shops, or similar craft manufacturing.

Manufacturing – Small (10K – 30K). Manufacturing primarily from previously prepared materials of finished products or parts within a building size less than 30,000 square feet. The activities produce little or no byproducts such as smoke, odor, dust, or noise discernable from outside of the building; and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakeries, non-retail laundry services, or similar businesses that provide products for support of other businesses.

Manufacturing – Medium (30K – 100K). A manufacturing use that produces little or no byproducts such as smoke, odor, dust, or noise discernable from beyond the property within a moderate-sized building between 30,000 and 100,000 square feet. Limited outside storage may be necessary, and where distribution and delivery needs require occasional large truck access. Examples include research labs or facilities, small equipment or commodity assembly, non-retail laundry services, commercial bakeries, or food and beverage processing.

Manufacturing – Large (>100K). Manufacturing from previously prepared materials or raw materials into other materials or finished products requiring a large building over 100,000 square feet. The activities may produce byproducts such as noise, dust, smoke, or odor, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale manufacturing or fabrication plants, large equipment assembly, food production and processing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

Manufacturing – Heavy (any size). Manufacturing or compounding processes with raw materials, including some that may be hazardous, noxious, or combustible. These activities are capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site. Hazardous materials may be stored, used, or produced as a typical part of the business, and distribution involves heavy truck, freight, and machinery access. Examples include chemical, wood or metal storage and production, quarries and mining, fuel refining and storage, pressing and drying plants, asphalt or cement production, or similar heavy or hazardous manufacturing operations.

Warehouse & Storage. An industrial use engaged in the business of keeping goods and products for interim or long-term periods for personal or business uses, or for the distribution to other businesses and industries. Examples include any related logistic services related to this business such as labeling, bulk packaging, inventory control, or light assembly. Warehouse and storage uses are refined further based on the scale, format and intensity as follows:

Warehouse & Storage – Indoor, Small (<20K). A storage use where individuals store personal property in units or space leased or rented on a periodic basis and where all storage units are accessed from within the principal building. Interior storage space is limited to less than 20,000 square feet. Examples include small indoor self-storage or small commercial warehouse.

Warehouse & Storage – Indoor, Medium (20K – 100K). A storage use for businesses or larger personal products where all items are stored indoors. Interior storage space is limited to between 20,000 and 100,000 square feet. Examples include large indoor self-storage, commercial warehouses, small distribution centers, warehouse outlets for bulk items such as furniture or appliances, and long-term garages for vehicles or recreation equipment.

Warehouse & Storage – Indoor, Large (>100K). A large-scale facility for long-term storage or products or supplies, or where goods are stored on-site temporarily for the purpose of delivery to other business outlets or final destination, and where the nature of the operation has frequent daily truck traffic. Interior storage space is greater than 100,000 square feet. Examples include large commercial or industrial storage facilities, commercial warehouse, or distribution centers.

Warehouse & Storage – Outdoor, Small (<2.5 acres). A use for the public where individuals store personal property in units leased or rented on a periodic basis. Units are accessed directly from the outside. Lot sizes for storage buildings, storage yards, and all associated access is limited to under 2.5 acres. Examples include small outdoor self-storage mini warehouses or small equipment storage yard.

Warehouse & Storage – Outdoor Large (>2.5 acres). A use for the public or supporting other businesses and industries where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot. Lot sizes to accommodate this use are greater than 2.5 acres. Examples include large outdoor self- storage mini warehouse, boat or RV storage, building supply lots, or similar industrial supply storage yards.

Warehouse & Storage – Chemicals, Waste, or Hazardous Materials. The use of grounds for storing, processing, disposal or distribution of any industrial waste, chemicals, or hazardous materials.

Waste Management. Facilities used to collect, process, repurpose, transfer, or dispose of waste created by other uses in the city. Waste management uses are refined further based on the intensity as follows:

Waste Management – Hazardous Waste Facility. Any facility that deals with the final disposal, or the storing and preparation for final disposal of any hazardous materials.

Waste Management – Landfill. A large-scale disposal point for non-recyclable or non-reusable material, which may include aggregation, separation, or compaction of solid waste to delivery at other locations, or the management and operation of final disposal.

Waste Management – Recycling Center. A large-scale disposal point for recyclable or reusable material, where storage or processing of materials may occur on site.

Waste Management – Scrap and Salvage Yard. An outdoor facility for the storage, dismantling, repurposing, or disposal of parts or large equipment.

Waste Management – Sewage Treatment Plant. A facility used to treat and process water and wastewater for further distribution or disposal.

E. **Urban Agriculture Uses.** The cultivation, processing, and marketing of food within an urban environment, with a primary emphasis on operating as a business enterprise.

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, 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 marijuana or medical marijuana facilities.

Market Garden. The growing and cultivation of fruits, vegetables, herbs, flowers, or other plants for commercial purposes, including on-site sales and distribution to local markets, restaurants, or consumers. Market gardens operate on a scale smaller than traditional farms and may involve intensively managed plots in urban or peri-urban areas.

36-11.03 Glossary of Design Terms

This section is a glossary of architecture and design terms that explains concepts, strategies, and techniques used to affect building and site design.

A. **Architectural Style.**

When used generally, architectural style refers to a distinctive manner of expression, fashion or composition of building elements at a specific time.

When used specifically, architectural style refers to a prevalent local or historical style that is documented with common or typical techniques in assembling building elements and form, and where variations within the style follow common rules of application for materials, massing, or composition of the details. (i.e. Art Deco, Colonial Revival, Craftsman, Mid-Century Modern, Mission, Spanish Colonial Revival, Tudor Revival, Victorian, etc.)

B. **Urban Design**. The process of giving form, shape, and character to the arrangement of buildings on specific sites, in whole neighborhoods, or throughout a community. Urban design blends architecture, landscaping, and city planning concepts to make an urban area accessible, attractive, and functional.

C. **Building Elements.** Buildings are made up of vertical elements, horizontal elements, details, and ornamentation that break up the building elevations into distinct components and establish the form and scale of the building. Building elements may include:

1. *Awning*. A sloped or rounded framed projection attached to a wall and extended over a window or door to provide protection from the natural elements.

2. *Bay (window)*. A bump out in the facade typically associated with an element of the interior floor plan but located to provide balance and relief to the massing on the exterior facade. A bay is usually associated with a window.

3. *Belt Course*. A continuous row or layer of stones, brick or other primary building material set in a wall and in line with changes in stories, changes in materials, or windowsills. Belt courses make a visually prominent horizontal line to break up a wall plane by using a distinct material or implementing a distinct pattern of the material.

4. *Bracket.* A projecting support placed under an eave or other projection with design qualities and details that add emphasis to the roof structure or massing element.

5. *Canopy.* A flat roofed projection attached to a wall and extended over a window, door, or walkway, or a freestanding structure over a walkway or service area that gives protection from the natural elements.

6. *Clerestory Window*. A window high on a wall section above eye level and used to permit light or air into areas that otherwise do not have windows due to functional constraints of the building.

7. *Column*. A supporting pillar, especially one consisting of design qualities and details that add emphasis and ornamentation to a portion of the facade, or any roof structure or area it supports.

8. *Cornice.* An ornamental topping projecting from the wall with design qualities and details that crowns a structure along the top near the roof, with an emphasis that is compatible with but more elaborate than other similar details and ornamentation on the building.

9. *Eaves.* A projecting lower edge of a roof structure overhanging a wall, where larger eaves can increase the prominence of the roof as a "cap" to the building and protect portions of the facade (particularly windows) from the natural elements.

10. *Facade*. The exterior of a building exposed to public view, and particularly the front.

11. *Facia.* The exposed vertical edge of the roof often with design qualities and details that add emphasis and ornamentation to the roof structure.

12. *Foundation*. The base upon which the entire structure sits, designed with stronger, heavier materials, and often includes details and ornamentation to emphasize a buildings connection to the ground. This creates a sense of permanence, and transition to the main wall plane for vertical articulation.

13. *Gable.* The triangular and vertical portion of a wall plane between intersecting roof pitches.

14. *Lintel.* A horizontal beam, typically over a door, window, or storefront to support and add accent to the structure above.

15. *Parapet*. A vertical extension of the wall plane above the roof, typically used to hide a flat or low-sloped roof and the rooftop equipment, or function as a firewall for attached structures.

16. *Pediment*. A gable or ornamental tablet or panel, typically triangular or arched, placed above a point of emphasis on a facade and often supported by columns or pilasters.

17. *Pilaster*. A projecting vertical element on a wall plane used to give the appearance of a supporting column and used to articulate the extent of a wall plane or other component of a facade.

18. *Sidelight*. A window with a vertical orientation along an opening (door or window) that is narrower than the opening but provides emphasis to the importance of the opening with expanded transparency, additional trim and ornamentation, or other architectural details.

19. *Transom.* A window above an opening (door or window) built on a horizontal crossbar that may provide light and/or swing open to add ventilation.

D. **Building Form.** Building form refers to the outward three-dimensional envelope of a building or space affected by the mass, shape, composition, and articulation of building elements.

a. *Mass.* Mass is the volume (height x width x depth or height x building footprint) defined by a structure relative to its surroundings.

b. Shape. Shape affects the massing and refers to the simplicity or complexity of the outer dimensions of surface planes (wall planes or roof planes), and their orientation (horizontal/vertical; symmetrical/asymmetrical).

c. *Composition.* Composition is how the different building elements or materials are arranged to either distinguish or coordinate a particular shape or mass.

d. *Proportion.* The relative physical sizes within and between buildings or distinct components of the building or facade.

e. *Rhythm.* A regular pattern of shapes, including windows, doors, projections or massing, or groups of dissimilar elements that create a repeating pattern.

f. *Articulation.* Articulation is using architectural elements to clearly call out a different portion of the composition, shape, or mass and break the building form into smaller, identifiable pieces.

i. *Horizontal Articulation*. Breaking the mass down through different levels of height on the building, particularly for taller buildings, or by a step back or other voids in the massing.
ii. *Vertical Articulation*. Breaking the mass down through different bays or structural components along the length of the building elevation, particularly for longer, larger footprint buildings.

g. *Primary Entrance Features*. The entrance of a building that establishes the orientation to streets and public spaces, intended to be the main pedestrian or public entrance, and therefore includes enhancements, human-scale details, or social space to show the priority and importance of the space.
   i. For residential buildings the entrance feature typically includes one of the following:
      1. *Porch.* A moderate to large outdoor space shaped by small walls, railings, and/or roof structures, extending across a significant portion of the building frontage, and providing enough space and depth for comfortable gathering and seating.
      2. *Stoop.* An elevated platform, typically 2 to 5 steps, that includes a small seating or gathering area, and is emphasized with enhanced architectural details on the building or the stoop.
      3. *Entry Court.* A small to moderate recession in the building footprint providing access to a more remote entrance, but emphasized with enhanced landscape, edge walls or planning, and gateways, and may include small seating or gathering areas.
   ii. For non-residential or mixed-use buildings the entrance feature typically includes one of the following:

      1. *Arcade or Gallery*. A semi enclosed area along a frontage and includes arches or support columns at regular intervals, and can include habitable spaces on upper stories above the space.
      2. *Marquee.* A flat roofed surface, typically embellished with architectural details and integrated lighting and signs, that creates a large covered areas at the entrance of the building.
      3. *Courtyards or Plazas.* Small to moderate open spaces meeting the site open space design standards, and located to emphasize a building entrance.
      4. Other facade enhancements such as arches, awnings, canopies, pediments, or ornamental windows that express the priority of the entrance.

h. *Altering Form.* Techniques to alter the form of a building and affect the scale include:
   i. Main mass and wing or secondary masses;
   ii. Stepping back in the wall plane, usually larger differences (i.e. >4 feet) at upper story(ies);
   iii. Cantilever or overhangs, usually a smaller distance (i.e. 1 to 4 feet) over a lower story;
   iv. Off-sets or breaks in a wall plane in relation to interior floor plan or outside space, not to the level of creating a wing or secondary mass;
   v. Dormers, including a window and sub-roof within roof structure;
   vi. Projections of an element of the facade composition such as a bay window, entry feature, or eave; and
   vii. Using proportion, rhythm, and articulation in the composition of buildings in addition to or in association with any of the above techniques to allow larger elements to appear smaller or achieve a human-scale.

E. **Scale of Building.** Scale refers to the perceived or relative size of a form in relation to something else – usually a person, a social space (courtyard, lot, streetscape, etc.), or another building. For example, "human scale" refers to how spaces or objects relate to and are experienced or perceived by people at a close range and a slow pace. Scale can be affected by the mass, shape, composition, or articulation of the form to make an otherwise larger form seem smaller or more relatable based on how the components are perceived.

F. **Compatibility.** Compatibility refers to the similarity of buildings and sites to adjacent properties or to prevalent patterns and themes in an area. In general, the elements of compatibility will include combinations of the following:

a. Similar proportions of building masses, particularly nearest to the property lines and other adjacent buildings;

b. Similar orientation of the building including the relationship to streetscapes, the shaping of open spaces, and the locations and arrangements of the building footprint;

c. Similar window and door patterns, including location, size, and proportions;

d. Similar roof lines (planes, pitches, profiles and details);

e. Similar building materials, particularly primary building materials, or where materials differ, they share common textures or color palates;

f. A common architecture style, including the facade composition and materials; however, many styles can allow differences in design within the style.

Note: Compatibility does not necessarily mean the same, but rather a sensitivity to the context, adjacencies, and character of the area. While not all of the above elements are necessary for compatibility, the greater the number that are similar, the greater the compatibility will be. Significant departures from any one element should be compensated with either greater similarity of other elements or by similarity of more elements. Where things are not compatible, transitions should occur through space and landscape buffer designs.

Article 1. General Provisions

36-1.01 Title
36-1.02 Purposes
36-1.03 Applicability
36-1.04 Administration
36-1.05 Interpretation
36-1.06 Nonconformities
36-1.07 Enforcement

36-1.01 Title

The official title of this chapter (Chapter 36) is the “Springfield Land Development Code.” References to “this chapter” shall be considered a reference to the Springfield Land Development Code.

36-1.02 Purposes

The Springfield Land Development Code is adopted to promote the public health, safety, and general welfare of the city of Springfield and its residents and businesses. Specifically, the regulations have the following purposes:

A. Implement the comprehensive plan, and other plans and programs authorized under the guidance of the comprehensive plan, and in particular the different contexts for planning, design, and development of the city.

B. Ensure long-term value and the physical, social, and economic well-being of residents and businesses through coordinated public and private investment in development and infrastructure.

C. Promote planning and community design that emphasizes distinct places and unique characteristics throughout Springfield.

D. Secure proper arrangement and design of streets to form efficient development patterns, implement multimodal networks, coordinate with existing and planned streets, improve mobility and access, and provide safe, reliable, and efficient movement of people, goods and services.

E. Provide parks, trails, natural areas, and civic spaces and organize development around systems of connected open spaces in a variety of design contexts.

F. Divide the city into zoning districts that promote the character, intensity, and development patterns of distinct places identified in the comprehensive plan.

G. Regulate and restrict the development and use of buildings and land within each zoning district to create compatibility within districts and transitions between complementary districts, uses, and buildings.

H. Secure adequate provisions for water, storm drainage, wastewater, utilities, communication facilities, streets, and other public improvements based upon local, state, and federal requirements and specifications.

I. Provide public safety, community services, and other necessary services and facilities concurrent with development and in a manner that apportions the costs and long-term maintenance of these facilities and services in an equitable manner.

These purposes are further defined by the intent or design objectives associated with specific articles,

sections, or subsections of this chapter.

36-1.03 Applicability

A. **Authority.** The Land Development Code is adopted through the powers granted in the Springfield City Charter and in accordance with the general purposes and authority granted by the Revised Statutes of Missouri, Title VII, Chapter 89, Zoning & Planning.

B. **Jurisdiction.** The Land Development Code applies to all buildings, structures, land, and uses within the corporate limits of the city of Springfield.

C. **General Applicability.**

1. *New Activity.* It shall be unlawful to conduct any development or change or initiate any use of land until all specified development review processes have been followed, all applicable standards have been fulfilled, and all required approvals, permits, or other authorizations have been issued.

2. *Specific Applications.* Articles, sections, and subsections of this chapter may establish more direct and specific applicability of particular standards and procedures.

3. *Existing Situations.* No standard in this chapter shall require any change to existing uses, buildings, structures, or land that was lawfully initiated and properly approved under prior laws, except where this chapter specifically limits the continuation of nonconformances or establishes a lapse in prior approvals.

4. *Continuation of Enforcement.* Any violations of a previously valid and applicable regulation that continue after adoption of this chapter may be enforced under the enforcement provisions of this chapter. The City may, in its discretion, enforce either the previous valid and applicable regulation or the standards of this chapter.

D. **Transition Provisions.** The following rules determine the transition from previous regulations to this chapter:

1. *Applications.* Any official application submitted prior to the effective date and determined a complete application by the Planning and Development (PD Director), shall be reviewed and processed according to the prior standards and procedures. An application submitted prior to the effective date, but determined incomplete, shall be resubmitted and processed according to the regulations in effect at the time of submittal of a complete application.

2. *Prior Approvals.* All permits, zoning site plans, administrative plats or other approvals issued under an administrative capacity prior to the effective date of this chapter shall remain effective for the duration specified with that approval or as provided in the prior code. If no date is specified, they shall remain valid for six months. Any changes or amendments to a prior approval requested after the effective date of this chapter shall be subject to all provisions of this chapter.

3. *Plats.* Any approved preliminary plat may continue to advance to final plat according to the standards, procedures, and time limits of the prior Land Development Code. However, a new preliminary plat shall be required according to this chapter if:
   a. The preliminary plat expires under the conditions of the prior approval; or
   b. The final plat proposes an amendment or substantial change that requires resubmittal of the preliminary plat.

4. *Conditional Use Permits.* Any use operating under a conditional use permit (CUP) or other approval that may be limited to a specific duration or conditions under prior regulations may continue for that specified duration or according to the conditions. Any changes or subsequent approvals of these uses upon expiration of that period shall be processed according to this chapter. An existing use that was not limited by a CUP, but

which requires a conditional use permit under this chapter shall be considered to have been issued the approval according to this chapter limited to the extent of the existing operations. In any case where there is a conflict between the zoning district and a CUP approved prior to the adoption of this chapter, except for where a CUP has modified the regulations of a zoning district prior to the approval of this chapter, the more restrictive of the two shall govern.

5. *Planned Developments.* All planned developments (PDs) approved under the previous zoning regulations shall remain in effect. Applicants may propose changes to the standards of prior approved PDs through a rezoning application and zoning site plan according to the terms of this chapter. There shall be no new PDs approved per this article.

6. *Conditional Overlay Districts.* All existing conditional overlay districts (CODs) approved under the previous zoning regulations shall remain in effect. Applicants may propose changes to the standards of prior approved CODs through a rezoning application and zoning site plan according to the terms of this chapter. In any case where there is a conflict between the new zoning district and approved COD, except for where a COD has modified the regulations of a zoning district prior to the approval of this chapter, the more restrictive of the two shall govern. There shall be no new CODs approved per this article.

E. **Severability.** The several provisions of this chapter are separable, based on the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of this chapter to be unconstitutional, invalid, or illegal, the judgement shall not affect any other provisions of this chapter.

2. If any court of competent jurisdiction shall adjudge the application of any provisions of this chapter to a particular property, building, structure, or use to be unconstitutional, invalid, or illegal, the judgement shall not affect the application of the provision to any other property, building, or structure.

36-1.04 Administration

A. **Staff.** The following city staff positions are responsible for administering specific aspects of this chapter.

1. ***Director of Planning & Development.*** The Director of Planning & Development (PD Director) is responsible for the administration, interpretation, and enforcement of this chapter. The PD Director may consult with any other department or relevant outside agencies to coordinate any plans, policies, and programs of the city that impact the comprehensive plan. The PD Director shall specifically:

a. Prepare and provide development application forms, submittal requirements, and support material to aid in application and administration of this chapter;

b. Oversee the application, review, and administration processes, and prepare presentations, reports, and other technical assistance for review bodies;

c. Coordinate planning and development reviews with corresponding review by other departments for compliance with technical codes, specifications, or related permits and certificates;

d. Set the dates for meetings and hearings before the Planning and Zoning Commission, Board of Adjustment, and Landmarks Board;

e. Issue official interpretations of this chapter when applied to a specific site or context- based on professional planning and community design principles;

f. Approve the use of other resources, guides, and industry standards used in interpreting and administering this chapter;

g. Make all final interpretations of the procedures and standards of these regulations; and

h. Initiate enforcement actions.

2. ***Director of Building Development Services***. The Director of Building Development Services (BDS Director) is responsible for the interpretation and administration of all building codes in Chapter 38. The BDS Director shall coordinate with the PD Director on all zoning, subdivision, and site design interpretation and enforcement issues, and shall coordinate with the PW Director on all public facility interpretation and enforcement issues.

3 ***Director of Public Works***. The Director of Public Works (PW Director) is responsible for the interpretation and administration of all public improvement standards and specifications, and the coordination of private improvements with public improvements. The PW Director shall coordinate with the PD Director on all zoning, subdivision, and site design interpretation and enforcement issues, and shall coordinate with the BDS Director on all building code interpretation and enforcement issues.

4. ***Administrative Review Committee.*** The Administrative Review Committee (ARC) shall perform a secondary review of any administrative decision that is appealed under this chapter and any other review that is directed under this code and issue a final administrative decision by a majority vote. The committee includes the PD Director, BDS Director, PW Director, and may include other representatives in an advisory capacity from Parks, public safety (Police / Fire), Public Health, Environmental Services, City Utilities, or other relevant departments or agencies on a project-specific basis.

B. **Planning & Zoning Commission.** The Planning and Zoning Commission (Commission) is the appointed body of the City responsible for long-range and comprehensive planning, as well as review, recommendations, and decisions on implementation of the comprehensive plan. The Planning and Zoning Commission is established according to Article XI, Section 11.1 of the Springfield City Charter and in compliance with RSMo. 89.320. In addition to all other general planning authority granted by statute, the charter, local ordinance, or bylaws, the Planning and Zoning Commission shall have the specific review responsibilities and authority granted to it under the procedures and standards of City Code.

1. *Membership.* The Planning and Zoning Commission shall be constituted in accordance with the Springfield City Charter. Members shall hold office for a term of four years, as set forth in RSMo. 89.320. Members may be reappointed for a maximum of two terms.

2. *Procedure.* All meetings of the Planning and Zoning 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. *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 procedural rules and the Commission's adopted rules of procedure:

a. Parties in interest, neighborhood and civic organizations, and members of the public shall be afforded an opportunity to appear and be heard at the public hearing, subject to the limitations set forth in the commission's rules of procedure.

b. Members of the Commission shall base their consideration of matters on which the Commission conducts a public hearing upon the following:

(1) Information and comments 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 PD Director, BDS Director, PW Director, and 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.

c. 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 PD Director.

C. **Board of Adjustment.** The Board of Adjustment (Board) is established by Article XI, Section 11.4, of the Springfield City Charter and in compliance with RSMo. 89.080, according to the following provisions.

1. *Membership.* The Board shall consist of five members and up to three alternates, nominated by the City Manager and appointed by the City Council.
   a. Members shall serve without compensation.
   b. Alternates may serve in the absence of, or upon the disqualification of, any regular member.
   c. Members and alternates shall serve five-year terms.
   d. The PD Director shall be an ex officio member without the power to vote and shall act as the secretary for the Board.

2. *Procedure.* Meetings of the Board shall be held at the call of the chairman and at other regular meeting times established by the Board.
   a. All meetings shall be open to the public, except as provided by law.
   b. The Board shall keep minutes of the meetings, showing the vote of each member upon each question, and keep records of its examinations and all other official actions.
   c. Every final decision of the Board on an application shall be in writing and contain a record of the findings for the case, which shall be filed in the office of the Board and be a public record.
   d. The secretary shall make all proceedings and final decisions on applications available to the City Council, Planning and Zoning Commission, Landmarks Board, and other city departments.

3. *Authority.* The Board shall have the following roles under this chapter:

a. To hear and decide appeals where it is alleged that there is an error in any final order, requirement, or decision made by an administrative official in the application or enforcement of this chapter according to the procedures and criteria in Section 36-2.08.
b. To grant variances from the strict application of the terms of this chapter according to the procedures and criteria in Section 36-2.07.
c. To hear any other matters specifically delegated to the Board by ordinance.

D. **Landmarks Board.** The Landmarks Board was established on June 14, 1993, with the merging of historical site board and historic district review board in compliance with RSMo. 253.415, according to the following provisions.

1. *Membership.* The Landmarks Board shall consist of nine members appointed by the City Council.
   a. Members shall serve without compensation.
   b. At least one member shall be an architect with a professional design degree in architecture plus at least two years of full-time experience in architecture, or a state license to practice architecture.
   c. At least one member shall be a licensed real estate agent.
   d. At least one member shall be a historian or architectural historian.
   e. At least one representative shall be a resident, merchant, or property owner from each historic district – Mid-town Historic District, Walnut Street Historic District, and Commercial Street Historic District, or employed full time as an architect, real estate agent, or historian or architectural historian within the district. The historic district representatives may also satisfy one of the other mandatory member requirements.
   f. If more than three historic districts are established by the City Council, one member for each additional district shall be added to the original nine members.
2. Members shall serve three-year terms, and may be reappointed; however, no person shall be appointed for more than two consecutive three-year terms. Members may be appointed to fill the remainder of vacant terms.

3. *Powers, Duties, and Responsibilities.* The Landmarks Board shall have the following powers, duties, and responsibilities:
   a. Adopt its own rules of procedure;
   b. Establish advisory committees as it deems necessary, from both within and outside its membership;
   c. Survey and identify historically and architecturally significant properties as described in Section 36-2.11.B;
   d. Recommend plans and policies with regard to historic preservation;
   e. Prepare written recommendations to the City Council regarding designation of historical or architectural resources
   f. Recommend to the City Council the adoption of ordinances designating historic landmarks and historic districts;
   g. 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. 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. 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 City Council;
   j. Recommend the promulgation of standards for architectural review in addition

to those cited in Section 36-2.11.B.

k. Consider applications for and to approve or disapprove certificates of appropriateness pursuant to Section 36-2.11.D and prepare written reasons pursuant to that action;

l. Consider applications for and issue or deny certificates of economic hardship pursuant to Section 36-2.11.E and prepare written reasons pursuant to that action;

m. Increase public awareness of the value of historical and architectural resources by developing and participating in public information programs, and by placing monuments and markers at historic sites, historic landmarks, and historic districts designated under this chapter;

n. 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 procedures for inclusion on the National Register of Historic Places;

o. Review, evaluate, and comment on proposed zoning amendments, applications for conditional use permits, or applications for zoning variances that affect proposed or designated historic landmarks and historic districts. The PD Director 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. Evaluate, comment on, 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. Evaluate, comment on, 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 for structures 50 years or older prior to issuance, or having historic significance as determined by the Landmarks Board;

r. Make recommendations to City 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. Make recommendations to City Council concerning the acquisition by gift, purchase, grant, bequest, devise, lease, or otherwise of 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. Investigate complaints, conduct hearings, and recommend the commencement of actions to enforce the provisions of this section; and

u. Carry out any other action or activity necessary or appropriate to the implementation of this section or which may be specified by City Council.

36-1.05 Interpretation

A. **Rules of Construction.** The following rules shall be used in the application and interpretation of these regulations, except when the context clearly requires otherwise:

1. All words shall have the customary meaning using the Merriam-Webster dictionary, unless specifically defined in these regulations.

2. The present tense includes the future tense, and the future tense includes the present tense.

3. The singular includes the plural, and the plural includes the singular.

4. Lists of examples prefaced by “including the following,” “such as,” or other similar

clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.

5. The conjunctive "and" in a list means that all apply; the conjunctives "or" and "and/or" mean the provisions may apply singly or in any combination; and the conjunctive "either...or" means the provisions apply singly but not in combinations.

6. When calculations to determine a requirement of something that cannot be divisible (i.e. parking space, trees) results in fractions, such fractions shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement and rounded down to the nearest whole number if the standard is expressed as a maximum allowance.

7. "Shall," or "must" is mandatory; "should" or "may" is permissive but a recommended method to best meet the standard or achieve the intent of the standard.

8 A reference to an administrative official shall refer to that official, or their designee, and all references to specific city officials may also include any other designee of the City Manager.

9. Any reference to other official local, state, or federal government rules or regulations shall be to the current versions of those regulations except where any official adoption or reference indicates a specific version.

10. References to a person includes individuals, partnerships, agencies, corporations, or other legal entities and the owner and any other legal, contractual, or authorized representatives of any legal entity.

11. The day of the act that commences a time period shall not be counted and the last day of the time period shall be included, unless it is a Saturday, Sunday or legal city holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal city holidays count in the time period.

B. **Conflicts.** All provisions in this chapter shall be considered the minimum requirements to promote the public health, safety, and welfare. In case of a conflict between these regulations and any other adopted and applicable rule, regulation, standard, or limitation, the higher standard shall apply. In deciding the higher standard, the PD Director may consider which is more specific; which is more consistent with the comprehensive plan; which is more consistent with the purposes, intent, and design objectives of these regulations; and which best promotes the public health, safety, and welfare.

1. *Other City Codes.* Other city codes apply in conjunction with these regulations and the higher standard shall control.

2. *Other State & Federal Regulations.* State and Federal regulations may apply independent of these regulations, provided they remain binding on the city. Where such regulations are non-binding or otherwise can be interpreted in conjunction with these regulations, they may apply provided they support the purposes, intent, and design objectives of these regulations.

3. *Private Restrictions*. These regulations shall not impair or interfere with any private restrictions placed on property by deed, covenant, or other private agreement; however, no private agreement shall authorize a violation of these regulations.

C. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:

1. Boundaries approximately following streets, other right-of-way, rivers, or streams; the centerlines or extension of these centerlines shall be the boundaries.

2. Boundaries indicated as approximately following property lines; the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.

3. Boundaries approximately following city limits: the actual city limits shall be interpreted as the boundaries.

4. Boundaries that split any platted lots; the lot shall be interpreted in the district designated to the majority of the lot. In the case of an equal split, the PD Director shall determine the appropriate zoning based on consideration of the comprehensive plan, the context, the surrounding existing uses, and the likelihood of change in context or existing uses in the future.

5. Boundaries that split any unplatted property; zoning may be interpreted as the actual platted boundary provided the future platting approximately follows the zoning boundary. Where any resulting lots have significant discrepancies with mapped zoning boundaries, rezoning may be required.

D. **Non-regulatory Provisions.** Intent statements, design objectives, graphics, and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards and criteria. In the event of a conflict between these non-regulatory provisions and a specific standard, the specific standard shall control.

E. **Resources, Guides, & Industry Standards.** Resources, guides, and industry standards that are recognized as a reputable authority in the planning, development, and urban design professions, may be used to supplement interpretation of this chapter. They shall be subject to the approval of the PD Director upon a determination that the content is consistent with the policies of the comprehensive plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the PD Director shall be listed in Appendix A, and at least one copy shall be kept on file with the Department of Planning and Development. These guides shall only be used to aid interpretation and application of the standards, and shall not be used to otherwise modify or conflict with any specific standard in this chapter.

36-1.06 Nonconformities

A. **Intent.** The City permits existing uses, buildings, and lots that were created legally and in conformance with then-applicable requirements, but which do not conform to the current applicable requirements of this chapter, to continue to be put to productive use. The intent of this section is to:

1. Bring as many aspects of these nonconformities into compliance with current regulations as is reasonably practical.

2. Recognize different degrees of nonconformity have different impacts, both in terms of the type and the extent of deviation from the standards.

3. Balance the interests of property owners in past investments and the community or adjacent property owners' interest in investment consistent with the comprehensive plan and this chapter.

4. Discourage or prohibit investment that expands, reinforces, or unnecessarily extends nonconforming situations.

B. **Nonconforming Uses.** Uses that were legally initiated or established prior to the adoption or amendment of this chapter, but which could otherwise not be continued under the current terms of this chapter, may continue to exist subject to the following:

1. The use shall not be expanded beyond the specific area of the site or lot where the use

was legally established, beyond any existing building or structure in which the use is located, or within any building or structure where any structural changes expand the exterior footprint of a building or structure. The PD Director may consider an exception based on the following findings:

a. The expansion is part of routine or ordinary business operation rather than an investment in a change or increase in the physical capacity of the site or building;
b. Any enlargements of the structure or buildings is only to facilitate conforming uses or activities, and does not otherwise allow, encourage, or promote expansion or increase of the nonconforming use; and
c. Any expansions on the lot and site conform with all site development standards and can easily accommodate other future conforming uses.

2. If active and continuous operations are not carried on during a period of one year, the use shall not be reestablished and all subsequent uses shall be in conformance with the provisions of this chapter.
   a. Intent to resume active and continuous uses shall not count towards reestablishing the use. Evidence of a continuous business license is not sufficient to maintain use for this purpose. A business use must be operational to be considered active.
   b. A nonconforming home occupation shall be considered abandoned if the occupants of the dwelling who were conducting the use discontinue either their occupancy of the dwelling or the nonconforming home occupation.
   c. Continuation of an accessory use absent the operation of a principal nonconforming use shall not avoid any abandonment period.
   d. A change of operator or sale of use shall not be considered discontinued, provided that neither the previous or current business or owner combined to cease operation for one year or more.

3. Any change of use shall be to a conforming use, and at that time the nonconforming use shall be abandoned. The PD Director may consider and authorize a change to a lessor nonconforming use considering the extent, intensity, or operations of the use, provided it does not otherwise include investments that extend the period that the property is not conforming to this chapter.

4. Any structure in which a nonconforming use is carried out that is damaged to the extent of more than 50% of the current replacement value shall not be restored to support the nonconforming use, with the exception of detached houses and duplexes, which may be replaced at its prior size as evidenced by records of the county assessor or other official record.

5. Any new activity that triggers specific site design standards shall require full compliance with such standards for the nonconforming use to continue, and the presence of a nonconforming use shall not be used to justify not meeting other applicable standards.

C. **Nonconforming Structures.** Structures other than signs that were legally constructed prior to the adoption or amendment of this chapter, but which could not be constructed under the current terms of this chapter, may continue to exist subject to the following:

1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation or expansions that require a building permit may occur provided that they comply with all other requirements of this chapter; are not detrimental to the purposes, intent, and objectives of the standards; and do not interfere with development in conformance with this chapter on adjacent property. In general, no repairs or alterations that exceed 50% of the current replacement value of the structure shall be permitted.

2. If damaged by 50% or less of its total current replacement value, the structure may be restored to its original condition if a permit is obtained within 180 days and work is completed prior to expiration of the permit.

3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this chapter, or is otherwise damaged and the cost of improvement or restoration is more than 50% of the current replacement value, the right to maintain the nonconformance shall terminate.

4. Structures granted variances from the dimensional standards are not considered nonconforming and are not subject to the limitations of this section, provided that the structure and owner comply with any terms of the variance and the circumstances surrounding the variance have not substantially changed.

D. **Nonconforming Site Conditions.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space, or other non-building site characteristic) in existence prior to these regulations, but which are not compliant with the standards of these regulations, may continue to exist subject to the following:

1. Any change of use or expansion of use shall require compliance with the current development standards up to the maximum extent possible, considering the level of investment needed to support the new use and the extent of area being impacted by work to support the new use.

2. Any site development activity on a portion of a site shall require compliance with the current standards up to the proportion that is subject to the development activity. For example, a site that is not compliant with the landscape standards must meet the landscape standards prorated to the portion of the site where development activity occurs, but the remainder of the site may remain nonconforming.

3. Any change of use, building, or site design element that triggers a screening requirement shall require 100% compliance with all screening standards applicable to the site.

4. Expansion of a building by more than 50% of its gross floor area measured prior to the expansion; tear-down and reconstruction of a building; or development of a vacant parcel proposed for development shall require full compliance with all provisions of the Land Development Code.

5. Expansion of a building by 25% to 50% of its gross floor area, measured prior to the expansion; or increase in parking requirements of more than 20% of the number required by this Land Development Code, calculated based on the condition prior to the expansion shall require full compliance with the bufferyards and screening requirements of the land development code. Landscaping shall be required within any new parking lot areas for the number of spaces required.

6. Expansion of a building up to, but less than 25% of its gross floor area, measured prior to the expansion, or increase in parking requirements of up to and including 20% of the number required by this Land Development Code, calculated based on the condition prior to the expansion shall require either streetscape landscaping in the rights-of-way or frontage and foundation landscaping. If buffering or screening is required, then the area within and around the perimeter of the property shall meet the buffering and screening requirements.

7. The site condition and proposed continued use does not present any other apparent risks to the public health, safety or welfare.

8. Enlargements of gross floor areas and parking lots shall be cumulative and when the above thresholds are reached the required standard shall be applied.

E. **Nonconforming Lots.** Any lots platted legally prior to the adoption or amendment of this chapter, but which could not be platted under the current requirements of this chapter, may continue to exist and be used for the uses permitted in the current zoning district, provided development can meet other development standards, or any other criteria for relief from those

standards included in this chapter.

F. **Nonconforming Signs.** Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. Nonconforming signs must be brought into compliance with this chapter or must be removed when any of the following conditions exist:

1. When the property or premises upon which the sign is located is vacant for a period of at least 180 days.

2. When a sign and/or sign structure is abandoned for more than 180 days, including empty frames.

3. When a sign and/or sign structure is damaged or destroyed and restoration exceeds 50% of its total replacement cost.

4. When the condition of the sign is a violation of any public safety or property maintenance code, and where compliance with those codes would extend the life of the nonconforming sign.

5. When the sign is relocated, replaced, or altered in any way except into compliance with this chapter. This does not refer to the change of copy or normal maintenance.

6. When a structure upon which the sign is placed is relocated, replaced, or altered in any way except in compliance with this chapter.

7. When there is a zoning change initiated by the business or property owner.

The provisions of this subsection shall not apply to nonconforming lighting of signs or nonconforming temporary signs, which shall be brought into compliance within 60 days after the effective date of any applicable standard.

G. **Burden of Proof.** The burden shall be on the applicant to establish that the nonconformity was established lawfully and the entitlement to continuation of nonconforming situations or completion of nonconforming projects according to this section. Owners of nonconformities may request a “certificate of legal nonconforming status” by filing an application with the PD Director.

36-1.07 Enforcement

A. **Violations.** It is unlawful for any building, structure, site element, land development, or land or building use to be constructed, altered, maintained, or otherwise initiated in violation of this chapter. It shall be unlawful for any person to:

1. Do or cause any act or thing prohibited by this chapter;

2. Omit or materially misrepresent any act or thing required by this chapter;

3. Neglect any review process, permit, or other authorization required by this chapter prior to the use of land or buildings, or initiation of development; or

4. Interfere in any manner with persons performing a right or duty under this chapter to interpret, apply, and enforce this chapter.

B. **Proceedings.** The Director may initiate proceedings to prevent or terminate any activity or condition that violates this chapter.

1. To investigate potential violations, the Director may enter lands and buildings to inspect them:

a. when they are public;

b. in commercial areas open to the public;

c. with the consent of any individual authorized to give such consent; or

d. as part of a routine inspection program.

2. If consent to enter lands and buildings is refused by any person authorized to make such refusal, the Director may apply to a municipal court judge for a search and seizure warrant:

a. when the Director believes there is probable cause supporting that such lands, buildings, or both may be in violation of this chapter; or

b. as part of a routine inspection program.

3. A municipal court judge will issue a warrant upon finding probable cause to believe specified lands, buildings, or both may be in violation of this chapter. Said warrant will:

a. include the specific location subject to the warrant and what, if anything, may be searched or seized on the property described; and

b. be served during reasonable hours by a city official seeking to enforce this chapter in the company of a uniformed city policy officer.

4. Without a hearing, the Director may:

a. withhold, suspend, or revoke any permits or licenses previously granted;

b. issue stop work orders;

c. stop processing pending development applications or permits; and

d. withhold any public improvements.

5. The Director may initiate a more formal proceeding, to include an abatement notice and order and the opportunity to be heard, through the process outlined in this section. Such proceeding may be pursued either in the alternative to or concurrently with the above actions.

a. The affected property owner shall have 15 business days from the date printed on the notice to respond to an abatement notice and order; such response is limited to correction of the alleged violation or a hearing request.

b. If a hearing is requested, the final hearing decision shall be enforced according to this chapter.

c. If no response is received within 15 business days, such notice and order shall be deemed final, and the Director may cause:

i. correction of the violation; and

ii. utilities serving the land, building, or use in violation of this chapter to be turned off until there is full compliance.

6. When the Director causes correction of a zoning violation, the Director shall:

a. Prepare a certificate of costs charging the property owner with all costs attendant to any zoning violation correction, including but not limited to title reports, administrative fees, attorney fees, certified deeds, and contractor fees;

b. Place such attendant costs in a recordable lien document to run with the land until all such costs are paid; and

c. Deliver both the certificate of costs and a copy of the recorded lien document to the property owner by at least one of the following methods:

i. personal service;

ii. United States certified mail, postage prepaid, return receipt requested, and regular first-class mail;

iii. FedEx, UPS, or other similar courier; or

iv. Email, upon request.

d. Post the notice in a conspicuous location on the property where the violation exists, unless there has been personal or email delivery.

C. **Notice.** When the PD Director or any other authorized city agent determines there are reasonable grounds to believe a violation of this chapter exists, and the Director wishes to cause correction of any zoning violation or turn off utilities as described above, the Director shall deliver notice of the alleged violation to the property owner or registered agent.

1. Notice delivery shall be by at least one of the following methods:

a. Personal service;

b. United states certified mail, postage prepaid, return receipt requested, and regular first-class mail; or

c. FedEx, UPS, or other similar courier.

Notice shall also be posted in a conspicuous location on the property where the violation exists, unless there has been personal service.

2. Notice must be in writing and:

a. Declare that a zoning violation exists;

b. Declare where the violation exists by street address or some other property identifier;

c. Describe violating conditions;

d. Order the property owner to start correcting the violating conditions within 15 business days of the date printed on the notice;

e. Warn the property owner that, if correction does not begin within 15 business days of the date printed on the notice and continue to completion without unnecessary delay, city personnel may:

i. Cause correction of the zoning violation, with attendant costs charged to the property owner and recorded in a lien running with the land until paid; and

ii. Seek an order from a hearing officer directing that all utilities serving the property in violation be turned off until all zoning violations are corrected.

f. Inform the property owner of the right to a hearing to:

i. Contest the zoning violation declaration, zoning violation order, or any other aspect of the zoning violation proceedings; or

ii. Establish how much delay will be necessary to begin and complete zoning violation correction.

g. Warn the property owner that a failure to request a hearing within 15 business days of the date printed on the notice is a waiver of the right to hearing;

h. Provide the email address of the individual signing the notice; and

i. Direct the property owner to deliver a written hearing request to the department issuing the abatement notice and order by at least one of the following methods:

- Personal service to an individual within the department issue the notice;
- Email to the individual that issued the notice; or
- United States first-class mail, FedEx, UPS, or other similar courier.

D. **Hearing Request.**

1. A hearing request must:

a. be in writing;

b. include the applicant's name and mailing address;

c. briefly describe the applicant's basis for appeal; and

d. state whether the applicant is represented by an attorney and, if so, such attorney's contact information.

2. Upon delivery of a hearing request, city personnel will first seek to resolve correction issues with the property owner. If no such resolution is reached, city personnel will arrange a hearing.

3. Failure to deliver a request for hearing within 15 business days from the date printed on the notice of abatement and order shall constitute waiver of the right to a hearing, and the abatement notice and order shall be deemed final.

4. If, after having requested a hearing, a property owner fails to appear at the hearing, no hearing shall be held and city personnel may cause correction of a zoning violation without a hearing or further legal proceedings.

E. **Hearing Notice**. The hearing notice shall:

1. Be delivered to the property owner and any other individual with an interest affecting title in the property by at least one of the following methods:

a. Personal delivery;

b. United States certified mail, postage prepaid, return receipt requested, and regular first-class mail;

c. FedEx, UPS, or other similar courier; or

d. Email, upon request.

2. Be posted in a conspicuous location on the property where the violation exists, unless there has been personal or email delivery;

3. Specify the date, time, and location for the hearing;

4. Include a copy of the abatement notice and order; and

5. State the identifying case caption, case number, and whether an answer to the notice is required.

F. **Hearing.** Any zoning violation hearing under this chapter shall be held by a duly appointed hearing officer, with such hearing recorded. The hearing officer will hear testimony offered under oath or affirmation, and interested parties may appear in person and by counsel.

G. **Decision.** Hearing decisions shall be issued in writing within 10 days of the hearing and shall included findings of fact, conclusions of law, and any necessary order. Such order shall authorize the Director to apply any enforcement remedies pursuant to this chapter upon finding that:

1. One or more zoning violations exist;

2. Notices have been property given; and

3. Zoning violations have not been corrected.

The hearing decision shall be distributed to the property owner, other individuals with an interest affecting title in the property, and interested city personnel by at least one of the service methods listed in this section.

Hearing decisions shall be deemed final 30 days after issuance unless there is an appeal to circuit court under Section 536.110, RSMo.

H. **Judicial Actions.**

1. Municipal Court.

a. If a person violates this chapter or does not timely comply with a compliance request, the Director may cause a municipal court summons to be issued for prosecution in municipal court.

b. Any person who violates this chapter or does not comply with any order issued under this chapter is in violation of a municipal ordinance and, upon conviction, is subject to punishment under Section 1-7 of the Springfield City Code.

c. In deciding punishment, the court will hear evidence concerning the economic value of continuing the violation and assess a fine sufficient, in the court's judgment, to deter a continuation of the violation.

d. Each day a violation continues after notice is served and charges are filed in municipal court shall be considered a separate offense.

e. Notice is not required to prosecute a violation of this chapter but is required to prosecute failure to comply with an order issued under this chapter.

2. Circuit Court. If a person violates this chapter or does not timely comply with a compliance request, the Director may request that the city attorney obtain an injunction to correct such violation. No fines imposed in municipal court or other proceedings under this chapter shall prevent an injunction to:

   a. Prevent unlawful construction;

   b. Restrain or correct a violation;

   c. Prevent illegal occupancy of a building, structure, or premises; or

   d. Stop an illegal act, conduct, business, or use of a building or structure in or about any premises in violation of this article.

Article 2. Procedures

36-2.01 General – All Applications
36-2.02 Plats
36-2.03 Zoning Site Plan
36-2.04 Conditional Use Permit
36-2.05 Rezoning
36-2.06 Planned Zoning
36-2.07 Variance
36-2.08 Appeals of Administrative Decision
36-2.09 Text Amendments
36-2.10 Annexation
36-2.11 Historic Designations
36-2.12 Street Name Change
36-2.13 Street Vacation

Table 2-1: Summary of Procedures

Application	Eligible Applicant				Notice			Pre-application		Review & Decision				Protest
	Owner	Staff	P&Z	CC	Pub	Mail	Post	Staff Meeting	Neighborhood Meeting	Staff	P&Z	CC	BOA	
Administrative Subdivision (36-2.02.B)	✓							■		D	A			
Annexation (36-2.10)	✓			✓	■			■		R		PH / D		
Major Subdivision – Preliminary Plat (36-2.02.C)	✓						■	■		R	PH / D	Ac / A		
Major Subdivision – Final Plat (36-2.02.D)	✓									D	A	A		
Zoning Site Plan (36-2.03)	✓							■		D	A			
Conditional Use Permit (36-2.04)	✓				■	■	■	■	■	R	PH / D	A		
Rezoning (36-2.05)	✓		✓	✓	■	■	■	■	■	R	PH / R	PH / D		X
Planned Zoning (36-2.06)	✓		✓	✓	■	■	■	■	■	R	PH / R	PH / D		X
Variance (36-2.07)	✓					■	■	○					PH / D	
Appeal of Administrative Decision (36-2.08)	✓	✓	✓	✓		■	■						PH / D	
Text Amendment (36-2.09)		✓	✓	✓	■					R	PH / R	PH / D		
Street Name Change (36-2.12)	✓	✓	✓	✓	■	■	■	■		R	PH / R	PH / D		
Street Vacation (36-2.13)	✓	✓	✓	✓	■	■	■	■		R	PH / D	A		X
	✓ = Eligible to initiate application				■ = Required ○ = Applicant's option					R = Review and Recommendation D = Decision A = Appeal of Prior Decision Ac = Acceptance of Improvements / Dedications PH = Public Hearing				

36-2.01 General – All Applications

A. **Applications & Fees**.

1. *Forms.* Applications required under this chapter shall be submitted to the Department of Planning & Development (PD) on forms supplied by the Department. The PD Director is authorized to establish application forms and submittal requirements to ensure all applications can be evaluated for conformance with this chapter. The PD Director may waive the requirement for any information on standard forms at the time of application, due to the routine nature of the application or due to the context of a particular application making the information inapplicable for review against the criteria.

2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the city's current Fee Schedule. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the staff on behalf of the Planning and Zoning Commission or City Council.

3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each particular application under this chapter, which may include the following:
   a. *Owner*. The record owner of property that is the subject of the application or that owner's agent authorized by written permission of the owner.
   b. *Planning and Zoning Commission.* The Planning and Zoning Commission, acting on its own initiative or through recommendations brought to it by city staff.
   c. *City Council.* The City Council, acting on its own initiative or through recommendations brought to it by city staff.

B. **Concurrent Applications**. When a project requires approvals under more than one type of application, the PD Director may determine that each application may run concurrently based on the following:

1. The information required for each type of application is similar or can be easily coordinated between each application.

2. The notice, timing, procedures, meetings, and review bodies required for each application are similar or can be easily coordinated between each application.

3. The ability of the staff and review bodies to make effective decisions under the review criteria when reviewing the applications concurrently.

In cases where the PD Director determines applications may run concurrently, the application shall be reviewed according to the highest review level of any associated application, and approvals may be conditioned on the final decision of the highest concurrent application. No decision shall be considered final until the last of the required decisions has been made.

C. **Pre-application Meeting.** Pre-application discussions are informational and non-binding and assist applicants with due diligence on formal applications for development or rezonings. Pre-application meetings may be required at multiple stages of a project, early on, while in the design process, or prior to submitting for a building permit.

1. *Applicability.* In addition to the requirements in Table 2-1, pre-application meetings are required for any residential development of two or more units, and any new non-residential construction or additions (commercial, mixed-use, or industrial buildings, site improvement plans, or parking lots). A required pre-application meeting may be waived at the PD Director's discretion for any application that is routine in nature and where the topics can be addressed by general correspondence.

2. *Content.* Applicants shall confer with the PD Director and other city staff or officials designated by the PD Director, to discuss the proposal, including:

a. How the proposed project meets the goals of the comprehensive plan, or other specific plans or policies applicable to the area if a rezoning is requested.
b. The applicant's vision and understanding of the market for the proposed project.
c. The proposed uses, general site layout, and conceptual or anticipated design of buildings, including how the project relates to surrounding sites and public spaces.
d. How the project will contribute to the area and further the intent of the applicable or proposed zoning district.
e. Infrastructure capacity, demands, and impacts on existing or planned facilities.
f. Development review processes and review criteria.
g. Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.

3. *Review Procedure*. Applicants shall submit all documents required for pre-application review as established in the most recent User's Manual as approved by the PD Director.

4. *Duration.* The pre-application meeting and city staff's comments contained with the report are valid for 6 months after the meeting date provided the proposal has not substantially changed.

D. **Neighborhood Meeting.** A neighborhood meeting shall be required as indicated in Table 2-1, and specifically applicants shall hold a neighborhood meeting prior to the Planning and Zoning Commission public hearing on rezonings, Planned Zonings, vacations of public right-of-way (that are not initiated by the PW 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 15 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 PD Director.

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. Neighborhood meetings shall not be held on official city holidays or October 31st, December 24th, or December 31st.

4. The mailing shall be performed by the Department of Planning and Development; however, the letters and envelopes including postage shall be prepared by the applicant. The neighborhood letters shall be submitted to the Department of Planning and Development 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 Department of Planning and Development. The notice letter shall contain the following and any additional information as required by the PD Director:
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 10 days prior to the Planning and Zoning Commission public hearing, the applicant shall submit a summary of the meeting to the Department of Planning and Development including the following in

order:
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 the applicant plans to respond; and
f. Additional information, such as comment cards, letters from neighbors, shall be attached to the summary.

7. 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 Department of Planning and Development.

E. **Staff Review.** Upon receipt of an application or resubmittal, the PD Director shall take the following steps:

1. *Determination of Complete Application*. If an application is determined incomplete, the PD Director shall notify the applicant of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the PD Director may determine that the incomplete application is withdrawn. If an application is complete it shall be processed for formal review.

2. *Staff Review.*
a. The PD Director shall coordinate review by the Department of Planning and Development Department after a complete application, and consult with the Department of Building and Development Services, the Department of Public Works, and other appropriate departments the PD Director determines may be impacted by the application.
b. The PD Director may require review by the Administrative Review Committee (ARC) as established in Section 36-1.04.
c. The PD Director may determine if other referral agencies are appropriate based on the application and has discretion to add any other relevant or applicable agency to the list. The following agencies may be requested to review and comment:
(1) Adjacent county and municipal governments;
(2) State of Missouri department offices;
(3) Gas and electric utility providers;
(4) Telecommunications and cable providers;
(5) Public safety agencies (Police, Fire, EMS, Health);
(6) School districts;
(7) Water and sewer utility providers; and
(8) Other special district, local, state, or federal government agencies or impacted entities.
d. Failure to receive comments from referral agencies shall not be considered approval by the agencies and may allow the PD Director to delay the application. However, if the applicant demonstrates sufficient due diligence in attaining comments, the PD Director may allow the application to proceed.
e. The applicant shall be responsible for coordinating all subsequent requirements, plan amendments, or fees required to satisfy agency requirements, and for notifying any agency prior to final review of any changes that may affect their comments on initial plans.

3. *Staff Comments.* The PD Director shall coordinate staff comments on a complete application and may provide the applicant the following information in writing:
a. Comments or recommended changes based on the results of any referral

agency comments, neighborhood meetings, or staff review.

b. A list of any additional information necessary to support the application or address any comments or recommended changes.

c. If the applicant chooses not to address any comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and provide reasonable rationale why the comment cannot be addressed. The applicant may request to schedule the application for official review based on this rationale.

d. If the applicant fails to submit revisions or otherwise address any comments from the PD Director in writing for more than 120 days, the PD Director may:

(1) Postpone the application based on the applicant's request and any reasonable justification for a delay in addressing comments; or

(2) Determine the application withdrawn and the review terminated. Any further action will require a new application and fees.

4. *Scheduling.* Applications that have completed staff review and addressed any comments or recommended changes, shall be scheduled for further review or processing according to these regulations.

5. *Staff Report.* The PD Director shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the appropriate policies, plans, regulations, and review criteria, and identify relevant facts of the application. The PD Director shall publish or otherwise make the report available to the applicant and public prior to the review body meeting, in association with the public meeting agenda and packet.

F. **Notice.** Notice shall be provided for each application as indicated in Table 2-1, which shall provide the date, time, place of the meeting, and general information on the application including the location, type of application, and where additional details may be found.

1. *Published*. Where published notice is required, notice shall be published in an official newspaper or a newspaper of general circulation in the city of Springfield at least 15 days prior to the public hearing or meeting.

2. *Posted*. Where posted notice is required, notice shall be posted by the applicant on the property or near the proposed site, visible to surrounding properties and the general public from adjacent public ways, according to the following:

a. The PD Director shall determine the number, type, size, content, and specific location of signs based on the context of the property and to provide visible and clear notice to the public. One sign shall be posted for each 150 feet of street frontage up to a maximum of three signs, and at least one sign on each street frontage.

b. The applicant shall ensure that signs are posted at least 10 days prior to the public hearing or meeting.

c. The applicant shall make a reasonable, good-faith effort to maintain posted notice throughout the proceedings.

3. *Mailed.* Where mailed notice is required, the City shall mail notice at least 15 days prior to the hearing or review meeting by first class mail to all owners of real property, as shown on the records of the county assessor, adjacent to or within 185 feet of the subject property.

4. *Specific Content.* All notice that is required to be published or mailed shall contain the following:

a. The name of the applicant as it appears on the application.

b. The name of the property owner, if different from the applicant. If there are multiple owners, only three names shall be listed and a full list shall be on file with the application.

c. The 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 or meeting, and whether it includes the right to testify (e.g. public hearing).
f. The place at which further information on the application may be obtained and examined.

5. *Failure of Notice.* Any failure of published, posted, or mailed notice shall not invalidate any subsequent process or decision in the PD Director's discretion. In making this decision, the PD Director shall consider whether:
a. Good faith efforts were made to comply with notice, and the failure of notice was beyond the applicant's or City's control;
b. Technical errors in the notice were made, but constructive and actual notice was available to all interested parties; or
c. The failure of notice is not otherwise influential to the proceedings, criteria, or record established for the decision.

G. **Public Hearings.** Where public hearings are required by Table 2-1, the following procedures apply:

1. The hearing shall be conducted and a record of the proceedings shall be preserved.

2. Any interested person or party may appear and be heard in person or by agent, and the review body may require that this testimony and any evidence or exhibits be under oath or by affirmation.

3. The review body may request testimony or a report on the application from any government official or agency, experts, or any other person with information pertinent to the application.

4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this section if the specific date, time, and place of the continued hearing is announced at the original hearing.

5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body.

6. A review body is authorized to establish meeting procedures and bylaws regarding specific conduct and management of public hearings, within the parameters of these regulations.

H. **Action by Review Bodies.** Required review bodies are indicated in Table 2-1. A review body may take any action on the application consistent with notice given or criteria in these regulations, or recommend such action when the review body is a recommending body, including the following:

1. Approve the application.

2. Approve the application with conditions or modifications that make it more consistent with the standards and review criteria. Any modification to plans prepared by a licensed professional shall require review and consent by the licensed professional.

3. Deny the application, with specific reasons for the denial.

4. Continue the application to allow further analysis. The continuation period shall not be more than 60 days from the initial meeting without the consent of the applicant.

5. In the case of City Council, remanding of the application to the recommending body, e.g., the Planning and Zoning Commission, shall occur when either (1) the applicant has requested a remand to make a substantive change to the application at issue; or (2) new evidence has been presented to City Council that was not presented to the recommending body, provided that good cause for such omission is established.

a. Such remand shall be issued in a written order that includes the following parameters as guidance from City Council:
   (1) The issue prompting the application to be remanded;
   (2) The specific question(s) City Council desires the recommending body to answer;
   (3) Any specific evidence or testimony that City Council desires to be provided before the recommending body issues its new recommendation; and
   (4) Any limitations on additional evidence and testimony City Council desires to restrict.

b. Following the completion of all steps included in the written remand order, the recommending body will issue a new recommendation to City Council. If no action is taken on the remanded item, the same recommendation will be deemed made and will be sent back to the City Council.

c. Such remand shall be placed on the agenda of the next regular meeting of the recommending body following completion of all necessary steps.

d. New notice and publication of the public hearing on the remanded item shall be required, to be paid by the applicant unless otherwise specified by City Council.

I. **Appeals.** Where no appeal process is designated in Table 2-1, the decision shall be final and only appealed as authorized by law. Any final decision made under this chapter by an administrative official may be appealed according to Section 36-2.08. Where a review body is designated as the appellate body in Table 2-1, the following appeal procedures apply:

1. Appeals shall be filed with the PD Director within 15 days of the final decision by a public review body or 30 days of the final decision by any administrative official.

2. Appeals shall identify the exact provisions in dispute and whether it is incorrect due to one or more of the following:
   a. It was against specific standards of this chapter;
   b. It was an unreasonable interpretation or application of the standards or review criteria;
   c. It was erroneous, based on the record and facts reviewed by the decision-making body; or
   d. It was otherwise clearly contrary to law.

3. The following persons and entities shall have standing to appeal the action of the review body:
   a. The applicant;
   b. The City Manager, on behalf of any public official, department, or public body; or
   c. Any other person who has a right to appeal by law.

4. Prior to forwarding any appeal to the appropriate appellate body, the Administrative Review Committee shall perform a secondary review of the application and issue a final administrative decision. Based on the final administrative decision the applicant may either withdraw the appeal or continue with the appeal before the applicable appellate body.

5. The appellate body shall consider the application based on the established record, within 60 days of a filed appeal. It shall give deference to the previous review body but may take any action authorized by the decision-making body under this chapter if it determines that a clear error was made.

6. The procedure and required notice for any appeal that advances to the appellate body shall be the same for the appeal as required of the original application.

J. **Technical Studies.** The PD Director, on behalf of any public official, department, or agency, the Planning and Zoning Commission, or the City Council, may require applicants to submit technical studies necessary to evaluate the application. Technical review by outside entities

with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic studies, infrastructure capacity and impact analysis, geologic or hydrologic studies, environmental impact and biological assessments, noise studies, market studies, or fiscal and economic impact studies. The persons or firms preparing the studies shall be subject to the approval of the PD Director and the respective public official or department. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the city may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.

K. **Permits.** Upon final approval as specified for each application in this section, applicants may proceed with all permits necessary to construct buildings, infrastructure, and site improvements. Additional details, plans, and specifications necessary to show full compliance with the standards of this chapter, other applicable city codes and specifications, or other agency requirements or laws may be required.

36-2.02 Plats

A. **Applicability.**

1. *General Applicability*. Plat applications are required to:
   a. Design and coordinate streets, open spaces and other civic places with developable lots and buildings;
   b. Establish or alter the legal boundaries of property in coordination development patterns, infrastructure, and services; and
   c. Account for public infrastructure, access, and services; community facilities; development patterns; or other long-range growth and development considerations prior to potential fracturing of ownership and as individual development projects occur.

2. *Specific Applicability.* Plat applications may be initiated by the property owner, and specifically shall apply to:
   a. Any combination of lots or division of land into more than one lot or parcel;
   b. Any adjustment that alters the legal boundaries or potential ownership patterns of legally established parcels or previously platted lots, except those by operation of law, acquisition by a public entity, or by court order; and
   c. Any development on previously unplatted property where access or connections to public infrastructure or public streets will be required, where public or private easements will be required to build infrastructure; or where the development is otherwise determined to increase the impact on public infrastructure or community facilities.

3. *Types of Plats and Applications.* Plat applications are classified and processed as one of two types:
   a. *Administrative Subdivisions.* Administrative subdivisions are routine applications that impact the legal disposition of property (property lines, easements, etc.) but do not significantly alter development patterns or impact public infrastructure or services.
   b *Major Subdivisions.* Major subdivisions are all other land divisions or development impacting development patterns, right-of-way, or public infrastructure or community facilities, which typically require a comprehensive review through preliminary plat and final plat procedures.

B. **Administrative Subdivision.** Administrative subdivisions shall be processed according to the following criteria and procedures:

1. *Eligibility.* The following situations are eligible for administrative subdivision processes:
   a. *Administrative Property Line Adjustment*. Only in instances of a property line dispute, a minor encroachment, or a court-ordered and certified survey to confirm the alteration of legal boundaries of previously platted lots or legally

established tracts of record prior to March 26, 1956. Absent a court-ordered and certified
survey, only a single lot line may be adjusted as part of an administrative property line adjustment.

b. *Administrative Lot Combination.* A certified survey to confirm the combination of previously platted lots or legally established tracts of record prior to March 26, 1956, into fewer lots.
c. *Administrative Plat*. A certified survey to confirm the alteration or the division of one or more platted or un-platted parcels or of legally established tracts of record prior to March 26, 1956, into no more than five additional lots from the parent parcel.
d. *Administrative Condominium Plat*. A certified survey to confirm the legal boundaries of a unit or structure on a lot of record of an existing structure or structures on a common element.
e. *Administrative Plat Correction.* A certified survey or other legal instrument acceptable to record that corrects a tract, parcel, or lot was legally established and corrects an error or omission from prior legal instruments that results in no observable impacts on the development pattern or potential development.
f. *Administrative Tract Certification.* A certified survey or other legal instrument acceptable to record that confirms a tract or parcel as legally established in the present configuration prior to annexation into the city, under a prior code at the time of its recording, or prior to March 26, 1956.

2. *Review Criteria.* An administrative subdivision may be approved by the PD Director if the PD Director determines that all of the following are met:
   a. Each lot meets the standards of this chapter and can meet the design and development standards of the applicable zoning district;
   b. No new streets or public dedications are needed for the application, except that dedications of additional right-of-way on existing streets or alleys or new easements may be included provided they are formally accepted and deeded to the City;
   c. Each lot is already served by public sewer and public water and only extensions of facilities internal to the block or lot are necessary to serve future development;
   d. No significant impact on public infrastructure nor interference with existing service levels will result from potential development, and adequate services to the proposed lots can be accomplished at the time of development; and
   e. Each lot has the necessary improvements required by this code or can provide these facilities in coordination with and at the time of development, including access, utilities, and stormwater requirements.
   f. For condominium plats, the development meets all physical standards and patterns for development of the lot(s) and building(s), except for the individual ownership of units within the lot(s) or building(s) and complies with the final plat establishing the lot(s) of record for the project and the applicable state condominium laws.
   g. Any application not classified as an administrative subdivision or not meeting these criteria shall be processed as a major subdivision.

3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to administrative subdivision applications.
   a. If the PD Director determines at any point in the process that the application is not eligible for an administrative subdivision or is otherwise trying to evade the major subdivision process, the PD Director may deny the application and require the applicant submit a new application as a major subdivision.
   b. The PD Director shall make the final decision on administrative subdivisions, and the decision may be appealed to the Planning and Zoning Commission.
   c. The PD Director shall inform the applicant of a decision in writing within 30 days of the determination of a complete application.
   d. The applicant may appeal a final decision by the PD Director to the Planning and Zoning Commission after a secondary review by the Administrative

Review Committee.

4. *Effect of Decision.*
   a. The applicant shall submit the approved administrative subdivision and all other required documents and certificates in the proper format to the City for execution of signatures.
   b. The City shall record the administrative subdivision and executed documents with the Greene County Recorder of Deeds.
   c. The administrative subdivision shall become effective after recording, and the applicant may proceed with building permits and all other applicable permits consistent with the approved subdivision.
   d. An administrative subdivision not recorded within one year shall expire and any further action shall require a new application.

C. **Major Subdivision – Preliminary Plat.** Any subdivision not eligible as an administrative subdivision is a major subdivision that shall require approval of a preliminary plat. A preliminary plat shall be processed according to the following specific procedures.

1. *Applicability.* The preliminary plat provides detailed planning review of development patterns, street networks and design types, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans. The PD Director may allow a preliminary plat and final plat to be processed simultaneously for more routine applications, provided the submittal requirements and criteria for both applications can be met.

2. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria:
   a. The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
   b. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations.
   c. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district, including lot and development standards, frontage design standards, and access standards.
   d. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
   e. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
   f. Any impacts identified by specific studies or technical reports, including a review of storm water, traffic impacts, and access management are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
   g. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
   h. The recommendations of professional staff or any other public entity or review agencies asked to officially review the preliminary plat.

3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to preliminary plat applications:
   a. Any application may be coordinated with a rezoning in Section 36-2.05 or a planned zoning in Section 36-2.06.
   b. The PD Director shall schedule complete applications for a public hearing before the Planning and Zoning Commission.
   c. The Planning and Zoning Commission shall review the preliminary plat, and a preliminary plat that conforms with the standards of this chapter and criteria of this section shall be forwarded to the City Council for a recommendation to accept any dedicated land. A preliminary plat that does not meet the standards or criteria may be denied by the Planning and Zoning Commission.
      (1) Any street or public facility included in a major street plan approved by

the Planning and Zoning Commission or other specific plan for public facilities, regardless of local, state, of federal status, shall not be accepted or constructed unless it is first approved as a preliminary plat by the Planning and Zoning Commission prior to construction through a preliminary plat or other capital improvements and design review.

(2) Any street or public facility not approved by the Planning and Zoning Commission in this manner shall only be accepted or constructed by a two-thirds approval of the entire membership of the board having jurisdiction over the street of public facility

d. The applicant may appeal a denial of a preliminary plat by the Planning and Zoning Commission to the City Council.

e. Based on the Planning and Zoning Commission recommendation, the City Council shall reject or accept the preliminary plat, and if accepted determine if the land or easements proposed to be dedicated for public use and the proposed public improvements shall be accepted by the City.

f. The City Council may accept the land and improvements on the preliminary plat contingent on the subsequent filing and recording a final plat that substantially conforms with the preliminary plat, and upon the PW Director certifying that the public improvements have been made or secured in accordance with city standards.

4. *Effect of Decision.*

a. The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat and design and construction of improvements in conformance with the preliminary plat.

b. An approved preliminary plat shall be effective for two years, except that any complete submittal of final plat for any phases indicated on a preliminary plat shall stay the two-year period, and on approval of a final plat a new two-year period may begin for remaining portions of the preliminary plat.

c. The Planning and Zoning Commission may grant a one-year extension on a preliminary plat if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat or other circumstances beyond their control that make the delay reasonable, and if based on finding that no substantial changes in the area will affect the originally approved application. Otherwise, a new preliminary plat is required.

d. If a final plat is not submitted within these parameters, the preliminary plat shall expire, and any further activity shall require a new preliminary plat.

e. The approval of a new preliminary plat prior to the expiration of a previously approved preliminary plat shall automatically render any previously approved preliminary plat invalid.

D. **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.

1. *Review Criteria.* A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.

a. The layout and design of the final plat substantially conforms with the approved preliminary plat considering:

(1) The number and size of lots and tracts;
(2) The block layout, street designs and access;
(3) The open space systems and civic design elements;
(4) The location and capacity of infrastructure systems; and
(5) Any phasing of the development, improvements, and community amenities.

b. The required public improvement plans have been formally accepted.

c. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.

d. The recommendations of professional staff or any other public entity asked to officially review the final plat.

e. Deviations in the final plat may be considered to substantially conform to an approved preliminary plat and may be approved if the change:
   (1) Is justified by greater details in planning, design, and engineering in furtherance of the preliminary plat;
   (2) Complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards;
   (3) Does not increase the impact of any development on required improvements beyond the capacity for required improvements identified in the preliminary plat;
   (4) Does not impact any condition of the Planning and Zoning Commission or City Council associated with the approval of the preliminary plat;
   (5) Is consistent with development concepts in the preliminary plat in terms of land uses, scale, and intensity of development, and in no case changes the number of lots, dwelling units, buildings, or sizes of blocks and open spaces by more than 10%; and
   (6) If technical studies were required with the preliminary plat, the author of the study shall submit an amendment noting that the change does not impact any findings of the study.

f. Any other changes to the preliminary plat, including significant changes in the phasing or dedication of public land and right-of-way, may require approval by the Planning and Zoning Commission and acceptance of the City Council.

2. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to final plat applications:
   a. The applicant shall identify all improvements to be constructed, either according to the required improvements listed in this chapter or by a specific agreement for the project approved as part of the preliminary plat. The applicant shall submit final plans and specifications for these improvements, and ensure construction of these improvements or financial guarantees as provided in Section 36-3.04.
   b. The staff shall review the final plat for conformance with the planning and design elements, and the engineering specifications, and a final plat that meets these criteria shall be approved.
   c. A final plat that does not meet these review criteria may require reprocessing as a revised preliminary plat.
   d. The PD Director shall make the final decision on final plats, and the decision may be appealed to the Planning and Zoning Commission after a secondary review by the Administrative Review Committee. The Planning and Zoning Commission decision may be appealed to the City Council.

3. *Effect of Decision.*
   a. The applicant shall submit the approved final plat and all other required documents and certificates on proper forms to the City for execution. Approval may be conditioned upon payment of all other applicable fees and execution of all applicable agreements prior to recording.
   b. The City shall record the approved final plat and executed documents with the Greene County Recorder of Deeds.
   c. The final plat shall become effective after recording, and the applicant may proceed with building permits and all other applicable permits consistent with the approved plat.
   d. No substantial site construction may begin until all final plat documents are executed and recorded, applicable fees paid, and plans and agreements for required improvements are in place according to Section 36-3.06. A building permit shall not be issued until the completion, inspection, and acceptance of all required improvements, unless otherwise agreed to in writing with the City.

36-2.03 Zoning Site Plan

A. **Applicability.** The zoning site plan process reviews development projects to ensure compliance with applicable development standards, compatibility with surrounding property and potential future development, and coordination with other necessary permits or improvements required for the project. Zoning site plan applications may be initiated by the property owner or owner's representative. The zoning site plan process specifically applies to any of the following:

1. Any new nonresidential or multifamily buildings;

2. New detached houses or multi-unit houses where three or more buildings are proposed;

3. Expansion or alterations to an existing multifamily or nonresidential building that change the footprint by more than 10% or significantly alter the form of the building envelope or character of exterior elevations on more than 25% of the exterior;

4. Any site development activity that adds impervious surfaces greater than 5% of the lot;

5. A change of use that is potentially more intense than the existing use, or that could otherwise trigger associated site development activity, such as parking, access, traffic circulation or intensity, landscape, or screening;

6. Any other changes to existing buildings or site that significantly alter the exterior appearance, or that impact access, circulation, or abutting streetscape designs. This excludes ordinary maintenance to any existing building, structure, or site design element; or

7. Any development that meets the criteria for a nonconformity in Section 36-1.06.

B. **Review Criteria.** The following criteria shall be considered when evaluating zoning site plans and determining compliance with the standards of this chapter, and in exercising any discretionary approvals or interpretations associated with the zoning site plan:

1. *Generally.*
   a. The plan meets all applicable standards and meets the criteria for any performance standard, guidelines, exceptions, or modification permitted in this chapter.
   b. The plan is consistent with any conditions on prior approvals by the Planning and Zoning Commission or City Council associated with the property.
   c. The application can reasonably be assumed capable of meeting the criteria for all subsequent permits and authorizations needed to build the project as proposed.
   d. The plan does not undermine the goals or objectives of the comprehensive plan that are applicable to the area of the project or interfere with future development on adjacent property that would be in accordance with the plan.
   e. The plan does not present any other apparent risks to the public health, safety, or welfare based on other relevant codes, specifications, or industry standards.

2. *Site Design and Engineering.*
   a. The plan provides safe access and internal circulation and appropriately balances vehicle, bicycle, and pedestrian needs based on the context and street type.
   b. The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development, and appropriately stages or phases improvements with potential future development on the site or in surrounding areas.
   c. The plan provides adequate management of storm water and utilizes green infrastructure practices when possible.
   d. The plan provides proper grading considering prevailing grades, relationship to adjacent sites, and avoids inherent hazards from topographic, geologic, or physical features on the site.

3. *Landscape and Open Space Design.*

a. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and other nearby public, civic, or common spaces.
b. The plan enhances the environmental and ecological functions of un-built portions of the site and makes effective use and conservation of natural resources.
c. The plan minimizes the exposure and adverse impact of more intense activities or components of the site or building on the streetscape and on adjacent properties.

4. *Building Design.*
a. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
b. The selection and application of materials will promote proper maintenance and quality appearances over time.
c. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, if there is any prevailing consistency or commonality in the scale, forms and features, and materials of buildings in the vicinity, they inform choices on the proposed building.

C. **Modifications.** The PD Director or Planning and Zoning Commission may consider modifications when applying standards to a specific plan so that the best design solution may be applied to a particular context or site. The applicant shall clearly identify in the application and on a separate zoning site plan where a modification is requested, propose a justification and alternative that meets the criteria, and a decision on each proposed modification shall be clearly indicated on the plans or by written decision associated with the application. The major modification process shall not require any public notices. The Planning and Zoning Commission decision on major modifications is final. The PD Director (minor modification) or Planning and Zoning Commission (major modification) shall use the following criteria to make decisions on a proposed modification:

1. Conditions of the site make strict compliance with the standard impractical or ineffective.

2. A proposed alternative equally or better meets the intent and design objectives of the applicable standard.

3. The modification is the minimum necessary to address the conditions, and is within any other limitations established for the applicable standards.

4. The modification does not undermine or conflict with other applicable site or building standards, or result in negative impacts on adjacent sites.

5. The modification is not strictly for the convenience of a specific project, but is justified under any of the following broader community benefits:
a. Aesthetic considerations that permit better coordination of the lot and building with the established character of the immediate area;
b. Improved environmental performance, considering stormwater, energy use, building performance, landscape design, or operational impacts of the use;
c. Increased pedestrian or bicycle accommodations;
d. Enhanced civic design considering the relationship of the site and building to streetscapes and open spaces;
e. Adaptive reuse of an existing building, additions to an existing building, or infill on an existing lot that accommodates development comparable to that on adjacent property; or
f. Better serves public health and safety considerations.

6. The modification may be based on any additional conditions or requirements reflected in the plan, including stricter compliance or increases in other relevant standards (e.g. setback reduction considered in association with greater building height limitations; etc.).

7. The modification is limited in degree as specified in Table 2-2.

Table 2-2: Zoning Site Plan Modifications

Site Design Element	Minor Modifications (Staff Discretion)	Major Modification (Planning & Zoning Commission Discretion)
Article 5 & 6: Development & Dimension Standards (Sections 36-5.03 Residential; 36-6.03 Nonresidential)		
Lot Area	10%	15%
Lot Width	5%	10%
Building Setback	20%	40%
Building Coverage	10%	20%
Building Height	15%, up to 5' max.	30%, up to 1 story max.
Open Space Design	5%	10%
Article 5: Residential Design Standards (Section 36-5.04)		
Frontage Design, Building Design	Table 5-3 (Residential Frontage Types & Design Standards) determines the minor and major modification process. Proposed frontage type requires that all requirements within the proposed frontage type be met. Frontage and building design modifications are justified based on general criteria in this section and specific criteria in Section 36-5.04.	
Article 6: Nonresidential Design Standards (Section 36-6.04)		
Frontage Design, Building Design	Tables 6-2 (Nonresidential Frontage Design) and 6-3 (Building Design) determine the minor and major modification process. Proposed frontage design or building design type requires that all requirements within the proposed frontage type be met. Frontage and building design modifications are justified based on general criteria in this section and specific criteria in Section 36-6.04.	
Article 7: Access & Parking		
Vehicle Access	Dependent on PW Director approval and access management policy and guidelines or TIA for the plan	Any non-compliant access for nonresidential uses on a street classified as a major collector or higher.
Internal Sidewalks	15%	25%
Required Parking	10%	25%
Parking Landscape	10%	15%
Parking Dimensions	5%	n/a
Loading Requirements	25%	50%
Article 8: Landscape & Site Design		
Required Landscape	15%	25%
Buffers Dimension	5%	10%
Buffer Planting	10%	15%
Fences & Walls	10%	15%
Outdoor Lighting	5%	15%
Article 9: Signs		
Size & Height	n/a	5%
Location	n/a	10%
Quantity	n/a	n/a

[1] American National Standards Institute (ANSI) Z-60.1-2014 American Standards for Nursery Stock or newer edition.

D. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to zoning site plan applications.

1. Zoning site plan applications shall be accompanied by an access plan demonstrating compliance with Section 36-7.03 of this chapter and Chapter 98.

2. Zoning site plans may require coordination with applications for building permits when necessary to determine compliance with the standards in this chapter.

3. The PD Director shall determine if concurrent review of any other department or agency is required, or otherwise coordinate review with other required permits.

4. Any zoning site plan proposing a major modification shall require review and a decision by the Planning and Zoning Commission. The PD Director shall forward the application to the Commission with a review and analysis of the plan subject to the approval criteria, and analysis of the modification criteria.

5. A zoning site plan may be required to accompany applications that require review by other review bodies, such as conditional use permits, rezonings, or variances.

6. Except for applications requiring review by other review bodies, the PD Director shall make the final decision within 45 days of a complete application, and may condition the decision on meeting the requirements of other departments subject to the standards and specifications of all required permits.

7. The PD Director shall notify the applicant of a decision in writing, either by returning a set of plans stamped “approved” or otherwise indicating other conditions for a decision or reasons for a denial.

8. The applicant may appeal a final decision by the PD Director to the Planning and Zoning Commission after a secondary review by the Administrative Review Committee.

E. **Effect of Decision.** Approval of a zoning site plan shall be valid for 18 months, and authorize the applicant to proceed with building permits and all other applicable permits consistent with the approved plan. The PD Director may grant one extension for up to one additional year if justified by reasons beyond the applicant’s control and where surrounding conditions or applicable standards have not changed.

36-2.04 Conditional Use Permit

A. **Applicability.** A conditional use permit (CUP) provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions. These uses are not generally appropriate throughout the district, but due to the specific design, operational characteristics, or context of the application, the use may be appropriate based on a case-specific discretionary review. Conditional use permits may be initiated by the property owner for uses identified as conditional uses in the zoning district, according to Table 4-3.

B. **Review Criteria.** Conditional use permits shall be reviewed according to the following criteria:

1. All criteria for zoning site plan review in Section 36-2.03B are met, including any conditions or additional requirements identified in this chapter for the specific use.

2. The application furthers the intent of the proposed zoning district and is consistent with the comprehensive plan.

3. Compatibility with the area and other allowed uses considering characteristics such as hours of operation, visible and audible impacts, traffic patterns and parking demands, scale and intensity of buildings and activity on the site, and other potential impacts on

adjacent property.

4. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use and structures, the permanence of other uses and structures in the area, and any potential changes in character or uses occurring in the area.

5. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, reassess the use against changing conditions in the area, or require periodic reporting or review of the permit.

6. The recommendations of professional staff or other technical reviews associated with the application.

7. Whether any additional site- or use-specific conditions are necessary to meet these criteria.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements apply to conditional use permit applications.

1. Applications shall be accompanied by a zoning site plan where it is necessary to review conformance with standards of this chapter and any design or performance criteria for the particular use. Where the proposed use does not involve proposed development or changes to the site, a plot plan of existing conditions may be submitted.

2. The PD Director shall schedule complete applications for a public hearing before the Planning and Zoning Commission.

3. The applicant shall hold a neighborhood meeting at least 21 days prior to the Planning and Zoning Commission public hearing, and supplement the application with results from that meeting at least 10 days prior to the hearing.

4. The Planning and Zoning Commission shall hold a public hearing and make a final decision at or within 15 days of the close of the public hearing.

5. Any such Conditional Use Permits shall be designated by a “CUP” on the Official Zoning map with a numeric reference to the specific ordinance and zoning site plan included.

6. The applicant may appeal a final decision by the Planning and Zoning Commission to the City Council in accordance with Section 36-2.01.I.

D. **Effect of Decision.**

1. Approval of a conditional use permit shall authorize the applicant to proceed with building permits, business licenses, and other applicable development or construction permits.

2. Approval of a conditional use permit shall be valid for 18 months, and the PD Director may grant one extension for up to one additional year if justified by reasons beyond the applicant’s control and where surrounding conditions or applicable standards have not changed. Any application not acted upon through issuance of a building permit or occupancy permit according to the approval and conditions within this period shall be void.

3. A conditional use permit may be revoked or modified with additional conditions by the City through the same procedures approving the permit, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this chapter.

4. Minor changes to an approved conditional use permit may be approved by the PD Director limited to the following:
   a. A change of ownership provided all conditions and criteria of the permit are met, and provided the new owner demonstrates the likelihood to continue to comply with all standards.
   b. Any change to any associated zoning site plan provided it meets the criteria in Section 36-2.03, and does not violate any required conditions of the approval.
   c. A change in operations that is otherwise determined by the PD Director to not have a significant impact on any adjacent property, is consistent with the criteria and conditions for approval of the original conditional use permit.
   d. Any other change shall require an amendment to the conditional use permit through the same process as the original approval.

36-2.05 Rezoning

A. **Applicability.** The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the comprehensive plan, to account for changed conditions in the general area, or to reflect a change in policies with respect to future development. Application for a rezoning may be filed by the property owner, the City Council, or the Planning and Zoning Commission, or by city staff on behalf of these city entities.

B. **Review Criteria.** Review, recommendations, and decisions for a proposed rezoning shall be based on evaluating and balancing the following criteria:

1. The proposed district is consistent with the goals and objectives of the comprehensive plan and any other plan, policy or guidance adopted pursuant to that plan.

2. Whether the area has changed since the existing zoning has been in place, or it is changing to a degree that it advances the public interest to rezone the property.

3. The proposed district will enable development in character with existing or anticipated development in the area considering:
   a. The design of streets, civic spaces, and other open space;
   b. The mix, density, or intensity of potential uses;
   c. The pattern, scale, and format of buildings and sites enabled by district standards;
   d. The compatibility with and transition to other districts, development, or uses in the vicinity; and
   e. Any reasonably anticipated negative impacts can be mitigated by applicable development standards or planning, design, and engineering practices applicable to the site.
   f. Any rezoning application conditioned on a zoning site plan may be evaluated based on that plan; otherwise, the entirety of what may be enabled by the zoning district shall be considered with the above criteria.

4. The City or other agencies can provide services, facilities, and infrastructure that may be necessary for anticipated uses in the proposed district, including capacity of the surrounding street network and access on specific street frontages.

5. Reasonable viable economic use of the subject property will be precluded if the proposed rezoning is denied.

6. The recommendations of any professional staff or advisory review bodies, and any additional testimony or evidence on the record.

7. Any relevant information submitted or presented at the public hearing.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following procedures shall apply to rezoning applications:

1. Applications may be accompanied by a conceptual, non-binding zoning site plan to demonstrate conformance with the comprehensive plan. In the instance that staff requires more information to ensure conformance with the comprehensive plan, the PD Director may require that applications for rezoning include a zoning site plan where:
   a. The request presents a potentially incompatible transition to adjacent property based on intensity of potential uses, scale of potential development, or other operational characteristics permitted in the proposed district;
   b. The generally applicable site design and development standards of the proposed district may not adequately address the potential adjacencies or compatibility issues considering the context and scale of the proposed rezoning; and
   c. The rezoning criteria in Section 36-2.05.B cannot be adequately evaluated absent some type of plan framing the extent and characteristics of future development beyond what is generally allowed in the district.

2. Applicants may propose that a rezoning request be conditioned on a zoning site plan for a specific development application.
   a. In this case, the zoning site plan shall be evaluated according to the criteria in Section 36-2.03.B.
   b. The Planning and Zoning Commission may recommend and the City Council may approve the request based on any specific elements, conditions, or limitations proposed in that plan, including uses, scale, and intensity of development.
   c. Any such rezoning shall be designated by a "-C" on the Official Zoning Map with a numeric reference to the specific ordinance and zoning site plan included.

3. The PD Director shall schedule complete applications for a public hearing before the Planning and Zoning Commission.

4. The applicant shall hold a neighborhood meeting at least 21 days prior to the Planning and Zoning Commission public hearing, and supplement the application with results from that meeting at least 10 days prior to the hearing.

5. The Planning and Zoning Commission shall hold a public hearing and make a recommendation at or within 15 days of the close of the public hearing, and forward its recommendation to the City Council.

6. The City Council may recommend the application be returned to Planning and Zoning Commission for further study, additional information, or reconsideration of the recommendation or conditions. Failure by the Commission to consider or revise its recommendation within 60 calendar days shall be considered a resubmission of its original recommendation. Alternatively, based on the information provided at the public hearing the City Council may choose to modify or override the Planning and Zoning Commission recommendation or any specific condition.

7. In case of a valid protest against a proposed change, approval shall require a favorable vote by two-thirds of all members of the City Council. A valid protest shall:
   a. Be filed with the City Clerk at least 24 hours prior to the Council regular meeting for consideration, and be verified by the City Clerk prior to the meeting;
   b. Be signed by the owners of 30% or more of either the areas to be included in the proposed change, or of the area within 185 feet of the boundary, excluding right-of-way and alleys.

8. Approval of a rezoning shall be by ordinance approved by the City Council.

D. **Effect of Decision.**

1. The PD Director shall make the change on the official zoning map by an actual change or other record identifying the ordinance and affected property.

2. The zoning shall remain in effect unless changed by the City Council according to the procedures in these regulations.

3. All subsequent development shall occur according to the district standards and subject to zoning site plan, building permit, or other applicable development review and permitting processes.

4. In the case of a rezoning that is approved contingent on a zoning site plan:
   a. All elements of the zoning site plan shall be considered binding unless specifically excluded by the Planning and Zoning Commission in its recommendation or the City Council in its decision and ordinance.
   b. Any other elements not depicted on the zoning site plan or elements specifically identified as non-binding are still subject to all standards of this code. Compliance with generally applicable standards shall be indicated on an updated plan prior to building permits.
   c. Modifications to zoning site plans shall only be permitted according to the standards and criteria in Section 36-2.03.C., except the modification shall be evaluated based on the extent modified from the plan rather than from the applicable standards.
   d. No modifications shall be allowed to any specific conditions in the City Council ordinance or if any elements of the zoning site plan are specifically called out by the Planning and Zoning Commission recommendation and City Council decision as ineligible for modifications.
   e. The Planning and Zoning Commission may recommend, and the City Council may require any of the following conditions to meet the rezoning and zoning site plan criteria:
      (1) Restrict uses beyond those otherwise allowed in the zoning district;
      (2) Increase landscape, bufferyards, or open space beyond what is required by this chapter;
      (3) Limit building scale and location more strictly than otherwise permitted by the development standards;
      (4) Increase the district performance standards beyond those required by this chapter regarding operations, noise, lighting, compatibility, or other mitigation of off-site impacts;
      (5) Timing and concurrency of any offsite improvements necessary to support the intensity of development and according to associated technical studies; and
      (6) Any other design or development standards depicted on the zoning site plan, included by notes on the zoning site plan, or included in the ordinance adopting the rezoning.

5. No application for rezoning, other than an application initiated by the City Council or the Planning and Zoning Commission, 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.

36-2.06 Planned Zoning

A. **Applicability.**

1. *General Applicability.* Planned zoning applications are integrated plans and codes to implement projects based on development and design plans for a specific area. The plans establish more refined distribution and relationships of land uses, more specific arrangement of building types and development intensity, or more detailed application of design and development standards than otherwise provided by the comprehensive plan and this code. The process enables flexibility in the otherwise applicable development and design standards based on the plans, but offers predictability for city departments, community stakeholders, and private entities engaged in development and redevelopment activities. Planned zoning is a type of rezoning initiated by the City Council, Planning and Zoning Commission, or property owners, provided that property owner initiation requires the participation and authorization of all property owners in the plan.

2. *Specific Applicability*. Planned zonings shall require a sufficient area to implement planning and design concepts that generate broader community or public benefits, and not simply to facilitate individual projects or to permit adjustments or deviations on a site- specific basis. The development plan shall generally include at least 5 acres; however, the PD Director may permit smaller applications based on any of the following circumstances:
   a. The application is an addition to a previously approved planned development and is effectively an extension of those areas or projects;
   b. The application affects a smaller area of potential development, but the context, plan, and design concepts of a larger study area meet the intent and applicability for planned zoning; or
   c. The area is completely unique and distinct from the surrounding areas, and the criteria and broader benefits from planned zoning are only applicable to the smaller area.

B. **Area Plan Content**. Planned zoning shall require preparation and approval of an area plan that includes the following general components, which may be created in unison or in coordinated stages:

1. *Existing Conditions.* A summary evaluation of the current state of the area potentially including land uses, structures, infrastructure, circulation pathways, public spaces, and natural features, currently anticipated improvements, and relative potential for desirable redevelopment.

2. *Vision & Development Plan.* A vision and development plan presents the design and development goals for area through a series of maps, illustrations, and narratives, or similar planning documents. The vision and development plan shall determine the general character, scale, intensity, and arrangement of development and uses within area, including any transitions within the plan or sub-areas for distinct goals and objectives. The vision and development plan shall identify relationships to adjacent areas and establish the policy, planning, and design basis for any flexibility proposed through the regulating plan.

3. *Public Space Plan.* A public space plan is a design plan for the public realm. It outlines the location, design characteristics, and functions of all proposed streets and open and civic spaces – whether public, common, or private – and creates the framework for the plan. A public space plan that includes all elements for a preliminary plat in Section 36-2.02, including dimensions of streets, open spaces, blocks, lots, and tracts, may be proposed as an official application for a preliminary plat where new development will occur.

4. *Regulating Plan.* The regulating plan serves as the zoning regulations for the area. The regulating plan shall be a supporting overlay on the base zoning district(s) or

propose any changes to the base zoning district(s). The regulating plan shall address the following land use and development standards, particularly where deviations from the base district standards apply:

a. Specific land uses, and any limitations or conditions associated with any use.
b. Building types, lot standards, and development standards for eligible building types or lots applied on a block or lot basis.
c. Landscape and open space design including streetscapes, frontages, open space and site standards coordinating with the public space plan.
d. Other site development or performance standards affecting parking, access, screening, and building design.
e. Any specific development review processes applicable to implementing future development according to the plans and regulations.

Absent any specified deviations, additions, or subtractions in the regulating plan, the base district standards shall apply.

C. **Review Criteria.** Review, recommendations, and decisions for planned zoning shall be based on the following criteria:

1. The area plans apply the goals and objectives of the comprehensive plan and the intent and design objectives of this chapter to the area in more specific detail.

2. The regulating plan may supplement, modify, or waive standards to allow the project to better meet or exceed the intent statements of the applicable or proposed base zoning district(s) and design objectives of any specific standards.

3. The benefits from any flexibility in the proposed plans and regulations promote the general public health, safety and welfare of the community and surrounding areas, and the proposed flexibility is not strictly to benefit the applicant or a single project. Specifically, the flexibility should serve one or more of the following:
   a. Adjustments based on existing conditions of the area that are desirable to maintain and incorporate into the development and design plan;
   b. Establish better transitions to adjacent development with additional limitations, conditions, or enhanced site design requirements;
   c. Better integrate multiple projects that could otherwise only be done in separate zoning districts;
   d. Maintain and reinforce the established character of the area or initiate a unique character that can strengthen the appeal and identity of the general area;
   e. Improve non-conventional accessibility, including pedestrian, bicycle, transit, or mobility impaired people;
   f. Adaptive reuse, infill development, or development that preserves cultural assets or heritage resources;
   g. Sustainable development and design strategies including low-impact site design, green buildings, or resource conservation;
   h. Coordinate with economic development strategies or other official policies and programs related to land use and development.

4. The area plans must meet all of the review criteria for a rezoning in Section 36-2.05.B.

D. **Review Procedure.** In addition to the general procedures in Table 2-1 and Section 36-2.01, the following specific procedures shall apply to planned zoning applications.

1. The planned zoning application is a type of rezoning and shall follow the procedures in Section 36-2.06.C.

2. The planned zoning process involves at least two steps: the area plan establishing the zoning and any necessary deviations (existing conditions, vision and development plan, public space plan, and regulating plan); and zoning site plans for development of specific components of the area plan. Platting may also be required.

3. Based on the complexity of projects and extent of advanced planning and urban design necessary to support the development, the PD Director may require, or the applicant may elect, breaking the review of the elements of an area plan in subsection B. into more than two steps to review concepts and preliminary designs prior to approval of the full area plan and proposal of regulation adjustments.

4. In cases where new development is proposed, land may need to be subdivided or streets and public lands dedicated in order to carry out an area plan. The platting process is a separate process but may run concurrently with the planned zoning process, as specified in Section 36-2.01.B.

5. All development in planned zoning districts shall require zoning site plan review according to Section 36-2.03. The Planning and Zoning Commission may recommend, and the City Council may approve regulating plans that require zoning site plan applicability and review processes different from what would otherwise apply.

E. **Effect of Decision.** Approval of a planned zoning shall have the same effect as rezoning property; however, approval of individual component plans or where the plans are approved in steps, will have the effects specified below.

1. *Vision & Development Plan.* Approval of the vision and development plan and existing conditions without any other plans shall only mean that the basic concepts are agreed to in principle as conforming to the intent of the comprehensive plan and any other plans or policies created under the guidance of that plan. In association with approval of the other plans, approved vision and development plans serve as a more specific representation of the intent and policy objectives for the area.

2. *Public Space Plan.* Approval of a public space plan shall only mean that the basic development patterns and community design and infrastructure concepts are agreed to in principle as conforming to the intent of the comprehensive plan and any other plans or policies created under the guidance of that plan. However, approval of a public space plan may have the same effect as approval of a preliminary plat as specified in Section 36-2.02, provided it includes or is accompanied by information required for preliminary plats.

3. *Regulating Plan.* Approval of the regulating plan, in association with the other components of the planned zoning, shall have the same effect as a rezoning specified in Section 36-2.05. Sites governed by an approved regulating plan shall be designated on the Official Zoning Map with a “PZ” followed by a consecutive number.

4. *Final Development.* After the area plan has been approved and prior to applying for building permits for final development, any project included as part of a planned zoning shall first require approval of a zoning site plan and a final plat if required. In addition to all other information and criteria required for those applications, submittals under an approved planned zoning shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the area plan have been met.

36-2.07 Variance

A. **Applicability.**

1. *Design Variance.* A design variance provides relief from a strict interpretation of the zoning and site design and development standards of this chapter which, when applied to a particular property and in a specific context, limits all reasonable use of the property. Design variances may be initiated by the property owner.

2. *Use Variance.* A use variance provides relief from a strict interpretation of the use regulations which, when applied to a particular property and in a specific context,

prevents all use of the property. Use variances may be initiated by the property owner.

B. **Review Criteria.**

1. A design variance shall be reviewed and approved only on the finding that all of the following conditions are met:
   a. Unique physical conditions not ordinarily found in the same zoning district and that are not created by the property create practical difficulties in meeting the standard;
   b. The strict application of the regulations constitutes an unnecessary hardship upon reasonable use of the property. Economic considerations alone shall not constitute unnecessary hardship if a reasonable use for the property exists under the standards of this chapter;
   c. The design variance will not adversely affect the public safety or general welfare;
   d. The design variance will not undermine the purpose of the ordinance, the intent of the zoning district or standards, or any other required professional design standard or specification;
   e. The design variance will not adversely affect the rights of adjacent property owners or residents; and
   f. The design variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.

2. A use variance shall be reviewed and approved only on the finding that all of the following conditions are met:
   a. Unique physical conditions not ordinarily found in the same zoning district and that are not created by the property create unnecessary hardship in meeting the standard;
   b. The strict application of the regulations constitutes an unnecessary hardship upon all permitted use of the property, i.e., no permitted use of the property can be made absent a use variance;
   c. The use variance will not adversely affect the public safety or general welfare;
   d. The use variance will not undermine the purpose of the ordinance, the intent of the zoning district or standards, or any other required professional design standard or specification;
   e. The use variance will not adversely affect the rights of adjacent property owners or residents; and
   f. The use variance is the minimum necessary to relieve the conditions and permit any reasonable use of the property.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements are specific to both design and use variance applications.

1. The Board of Adjustment shall hold a hearing at its next regularly scheduled meeting 28 days after the PD Director determination of a complete variance application.

2. The Board may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.

3. The Board shall document all decisions in writing, including the grounds for its decision based on findings of fact regarding all criteria, within 30 days after the public hearing. The decision shall be filed with the PD Director, who shall provide the decision to the applicant, other persons requested to be notified.

4. The concurring vote of four members of the Board shall be necessary to grant a design or use variance.

5. The PD Director will record the decision with the Greene County Recorder of Deeds.

D. **Effect of Decision.**

1. An approved variance shall become effective when recorded with the Greene County Recorder of Deeds. The PD Director shall record the written approval, and upon recording the applicant may proceed with any necessary building permits, licenses, or other permits authorized in the variance.

2. Any decision not acted on within one year of the decision by the Board shall expire.

3. A variance recorded and acted upon shall run with the land to the extent the zoning of the subject property remains in place, unless vacated by the Board through the same procedures and criteria for granting the variance.

4. Any person aggrieved by a final decision of the Board may appeal the decision to the district court within 30 days of the Board's vote on the final decision.

36-2.08 Appeal of Administrative Decision

A. **Applicability.** The appeal of administrative decisions is a process to determine if there was an error in order, requirement, decision, or determination made by an administrative official in the interpretation, administration, or enforcement of this chapter. Appeals may be filed by any aggrieved person, or by any officer, department, board, or agency of the city affected by any final decision by an administrative official.

B. **Filing.** Appeals shall be filed with the secretary of the Board of Adjustment and with the official who made the decision within 30 days of the final decision.

1. The appeal shall be on forms provided by the PD Director and include all information required by the PD Director and any additional information relevant to the decision and criteria for appeals.

2. Prior to forwarding any appeal to the Board, the Administrative Review Committee shall perform a secondary review of the application and issue a final administrative decision.

3. Based on the final administrative decision the applicant may either withdraw the appeal or continue with the appeal before the Board.

4. The official from whom the appeal is taken shall forward all relevant information regarding the decision to the Board.

C. **Effect of Filing.** An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal that a stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record.

D. **Action and Review Criteria**. The Board of Adjustment shall hold a hearing at its next regularly scheduled meeting 28 days beyond the filing of an appeal.

1. The appellant and official shall be notified in writing of the date, time, and place of the hearing.

2. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm, wholly or partly, or may modify the decision being appealed.

3. The Board shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant, and an appeal shall be sustained only upon finding that the official was in error.

4. The Board shall make a decision and file written findings with the PD Director within 30 days of the hearing, and the PD Director shall notify the applicant and administrative official of the decision.

5. The concurring vote of at least four members of the Board of Adjustment is necessary to approve an appeal and override an administrative official's decision or interpretation.

6. The PD Director will record the decision with the Greene County Recorder of Deeds.

E. **Effect of Decision.** The decision by the Board of Adjustment shall have the same effect as a decision made by the administrative official. The PD Director shall refund any appeal application fee if the Board determines there was an error. Any person, including any city official or review body, aggrieved by a decision of the Board may bring an action in the district court within 30 days of the final decision of the Board.

36-2.09 Text Amendment

A. **Applicability.** Amendments to the text of these regulations may be initiated by the City Council or the Planning and Zoning Commission, or by city staff on behalf of these entities.

B. **Review Criteria**. A text amendment shall be reviewed according to the following criteria:

1. It is consistent with the comprehensive plan.

2. It furthers the purposes of these regulations in Section 36-1.02 and has been considered for both its long-range effects as well as immediate impacts.

3. Whether it is necessitated by a change in conditions in the zoning district or specific areas impacted by the change.

4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.

5. Any relevant information submitted or presented at the public hearing.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, the following requirements shall apply to text amendment applications.

1. Applications may be accompanied by a related comprehensive plan amendment, or a more specific plan, provided that amendment or plan has met all of the legal and policy requirements for plan approvals independent of the proposed text amendment.

2. The City Council may recommend the application be returned to the Planning and Zoning Commission for further study or additional information at its next regular meeting. Failure by the Planning and Zoning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.

D. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance. The PD Director shall incorporate approved amendments into this chapter by reference to the specific amending ordinance, and indicate the newly applicable provisions and the replaced provisions, or by recodification of the official code that incorporates the approved amendment.

36-2.10 Annexation

A. **Applicability.** The City of Springfield may annex property in compliance with RSMo. 71.012.

B. **Review Criteria.** A request for annexation shall be reviewed according to the following criteria:

1. The annexation is reasonable and necessary for the proper development of the city; and

2. The City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.

C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 36-2.01, a notarized petition shall be submitted requesting annexation and shall be signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed.

D. **Effect of Decision.** Annexations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance.

1. *Zoning Classification*. Upon annexation into the City of Springfield, such annexed territory shall retain its county zoning classification until City Council has had an opportunity to reclassify the territory properly under this chapter. Such zoning reclassification shall occur within 6 months of annexation.

2. *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 into 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.

36-2.11 Historic Designations

A. **Intent.** The intent of this section is to:

1. Promote the designation 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;

2. Safeguard the city's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements, landscape features, and districts;

3. Preserve and enhance the aesthetic quality of neighborhoods;

4. Stabilize, improve, and sustain property values;

5. Strengthen the city's economic base by the stimulation of conservation and reuse of historic structures;

6. Ensure the harmonious, orderly, and efficient growth and development of the municipality;

7. Foster civic pride in the beauty and the noble accomplishments of the past; and

8. 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.

B. **Criteria.** Review bodies shall consider one or more the following criteria for designation of a historic site, historic landmark, interior landmark, or historic district under this section:

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.

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.

3. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

4. Portrays the environment in the era of history characterized by a distinctive architectural style.

5. Embodies those distinguishing characteristics of an architectural type or engineering specimen.

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.

7. Contains elements of design, detail, materials, or craftsmanship which represent a style unique to the past.

8. Is a part of or related to a square, park, or other distinctive area and thus should be developed and preserved.

9. Represents an established and familiar visual feature of the neighborhood, community, or skyline, owing to its unique location or singular physical characteristics.

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.

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.

C. **Designation.** In addition to general application procedures in Section 36-2.01, the specific procedures in Table 2-3 apply to designations of historic properties.

Table 2-3: Designation of Historic Property		
	Historic Site	***Landmark or District***
Nomination	▪ By resolution of LB, PC, or CC; ~~or~~ [1] **or** ▪ By owner	▪ By resolution of LB, PC, or CC; ▪ By owner; or ▪ By verified petition (district only) [2]
Notice	Prior to submitting the nomination application to the Planning and Development Department, the preparer of the nomination shall notify the owner(s) of the site, landmark, or district 15 days in advance by certified mail of the proposed application site, landmark or district nomination. Such notice is not required if the preparer is the current property owner(s). Forms supplied by city, and mailing done by city, but applicant shall supply letter, envelopes, and postage.	
Landmarks Board Hearing and Recommendations	▪ Public hearing 36-2.01G ▪ Action according to 36-2.01.H at or within 28 days of hearing ▪ Recommendations to designate forwarded to City Council (see C.1 below) ▪ Failure to recommend designation is only forwarded to City Council on applicant's initiative and within 10 days of Landmarks Board action	
City Council Declaration of Intent to Designate	n/a	▪ Considered at its next regularly scheduled meeting ▪ Action according to 36-2.01.H (See C.2 below for effect of decision)
Planning & Zoning Commission Public Hearing / Recommendation	n/a	▪ Considered at its next regularly scheduled meeting; public hearing according to 36-2.01.G ▪ Action according to 36-2.01.H ▪ A protest may be filed according to 36-2.05.C
City Council Decisions	▪ Considered at its next regularly scheduled meeting; public hearing according to 36-2.01.G ▪ Action according to 36-2.01.H (See C.3 below for effect of decisions) ▪ A protest may be filed according to 36-2.05.C.8	
Notification of Designation	n/a	~~1.~~ Registered letter to all owners ▪ Notice to Landmarks Board and city departments. ▪ City Clerk shall file certified notification with Greene County Recorder of Deeds

[1] Owner consent is not a requirement prior to listing on the Springfield Historic Register.
[2] A verified petition of the owners or authorized agent requires at least 30% of the owners within a proposed district as measured by the land area of the property.

1. *Landmarks Board Recommendation.* The Landmarks Board recommendation to designate property shall include at a minimum the following items:
   a. A statement that the nominated property does or does not meet the criteria for designation;
   b. A statement of the attributes of the area or site as such attributes relate to and comply with the designation criteria;
   c. 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;
   d. A statement of whether, 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 PD Director 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 the proposed designation is in accordance with such plans and programs;
   e. 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;
   f. A map showing the location of the nominated historic site, historic landmark, interior landmark, or the boundaries of the nominated historic district;

g. A picture or pictures of the nominated historic site, historic landmark, interior landmark, or historic district;
h. 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 – for or against – concerning property owners' stance on designation shall also be attached; and
i. A recommendation that the property should or should not be listed as a historic site, historic landmark, interior landmark, or historic district.

2. *Effect of Declaration of Intent to Designate a Landmark or District.* The declaration by the City Council of an intent to designate a historic landmark or district shall have the following effect:
   a. No building or demolition permit shall be issued by the BDS Director for any alteration, construction, demolition, or removal of a nominated landmark or property within a nominate district until the final disposition of the nomination according to Table 2-3.
   b. The BDS Director may approve permits necessary for the public health, safety, and according to sections D or E.
   c. This delay and interim limitation shall not be longer than 180 days from the declaration of intent to designate.
   This provision shall not apply to permits granted prior to the designation of a historic site or the declaration of intent to designate a historic landmark or district and shall not apply to interior alterations.

3. *Effect of Designation.* Upon the designation of a site, landmark, or district, no alteration of property or demolition shall occur except as permitted in Section 36-2.11.D.4.

   This provision shall not apply to permits granted prior to the designation of a historic site or the declaration of intent to designate a historic landmark or district and shall not apply to interior alterations.

4. *Landmark & District Designation.* The designation of a historic district or landmark is intended to be an overlay zoning district and shall generally follow rezoning procedures after the declaration of intent to designate by the City Council. Designations may be accompanied by additional guidelines or standards specific to the landmark or district. The regulations imposed by the district shall be in addition to those regulations of the underlying zoning district.

5. *Rescind or Amendment of Decisions.* Any amendment or rescinding of a historic designation may occur in the same manner as the designation.

D. **Certificate of Appropriateness.**

1. *Applicability.* A certificate of appropriateness shall be required for exterior work on any new or existing structure or site designated as a historic site, landmark, or district, including:
   a. Construction, alteration, or removal that requires a building or demolition permit.
   b. A material change to the exterior appearance or significant exterior feature such as additions, reconstruction, or alteration, based on documentation designating the landmark or district.
   c. Application of paint to previously unpainted brick or masonry surfaces or the application of stucco or siding.
   d. Construction or enlargement of a driveway or parking area, or the erection of fencing.
   e. Any public improvement which the PD Director determines would affect the landmark or historic district, whether conducted by a private party, the city, or other agency.

f. A material change to the interior appearance of existing structures, if a significant interior feature was listed in the nomination or designation, including additions, reconstruction or alterations.
g. This section shall not apply to:
   (1) Ordinary maintenance or repair;
   (2) Any structure or building less than 100 square feet on the premises of a landmark or in a district, such as animal enclosures, gazeboes, playhouses, greenhouses, and similar accessory structures; or
   (3) Temporary structures associated with a temporary event permit, provided it is removed at the conclusion of the event.

2. *Review Procedure.* Prior to any work on a designated site, landmark, or district an applicant shall consult with the PD Director to determine if a certificate of appropriateness is required.
   a. If required, an application shall be submitted to the PD Director. The PD Director may authorize the work administratively if:
      (1) The work does not require a certificate of appropriateness or otherwise does not have any effect on the designation; or
      (2) The work is for items that the Landmarks Board designated for administrative actions as part of the designations.
      (3) Administrative certificates of appropriateness are in addition to all other applicable permits required by the City.
   b. Denial of an administrative certificate may be appealed to the Landmarks Board, or if the PD Director determines that the work is beyond the authority of an administrative certificate, the PD Director shall forward the application to the Landmarks Board.
   c. The PD Director shall schedule a hearing at the next scheduled Landmarks Board meeting at least 15 days from a complete application or a determination that an action is not eligible for an administrative certificate.

3. Notice shall be posted according to 36-2.01.F.2.

4. The Landmarks Board shall review and take action according to 36-2.01.H. If the Landmarks Board denies the application, specific reasons shall be indicated in writing to the applicant with suggestions for appropriate changes.

5. *Review Criteria.* The Landmarks Board shall consider the following criteria for a certificate of appropriateness:
   a. Any design guidelines or standards that the Landmarks Board may establish and adopt.
   b. For new construction, the compatibility of the building or structure with 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.
   c. The Secretary of Interior's Standards for Rehabilitation as listed below:
      (1) 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.
      (2) 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.
      (3) 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.
      (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
      (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
      (6) 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.

(7) 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.

(8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) 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.

(10) 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.

d. For demolitions:

(1) The degree to which the proposed removal would disrupt the integrity and continuity of the historic landmark or historic district of which it is part.

(2) 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 the structure or site.

(3) The structural integrity and the extent of work necessary to stabilize the structure.

(4) The ability of the structure or site to produce a reasonable economic return on investment; however, this factor alone shall not be determinative but shall be considered along with all other criteria.

(5) The post-demolition plans for the site and the relation of those plans to the surrounding area.

e. For property designated as containing archeological resources:

(1) The applicant shall consult with the state historic preservation officer about any effect of the proposed actions, and what actions are necessary to preserve the site.

(2) Permanent preservation of the resources or recordation of the site as advised by the state historic preservation officer.

(3) Comments and recommendations of the state historic preservation officer shall be provided to the Landmarks Board as part of the application.

6. *Effect of Decision.*

a. If approved, work under a certificate shall commence within 180 days or the certificate shall expire. Failure to comply with a certificate of appropriateness and any conditions of the certificate is a violation of this code and may be enforced according to this chapter.

b. If denied,

(1) Within 15 days the applicant may appeal to the Board of Adjustment according to Section 36-2.08;

(2) Within 15 days the applicant may apply for a certificate of economic hardship according to subsection D;

(3) The applicant may resubmit an alternative proposal; or

(4) Upon the expiration of 60 days from the date of the application for a certificate of appropriateness for a historic site, the BDS Director shall grant the building permit, subject to the requirements of any applicable provisions of the code regulations.

c. If the request is for demolition,
   (1) The applicant may wait 180 days for a landmark or district, or 60 days for a site, at which time the demolition permit shall be issued.
   (2) The Landmarks Board may request that the City Council extend the delay another 120 days.
   (3) During the delay the Landmarks Board shall take steps it deems necessary to preserve the structure, including consultation with civic groups, public or private agencies, and interested persons to consider preservation, acquisition, or relocation strategies for the structure.

E. **Certificate of Economic Hardship.**

1. *Applicability.* As an alternative to, or upon denial of, an application for certificate of appropriateness, an owner may apply for a certificate of economic hardship to authorize work on a historically designated property.

2. *Review Procedures*. An application for a certificate of economic hardship shall be filed with the PD Director.
   a. The PD Director shall schedule a public hearing before the Landmarks Board at the first scheduled meeting at least 15 days after a complete application.
   b. Notice shall be posted according to Section 36-2.01.F.2.
   c. The Landmarks Board may act on the application according to Section 36-2.01.H.
   d. The Landmarks Board may solicit expert testimony or require that the applicant submit information concerning the criteria in subsection E.3.
   e. The Landmarks Board shall issue a certificate of economic hardship if it determines the property, or structure has degenerated beyond feasible limits for rehabilitation or rehabilitation is impracticable and there is an economic hardship.

3. *Review Criteria.* Applications for a certificate of economic hardship shall be reviewed according to the following criteria:
   a. Estimate of the cost of the proposed work and an estimate of any additional cost that would be incurred to comply with any conditions of the Landmarks Board necessary for a certificate of appropriateness.
   b. A report from a licensed engineer or architect with experience with historic property rehabilitation as to the structural soundness of any structures and their suitability for rehabilitation.
   c. 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 work, 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.
   d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional, experienced with historic property rehabilitation, as to the economic feasibility of rehabilitation or reuse of the structure.
   e. If the property is income-producing, the annual gross income from the property, itemized operation and maintenance expenses, and depreciation deduction and annual cash flow before and after debt service for the previous two years.
   f. All appraisals obtained within the previous two years in connection with the purchase, financing, or ownership of the property.
   g. Any listing of the property for sale or rent, price asked and offers received within the previous two years.
   h. Assessed value of the property according to the two most recent assessments.
   i. Real estate taxes for the previous two years.
   j. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other entity.
   k. Amount paid for the property, date of purchase, and the party from whom purchased, including a description of the relationship 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.

l. Annual debt service for the previous two years.

m. Any consideration by the owner as to profitable adaptive uses for the property.

n. Replacement construction plans for the property. Post-demolition plans shall include drawings or sketches with sufficient detail to show the exterior appearance and architectural design of the proposed building or use but are not required to contain completed construction documents.

o. Financial proof of the ability to complete the replacement project, which may include a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution.

p. Any other information considered necessary by the Landmarks Board to determine whether the property may yield a reasonable return to the owners.

4. *Effect of Decision.* If approved, the BDS Director shall issue a building or demolition permit for the proposed work unless there is an appeal. A decision by the Landmarks Board may be appealed to the Board of Adjustment within 15 days of the decision according to Section 36-2.08.

36-2.12 Street Name Change

A. **Applicability.** Procedure for changing names of streets. Before the name of any public street is changed, there shall be public notice of such proposed change and public hearings shall be held in accordance with the following procedures:

1. All such changes shall first be considered by the Planning and Zoning Commission at a public hearing.

B. **Notice.** Prior to the public hearing before the Planning and Zoning Commission, notices of such hearing shall be posted in the area where the name change is to take place, which notice shall set out the time, date and location of the public hearing, giving at least 15 days' notice of the hearing. Such notices shall be conspicuously displayed by posting the notice on the city right-of-way.

C. **Public Hearing.**

1. The Planning and Zoning Commission of the city shall hold its public hearing on the name change and shall submit its recommendation to the City Council.

2. Thereafter, the City Council shall hold a public hearing on the proposed name change, giving at least 5~~five~~ days' notice of the public hearing in accordance with the provisions set forth in this section. After holding the public hearing, the City Council may, in its discretion, change the name and shall give notice of such change to the post office and other appropriate public officials.

36-2.13 Street Vacation

A. Any person owning any real estate within the city which has been subdivided by a duly recorded plat may petition the city to vacate the subdivision, or any part thereof, giving a distinct description of the property to be vacated and the names of the owners thereof with proof of their ownership; and any person owning property abutting upon any alley, street, common or public square, or any part thereof, may petition the city to vacate all or any part of the alley, street, common or public square, giving a distinct description of the property to be vacated and the names of the owners of the property abutting thereon. A petition to vacate such land shall be filed with the city clerk and referred to the Planning and Zoning Commission for consideration. Thereupon, the Planning and Zoning Commission shall cause notices of the proposed vacation to be posted in at least three

prominent places in the vicinity of the area to be vacated and the petitioner shall cause a notice of the proposed vacation to be published in the daily newspaper having the greatest number of paid subscribers in the city at least 30 days prior to the public hearing, which newspaper shall meet the requirements of RSMo. 493.050. No vacation shall take place until the petitioner shall have filed with the executive secretary of the planning and zoning commission proof that notice has been given of such vacation as required in this section, except in no event shall the failure of the Planning and Zoning Commission to post the property in any way affect the validity of the vacation, it being intended by the City Council that the legal notice for such vacation shall be solely by newspaper advertisement and that other advertisements shall be for informational purposes. In addition to the methods established by this section for notice, the City Manager shall endeavor to cause notices of such vacations to be circulated in the area in accordance with rules to be adopted by the City Manager, which rules should be filed with the executive secretary of the Planning and Zoning Commission; provided, however, the failure to give such notice shall in no way affect the validity of the vacation.

B. **Consent of Property Owners to Vacation.** A street or alley shall not be vacated unless the consent of the persons owning two-thirds of the front feet abutting on the portion of the street or alley to be vacated shall be obtained therefor, nor shall any subdivision or part thereof be vacated unless the consent of all the owners thereof shall be obtained therefor, which consent, whether for vacation of a street or alley or a subdivision, shall be in writing and acknowledged and proof of such consent furnished to the executive secretary of the Planning and Zoning Commission.

1. *Forwarding of Petition for Vacation to Planning and Zoning Commission.* Upon receipt of a petition for vacation, the executive secretary of the Planning and Zoning Commission shall forward a copy of the petition to the planning and zoning commission for its approval or disapproval of the proposed vacation as required by Section 11.7 of article XI of the Charter. The city shall not vacate any area until the Planning and Zoning Commission shall have acted thereon in accordance with the provisions of Section 11.7 of the Charter.

C. **Action on Petition for Vacation; Protests.**

1. An area shall not be vacated for at least 15 days following the posting of notice or the first publication thereof as provided in notice of proposed vacation. After the 15-day period, the Planning and Zoning Commission may proceed to vacate the area sought to be vacated with such restrictions and reservations as it may deem for the public good, provided the conditions set forth in this article have been satisfied, unless written opposition shall have been filed with the city clerk by a person owning property abutting on any alley, street, common or public square, or part thereof, proposed to be vacated, within the 15-day period. If an objection is filed within the 15-day period, the Planning and Zoning Commission shall not act to vacate any such area until an additional period of 30 days shall have passed, when, if the objector shall consent to the vacation, in which case the planning and zoning commission may vacate the area as provided in this article.

2. Prior to vacating the land, the Planning and Zoning Commission shall make the following determinations:
    a. All property owners adjacent to the street, alley or public way or within the subdivision have access to another street, alley or public way.
    b. Two-thirds of the property owners adjacent to the street, alley or public way to be vacated have given their consent to the vacation, or, if the request is for the vacation of a subdivision, all of the property owners have given their consent.
    c. The retention of the street, alley, public way or subdivision serves no useful purpose.
    d. The vacation will not affect the ability to use utilities, public or private.

3. If the Planning and Zoning Commission finds that all conditions set forth in subsection 2 of this section have been met, then the Planning and Zoning Commission may adopt a resolution vacating the area. If the Planning and Zoning Commission does not adopt a resolution vacating the area, the applicant may request that the city council hear the

request for vacation, provided a request for review is filed within 15 days with the City Clerk from the date the Planning and Zoning Commission denies the request. If the Planning and Zoning Commission approves the request to vacate, any person objecting thereto may petition the city council to review the request to vacate by filing an appeal within 15 days with the city clerk from the date the resolution was passed by the Planning and Zoning Commission. If the objector shall not have consented, the city council may approve the vacation, as provided in this section, only upon a finding that the public interest requires such vacation despite the objections thereto. Any person aggrieved by a decision of the City Council shall appeal to the county circuit court within 30 days after a decision is rendered by the City Council in accordance with the procedures set forth in Chapter 536, RSMo.

Article 3. Subdivision & Community Design

36-3.01 Intent
36-3.02 Applicability
36-3.03 Streets
36-3.04 Civic & Open Spaces
36-3.05 Blocks & Lots
36-3.06 Required Improvements

36-3.01 Intent

The intent of this article is to:

A. Coordinate the land use, site development, and subdivision of land in the city at the initial stage and at the largest scale of development that is practical.

B. Implement the vision and recommendations in the comprehensive plan through context-based standards that integrate development patterns and public investments within the distinct placetypes.

C. Establish standards and ensure performance criteria for proper capacity of infrastructure including streets and transportation facilities, emergency services, stormwater drainage, water, sewerage, parks, and schools.

D. Comply with other federal and state laws impacted by development, including flood control and flood loss mitigation, historic preservation, and environmental protections.

E. Coordinate different development projects into efficient and compatible development patterns across areas and over time, so that all are capable of being served with adequate public facilities and services.

36-3.02 Applicability

The provisions of this chapter apply to all site development activities, establishment or changes in uses of land, construction or modification of buildings or structures, development and redevelopment of property, and subdivisions of land within the city, including land annexed into the city after the effective date of adoption.

A. 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.

B. 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 use of a property description, nor shall any person purchase such land or agree to purchase such land before such property description has been approved and recorded in accordance with these regulations.

C. 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.

D. Violations of the subdivision regulations are subject to enforcement under Section 36-1.07.

36-3.03 Streets

A. **Design Objectives.** The street design standards have the following design objectives:

1. Emphasize street design as a key determinant of community image and the unique identity of different places within Springfield.

2. Ensure the proper arrangements of blocks and lots to coordinate long-term growth and development of the community.

3. Plan street networks to connect to adjacent development and future development areas at regular intervals, provide multiple connectivity options, and avoid over capacity traffic on streets that become barriers.

4. Build complete and multi-modal networks of well-connected streets, trails, and paths to improve the access, capacity, safety, and efficiency of transportation systems.

5. Use street design to enhance the community character in distinct places, and to better support development patterns and uses abutting the streets.

6. Design streets to provide safe and reliable traffic flow while accounting for safety and access of all potential users of the streets, including pedestrians, bicycles, automobiles, trucks, and transit.

7. Coordinate open and civic spaces with street networks to leverage valuable development patterns and maximize the civic design impacts of infrastructure investments.

8. Incorporate stormwater infrastructure in landscaped areas to retain, infiltrate, and filter stormwater runoff from streets and sidewalks.

B. **Street Network.** Streets shall be laid out according to the city's policies for development, streets, and open spaces. In the absence of more specific or updated guidance in these plans or from specific area plans, the following standards shall apply to all new street networks, public or private:

1. *Blocks & Connectivity.* Streets shall be laid out to provide a network of streets and blocks based on the planning context and development pattern as identified in Table 3-1:

Table 3-1: Block Sizes & Street Connectivity

Planning Context	Block Size	Closed-End Street Limits
Compact, Walkable – High Connectivity *Downtown, near downtown areas, and walkable commercial and mixed-use areas, typically in the following placetypes: Downtown; Mixed Use; Mixed Residential.*	150' min. 500' max. 4 ac. max.	Prohibited

General Neighborhoods & Corridors – Moderate Connectivity *Walkable mixed-density urban and suburban neighborhoods and other areas supporting commercial corridors or employment areas outside walkable centers, typically in the following place types: Traditional Residential Neighborhood, Center City Neighborhood, Mixed Residential, City Corridor, Institutional & Employment Center.*	200' min. 800' max. 7.5 ac. max.	800' [1]
Campus, Rural, or Remote Areas – Low Connectivity *Limited to areas of low intensity/density uses with limited access needs or large-scale uses with internal circulation, where disrupting the development patterns and street network is justified, typically in the following place-types: Institutional & Employment Center, Business Flex, Industry & Logistics, rural/ undeveloped areas, or to account for large urban green space & recreation areas.*	250' min. 1,320' max. 12 ac. max.	800' max.

[1] See Exceptions Section 36-3.03.B.2



Figure 3-1 Connectivity & Block Sizes. Street networks shall be based on maximum block sizes (length between centerlines of perimeter streets and area) and stub to adjacent property at a frequency sufficient to create connected networks unless exceptions justify not connecting.

2. *Exceptions.* Street connectivity and blocks may only exceed the acre or block length maximums in Table 3-1 based on the following exceptions:
   a. *Natural Features, Open Spaces, or other Civic Spaces.* Blocks or parcels abutting or containing important natural features, topographical constraints, or open spaces may be modified provided the proposed street layout preserves these features and integrates them into public or community open space design for the area.
   b. *Regional Transportation Routes.* Blocks or parcels abutting significant regional transportation routes that impede local network connectivity, such as highways or rail right-of-way, may be modified provided the street layouts and development patterns achieve local connectivity in all other ways possible, including street stubs, bike routes, and pedestrian paths.
   c. *Rural Parcels.* Tracts divided into lots of at least three acres for rural, agriculture, or very low-intensity development may exceed the block limits,

provided they are designed to allow future streets in compliance with these regulations and permit a logical pattern of re-subdivision with minimal disruption of existing or planned buildings, utilities, and other structures.

d. *Oversized Parcels.* Where oversized parcels are platted for special land uses or development patterns that accommodate large-scale buildings, such as campuses, employment centers, or regional commercial areas, platted blocks may be larger provided private internal access lanes match the block structure of Table 3-1. Private internal access lanes shall provide streetscape and design amenities, such as streetscapes, sidewalks, and on-street parking, similar to the street design types in this section and create logical extensions and connections to the public street network beyond the project. [See Section 36-7.03.B.3].



Figure 3-2 Private Streetscapes Private internal access lanes shall be used to mimic public street networks and streetscapes for over-sized parcels and large-scale development (36-3.03.B.2.d).

e. *Closed-end Streets.* In any case where streets are not required to connect by these standards or are justified by these exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs. In all cases, closed-end streets shall be no more than 800' and have no more than 30 dwelling units per access point. All streets that end in dead end shall have a cul-de-sac or turnaround as required by Chapter 98 and the applicable Public Works Design Standards and Technical Specifications, or as required to meet any public safety requirement.

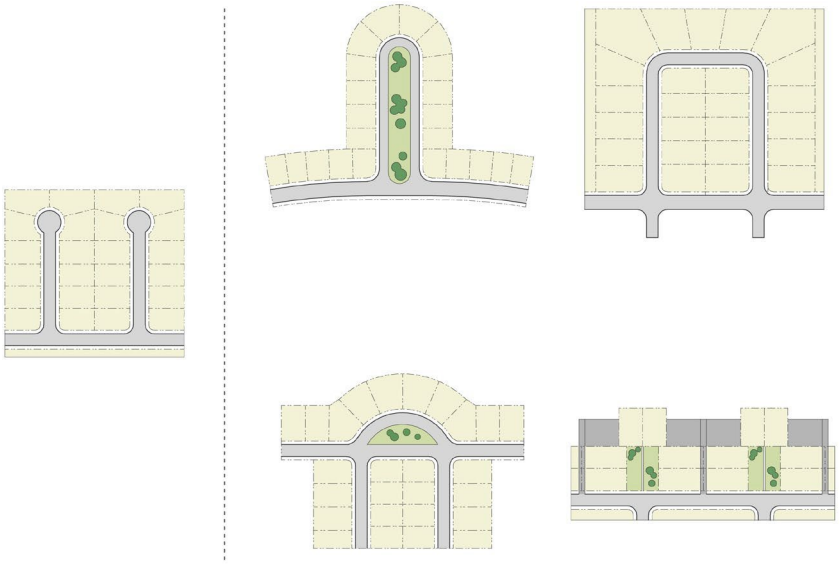


Figure 3-3 Disconnected Street Options. Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (36-3.03.B.2.e)

f. *Area Plans.* A specific street network plan approved by the City through the planned zoning process in Section 36-2.06 or similar planning initiative for a connected local network for a significant area beyond individual projects may provide different connectivity provided there are sufficient external connections to the surrounding transportation system and the design meets the intent and design objectives of this section.

3. *Pedestrian & Bicycle Connections.* In any case where exceptions for larger blocks apply, or any other area where pedestrian and bicycle connections are important, the City may require walkways, passages or trails through blocks or at the end of any closed end streets to provide pedestrian or bicycle connections to important destinations such as schools, parks, trail systems, community centers, or similar destinations. Connections shall meet either the pedestrian and bicycle portions of the streetscape standards in subsection C, or the civic and open space standards in Section 36-3.04.



Figure 3-4 Walkways and Bicycle Routes Where streets will not connect or where larger blocks are platted, connections for pedestrians or bikes may be required through blocks or at the ends of disconnected streets. (36-3.03.B.3).

4. *Street Connections.* Streets shall be planned to provide continuation to adjacent areas at intervals that result in blocks meeting the standards in Table 3-1, unless justified by an exception in subsection B.2.
   a. The City may require dedication of right-of-way and construction of streets extended to the boundary line of the property to be subdivided. Alternative arrangements for location of streets to coordinate with anticipated future development of adjacent areas, and timing of construction of streets may be delayed to the time of development if all lots have frontage and access to public streets and alleys.
   b. Subdivisions that are a portion of a larger development area or adjacent to potential future development shall require a mapped conceptual street network for the larger development area or adjacent property with a preliminary plat. The mapped conceptual street network shall address connection of major or

connector streets, potential layout of local streets and blocks, and the position of external connections to the property.

5. *Intersections.* Intersections of streets, corner curb radii, and crosswalks shall be designed according to the Public Works Design Standards and Technical Specifications and any other formal guidance, plans, or manuals approve by the PW Director, and shall be implemented according to context and placetypes to balance multiple modes of transportation and urban design characteristics.
   a. Streets shall be laid out to intersect as near as possible to right angles, and intersections less than 75 degrees are generally not acceptable.
   b. Diagonal or irregular streets should curve to align with appropriate angles for at least 100 feet approaching intersections.
   c. Intersections should be aligned with existing cross streets on the opposite side of the street. When not applicable the PW Director shall determine the acceptable street alignments in accordance with governing documents.
   d. Intersections of more than two streets at one point are not acceptable, except where alternative configurations better correspond to topography and natural features, implement traffic calming (such as roundabouts or other verified techniques), or create gateways and focal points in the network.

6. *Right-of-Way Widths.* 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, topographical conditions, public convenience and safety, and 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.

   a. Right-of-way can be appealed to the Administrative Review Committee (ARC). Should the ARC determine that right-of-way width at the time of platting or development may be reduced because less right-of-way than set out herein 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 Planning and Zoning 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 Planning and Zoning Commission, or to the certificate prior to filing and the Planning and Zoning Commission shall determine if the criteria for the reduction of right-of-way exists and what reduction in right-of-way, if any, may be allowed. A reduction in 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 above what is required herein shall not be required except where the Director of Public Works determines the need for more and City Council approves. The minimum right-of-way widths required shall be as follows:

Table 3-2: Right-of-Way Widths

Street Type	Minimum Width*
Expressways	130'
Arterials *– High, Mid*	100'
Arterials - Low	70'
Collectors / Local High-Activity	60'
Local Low-Activity	50'
Alleys	20'
Downtown Streets	**

* If no subdivision activity is taking place and the existing right-of-way is less than the minimum requirement,

all new improvements shall be at least 50% of the required width from the centerline of the existing right-of-way.

** Right-of-way may be required as necessary to accommodate public infrastructure as per a street typology, adopted street plan, or planned capital improvement.

7. *Sight Distances*. Where a driveway intersects a public or private right-of-way or where property abuts the intersection of two public or private right-of-way, clear sight distance must be provided within the sight triangle area on the property adjacent to the intersection as specified in the Public Works Design Standards and Technical Specifications.
   a. *Sight Distance Analysis for Site Plans.* For all developments requiring a site plan, the applicant shall have a Professional Engineer perform a field analysis and determine the sight distance in accordance with the applicable standards.
   b. *Sight Distance for Standalone Driveway Permits.* As part of the permitting of driveways, the City Traffic Engineer shall determine the sight distance in accordance with the applicable standards.
   c. *Obstruction Prohibited.* No structures, fences, landscaping or any other object within the sight triangle area can obstruct or obscure sight distance visibility by more than 25% of the total view in the vertical plane within the sight triangle area between a height of 2.5 and 8 feet above the roadway surface.
      (1) No building, ground sign, or other type of solid physical obstruction shall be placed within the triangle.
      (2) Fences that maintain the required transparency may be permitted within the triangle.
      (3) Street trees, light poles, hydrants, or other limited narrow obstructions are allowed within the sight triangle provided they do not have any high- profile appendages, foliage, limbs, or other obstructions between 2.5 and 8 feet and are spaced to not collectively create an obstruction.
      (4) Landscape, plants, and groundcover may be planted in the triangle, provided it does not exceed 2.5 feet from the elevation of the adjacent street surface.
      (5) The 25% requirement may be reduced if the PW Director determines that additional sight distance visibility is needed to protect public safety.
   d. *Controlled Intersections.* Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the PW Director.
   e. *Easements Required.* For all commercial zoned developments and any developments on arterials, the sight distance triangle shall be placed in a sight distance easement or clear sight easement allowing the City to access and remove any physical items prohibited or causing a reduction in sight distance.
   f. *Right-of-Way Triangles*. Right-of-way triangles are required to be dedicated at the time of any subdivision activity at the intersection of streets and alleys as specified in Table 3-3. If no subdivision activity is taking place, all new improvements shall be outside the required right-of-way triangle. The site distance easement may overlap the right-of-way triangles.

Table 3-3: Right-of-Way Triangle Requirements

Intersection of	***Expressway***	*Arterial – High, Mid*	*Arterial – Low and* ***System Collector***	***Residential Collector / Local High-Activity***	***Local Low-Activity / Alley***
Expressway	A	A	A	B	B
Arterial	A	A	B	B	C
System Collector	A	B	B	C	C

Residential Collector / Local, High-Activity	B	B	C	C	C
Local, Low Activity	B	C	C	C	C

A = 70' x 70' ROW triangle
B = 30' x 30' ROW triangle
C = 10' x 10' ROW triangle
Measured from the intersection of the projected minimum required right-of-way width in Section 36-3.03.B.6

8. *Stormwater.* Green infrastructure strategies such as bioretention, permeable paving, and other similar strategies shall be integrated with the design of the street.

C. **Street Design & Street Types.** New and reconstructed streets shall reinforce the placetype, reflect the character of the area, and support the anticipated land uses on abutting blocks and lots. Design and construction must comply with the Public Works Design Standards and Technical Specifications. This section establishes a context-based approach that coordinates planning and urban design with engineering standards through Street Design Types and the Streetscape Kit of Parts. Street types complement, and do not override, the functional classifications and access management requirements of Chapter 98 of the City Code.

1. *Street Design Types.* Each functional classification may apply one or more Street Design Types, as outlined in the Public Works Design Standards and Technical Specifications, so that streetscape and operational features support the surrounding context, intended use, and area character. Numeric dimensions, material specifications, and performance targets, including the target operating speed, are set in the Public Works Design Standards and Technical Specifications. The PW Director may approve alternatives that demonstrate equal or better safety and access outcomes and document the basis for the decisions.

Table 3-4: Street Design Types & Classification

Street Design Type	***Expressway***	***High Type Arterial***	***Mid Type Arterial***	***Low Type Arterial***	***System Collector***	***Residential Collector***	***Local Street***	***Alley***
Pedestrian / Mixed Use	NU	NU	NU	LU	AU	AU	AU	AU
Parkway / Bikeway	NU	LU	LU	LU	AU	AU	AU	NA
Neighborhood	NU	NU	NU	LU	AU	AU	AU	NA
Standard / Trafficway	LU	AU	AU	AU	AU	LU	LU	NA
NU	Not allowed in typical street classification							
LU	Limited use in specific application, based on context and specific localized transportation plan							
AU	Applicable for use in most instances, but must be based on context and specific transportation plan							
NA	Steet type is not applicable for street classification in most typical applications							

a. *Pedestrian / Mixed-use.* Streets that prioritize walking and frontage activity in areas with a well-connected network and active ground floor uses. Designs use speed management, continuous sidewalks, frequent and safe crossings, and amenity zones that support businesses and street life. Parking and loading are provided where needed to support adjacent uses, but they do not reduce pedestrian, bicycle, or transit priority. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.

(1) *Required Elements.*
- (a) Sidewalk on both sides with accessible connections
- (b) Amenity and furnishing zone on both sides that supports trees, lighting, street furniture, art, and other public amenities.
- (c) Frequent marked and enhanced pedestrian crossings and safety measures
- (d) Speed management and traffic calming treatments to achieve a target speed that is reasonably safe for pedestrian interactions and proximity to vehicular traffic.
- (e) Bicycle accommodation appropriate to the network plan, separated where volumes or speeds warrant. Bicycle docks or limited bicycle areas near heavy pedestrian movements is appropriate.

(2) *Conditional Elements.*
- (a) On street parking or signed loading in designated curb zones where it supports frontage uses. Parking is not considered a priority in this street type and
- (b) Curb extensions at intersections and midblock where feasible
- (c) Transit stop amenities where routes operate, including accessible pads and shelters
- (d) Green infrastructure in medians or furnishing zones where site conditions allow.

(3) *Access and Operations.*
- (a) Driveways shall be very limited and consolidated where appropriate.
- (b) Curb use managed to prioritize pedestrian movement, bicycle safety, transit, and loading, in that order
- (c) Any exception must document equal or better safety and access outcomes and be approved by the PW Director.



Pedestrian / Mixed-use

b. *Parkway / Bikeway.* Multimodal corridors with a higher level of civic design and landscape that connect gateways and signature routes. Designs provide continuous and separated bicycle and pedestrian facilities, strong access management, and speed control that supports safe and comfortable travel for all users. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.

(1) *Required Elements.*

(a) High comfort bicycle facility that is physically separated from traffic, or a shared use side path, continuous along the corridor and connected at intersections

(b) Sidewalk on both sides, or one sidewalk plus a shared use side path, with accessible connections

(c) Target operating speed established with geometric design that supports that target speed for appropriate uses and traffic volumes

(d) Signature landscape in medians, parallel to the street, and significant to the total section of street right of way.

(e) Access management with median control and driveway spacing to promote multimodal functionality and safety.

(f) Marked crossings with refuge islands or other protection that promotes pedestrian activity and connectivity

(g) Pedestrian scale and roadway lighting that supports visibility and personal security.

(2) *Conditional Elements.*

(a) Transit stop pads, shelters, and where applicable, bus bulbs or floating stops adjacent to separated bikeways

(b) Roundabouts or other intersection forms where they improve safety and gateway character

(c) Green infrastructure within medians or furnishing zones where site conditions allow

(d) Wayfinding, public art, and gateway features at designated locations

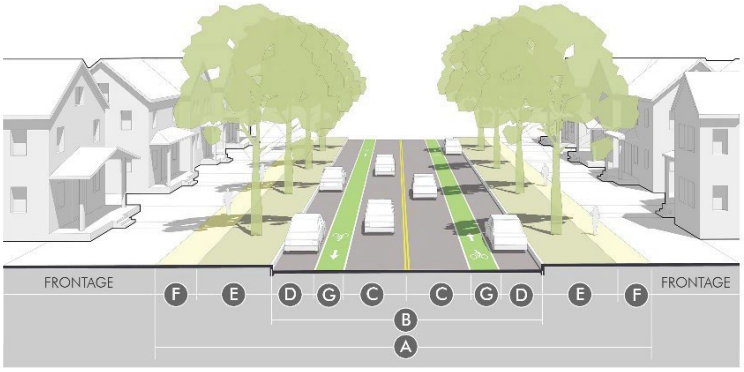
(e) On street parking only in defined nodes where it does not reduce safety or the function of separated facilities

(3) *Access and Operations.*

(a) Curb use managed to prioritize bicycle and pedestrian safety, transit operations, loading, then general parking

(b) Driveways limited, consolidated, and designed for slow entry to prevent multimodal conflict points

(c) Design must accommodate emergency and necessary freight vehicles without degrading safety for people walking or bicycling.



Parkway / Bikeway

c. *Neighborhood.* Streets that support neighborhood livability by keeping speeds low, providing continuous sidewalks, and establishing a comfortable walking environment. Designs balance walkability, landscape, and local vehicle access, using traffic calming and managed curb use to maintain a quiet, low stress street. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.

(1) *Required Elements.*

(a) Sidewalk through zone on at least one side of the street with accessible connections

(b) Street trees incorporated throughout and desired to line both sides of the street

(c) Speed management and traffic calming treatments to achieve the target operating speed

(d) Bicycle accommodation appropriate to the network plan, shared lanes on very low speed local streets or separated facilities on neighborhood collectors as warranted

(2) *Conditional Elements.*

(a) On street parking on one or both sides where it supports neighborhood needs and maintains emergency access

(b) Curb extensions, mini circles, chicanes, speed humps, speed cushions, or other practical traffic calming to slow speed and add quality of place.

(c) Green infrastructure within furnishing zones or curbside modules where site conditions allow

(d) On street accessible spaces where warranted

(3) *Access and Operations.*

(a) Driveways limited and consolidated

(b) Intersections designed for compact turning with clear sight and yield control to prioritize pedestrian safety, bicycle comfort, and access for residents and services

(c) On street parking supports neighborhood activity but is not intended to be the sole parking supply for residences



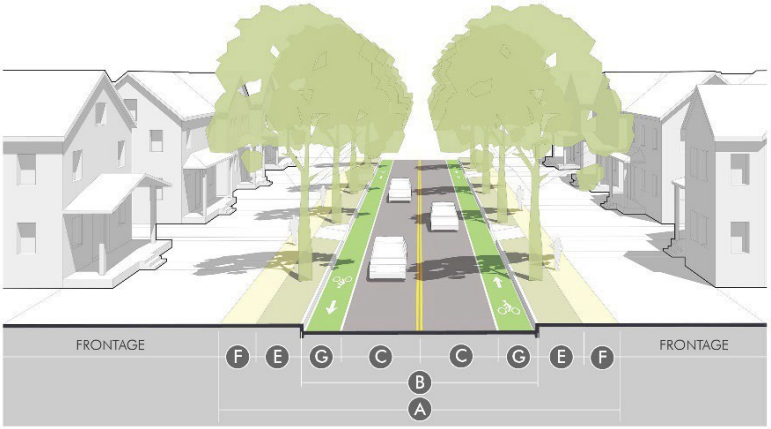
Neighborhood

d. *Standard / Trafficway.* General purpose corridors that provide movement and access where no other design type applies. Designs provide pedestrian access, bicycle accommodation per the network plan, and safe and efficient operations for all users. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.

(1) *Required Elements.*
- (a) Sidewalk on both sides of the street
- (b) Bicycle accommodation per the network plan, which may include buffered or separated lanes or a shared use side path as warranted by volumes and speed
- (c) Target operating speed established in the Standards with geometry that supports that target speed
- (d) Access management with driveway spacing, median control, and turn management per Chapter 98 and the Standards
- (e) Marked crossings and traffic control per MUTCD with visibility and protection features as warranted
- (f) Roadway and pedestrian scale lighting that supports visibility and personal security

(2) *Conditional Elements.*
- (a) Medians, turn pockets, or two way left turn lanes where safety and access require
- (b) Transit stop pads, shelters, and related amenities where routes operate
- (c) On street parking only where it does not reduce safety or operations and where curb use is managed
- (d) Green infrastructure and street trees where site conditions allow and sight distance is maintained
- (e) Freight and emergency design accommodations per the Standards

(3) *Access and Operations.*
- (a) Curb use managed to prioritize safe pedestrian and bicycle movement, transit operations, loading, then general parking
- (b) Driveways limited and consolidated. New or modified driveways must allow slow entry and exit and preserve pedestrian and bicycle priority where applicable



Standard / Trafficway

2. ***Complete Street Guidelines.*** Based on actual right-of-way conditions and functional class needs, specific street cross sections shall be assembled using the Complete Street Guidelines in Table 3-5. The table identifies general performance characteristics for each street element and identifies the design types to which each is most applicable. Final approval and application of cross sections is subject to approval of the PW Director.

Table 3-5: Complete Street Guidelines

Key:
■ Typically applied to this design type
O Optional; applied based on space allowances and specific priorities
L Limited; generally not applied but may be used to specific circumstances
- Generally avoid.

Street Element	Size	Context & Application	Pedestrian / Mixed-use	Parkway / Bikeway	Neighborhood	Standard /Trafficway
Travel Lanes	>12'	High-speed/volume; generally, avoid on city streets	-	-	-	L
	11'	Applicable on major streets or routes with frequent truck or transit vehicles	-	L	-	■
	10'	Generally applicable on all city streets with through traffic	■	■	L	■
	9'	Limited to low-volume streets, slow-speed streets, or constrained ROW	L	-	■	-
	12' – 17' yield lanes	Limited to slow, low-volume streets in well-connected networks, where occasional queuing areas allow two cars to pass	-	-	■	-
Bicycle Lanes	n/a	Low-speed/volume streets where bicycles can mix with travel lanes. (< 20 mph)	■	-	■	-
	4' – 6' lane	Low-speed streets or constrained ROW (< 35 mph)	L	■	■	L
	7'-10' protected lane	Important bike routes or higher speed streets (typically >35 mph); 2' – 4' protected buffer; 4' – 8' bicycle travel way	-	■	-	■
	Off street	High-speed/volume (typically >45 mph); or portions of trail systems.	O	■	O	■
Parking	6' – 7'	Limited to low-volume residential streets	L	L	■	-
	7' – 8'	Generally applicable to all residential and commercial areas where parking is necessary.	■	C	L	L
	14' – 22' angled	Limited to high-activity streets to maximize parking; depth depends on angle of parking and other traffic circumstances	■	L	-	-
Landscape Area	2' – 8' amenity zone / attached sidewalk	Walkable areas (typically paired with on-street parking) where hardscape, landscape, and street furniture extend sidewalks	■	L	L	-
	>8' amenity zone / attached sidewalk	Used for high-activity streets that prioritize social space in streetscapes (*e.g.* sidewalk dining, mini-courtyards)	■	L	-	-
	1' – 4' landscape area	Avoid – difficult to grow and maintain plants or trees	-	-	-	-

Table 3-5: Complete Street Guidelines

Key:
■ Typically applied to this design type
O Optional; applied based on space allowances and specific priorities
L Limited; generally not applied but may be used to specific circumstances
- Generally avoid.

Street Element	Size	Context & Application	Pedestrian / Mixed Use	Parkway / Bikeway	Neighborhood	Standard /Trafficway
	5' – 6' tree strip	Limited to constrained ROW; understory trees only	L	L	L	L
	7' – 8' tree strip	Generally applicable, sufficient for large overstory trees	O	■	■	■
	8' – 12' tree strip	High-volume streets or where no on-street parking exists to provide greater pedestrian buffer; or neighborhood streets with higher urban design amenity	L	■	■	■
	>13' tree strip	Signature streets for enhanced landscape amenities; space can be shared with or shifted to medians' and may meet Open & Civic Space system credits (See 36-3.04.)	L	■	■	■
	10' – 20' Median	Signature streets for enhanced landscape; can be accompanied with turn lanes and/or mid-street pedestrian refuge at intersections	O	O	O	O
	>20' Median	Signature streets or to add amenity to major high-volume streets; may meet Open & Civic Space system credits (See 36-3.04.)	O	O	O	O
Sidewalks	4' or one side	Avoid – constrained ROW only	-	-	-	-
	5'	Minimum, generally applicable standard; typical on neighborhood streets	-	-	■	L
	6' – 8'	Minimum for non-residential streets (if combined with amenity zone), and priority routes in neighborhoods (e.g. routes to schools, parks, or other destinations)	L	■	■	■
	8' – 10'	Typical on non-residential streets; minimum for walkable areas (if combined with amenity zone); or higher density neighborhoods	■	■	■	■
	>10'	Signature streets in walkable areas, where social spaces are desired in streetscapes, or as a multi-use bicycle / pedestrian path in other contexts	■	■	O	O

3. *Typical Cross Sections*. The cross sections are typical and examples of the design types applied to each functional classification. These typical examples are illustrative for planning purposes. Actual street design shall be based on the applicable Public Works Design Standards and Technical Specifications and application of the Complete Street Guidelines to specific situations.

D. **Private Streets.** A private street is privately owned and maintained, constructed to all applicable City standards and specifications, and provides the primary means of vehicular ingress and egress from a public street to any dwelling unit, lot, parcel or principal building. Private streets, driveways, and all other incidental items shall be designed, constructed, inspected, and accepted in the exact manner of public streets including all applicable processes and fees.

1. Private streets shall only be considered in very limited circumstances and where absolutely necessary. To be considered as a private street by City Council, the following items shall be verified by the PD Director and the PW Director prior to any subsequent council action for approval.
   a. The proposed private street shall be classified as a local residential or local commercial only.
   b. The proposed private street shall meet all requirements of a dead-end street or terminates at both ends at a public street.
   c. The proposed private street shall ensure that future connectivity standards of the subdivision regulations can be met and does not adversely impact adjacent properties.
   d. The proposed private street shall not lessen the ability of public emergency service to access the property.

2. No private street may be permitted without the consent of the City Council. The City Council shall have sole discretion to determine when a private street may be permitted 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 private street(s), or the passage of a resolution when the development or subdivision pre-exists the request for a private street. City Council may review a request for a variance in accordance with the procedures and standards set forth in Section 36-2.07, but shall not be bound by the provisions of said section in its determination or exercise of its discretion.

3. *Deeds and Restrictive Covenants*. Deeds and restrictive covenants to contain the following conditions:
   a. All private streets shall be deemed to be common areas and subject to all requirements set forth in Section 36-3.04. Additionally, a property owners' association shall be required for all lots or residential units served by a 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 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 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 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 Section 36-3.04.B.3 required to be on the final plat by subsection 36-3.03.D.4, shall be recorded. Nothing herein shall require the city to enter and repair any portions of the private street and the city does not assume a duty to do so by approval of any private street.
   d. The covenant referred to in subsection 36-3.03.D.3.c shall also contain a requirement that for a private street to continue to be private, 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 private street area such as police, fire, dispatch and rescue operations, utility or sewer service, which are the direct result of the private street's presence. This fee shall be set by the City Council in the same manner as other

fees for recovery of costs.

4. *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 private street; 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 private street 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 private street 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.

5. No private street will be later accepted as a public street unless the street had been originally inspected and accepted by the PW Director at the time of construction, and the street has been properly maintained, with documentation, as determined by the sole discretion of the PW Director.

E. **Engineering & Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets, utilities, stormwater, landscape, irrigation, and other public improvements shall be in accordance with Chapter 98 and the applicable Public Works Design Standards and Technical Specifications approved by the PW Director.

36-3.04 Civic & Open Spaces

A. **Design Objectives.** Civic and open space design shall have the following design objectives:

1. Emphasize open and civic spaces as an important element of Springfield's community image and a factor in distinguishing the unique identity of different places within Springfield.

2. Coordinate open and civic spaces with street networks to leverage valuable development patterns and maximize the civic design impacts of infrastructure investments.

3. Value the design, function, and appropriate location of different types of open space, rather than solely the quantity of space, including formal and natural spaces.

4. Consider the context and multiple functions that open spaces can serve to support development including ecological, recreation, aesthetic, and urban design functions.

5. Promote good civic design and create focal points for the community, neighborhoods, and development projects.

6. Integrate natural systems into the design of common or public open spaces to improve stormwater management, protect water resources, preserve natural features, and enhance ecosystems.

B. **Required Open & Civic Space.**

1. *Dedication or Reservation of Land*. The City may require the dedication of land to the City or other government entity with jurisdiction over public and community facilities, for parks, trails, school, or other public or community facilities.
   a. The dedication shall be based on an adopted plan identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review.
   b. The dedication may be included on the preliminary plat or a condition of approval of the preliminary plat, at the discretion of the applicant or as a requirement where directly related to the projects impact on the required facility.
   c. Acceptance of the dedication shall be agreed to in writing by the entity having jurisdiction over the site or facility prior to approval of the final plat. Upon dedication the applicant may be eligible for credits towards open space requirements or reimbursement of other development fees.
   d. Where dedication is not offered or required, the City may require reservation of the land for no more than one year, unless otherwise agreed to by the applicant, to permit acquisition of the land by the appropriate public entity. The applicant may include contingency plat for property subject to the reservation if the property is not acquired by the appropriate public entity, but the contingency plat and any surrounding preliminary plat shall not be designed in any way that undermines potential use of the property for the planned public improvement.

2. *Common Open Spaces.* The requirement for dedication or reservation of open and civic spaces is not intended to replace, discourage or prohibit the design of common or private open and civic spaces as community amenities. Provisions of these facilities should be included on a plat and designed to integrate public streetscapes, trails, and parks with other community facilities in accordance with the standards in subsection C.

3. *Ownership & Maintenance.* Open and civic space platted as part of a development shall require specific designation on the final plat as a separate out lot. Options for ownership and maintenance of open and civic space include:
   a. Creation of or dedication to a non-profit entity capable of carrying out the ownership and maintenance;
   b. Creation of a homeowners', leaseholders' and/or property owners' association that owns the space in common and is capable of carrying out the ownership and maintenance; or
   c. Dedication to a public entity as part of the right-or-way, parks or other community facilities element of the plan. The City may accept dedications of land in its sole discretion, provided it meets other open space and conservation goals of the city indicated in the comprehensive plan or other official Parks and Recreation Department plans.
   d. All open and civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans, as well as administrative and financial management of the space according to these standards. Documents such as covenants for a homeowners' association, bylaws or charter for a non-profit entity, or similar agreements and guarantees, shall be filed with the clerk and recorder's office with the plat designating the open space, prior to any building permits.

4. *Credits & Modifications.* Any public or common open space provided through the subdivision process may enable credits or modifications of site-specific open space standards in Articles 5, 6, or 8.

C. **Open & Civic Space Design.**

1. *Types.* Table 3-6 specifies the type, size, and service areas of different open and civic spaces that may meet the open space requirement.

Table 3-6: Open & Civic Space Types

Type	Size	Service Area	Application	
			Public	Common
Natural Open Space / Stream Buffer	3 ac. min.; 100' min. width; >20 ac. optimal or significant continuity with adjacent areas	n/a	■	■
Park - Regional	>20 ac.	w/in 3 miles	■	
Park - Community	8 – 20 ac.	w/in 0.5 mile	■	
Park - Neighborhood	3 – 8 ac.	w/in 0.25 mile	■	■
Park – Small	0.5 – 3 ac.	w/in 0.25 mile		■
Trail	20' wide, min. easement; 30' if integrated as a linear park; 8' – 16' trail	w/in 500' of trail or 1000' of trail-head	■	■
Community Garden	5K s.f. – 3 ac.	w/in 0.25 miles		■
Civic Space - Green	1 – 3 ac.	w/in 0.25 miles		■
Civic Space - Square	5K s.f. – 1 ac.	w/in 500'		■
Civic Space – Plaza / Courtyard	1K – 5K s.f.	abutting lots or on the same block		■

2. *Location Criteria.* The following location criteria shall be considered to better integrate different open space types with the context, placetype, and best support surrounding development with a system of open and civic spaces:
   a. Connect and integrate open spaces with public streetscapes and other civic destinations, such as schools, to improve visibility and access.
   b. Preserve natural features (particularly for natural open spaces/stream buffers, parks, or trails), including protection of groves of trees, prairie, streams, unusual and attractive topography, and other desirable natural landscape features and views.
   c. Design formal civic spaces (green, square, plaza / courtyard) as gathering places and focal points for compact, walkable places, located as an extension of the streetscapes at highly traveled and visible locations.
   d. Create spaces that reinforce character of the area or create gateways and transitions to distinct places.
   e. The distribution of spaces so that all development has similar proximity to open and civic spaces appropriate to its context.
      (1) All residential lots should be within the service area of two different types of open or civic spaces.
      (2) High-density residential, mixed-use, and commercial or employment lots should be within the service area of at least one formal open space.

3. *Stormwater Facilities.* Stormwater facilities shall be designed and integrated into the street network and open or civic space in order to avoid redundant and inefficient facilities on individual lots. Areas used to meet stormwater requirements may be counted towards the open space requirement provided they meet the definition of *Open Space* and the PW Director approves of the secondary use.

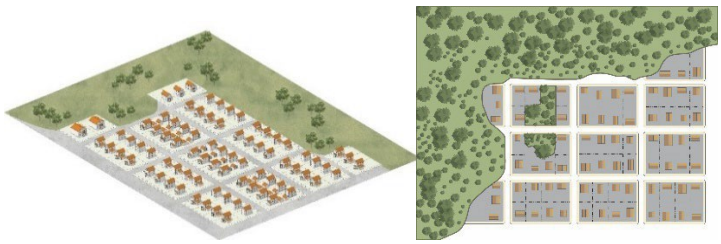
4. *Open & Civic Space Design Guidelines.* Open and civic spaces shall be designed according to the following guidelines for each specific type:

Natural Open Space / Stream Buffer

The size, location and design of a Natural Open Space / Stream Buffer is dependent on the inherent characteristics of the land and the presence of valuable natural amenities and ecological resources worthy of protection. The ability to provide contiguity with similar features on adjacent sites is important to the design and location of development and preserved areas. See Flood Control and Water Quality Protection Manual for specific requirements for Stream Buffers.

Size: 3 contiguous acres (min.); 100' wide minimum; ideally, ability to connect 10+ acres of contiguous natural lands or agricultural lands.

Service Area:
n/a except where integrated with trails and linear parks, service areas are according to those types.



Design Elements & Guidelines

- Natural Open Space / Stream Buffer includes any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant and tree types. The goal is to protect the edges and to maximize intact and undisturbed spaces that provide valuable ecosystem services for the community, support preservation goals, or enhance the aesthetics and amenities of the area. Active recreation such as trails and paths can be a part of these areas provided, they do not disrupt the essential natural character and ecological functions.

Park

Variations: Size / Service Area
Regional – >20 ac / >3 miles
Community – 8 – 20 ac / 0.5 mile
Neighborhood – 3 - 8 ac 0.24 miles
Mini - 0.5 – 3 ac / 0.25 miles



Design Elements & Guidelines

- Any park planned for public dedication shall be designed according to official plans and policies of the City.
- Parks should be at least 200' wide in all directions (100' for Mini Park).
- Fronts on one or more public streets for 400' or more (100' for Mini Park); exception to street frontage if designed abutting part of a public trail system.
- One overstory tree for every 30' of street frontage; one overstory tree per 50' of internal trails or paths; 20 overstory trees per acre for all other areas beyond 30' from streets or trails; plus other landscape to support the overall park design.
- Ornamental plantings, concentrations of trees, and other enhanced landscape at gateways, entrances, and prominent corners.
- Between 10% and 50% of the area should be designed for active, programmed or structured recreation such as ball fields, playgrounds or sport courts. The remainder of the area should be designed with natural or formal landscape for passive recreation.

Trail

Size
20' min. width; 30' if includes a linear park
But dependent on topography and natural features.
Requires sufficient continuity to connect with pedestrian and bicycle systems outside of project and/or connect meaningful walking and biking destinations (schools, parks, neighborhood centers, etc.).

Service Area
500' from trail, or up to 1,000' from trailhead

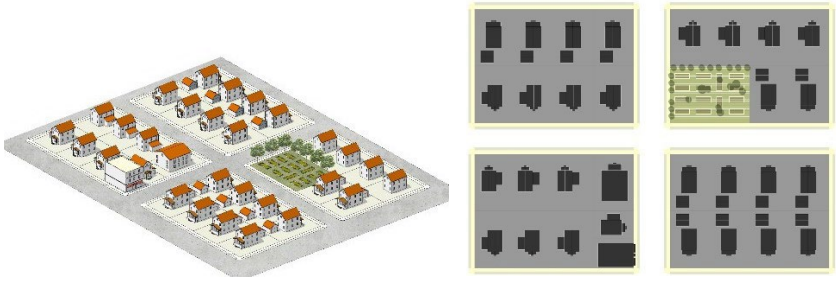


Design Elements & Guidelines
- ❑ Any trail planned for public dedication shall be designed according to official plans and policies of the City.
- ❑ Trails corridors should be concrete, at least 8' wide, and 12' to 16' wide if a shared bike / pedestrian trail.
- ❑ The landscape area on each side of the trail should be at least 6' wide, and wider in places that incorporate natural features or significant vegetation.
- ❑ One overstory tree for every 40' of trail length; and one understory tree or small evergreen tree for every 25' of trail length.
- ❑ Trails corridors located along right-of-way may be integrated into the streetscape design to create the optimal multi-modal design for the street and trail, particularly along major and minor arterial streets.

Community Garden

Size
5K s.f.– 3 ac

Service Area
0.25 miles



Design Elements & Guidelines
- ❑ All street frontages shall have landscape and streetscape designs that are compatible with the surrounding area.
- ❑ Structures shall be subject to the accessory building standards of the district, except building coverage shall be no more than 25% of the area and located on the rear 50% of the lot or block.
- ❑ Community gardens shall be subject to all other development, property maintenance, and nuisance standards including stormwater, lighting, noise, signs, odor, and refuse standards and codes.
- ❑ No parking is required unless the cultivated area exceeds 1 acre in size, then a minimum of two spaces per acre shall be provided (which may include on-street parking).
- ❑ Hours of operation shall be limited to one-half hour before sunrise until one-half hour after sunset.
- ❑ Depending on the size and zoning district, community gardens may require special use standards or permits (See Article 4).

Civic Space

Variations: Size / Service Area
Green – 1 – 3 ac. / 0.25 miles
Square – 5K s.f. – 1 ac / 1,000'
Plaza / Courtyard – 1K - 5K s.f. / abutting lots or on same block



Design Elements & Guidelines

- ❑ Civic space should have frontage on a public street (or internal access lanes) with direct pedestrian access to the streetscape and sidewalk, subject to the following;
  - Greens along at least three sides and at least 75% of the perimeter;
  - Squares along at least two sides and 60% of the perimeter;
  - Plazas along at least one side and at least 30% of the perimeter; and
  - Courtyards along at least 15% of the perimeter, or an entrance from a gateway and passage along the street.

  Buildings should front on and frame the civic space, and be designed with frequent entrances, transparency, and outdoor seating areas to create activity in the space and make physical and visual connections between the buildings and the space.
  Civic spaces should have a balance of formal gathering places (hardscape, seating, public art, etc.) and landscape (gardens, lawns, planting beds, etc.) generally within the following:
  - Green: formal = 15% - 50%; landscape = 85% - 50%
  - Square: formal = 50% - 75%; landscape = 25% - 50%
  - Plaza: formal = 75% - 85%' landscape = 15% - 25%
  - Courtyard: formal = 25% - 50%; landscape = 50% - 75%
- ❑ One overstory tree for every 25' of street frontage and one understory or evergreen tree for every 2,000 square feet.

36-3.05 Blocks & Lots

A. **Design Objectives**. The block and lot standards have the following design objectives:

1. Ensure the proper arrangement of blocks and lots in relation to the street network and civic and open spaces.
2. Design subdivisions to coordinate with adjacent development patterns or future development in terms of street networks, civic and open spaces, and block patterns.
3. Arrange blocks and lots in a manner that is least disruptive to existing topography and capitalizes on inherent natural characteristics of the land as defining features.
4. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
5. Promote appropriate site, building, and frontage designs in relation to street design types or other civic and open spaces that lots may front on.
6. Ensure that all lots are buildable according to this code and that all non-developed tracts or other parcels serve community functions in relation to the overall development pattern.

B. **Block & Lot Arrangement**.

1. *General Layout.* All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on

regional transportation routes.

2. *Block Size & Patterns.* The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 36-3.03.B and Table 3-1.

3. *Lot Patterns.*
   a. Lot size, width, depth, and shape shall meet the applicable zoning district standards and accommodate appropriate building location, orientation, and site design. Corner lots or irregular shaped lots may need additional space beyond minimum dimensions to account for appropriate building placement.
   b. All lots shall front on a public or private street, or on an alternative access or common open space where specifically allowed by these regulations.
   c. All side lot lines shall be as close as practical to perpendicular to front lot lines, or radial to any curves along the front lot lines. Other irregular lot patterns shall only be permitted where they are used to integrate patterns of buildable lots into the overall block structure and to provide consistent relationships of lots and buildings to the streetscape.
   d. Any undeveloped lands, remnant spaces between blocks, or land area below the minimum developable lot sizes shall either be designated as open space meeting the requirements of Section 36-3.04 or be incorporated into the abutting lot.

4. *Access.* Access for all lots shall be coordinated at the largest scale possible and according to the following priorities in order to preserve the function of the street network and the design of streetscapes and frontages. Access shall be based on the thresholds of applicability included in Section 36-7.03.B.
   a. Internal block access shared among multiple lots through alleys or internal access lanes.
   b. Cross-access easements serving multiple lots through a system of consolidated access points and easements.
   c. Common access shared among abutting lots and meeting the frontage design standards and options.
   d. Individual access points are subject to the frontage design standards and any modifications provided in this chapter, and requirements of the PW Director per Chapter 98 and the applicable Public Works Design Standards and Technical Specifications.

5. *Easements.* All blocks shall include easements for all utilities, required improvements, access, and open spaces necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way and graded to within 6 inches of final grade before improvements are installed. Unless otherwise specified through the development review process, easements shall be as specified in Table 3-7.

Table 3-7: Minimum Easement Widths

Common rear lot lines	10', 5' on each lot
Rear lots along an alley	None, provided the alley is at least 12' wide and can accept utilities
Perimeter rear lot lines w/o common boundary	10'
Cross access	18' (residential use - 2 units or less); 24' (all other uses)
Side easements, where necessary	5'
Front easements (if necessary due to other site / ROW constraints	10'

6. *Drainage.* Where a subdivision is traversed by a natural watercourse, drainageway, or stream, blocks shall be laid out in coordination with these features, and they shall be integrated into the civic and open space systems.

a. Natural channels and karst features such as sinkholes, springs, and caves are regulated by Chapter 96, but may be integrated into the block structure and open and civic space systems as common open space.
b. Blocks and lots should otherwise be arranged so drainage is generally along the right-of-way lines and integrated into streetscape design or along the rear of lots in the mid-block area.
c. Additional right-of-way or easements may be necessary to account for drainage, which may be integrated into the open and civic space system and dedicated to the city or other appropriate entity maintaining the system.

36-3.06 Required Improvements

A. **Design Objectives.** The required improvements standards have the following design objectives:

1. Ensure that all public improvements necessary to serve lots and buildings are constructed, inspected, or otherwise assured of completion prior to approval of a final plat, issuance of building permits, other final approvals.

2. Integrate the design and construction of public, common, and private improvements with development in the most effective and efficient manner.

3. Prevent undue burden on public infrastructure, streets, utility systems, and community facilities from the improper location, design, or timing of subdivisions or development projects.

4. Provide appropriate apportionment of construction and maintenance costs for public facilities serving development.

5. Protect against subdivisions or development projects where streets, structures, soil, subsoil, or flooding conditions would create potential dangers to property, infrastructure investments, or public health and safety.

6. Coordinate construction of required improvements with other anticipated improvements and with future growth.

B. **Applicability.** The standards and procedures of this section shall apply to:

1. All subdivisions that require public improvements.

2. Any zoning approval, zoning site plan, or building construction that requires construction or modification of public improvements.

3. Any development proposal that proposes major construction in or impacting a public right-of-way.

C. **Improvements & Standards.** Design and construction of all public improvements shall be the responsibility of the applicant and shall be designed by a professional engineer and built by a qualified contractor. All public improvements shall conform to the design and construction specifications approved by the agency or department with jurisdiction over the improvement. Required improvements shall include:

1. *Streets.* Street improvements shall include all streetscape design elements, pavement and sidewalk standard cross-sections, multi-modal features, intersection details, traffic management devices, signs, lighting, and other public safety elements. Streets shall be constructed as required by the plat, mapped streets, the major thoroughfare plan, traffic studies, or analysis, and/or any other governing documents, plans, or requirements. All approved subdivisions shall:
   a. Construct streets that provide legal lots with appropriate access to a public street or alley and to facilitate future connectivity of adjacent lots in compliance with all requirements of this article;
   b. Construct streets for all unbuilt but platted streets, alleys, sub-standard streets, mapped

streets, or streets shown on the major thoroughfare plan that abut the subdivision; and

c. Construct streets to all adjacent and abutting properties to facilitate future connectivity in the area.

2. *Sidewalks and Trails*. Sidewalks and/or trails shall be constructed for any development or subdivision in accordance with Chapter 98, the applicable Public Works Design Standards and Technical Specifications, the plat, and all other applicable subdivision or development requirements, and as noted below. Single-family residential lots with legal lot frontage on existing public streets are exempt from these requirements.

a. Requirements for subdivisions with new streets, site plans, or building permits shall provide the following:

(1) Sidewalks or trails shall be constructed with all new street construction.

(2) Where lots abut existing streets, the applicant shall construct new sidewalks or trails along the full required street frontage that connect to existing sidewalks, trails, driveways, or roadways, adjacent to or near the applicant's property lines, of all lots included in the subdivision, site plan, or building permit activity.

(3) For lots with more than 600 feet of street frontage, sidewalk or trail construction may be phased if requested in writing by the applicant and approved by the PW Director, subject to the following conditions:

i. Each phase of construction shall occur at the time of any building permit, site plan, or other activity that triggers the sidewalk requirement;

ii. Each phased construction segment shall be directly proportional to the square footage or acreage being developed or modified; and

iii. No individual phased construction segment shall be less than 25% of the total required frontage.

b. Conditions where fee in lieu or modified requirements apply. If the conditions in item a.(2) are not present, or if the PW Director determines that sidewalk construction cannot be reasonably achieved due to physical, structural, or site-specific constraints, the following shall apply:

(1) The applicant shall pay a fee in lieu of sidewalk construction for the entire property frontage. The fee amount shall be as approved by the City Council in the annual fee schedule and shall be calculated at the time of the permit or activity that triggers the fee requirement.

(2) The site plan shall accommodate future sidewalk or trail construction through site grading and dedication of right-of-way. The fee in lieu amount will be reduced to 75% when the site is graded to allow future construction of pedestrian facilities. If the PW Director determines that grading of the site is impractical due to physical limitations or excessive cost, the grading requirement may be waived, and the full fee in lieu amount shall apply.

(3) For lots with more than 600 feet of street frontage, the fee in lieu of sidewalk may be paid in phases if requested in writing by the applicant and as specifically approved by the PW Director, subject to the following conditions:

i. Payment shall occur at the time of any building permit, site plan, or other activity that triggers the sidewalk requirement.

ii. Each phased payment shall be directly proportional to the additional square footage or acreage being modified under the approved permit or activity.

iii. No individual phased payment shall be less than 25% of the total fee based on the full street frontage.

3. *Linear Park Trail Easements.* Where a trail corridor, greenway, bicycle facility, or multi-use path is identified in the Springfield or Greene County Comprehensive Plan, the Ozarks Transportation Organization (OTO) Regional Transportation Plan or Regional Trail Plan, the City of Springfield Bicycle and Pedestrian Plan, or any other adopted transportation, neighborhood, corridor, or small area plan, the City may require dedication of a linear park trail easement as part of subdivision or development approval.

a. A linear park trail easement may also be required where necessary to provide logical extension of existing or planned trail or pedestrian facilities, preserve corridor continuity

between properties, prevent fragmentation of future trail connections, or implement the connectivity and circulation objectives of adopted plans, even where a specific alignment is not depicted.

b. In evaluating the need for an easement, the Director of Planning and Development shall consider adjacent development patterns, anticipated future connectivity, access to public facilities and community destinations, and the long-term integrity of the City's transportation and greenway network.

c. Corridor Preservation. A linear park trail easement may be required to preserve a planned corridor identified in an adopted plan even if the trail is not yet constructed on or adjacent to the property to be subdivided.

d. Easement Width. Linear park trail easements shall have a minimum width of 30 feet; however, the required width may be increased as necessary to accommodate trail construction, grading, drainage, utilities, and long-term maintenance access in accordance with adopted City design standards.

e. Administrative Authority. The Director of Planning and Development may require dedication of a linear park trail easement during review of an administrative replat, lot division, or other subdivision action where such dedication is necessary to implement adopted transportation, bicycle, pedestrian, or trail plans.

f. Phased Development Alignment. Where development occurs in phases, required trail easements shall be located and aligned to allow logical continuation onto adjacent properties and future phases of development, consistent with adopted plans.

4. *Stormwater.* Stormwater systems shall include channels, pipes, detention and retention facilities, stream buffers, integration with natural features, flood protection, erosion control, or other best management practices. Stormwater improvements shall be coordinated with streetscape designs, open and civic spaces, and any other easements necessary within the block and lot patterns.

5. *Sanitary Sewer.* Sanitary sewer connections and transmission for each lot, including sewer mains, conveyance pipes, tanks, lift stations, and service connections.

6. *Survey Monuments.* Permanent markers and monuments that conform to the Missouri Minimum Standards for Property Boundary Surveys shall be protected and/or re-installed by a licensed surveyor as required by the City Surveyor.

7. *Utilities and Coordination with Other Facilities.* Water and electric service shall be provided for each lot. The applicant is responsible for coordination with all facilities and services, such as gas and communications which may be required subject to coordination with the individual provider.

8. *Off-site Improvements.* The applicant shall install any off-site improvements according to city standards where necessary to serve the proposed development. The necessity of off-site improvements shall be based on:
   a. Any specific plans or studies related to the project and its impact on surrounding areas or facilities.
   b. Capital improvement plans or level-of-service policies for the area.
   c. Other plans or capacity analysis of any entity serving the area with public facilities or services.
   d. The City may apportion the applicant's share of the improvement according to Section 36-3.06. If an agreement to apportion the appropriate share cannot be reached, and necessary off-site improvements are not otherwise installed, the City may deny the application until public facilities are in place.

D. **Improvements to Existing Infrastructure.** For any development project where required public improvements in subsection C are existing, the applicant is required to upgrade the public facilities for the site and for all right-of-way on the project frontage as follows:

1. In addition to any other requirements, any element of a public improvement that is in disrepair shall be repaired or replaced in accordance with the following:
   a. Not suitable to support any function of the proposed development including but not

limited to:
(1) Insufficient street pavement cross section or pavement condition to support increased traffic volume or the use of commercial trucks or transportation.
(2) Insufficient lane widths to support proposed traffic or any other major safety deficiencies.
(3) Any pedestrian facilities not in compliance with the Public Right-of-Way Accessibility Guidelines (PROWAG) requirements.
(4) Any drainage or stormwater issue that could cause further deterioration of the street or drainage structures.

2. Any deficiency in capacity based on a traffic or engineering study shall be accounted for with new capacity to accommodate the proposed development.

3. Sidewalks and streetscape designs shall be included based on the applicable street design type; however, where the right-of-way or the current condition of streetscape design on the remainder of the block does not accommodate or coordinate with the typical standard, the PW Director may accept improvements that bring the streetscape into conformance with the block face required street design type.

4. Where a public improvement is identified in a city capital improvements plan or program that anticipates a more complete or comprehensive approach to the public improvement, the City may require a payment of the applicants proportionate share of that project and/or require that the project be expedited to accommodate the proposed development.

5. In all cases upgrades of public improvements shall be to the engineering and construction specifications necessary for the facility to support the proposed development.

E. **Construction Prior to Final Plat or Building Permit.** Public improvement plans shall be accepted and permitted for construction by the PW Director. All constructed improvements shall be inspected and accepted by the PW Director prior to approval of a final plat or issuance of a building permit. The PW Director may provide formal guidance of all public improvement plan processes on the City's website.

1. *Plan Submittal and Review.* A public improvement plan shall be submitted in compliance with the preliminary plat, the applicable Public Works Design Standards and Technical Specifications, this chapter, and any other associated development plan. All improvements shall be submitted in one plan set. However, projects with only sidewalk and/or driveways as the only improvements on right-of-way may be placed in the building or site plans. Proper permits will need to be issued by the Department of Public Works prior to construction in the right-of-way.

2. *Acceptance of Plans.* Acceptance of public improvement plans is based on a cursory review and does not imply or constitute approval of the plans. Any errors, omissions, or other items that are found needing correction after acceptance are the responsibility of the applicant. Any items in the plans not specifically in compliance with all requirements must be approved in writing by the PW Director and noted on the plan sheets.

3. *Fees.* Fees will be provided in the annual fee study approved by the City Council.

4. *Drawings and Inspection.* Following construction the applicant shall submit "as built" drawings of the improvement and certifications that the improvements were built according to plans and city standards and specifications.

5. *Acceptance of Improvements.* Following inspection or correction of any deficiencies the City may accept the public improvements. Upon acceptance of all required public improvements the City may:
a. Release all portions of any security for improvements according to subsection E.
b. Approve the final plat or issue any building permits, unless otherwise issued according to subsection E.

F. **Performance Guarantee & Security.** As an alternative to construction and acceptance of improvements prior to approval of a final plat or authorization of a building permit, the PW Director may accept a

performance guarantee and security. Performance guarantees shall only be considered when public improvement plans are reviewed and accepted by the City as ready for construction. The performance guarantees shall ensure funding is in place to cover the cost of completing any improvement and ensure that all necessary improvements to serve the development are in place within a reasonable time after approvals according to the following:

1. *Term.* The term of the performance guarantee may not exceed 1 year from approval of a building permit or 2 years from approval of the final plat. If the developer has not completed the required public improvement within this period, or alternate period approved in writing by the PW Director, the City may exercise any actions authorized from default on the security. The PW Director may extend the time frame for completion if in the best interest of the city and/or the scope of the completion of the work may require additional time to reasonably complete.

2. *Amount and Form.* The security may be in the form of a bond, escrow agreement, letter of credit, or other appropriate security approved by the City. The estimated total cost of any required improvement shall be itemized by improvement type and certified by the applicant's registered engineer and/or contractor's official bid for the work. The amount of the security may be determined by the City based on assessing cost estimates, duration, risk, and other contingencies from the improvement, which shall typically be no less than 150% of the estimated total cost.

3. *Default and Use of Security.* If the applicant fails to properly install the required improvement within the term of the guarantee, or any authorized extensions, the guarantee shall be in default. The City is authorized to draw upon the security to fund completion of the improvement. If the costs of completing the improvement, including any associated design, consulting, administrative, construction, or other costs associated with completing the work, exceed the security amount, the applicant is liable for all excess cost. The City may withhold any future approvals relating to the property and seek any other enforcement remedies for violation of the development code.

4. *Release of Security.* The security shall be released within 30 days after all of the following occur:
   a. The release of funds is requested in writing by the applicant.
   b. The conditions of the performance guarantee have been completed and approved by all agencies with jurisdiction over improvements.
   c. Any required maintenance obligations have been provided.
   d. A final inspection has been conducted by the city or other written acceptance of infrastructure by any other owners of facilities.
   e. Written documentation of the facilities "as built" and certification of construction according to City standards and specifications has been submitted.
   f. The City may release the security for completion of each category of improvement or phases of any improvements and may retain up to 5% of the total cost of any portion until the final acceptance of all improvements.

5. *Other Deferrals.* The following required improvements may be deferred to more specific schedules in coordination with development:
   a. *Private Stormwater.* Construction of private storm water drainage or detention facilities may be deferred to the time of development and prior to the issuance of a building permit or Certificate of Occupancy, provided that preliminary design plans are approved and sufficient to show the appropriate function of the facilities as proposed and in association with other related drainage systems.
   b. *Sidewalks with Other Public Improvements.* Sidewalks required as part of a subdivision in conjunction with a public improvement plan for a street improvement may be guaranteed in accordance with requirements for public improvements.
   c. *Sidewalks Independent of Other Public Improvements.* Sidewalks required but not part of a subdivision or public improvement plan may be included with a site plan or building permit and shall be constructed prior to an occupancy permit.

G. **Reimbursement Agreements.** Applicants constructing required improvements for their property within their project or through undeveloped areas to serve their project shall be responsible for the entire cost of the improvements. Whenever any portions of the required public improvements are part of a planned

future facility for the City, serving an area larger than the subdivision and its impact, the City may require, and the applicant may enter into an upsizing agreement. The City and the applicant shall negotiate the following aspects of the agreement prior to approval of the preliminary plat:

1. The applicant shall construct the facilities as planned by the City for future capacity as part of the subdivision and development process.

2. The applicant shall be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.

3. The City shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The City's participation may be based on the applicant bidding the project with bid alternates: one alternate to build the minimum required facility to serve the subdivision or development and the second bid alternate being for the upsized facility planned by the City.

4. The City may coordinate its reimbursement schedule to the applicant with fees assessed to other property in coordination with any future development of land benefitting from the improvements, but in no case may this period be extended beyond 5 years from the date the improvement is made, unless specifically agreed to by the applicant.

5. The agreement shall be subject to approval by the City Council.

Article 4. Districts & Uses

36-4.01 Establishment of Districts
36-4.02 Permitted Uses (Use Table)
36-4.03 Specific Use Standards
36-4.04 Accessory Uses
36-4.05 District Performance Standards
36-4.06 General Use Restrictions

36-4.01 Establishment of Districts

A. **Intent.** The following districts are established to carry out the purposes of this chapter. The standards and criteria for development in each district shall be interpreted based on the intent of each district, including context, relationship to other districts and uses, scale and format of uses and buildings, and design characteristics of the district.

Table 4-1: Zoning Districts & Intent

District & Intent	*Applicable Placetypes*
R-SF – ***Single-family Residential.*** The R-SF district provides residential living in lower-density suburban or walkable neighborhood settings with access to supporting uses such as schools, churches, parks, and other public facilities. The character of these areas emphasizes low intensity activities and access to amenities and recreation, with proximity to daily needs.	▪ Traditional Neighborhood ▪ Center City Neighborhoods ▪ Mixed Residential (Limited Applicability)
R-MX1 – Mixed-density Neighborhood - Low. The R-MX1 district provides residential living in compact, walkable neighborhood settings, allowing a mix of housing types and supporting non-residential uses. The character of these areas emphasizes human-scale, moderate intensity uses and access to amenities, recreation, and daily needs. The predominant building types are low-scale single- and multi-unit buildings. Well-designed streetscapes, open and civic spaces provide the focal point to integrate a variety of building types with a consistent neighborhood character.	▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration) ▪ Mixed Residential ▪ Mixed Use (Limited Applicability)
R-MX2 – Mixed-density Neighborhood – Medium. The R-MX2 district provides residential living in compact, walkable neighborhood settings and along corridors, allowing strategic location of moderate density housing near supporting uses. The character of these areas emphasizes human-scale, moderate intensity uses and access to amenities, recreation, and daily needs. The predominant building types are moderate-scale and multi-unit buildings. Well-designed streetscapes, open and civic spaces provide the focal point to integrate a variety of building types with a consistent neighborhood character.	▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration) ▪ Mixed Residential ▪ Mixed Use (Limited Applicability) ▪ City Corridor
R-MX3 – Mixed-density Neighborhood - High. The R-MX3 district provides residential living in high-density patterns in urban areas or larger-scale multi-family projects in suburban areas where there are appropriate transitions and buffers between neighborhoods and supporting uses along corridors. The character of these areas emphasizes high-activity environments with proximity to or integration with other uses in walkable formats. The predominant building type is large-scale, multi-unit buildings in compact formats in urban areas, or large-scale multi-building complexes in suburban areas. Well-designed urban streetscapes and civic spaces provide amenities for residents.	▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration) ▪ City Corridor ▪ Downtown (Strategic Integration)

Table 4-1: Zoning Districts & Intent

District & Intent	Applicable Placetypes
R-MHC – Residential Manufactured and Small-format Housing Community. The R-MHC district provides residential living in manufactured or other small-format housing, in a planned development pattern that share common amenities. Variations in housing patterns include courtyard patterns, pocket neighborhoods, or larger planned communities. Low intensity recreation amenities or well-designed internal streets and common spaces provides focal points to support the compact arrangement of small housing units.	▪ Limited to planned applications in a variety of residential settings according to the development patterns and design criteria in Section 36-5.05.D.
C-MX1 – Commercial Mixed-use Neighborhood. The C-MX1 district provides for small-scale and low-intensity uses that complement and support surrounding neighborhoods or which may support more intense commercial or industrial districts. It includes neighborhood serving uses that meet the daily needs of surrounding residents in small-scale buildings and formats. It may be integrated into urban neighborhoods with compact, walkable patterns and human-scale design; or alternatively may support more suburban neighborhoods if limited in scale and intensity and the impacts of automobile-oriented formats and access are mitigated with appropriate transitions and site design.	▪ Mixed Use ▪ City Corridor ▪ Business Flex (Limited Applicability) ▪ Institution & Employment Center (Limited Applicability) ▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration)
C-MX2 – Commercial Mixed-use Community. The C-MX2 district provides a mix of neighborhood, community-scaled commercial, entertainment, and/or employment uses and supporting residential and civic uses. The predominant building type is small- and moderate scaled mixed-use buildings, which are supported by strategic urban residential and commercial buildings. The character of this area emphasizes a high level of civic design, walkable urban patterns, and a concentration of diverse, small- and moderate-scale uses; however some higher intensity or larger format commercial or employment uses may be integrated into the pattern as anchors to support the overall mixed-use environment. It is primarily intended for the transformation of automobile-oriented corridors into walkable, mixed-use areas through the integration of a walkable street network and formal civic spaces as the framework for redevelopment.	▪ Mixed Use ▪ City Corridor
CC – Center City. The CC district provides an integrated mix of retail, service, entertainment, office, and civic uses, and supporting residential uses or limited light industrial uses, in a compact and walkable format. This district serves as the central business district and core of Springfield's economic, social, and government activities. The character of this area emphasizes a high level of civic design, walkable urban patterns, and a concentration of diverse, small- and moderate-scale uses. Sub-districts can accommodate larger or more intense supporting uses that may be strategically located on edges of the district or on side streets that do not disrupt urban frontages and patterns.	▪ Downtown ▪ Institution & Employment Center (Limited Applicability)
COM – Commercial Street. The COM 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 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.	▪ Mixed Use
GC – General Commercial. The GC district provides a mix of moderate and large-scale, high- intensity commercial uses (retail, service, office) that can serve as anchors to support adjacent districts and corridors, or which have a community-wide reach and are therefore located on busier corridors in non-urban contexts. The character of the area includes large-scale buildings and sites which feature monumental gateways or entrances at key locations, and automobile-oriented features are mitigated by streetscape designs and landscape buffers.	▪ City Corridors ▪ Business Flex (Limited Applicability) ▪ Institution & Employment Center (Limited Applicability)
GI – Government & Institutional. The GI district provides for the concentrated location of federal, state, or local government activities, major public or private institutions, or large medical facilities. These uses are not limited to this district, but the district provides a concentrated area for where these uses are comparatively intensive and require substantial buildings and land areas.	▪ Institutional & Employment Center ▪ Downtown

Table 4-1: Zoning Districts & Intent	
District & Intent	***Applicable Placetypes***
LIC – Light Industrial / Commercial. The LIC district provides primarily service, employment, manufacturing, and distribution uses at a scale, intensity, and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses characteristic of mixed- and flex-use business areas.	▪ Business Flex ▪ Institution & Employment Center ▪ Industry & Logistics
HM – Heavy Manufacturing. The HM district provides primarily manufacturing uses at a scale, intensity, and format that could impact adjacent uses or where specific land resources, distribution facilities or other supporting infrastructure is needed. It may include limited applications of support service, employment or distribution uses. This district is generally located remote from residential or mixed-use areas, or requires significant buffers and sensitive site design transitions to minimize impacts on these areas.	▪ Industry & Logistics
OS – Open Space. The OS District is intended for outdoor recreation facilities and or other civic or community uses requiring large open land areas which, by reason of topographic features, proximity to a natural drainage courses or other natural or man-made features, may be either unsuitable for customary density of construction or use or are otherwise more suitable for preservation, design, or development as a community or public asset.	▪ Urban Green Space & Recreation ▪ Institution & Employment Center
Special purpose district includes areas of the city that require specific planning to address unique development and design issues. These may facilitate development projects based on a focused planning effort or address specific policies or topics for a general area. Examples include "planned" zoning districts that modify the base district standards or "overlay" districts that either blend areas of different zoning to create compatibility, or special topic districts such as Planned Zonings, Historic Designations, or Airport Overlays. (See Sections 36-2.06, 36-2.11, and 36-10.01 respectively)	▪ Specific planned applications' special purpose districts

Limited Applicability – The zoning district may not apply to every situation or property. There may be specific conditions or circumstances which make the zoning district applicable within the specific placetype.

Transition Areas – Typically, there is a one-to-two block transition zone on either side of where two different placetypes come together. The zoning district may be appropriate within a transition area between the designated placetype and another placetype or along the edge of a neighborhood, commercial area, or roadway within the specified placetype. In transition areas both the primary and supporting land uses from either placetype could be appropriate.

Strategic Integration – The zoning district may be located within the placetype in a deliberate and coordinated way to further the goals of ForwardSGF, land use policies, infrastructure investments, and community development goals.

B. **Official Zoning Map.** The boundaries of the districts are shown on the official zoning map, which together with all explanatory information is adopted by reference as part of this chapter. The map shall be kept on file with the City Clerk and Department of Planning & Development. Electronic copies and files of this map shall reference the "Official Copy", but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map. Changes to this map shall occur through the procedures specified in Article 2.

C. **Transition of Previous Districts**. The zoning districts under the previous code match the zoning districts in this chapter as specified in Table 4-2. The Official Map under the previous code shall transition and be interpreted according to the corresponding zoning districts in this table, and all further zoning changes shall follow the districts in this chapter.

Table 4-2: Zoning District Transitions	
Previous Code	***This Code***
R-SF – Single-family Residential	*R-SF – Single-family Residential*
R-TH – Residential Townhouse *WC-3 – West College Residential Sub-area 3* *LWO – Live Work Overlay*	*R-MX1 – Mixed-density Neighborhood - Low*
R-LD – Low-density Multifamily Residential *R-MD – Medium-density Multifamily Residential* *WC-2 – West College Live/work Sub-area 2*	*R-MX2 – Mixed-density Neighborhood - Medium*
R-HD – High-density Multifamily Residential *UN – University Combining*	*R-MX3 – Mixed-density Neighborhood - High*
R-MHC – Manufactured Home Community	*R-MHC – Residential Manufactured & Small-format Housing Community*
GI – Government and Institutional Use	*GI – Government and Institutional*
LB – Limited Business *O-1 – Office* *O-2 – Office* *WC-1 – West College Mixed-use Subarea 1*	*C-MX1 – Commercial Mixed-use Neighborhood*
(NEW)	*C-MX2 – Commercial Mixed-use Community*
CC – Center City	*CC – Center City*
GR – General Retail *HC – Highway Commercial*	*GC – General Commercial*
CS – Commercial Service *RI – Restricted Industrial* *LI – Light Industrial* *IC – Industrial Commercial*	*LIC – Light Industrial / Commercial*
GM – General Manufacturing *HM – Heavy Manufacturing*	*HM – Heavy Manufacturing*
(NEW)	*OS – Open Space*

D. **Legacy Districts**. The following districts or special approvals occurred under standards and procedures that have been changed in this chapter. However, the approvals, conditions, and entitlements on these properties are preserved and apply to each property as they did under the previous code, until the established district regulations are changed under the provisions of this chapter.

1. Conditional overlay districts approved according to Section 36-407 of the previous code.

2. Planned development districts approved according to Section 36-405 of the previous code.

3. Urban conservation districts, overlays, or other special districts approved under the previous code, specifically:

a. Airport Overlay District (See Section 36-10.01)
b. Commercial Street district (COM) (See Section 36-10.02)
c. Midtown (See Section 36-10.03)
d. Phelps Grove (See Section 36-10.04)
e. Rountree (See Section 36-10.05)
f. Walnut Street (east and west) (See Sections 36-10.06 and 36-10.07)
g. Grant Avenue Parkway (see Section 36-10.11)
h. Moon City Live/Work District (see Section 36-10.12)

36-4.02 Permitted Uses (Use Table)

A. **Use Table.** Table 4-3 establishes permitted uses for each zoning district. The uses are established to implement the intent of each district, and along with the development and design standards permit a compatible range of uses within each district and facilitate complementary transitions between districts.

1. The table identifies uses as:
   a. Permitted uses (P) subject to general district and building standards and review procedures.
   b. Conditional uses (C) subject to the review process and criteria for a conditional use permit in Section 36-2.04.
   c. Uses with no entry are not permitted in the district.

2. Uses permitted by the table (whether P or C), or specific types of uses within the generally enabled categories, may be subject to specific standards or limits Section 36-4.03.

3. Other accessory or temporary uses not listed in the table may be permitted according to Section 36-4.04.

4. Uses in the table are more specifically described in Section 36-11.02. Where a proposed use is not generally listed or appears to meet the description of more than one use, the PD Director shall interpret the most equivalent described use considering:
   a. The similarity of the use in terms of scale, impact, and operations to other described uses;
   b. The typical building format and site design associated with the use based on existing relevant examples; and
   c. The compatibility of the use with other permitted uses in the district, and the potential contribution of the use to the intent of the district.

Any uses that may not be interpreted as equivalent to a use in Table 4-3 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

Table 4-3: Permitted Uses

P = Permitted use *C = Conditional use permit* ***Use***	***R-SF***	***R-MX1***	***R-MX2***	***R-MX3***	***R -MHC***	***C-MX1***	***C-MX2***	***CC***	***COM***	***GC***	***GI***	***LIC***	***HM***	***OS***
Residential Uses														
Household Living – One-unit Dwelling	P	P	P	P	P				See Section 36-10.02		C			
Household Living – Multi-unit Dwelling		P	P	P		C	C	C		C	C			
Household Living – Live-Work Dwelling		C	P	P		P	P	P		C				
Household Living – Small-format Dwelling	C	C	P	P	P						C			
Household Living – Manufactured Dwelling					P									
Household Living – Mixed-use Dwelling			C	C		P	P	P		P				
Household Living – Accessory Dwelling	See Section 36-4.04.C.										C			
Existing Residential				P		P		P		P	P	P	P	
Group Living – Group Home, Residential	P	P	P	P	P									
Group Living – Group Home, Custodial			P	P										
Group Living – Boarding House Small (3-11 bedrooms)		C	C	P		C		P		P	C			
Group Living – Boarding House Large (12+ bedrooms)			C	P							P			
Group Living – Dormitory				C							P			
Civic Uses														
Assembly – Small (<400 capacity; <2.5 ac.)	P	P	P	P	P	P	P	P	See Section 36-10.02	P	P	P		
Assembly – Medium (400 – 800 capacity; <4 ac.)		C	P	P		C	P	P		P	P	P		
Assembly – Large (>800 capacity)				C			C	P		P	C	P		
Cemetery								P		P	P	P	P	
Crematorium												P		
Cultural Facility Small (<10K)	C	C	C	C	C	P	P	P		P	P			
Cultural Facility – Large (>10K)						C	P	P		P	P			
Event Venue – Small (<1K capacity)						C	P	P		P	P	P		
Event Venue – Medium (1K – 3K capacity)							P	P		P	P	P		
Event Venue – Large (>3K capacity)								P			P			
Funeral Home and Mortuary (accessory crematorium)						C	P	P		P		P		
Open Space – Athletic Field											P			P
Open Space – Open & Civic Space (See Section 36-3.04)	P	P	P	P	P	P	P	P		P	P	P	P	P
Open Space – Recreation Center & Grounds	P	P	P	P	P	P								P
Public Safety – Community Corrections Facility											C		C	
Public Safety – Jail											C		C	
Public Safety – Police & Fire Station	P	P	P	P	P	P	P	P		P	P	P	P	

Table 4-3: Permitted Uses

P = Permitted use *C = Conditional use permit* ***Use***	***R-SF***	***R-MX1***	***R-MX2***	***R-MX3***	***R-MHC***	***C-MX1***	***C-MX2***	***CC***	***COM***	***GC***	***GI***	***LIC***	***HM***	***OS***
School – Primary / Secondary	P	P	P	P			P	P	See Section 36-10.02		P			
School – Vocational Business							P	P		P	P			
School – Vocational Industrial or Trade							C	C		C	P	P	P	
Transportation - Airport											P		P	
Transportation – Commercial Parking Lot							C	P		P	P	P	P	
Transportation – Bus Station								P		P		P	P	
Transportation – Heliport											C		P	
Transportation – Motor or Rail Freight Terminal													P	
Utility – Minor	C	C	C	C	C	P	P	P		P	P	P	P	P
Utility – Major											C	C	P	
Utility – Wireless Telecommunication Facility (See Section 36-10.10)	C	C	C	C	C	P/C	P/C	P/C		P/C	P/C	P/C		
Commercial Uses														
Adult Entertainment									See Section 36-10.02	P		P	P	
Animal Care / Sales – Limited (<5K; no boarding)				C		P	P	P		P		P		
Animal Care / Sales – General (5K – 10K; limited boarding)							P	P		P		P	P	
Animal Care / Sales – Heavy (>10K; boarding (or outdoor care)							C			C		P	P	
Daycare – Commercial (See Chapter 38 Article IX)			C	C		P	P	P		P	P	P		
Entertainment & Recreation – Small (<5K)				C		P	P	P		P	P	P	P	
Entertainment & Recreation – Medium (5K – 10K)							P	P		P	P	P	P	
Entertainment & Recreation – Large (10K – 50K)							C	C		P	C	P	P	
Entertainment & Recreation – Complex (>50K)								C		P		P	P	
Entertainment & Recreation – Outdoor										C		C	C	
Food & Beverage Establishment – Small (<3K, or <10% of mixed-use building)		C	C	P		P	P	P		P	P	P		
Food & Beverage Establishment – General (3K – 8K)				C		C	P	P		P	P	P		
Food & Beverage Establishment – Large (>8K)							C	P		P	P			
Food & Beverage Establishment – Drive-through										P				
Lodging – Bed and Breakfast (<5 guest rooms)	C	C	C	P		C	P	P		P	C			
Lodging – Small / Inn (5 – 12 guest rooms)						C	P	P		P	P	P		
Lodging – Hotel / Motel, Medium (13 – 80 guest rooms)							P	P		P	P	P		
Lodging – Hotel / Motel, Large / Conference Center (>80 guest rooms)							C	P		P		P		
Lodging – Short-term Rental (See Section 36-10.08)	P	P	P	P	P	P	P	P		P	P	P	P	

Table 4-3: Permitted Uses

P = Permitted use C = Conditional use permit **Use**	R-SF	R-MX1	R-MX2	R-MX3	R_MHC	C-MX1	C-MX2	CC	COM	GC	GI	LIC	HM	OS
Marijuana & Medical Marijuana Uses (See Section 36-10.09)	See Section 36-10.09													
Medical Service – Small (<10K)				P		P	P	P	See Section 36-10.02	P	P	P		
Medical Service – Medium (10K – 30K)							P	P		P	P	P		
Medical Service – Large (30K – 100K)								P		P	P	P		
Medical Service – Campus / Complex (>100K)								P		C	P	P		
Office – Small (<10K)				C		P	P	P		P	P	P	P	
Office – General (10K – 30K)						C	P	P		P	P	P	P	
Office – Large (30K – 100K)							P	P		P	P	P	P	
Office – Campus / Complex (>100K)								P		P	P	P	P	
Personal Service – Small (<5K)				C		P	P	P		P	P	P		
Personal Service – Medium (5K – 10K)							P	P		P	P	P		
Personal Service – Large (>10K)							P	P		P	P	P		
Residential Care – Nursing Home			C	C		P	P	P		P	P	P		
Residential Care – Transitional Housing								P		C	P			
Residential Care – Transitional Shelter								C		C	P	C	C	
Residential Care – Treatment Facility								P		C	P	P	P	
Retail – Small (<5K; <10% of mixed-use building)			C	P		P	P	P		P	P	P	P	
Retail – Medium (5K – 10K)						C	P	P		P	P	P		
Retail – Large (10K – 50K)							P	P		P	P	P		
Retail – Extra Large (>50K)										P		P		
Retail – Grocery Store, Small (<10K)						P	P	P		P		P		
Retail – Grocery Store, Medium (10K – 40K)							P	P		P		P		
Retail – Grocery Store, Large (>40K)							C	C		P		P		
Retail – Outside Sales, Small (<0.5 ac.)						C	C	C		P		P		
Retail – Outside Sales, Medium (0.5 – 2.5 ac.)										P		P	P	
Retail – Outside Sales, Large (>2.5 ac.)										C		P	P	
Vehicle Service – Car Wash							C			P		P		
Vehicle Service – Gas Station, Small (<5 service areas)						C	P	C		P		P		
Vehicle Service – Gas Station, Medium (5 – 12 service areas)							C	C		P	P	P	P	
Vehicle Service – Gas Station, Large (13 – 24 service areas)										P	P	P	P	
Vehicle Service – Gas Station, Extra-large (>24 service areas)										C		P	P	
Vehicle Service & Repair – Small (<0.5 ac.; <4 service bays)						C	C	C		P			P	
Vehicle Service & Repair – Medium (0.5 – 1.5 ac.; 4 – 8 service bays)							C	C		P	P	P	P	
Vehicle Service & Repair – Large (>-1.5 ac.; >8 service bays)										C		P	P	

Table 4-3: Permitted Uses

P = Permitted use *C = Conditional use permit* ***Use***	***R-SF***	***R-MX1***	***R-MX2***	***R-MX3***	***R_MHC***	***C-MX1***	***C-MX2***	***CC***	***COM***	***GC***	***GI***	***LIC***	***HM***	***OS***
Industrial Uses														
Industrial & Business Service – Limited (<10 vehicle fleet)							P	P	See Section 36-10.02	P	P	P	P	
Industrial & Business Service – General (11 - 25 vehicle fleet)							C	C		P	C	P	P	
Industrial & Business Service – Large (>25 vehicle fleet)												C	P	
Manufacturing – Limited / Artisan (<10K)				C		P	P	P		P	P	P	P	
Manufacturing – Small (10K – 30K)							C	C		P		P	P	
Manufacturing – Medium (30K – 100K)										C		P	P	
Manufacturing – Large (>100K)												C	P	
Manufacturing – Heavy (any size)													C	
Warehouse & Storage – Indoor, Small (<20K)							C	C		C		P	P	
Warehouse & Storage – Indoor, Medium (20K – 100K)										C		P	P	
Warehouse & Storage – Indoor, Large (>100K)												C	P	
Warehouse & Storage – Outdoor, Small (<2.5 ac.)										C		P	P	
Warehouse & Storage – Outdoor, Large (>2.5 ac.)										C		C	P	
Warehouse & Storage – Chemicals, Waste, or Hazardous Materials													C	
Waste Management – Hazardous Waste Facility													C	
Waste Management – Landfill											C			
Waste Management – Recycling Center													P	
Waste Management – Scrap and Salvage Yard													C	
Waste Management – Sewage Treatment Plant											C			
Urban Agriculture Uses														
Community Garden	P	P	P	P	P	P	P	P	See Section 36-10.02	P	P			P
Market Garden – Small (<1 ac.)	P	P	P	P	P	P	P	P		P	P	P		
Market Garden – Medium (1 - 3 ac.)			P	P	P	P	P	P		P	P	P		
Market Garden – Large (>3 ac.)			C	C	C	P	P	P		P	P	P		

36-4.03 Specific Use Standards

A. **Adult Entertainment.** In order to avoid perceived secondary effects or impacts on property values documented in national studies, adult entertainment uses shall be limited as follows:

1. Adult entertainment uses shall be at least 2,000 feet from any residential zoning district, school, park, or assembly use, or any platted subdivision where 75% or more of the lots are developed for residential purposes.

2. Adult entertainment uses shall be at least 1,000 feet from any other adult entertainment use.

B. **Bed & Breakfast**. All bed and breakfast lodging uses shall comply with the following to be compatible with surrounding uses and the character of the district.

1. Bed and breakfasts are limited to frontages on arterial streets in the R-SF district, and only on collector or higher streets in other residential zoning districts.

2. The use shall be located in a building meeting the development and design criteria of other permitted buildings in the district, and alterations to support the use that are inconsistent with the building development and design standards are prohibited.

3. One additional parking space for each lodging room shall be provided. However, parking shall be located and designed in a manner that is compatible with site designs of all other uses and sites in the district. The City may adjust any parking requirement or reduce the permitted occupancy to meet this compatible location and design requirement per Section 36-7.04.

4. Food and accessory services shall only be provided for guests, and no outside or non- guest events shall be included as part of this use, unless otherwise permitted as a principal use in the district. No individual cooking facilities shall be permitted in the guest rooms.

5. In residential districts, one additional non-illuminated sign shall be permitted. The sign shall be limited to 12 square feet and located within 15 feet of the primary entrance. The sign shall be limited to 6 feet high if ground mounted, and 14 feet high if mounted on the building.

6. A bed and breakfast shall be separated from another bed and breakfast by at least 500 feet, except that the City may waive this requirement within 1,000 feet of any mixed-use, community or civic destination that is a transition between the mixed-use area and neighborhoods.

7. A business license shall be required annually, demonstrating compliance with these standards.

C. **Civic Uses in Residential Districts**. Nonresidential civic uses and buildings in residential districts shall meet the following conditions to promote the neighborhood character and be compatible with residential uses:

1. Lots shall front on a collector or arterial street.

2. All buildings and structures shall meet the applicable development standards for the districts. Facilities that require larger lots than are typical or permitted for residential uses in the district may be proposed, provided adequate open space, landscape, setbacks, and building design and orientation is demonstrated according to the zoning site plan criteria in Section 36-2.03.

3. Outdoor uses shall generally not be permitted between 10:00 p.m. and 8:00 a.m.

4. Any existing non-residential structure in a residential district that is no longer used for its designed purpose may be adapted and reused for other uses compatible with the neighborhood. The proposal for adaptive reuse shall be through a conditional use permit process in Section 36-2.04, and the following additional criteria:
   a. Uses shall be either permitted uses in the district, a multi-unit residential conversion, or uses otherwise permitted (P) in the C-MX1 district by Table 4-3, provided any proposed

use is otherwise determined to be neighborhood-serving for the specific context. Any additional limits on the design or operation of the use may be included in the conditional use permit to ensure compatibility with the area and specific location.

b. Expansions of buildings shall be limited to 20% of the existing building or 1,000 square feet, whichever is less.

D. **Dwelling, Live-Work.** In districts where live-work dwellings are allowed, the following standards and conditions apply to ensure compatibility with the context:

1. The commercial occupancy shall be accessory to the residential dwelling. The resident and the principal occupant of the commercial area shall be the same and the commercial occupancy shall be limited to no more than 50% of the building. However, the commercial occupancy is not limited to the home occupation standards.

2. No portion of the live-work unit may be separately rented or sold.

3. The commercial occupancy is limited to small-scale retail, office, personal service, or limited/artisan manufacturing uses. In districts where live-work dwellings are permitted (P), the commercial component shall not require a conditional use permit.

4. Any permitted commercial activity shall occur on the ground floor and be directly accessible from the adjacent public street, sidewalk, or other publicly accessible common or public space.

5. In residential districts, no more than two non-resident employees are permitted for the nonresidential portion of the unit.

6. In residential districts, one additional non-illuminated sign shall be permitted. The sign shall be limited to 12 square feet and located within 15 feet of the primary entrance. The sign shall be limited to 6 feet high if ground mounted, and 14 feet high if mounted on the building.

7. Off-street parking shall be based on the nonresidential use portion of the buildings. However, parking and access shall be located and designed in a manner that is compatible with site designs of adjacent uses and sites. The City may adjust any parking requirement or restrict the permitted occupancy to meet this compatible parking and access design requirement per Section 36-7.04.

E. **Dwelling, Mixed-use.** In districts where mixed-use dwellings are allowed uses, the following standards shall apply to a building or structure with two or more different uses, one of which shall be residential in residential districts, mixed-use dwellings shall be limited to collector or arterials streets, or corner lots at focal points within the neighborhood:

1. In residential districts, ground level nonresidential uses may be limited beyond those otherwise permitted in the zoning district to those that are compatible with upper-level residential uses or adjacent residential areas.

2. In nonresidential districts, at least 30% of the ground level and 100% of the frontage of a mixed-use building shall be a nonresidential use, except for a limited portion to provide a separate access from the frontage to residential uses.

3. In nonresidential districts, residential uses on the ground level street front may be permitted by a conditional use permit in Section 36-2.04 and the following additional criteria:
   a. The street frontage is not an important commercial frontage street, and additional residential uses will help support other commercial uses in the vicinity.
   b. The building and street-level frontage is not significantly redesigned exclusive to residential uses, and could be adapted for nonresidential uses in time.
   c. The nonresidential portion of the building is likely to remain vacant or put to marginal use if not converted to residential.
   d. The design of the building meets all other applicable design standards that reinforce the pedestrian nature and human-scale design intended for mixed-use buildings.

F. **Group Homes.** In districts where group homes (custodial or residential) are allowed, they shall meet the following conditions to ensure they are integrated into neighborhoods, have a non- institutional nature, and maintain the residential character of neighborhoods:

1. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in that it does not alter the appearance as a single-unit detached house.

2. No group home shall be located less than 1,320 feet from another existing group home, measured from property line to property line at the shortest distance of separation.

3. Group homes shall be supervised at all times, and may include up to two resident care-givers.

4. Group homes shall be licensed by, operated by, or owned by a governmental agency or non-profit qualified to provide care and supervision.

5. Group homes shall not include alcoholism or drug treatment facilities, work release facilities, or other housing facilities qualifying as commercial residential care uses as defined per this article.

G. **Jails & Community Corrections Facilities.** All jails and community corrections facilities shall meet the following additional requirements:

1. Jails and corrections facilities shall be located at least 2,000 feet from any other jail or corrections facility, except where separate facilities are on the same property or operated as a coordinated and joint facility.

2. Jails and community correctional facilities shall be located at least 750 feet from any primary or secondary school, residential zoning district, or park.

3. All facilities shall be setback at least 50 feet from any right-of-way.

H. **Landfills.** All Landfills shall meet the following additional requirements:

1. Landfills shall be located at least 1,000 feet from any residential zoning district;

2. Landfills shall be located on at least 160 acres; and

3. All activities and facilities shall be set back at least 100 feet from any right-of-way.

I. **Residential Care.** Transitional housing, transitional shelters, treatment facilities, and other similar social services shall be subject to the following standards to prevent undue concentration of facilities or other negative secondary effects on nearby property or districts.

1. Individual uses shall be limited to services or lodging for no more than 50 beds within 1,320 feet.
   a. The distance and bed requirement apply only to a particular facility type, e.g., there cannot be more than 50 beds used for substance abuse treatment within a 1,320-foot radius, but there can be 50 beds used for substance abuse treatment within 1,320 feet of 50 beds used for transitional housing.
   b. The 1,320-foot separation is measured from property line to property line. If any part of a property used for a particular type of facility is within 1,320 feet of another such property, all beds included on that property are counted toward the 50-bed limit. This measurement metric applies to all relevant measurements in this section.

2. Uses approved by a conditional use permit shall only be located on a primary or secondary arterial street, except uses may also be located on a collector street in the HM district.

3. Buildings shall meet all development and design standards applicable in the particular district, and any to support the residential care or social service use shall only be done in compliance with the district standards.

4. Uses shall be separated from a primary or secondary school by at least 1,000 feet, unless said use is given written consent of the governing body of such school.

5. Uses, except those approved by a conditional use permit, shall be separated from residential zoning districts by at least 500 feet. In all cases, whether in nonresidential districts or in residential districts by conditional use permits, design and operational limits and conditions may be used to protect any nearby residential uses.

6. An operation plan shall be submitted and kept on file with the Department of Planning and Development, including administrative contact information, on-site supervision and staffing, patron access and occupancy requirements, hours of operation for different functions, and security measures.

7. A business license shall be renewed annually that demonstrates compliance with the operation plan and all applicable standards and conditions.

J. **Urban Agriculture Uses.**

1. *Purpose.* The intent of these regulations is to enable urban agriculture, market gardens, and community gardens while ensuring compatibility with surrounding neighborhoods. These uses promote local food production, access to fresh and healthy foods, agribusiness opportunities, and neighborhood revitalization in alignment with the comprehensive plan.

2. *Performance Standards.* Urban agriculture, market gardens, and community gardens shall comply with all regulations of this article, subject to the following modifications:
   a. *Use and Scale-Based Intensity Standards.*
      (1) Small-scale (under 1 acre):
         (a) Permitted in all zoning districts by right.
         (b) On-site sales limited to seasonal farm stands (up to 3 days per week).
         (c) No parking requirements.
      (2) Medium-scale (1-5 acres):
         (a) Permitted in most zoning districts with additional management plan addressing noise, odor, parking, and sales impacts.
         (b) On-site sales allowed, including periodic market events.
         (c) Minimum of two off-street parking spaces per acre.
      (3) Large-scale (over 5 acres):
         (a) Requires an operational plan addressing traffic, parking, and environmental impact mitigation.
         (b) Regular on-site sales allowed, subject to parking, traffic, and lighting standards.
   b. *Structures and Setbacks.*
      (1) Structures shall comply with accessory structure standards (Section 36-5.03.B).
      (2) If no principal structure exists, the combined area of all structures shall not exceed 40% of the lot area.
      (3) Permanent structures must meet front and side yard setback requirements. Rear yard setbacks shall be a minimum of 3 feet.
   c. *Environmental and Maintenance Standards.*
      (1) Compliance with stormwater, sediment, and erosion control standards.
      (2) No excessive odor emissions that create a nuisance (per Springfield City Code).
      (3) Site must be maintained free of high weeds and grass.
      (4) Compost bins and material storage areas must be maintained to prevent attraction of insects, vermin, or nuisance animals
3. *Operational Standards.*
   a. Operating hours: From one-half hour before sunrise to one-half hour after sunset daily.
   b. Lighting: Must comply with Section 36-8.07.
   c. Noise: Must comply with Section 36-4.05.
   d. Signage: Must comply with Article 9.
   e. Vision obstruction: Must comply with Article 8

4. *Parking Requirements.*
   a. No parking required for cultivated areas under 1 acre.
   b. Areas 1 acre or more require a minimum of two off-street spaces per acre.
5. *Bufferyards.*
   a. Not required for urban agriculture uses.
6. *Compliance and Enforcement.*
   a. All urban agriculture operations must comply with Springfield City Code and zoning regulations.
   b. If a site creates adverse impacts, enforcement actions may be taken.
7. The keeping of animals on agricultural lands is permitted in accordance with Chapter 18 of the Springfield City Code.

K. **Temporary Uses.** Uses may be permitted through a Temporary Use Permit according to this section.

1. *Permit.* An application for a temporary use permit shall be submitted by the owner, or an agent of the owner with written permission from the owner at least 30 days prior to the desired issue date.
   a. The permit shall have a specified start and end date not more than 90 days per year, or be based on a schedule that includes no more than 36 days per year and no more than 12 occasions per year.
   b. 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 greater than 180 days in a calendar year.
   c. The applicant shall submit a complete description of the event or activity, including anticipated traffic, hours and peak times of operation, access and circulation plans, the ability to accommodate fire and police access, and any need for special protection or other public safety, health and welfare needs.
   d. The applicant shall submit a plan identifying the extent of the grounds, gathering places and circulation routes, any streets or public spaces to be dedicated to the event, the location of all structures, equipment or other accessory facilities, and any utility needs for these structures, equipment or fixtures.
   e. The PD Director may extend the permit one time for up to an additional 3 days. The extension shall only be permitted based on circumstances not foreseeable at the time of the original permit and provided no problems have arisen under the original permit.

2. *Standards.* All activities and any temporary structures shall meet the following zoning district setbacks and standards:
   a. The temporary use shall be associated with a principal and permitted civic, commercial, or industrial use of the property; alternatively if located on a vacant lot or abandoned use, shall otherwise be for a temporary application of a permitted use in the district.
   b. Setback standards for all buildings, structures and facilities shall generally be met, except that the PD Director may account for temporary structures and facilities in the setback based on the nature of activities, duration of the event, degree of any immediate impacts on adjacent areas, and whether there is a plan for restoration of the area or other potential for lasting impacts on adjacent areas.
   c. Parking requirements shall be met for the principal use and the temporary use, except that the PD Director may account for any existing and underutilized parking, the duration of the event, the correspondence of different peak parking periods, presence of off-site parking, and any transportation management when considering appropriate parking relative to the permit.

3. *Criteria.* A temporary use permit shall be evaluated based on the following, in addition to all other general procedures and criteria for zoning site plans in Section 36-2.03:
   a. The proposed use shall be a scale, intensity, and format that ordinarily occurs in the vicinity considering the size, anticipated traffic, hours of operation and duration of the event.
   b. The anticipated traffic and parking can be handled by the existing street network, site access and lot layout, or the applicant has demonstrated sufficient management strategies and procedures to mitigate any potential negative effects on the area.
   c. The degree of potential negative impacts on adjacent property, and in particular the likelihood of the event violating the general District Performance Standards in Section 36-4.05. The applicant may submit mitigation plans for any potential impacts, including

limiting hours of operation, buffers and screening, transportation management, or other evidence or plans to accommodate concerns and limit impacts on surrounding property owners or residents.

d. The use shall comply with all other applicable codes, licenses, or other public health, safety, and welfare requirements.

e. The location subject to the temporary use permit shall be restored to its original condition upon the earlier of the expiration of permit or end of operation. Except, permanent improvements may be made to the location, and may remain with the property owner's written consent provided they meet all applicable zoning and site design standards.

4. The PD Director may impose any other conditions on a permit necessary to protect the public health, safety, and welfare.

36-4.04 Accessory Uses

A. **Accessory Uses, Generally.** All permitted principal uses may include accessory uses. All accessory uses, and any accessory use not specifically mentioned in this section, shall be subject to the following general standards:

1. The use and any structure is clearly incidental and subordinate to the principal use and is customarily associated with the principal use.

2. The use is on the same lot as an active principal use and is operated or managed under the same ownership or lessee as the principal use.

3. The use and any structures are compatible with the general character of the area and comparable in scale and intensity to other uses in the vicinity.

4. Any structures or site design elements associated with the use are not significantly different from what is typical for other allowed uses in the district, or where different can be screened or located to minimize impact on adjacent property.

5. There are no unusual traffic patterns or increases in activity that impact streets and public spaces differently than other allowed uses.

6. The use and any structure meet the development, design, and performance standards of the zoning district.

B. **Accessory Drive-Through.** Drive-through or drive-up service accessory to a permitted commercial use is allowed subject to the following standards, provided it is not otherwise prohibited by a specific plan or standard for a particular area.

1. Any drive through facility shall require a zoning site plan demonstrating compliance with these standards. Any drive through facility in the C-MX1, C-MX2, CC, and COM district shall also require a conditional use permit subject to the procedures and criteria in Section 36-2.04.

2. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary to access the site based on a traffic impact analysis or other traffic study associated with the application.
   a. In general, the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets this criteria.
   b. Adequate stacking spaces for automobiles shall be provided to eliminate any impact on public streets.
   c. Circulation, stacking, and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building from public streets and from internal streets or parking areas.

3. Service areas and windows shall be located on the most remote wall possible, considering adjacencies to public-streetscapes, residential property, or other sensitive land use and urban design characteristics of the context.
   a. No service area or pick up window shall be located within 100 feet of any residential zoning district property unless enhanced site design or operational limits demonstrate visual and noise impacts are mitigated.
   b. Signs, speakers, or lighting elements shall not be visible or audible from the public right-of-way or adjacent residential property.
   c. Additional screening or buffers may be required beyond the standards of Section 36-8.04 in order to ensure compatibility of all facilities with the specific site.

4. Avoid potential pedestrian/vehicle conflicts on the site and along the streetscape. No access shall be provided on any street designed to walkable street standards in Section 36-3.03. (Pedestrian / Mixed-use street design types). Access from alleys, internal access, and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.

5. The PD Director may require any other drive-through service area that does not clearly meet these standards and criteria to be reviewed subject to the procedures and criteria for conditional use permits in Section 36-2.04.

C. **Accessory Dwelling.** Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:

1. Accessory dwelling units (ADUs) may be allowed on a lot with a principal detached house as follows:

Table 4-4: ADU Allowances

ADU Type	Zoning District	Principal Building Type	
ADU (attached or detached)	R-SF	Detached house – >6K s.f.lot	P
ADU (detached or attached)	R-MX1, R-MX-2, R-MX-3	Detached house – >6K s.f. lot	P
		Detached house – <6K s.f. lot	C
		Multi-unit house – any size lot	P
		Townhouse – any size lot	P
Multiple ADUs (2 to 3)	R-MX1, R-MX2, R-MX3	Detached house – >10K s.f. lot	C

P = Permitted by right subject to this section

C = Permitted by conditional use permit subject to this section and the process and criteria in Section 36-2.04

2. The accessory dwelling shall meet all applicable building and fire codes.

3. The number of accessory buildings allowed must be less than or equal to the number allowed under Article 5.

4. One additional off-street parking space shall be provided on site for each ADU. The PD Director may waive the off-street parking requirement if site constraints prohibit the appropriate and feasible placement of the additional required space(s).

5. The accessory dwelling shall meet the design requirements of Section 5.04.C.4.

6. If attached to the principal building, the accessory dwelling shall meet the requirements of Section 36-5.04 (Neighborhood Design) in terms of massing, design, and materials.

7. Whether within the principal building or in a detached structure, the accessory dwelling shall be clearly subordinate to the principal dwelling through the location of parking, access, building entrances, and other design features that accommodate the dwelling.

8. In the R-SF district, the following additional conditions shall apply:
   a. The property owner shall occupy either the principal or accessory dwelling as their permanent residence in the R-SF district.
   b. Accessory dwellings shall be registered annually with the City finance director, and verify that the requirements of Chapter 18, Springfield City Code and the conditions of this section are met.

D. **Home Occupation.**

1. *Generally.* Home occupations are considered accessory to a primary residential use and shall meet all of the following additional standards unless specifically exempted in subsection 2:
   a. The occupation shall be limited to residents of the dwelling and no more than one additional non-resident employee. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
   b. All activity shall be conducted within an enclosed principal building or permitted accessory building, and limited to no more than 50% of the floor area of any one floor in the principal building.
   c. No traffic, utility impacts, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
   d. Customer or patron visits shall be limited to between the hours of 7 a.m. and 7 p.m. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling.
   e. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or sales events are transacted no more than once per week. Incidental sales of products associated with commercial services shall be permitted (e.g. instructional books sold in conjunction with music lessons).
   f. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
   g. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
   h. Signs for the business shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.
   i. In-home daycare as an accessory home occupation is subject to the standards of Chapter 38, Article IX.

2. *No-impact, Home-based Business.* Pursuant to Section 71.990, RSMo., no-impact, home-based businesses are not subject to the requirements listed in subsection 1. A "no-impact, home-based business" is a home occupation that:
   a. Involves the sale of lawful goods and services;
   b. Occurs inside the residential dwelling or in the yard of the residential dwelling;
   c. Is not visible from the street;
   d. Does not cause a substantial increase in traffic through the residential area;
   e. Does not violate any parking regulations; and
   f. Does not violate any narrowly tailored regulation established to:
      (1) protect the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control;
      (2) ensure that the business activity is compliant with state and federal law; and
      (3) ensure that the business is paying all applicable taxes.

3. *Licensing.* All home-based businesses must obtain any business license required by the Code pertaining to the specific nature of the occupation but are not required to obtain a separate license to operate a home-based business.

E. **Outdoor Display & Service Areas**. Outdoor display and service areas accessory to a permitted commercial use are allowed subject to the following conditions:

1. Outdoor display and service areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of street front buildings.

2. A zoning site plan shall be provided for any outside display or service area more than 400 square feet, lasting more than seven consecutive days, or more than four separate occurrences per year. A zoning site plan shall show the location, area, and dimensions of the display area, and specifications for all lighting, fencing, screening or temporary or permanent structures.

3. The area shall be limited to no more than 25% of the ground floor area of the principal use, except where outdoor sales are a permitted principal use.

4. Display and service areas shall not be arranged where they interfere with pedestrian or building access or clear vision areas. At least 5 feet clear or at least 50% of the width any sidewalk, whichever is greater, shall be maintained for any display or service areas located on a sidewalk.

5. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.

6. The area shall be screened from view along any property line abutting a residential use or district according to Section 36-8.04.

7. In reviewing the zoning site plan, site conditions, operational limits, or performance standards to mitigate off-site impacts may be added by the PD Director to address specific sites or contexts.

F. **Recycling Collection Point.** Small recycling collection areas or similar drop-off kiosks for donations or reusable materials may be accessory use to a permitted civic, commercial, or industrial land use, limited to the following:

1. Facilities shall not be located within 50 feet of any residential zoning district, or when located with a civic use in a residential district, setback at least 50 feet from adjacent residential uses.

2. Facilities shall be set back at least 25 feet from any public right-of-way.

3. Permanent or temporary containers are limited to 1 per lot and 250 square feet, except lots over 1 acre may have up to 3 containers.

4. Facilities shall permit adequate circulation and access for drop-off of materials, and for the periodic removal of materials by larger vehicles.

5. The facility shall be placed on asphalt or concrete and shall not impact any landscaping or landscaped areas.

6. Facilities shall be placed on a more remote portion of the site, appropriately screened from adjacent property or right-of-way, and otherwise located in a manner to limit adverse impacts on adjacent property and the public streetscape.

7. The facility shall accept only non-perishable recyclable waste, or be a collection point for donation of reusable, non-perishable household items such as books or clothing.

8. No processing or other power-driven mechanical devices are permitted.

9. Containers shall be constructed and maintained with durable waterproof and rustproof material, and shall have sufficient capacity according to a collection schedule. All material shall be stored in the unit and shall not be left outside of the unit or exposed to elements when unattended.

10. Containers shall be clearly marked to identify the type of material that may be deposited, identify the name and contact information of the facility operator, a notice stating that no material shall be left outside the containers.

G. **Renewable Energy Facilities.** Small renewable energy facilities may be an accessory use to another permitted use subject to the following additional standards, and provided they meet the qualifications for a building permit in Chapter 38 of the Springfield Municipal Code. They may be permitted beyond the standards as specified below through a conditional use permit according to Section 36-2.04. Any renewable energy facility that does not meet the limits of this section or cannot qualify for a conditional use permit shall be considered a public utility service use and only allowed as permitted in Table 4-3 as a principal use of land.

Table 4-5: Accessory Renewable Energy Facilities

	Accessory Use by Building Permit	*Accessory Use by Conditional Use Permit*
Solar		
Building Mounted	▪ 8" max. off and parallel with pitched roof ▪ 3' max. off a flat roof	6' max. off a roof or building wall
	Any facility projecting more than 2' off a flat roof shall be screened from ground level or adjacent property by a parapet, or other architectural screen integral to the design of the building.	
Ground Mounted	▪ 6' high max. ▪ 10' setback min.	10' high max.
	Screened from adjacent property and ROW the same as all other mechanical equipment.	
Wind		
Building Mounted	▪ 4' max. above roof (residential buildings) ▪ 8' max. above roof (non-residential buildings)	▪ 12' max. above roof (residential buildings) ▪ 20' max. above roof (non-residential buildings)
Ground Mounted	▪ 30' max. height (residential districts) ▪ 45' max. height (nonresidential districts)	▪ 45' max. height (residential districts) ▪ 60' max. height (nonresidential districts)

H. **Temporary Storage Containers.**

1. *General Standards.* All temporary storage containers shall meet the following standards:
   a. All temporary storage containers are subject to all applicable public health and safety codes with respect to their placement, operation, and contents.
   b. Temporary storage containers shall be located at least 15 feet from the right-of-way, at least 10 feet from any other lot line, and outside any sight triangle affecting any intersection or access point.
   c. Temporary storage containers shall be located in the least prominent and practical location of the site considering:
      (1) Parking, access, and circulation;
      (2) Visibility form adjacent property, including the visibility from building frontages along a streetscape;
      (3) Landscape buffers and open spaces; and
      (4) Any other easements and access needs.

      All locations are considered "at risk" by the applicant, and may be forced to relocate in response to any rights of access to easements or other problems associated with the location.

2. *Exemptions.* The standards in this section do not apply to:
   a. Permitted outdoor storage uses as a principal use;
   b. Permanent installations that meet the accessory building size, design, and location standards of the applicable zoning district;
   c. Containers in the public or railroad right-of-way placed by the entity with control over the right-of-way; and
   d. Storage containers associated with a valid construction permit for up to 30 days from the expiration of the permit. Storage containers associated with a construction project

that does not require a permit shall comply with the temporary storage limits of this section.

3. *Nonresidential Limits.* Storage containers in nonresidential districts are subject to the following additional limitations:
   a. A maximum of 3 containers per premises, totaling no more than 800 square feet, or 8,000 cubic feet in size; and
   b. Not onsite more than 120 days in any 12-month period.

4. *Residential Limits.* Storage containers in residential districts are subject to the following additional limitations.
   a. Containers used for loading and unloading may be placed in the frontage area of the lot, including a driveway or legal parking space, and are limited to:
      (1) A maximum of 3 containers per premises, totaling no more than 500 square feet, or 4,000 cubic feet in size;
      (2) No more than 72 hours onsite per occurrence; and
      (3) No more than three occurrences in a 12-month period.
      (4) Storage containers may be placed in a driveway or legal parking space.
   b. Containers used for temporary storage shall be located outside of the frontage area of the lot and are limited to:
      (1) No more than 1 container and no more than 300 square feet and 2,400 cubic feet;
      (2) No more than 60 days onsite per occurrence; and
      (3) No more than 2 occurrences in a 12-month period.
5. Storage containers shall be located outside of the frontage area of the lot.

I. **Chickens.** The keeping or raising of six or less chicken hens are permitted as an accessory use in all zoning districts provided such use complies with all applicable sections of this code, including sections 18-12, 18-23, 18-24, 18-25, 18-59, and 78-113.

J. **Beekeeping.** Beekeeping (domestic honeybees, Apis Mellifera) is permitted as an accessory use in any zoning district provided:

1. 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.

2. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.

3. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.

4. 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.

36-4.05 District Performance Standards

A. **General Operation & Performance Standards.** All principal and accessory uses shall be operated in a manner that meets the performance standards in Table 4-6.

Table 4-6: District Performance Standards

	R-SF, R-MX1, R-MX2, R-MHC	*R-MX3, C-MX1*	*GI, C-MX2*	*GC, CC, LIC*	*HM*

Daytime Noise. Noise levels during business hours (7AM-7PM). [1]	55 db	65 db	65 db	70 db	75 db
Evening Noise. Noise levels outside general business hours (7PM – 12AM). [1]	50 db	55 db	65 db	70 db	75 db
Nighttime Noise. Noise levels during quiet hours (12AM – 7AM). [1]	45 db	45 db	55 db	60 db	65 db
Impacts Outside the Building. No odor, glare, vibration, smoke, or similar impacts shall be produced that is observable outside a building.	☑	☑	☑		
Impacts Beyond the Property Line. No odor, glare, vibration, smoke, dust, fumes, or heat shall be produced that is perceptible beyond the property line which could become a nuisance to adjacent uses. [2]	☑	☑	☑	☑	
Impacts to Health or Property. No particulate matter, or noxious or toxic matter shall be produced that could become damaging to humans or property beyond the property line.	☑	☑	☑	☑	☑
Lighting.	See Section 36-8.07				

[1] Noise levels in this table are operational and intensity standards for the district to achieve land use compatibility and shall not prohibit enforcement of any other noise standard for public health, safety, or anti-nuisance reasons. Noise levels shall be measured at the property line.

[2] Pollution and general nuisance standards shall be enforced in accordance all other health, sanitation, and nuisance standards of the Springfield Municipal Code.

B. **Exemptions.** The following activities are not subject to the performance standards:

1. Construction activity shall not be subject to the noise, impact, or lighting standards during daytime hours, or at other times specifically authorized by a valid construction permit due to necessity or public purposes to permit construction during non-business hours.

2. Ambient noise from traffic in the public right-of-way, or railroads and air travel operating according to applicable industry standards.

3. Noise caused by safety signals, warning devices, or otherwise resulting from emergency situations.

4. Noise associated with large public events otherwise permitted in the zoning district, or for any special events authorized by the city.

5. Noise may exceed levels by up to 10 decibels for no more than 15 minutes during any time period.

C. **Conditions & Compatibility**. The City may impose conditions upon the approval of any development application or any permit to ensure that it is compatible with adjacent uses and compliant with the district performance standards. Conditions may include:

1. Hours of operation, or limitations on specific activities such as outdoor seating, deliveries, or other higher-intensity activities that could impact adjacent property.

2. Location, design, and screening of outdoor activity areas, mechanical equipment, or other site activities that generate potential adverse impacts to adjacent uses.

3. Placement of facilities that require regular service of large or utility vehicles, such as trash receptacles or loading areas.

4. Location of outdoor speakers, communication, or other amplification systems.

5. Light height, intensity, shield and design, and hours of partial and full illumination beyond the

design standards in Section 36-8.07.

36-4.06 General Use Restrictions

A. **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 zoning district appropriate therefore under this chapter 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-MX1, 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-MX1TH, R-MHC, or designated for single-family or two-family residential use in a PD district under this chapter. 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-MX1, 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 there with a fee set by ordinance.

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-MX1, 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 or occupying property zoned R-SF, R-MX1, 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, including instructions for filing said protest. In addition, said notice shall be mailed to all persons within said 200 feet owning or occupying property zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, said mailing to occur by first-class mail no later than three days prior to the posting described herein. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with the mailing notice requirement.

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% of the owners and/or occupants of the land so zoned R-SF, R-MX1, 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.
   a. For the purpose of this section, only one signature per land parcel, whether property owner or occupant, shall be counted in determining whether the 50% threshold for protest has been satisfied. In the event of conflict between the owner and occupant, the owner shall prevail. In the event that an occupant files a protest, but the owner does not, the owner shall be notified of said protest. The notice shall be mailed by first-class mail no later than three days after the deadline to file a protest. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with this notice requirement. The owner shall have seven days from the date of mailing to file with the officer of the city charged with receiving applications for liquor licenses a withdrawal of the occupant's protest.
   b. 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/or occupancy, and other appropriate requirements. Forms of protest shall in any event be acknowledged by some person other than a protesting owner or occupant 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 or occupants of the land of record on the date that the application shall have been filed shall be entitled to protest.

c. Notwithstanding the provisions of this section, the Finance Director 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% of all owners and occupants 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.

B. **Utilities.**

1. *Utility Distribution Facilities.* Utility distribution facilities shall be exempt from the requirements of this chapter except as follows:

a. 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 chapter.

b. 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.

c. 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 right-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 right-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:

Table 4-7: Utility Pole Placement		
Zoning Classification	***Easement*** *(1)*	***ROW***
Residential (R-SF, R-MX1, R-MX2, R-MX3, and R-MHC)	50 feet	60 feet
Government & Institutional (GI)	70 feet	80 feet
Commercial (C-MX1, C-MX2, GC, CC, and COM)	80 feet	90 feet
Industrial (LIC and HM)	90 feet	100 feet
Planned Development/Planned Zoning (based on use)	Individual case basis	Individual case basis

[1] Any easement utilized must adjoin right-of-way.

d. 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 right-of-way.
e. Existing poles exceeding the matrix height criteria shall be considered conforming and may be replaced as needed with another pole of like size.
f. This section, 36-4.06.B, shall not apply to wireless telecommunications facilities used for internal utility operations.

2. *Utility Substation Facilities.* Utility substation facilities shall be permitted in any district and shall comply with the following requirements:
   a. All utility substation facilities are exempt from the height requirements of this chapter but shall meet all other lot size, bulk, and open space requirements of this chapter.
   b. When the facility is not contained within an enclosed building, a fence or wall at least 8 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.

3. *Utility Transmission Facilities.* Utility transmission facilities shall be exempt from the requirements of this chapter.

4. *Other Facilities.*
   a. *Exemptions.* The following utility uses are exempt from the requirements of this chapter provided the use meets the design requirements of the City of Springfield and its location is approved by the City of Springfield:
      (1) Facilities for the detention or collection of stormwater; and
      (2) Civil defense warning sirens.
   b. *Lot Size Requirements and Bulk Regulations.* Notwithstanding any other provision of this chapter, 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:
      (1) Water standpipes, and elevated, and ground-level, water storage tanks; and
      (2) Stormwater detention, retention, and treatment facilities.

C. **Economic and Housing Access Calamity.**

1. During such time that City Council has declared an Economic and Housing Access Calamity for the working poor and unemployed within the city of Springfield, Missouri, 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 a "transitional/emergency shelter" as that term is defined in Section 36-11.02, and are excepted from the general requirements of the city's building, zoning, health, and fire codes herein.

2. 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 section.

3. In accordance with the goals and intent of this subsection, the BDS Director 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.

4. Any individuals, agencies or churches desiring to operate a facility under this subsection shall apply to the BDS Director 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 BDS Director.

5. 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.

6. Upon the expiration of the declared economic and housing access calamity, all permitted shelters shall cease operations within 90 days.

D. **Residential Occupancy.**

1. *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 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 ensure 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.

2. *Occupancy.* A dwelling unit may not be occupied by more persons than one of the following family living arrangements:
   a. One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in any district.
   b. 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.
   c. Four persons or less living as a single housekeeping unit in the R-MX1, R-MX2, R-MX3 districts and nonresidential districts which permit multifamily dwellings provided the off-street parking requirements of this chapter are met, otherwise three persons or less are permitted.

3. *Exclusions.* A single housekeeping unit shall not be construed to mean a fraternity, sorority, club, or institutional group.

E. **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 detached house, duplex, multi-unit house, townhouse, small-format house, or manufactured home on an individual lot.

F. **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.

G. **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.

H. **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 from 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*. The following definitions shall apply to this section 36-4.06.H; if a term is not defined in this section, the term shall have the same meaning prescribed in Article 11 of this chapter.

(a) *Applicant*. An individual, group, or entity making a request for reasonable accommodation pursuant to this section. An applicant can be the disabled person or a person acting on behalf of, and at the request of, said disabled person.

(b) *Department*. The Building Development Services (BDS) Department of the City of Springfield, Missouri.

(c) *Disabled person*. Any individual who:

i. Has a physical or mental impairment that substantially limits one or more major life activities;

ii. Is perceived as having such an impairment; and

iii. Has a documented history of such an impairment.

(d) *Major life activity*. Those activities that are of a central importance to daily life, including but not limited to seeing, hearing, walking, breathing, performing manual tasks, caring for oneself, learning, and speaking. Major life activities do not include environmental, cultural, or economic disadvantages.

(e) *Physical or mental impairment*. Any physiological condition, cosmetic disfigurement, or anatomical loss affecting body systems, as well as mental or psychological disorders, such as intellectual disabilities or emotional illness.

While this includes alcoholism and drug addiction, it does not include current, illegal use of a controlled substance.

(f) *Reasonable accommodation*. A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a disabled person to have an equal opportunity to use and enjoy a dwelling.

(g) *Zoning Ordinance*. Those regulations contained in Chapter 36 of the City Code of the City of Springfield, Missouri.

3. *Requesting reasonable accommodations*. 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. Such a request can be made in writing or orally to the Director of the Department and must contain:

(a) The name and address of the owner of the property;

(b) An explanation of the accommodation requested; and

(c) An explanation of the relationship between the requested accommodation and the disability.

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 requirements are met by the contents of 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.

B. 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 receipt of the request.

C. The ARC shall issue a written determination within 30 days of receiving the request for reasonable accommodation from the Director, and may either grant or deny the request.

(a) The ARC may approve the request for reasonable accommodation without meeting with the applicant if all requirements are met by the contents of the application.

(b) The ARC may not deny a request for reasonable accommodation without offering the applicant an opportunity to meet with the ARC.

(c) If reasonably necessary to reach a determination, the ARC may, prior to the end of the 30-day period, request additional information from the applicant, specifying in detail what information is required.

i. The applicant shall have 15 days from the date of the request for additional information to provide such information.

ii. The initial 30-day period shall be stayed upon issuance of the request for additional information, and the ARC shall provide its written determination within 30 days of receipt of the additional information.

iii. If the applicant does not provide the requested information, the ARC shall issue its written determination within 30 days of the expiration of the 15-day period provided the applicant to respond.

(d) The ARC shall not request additional information regarding the applicant's disability or need for the requested accommodation if such information is readily apparent.

D. 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.

E. Information provided pursuant to 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 requested 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. *Determination*.

A. Determinations shall be made in writing and sent to the applicant by certified mail, return receipt requested, and by first-class mail.

B. 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:

(a) Whether the accommodation requested may be necessary to afford one or more persons with disabilities equal opportunity to use and enjoy a specific dwelling.

(b) Such a finding requires that there be an identifiable relationship, or nexus, between the requested accommodation and the applicant's disability.

(c) Whether the requested accommodation would impose undue financial or administrative burdens on the City.

C. A determination of denial shall inform the applicant of the right to an appeal under the process detailed in Section 36-2.08.

6. A request for a reasonable accommodation shall be denied if any of the following factors are found:

A. The request was not made by, or on behalf of, a disabled person;

B. There is no disability-related need for the accommodation; or

C. The requested accommodation is not reasonable. An accommodation is not

reasonable if the requested accommodation would:

(a) Impose an undue financial or administrative burden on the City; or

(b) Required a fundamental alteration of the City's Zoning Ordinance.

7. When a request for a reasonable accommodation is denied, reasonable efforts shall be made to cooperate with the applicant to provide an alternative reasonable accommodation that would address the applicant's disability-related needs. If, after reasonable efforts, an alternative reasonable accommodation is not approved, the denial of the request shall become final and the 30-day period for appeal shall begin.

8. 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.

9. *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.

10. *Recordkeeping*. The City shall maintain records of all requests for reasonable accommodations, both written and oral, and the City's responses thereto, as required by state law.

Article 5. Residential Development & Design

36-5.01 Intent
36-5.02 Applicability
36-5.03 Development & Dimension Standards
36-5.04 Neighborhood Design
36-5.05 Alternative Patterns

36-5.01 Intent

The Residential Development & Design standards have the following intent:

A. Enhance the appearance and livability of neighborhoods through thoughtful neighborhood design, including streetscapes, parks and trails, and other focal points that shape neighborhood character.

B. Strengthen the unique character and identity of distinct neighborhoods including suburban and urban contexts.

C. Provide housing variety throughout the city and a compatible mix of building types within neighborhoods.

D. Restore and revitalize neighborhoods with appropriate-scale infill and rehabilitation projects.

E. Foster “complete neighborhoods” by ensuring proximity and access to neighborhood-supporting uses and housing integrated into mixed-use districts and corridors.

F. Promote lasting and sustained investment in neighborhoods with quality design.

36-5.02 Applicability

A. The standards in this article shall apply to all development in the R-SF, R-MX1, R-MX2, R-MX3, and R-MHC districts, except where sections state applicability only to specific districts or specific circumstances.

B. The standards shall apply to any redevelopment or rehabilitation of existing residential projects permitted in nonresidential districts. In these cases, the standards of the applicable building type shall apply.

C. The standards in Table 5-5 shall apply to any new residential projects permitted in a nonresidential district~~s~~ or where a building is primarily (more than 50%) residential.

D. Modifications or additions to buildings or sites shall meet these standards to the extent of the modification or addition.

E. The standards shall not apply to routine maintenance of existing buildings, provided the maintenance to any building may not occur in a manner that creates additional, substantial noncompliance with these standards.

F. The standards do not apply to previously established PDs, except that any amendments to the standards of existing PDs shall be brought into conformance with the standards of this code. New similar Planned Zonings shall use these standards as a base line but may modify or add additional standards through the planned zoning process in Section 36-2.06.

G. The standards do not apply to previously established UCDs, except that amendments to the standards of existing UCDs shall use these standards as a base line but may modify or add additional standards through the planned zoning process in Section 36-2.06.

H. The Neighborhood Design standards in Section 36-5.04 are basic city-wide design standards to implement the Center City Neighborhoods, Mixed Residential, and Traditional Neighborhoods placetypes in the comprehensive plan. These standards do not preclude the application of additional supplemental design guidelines for a particular area or building type, except that no guideline may be used to modify or amend the application of a requirement in this code, except as specified in the planned zoning process in Section 36-2.06.

36-5.03 Development & Dimension Standards

A. **Building Types & Lot Standards.** The development standards for residential districts shall be based on the different building types permitted in each district, specified in Table 5-1.

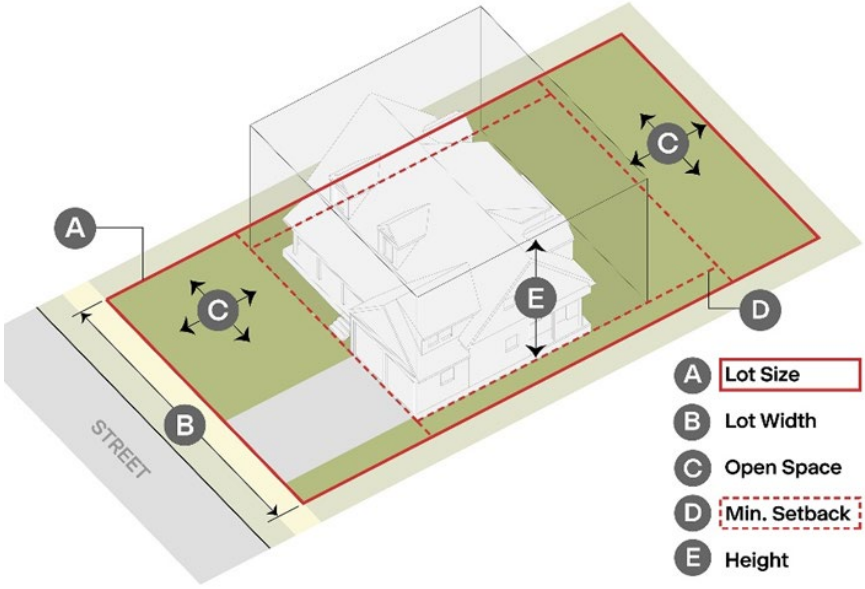


Figure 5-1 Building Types
Building types in Table 5-1 are distinguished based on lot sizes, unit configuration, building footprints, building massing, building placement, and frontage designs. This diagram illustrates these key standards in Table 5-1 applied to a typical lot.

Table 5-1: Residential Building & Lot Standards

Building Type	*Zoning Districts* *P = Permitted* *C = CUP*					*# of Principal Dwelling Units Per Lot*	*Lot Standards*					*Building Standards*			
	R-SF	R-MX1	R-MX2	R-MX3	R-MHC		Minimum Lot Area	Maximum Lot Area [4]	Minimum Lot Width	Maximum Lot Width [4]	Minimum Open Space	Maximum Height [3]	*Minimum Setbacks* Front [2]	Side	Rear
Detached House –*Standard Lot*	P	P				1	6K s.f.	n/a	50’	50’ +	30%	35’ 2.5 stories	25’	5’	10’
Detached House – *Urban Lot*		P	P		P	1	4K s.f.	n/a	35’	50’ [1]	30%	35’ 2.5 stories	25’	5’	10’
Detached House – *Small-format*	C	C	P	P	P	1	2K s.f.	n/a	25’	35’ [1]	30%	25’ 2 stories	25’	5’	10’
Detached House – *Manufactured*					P	1	2K s.f.	n/a	25’	35’	30%	25’ 2 stories	25’	5’	10’
Duplex / Multi-unit House		P	P	P		2 - 4	~~6K~~ 3K s.f. / unit min.	12K s.f.	50’	n/a [1]	20%	35’ 2.5 stories	25’	5’	10’
Townhouse – *Large Lot*		P	P	P		3 - 6	2.4K s.f. / unit min.	20K s.f.	20’ / unit	150’	20%	40’ 3 stories	15’ - 25’	5’	10’
Townhouse – *Small Lot*		C	P	P		3 - 8	1.5K s.f./ unit min.	16K s.f.	14’ / unit	125’	20%	40’ 3 stories	15’ – 25’	5’	10’
Apartment – *Small Lot*			P	P		3 -12	1.5K s.f./ unit min.	20K s.f.	50’	150’	20%	55’ 4 stories	15’ - 25’	5’	10’
Apartment – *Medium Lot*			P	P		13 - 40	1.5K s.f. / unit min.	¼ block	100’	200’	20%	65’ 5 stories	15’ – 25’	5’	10’
Apartment – *Large Lot*				P		13 +	1.1K s.f./ unit min.	½ block	100’	300’	20%	n/a	15’ – 25’	5’	25’
Apartment – *Complex*				P		17.7 du/ac.	8.5K s.f.min./ 2.45 K s.f. / unit min.	n/a	100’	n/a	30%	40’ 3 stories	25’	5’	25’
Civic / Institutional Buildings *(permitted nonresidential uses)*	P	P	P	P	P	n/a	20K	n/a	n/a	200’	40%	40’ 3 stories	25’	25’	n/a

[1] Smaller or narrower lots may require between 5’ and 10’ additional width on corner lots to allow proper building placement and orientation according to Section 36-5.03.C.2.

[2] Front setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 36-5.04.B.

[3] Any portion of a multi-unit building taller than 32’ shall be setback at least 15’ when property adjoins an R-SF district, and any apartment building taller than 32’ shall comply with the 45- degree bulk plane when property adjoins a R-SF district.

[4] See Section 36-5.03.C.





Figure 5-2 Apartment Complex Configuration: Conventional & Connected
The Conventional apartment complex faces inward toward its parking lot with a single frontage. Connected apartment complexes are organized around a connected street or drive network, mimicking public street and streetscape networks, providing access through individual street frontages. The individual buildings of the Connected complex should adhere to the development standards for Apartments – Small, Medium, and Large (Table 5-1: Residential Building & Lot Standards), depending on the development context, within the complex.

B. **Accessory Buildings – Residential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 5-2 and to the following additional limitations:

Table 5-2: Residential Accessory Buildings

Type	*Quantity*	*Size*	*Height*	*Setbacks*
Minor Structure (small shed, playhouse, and similar structures)	▪ 1 / each 3k s.f. of lot ▪ Maximum of 4	200 s.f. max.	▪ 12' max. ▪ 16' if roof pitch is 4:12 or greater	▪ 3' side and rear; except accessory structures that share a common wall or abut for their entire length on a lot line ▪ Behind the front of the principal structure
Secondary Building (detached accessory building, guest house, and similar structures)	1 / principal building	No more than 1/2 of principal building footprint	22' max., but no higher than principal structure	▪ 3' from side and rear ▪ Behind the front of building line of the principal structure
	Any building over 16' high or more than 200 square feet shall meet the design standards in Section 36-5.03.B.5.			

1. All accessory buildings shall be at least 10 feet from the principal building, unless otherwise specified by applicable building codes based on fire ratings of adjacent walls.

2. Accessory buildings shall be clearly incidental and subordinate to the principal building or use in terms of scale, location, and orientation.

3. Accessory buildings or structures of 120 square feet or less, and not built on a slab or similar foundation, do not have a required interior side or rear setback but shall be movable and are otherwise placed "at risk" by the owner with regard to any easements, fence, or screening requirements.

4. On corner lots, accessory buildings or structures shall be located behind the front building line of the adjacent principal building, unless they are more than 50 feet from the adjacent principal building.

5. Buildings over 200 square feet or over 16 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
   a. The wall height shall not exceed 10 feet above the finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.
   b. The roof peak or other top of structure shall not exceed 22 feet above finished floor for pitched roofs with a 6:12 pitch or greater, and no more than 16 feet for shed roofs or pitched roofs below a 6:12 pitch.
   c. The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.
   d. Buildings with vehicle access directly from an alley or shared easement shall be positioned to prevent parking that encroaches onto the alley or easement. They may be built with the access between 0 and 3 feet from the alley or shared easement, or with the parking at least 20 feet from the alley or shared easement.

6. Any building or structure exceeding the limits in Table 5-2 shall be treated as a second principal building and meet all lot and building design standards for a principal building.

C. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 5-1.

1. Lot and Building Configurations. Maximum lot areas and lot widths in Table 5-1 may be exceeded to accommodate a project provided:
   a. All building sites meet the standards for open space, setbacks and building height outlined in Table 5-1.
   b. All building sites meet the standards for lot frontage, lot access, utility service, including fronting on public streets or any other internal access lanes or open and civic spaces allowed in this code.
   c. Multiple building sites are designed and situated within a street block pattern or utilize a private internal access lane to mimic a street system to meet the standards in Section 3.03.B and are not used in a manner to avoid or disrupt street connectivity.
   d. Building sites shall show a site plan that mimics lot boundaries and building setbacks as if platted to meet section 3.03.B
   e. Townhouses and side-by-side duplexes may have individual units platted on separate lots, provided the building meets the standards in Table 5-1 and each unit complies with any per-unit or proportional standards for each lot. The lots shall be platted with a party wall meeting standards of the building code.
   f. Side lot easements between abutting lots may be granted in association with a plat to have the effect of “zero lot line” configurations. Easements for exclusive use of the side yard may be granted to the abutting owner to meet the lot open space requirements and design standards in Section 5.03 for the grantee, while maintaining the required setbacks from the platted lot line for each building in Table 5-1 for the grantor. Easements shall be private agreements and must account for all access and maintenance responsibility for the lots, open space, and buildings.
   g. The front setbacks for each building may be modified according to the frontage types and Frontage Design Standards in Section 5.04.B.
   h. Lots may be configured in a Courtyard Pattern as provided in Section 5.05.B.
   i. Lots may be configured in a Cluster Pattern as provided in Section 5.05.C.



Figure 5-3 Side Lot Easements
Side lot easements may be used to provide more contiguous areas to meet the lot open space requirements and have the effect of a zero lot line configuration. (36-5.03.C.1.b).

2. *Corner Lot Configurations.* When applying building, lot, and frontage standards to corner lots, the lots may be arranged in one of three patterns based on the context of the block and abutting lots:

   a. *Standard Corner.* The building orients to the same street as all other buildings on the same block face. An additional 5 feet shall be added to the required side setback on the street side lot line. Side and rear setbacks apply to the remaining sides.

   b. *Reverse Corner.* The building orients to the shorter side of the block (end grain) and not the longer block face that other lots internal to the block orient to. An additional 15 feet shall be added to the required side setback on the street side lot line, or a setback of 50% of established front setback of the abutting lot, whichever is less. Side and rear setbacks apply to the remaining sides.

   c. *Corner Orientation.* The building orients to both streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side setbacks and there is no rear setback.



Figure 5-4 Corner Lot Setbacks

3. *Setback Encroachments.* The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
   a. Primary entrance features may encroach beyond the required front building line, as specified in Section 36-5.04.B.2.
   b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non- foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, provided they:
      (1) Are no closer than 2 feet from any lot line; and
      (2) Are limited to no more than 20% of the total area of a building elevation.
   c. Unenclosed and un-roofed decks or patios at or below the first-floor elevation may extend into the rear or side setback up to 15 feet but no closer than 5 feet from any street side lot line and 3 feet to any other lot line.
   d. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided they:
      (1) Are no taller than 4 feet high;
      (2) Extend no more than 6 feet from the principal building, and no closer than 3 feet to the lot line; and
      (3) Are screened from public right-of-way according to the most recently updated specifications of the utility provider.

      These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.
   e. Any other accessory structure within the setback, not specified in Section 36-5.03.B, shall have a setback of at least one-half its height from the property line.

4. *Height Exceptions.* The following are exceptions to the height limits in Table 5-1:

a. Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck of a flat roof.
b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory elements may extend up to 50% above the actual building height, provided they are integral to the specific architectural style of the building and are less than 15% of the building footprint.
c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes provided they are screened according to the standards of this code.

36-5.04 Neighborhood Design

A. **Design Objectives.** The Neighborhood Design standards have the following design objectives:

1. Enhance the image of neighborhoods by coordinating streetscape investment with private lot and building investment.
2. Design frontages to the context of the neighborhood, block, and street.
3. Relate buildings and sites to the streetscape in a consistent manner and creating compatible massing along the block face.
4. Provide outdoor social spaces that activate the streetscape and limit the cumulative impact of frontages designed for car access.
5. Use front entry features to reinforce neighborhood character, promote unique designs, create subtle variation in building patterns, and provide human-scale connections to the streetscape.
6. Promote appropriate massing of buildings in relation to the lot and in relation to buildings and open spaces on adjacent lots.
7. Use human-scale features and details to provide visual interest and compatible designs.
8. Encourage unique architectural expressions and promote the use of key details and design characteristics inherent in the chosen style for a building.
9. Ensure access to a variety of different types of open spaces including natural areas, park and recreation amenities, and formal gathering spaces.

B. **Frontage Design.** Neighborhood lot and building frontages shall be designed according to the types in Table 5-4, and be applied based on the context of the neighborhood and block. Frontage design standards shall be applied to any building facade facing public streets, sidewalks, bike paths, parks, and trails, including those not immediately adjacent to a street. Frontage types may modify the required front setbacks in Table 5-1 to create a consistent frontage design and streetscape relationships with other lots and buildings along a block. Subsections following the table provide specific design strategies and techniques to meet the standards.

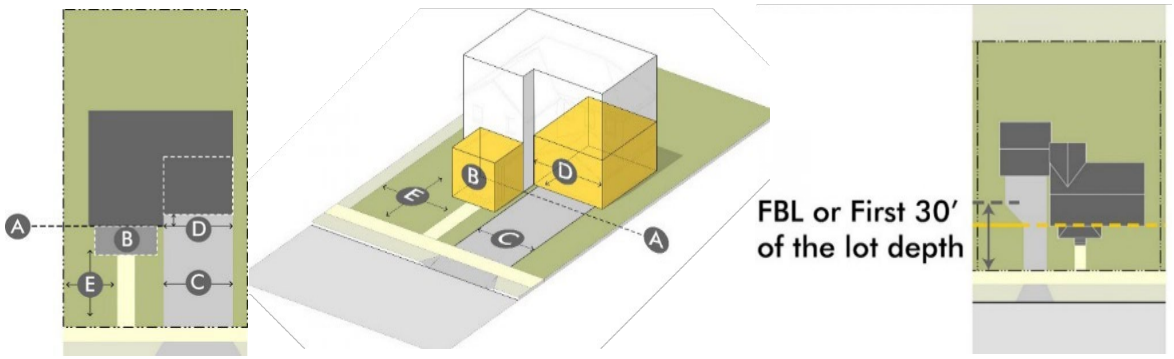


Figure 5-5 Frontage Design Standards

This diagram illustrates the key elements of frontage design in Table 5-3: (A) front building line; (B) front entry features, (C) driveway widths (applies to the first 30' of frontage depth or up to the front building line); (D) garage limitations, and (E) frontage landscape/open space areas. These elements determine the relationship between the building, the lot, and the streetscape, and affect the character of the area when applied across multiple lots on a block.

Table 5-3: Residential Frontage Types & Design Standards

Frontage Element		***Terrace Frontage***	***Neighborhood Frontage***	***Suburban Frontage***
Front Building Line		10' – 25'	25' – 50'	25' +
Front Entry Feature		Required, See Section 36-5.04.B.2	Required, See Section 36-5.04.B.2	Optional
Maximum Driveway Width		15% of lot width, not less than 12', but no more than 22' for the first 30 feet of lot depth	25% of lot width, not less than 12', but no more than 22' for the first 30 feet of lot depth	40% of lot width, not less than 12', but no more than 22' for the first 30 feet of lot depth
Garage Limitations		▪ 20% of facade; ▪ 35% if 12'+ behind FBL ▪ Setback at least 4 feet behind front building façade	▪ 40% of facade; ▪ 45% if 12'+ behind FBL ▪ Setback at least 4 feet behind front building façade	▪ Setback at least 4 feet behind front building façade
Frontage Landscape		75% minimum	60% minimum	45% minimum
Application	*R-SF*	☐	■	☐
	R-MX1	☐	■	☐
	R-MX2	■	☐	
	R-MX3	■	☐	
	R-MHC		■	☐

■ Permitted default standard

☐ Alternative standard to be applied based on context through Minor Modification. Blank is only applicable through a Major Modification.

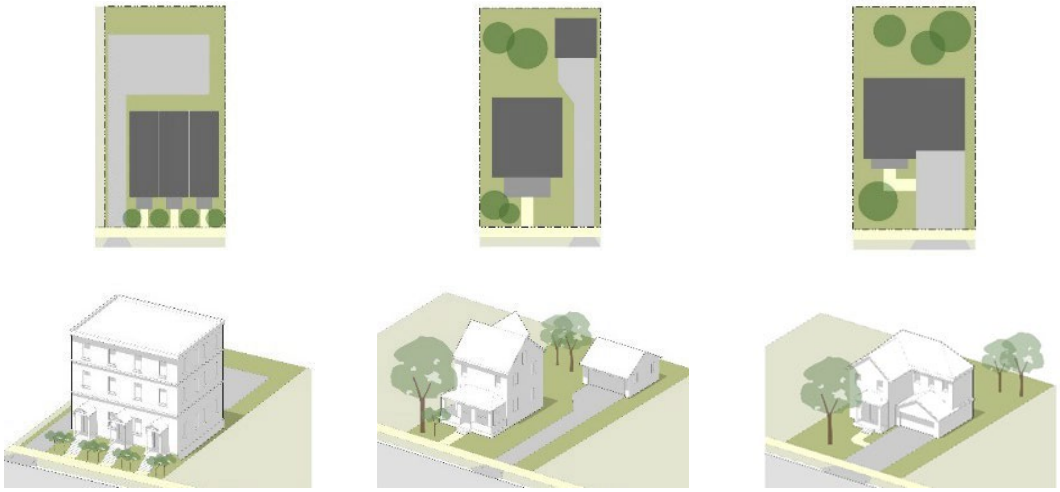


Figure 5-6 Side Lot Easements *Side lot easements may be used to provide more contiguous areas to meet the lot open space requirements and have the effect of a zero lot line configuration. (36-5.03.C.1b)*

1. *Front Building Line.* Front building lines create a consistent pattern along a block framing streetscapes. Front building lines shall be established within the front building line ranges and applicable frontage types in Table 5-3 with the following exceptions:
   a. Front building lines may be modified to reflect specific patterns on a block.
   b. Frontage types and design should be similar for all buildings along a block but may gradually transition to different building placements between lots.
   c. The front building line of adjacent buildings shall not differ by more than 5 feet unless more than 20 feet exists between the buildings.
   d. Front entry features designed according to Section 36-5.04.B.2 may extend beyond the front building line.
   e. Frontages and the required landscape in Table 5-3 shall meet the landscape design standards in Section 36-8.03 for the specified percentage between the front building line and the front lot line.

2. *Front Entry Features.* Front entry features create consistent human-scale massing elements that relate buildings to the block frontage, provide outdoor social spaces that activate streetscapes, and establish subtle variations in design and style among similar buildings along a block. The following front entry feature design strategies and techniques shall be used where entry features are required by Table 5-4 and are otherwise recommended to achieve the intent of this article and design objectives of this section. Front entry features shall be oriented to the lot front and have a private sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk. Front entry features shall be within 10 feet of the front building line. For suburban frontage types or frontages without a public sidewalk, this can connect via a driveway.

Table 5-4: Residential Front Entry Features			
Type	***Width (Min.)***	***Depth (Min.)***	***Area (Min.)***
Porch	10', but at least 25% of front elevation	6'	80 s.f.
Stoop	8'	5'	60 s.f.
Entry Court	12', but no more than 50% of front elevation	10'	200 s.f.

a. Front entry features shall be oriented to the lot front and have a sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk. For suburban frontage types or frontages without a public sidewalk, this can connect via a driveway.

b. Front entry features shall be integrated into the overall building design including compatible materials, roof pitch and forms, and architectural style and details.

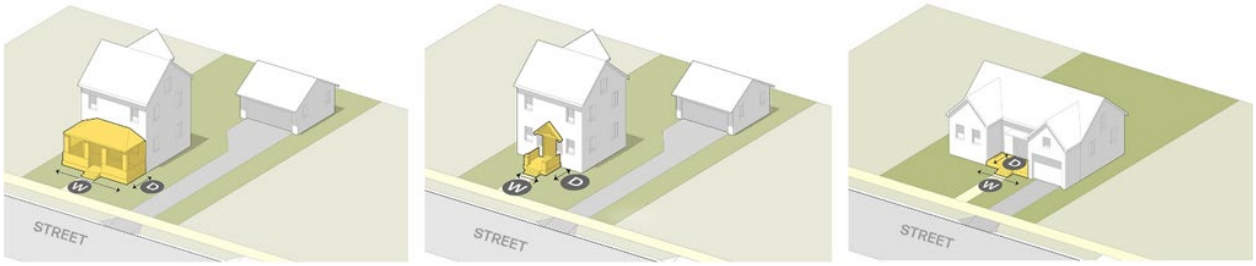
c. Front entry features shall be single story, and any roof structure and ornamentation shall be between 8 feet and 14 feet above the floor level of the entry feature. If not roofed, a canopy, pediment, transom windows, enlarged trim or molding shall be used to emphasize the entry.

d. Front entry features shall be unenclosed but may include a decorative wall or railing between 2.5 feet and 4 feet high along the perimeter.

e. Front entry features of adjacent buildings shall differ in one or more of the following ways to provide streetscape variation, particularly for the same building type or models:
   (1) Different entry feature types (i.e. porch, stoop, or courtyard);
   (2) Different location (i.e. centered, shifted – left/right, side, or wrapped);
   (3) Different extent (i.e. full or half);
   (4) Different roof type (i.e. shed, hip, flat, gabled, arched, trellis, or no roof); or

f. Any other significantly different architectural detail or massing elements. Any building with more than 150 feet of front facade, or any street side facade longer than 250 feet, and which is permitted within 30 feet of the street shall have one entry feature for every 100 linear feet of building fronting the street.

g. Front entry features meeting the requirements of this section may encroach up to 10 feet into the front setback, but never closer than 5 feet to the lot line.



Porch *Stoop* *Entry Court*

Figure 5-7 Front Entry Features – Types
The porch, stoop, and entry court are three distinct types of entry features that create active, social spaces and human-scale details on the residential frontages. Spaces with a minimum width (W) and depth (D) specified in Table 5-4 provide usable social spaces, activate the streetscape and frontage, and contribute to the massing and modulation required by the building design standards.

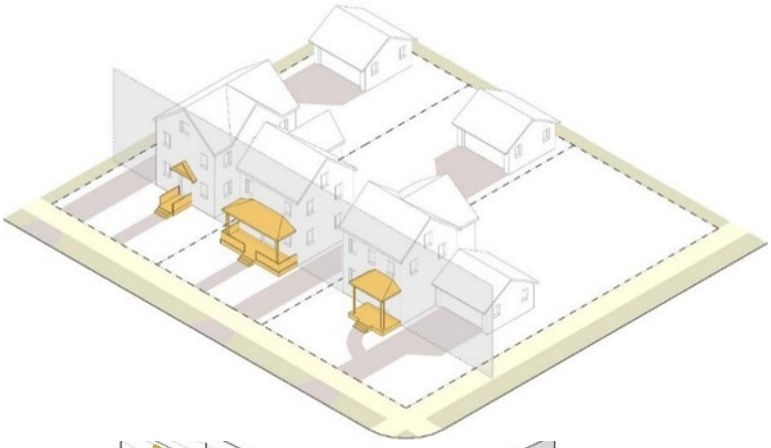


Figure 5-8 Primary Entry Feature - Encroachments *Front entry features meeting the standards of this section create social spaces that help activate streetscapes, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along blocks. (Table 5-4)*

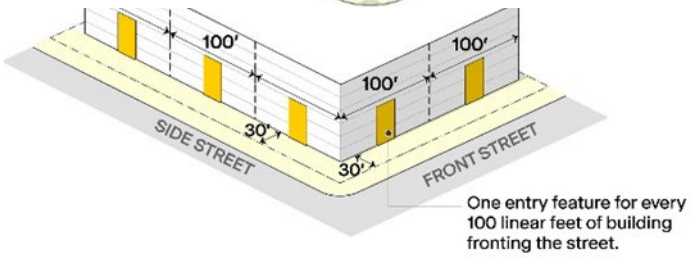


Figure 5-9 Primary Entry Feature - Large Buildings *Front entry features should be more frequently located on larger buildings with wall planes in close proximity to the street. This breaks up the building massing and activates the streetscape. (Table 5-4)*

3. *Driveway and Garage Limits.* Driveway and garage standards in Table 5-3 limit the impact on the neighborhood streetscape from frontages that prioritize car access and parking, particularly the cumulative effects from narrower lots or buildings placed closer to the street. The following driveway and garage design strategies and techniques shall be used to meet the standards. The following driveway and garage standards shall be approved by the City Traffic Engineer. The driveway width limits apply to the first 30 feet of lot depth, or up to the front building line, whichever is less.
   a. on a particular lot, alternative patterns may be used, including:
      (1) Single-lane drives to wider recessed garages;
      (2) Single-lane drives to expanded rear parking, access and garage entries;
      (3) Shared drives to recessed or detached rear garages and/or parking pads;
      (4) Common lanes or alleys accessing parking or garages internal to the block; or
      (5) Parking or garages accessed from a side street, particularly on corner lots or through common lanes.
   b. 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.
   c. 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.
   d. A carport is allowed:
      (1) On a side property line on an interior lot;
      (2) On a side property line on a corner lot line abutting a street; or
      (3) On a side property line in subdivisions permitting zero lot line development.

e. All carports shall:
(1) Be located only over an existing paved driveway;
(2) Comply with the front yard setback requirements of this chapter; and
(3) Be located at least 4 feet behind the front building line of the principal building or behind the side building line of the principal building on a corner lot.

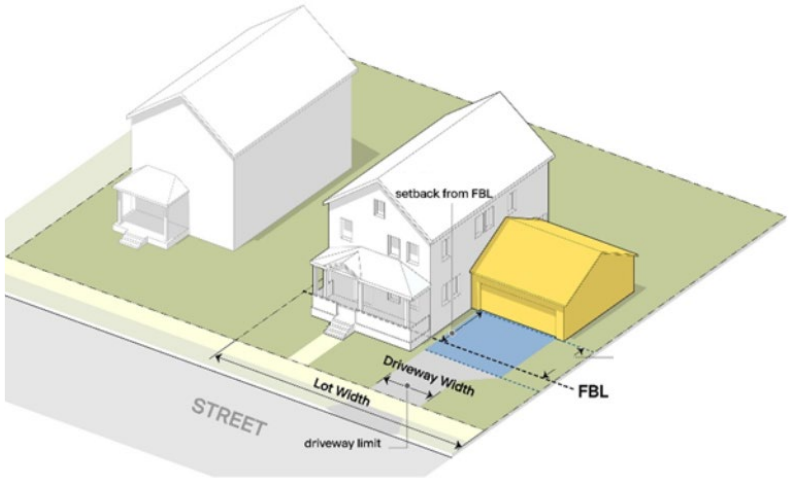


Figure 5-10 Application of Driveway Limits
Driveway limits shall apply to the first 30' or up to the Front Building line, whichever is less; except any front-loaded garage meeting these standards may have a driveway expanded to the width of the entry 20 feet in front of the entry, provided the expanded area is no closer than 10' from the front lot line. (36-5.04.B.3.a).

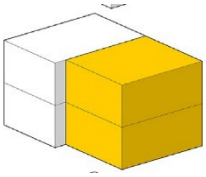
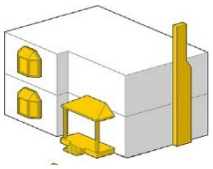
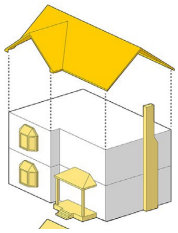
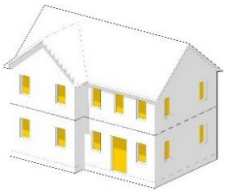
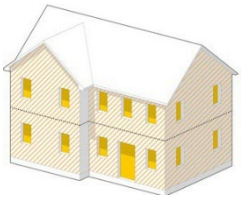


Figure 5-11 Driveway & Garage Options

Frontage type standards are based on lot widths to recognize both the proportionate and cumulative effect that frontage design elements have on the streetscape, and narrower or compact lots may be more limited. In these situations, options that reduce the car-orientation yet accommodate the convenience of access of vehicles should be used. Options include narrower entries, side entries, shared drives, common lanes, or internal block alleys. (36-5.04.B.3.c.)

C. **Building Design.** Buildings shall be designed according to the standards in Table 5-5, and be applied based on specific building type. Buildings may have multiple frontages in which case the standards shall apply to each frontage. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 5-5: Residential Building Design Standards

Design Detail			***Building Type***			
			Detached House (all)	*Duplex*	*Multi-unit House, Townhouse*	*Apartment (all)*
Wall Plane.	*Maximum wall plane without a massing variation of 4'+ on at least 25% of elevation.*		250 s.f. or 25 linear feet	250 s.f. or 25 linear feet	500 s.f. or 40 linear feet	1,000 s.f. or 50 linear feet
	Maximum blank wall plane without modulation on at least 20% of the wall plane.		250 s.f. or 25 linear feet	250 s.f. or 25 linear feet	250 s.f. or 25 linear feet	300 s.f. or 25 linear feet
Roof Plane Limits. *Maximum roof plane without an offset of at least 2', complex planes, dormers, or gables.*			n/a	n/a	600 s.f. or 50 linear feet	1,000 s.f. or 70 linear feet
					Does not apply to flat roofs provided there is a parapet, cornice or other defined edge at the roof line	
Transparency. *Minimum window and door openings per elevation.*			20% on all street-facing facades;			30% on all street-facing facades; 20% on all non-street facing facades; 50% on first story if ground floor is non-residential
Materials.			No fewer than 2, but no greater than 5 materials total	*Primary* – at least 55% *Secondary* – 20-30% (limit 2) *Accent* – 5-15% Limit – 5 materials total		*Primary – 55-80%* *Secondary – 20-30%* *Accent – 5-15%* Limit – 5 materials total
			See 36-5.04.C.4.a			

1. *Wall Plane Limits.* Massing uses changes in the building footprint, height, or shifts in wall or roof planes to break down larger volumes into smaller parts and refine the scale and form of the building. Building elevations that exceed the wall plane limits in Table 5- 5, either in square footage or in linear feet, shall be broken into components differentiated by one or more of the following design techniques.

   a. Break the building into distinct masses (primary mass, secondary mass, and wings), where portions of the building are offset from the main mass by at least 8 feet or are otherwise noticeably smaller and subordinate to the main mass.
   b. Step back portions of the building footprint or upper stories by at least 4 feet in association with meaningful outside space, such as a balcony, deck, patio, or entry court.
   c. Use cantilevers on upper stories that provide at least a 2 feet overhang of other portions of the wall plane.
   d. Provide single-story entry feature that projects at least 6 feet from the wall plane.
   e. Articulate rooflines by using gables and dormers, dropping eaves, prominent overhangs, stepping roof lines or parapets to create offsets and projections of at least 2 feet.
   f. Where larger buildings are next to smaller buildings, or are along a block with smaller buildings, step the height of the building or offset secondary masses to create compatible massing nearest to adjacent structures.
   g. Break in vertical wall planes along any street-facing facade. Building height cannot exceed the overall width of the right-of-way without a minimum of a 4-foot setback. This is encouraged to provide a strong sense of enclosure. Buildings can exceed the street wall height by introducing step backs.

2. *Blank Wall Limits.* Facade composition uses materials, ornamental details, and subtle variations in the wall plane to break up the blank wall and add visual interest to buildings. Uninterrupted elevations that exceed the blank wall limits in Table 5-5, either in square footage or in linear feet, shall use one or more of the following design techniques to modulate the elevation and avoid expanses of blank walls.
   a. Create projections in the wall planes with bay windows, balconies, awnings, or canopies that project at least 2 feet from the wall plane.
   b. Create voids in the wall plane with step-backs of upper stories or balconies that recess at least 4 feet from the wall plane.
   c. Differentiate stories, roofs, or other masses with prominent trim materials and/or incorporate material changes on different modules of the building. Significant trim or ornamentation used to break up blank walls or wall planes shall project between 2 inches and 2 feet from the wall and be at least 8 inches wide.
   d. Use color changes and accent materials to emphasize distinct components of the facade. Material and color changes should wrap corners and occur at the inside corner of a massing element or occur in association with a significant trim or ornamentation to give a finished and unified appearance to the facade component.
   e. Break up remaining large expanses of blank walls with facade composition that considers the location and grouping of windows, doors, or architectural details.

3. *Transparency.* Windows and doors provide connections to active outdoor spaces and add visual rhythm and detail to the facade with the location, pattern, and proportions of openings. Building elevations shall meet the required transparency in Table 5-5 for any street-facing facade. This can be achieved through one or more of the following design techniques.
   a. Create relationships with outdoor spaces near buildings with the location, pattern, and proportions of windows and doors.
   b. Incorporate distinct and visually significant windows and doors (size, orientation, and ornamentation) to emphasize key locations on the facade or to relate to important social spaces.
   c. Locate windows and doors to create a coordinated facade composition considering the entire facade as a whole, and considering where facades are broken into different components with the grouping of windows and doors.
   d. Locate and design windows strategically in relation to privacy concerns in adjacent spaces and buildings but maintain consistent exterior patterns and facade composition.

High-bank windows, transom windows, opaque windows, and window treatments that are adaptable and user-controlled may be used to deliver privacy as opposed to omitting windows.

e. Use windows and doors with projecting trim and ornamentation to create depth, texture, and shadows on the facade; to emphasize openings; or to group openings into a single feature. Openings that have projecting trim and casements (at least 1 inch off the facade and 4 inches wide) or that group windows with significant ornamental detail may count these additional features for up to 25% of the transparency requirement.

f. The window requirement may be waived on sides of buildings that are closer than 3 feet to the property line, if necessary to meet applicable building code requirements.

g. The area of the front building façade shall be calculated by measuring from the bottom of the finished floor plate to the top of the highest ceiling plate and multiplying by the width of the façade. Areas associated with garages shall not be included in transparency calculations.

4. *Materials.* Building materials add texture and patterns, and create visual interest while reflecting high-quality construction and detailing. Building elevations shall apply the material standards in Table 5-5, through one or more of the following design techniques.

a. Primary materials shall consist of natural elements such as painted or natural finished wood siding, brick, or comparable synthetic alternative that offers similar durability and aesthetic quality. Synthetic alternates to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design, and aesthetic goals. Materials such as vinyl siding, aluminum siding, and metal siding shall be prohibited as primary material for apartment building types.

b. Coordinate changes in color and materials in association with changes in massing and modulation of the building.

c. Use changes in color or materials to differentiate the ground floor from upper floors and the main body of the building from the top or roof-structure, particularly on buildings three stories or more.

d. In multi-building projects, use subtle variations in building materials and colors on different buildings, within a consistent palette of materials and colors.

D. **Open Space Design.** A system of different types of open spaces shapes the character of neighborhoods, creates unique identities for different neighborhoods, and provides focal points for building and development. The block and lot open space requirement complements this system and ensures that each building has access to useable outdoor space and creates a common amenity for multi-unit buildings.

1. *Required Site Open Space.*

a. Each lot and building type shall provide the open space specified in Table 5-1.

b. Lot open spaces may be designed to also meet a landscape or buffer requirement. To the extent that Article 8 requires additional open areas for landscape and buffers that meet the standards of this section, it shall not preclude also meeting the standards in Article 8 with additional open and landscaped areas.

c. Lots platted through a final plat with common open space meeting the design standards in Section 36-3.04 may credit the common open space towards the lot open space requirement, provided it meets the following criteria:

(1) The space is public or remains accessible to the public; or

(2) If private or common space, the lot applying the credit has access to the space through ownership or other agreement, and the space is otherwise dedicated and reserved from future development.

(3) The space shall be on the same lot, on the same block, or on an adjacent block within 1,000 feet of the lot and connected by a trail or public sidewalk.

2. *Open Space Design.* Different open space types maximize the value of unbuilt portions of the site for ecological, aesthetic, and functional purposes. Open space shall be designed according to one of the types in Table 5-6.

Table 5-6: Open Space Design

Permitted Open Space	*Design*
Frontages	▪ Designed according to 5.04B ▪ Excludes any permitted driveways or parking area
Yards	▪ Minimum 15' in all directions ▪ Minimum 400 s.f. of area
Open & Uncovered Decks or Patios	▪ Minimum 12' in all directions ▪ Minimum 200 s.f. ▪ Must be at or below first floor elevation ▪ Limited to 25% of required open space
Private Balconies or Patios (Apartment / Mixed-use Buildings only)	▪ Minimum 6' in all directions; 15' if common area shared by multiple dwelling units ▪ Minimum 80 square feet (individual); 300 s.f. if shared by multiple dwelling units ▪ Limited to 25% of required open space
Common Courtyard	Designed according to Section 36-5.05.D
Public or Common Open Space	Designed according to Section 36-3.04

E. **Modifications.** Modifications to the standards in Section 36-5.04 may be authorized according to the zoning site plan modification process and criteria in Section 36-2.03, and any of the following applicable additional criteria. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this section, and there are no negative impacts on other design standards applicable to the building or site.

1. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.

2. An alternative design allows the building, garage, and access to be sited in a way that preserves topography or other natural features on the site.

3. The requirement is not consistent with the architectural style selected for the building based on reputable resources documenting the style.

4. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and the design or characteristics are desirable to retain and reinforce.

5. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.

6. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner.

36-5.05 Alternative Patterns

A. **Intent.** Alternative housing patterns in this section permit different arrangements for housing to provide greater amenities for residences organized around common open spaces; allow flexibility for smaller lots and smaller format housing; maintain community design standards that allow projects to be better integrated into the context; and improve housing attainability through flexibility and efficiency in the patterns.

B. **Courtyard Pattern.**

1. *Design Objective.* A courtyard pattern can integrate multi-building projects into the neighborhood pattern by integrating formal open space into part of the street frontage. It is an effective infill strategy or appropriate on deeper lots and blocks. Residential buildings and lots may be designed to front on a courtyard based on additional design and development standards in this section.

2. *Applicability.* The courtyard pattern is appropriate where:
   a. Courtyards are designed and visible as an extension of the public streetscape and open space system for the neighborhood;
   b. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
   c. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.
   d. It is specifically applicable through the zoning site plan review in association with residential zoning where the proposed building types are permitted, or in association with rezoning applications where different building types are proposed.

3. *Eligible Building Types.* The following building types, if permitted in the applicable zoning district according to Table 5-1, are eligible for the courtyard pattern, subject to the limitations stated:
   a. Small Apartments, up to five buildings or 36 units, whichever is less.
   b. Townhouses, up to four buildings or 24 units, whichever is less.
   c. Duplex, Multi-unit Houses, and Detached Houses, up to 12 buildings or 18 units, whichever is less.

4. *Design Standards and Exceptions.*
   a. Lots may front on a common courtyard, rather than along a street.
   b. The courtyard shall be at least 25 feet wide in all directions, and at least 1,000 square feet, and shall have frontage on a public street or be accessible from the streetscape by a pedestrian passage.
   c. Building frontage standards shall apply on the courtyard and on the public street frontage. The streetscape and frontage landscape standards in Section 36-8.03 for all lots shall be concentrated in the courtyard and the frontage landscape standards shall be met for the public street perimeter of the project.
   d. The minimum lot size per building may be reduced by up to 20%, provided the courtyard is owned in common by all lots or otherwise established as a shared- space amenity.
   e. The front setback may be reduced to 5 feet from the courtyard boundary.
   f. Any buildings fronting the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in Section 36-5.04.
   g. Vehicle access and parking shall be coordinated for all lots and buildings, and be designed in a way that minimizes the impact on the public street and the courtyard. Access for the project shall meet all frontage standards along the public street.

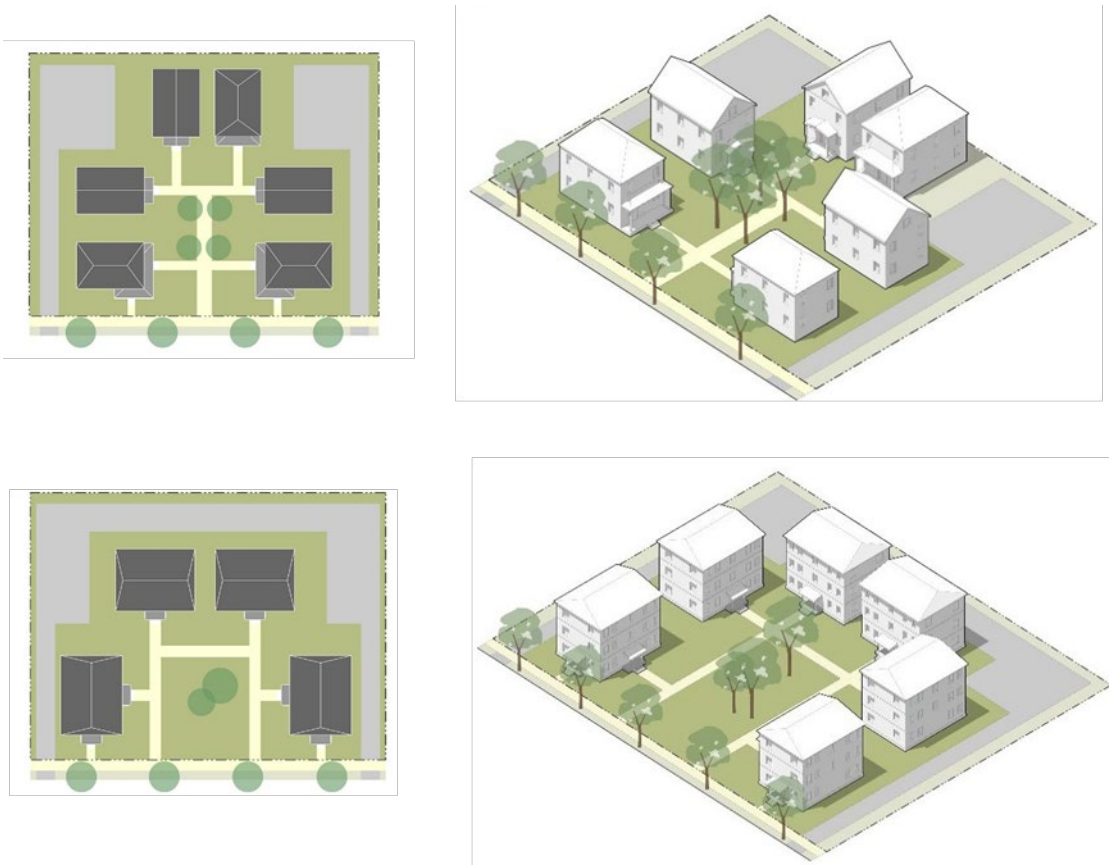


Figure 5-12 Courtyard Pattern

The courtyard pattern allows for a different configuration of buildings in specific contexts. The pattern arranges buildings on smaller lots with a common frontage on the courtyard. The courtyard and the front buildings provide to the streetscape, while other buildings may relate direction to the courtyard. Vehicle access is shared and limited to more remote or discrete portions of the project.

C. **Cluster Pattern.**

1. *Design Objective.* The cluster pattern allows residential lots and buildings to be arranged around an open space system that preserves greater amounts of intact open and natural spaces designed as a focal point and community amenity and provides benefits from a greater variety and concentration of housing on developed areas.

2. *Applicability.* The cluster pattern is appropriate in more remote areas where preservation of larger or natural open space is beneficial, and specifically is eligible in combination with the R-SF zoning district. It requires a Planned Zoning application as outlined in Section 36-2.06, and a minimum project size of at least 5 acres unless it is an extension of an existing cluster development.

3. *Density Bonus.* The base density and open space required shall be based on a typical and practical layout according to the R-SF zoning district. The following density bonus may be granted based on the amount of additional intact open space to be preserved in the plan. The "bonus" units shall not require additional open space, other than the space specified in Table 5-7.

Table 5-7: Cluster Pattern Density Bonus					
Preserved Area [1]	*Bonus Units Above Base Density*	*Example Using R-SF Base Zoning*			
		Project Size	*Base Density Yield*	*Additional Units*	*Developed area*
20% - 30%	0 (but concentration on smaller lots permitted)	5 ac.	36 units	None	36 units on 7 – 8 ac.
31% - 40%	50%	5 ac.	36 units	18 units	54 units on 6 – 7 ac.
41% - 50%	100%	5 ac.	36 units	36 units	72 units on 5 to 5.5 ac.
51% - 60%	150%	5 ac.	36 units	54 units	90 units on 4 – 5 ac.
> 60%	TBD by Planning and Zoning Commission based on plan	5 ac.	TBD	TBD	TBD on less than 4 ac.

[1] Total percentage of the project area preserved as open space meeting the Natural Open Space, Trail, or preservation of productive agriculture lands criteria in Section 36-3.04.

4. *Lot Sizes & Building Types.* The resulting density based on the plan after the density bonus is applied may be allocated in the developed portion of the project with the following building types. No combination of these building types may be used to allow more units than authorized by the density bonus. All other standards applicable to each building type in Table 5-1 shall apply within the developed portion of the plan.
   a. Detached house (all types)
   b. Duplex / multi-unit house
   c. Townhouse (all types)

5. *Open Space.* Open space shall meet the design criteria of Section 36-3.04 for natural open space, trail, or include prime farmland or other existing and productive agriculture lands designed to be a focal point and community amenity. All lots shall have access to the public or common open space preserved as part of the plan within 1,000 feet, measured along pedestrian or trail routes.



Conventional Pattern *Cluster Pattern*

Figure 5-13 Cluster Pattern
The cluster pattern allows both a greater number of units and a greater concentration of those units in exchange for greater quantities and more coordination of larger open spaces.

D. **Small-format Housing Community.**

1. *Design Objective.* The small-format housing community pattern allows large projects of smaller home sites to be organized around common amenities and provides flexibility in community design. These patterns typically provide the efficiency from manufactured or other small-format

houses, and can provide high-quality, attainable housing provided the home sites and community design standards are planned in a way that integrates with the surrounding context.

2. *Applicability.* The small-format housing community pattern applies to:
   a. Projects in the R-MHC district;
   b. Projects implementing any detached house – small-format building type where permitted in any other district by Table 5-1; and
   c. Application of the small-format housing community pattern requires a Planned Zoning application as outlined in Section 36-2.06.

3. *Community Plan.* All small-format home communities shall be supported by a community plan meeting the standards in Table 5-8, unless otherwise modified through the Planned Zoning procedures and criteria in Section 36-2.06.

Table 5-8: Small-Format Housing Community Plan

Project Size	▪ 3 ac. min., ▪ 150' minimum frontage on an arterial or collector
Project Intensity	15 units per ac. max.
Useable Open Space	20% of project areas
Lot & Building Standards	▪ Detached house – small-format standards in Table 5-1 apply ▪ All home sites shall front on a public street, common internal street, or common open space with street or alley access to the rear
Perimeter Setbacks	25' min. from any public street boundary or property perimeter
Exception	If the common usable open space is increased to 25% the following exceptions may be granted: ▪ *Project Size:* 1 ac. min., 100' frontage on arterial ▪ *Project Intensity:* 20 units per acre max. ▪ *Home Sites:* 1.2K s.f.; 20' width min.

4. *Common Area Design.* All common areas not dedicated as home sites according to the development standards, shall be designed as part of the circulation and common areas for the plan. This space shall be allocated to:
   a. Internal vehicle circulation shall be laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least:
      (1) One external connection for projects under 25 dwelling units;
      (2) Two external connections for projects between 25 and 100 dwelling units; or
      (3) One connection for every 50 dwelling units for projects over 100 dwelling units.
      (4) The maximum block size shall be 2.5 acres, except blocks containing common open space may be 4 acres.
   b. Internal roadways shall generally mimic the public streetscape standards in Section 36-3.03:
      (1) 20 feet wide where no parking is permitted;
      (2) 24 feet wide where parking is permitted on one side;
      (3) 28 feet wide where parking is permitted on both sides; and
      (4) 12 – 18 feet wide for alleys or lanes.
   c. Pedestrian connections shall be integrated into all streets or provided through an off-street trail or path system at intervals and distances equal to or more extensive than the street connections. Streets, trails or paths should feature landscape areas that align with the public streetscape and open space standards in Article 3. Walkways shall be:
      (1) 5 feet wide generally; and
      (2) 6 to 8 feet wide when directly accessing any common areas or amenities.
   d. Useable open space shall meet one design type specified in Section 36-3.03 and be

designed and located in a manner that ensures adequate accessibility for all units in the community.

e. At least one of these spaces shall include a clubhouse, which is centrally located, for recreation, meetings, laundry facilities, or other common amenities. A storm shelter shall be provided with the clubhouse.

f. A common storage and utility area shall be provided within the plan including at least 100 cubic feet per unit. This area shall be screened from the project and from surrounding property according to the buffer standards in Article 8.

5. *Building and Home Site Design.*

a. All dwellings shall have a front entry feature, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.

b. Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 360 square feet, is located behind the residential dwelling, and is in no case larger than the dwelling unit.

c. Guest parking for each home site shall be within 300' of the unit and may be "on-street" parking where designed according to the street standards in Section 36-3.03.

d. Home sites that have streets or access drives on multiple sides shall locate the driveway and parking on the least prominent street, access drive, or alley.

e. Any mobile or manufactured home dwellings or similarly movable building types shall:

(1) Be secured to the ground by tie downs and ground anchors, and otherwise protected against wind forces in accordance with the applicable building code.

(2) Be skirted within 14 days after placement in the community by enclosing any open area under the unit with a material that is consistent with the exterior finish of the building and compatible with the design of the community.

Article 6. Nonresidential Development & Design

36-6.01 Intent
36-6.02 Applicability
36-6.03 Development & Dimension Standards
36-6.04 Community Design
36-6.05 Specific Plans

36-6.01 Intent

The Nonresidential Development & Design Standards have the following intent:

A. Improve the appearance and vibrancy of distinct places throughout the city with good civic design.

B. Strengthen the value and accessibility of places by coordinating site access and internal circulation systems with street networks and streetscape design.

C. Reinforce the distinct character of different corridors, centers, and districts with compatible building and site design.

D. Enable an appropriate scale and range of buildings and development patterns that meets the intent of each zoning district.

E. Promote sustainable development and design practices and connections to natural elements throughout the community.

F. Stimulate lasting and sustained investment in corridors, centers, and districts with quality design.

36-6.02 Applicability

A. The standards in this article shall apply to all non-residential development in the C-MX1, C-MX2, CC, GC, GI, LIC, and HM districts, except where sections state applicability only to specific districts or specific circumstances. The residential standards in Article 5 shall apply to all structures that are primarily (more than 50%) residential.

B. Modifications or additions to existing structures or sites shall meet these standards to the extent of the modification or addition.

C. The standards shall not apply to routine maintenance of existing buildings, provided the maintenance to any building shall not occur in a manner that creates additional, substantial noncompliance with these standards.

D. The standards do not apply to previously established PDs, except that any amendments to standards of existing PDs shall be brought into conformance with the standards of this code. The standards do not apply to previously established UCDs, except in the case of UCDs converted to similar Planned Zonings shall use these standards as a base line but may modify or add additional standards through the Planned Zoning process in Section 36-2.06.

E. The Community Design standards in Section 36-6.04 are basic city-wide design standards to implement the mixed-use and nonresidential zoning districts. These standards do not preclude the application of

additional supplemental design guidelines for a particular area or building type, except that no guideline may be used to modify or amend the application of a requirement in this code, except as specified in the planned zoning process in Section 36-2.06.

36-6.03 Development & Dimension Standards

A. **District Lot and Building Standards.** The lot and building standards for nonresidential districts are specified in Table 6-1.

1. Front and street side setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 36-6.04.B.

2. Non-street setbacks indicated as "n/a" shall be as specified by the building code for each class of building. However, greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular district, use, or building.

3. All structures in non-residential districts, not including CC district, that abut a R-SF or R-MX1 district are required to have a 45-degree bulk plane setback as measured from the property boundary of any R-SF or R-MX1 district.

Table 6-1: Nonresidential District Lot & Building Standards

Zoning District	Lot Standards					Minimum Setbacks				Building Height
	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	Maximum Lot Width	Minimum Open Space	Front [1]	Interior Side [2]	Street Side [1]	Rear [2]	
C-MX1 – Commercial Mixed- use Neighborhood	n/a	30K s.f.	25'	150'	20%	0 - 25'	n/a	15'	20'	40' / 3 stories
C-MX2 – Commercial Mixed- use Community	n/a	60K s.f.	25'	150'	10%	0' - 15'	n/a	0' - 15'	n/a	65' / 5 stories
CC – Center City	n/a	60K s.f. or ½ block	25'	300'	n/a	0' -15'	n/a	0' - 15'	n/a	n/a
GC – General Commercial	n/a	n/a	50'	n/a	20%	25'	n/a	25'	n/a	n/a
GI – Government & Institutional	n/a	n/a	50'	n/a	20%	25'	n/a	25'	n/a	n/a
LIC – Light Industrial Commercial	n/a	n/a	50'	n/a	15%	25'	10'	25'	10'	40'
HM - Heavy Manufacturing	n/a	n/a	50'	n/a	15%	25'	n/a	25'	10'	n/a

[1] Front and street side setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 36-6.04.B.

[2] Non-street setbacks indicated as "n/a" shall be as specified by the building code for each class of building. However, greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular district, use, or building.

B. **Accessory Buildings – Nonresidential.** Accessory buildings in nonresidential districts are subject to the same lot and building standards as the principal buildings except that they shall not be located in front of the established front building line of the principal building, shall not be taller than the principal building and are clearly incidental and subordinate to the principal building. If the accessory building is within 50'

of the right-of-way, it shall be constructed with consistent materials as the primary building.

C. **Dimensions Exceptions.**

1. *Lot and Building Configurations.* Maximum lot areas and lot width in Table 6-1 may be exceeded to accommodate a project provided:
   a. All building sites meet the standards for open space, setbacks and building height outlined in Table 6-1.
   b. All building sites meet the standards for lot frontage, lot access, utility service, including fronting on public streets or any other internal access lanes or open and civic spaces allowed in this code.
   c. Multiple building sites are situated within a street block pattern or utilize a private access lane to mimic a street system to meet the standards in Section 3.03.B and are not used in a manner to avoid or disrupt street connectivity.
   d. Building sites shall show a site plan that mimics lot boundaries and building setbacks as if platted to meet section 3.03.B.

2. *Setback and Lot Exceptions.* The following are exceptions to the lot and setback standards in Table 6-1, except that in no case shall this authorize structures that violate the provisions of any easement:
   a. Structural projections such as bay windows, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, provided they:
      (1) Are no closer than 2 feet from any lot line, except on the frontage where they may project over the right-of-way up to 2 feet, subject to an encroachment agreement on file with the City; and
      (2) Are limited to no more than 20% of the total area of a building elevation.
   b. Open air balconies, awnings, canopies, and marquees may extend up to 8 feet from any wall plane provided they are:
      (1) At least 8 feet above the grade and any sidewalk; and
      (2) Are no closer than 5 feet from any common property line, except on the frontage where they may project into the right-of-way, subject to an encroachment agreement on file with the City, but no closer than 2 feet from any curb.
   c. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setbacks provided they:
      (1) Are no taller than 6 feet high;
      (2) Extend no further than 10 feet from the side of the buildings; and
      (3) Are screened from adjacent property, right-of-way, and other public spaces by structures or landscape according to Section 36-8.04.

3. *Height Exceptions*. The following are exceptions to the height standards in Table 6-1:
   a. Accessory elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to quality appearance of the building may extend up to 6 feet above the roof deck on a flat roof.
   b. Architectural features such as chimneys, ornamental towers and spires, and similar accessory and non-occupiable elements that are integral to the particular architectural style may extend up to 30% above the permitted height.
   c. Functional and mechanical equipment such as elevator bulkheads, cooling towers, smokestacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes.

D. **Multiple Non-residential Buildings on a Lot.** The following requirements apply when more than one building is proposed on a single lot, and none of those buildings include a residential primary use:
1. The design standards shall apply to all buildings applicable in the zoning district where the development is located.
2. Adequate access to each building or structure for emergency vehicles and apparatus shall be provided.

36-6.04 Community Design

A. **Design Objectives.** The community design standards have the following design objectives:

1. Enhance the image of districts and corridors by coordinating streetscape investment with private lot and building investment.

2. Design frontages and open spaces based on the context, particularly emphasizing more spacious and natural landscape areas to buffer intense or large scale uses and along higher-volume / speed streets, and emphasizing compact and formal social spaces in walkable areas and along multi-modal streets.

3. Arrange buildings and vary the massing in a way that defines streetscapes, public spaces, and other valuable active and social spaces on the site and creates appropriate transitions to adjacent areas.

4. Refine the scale, massing, and human-scale details of buildings to a greater degree the closer they are to the streetscapes and other publicly used spaces.

5. Use open space as an organizing element for development, creating focal points, integrating environmental features, and establishing transitions between distinct building sites.

6. Encourage unique architectural expressions and promote the use of key details and design characteristics inherent in the chosen style for a building.

7. Strengthen the identity and economic value of distinct places by reinforcing consistent pattern and character across multiple sites.

B. **Frontage Design.** Nonresidential lot and building frontages shall be designed according to the types in Table 6-2 and be applied based on the context of the district and corridor. Frontage design determines the relationship between private development and the public realm and affects the character of streets, blocks, and districts. Each street-facing facade, public or private, shall designate a specific frontage type, meet the frontage requirements, and be treated equally in regards to materials, transparency, height, setbacks, and blank wall limits. Frontage design types may modify the required front setbacks in Table 6-1 to create a consistent frontage design and streetscape relationships with other lots and building along a block. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 6-2: Nonresidential Frontage Design

	Frontage A	*Frontage B*	*Frontage C*	*Frontage D*
Front Building Line (build-to range)	0' – 15'	0' – 30'	30' – 90'	90' +
Required Front Building Line	80% +	60% +	40% +	n/a
Maximum Access Width [1]	Must meet Public Works Standards	Must meet Public Works Standards	Must meet Public Works Standards	Must meet Public Works Standards
Access Spacing	Frontage designs and access shall be coordinated with requirements of Section 36-7.03			
Minimum Parking Setback	Behind rear of building	Behind front building line	6' min. 20' min. See Section 36-7.05.B	
Maximum Extent of Parking Frontage	0%	35%	n/a	n/a
Maximum Extent of Garage Bays	Prohibited	10% of facade	25% of facade	Limited only by screening in Section 36-8.04

Landscape	See Sections 36-8.03 and 36-8.04	

Table 6-2: Nonresidential Frontage Design

		Frontage A	*Frontage B*	*Frontage C*	*Frontage D*
Applicability	*CC, C-MX2*	■	□		
	C-MX1	□	■	□	
	GC, GI, LIC		□	■	□
	HM		□	□	■

■ Permitted default standard.
□ Alternative standard to be applied based on context through Minor Modification.
Blank is only allowed through Major Modification.
[1] Refer also to Public Works Technical Standards and Design Specifications

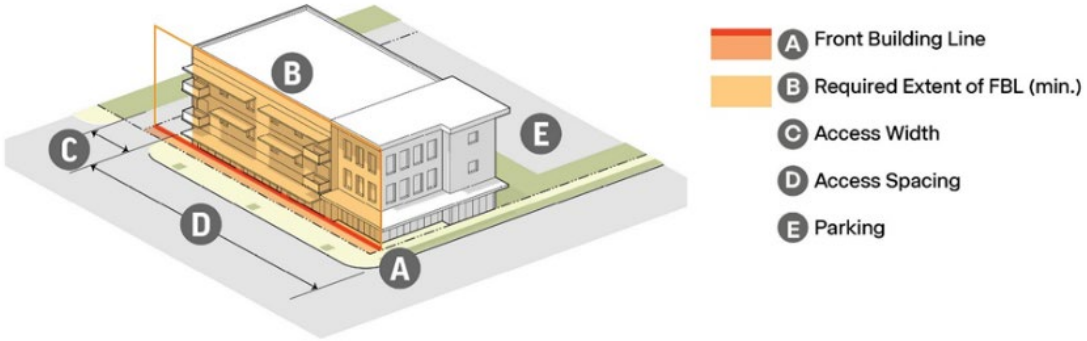


Figure 6-1 Frontage Design
Frontage types are differentiated based on the location of the front building line (FBL), the extent of the front building line occupied by the building (Required FBL), access widths, and parking location and extent along frontage. Coordinating frontage design of multiple buildings and sites along a block impacts the character of the streetscape and the block. 36-6.04.A.2.

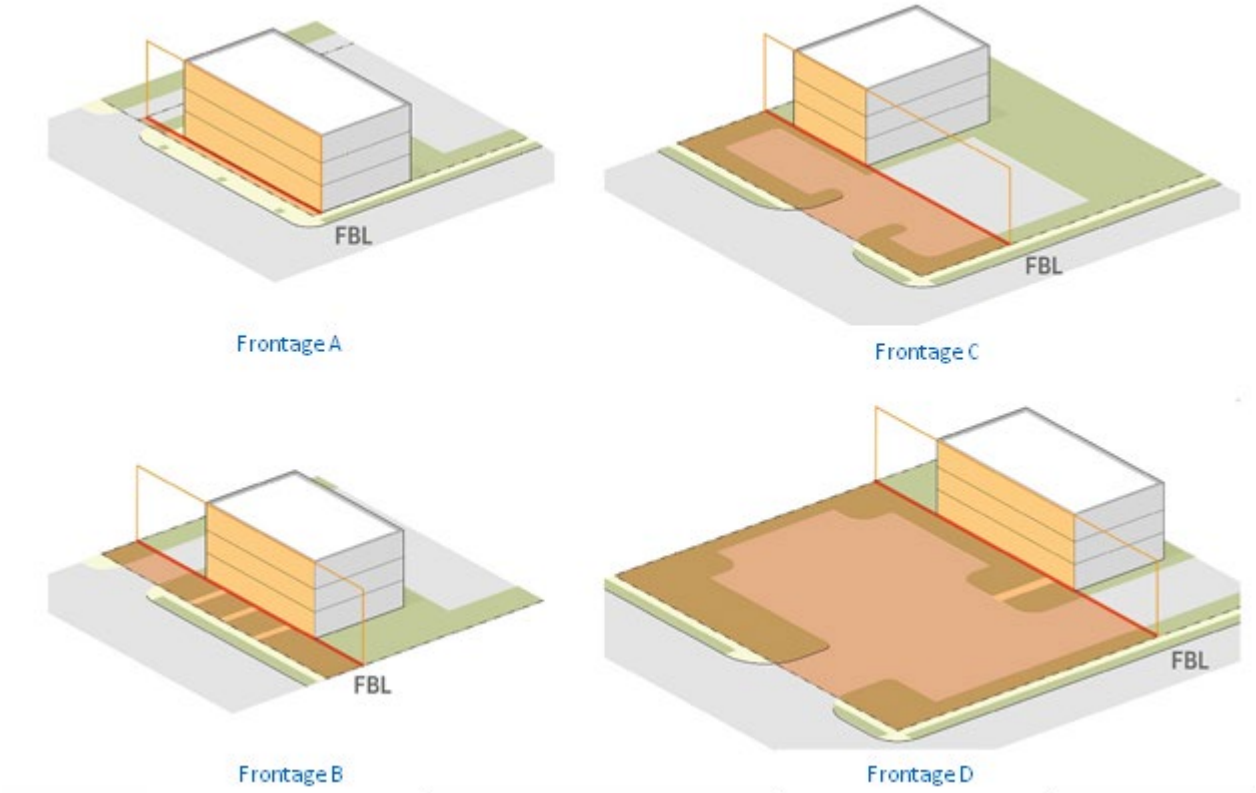


Figure 6-2 Frontage Types *The relationship between private development and the public realm determines the character of different districts. Building placement, parking and access locations, and landscape and streetscape design distinguish different frontage type designs. Social spaces and human-scale architectural features are emphasized in more pedestrian-oriented contexts, and landscape screens and setbacks are emphasized in more car-oriented areas. 36-6.04.A.2.*

1. *Front Building Line.* Front building lines create a consistent pattern along block framing streetscapes. All buildings shall establish a front building line within the range specified in Table 6-2 based on the applicable frontage types and context of the site.
   a. The required front building line may modify any required front setback for the building type in Table 6-1 based on the appropriate frontage for the street and block.
   b. All buildings shall occupy the minimum percentage specified for required front building line with either of the following:
      (1) Front building facades meeting the design standards in Table 6-3; or
      (2) Open spaces meeting the requirements of Section 36-6.04.D provided:
         (a) It is limited to no more than 50 feet or 50% of the lot frontage, whichever is greater;
         (b) There is a defined edge at the extension of the required front building line, such as decorative walls or fences, landscape features and other human scale details; and
         (c) All building facades fronting the open space meet the standards otherwise applicable along the streetscape.
   c. Corner lots shall meet the frontage requirement on the side street for at least 30’ or 25% of the lot depth, whichever is greater.
   d. Projects designed around internal access streets according to Section 36-3.03.B.2.d shall use the internal access streets for the purpose of applying frontage standards.

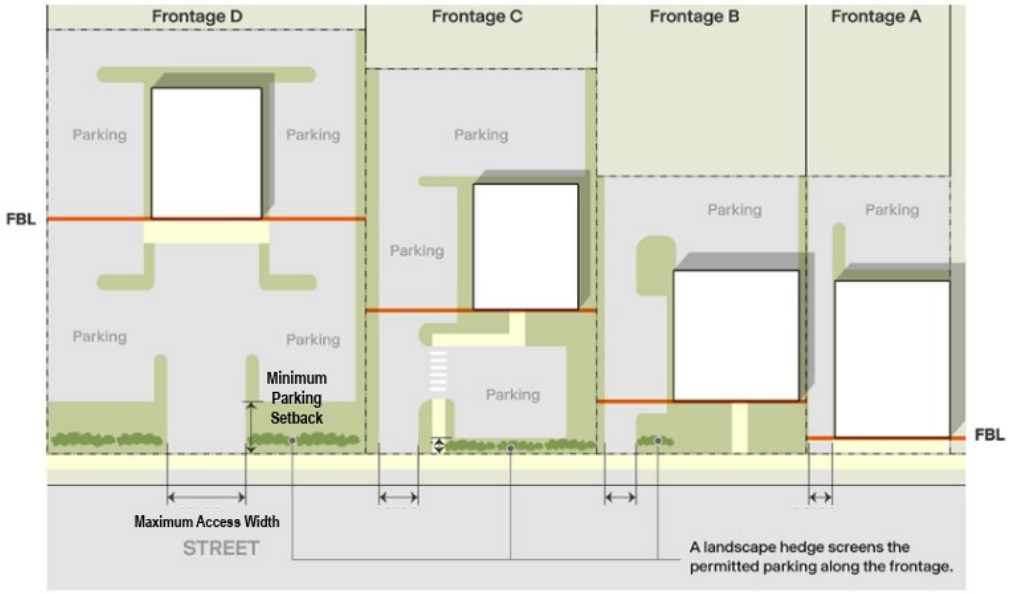


Figure 6-3 Front Building Line & Access and Parking Limits standards for different frontage types.
The required front building line determines the extent of the lot width required to be occupied by building frontage at the front building line, and it varies by frontage types. Alternatives that activate the streetscape with active social spaces may serve this function provided they establish similar defining elements of this space along the frontage. 36-6.03.A.3.a. and b.

Access & parking limits determine the extent of frontages that are designed for cars, including driveways and surface parking. Parking and vehicle access is more limited in the frontage area for pedestrian-oriented contexts, and more permissive in car-oriented areas. 36-6.04.B.2.

2. *Access and Parking Limits*. Access spacing and parking limits in Table 6-2 promote the visual priority of buildings and landscape along streetscapes, particularly where buildings are placed closer to the street. The following standards apply to the access and parking limits in Table 6-2:
   a. Access width limits apply to the first 30 feet of the lot depth, or up to the front building line, whichever is less.
   b. Access requirements in Section 36-7.03 may require greater spacing based on the street classification. However, the Public Works Design Standards and Technical Specifications may specify different access standards on any particular street or lot to address traffic safety and implement access management policies.
   c. In cases where access width and spacing limits access to a particular lot, mid-block alleys, internal access streets, common access lanes, or cross access easements for two or more lots shall be used to coordinate access on a particular block.
   d. All parking shall be setback from the front lot line and limited only to the extent along the frontage as specified in Table 6-2.
   e. Any garage or vehicle bays shall be located on the most remote building elevation practical, and where not limited by Table 6-2 shall be screened from public right-of-way or adjacent property according to Section 36-8.04.

3. *Landscape*. The remainder of the frontage between the streetscape and front building line shall include landscape and open space designs.
   a. For any building located closer than 15 feet to the lot line, this area shall be designed to coordinate as an extension of the streetscape according to Section 36-3.03.
   b. For all cases where buildings are setback 15 feet or more this area shall be designed according to the parking setback and landscape design standards in

Articles 7 and 8.

c. On all frontage types, lot open space meeting the standards of Section 36-6.04.D may be included in this area.

C. **Building Design.** All applicable sides of buildings shall be designed according to the standards in Table 6-3, applied based on size and placement of the building in relation to the streetscape. Building design refines the scale and form of buildings beyond the basic setback, height and lot coverage standards by breaking down the volume into smaller scale masses and relating to spaces around the building with facade composition and architectural details. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 6-3: Nonresidential Building Design

		Frontage A	*Frontage B*	*Frontage C*	*Frontage D*
Massing & Modulation		50' / 500 s.f.	100' / 1K s.f.	150' / 2K s.f.	200' / 4K s.f.
Entry Feature Spacing		50' max.	75' max.	150' max.; 1 /100' avg.	1 / building
Minimum First Story Transparency		60%	40%	40%; w/in 50' of entry	40%; w/in 25' of entry
Minimum Upper Story Transparency		25%	20%	15%; n/a for industrial buildings in LIC, HM	15%; n/a for industrial buildings in LIC, HM
Applicability	*CC, C-MX2*	■	□		
	C-MX-1	□	■	□	
	GC, GI, LIC			■	□
	HM			□	■

■ Permitted default standard

□ Alternative standard to be applied based on context through Minor Modifications Blank is only allowed through Major Modification.

1. *Massing & Modulation.* Massing and modulation use changes in the building footprint, height, or shifts in wall or roof planes to break down larger volumes into smaller parts and refines the scale and form of the building with architectural features on each component. All applicable building elevations that exceed square footage or in linear feet massing and modulation limits in Table 6-3, shall be broken into smaller components by one or more of the following design techniques:
   a. Emphasize bays and vertical breaks at regular intervals with visible features such as columns, pillars, pilasters, or other details and accents that are between 6 and 48 inches wide, and project between 4 and 24 inches off the facade.
   b. Define horizontal elements with projections between 2 feet and 4 feet from the wall associated with entrance features or differentiating stories, such as balconies, awnings, canopies, cantilevers, or similar horizontal elements.
   c. Break the volume of the building into distinct components with:
      (1) Step-backs of upper stories of at least 10 feet; or
      (2) Recesses of the building footprint greater than 4 feet.
      (3) Deviations should encompass at least 20% wall planes of the entire elevation.
   d. Horizontal differentiation of a base, body and top of buildings with materials and architectural details.
      (1) For buildings less than three stories, this can be a distinct foundation, a main facade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs.
      (2) For buildings three to six stories, the first floor should be clearly

differentiated from upper stories to establish the base and an embellished roof structure.

(3) For buildings seven stories or more, the first two floors may be clearly differentiated from upper stories to establish the base, and the upper stories may be distinguished as a distinct component.

(4) Any belt course or trim band establishing the break in base, body and top shall use a material or pattern distinct from the primary material, be 6 to 36 inches wide, and off-set from the wall plane 4 to 24 inches; or be a lessor trim associated with a material change.

e. Use material changes and the use of primary and secondary materials with different colors and textures to emphasize different elements of the buildings.

(1) Where material changes are vertical (i.e. different materials stacked above another) the transition between materials should include a belt course, trim band, sill or similar element to separate materials. Heavier and larger materials should be below lighter to smaller materials.

(2) Where material changes are horizontal (i.e. materials side-by-side) the transition between materials should occur at interior corners or at the trim line, architectural column, or pilaster to emphasize different structural or massing components.

f. Use patterns of windows and doors, meeting the transparency requirements in Section 36-6.04.C.2 and 3, to break up blank walls, add depth and texture to the wall, and create a rhythm and balance along the elevation.

g. Use ornamental architectural details complementary to the materials and architectural style and use color and material changes associated with trim or massing elements along areas where there are no windows or doors.

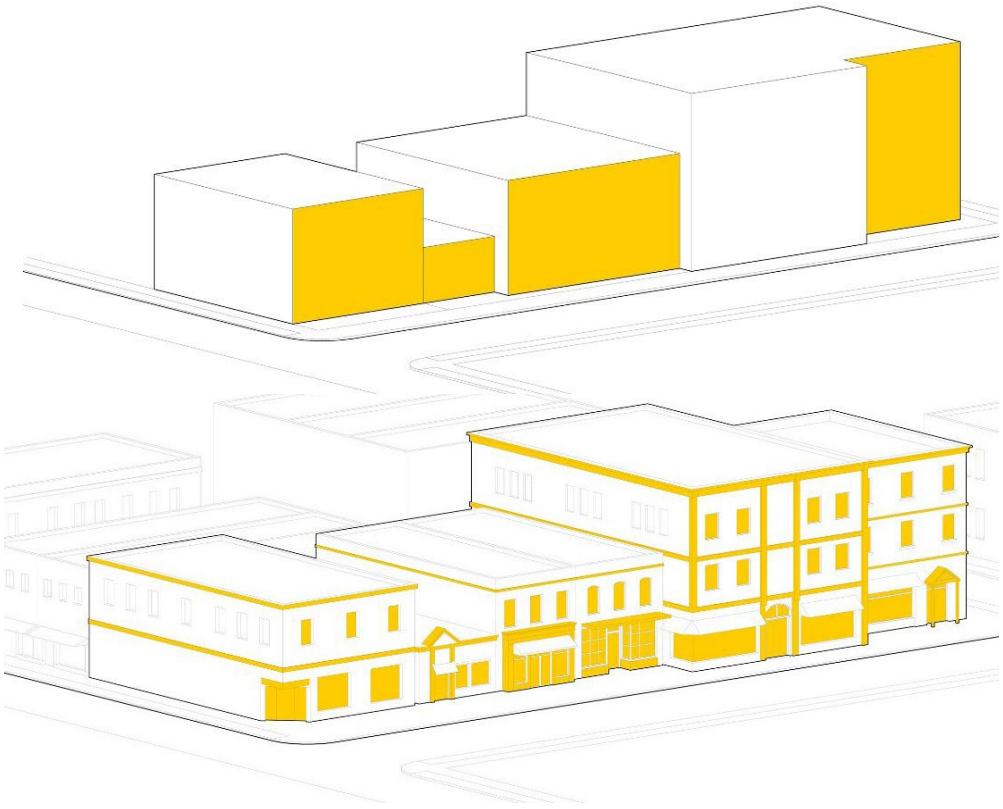


Figure 6-4 Massing & Modulation
Wall planes that exceed either the linear dimension limits or the square foot limits in Table 5-6 wall plane limits shall be broken up by massing elements and/or architectural details shown in 36-6.04.C.1.

2. *Entry Features.* Front entry features activate the streetscape and public spaces and create consistent human-scale massing elements along the building and block frontage. Front entry features shall be within 10 feet of the front building line. Primary public entrances shall be located on all front facades at intervals specified in Table 6-3 and be clearly defined with at least two of the following elements:
   a. A single-story architectural emphasis such as raised parapets, gables, canopies, porticos, overhangs, pediments, arches, or recessions within the wall plane of at least three feet.
   b. Transom or sidelight windows that frame and emphasize the entry.
   c. Architectural details such as tile work and moldings, columns, pilasters, or other similar material changes.
   d. Integral planters, seating, or wing walls associated with an entry court or plaza that integrates landscape and hardscape designs.
   e. For corner buildings, any entrance feature located on the street corner may count to both sides, and may be considered located at 25 feet from each corner for the purpose of the required primary entry feature intervals.

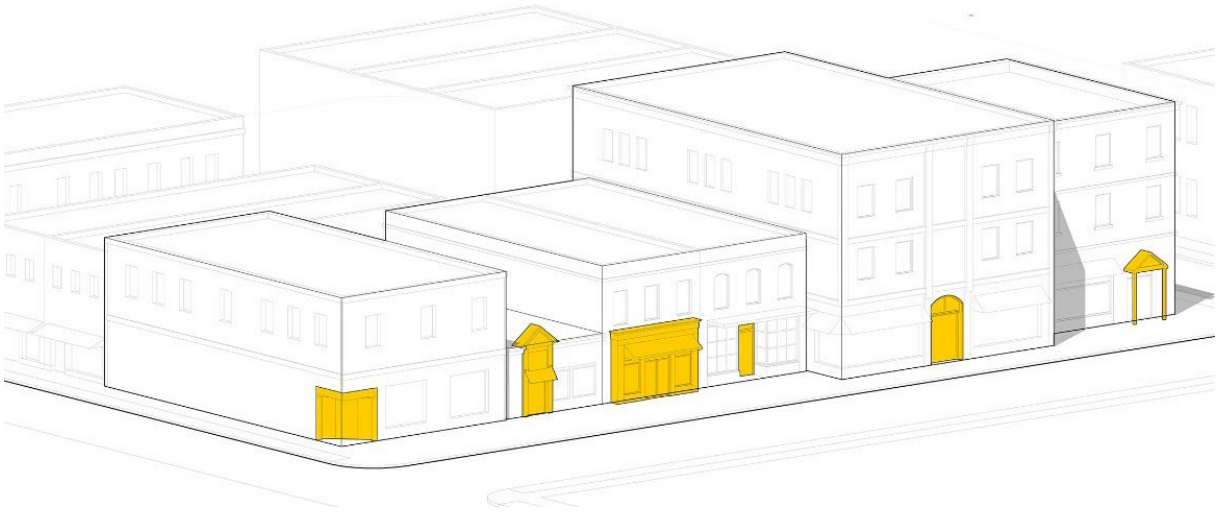


Figure 6-5 Primary Entry Features
Entrances help activate the streetscape and orient buildings to public spaces. More pedestrian-oriented blocks benefit from the activity created by smaller-scale uses and the rhythm created by more frequent entrances. More car-oriented streets may allow less frequent entrances or alternative orientations of buildings to internal access streets or common spaces as referenced in 36-6.04.C.2.

3. *Transparency.* Windows and doors provide connections to active outdoor spaces and add visual rhythm and detail to the facade with the location, pattern, and proportions of openings. Building elevations shall meet the required transparency on any street facing elevation in Table 6-3 through one or more of the following design techniques:
   a. Where expressed as a first story requirement the percentage shall be measured between two feet and eight feet above the sidewalk grade, or within ten feet above the first-floor elevation if the building is set back more than 15 feet from the street.
   b. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
   c. All required first story windows shall provide direct views to the building's interior or to a lit display area extending a minimum of three feet behind the window.
   d. For industrial and civic buildings set back more than 30 feet from the street, clerestory windows may meet the first or upper story window requirements.
   e. Locate windows and doors in conjunction with massing and modulation standards in subsection C.1, including:
      (1) Coordinate the facade composition considering the elevation as a whole, and to break up large expanses into different components with the grouping of windows and doors.

(2) Use projecting trim and ornamentation around windows to create depth, texture, and shadows on the facade.
(3) Emphasize openings or combine groups of openings in association with ornamental details and architectural projections or recessions.



Figure 6-6 Transparency
Transparency requirements eliminate large expanses of blank walls and create physical and perceptual connections to spaces around buildings. Meeting the requirements for each story helps reduce the scale of larger buildings as referenced in 36-6.04.C.3.

4. *Four-sided Design.* All buildings shall incorporate four-sided design, so that that no matter what view you have of the building, the design is not interrupted, and all parts are perceived as a coordinated part of a unified whole. Specifically:
   a. All sides shall exhibit the same quality, continuity, and durability of design including the same primary and secondary materials, although more important sides can reflect priority in the allocation of these materials.
   b. All sides that are visible from streets, public spaces or active portions of adjacent sites shall have a similar level trim, accent material, details, and ornamentation, although the extent and details may be different to reflect the greater importance of certain areas closest to the public realm or with greater visibility, and parts not exposed to the public may be designed for utility.
   c. Sides not meeting the four-sided design standards or designed for more utilitarian purposes should be screened and buffered from streets and public spaces according to Section 36-8.03.

D. **Open Space Design.** The lot open space requirement in Table 6-1, and any other undeveloped spaces should be arranged to create a common or private amenity for the site and building. The design of open space can reinforce the character of unique districts and distinct places and space can be designed for active, social spaces that relate to public spaces; for integrated natural environmental features that serve development; or for landscape areas that buffer and mitigate undesirable relationships; or a combination of these features dependent on the context of the site. Lot open space shall be designed and arranged to create usable outdoor spaces that meet one or more of the following types:

1. Private frontage landscape areas designed according to the frontage design standards in Section 36-6.04.B, excluding any driveways, parking areas, or other automobile space;

2. Open space meeting the requirements for public or common open space in Section 36-3.04;

3. Civic amenities or social spaces such as courtyards, patios, or plazas, provided they are at

least 20 feet wide in all directions and integrated with the design and function of the building and/or connected as an extension of the streetscape; or

4. Landscape areas and buffers designed according to the standards of Section 36-8.04.

5. For any mixed-use building, open spaces shall be designed according to Section 36-5.04.D to meet the requirements for residential portions of the project.

6. Green infrastructure strategies such as bioretention, grass swales, vegetated buffer, and other similar design elements shall be integrated into the design of open space to meet stormwater requirements.

E. **Modifications.** Modifications to the standards in Section 36-6.04 may be authorized according to the zoning site plan modification process and criteria in Section 36-2.03, and any of the following applicable additional criteria:

1. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, access patterns, and extent and placement of parking.

2. An alternative design allows the building, parking, and access to be sited in a way that preserves topography or other natural features on the site.

3. The requirement is not consistent with the architectural style selected for the building based on reputable resources documenting the style.

4. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and the design or characteristics are desirable to retain and reinforce.

5. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner.

6. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this section, and there are no negative impacts on other design standards applicable to the building or site.

36-6.05 Specific Area Plans

The frontage design, building design, and open space design standards in this article may be refined and further specified based on a specific area plan for multiple properties and owners. The plan shall use the design standards in Section 6.04 and apply them on a block-by-block basis, but may modify or supplement the standards based on the specific plans. The plan shall be approved by the City as a specific area plan. Alternatively, specific application of frontage types may be based on a plan approved in association with a development proposal, provided it: (1) is at least 10 acres; (2) includes at least 20% of Frontage A frontages; (3) includes at least 60% Frontage A or B standards; and (4) includes no more than 25% Frontage D standards. All specific area plans approved shall be included or cross-referenced in the sub- sections below.

A. **[Reserved]**

Article 7. Access & Parking

36-7.01 Intent
36-7.02 Applicability
36-7.03 Access
36-7.04 Required Parking
36-7.05 Parking Design
36-7.06 Modifications

36-7.01 Intent

The intent of this article is to:

A. Emphasize the importance of site access for multiple modes of transportation.

B. Preserve streetscape design and street functions by coordinating access along block faces and internal to blocks.

C. Create access and parking standards appropriate to the context of the site, considering public safety, traffic flow, surrounding development patterns, street design and functions, and available modes of transportation.

D. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.

E. Maximize opportunities for on-street parking, shared parking, parking management, alternative transportation, and other strategies to reduce underutilized and redundant surface parking on adjacent sites.

F. Ensure appropriate site and landscape design that mitigates the environmental, physical, and aesthetic impact of parking on streetscapes and surrounding sites.

G. Accommodate emerging transportation options, including alternate fuel vehicles, on-demand services, micro-mobility (scooters, e-bikes, neighborhood electric vehicles, etc.), and other trends that impact parking quantity or design.

36-7.02 Applicability

Access and parking shall be shown on plats, zoning site plans, and building permits according to the application requirements in Article 2. Specifically, the standards in this article apply to:

A. All new development, buildings, or uses on a site.

B. Any new lot created through an administrative or major subdivision.

C. A change of use, or modifications to an existing building or site, except that:

1. Additional parking requirements shall only apply to the expanded portions of the use or building;

2. New parking for non-residential uses shall only apply where the change results in a requirement for more than 15% additional parking than the current condition; and

3. The parking design standards shall only apply to the newly constructed parking; except when more than 50% of a parking area is reconstructed, all parking and access shall comply with this section.

4. Any revision to existing access shall be brought into compliance with all current standards.

36-7.03 Access

A. **Design Objectives.** The design of access to and internal circulation for sites shall achieve the following design objectives:

1. Limit impacts of driveways and curb cuts on streetscape designs and reduce conflicts with pedestrians, bicycles, and vehicles.
2 Promote shared or common vehicle access from streetscapes and direct circulation and loading internal to blocks, particularly on busier streets or where the standards otherwise limit or prohibit access.

3. Coordinate reasonable vehicle access with frontage designs for lots and buildings based on context and according to Sections 36-5.04.B and 36-6.04.B.

4. Provide direct, safe, and convenient bicycle and pedestrian access to buildings and sites at an equal or greater level than vehicles.

B. **Vehicle Access.** Access shall be coordinated at the largest scale possible and based on the following access strategies and data and analysis for the specified access thresholds:

1. *Required Access Thresholds.*
   a. *Traffic Access Assessment (Access Plan).* Any development, rezoning, redevelopment, change in use, building permit, zoning site plan, or subdivision that will access on a public right-of-way, regardless of trip generation shall provide a traffic access assessment.
      (1) No subdivision of property shall be approved without an understanding of allowable access for the entire property, including shared access and cross access. This future access plan and any access easements shall be noted on the plat accompanying ordinance as applicable.
      (2) For any application adjacent to programmed infrastructure projects, or mapped streets as may be shown in the Major Thoroughfare Plan the right-of-way dedication shall be made equal to half the proposed future right-of-way measured from the existing centerline.
   b. *Driveway Safety Study*. Any development, rezoning, redevelopment, change in use, building permit, zoning site plan, or subdivision that will add 50 or more peak hour trips or 500 or more daily trips to adjacent roadways (cumulative) or that has known deficiencies or safety issues as determined by the City Traffic Engineer, shall require a driveway safety study.
      (1) The City Traffic Engineer may determine that a traffic impact study is required if this threshold is met in situations where existing operating conditions are known to be deficient.
      (2) All land uses identified as motor-vehicle oriented businesses shall complete a gap study for each driveway connecting to an arterial or collector street.
      (3) Driveway safety studies shall be completed, signed, and sealed by a Professional Engineer registered in Missouri.
   c. *Traffic Impact Study.* A traffic impact study shall be required for any development, rezoning, redevelopment, change in use, building permit, zoning site plan, or subdivision as required by the applicable Public Works Design Standards and Technical Specifications, or when any project increases the number of trips as outlined below in Table 7-1. If the City Traffic Engineer determines that the adjacent street network has deficiencies or safety concerns, a TIS may be required for any project.

Traffic impact studies shall be completed, signed, and sealed by a Professional Engineer registered in Missouri.

Table 7-1: Traffic Impact Study Thresholds	
Street Typology	**Trip Threshold**
Expressway / High-Type Arterial	150 peak hour / 1,500 daily
Medium-Type Arterial / Low-Type Arterial	100 peak hour / 1,000 daily
System Collector	90 peak hour / 900 daily
Subdivision Collector / Local-High Activity	85 peak hour / 850 daily
Local-Low Activity	80 peak hour / 800 daily

2. *Alleys & Internal Circulation.* Alleys are encouraged for primary access to all blocks in conjunction with Sections 36-3.03 and 36-3.05, and particularly for mixed-use development or residential blocks accommodating narrow lots.
   a. Alleys shall connect through the block to a publicly dedicated street on each end. However, where the surrounding streets or the development patterns within a block warrant, alleys may be in "H", "L", "Z" or "T" configurations.
   b. Where alleys do not exist or are not practical, common lanes that reflect increments of the potential alley configuration are encouraged to support multiple lots along a block frontage.
   c. Where alleys exist, lots shall not have access from a public street except as permitted by the frontage design standards in Section 36-5.04 for residential frontages, and Section 36-6.04 for nonresidential frontages, or where specifically justified by a traffic study and approved by the PW Director.
   d. Alleys may be located in an easement at the City's discretion and provided a property owner's association or other entity with financial and administrative capacity for maintenance is established.

3. *Internal Access Lanes.* For large projects of parcels over 6 acres, or where any singular access would exceed 500 average daily trips or 200 peak hour trips, the City may require a system of internal access lanes to provide access and circulation within the site. Internal access lanes:
   a. Shall be laid out to organize the site into smaller internal blocks between 1 and 5 acres.
   b. Shall be privately maintained but designed to public street design types in Section 36-3.03.C and the applicable Public Works design standards and technical specifications, including sidewalks, landscape amenities, on-street parking and travel lanes.
   c. Shall be treated as public streets for determining the proper location, orientation and design of sites, buildings, and utilities within the project.
   d. Trail, greenway, or pedestrian passages meeting the standards of Section 36-3.04 may account for a portion of this internal circulation network, provided it connects buildings, open spaces, and internal access lanes with similar networks external to the site and presents a logical connection point for pedestrians and bicycles.

4. *Gated Access.* No public street shall be obstructed. Gated access will only be considered and allowed for private streets, approved developments, approved zoning site plans, or other subdivision plats approved by the City Council.
   a. *General Location Requirements.* Any gate shall be located a sufficient distance from a public street to allow three cars to line up at the gate without interfering with vehicles utilizing a public street; the minimum acceptable distance from the gate to public street shall be no less than 60 feet.
   b. *Turnaround Area.* A turnaround area shall be provided for vehicles unable to enter the gated development. The turnaround area shall provide an area to allow vehicles to safely turnaround without backing into the public street.

c. *Pedestrian Access.* Pedestrian access separate from the vehicular movement area shall be provided. The pedestrian access point may be gated. Sidewalk from the pedestrian access point to the public sidewalk shall be provided.

d. *Approval of Circulation Plans.* The City Traffic Engineer and the Fire Department shall approve all circulation plans for any gated access development and may require multiple entrances.

e. *Applicability of City Standards.* All City standards for streets, sidewalks, fire lanes, fire hydrants, and other engineering requirements shall apply to any gated access development.

f. *Responsibilities*. All maintenance and repair of the private streets, gates, and/or fire lanes shall be the sole responsibility of the property owners within the gated development.

g. *Minimum Gate Width.* One-way access gates shall be a minimum of 20 feet wide and two-way access gates shall be a minimum of 24 feet wide. A clear width of 12 feet shall be maintained between any islands gate equipment, guard house, landscape feature, etc.

h. *Emergency Release Required.* An emergency release hitch pin shall be installed on the control arm of any access gate. This hitch pin, when removed, will detach the control arm from the gate and allow the gate to swing open freely with manual intervention. The loss of electrical current shall cause the gate to open and remain open until normal electric current is restored and the gate reset.

i. *Events Requiring Open Gate Established.* Should any problem occur in the operation of the gate or any violation of any provision of this article, each access gate shall remain open and access to the development available until such time as the problem is resolved and/or the gate is repaired and tested.

j. *Prohibition of Tire Damaging Devices.* Road spikes, barbs, or other tire damaging devices are prohibited.

k. *Hold Harmless.* The individual property 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 gated access; 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 gated access; and for damages and injury (including death) arising out of the use of the gated area by the City, governmental entity, medical personnel or public utility of any gated access. Further, such language shall provide that all property 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.

l. *Waiver of Service.* The property owners shall note that certain city services shall not be provided in gated areas. 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.

C. **Access Requirements and Triggers for Application.** Any development, rezoning, redevelopment, change in use, building permit, zoning site plan, or subdivision shall have access to public streets or alleys that complies to all requirements of this chapter, Chapter 98, the applicable Public Works design standards and technical specifications, and any other applicable requirements. Additional triggers, applicability, and exceptions for driveway and access requirements are noted herein.

1. *General.*

a. If an existing lot requires new access that cannot meet all current requirements, and an alternate access does not exist, the access point shall be placed at the

most reasonable location as determined by the City Traffic Engineer and a cross-access easement must be provided across the entire length of the lot as necessary to provide access to adjacent lots considering development patterns, terrain, and safe ingress/egress.

b. If the proposed development, rezoning, redevelopment, change in use, building permit, zoning site plan, subdivision, or other development activity requires a driveway safety study, traffic impact study, or displays the potential to produce a public safety risk as determined by the City Traffic Engineer, modifications may be required to the access, including but not limited to, restricting directional access or other public improvements. Any existing, non-compliant access point must be removed at the appropriate time as determined by the City Traffic Engineer if not specifically defined elsewhere.

2. *Administrative Subdivisions.* All administrative subdivisions shall have access points to public streets or alleys that fully comply to the current standards or will fully comply when developed as determined by the access plan for each new lot. Administrative subdivisions creating new R-SF lots with residential uses may have non-compliant access points as per Item 4(b) of this section.

3. *Existing Access.* If a lot has an existing access, the existing access may remain but shall be corrected, removed, or reconstructed prior to issuance of the certificate of occupancy and/or final approval of the subdivision activity when any of the following occur:

a. A zoning site plan, public improvement plans, or driveway permits are required.
b. Any access is within the functional area of an intersection or deemed a public safety risk by the City Traffic Engineer.
c. A change in use or rezoning occurs that produces additional traffic volume to warrant a driveway safety study, or traffic impact study that identifies required corrections to the access.

4. *Access for Single-family Residential Lots.*

a. *With a New Building Permit.* If an existing lot cannot accommodate an access meeting all requirements and alternate access does not exist, the access point shall be placed at the most reasonable location as determined by the City Traffic Engineer. No shared access or cross-access easements are required for an existing individual single-family residential lot on a street classified as a residential collector or below.

b. *Existing Access with Subdivision Activity.* When an existing lot is subdivided to create new legal lots for single-family residential uses, an existing access for single-family residential use may remain if the existing access:

(1) Is on a street classified as a residential collector or below;
(2) Is not within 50 feet of an arterial street; or
(3) Poses no public safety risk as determined by the City Traffic Engineer.
(4) Is within 50 feet of an arterial street or deemed a public safety risk, the access plan will be required to analyze future shared access, cross-access easements, and/or the applicability of the removal or modification of current access points.
(5) If the existing access requires modification, any change in access will need to be escrowed or constructed prior to approval of the subdivision activity.

5. *Permitting and Requirements.* A driveway permit is required to be issued by the PW Director prior to the creation of or modification of any access point. If public improvement plans (PIP) are required, access will be required to be shown on the plans and if so shall be completed or escrowed in cooperation with the PIP plan prior to approval of the subdivision activity or building permit. Any driveway will need to be fully constructed, and final inspection completed prior to issuance of the certificate of occupancy (CO) or temporary certificate of occupancy.

D. **Sidewalks.**

1. *Generally.* Development sites shall include direct sidewalk connections and circulation at

the same or greater frequency as provided for vehicles. Sidewalks shall connect primary entrances of buildings and sites to the following, in the most direct manner practical:

a. Sidewalks in the public right-of-way or along internal access lanes.
b. Parking areas and any perimeter or internal sidewalks in the parking areas.
c. Civic or open space, or other common areas designed for active use.
d. Transit stops, stations, or park and ride locations – existing or anticipated.
e. Where connections by way of the public street is not reasonable or practical, sites shall provide direct connections to any of the above areas on adjacent sites.

2. *Sidewalk Width.* Internal sidewalks shall meet the requirements of Table 7-2.

Table 7-2: Internal Sidewalk Widths

Location	*Minimum Width*
Any residential property, generally	4'
Any residential property with more than 10 units Any mixed-use or nonresidential property, generally	6'
Along the front or to the primary entrance of a nonresidential building < 10,000 s.f.	8'
Along the front or to the primary entrance of a nonresidential building 10,000 s.f. or more Any access designed for both pedestrians and bicycles	12'
Along any parking area with vehicle overhangs	+ 2' to other required widths

* If 8' or 12' sidewalk is provided along the front of the building, all other connecting sidewalk minimums may be reduced to 6'.

3. *Pedestrian Amenities.* Internal sidewalks shall be designed to emphasize pedestrian priority and conform with the following:

a. Separate sidewalks from driving surfaces by changes in the texture, raised surfaces, landscape edges, and similar distinguishing features, except for designated cross walks which may be painted or shared streets.
b. Provide adjoining landscaped areas that include trees, shrubs, flower beds, and ground covers along at least 50% of the walkways meeting the landscape design standards in Section 36-8.03.
c. Lighting fixtures along all walkways meeting the outdoor lighting design standards in Section 36-8.07.

36-7.04 Required Parking

A. **Vehicle Parking Rates.** Table 7-3 provides minimum parking requirements for general categories of uses, which apply to all similar uses not specifically listed. The following criteria shall be used in interpreting the table:

1. Square footage rates shall be based on the leasable floor area or active area dedicated to the particular use, excluding areas dedicated to accessory common or public areas, hallways, and bathrooms. Where this number is not easily determined, 85% of gross floor area may be used.

2. A seating or capacity rate shall consider the total number of seats based on actual seating capacity, or where not readily determined industry standards for typical layouts of buildings or building codes.

3. Employee or occupancy rates shall consider maximum number of employees or occupants likely to be on-site at one time. Where this number is not easily or readily determined, the maximum building code capacity may be used.

4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under the most applicable rate.

5. Where a use is not similar to a general use in the table or could meet more than one category, the PD Director shall determine the appropriate classification based on industry guides or the most similar use in terms of scale, format, and operation.

Table 7-3: Required Parking

Use Category / Specific Use	*Required Parking*
Residential	
Group Living	2 / each 3 occupants (non-staffed) 1 / each 2 beds + 1 / employee (staffed)
Household Living – Accessory Dwelling, Multi-unit, or Small-format	1 / unit (micro-efficiency or studio unit) 1.5 / unit (1 - 2 bedroom unit) 2 / unit (3+ bedroom unit)
Household Living –Manufactured Dwelling or One-Unit	2 / unit
Civic	
Assembly or Event Venue	1 / 4 seats (with fixed seats) 1 / 3 persons based on designed maximum capacity (w/o fixed seats) + accessory uses at applicable rates (e.g. restaurant, retail, etc.)
Crematorium or Funeral Home	1 / 4 seats + 1 / employee
Cemetery	1 / 5,000 s.f. of land area or 1 / 4 seats for assembly areas, whichever is greater
Cultural Facility – Small (<10K)	1 / 350 s.f.
Cultural Facility – Large (>10K)	1 / 1,000 s.f. + accessory uses at applicable rates (e.g. restaurant, assembly, etc.)
Open Space – Generally	1 / 5,000 s.f. of land area or 1 / 4 seats for assembly areas, whichever is greater 1 / 200 s.f. of workout area 1 / 500 s.f. of open court area 1 / 350 s.f. of general service facilities (i.e. reception, locker or community rooms, etc.)
School – College / University or Vocational	1 / employee + 2 / each 3 students
School – Elementary or Junior High	2 / classroom or 1 / 5 seats of largest assembly, whichever is greater
School – High School	2 / classroom or 1 / 5 seats of largest assembly, whichever is greater + 1 / 8 students
Commercial	
Animal Care – Generally	1 / 300 s.f.
Daycare	1 / each 5 students + 1 / employee
Entertainment & Recreation - Indoor	1 / 350 s.f. 1 / 4 seats of fixed seating areas 1 / active patron station (i.e. 4 per lane - bowling; etc.) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Entertainment & Recreation – Outdoor	1 / 5,000 s.f. of land area 1 / 4 seats of fixed seating areas 1 / active patron station (i.e. 4 per hole - golf course; etc.) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Food & Beverage Establishment – Drive-through	1 / 75 s.f. (See Section 4.04.B for any drive-through requirements)

Table 7-3: Required Parking	
Use Category / Specific Use	***Required Parking***
Food & Beverage Establishment – Generally	1 / 100 s.f. with on-site seating and no drive-through (i.e. restaurant, bar, night club, etc.) 1 / 75 s.f. –with on-site seating and drive-through (See Section 4.04.B for any drive-through requirements)
Lodging	First 20 rooms = 1 / guest room 21 – 40 rooms = 1 / 2 guest rooms (over 20) > 40 rooms 1 / 4 guest rooms (over 40) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Lodging – Short-term Rental	2 / unit
Medical Service - Outpatient	1 / 250 s.f.
Medical Service – In-patient	1 / bed + 1 / employee
Office	1 / 350 s.f.
Personal Service	1 / 100 s.f.
Residential Care – Generally	1 / 3 beds + 1 / each 2 employees
Retail – Small (<3K)	1 / 500 s.f.
Retail – Generally (>3K)	1 / 250 s.f.
Retail – Grocery Store	1 / 250 s.f.
Retail – Outside Sales	1 / 500 s.f. + 1 per 3,000 s.f. open sales lot
Service - Generally	1 / 350 s.f. (See Section 4.04.B for any drive-through requirements)
Vehicle Service – Gas Station	1 / 250 s.f. + 1 / employee
Vehicle Service – Car Wash	1 / employee
Vehicle Service & Repair	2 / service bay + 1 / employee
Industrial	
Industrial & Business Service	1 / 1,000 s.f. or 1 / 1.5 employees, whichever is greater Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
Manufacturing – Limited / Artisan	1 / 500 s.f. Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
Manufacturing – Generally	1 / 1,000 s.f. or 1 / 1.5 employees, whichever is greater Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
Warehouse & Storage	1 / 25 units + 1 / employee
Urban Agriculture	
Community or Market Garden – Under 1 Acre	No parking required
Community or Market Garden – Over 1 Acre	2 / ac. of cultivated area

B. **Maximum Parking.** Nonresidential uses shall not provide more than 150% of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 120% of the minimum shall require mitigation of the potential impacts of additional parking through one or more of the following strategies:

1. Provide shared parking for other uses on the block or adjacent blocks according to this Section 36-7.04.D.

2. Use alternative surfaces designed to infiltrate stormwater or design parking lot landscape areas to treat stormwater from the additional parking area. These measures shall be designed in accordance with the Flood Control and Water Quality Protection Manual.

3. Provide additional buffers and ~~site~~ open spaces internally or ~~to~~ screen parking areas with at least a 10% increase in the size of open space or buffers required for the parking and landscaping at the effective rate for the total parking area.

4. Provide at least a 20% increase in the amount of landscape planting material required for the parking area and allocate it appropriately within the required open spaces, interior or parking area screening.

5. Design all parking areas over the 100% minimum as dual-purpose space, such as plazas, playgrounds, or similar event areas for regular and active use of the space during non-peak parking times.

C. **Parking Reductions.** The parking required by Table 7-3 may be reduced depending on context and according to the following strategies:

1. *Exempt Districts.* The following zoning districts are exempt from required vehicle parking in Table 7-3:
   a. CC – Center City
   b. COM – Commercial Street
   c. GI – Government and Institutional
   d. Any other public parking benefit district, provided all uses, lots, and buildings shall abide by the standards of that parking district. To the extent the parking benefit district standards only deal with parking supply, the design standards from this article shall apply to any parking that is provided.

2. *Bicycle Parking Credit.* All bicycle parking designed and located according to Section 36-7.04.F may reduce the required vehicle parking at a rate of 1 space for every 2 bicycle parking spaces up to a maximum of 10% of the required parking. To be eligible for this credit, the applicant must demonstrate that it is practical to expect significant bicycle access to the site based on: the location and proximity to the broader bicycle transportation network; the design of the site; and the nature of the use and anticipated patrons.

3. *Deferral of Spaces.* The PD Director may defer a portion of the required parking through the zoning site plan review, provided:
   a. Documented evidence that the initial occupancy of the premises will be adequately served by the lesser number of spaces;
   b. The approved final zoning site plan clearly indicates the location, pattern, and circulation to access the deferred parking area; and
   c. The deferred parking area shall be brought to finished grade, have ground cover that eliminates dust and erosion, and shall not be used for building, storage, loading or other purposes.
   d. The approval of the zoning site plan shall specify a time, criteria, or occurrences where the PD Director may require construction of necessary parking.

D. **Shared Parking.** Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses according to Table 7-4.

1. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues.

2. The parking is within 600 feet of the lot for industrial and manufacturing uses or district and

300 feet of the lot for office, business, commercial or residential uses or districts. All shared parking shall have ADA compliant pedestrian facilities between each shared lot and designated locations.

3. The agreement shall be approved by the PD Director and recorded for each participating property with the County Recorder. The agreement shall state that it cannot be changed or modified without the approval and signature of the PD Director.

4. An affidavit agreeing to compliance with all provisions of the shared parking agreement shall be signed by any business or property owner participating in the agreement, and submitted to the PD Director as an amendment to the agreement.

5. A shared agreement that differs from this table may also be approved based on a joint parking study for the sites and uses demonstrating adequate parking during peak hours for all parties to the agreement.

Table 7-4: Shared Parking

	Percentage of Required Parking by Time Period				
	Weekday		Weekend		All
Use	6 AM to 5 PM	5 PM to 1 AM	6 AM to 5 PM	5 PM to 1 AM	1 AM to 6AM
Retail or Service	75%	75%	100%	90%	5%
Restaurant	50%	100%	75%	100%	25%
Employment	100%	10%	5%	5%	5%
Entertainment & Recreation	30%	100%	75%	100%	5%
Place of Worship	5%	25%	100%	50%	5%
School	100%	10%	10%	10%	5%
Dwellings	25%	90%	50%	90%	100%
Lodging	50%	90%	75%	100%	100%

E. **Accessible Parking.** Accessible vehicle parking spaces shall be provided in accordance with the applicable building codes and the Americans with Disabilities Act (ADA) guidelines for quantity, design, and location.

F. **Bicycle Parking.** All nonresidential and multi-unit residential buildings shall provide bicycle parking spaces according to Table 7-5.

Table 7-5: Bicycle Parking

Activity	Required Bicycle Parking Spaces
Multi-unit Residential Buildings	▪ 1 bicycle parking space per 6 dwelling units with two or fewer bedrooms; 2 spaces per 6 dwelling units with 3 or more bedrooms, but no greater than 10% of the required parking ▪ Facilities where 75% or more of the units are designed for or occupied by persons 60 years or older shall provide 3% of the required vehicle parking
Recreation, community facilities, or schools	10% of the required vehicle parking, but at least 6 spaces
Retail or office uses	5% of the required spaces, but at least 4 spaces

Table 7-5: Bicycle Parking	
Activity	***Required Spaces***
Other institutional, employment, industrial, or entertainment uses	3% of required spaces, but at least 4 spaces
Exempt locations	Areas exempt from required vehicle parking are not required to provide bicycle parking except any uses that are community destinations (museum, auditorium, convention halls) shall provide bicycle parking at a rate of 3% of the vehicle parking that would otherwise be required if not in an exempt location
Reduction or Waiver	For uses or site designs that are automobile oriented or unlikely to generate bicycle trips (i.e. car wash, furniture store, recycling center) or other contexts that are remote from any existing or planned bicycle infrastructure the PD Director may reduce or waive the bicycle parking requirement

1. Bicycle parking shall be designed according to the following standards:
   a. Bicycle parking areas shall generally have clear areas of 2 feet by 6 feet to maneuver and store the bicycle.
   b. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, and support a bike at two points of contact to prevent damage to wheels or frames.
   c. Bicycle parking spaces or areas shall be separated from vehicle parking or circulation areas by a physical barrier such as curbs, wheel stops, or bollards.
   d. Bicycle parking for nonresidential uses shall be located within 100 feet of the primary entrance unless the PD Director approves an alternative location based on the site design and overall vehicle, bicycle, and pedestrian circulation for the site.
   e. Bicycle parking for residential uses may be incorporated into storage areas within the units or common areas of the buildings.
   f. Residential bicycle parking or bicycle parking for longer terms such as employment locations should incorporate other secured and weather-proof elements into the design.
   g. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may be approved by the PD Director through zoning site plan review.

36-7.05 Parking Design

A. **Design Objectives.** The layout, location, and design of parking areas shall meet the following design objectives:

1. Locate parking and circulation in ways that minimize negative impacts on public streetscapes or adjacent sites.

2. Use landscape, building placement, and other site design strategies to improve the appearance and relationship of parking areas.

3. Incorporate sustainable practices into parking design to minimize runoff, decrease heat island effects, incorporate low-impact design features, and otherwise reduce environmental impacts.

4. Encourage smaller and dispersed parking areas to reduce visibility and impacts.

B. **Landscape Areas.** The landscape area standards in Table 7-6 apply to surface parking lots and

are based on the size of the parking area (# of spaces) and the location of the parking area relative to the principal building (front, side, or rear). Where possible, landscape areas shall be multi-functional and designed to meet stormwater requirements for the site according to the City's Flood Control and Water Quality Protection Manual.

Table 7-6: Parking Lot Landscape

Spaces per Parking Block	*Front [1]*	*Side & Rear*
201 or more	▪ Prohibited – must be broken into smaller parking blocks	▪ 10' perimeter buffer; and ▪ 8% interior islands
101 or 200	▪ 20' front setback buffer ▪ 10' perimeter buffer ▪ 8% interior island	▪ 6' perimeter buffer ▪ 5% interior islands
30-100	▪ 10' front setback buffer ▪ 6' perimeter buffer ▪ 5% interior islands	▪ 6' perimeter buffer
Under 30	▪ 6' front setback buffer ▪ 6' perimeter buffer	▪ 6' perimeter buffer, except where abutting an alley

[1] Any surface parking lot for residential uses or nonresidential uses permitted in residential districts shall be behind the front building line or setback at least 30' from the front lot line, whichever is less.

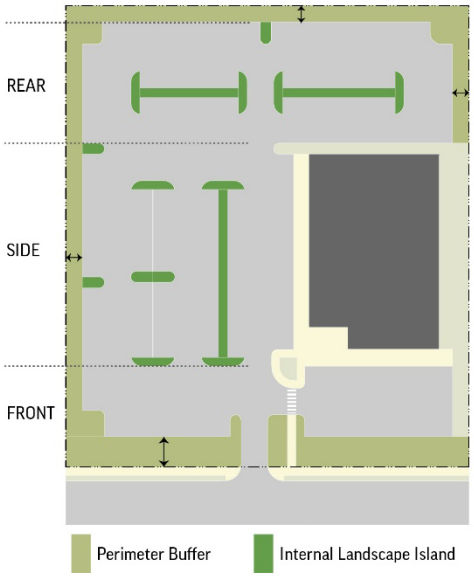


Figure 7-1 Parking Design
Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-6 is based on larger parking areas and parking in the frontage area requiring greater limits or landscape design mitigation than smaller parking areas or parking in the rear of buildings.

1. The landscape areas required by Table 7-6 shall be allocated as follows:
   a. The perimeter landscape areas shall be continuous, except for where driveways or sidewalks directly access the parking area.
   b. Perimeter landscape and interior islands shall be designed at regular intervals to break up larger expanses of pavement with green space, impervious surfaces, and overstory trees.
   c. Interior landscape islands shall be either:
      (1) A peninsula extending from the perimeter landscape area at least 9 feet wide and the depth of adjacent parking spaces.
      (2) An end cap island at the required intervals that is at least 8 feet wide and at least 280 square feet for one stall and at least 300 square feet for two stalls;

or

(3) A continuous “center strip” between two opposing stalls along the entire parking bank that is at least 6 feet wide.

d. Perimeter areas and center strips that include a sidewalk shall meet both the sidewalk width and the landscape area width independently, with no landscape area being less than 6 feet wide.

e. Perimeter and interior landscape areas shall include plant materials meeting the requirements of Section 36-8.03 applicable to parking areas.

f. The use of Silva cells or structural soil technology that contains a mixed medium of rock, clay loam soil, and water absorbing polymer should be used around islands and peninsulas to increase the available soil volume and allow for overstory trees to be grown.

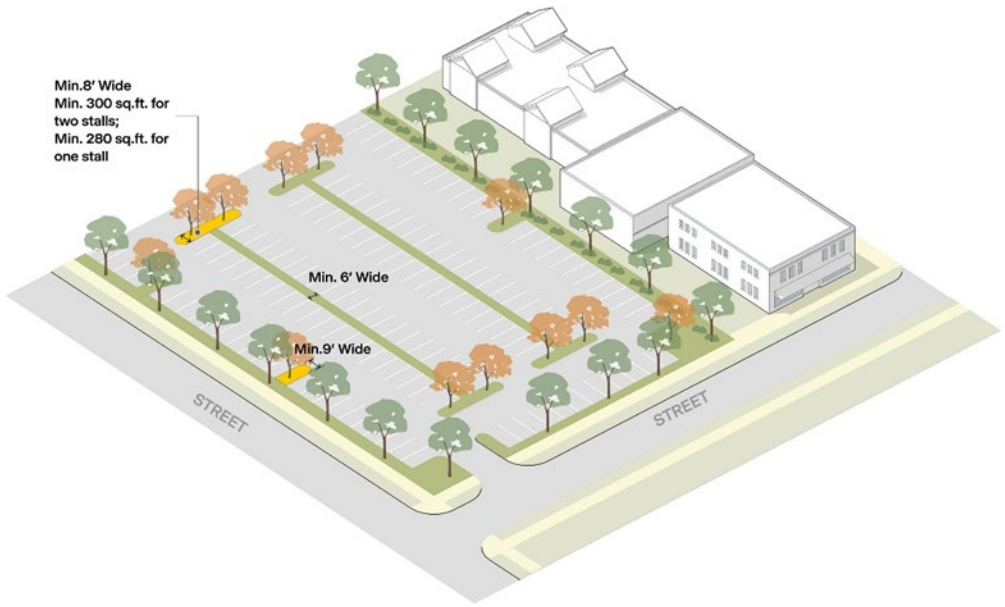


Figure 7-2 Parking Landscape

The required landscape elements should be located to break up the larger expanses of parking and to ensure the survival and maximum mitigating impact of planting in the landscape areas.

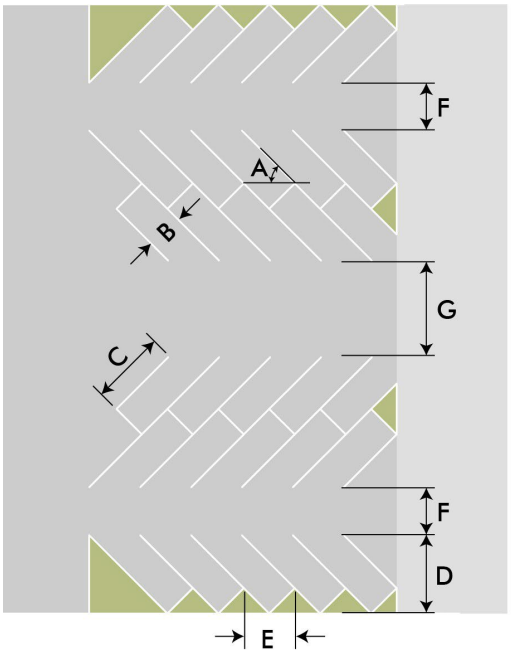
C. **Sidewalks.** In meeting the standards of Sections 36-7.03.D and 36-7.04.B, a sidewalk connection shall be provided from the perimeter of the parking lot to the building entrance or building frontage. For parking areas with over 200 spaces, a sidewalk connection shall be provided through the parking areas. Sidewalks meeting this standard may be located internal to the parking lot if separated from the surface parking, in perimeter landscape area or landscape median, or along internal access lanes.

D. **Parking Dimensions.** Parking areas shall be designed to meet the dimension specifications in Table 7-7.

Table 7-7: Parking Dimensions

Parking Angle Width (A)	Width (B)	Length (C)	Depth to Curb (D)	Curb Width (E)	Aisle Width – One-way (F)	Aisle Width – Two-way (G)	Bumper Overhang*
0°	7.0'	22'	7.0'	22'	12'	20'	n/a
30°	8.5'	20'	18'	17'	15'	20'	1.5'
45°	8.5'	20'	20'	12'	15'	20'	1.5'
60°	9.0'	19'	21'	10.5'	18'	24'	2.0'
90°	9.0'	18'	18'	9.0'	20'	24'	2.0'

*Amount of Depth to Curb dimension that may overhang landscape area, sidewalk, or wheel stop block. If overhanging sidewalk, this amount shall be added to the required minimum sidewalk width.



A: Parking Angle

B: Width

C: Length

D: Depth to Curb

E: Curb Width

F: Aisle Width -- One-way

G: Aisle Width -- Two-way

Figure 7-3 Parking Dimensions *Dimension standards of Table 7- 7, applied to typical parking layouts.*

E. **General Design Standards.**

1. All required parking shall be on-site except as specifically provided in this article for credits or shared parking sections. Additionally, the PD Director may allow for a portion of required parking off-site through a zoning site plan review subject to the following specific considerations:
   a. The parking is within 600 feet of the lot for industrial and manufacturing uses or district and 300 feet of the lot for office, business, commercial or residential uses or districts;
   b. It is in the same or comparable zoning district;
   c. The presence of the off-site lot does not negatively impact potential development on that lot or in the vicinity;
   d. There are no pedestrian barriers or other access constraints between the parking and use, and safe connections are provided between each; and
   e. An agreement demonstrating rights and control of the off-site property is provided.

2. No parking space shall be located where it backs into a street except:

a. Residential parking in driveways accessing buildings and lots with six units or less; or
b. On-street parking on public streets or private streetscapes according to the standards in Section 36-3.03.

3. Required parking areas shall be used solely for parking of vehicles in operating condition for patrons, occupants, or employees of the use, unless specifically authorized otherwise by provisions in this code.

4. Parking and access areas shall be designed and graded to adequately address drainage and runoff, including curb, gutters, inlets, pervious pavement, bioretention, and green infrastructure strategies approved by the PW Director to support stormwater control measures that minimize runoff and promote infiltration of storm water.

5. All driveway approaches in the right-of-way, from the street edge to the property line shall be concrete.

6. Vehicle parking, storage, maneuvering areas, and driveways on private property shall have an all-weather, hard surface that prevents the release of dust, mud, or silt, including asphalt or concrete. Acceptable surfaces include:
a. Asphalt
b. Concrete
c. Pervious or permeable pavement with approval by the PW Director and subject to industry standards or performance specifications.
d. Ribbon driveways consisting of two-wheel tracks may be acceptable for residential drives for access to less than three dwelling units.

F. **Loading Requirements.** In mixed-use, commercial, or industrial districts, off-street loading shall be required as indicated in Table 7-8.

1. The number and size of spaces may be revised based on the operating characteristics of the particular use and determined through zoning site plan review.

2. Loading areas shall be located on a remote portion of the building and site or internal to the block and buffered by other buildings, and are prohibited in any front or street side setback.

3. Loading areas and activities shall not interfere with the use of walkways, drive aisles, stacking areas, internal access lanes, or public streets, and shall be designed to avoid any backing from or onto a public street (except in the Center City district or as permitted in F.6).

4. Loading areas shall be graded for property drainage and provided with an all-weather, dust-free surface.

5. Loading shall be screened from public streets or adjacent residential areas in a manner that best limits visibility and mitigates noise, according to the buffer types and design standards in Section 36-8.04.

6. In any areas, projects, or zoning district designed to promote pedestrian activity, or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted by the PD Director. Alternate loading standards may include sharing of loading spaces among multiple smaller tenants, using side streets, on-street parking, or alleys – particularly where there is sufficient space during off hours for loading or deliveries, or other similar strategies that avoid designing sites for large vehicle access.

Table 7-8: Loading Areas	
Gross Floor Area	***Required Loading Area and Size***
Under 10,000 s.f.	n/a; or may be shared per 7.04.F.6
10,001 – 25,000 s.f.	1 space; 10' x 25'
25,001 – 50,000 s.f.	2 spaces; at least one of which is increased to 10' x 50'
50,001 or more s.f.	3 spaces, plus 1 for every 50,000 s.f. over 100,000; at least two of which shall be increased to 10' x 50'

36-7.06 Modifications

The PD Director or the Planning and Zoning Commission may consider modifications to the landscape and site design plans through the zoning site plan modification process in Article 2. In addition to the general zoning site plan criteria in Sections 36-2.03, any proposed alternative landscape and site design shall result in one or more of the following additional benefits:

A. The modification is based on evidence of similar uses in similar contexts or other industry standards that indicate the access and parking plan is sufficient due to any of the following:

1. The format of the use;
2. The extent of the project and the scale of the access and parking management or shared parking strategies (larger scales warranting more flexibility and smaller scales warranting less);
3. The likelihood that patrons or tenants have reduced car ownership or drive less;
4. The availability and practicality of walking, bicycling or transit access supporting the use; or
5. Other transportation demand management plans proposed by the applicant, including the ability for the plan to meet evolving needs through changes in uses, parking demand, and/or transportation habits.

B. The alternative results in better site arrangement considering proposed landscape and buildings, preserving existing landscape, or promoting better environmental performance of the site and buildings.

Article 8. Landscape & Site Design

36-8.01 Intent
36-8.02 Applicability
36-8.03 Required Landscape
36-8.04 Buffers & Screening
36-8.05 Plant Specifications
36-8.06 Tree Preservation and Protection
36-8.07 Outdoor Lighting
36-8.08 Modifications

36-8.01 Intent

The intent of this article is to:

A. Enhance the city's identity and sense of place by creating vibrant, well-designed streetscapes, civic spaces, and open spaces that reflect Springfield's character and aspirations.

B. Celebrate the uniqueness of Springfield's diverse neighborhoods by integrating intentional and context-sensitive landscape design that highlights distinct areas throughout the city.

C. Foster harmony and cohesion across developments by coordinating landscape and design elements with consistent and meaningful relationships between private lots and public frontages.

D. Elevate the quality and impact of development by integrating landscape designs that balance aesthetic appeal with environmental sustainability and social well-being.

E. Strengthen ecological resilience by enhancing the environmental function of unbuilt portions of sites, protecting existing natural features, and incorporating them as integral elements of development projects.

F. Mitigate the visual, auditory, and functional impacts of development through thoughtfully designed landscapes that prioritize screening, buffering, and enhancing site usability.

G. Promote the use of native and climate-adapted landscape to restore ecological balance, conserve resources, support biodiversity, and create resilient and regionally appropriate landscapes.

H. Integrate green infrastructure solutions into landscape design to manage stormwater sustainably, reduce urban heat islands, improve air and water quality, and create multifunctional spaces that contribute to climate resilience.

I. Preserve and strengthen the tree canopy throughout the city for the aesthetic, economic, ecosystem services, and environmental benefits it provides.

36-8.02 Applicability

A. **General Applicability.** The standards in this article shall apply to the following:

1. A building permit for a new principal structure;

2. A building permit for an existing principal structure that results in an increase per section 36-1.06;

3. Any addition of parking to nonresidential uses or residential uses with 10 or more dwelling units;

4. Any change of use to a site or building that increases the activity or intensity of use on a site in a manner that could negatively impact adjacent property; or

5. Any new leased parcels or outlot development shall independently meet all landscape requirements as if it were a new stand-alone development.

B. **Applicability to Existing Buildings & Sites**. In cases where the landscape and site design standards apply to existing sites or buildings, the intent is to bring the site into full compliance with these standards. For infill and rehabilitation of existing sites, the PD Director may prorate the requirements to the extent of the site work, and reduce requirements where clear and documented physical constraints or existing infrastructure deem or make full compliance impractical. Standards shall be applied according to the following order of priority areas:

1. Streetscapes and frontage areas along public right-of-way;

2. Perimeter landscape and buffers;

3. Interior parking and site landscape;

4. Other lot open spaces.

The site shall be brought closer to compliance by meeting at least 50% of the required planting standard in the applicable portions of the site, and in no case shall the reduction be below the minimum necessary to address the documented constraint.

36-8.03 Required Landscape

A. **Design Objectives.** Landscape plans shall meet the following design objectives:

1. Frame important streets and emphasize gateways with thoughtfully placed street trees, massed plantings, and vertical elements that enhance the character of each district or corridor.

2. Provide comfort, spatial definition, and visual interest to outdoor spaces such as walkways, civic spaces, parks, trails, and plazas to support vibrant and active community gathering places.

3. Design landscapes to serve multiple purposes, including aesthetic appeal, screening, environmental enhancement, stormwater management, and recreational opportunities, promoting efficient and holistic site design.

4. Strategically locate plants and landscape features to improve resource and energy efficiency with arrangements that consider wind blocks, heat mitigation, water conservation, solar access, and other elements inherent to the site.

5. Prioritize storm water management and green infrastructure to prevent erosion through natural landscape elements that intercept, infiltrate, store, or convey precipitation and runoff.

6. Prioritize the protection and adaptive reuse of healthy, established plants, trees, and natural features that contribute to site functionality and ecological balance, minimizing unnecessary removal or replacement.

7. Use native and regionally adapted species to enhance biodiversity, provide habitat for local wildlife, and create resilient landscapes that reflect the Ozarks Bioregion.

B. **Planting Requirements.** The required landscape shall be based on different elements of the site according to Table 8-1.

Table 8-1: Plant Requirements

Site Element	*Trees*	*Evergreen Trees*	*Shrubs*
Streetscape. *The landscape area in the ROW or along the lot line immediately abutting the right of way.*	1 overstory tree per 40' of lot frontage. [3]	n/a	n/a
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement.[2] Streetscapes with constrained right-of-way or with overhead utilities may substitute one understory tree per 20' of lot frontage.		
Frontage & Foundation. *The area between the building line and ROW along a street, including street sides of corner lots.*	N/A for buildings setback 0'-10' AND 1 understory tree per 40' of lot frontage for buildings set back more than 10' from the front lot line [3] AND 1 overstory tree per 40' of lot frontage for buildings set back 30' or more from the front lot line [3]	Evergreen trees may be substituted for understory trees at a rate of one for one, and for overstory trees at a rate of two for one, for up to 50% of the requirement	1 shrub per 5' of building frontage for buildings setback more than 10' from the front lot line [2] 3 ornamental grasses may be substituted for 1 shrub up to 50% of the requirement [2]
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement [2]		
Parking. *Landscape areas on the perimeter or interior of parking.*	1 overstory tree per 10 parking spaces	Evergreen trees may be substituted for overstory trees at a rate of two for one, for up to 50% of the requirement	1 shrub per 10' of perimeter [1] Type I buffer for any parking area within 30' of a street or internal access lane (See Section 36-8.04) 3 ornamental grasses may be substituted for 1 shrub up to 50% of the requirement
	Understory trees may be substituted for overstory trees at a rate of two for one up to 50% of the requirement		
Buffers. *Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.*	See Section 36-8.04		
Civic and Open Spaces. *Areas of the site designed as part of a broader system of formal and natural open spaces.*	See Section 36-3.04		
Other.	All other unbuilt or unpaved areas of a site shall require a combination of ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces. Up to 20% of the landscape area may consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers, or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff in association with planting areas and complements the landscape design. The use of rock inorganic material requires a raised concrete barrier or steel edging to keep stray rocks or gravel contained.		

[1] Parking lot perimeter shall be the linear edge of any parking area or driveway within 100' of a property line or internal access street where there is not a building in between the parking and the boundary.
[2] Detached houses and duplexes are exempt from this requirement.

[3] Detached houses and duplexes may meet the Streetscape and Frontage & Foundation planting requirements by planting one understory tree and one overstory tree per 40' of lot frontage.

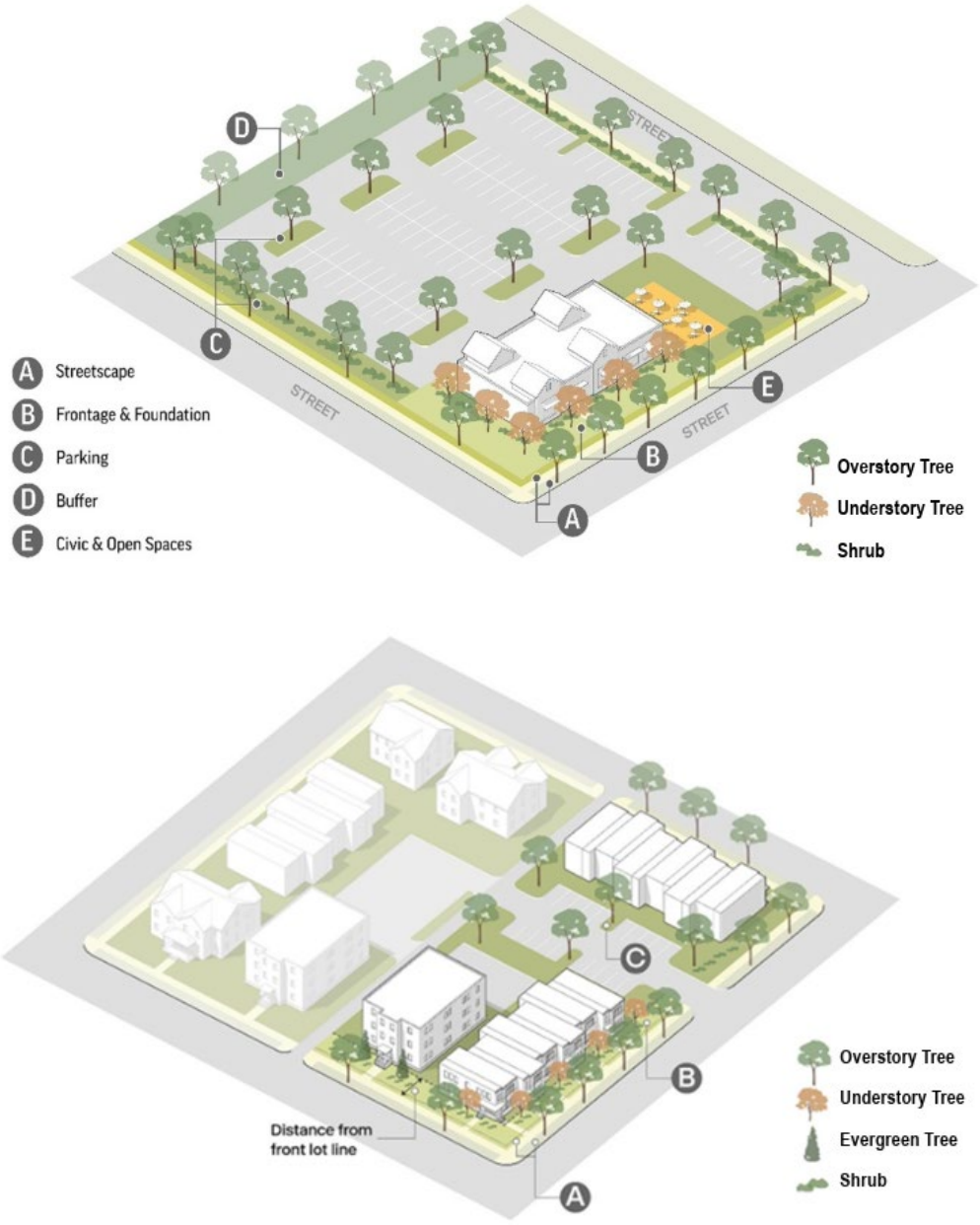


Figure 8-1 Landscape Design
The landscape requirements are allocated to different elements of the site and emphasize how different landscape standards and designs should be used to serve different functions on the site, including relating the streetscape, adding comfort and interest to active spaces, and or mitigating impacts on adjacent areas.

C. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and desirable species (as identified in Appendix A), or which equally or better meets the intent or design objective for landscape on a specific portion of the site, may count for landscape requirements provided measures are taken to ensure the survival through construction and all other location and design standards are met.

1. An inventory of all existing trees or significant woody vegetation including size, health, species, and any proposed for removal shall be provided by a Forester certified by the Society of American Foresters or an arborist certified by the International Society of Arboriculture.

2. Credits shall be based on:
   a. 1 for 1 basis provided it meets the minimum specifications for new plants
   b. 2 for 1 for any tree larger than 6" DBH
   c. 3 for 1 for any tree larger than 12" DBH

3. Trees or other existing landscape that contributes to the standard shall be identified on a landscape plan and the critical root zone shall be protected for the entirety of construction by a construction fence. Tree protection measures shall be based on applicable industry standards and best practices to ensure survival of the landscape.

4. Preservation of trees may provide a credit towards meeting the Water Quality Volume in accordance with the Flood Control and Water Quality Protection Manual.

5. Preservation of existing trees may also justify additional site or landscape design modifications subject to Sections 36-8.07, 36-7.06, and 36-2.03.C of this chapter.

D. **Design & Location.** The landscape required by Table 8-1 shall be arranged and designed to best achieve the design objectives of this section and intent of this article based on the context and adjacencies proposed on the site. Required plantings shall be planted in the following specific locations on the lot.

1. *Streetscape Trees.* Streetscape and frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and promote enclosure of the tree canopy. Where streetscape tree standards are adjusted with frontage and foundation requirements pursuant to subsection D.7, trees may be located anywhere within the approved adjusted landscape area. In the absence of a clearly established line along the block, trees may be planted in the following locations in order of priority:
   a. Centered between the sidewalk and curb where at least an 8-foot-wide landscape area exists;
   b. In tree wells that are at least 4 feet in all directions and at least 24 square feet located within the sidewalk (applicable on wider attached sidewalks or pedestrian-oriented commercial or mixed-use streets);
   c. 5 to 10 feet from the back of curb where no sidewalk exists or from the sidewalk where the sidewalk is attached;
   d. Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations; and
   e. Understory trees may be substituted for overstory street trees only in situations where no other alternative is available due to constraints of the site or right-of- way conditions. Understory trees should be used where trees are to be located within 10 feet of any overhead wires or in landscape areas between 4 and 6 feet wide.

2. *Frontage and Foundation Trees & Shrubs.* Foundation and frontage plantings shall be located in open spaces near the building or in planting beds associated with the design of any hardscape along the building frontage. Where landscape standards are adjusted pursuant to subsection D.7, required trees and shrubs may be distributed throughout the adjusted landscape area rather than meeting the specific distance requirements of this subsection.
   a. Understory and evergreen trees shall be located within 25 feet of the building.
   b. Shrubs and other plantings shall be located within 6 feet of the foundation.
   c. Where planting beds are used within hardscape around a foundation, they should

be at least 4 feet deep, at least 60 square feet, and concentrated along at least 50% of the building frontage.

d. Use larger and vertical landscape elements to frame entries, anchor the corners of buildings, or break up and soften large building elevations.

3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planted in perimeter buffers and interior islands planned and designed according to Section 36-7.05.
   a. There shall be at least one overstory tree per 40 feet of parking lot perimeter, or one understory or evergreen tree per 25 feet of perimeter.
   b. Evergreen trees shall only be permitted on the non-street perimeter buffer of parking areas and not in parking islands or streetscape or front buffers.
   c. There shall be at least one tree per interior island. Interior islands over 360 square feet shall have one overstory tree or two understory trees per 360 square feet.
   d. Shrubs shall be located to define parking lot edges, screen parking from adjacent sites, or create barriers no taller than 3 feet along sidewalks, drive aisles, and internal access streets, ensuring clear visibility and maintaining sight line for pedestrians and vehicles.
   e. Any parking within 20 feet of the public right-of-way or internal access lane shall have a Type I buffer and any parking area within 10 feet of any other property line shall have a Type II buffer per Section 36-8.04.

4. *Stream Buffers.* 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 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 or the water quality standards for redevelopment sites in the Flood Control and Water Quality Protection Manual are otherwise infeasible on a proposed zoning site plan, the lot will be considered conforming if approved by the ARC using the following design requirements.
   a. 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 allowed for the extra building height must be directly proportional to the amount of land (square footage being used for the required stream buffer area, provided the height is not increased more than one story above the required height limit; or
   b. 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% reduction in required parking. For every 167 square feet area of stream buffer or water quality stormwater control measure, a reduction of one parking space will be allowed.

5. *Visibility at Intersections.* Screens, buffers, and landscape shall be located and designed to maintain proper lines of sight at all intersections of streets, alleys, driveways, and internal access streets as provided in Section 36-3.03.B.7.

6. *Specific Applicability.* Where landscape standards for different conditions or elements of a site overlap, or are adjusted pursuant to subsection D.7 effective site and landscape design may enable the space and plants to count toward more than one requirement, based on the greater plant requirement applicable to that area. For example, a buffer area required by Section 36-8.04 may also contribute to a parking area perimeter requirement, or a parking area perimeter may also contribute to a streetscape requirement, where the design can satisfy the greater of both requirements. Approval shall be subject to the PD Director determining that the design objectives of this section and intent of this article are achieved.

7. *Streetscape, Frontage, and Foundation Landscape Minor Adjustments.*
   a. Intent. The minor adjustment landscape area is intended to provide a level of shade, visual interest, buffering, and pedestrian comfort that is equivalent to that achieved on non-constrained sites, while allowing flexibility in plant placement and configuration.
   b. Applicability. Where required streetscape, frontage, and foundation landscape

standards cannot reasonably be accommodated as separate planting zones due to right-of-way constraints, utility conflicts, limited frontage depth, required sight distance, or redevelopment conditions, the required landscape may be adjusted into a single frontage landscape area.

c. Tree Quantity. When adjusted, the total number of required trees shall equal the greater of either the required streetscape or frontage tree requirement found in Table 8-1.

d. Tree Type Flexibility. Overstory and understory trees may be mixed to respond to overhead utilities and available soil volume.

e. Location. Trees shall be located between the public right-of-way and the primary building or parking area to maintain a landscaped edge along the street.

f. Minimum Landscape Depth. The adjusted landscape area shall have a minimum continuous depth of 6 feet, except where interrupted by approved access points.

g. Approval. Adjustment of landscape standards under this subsection shall be subject to approval by the PD Director, who shall determine that the design achieves the intent of this section.

E. **Stormwater.** Landscape features should be designed as multifunctional spaces that address both aesthetic and stormwater management goals while meeting applicable design standards for landscape and stormwater. Techniques such as bioretention areas, rain gardens, vegetated filter strips, and swales should be incorporated to slow, capture, and/or infiltrate runoff from impervious surfaces, including parking lots, streets, and civic spaces, enhancing environmental performance and site functionality.

36-8.04 Buffers & Screening

A. **Design Objectives.** Intense land uses or site elements shall be buffered and screened from streetscapes and adjacent property according to the following design objectives. These objectives shall be used in applying the buffer requirements in Table 8-2 and Table 8-3.

1. Mitigate impacts of parking lots or vehicle circulation near streets or property lines with landscape barriers and low-level headlight screening.

2. Buffer and screen commercial uses, parking lots, and service areas abutting residential property with a combination of dense vegetation or fences and walls.

3. Soften transitions where changes in development patterns, intensity of land uses, or building scale occur.

4. Screen service and utility areas of buildings and sites from adjacent property or streetscapes with architectural features, fences, or landscape that limits visibility or noise.

5. Create landscape clusters that soften long expanses of building walls, fences, surface parking, or other similar areas.

6. Use berms, vertical landscape, dense plantings, or other grade or spatial changes to alter views, subdue sound, and change the sense of proximity of incompatible elements.

7. Address three layers of landscape, including: overstory trees (high-level – 30'+); evergreen or understory trees (mid-level – 6' to 30'); and shrubs, annuals, perennials, and ground cover (low-level – under 6'), to directly mitigate the potential impacts and adjacencies.

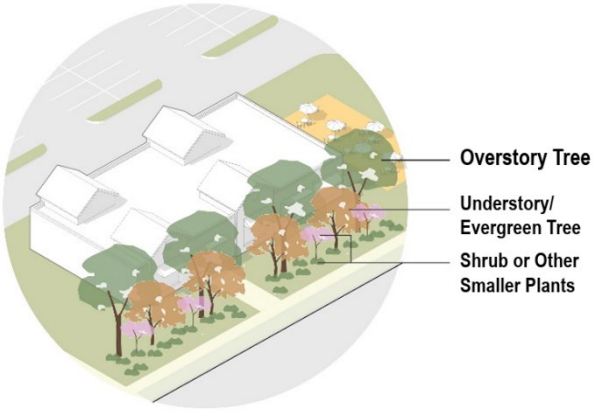


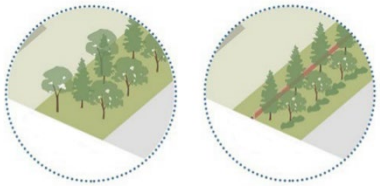
Figure 8-2 Buffer Layers
Effective buffer design should be based on the specific context, and the intent and degree of mitigation desired. Overstory trees provide separation and mitigation at upper levels, evergreen and understory trees provide separation and mitigation at mid-levels, and shrubs or other smaller plants provide separation and mitigation at ground levels. Different levels may receive different priorities based on the specific context, potential impacts, and adjacencies.

B. **Buffer Planting.** The planting requirements in Table 8-2 shall be used to buffer and screen more intense uses or elements of sites according to the design objectives of this section. The buffer width is independent of and may include any setback, parking perimeter buffer, or other open space requirement so that the larger requirement controls.

Table 8-2: Buffer Planting Requirements

Type and Applicability	Buffer Planting Requirement	
Type I – *A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian-oriented streetscapes.*	Width: 6' min. *Planting:* 1 overstory tree per 40' or 1 understory per 20'; and 1 shrub per 5' *Variation:* the shrub rate may be reduced by 50% in combination with the following: ▪ A 4' decorative wall or wooden fence in constrained areas or along the streetscape; or ▪ 3' berm in areas that are at least 10' wide. ▪ Parking areas abutting public sidewalks that are at least 10' wide in the CC district, the buffer width may be reduced to 2', provided a 4' decorative wall or wooden fence is used and the landscape is planted in tree wells within the parking area or right-of-way at required intervals.	 *Dense shrubs* *Decorative fence or wall* *Berm*
Type II *– A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.*	*Width:* 10' min. *Planting:* 1 overstory tree per 40'; 1 understory or evergreen tree per 25'; and 1 shrub per 10'; and Variation: The shrub and understory/evergreen tree rate may be reduced by 50% and the width reduced to 5' with the following: ▪ 6' high wooden fence with at least 50% opacity	 *Shrubs and evergreens* *6' fence or wall*
Type III *– A densely planted area intended to mitigate noise and create a visual screen for potentially incompatible land use adjacencies, or for large scale or intense uses along collector or arterial streets.*	*Width:* 20' min. *Planting:* 1 overstory tree per 40'; 1 understory or evergreen tree per 25'; 1 shrub per 10'; and *Variation*: the shrub and evergreen tree rate may be reduced by 50% in combination with the following: ▪ A 6' solid wall or wooden fence; or ▪ A 3' high berm and 4' high wooden fence with 50% opacity.	 *Separation and planting* *6' fence or wall* *Berm*

Table 8-2: Buffer Planting Requirements

Type and Applicability	*Buffer Planting Requirement*
Type IV - *A densely planted area intended to separate incompatible situations or high-intensity uses.*	*Width*: 40' min. *Planting:* 1 overstory tree per 40'; and 1 understory tree per 25'; and 1 evergreen tree per 15' *Variation:* The evergreen and understory tree requirement may be reduced by 50% where a combination of berms, fences, and/or shrubs accommodate the understory screening. The width may be decreased to 20' with a 25% increase in the plant rates. 

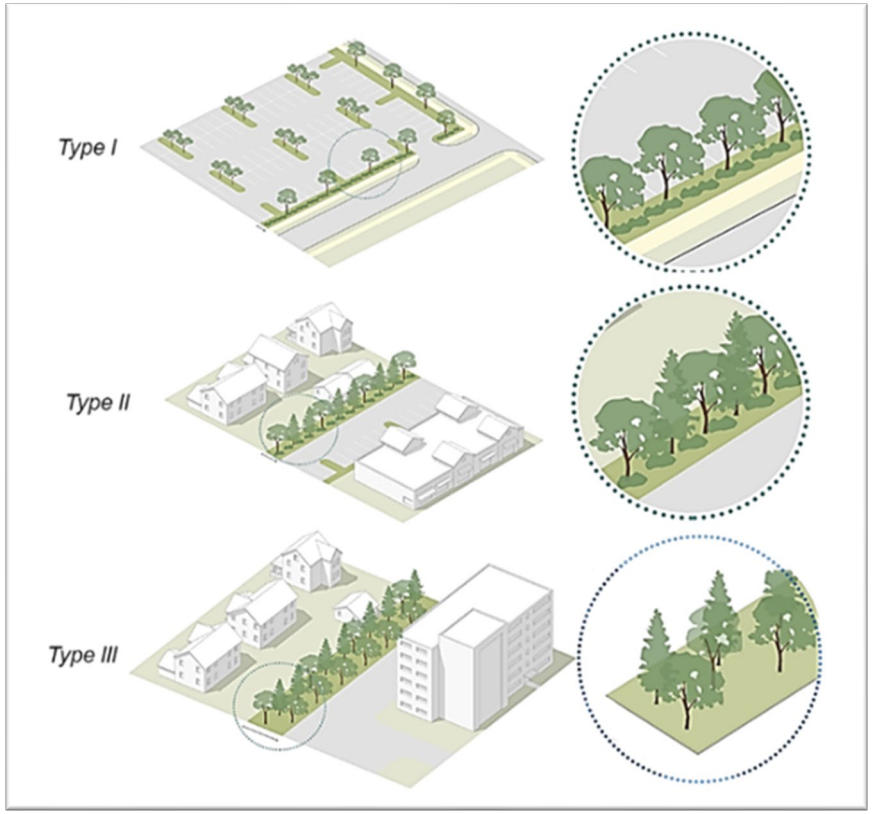


Figure 8-3 Buffer Types & Context
Application of the specific buffer type should be based on context and the adjacent site or projects.

C. **Buffer Locations.** Buffer types shall be required and applied as indicated in Table 8-3.

Table 8-3: Buffer Application

Intensity of Adjacent Site		*Intensity of Proposed Development*				
		Very Low	*Low*	*Medium*	*High*	*Very High*
Very Low		--	Type II–	Type II	Type III	Type IV
Low		--	--	Type II	Type III	Type IV
Medium		--	Type I	--	Type II	Type III
High		--	Type I	Type II	--	Type II
Very High		--	Type I	Type III	Type II	--
Use Intensity	*Very Low*	▪ *Residential:* Detached house and duplexes in R-SF, R-MX1, R-MHC zoned districts				
	Low	▪ *Residential:* multi-unit house; and small-lot apartment types or R-MX2 zoned districts				
	Medium	▪ *Residential*: medium- and large-lot apartment; and apartment complexes or R-MX3 zoned districts ▪ *Nonresidential:* churches, schools, or similar institutional uses; neighborhood retail (under 5,000 s.f.); office uses (under 10,000 s.f.); artisan or small manufacturing (under 10,000 s.f.); or similar uses that do not operate between 10PM and 7AM				
	High	▪ *Nonresidential*: commercial uses that may be larger scale (over 5,000 s.f.); light manufacturing; or other higher intensity uses that operate beyond 10PM				
	Very High	▪ *Nonresidential:* heavy commercial uses (over 100,000 s.f.); or uses with significant outside activity or storage; or heavy industrial and manufacturing uses				
Other Applications		▪ Parking areas within 20 feet of any public right-of-way or internal access lane shall have a Type I buffer ▪ Any parking area with 10 feet of any other property line shall have a Type II buffer per Section 36-8.04 ▪ Any lots that back up to or are adjacent to a collector or arterial street require a Type III buffer, which may be incorporated into the right-of-way landscape. ▪ Any lots adjacent to a highway or expressway shall require a Type IV buffer for residential and Type III buffer for nonresidential				

When the adjacent property is vacant, the range of uses permitted within the zoning district of the vacant lot shall be used to determine the appropriate intensity for the buffer type.

D. **General Screening.** All of the following shall be screened from streets or adjacent property by placement of buildings, dense evergreen hedge, a landscape berm at least 3' high, a decorative opaque fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design and placement of buildings, frontages, plantings, buffers, and other site requirements do not adequately screen these elements, the PD Director may require additional planting.

1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.

2. Permanent or temporary outdoor storage areas.

3. Trash enclosures, and similar collection facilities for recycling or household goods.

4. Utility-minor as defined, or any ground-mounted utility equipment that exceeds 36 inches in

height, width, or depth. Screening of utility infrastructure will be subject to clearance requirements.

5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.

6. Any continuous blank wall greater than 50 feet in length or 500 square feet in area that is visible from public streets, public spaces, common areas, or other sensitive boundaries such as residential zones, parks, or civic spaces. These walls shall incorporate a buffer to mitigate the visual impact and ensure compatibility with surrounding environments.

7. Nonresidential parking or residential parking lots with over 10 spaces adjacent to residential lots.

E. **Fences & Walls.** Fences and walls for individual property shall be located according to Table 8- 4.

Table 8-4: Fence & Wall Standards

	Residential Uses	*Nonresidential Uses [1]*
Front	Fences at least 50% open, up to 4' high	Fences at least 50% open, up to 4' high
Side & Rear	Up to 7' if behind the front building line and complies with sight distances per 36-3.03	Up to 8' if behind the front building line and complies with sight distances per 36-3.03
Setbacks	All fences shall be at least 18 inches from any public sidewalk, except front fences meeting the front fence design standards may be built on the property line even if abutting a sidewalk.	
Generally	▪ Decorative ornamental enhancements such as a trellis or an arch associated with an entry or gateway may be up to 8' high. ▪ All fences or walls located in required yards and setbacks shall be designed so the most finished side faces out to the street or adjacent property. ▪ Fences or walls meeting required building setbacks can exceed the fence height limits, but may be limited by development standards, building codes, or other public health and safety standards.	

[1] Including Mix of Uses

1. *Materials.* All fences and walls shall be made of the following:
   a. Masonry, including brick, stone, integrally colored concrete, textured concrete, smooth or textured concrete masonry unit (CMU), stucco, or other similar material;
   b. Decorative metal, such as cast or wrought iron or other decorative metal;
   c. Chain link – steel; Aluminum or vinyl clad except that these type of fence materials are prohibited in any front yard in residential or commercial districts;
   d. Wood materials designed specifically for fencing purposes. Wood fence material shall meet EPA residential use standards;
   e. Vinyl, plastic, or composite fence products designed specifically for fencing purposes; or
   f. Steel or aluminum woven wire designed for fencing. Barbed or other sharp wire shall only be permitted to the side or rear of commercial and industrial fences and only if all portions of barbed wire are above 6 feet high.

2. *Sports & Recreation Fences*. Fences for sports and recreation facilities, or for any other similar public facility, may be up to 10 feet generally; or up to 14 feet for tennis, pickleball, or similar sport courts if at least 50% open above 7 feet high; and taller to serve the functional need for backstops or golf course protection.

3. *Sight Distances.* All fences, walls or screening shall be located out of the sight distances in Section 36-3.03.B.7, or otherwise limited to no more than 3 feet high in these areas.

4. *Drainage Easements.* No fence shall be constructed which could impede the flow of drainage

waters. All fences must be installed in a manner that will not constrict the water flow planned for proper drainage of the lots in a subdivision.

36-8.05 Plant Specifications

A. **Design Objectives.** The plant specifications have the following design objectives:

1. Ensure the longevity and survival of landscape investments with proper species, location, installation, and maintenance of plants.

2. Promote regionally appropriate strategies, including limiting risk of disease or infestation through diversity of urban forest on an area- or city-wide basis, and to improve stormwater management and adaptation to local environmental conditions.

3. Establish minimum standards that balance immediate conditions with reasonable long- term growth and performance of landscape.

4. Utilize drought tolerant plants and landscape designs that conserve water and provide lower maintenance through different seasonal conditions.

5. Integrate native plants wherever practical to support local wildlife, enhance biodiversity, and contribute to the ecological integrity of the region.

B. **Species.** All trees and shrubs shall be selected and planted according to plant lists and industry guides administered by and available from the Department of Planning and Development and listed in Appendix A. In addition to any species on these lists, alternatives may be proposed and approved as part of the zoning site plan, provided they:

1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;

2. Are adaptable to the climate, region, and the specific conditions in which they are proposed;

3. Are not invasive or otherwise problematic to the overall health of the landscape; and

4. Are not listed in Appendix A as “Do Not Plant”.

C. **Plant Specifications.** All landscape materials shall meet the American Standards for Nursery Stock standards, and be selected for its native characteristics or survival in the climate and region. Plants shall meet the following specifications at planting:

Table 8-5: Plant Specifications

Type	*Specification*
Overstory Tree	1.5” caliper; Mature height of at least 30’; Deciduous tree
Understory Tree	1.0” caliper; 8’ minimum planting height for multi-stemmed; Mature height of 15’ – 30’; Deciduous tree
Evergreen Tree	6’ minimum planting height; Mature height of at least 10’. Evergreens with mature heights of 30’ or more may be classified as overstory, evergreen, or conifer trees.
Shrub	5-gallon minimum container or 18” minimum planting height; 36” minimum mature height
Ornamental Grass	1-gallon minimum container or over 24” at mature height
Ground Cover	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within two growing seasons.
General	At least 30% of plantings in any landscape project shall consist of plant species native to Missouri.

D. **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

Table 8-6: Tree Diversity

Required Trees	*Diversity*
1 - 4	▪ No specific requirement, but trees should be diversified from existing trees in the vicinity.
5 - 10	▪ At least 2 genus ▪ No more than 50% of any one species
11 - 20	▪ At least 3 genus; and ▪ At least 4 species ▪ No more than 40% of any one species
21 or more	▪ At least 3 genus; and ▪ At least 5 species ▪ No more than 33% of any one species

*Street trees may be uniform species to implement a streetscape design or existing pattern on a block, and diversity should be achieved through variation of site trees or by street tree diversity on broader block scale through streetscape master plans.

E. **Planting & Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods. At a minimum landscape plans shall demonstrate the following:

1. No plants shall be planted over any area that has been compacted. All planting areas shall be excavated and filled with amended soils to a depth of at least 24 inches, or additional sufficient depth to reach existing soils and remove any impervious material, compacted soils, stones 1 inch or larger, or any other material harmful to plat growth.

2. All plant materials and planting areas shall be prepared and planted according to American National Standards Institute: Tree Care Standards and ensure proper soil quality and conditions.

3. All plantings shall be properly maintained. Plant materials which fail to grow within a two-year period or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered by the PD Director to be removed and replaced.

4. The PD Director may defer planting for up to 9 months to account for seasonal conditions that make planting impractical and grant any conditional or temporary permits necessary to ensure planting occurs. An escrow in the amount of the total cost estimate of landscaping for the construction must be given in January 1 dollars for the current calendar year. The PD Director may approve substitutions of equal or better- performing species where a specific plant on an approved plan is not available in the region due to circumstances beyond the applicants control.

5. All elements of an approved landscape plan including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Deficiencies of any approved landscape plan at any point may be enforced as a violation of the provisions of this ordinance.

6. All required landscape plantings shall be installed during the appropriate planting seasons to ensure survival and proper establishment. Acceptable planting seasons include:

    - Spring (March 1 through May 10); and

- Fall (September 15 through November 10)

Planting outside these periods shall be allowed only when an arborist notifies the Planning and Development Department and follows required care and best practices to support plant growth.

7. All trees, shrubs, and other required planting shall retain the original nursery-provided identification tags until initial landscape inspection is completed. Tags must remain visible and legible at the time of inspection.

8. All required plantings shall have a warranty for a minimum of 6 months following the date of initial inspection. A mandatory reinspection shall occur within this warranty period to confirm species, survival, and establishment.

36-8.06 Tree Preservation and Protection

A. **Design Objectives.** The tree protection standards in this section have the following design objectives:

1. To preserve the city's character by preventing indiscriminate removal or destruction of trees.

2. To improve property values through implementation and management of street trees, and through maintaining an acceptable tree canopy over all property.

3. To increase the environmental performance of streetscapes and site design, recognizing the air quality, stormwater filtering and infiltration, habitat maintenance, and energy reduction benefits provided by mature trees.

4. To enhance compatibility of different projects with established buffers that mitigate impacts of development or other natural ambient conditions.

5. To retain high priority trees and limit unnecessary tree removal on redeveloped or undeveloped sites.

6. To establish tree protection measures during development and reward tree protection efforts with flexible development standards.

7. To preserve exceptional trees that are unique, native, possess exceptional aesthetic value, or are otherwise considered a valuable community resource.

B. **Applicability**. The provisions of this section shall specifically apply to:

1. All public right-of-way or other municipal property, including parks, open spaces and municipal grounds.

2. All development that requires a landscape plan according to Section 36-8.02.

3. The following additional development activities:
   a. Any disturbance of more than 5,000 square feet of land;
   b. Any new residential structure that is built on a vacant lot and not zoned R-SF;
   c. Any clearing of existing trees with a Diameter at Breast Height of 4 inches or greater, by any means where the clearing activity will cover an area of land of 5,000 square feet or greater; or
   d. Any activity requiring a land disturbance permit.

C. **Protected Trees.**

1. Trees are protected based on their size and location, as specified in Table 8-7 and Figure 8-4.

2. Protected trees require mitigation if removed.

3. Priority trees require special circumstances and approval to remove the tree and require

additional mitigation if authorized to be removed.

4. Tree preservation shall be prioritized in site layout and design prior to consideration of tree removal or replacement

5. Removal of tree solely for the purpose of reducing mitigation or replacement obligations is prohibited.

Table 8-7: Protected Trees

Location	*Protected Tree*	*Mitigation If Removed*	*Priority Trees [1]*	*Mitigation If Removed*
Area 1: Street Trees	--	--	> 6" DBH	▪ 1 tree for every 6" DBH removed ▪ Maximum 4 to 1 replacement
Area 2: Frontage Trees	4" – 6" DBH	1 to 1 replacement	> 6" DBH	▪ 1 tree for every 6" DBH removed ▪ Maximum 3 to 1 replacement
Area 3: Lot Trees	6" – 20" DBH	1 to 1 replacement	> 20" DBH	▪ 1 tree for every 12" DBH removed ▪ Maximum 3 to 1 replacement
Area 4: Buildable Area Trees	6" – 30" DBH	1 to 1 replacement	> 30" DBH	▪ 1 tree for every 12" DBH removed ▪ Maximum 2 to 1 replacement
Any Area	--	--	Any Missouri State Champion Tree	▪ 1 tree for every 6" DBH removed ▪ Maximum 4 to 1 replacement

[1] Priority trees may only be removed as provided in Section 36-8.06.D.
DBH – Diameter at Breast Height

Area 1. "Street trees" includes any tree that is 6" DBH or more, and in the public right-of-way.

Area 2. "Frontage trees" includes any tree that is 4" DBH or more, on private property and within 20 feet of the front lot line.

Area 3. "Lot trees" includes any tree that is 6" DBH or more, on private property, but outside of the frontage or buildable area.

Area 4. "Buildable area trees" includes any tree that is 6" DBH or more, and in the buildable area determined by the zoning setbacks applicable to the principal building.

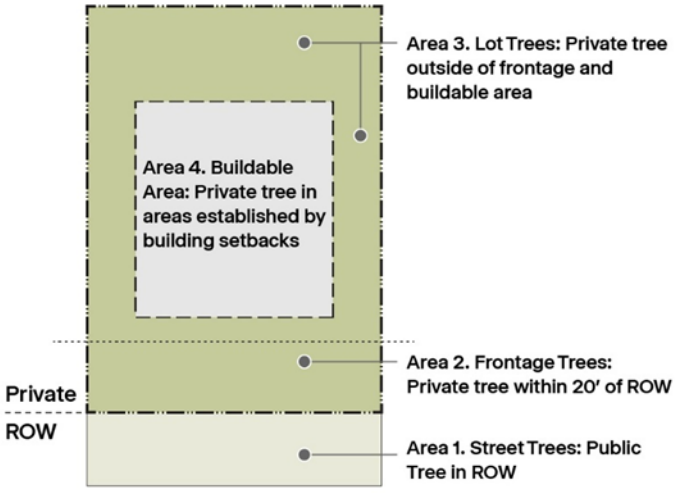


Figure 8-4 Tree Protection Areas *Tree protection provisions and required mitigation is based on the area of the lot and the size of trees in particular areas.*

D. **Exceptions – Authorizations for Removal.** The PD Director may consider an exception to remove a tree prohibited from removal under Section 36-8.06.C only upon a written request indicating the specific tree and documentation establishing justification for removal. The PD Director may grant the exception for

the following reasons:

1. The tree is dead by natural or environmental causes;

2. The tree is diseased or dying, and constitutes a threat to healthy trees, property, or public safety; or

3. Removal of the tree is necessary for construction, development or redevelopment under the following criteria:
   a. All reasonable efforts have been made to avoid removing the tree through comparable alternative designs;
   b. The presence of the tree places an undue financial burden on the property owner or applicant; and
   c. No other reasonable accommodations, including adjustments to the otherwise allowable building footprint can be made to preserve the tree.

4. Emergency situations such as storm damage, emergency access or other safety measures make it necessary to remove or alter the tree. In such cases, no permit or authorization is needed at the time of the occurrence, but a permit and any necessary mitigation shall be processed after the emergency situation is addressed.

5. The tree is an invasive or undesirable species or is identified on the Do Not Plant list found in Appendix A and the User's Manual. These trees are not protected and should be removed from all sites, whether through development or property maintenance. No mitigation or specific authorization is required for their removal.

E. **Tree Inventory and Canopy Assessment.**

1. *Tree Identification Required.* Prior to site disturbance, applicants shall identify existing tree resources using one of the following methods, as approved by the PD Director:

   a. *Tree Inventory.* For sites with limited tree cover, a visual inventory identifying the approximate number, size, and location of protected trees may be submitted.

   b. *Canopy Coverage Assessment.* For heavily treed or wooded sites, a canopy coverage assessment may be used in lieu of a tree-by-tree inventory for purposes of calculating mitigation and replacement requirements.

   c. *Aerial Imagery Standards.*
      (1) Canopy coverage shall be calculated using aerial imagery dated no earlier than 5 years prior to the date of application.
      (2) Imagery shall pre-date submission of the current development application.
      (3) The PD Director may establish administrative guidance identifying acceptable imagery sources and methodologies.

F. **Tree Mitigation and Replacement Calculation.**

1. *Canopy Equivalency Standard.* For purposes of calculating required replacement, one (1) replacement tree shall be equivalent to 400 square feet of tree canopy.

2. *Replacement Formula.* Required replacement trees shall be calculated by dividing the total canopy area removed by 400 square feet.

3. *Rounding.* Fractions shall be rounded up to the nearest whole tree.

4. *Relationship to Table 8-7.* Table 8-7 shall continue to apply to individual protected and priority trees. For projects involving substantial tree removal or wooded sites, the PD Director may require use of the canopy-based method to ensure proportional and predictable mitigation.

5. *Maximum Replacement Requirement.*
   a. The total number of required replacement trees shall not exceed 20 trees per acre of

site area.

b. Where calculated replacement requirements exceed this maximum, the required number shall be reduced to the capped amount.

c. The cap shall apply regardless of whether replacement trees are planted on-site or satisfied through alternative compliance.

6. *Tree Replacement Methods.* On-site replacement. Required replacement trees shall be planted on-site where sufficient area exists to support healthy tree growth.

7. *Alternative or Phased Planting.* The PD Director may approve alternative or phased planting approaches where site constraints limit full on-site replacement. Compliance with the intent of this section shall be verified through the zoning site plan procedure.

8. *Fee-in-Lieu of Tree Replacement (Reserved).*

G. **Protection Measures.** All trees that are prohibited from removal and any other tree that will remain on site according to the Tree Protection and Removal Plan shall be protected by the following measures.

1. *Tree Protection and Removal Plan*. A tree protection and removal plan shall be provided for all applicable projects where:

a. The property has a tree protected by Section 36-8.06.C;

b. As part of a landscape plan associated with development, where existing trees will be retained and protected to meet landscape requirements; and

c. Any trees are proposed to be removed as part of a building permit or associated with grading or demolition.

The tree protection and removal plan shall show all existing trees sizes and species, identify trees proposed for removal and trees to be retained, and include locations of protection fences and other protection measures required by this section.

2. *Fences.* Protective/temporary fences shall be required for all trees noted to remain on the tree protection and removal plan, or are otherwise not authorized for removal. This is to prevent infringement on the root system from any construction-related activities and shall be installed according to Table 8-8.

Table 8-8: Protective Fencing

Tree Size	*Fenced Area (lessor of)*	
> 30" DBH	20' from center of tree	Fencing protecting 100% of the drip line on all sides of the tree
20" – 30" DBH	15' from center of tree	
< 20" DBH	10' from center of tree	
	All required protective / temporary fencing shall be at least 4' high	

a. Fences shall be a snow fence, chain-link fence, orange vinyl construction fence, or other similar fencing.

b. Fenced areas shall exclude any preexisting structures, foundations, slabs, roadways, sidewalks, and driveways. The fence shall be installed along the edge of the driveways/roadways encompassing the tree to restrict access from the street side.

c. All fences shall appear on construction documents and be installed prior to any other construction-related activity.

d. The fence shall remain in place at all times until all other construction-related activity has been completed or final grade achieved.

e. As part of a permit or review of a tree protection and removal plan, the City may

determine that areas of the site removed from construction activity and where damage to roots is not likely may not need protective fences.

3. *Prohibited Activities.* Except for work that is necessary related to utility lines or activity that merely disrupts the surface of the ground, the following activities are prohibited in relation to the protected fences around root zones of all trees.
   a. No materials for construction or waste accumulated due to excavation, demolition, or construction shall be placed under the canopy.
   b. No equipment shall be cleaned or other materials or liquids deposited or allowed to flow over land within the limits of the canopy, including paint, old solvents, asphalt, concrete, mortar, or similar materials.
   c. No signs, wires or other attachments other than those of lightning protection or structural support shall be attached to any tree.
   d. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.
   e. No grade changes (cut or fill) shall be allowed within the limits of the drip line.
   f. New paving with asphalt, concrete, or other impervious materials shall be avoided within the limits of the drip line or otherwise protected root zone, and no new work shall be permitted in a manner which may be expected to severely damage or kill a tree.
   g. No other act by which soil is removed and land changed that may result in the movement of sediments, and may include tilling, clearing, excavation, or removal of vegetation that may cause unmanaged stormwater runoff and drainage in the direct path of the drip line.

H. **Violation and Enforcement**. Removal, damage or impairment of any protected tree, except as provided in this section, is a violation of this ordinance, enforceable as provided in Section 36-1.07 and each tree shall be considered a separate incident. Any fines and penalties shall be in addition to the mitigation measures required in sub-section C for removal of protected trees.

36-8.07 Outdoor Lighting

A. **Design Objectives.** Outdoor lighting of sites and buildings shall meet the following design objectives:

1. Provide safety and security in publicly accessible areas.

2. Create comfort and atmosphere with softer and warmer lighting in gathering spaces, social places, and pedestrian-oriented areas and streetscapes.

3. Limit backlight, uplight, glare, or other impacts that outdoor lighting could have on adjacent sites.

4. Accent the architectural features of buildings, gateways, or other portions of sites visible from the streetscape or other public spaces.

5. Design the appropriate scale, location, and type of light fixtures considering pedestrian- oriented or vehicle-oriented portions of sites, and the context and character of distinct areas.

6. Reduce light pollution and comply with the “dark sky” principles for responsible outdoor lighting, including useful, targeted, controlled, low-level, and color-appropriate lighting.

7. Develop energy efficient lighting strategies in balance with other site lighting objectives.

B. **Mounting Height.** All exterior lighting shall be limited to the mounting heights specified in the following table:

Table 8-9: Maximum Light Mounting Height	
Driveways and Parking Areas	▪ 20' in residential districts; ▪ 20' within 100' of a residential use or residentially zoned property or within 25' of any street; ▪ 35' in all other districts or situations ▪ The maximum permitted average illumination at any point along the perimeter of the property is 5 footcandles.
Pedestrian Walkways, Plazas or Courtyards, and Pedestrian-oriented Streetscapes	16'
Facade Lights	Below the eave or cornice line, provided the light is directed downward or otherwise designed and located to limit up-lighting beyond the facade
Other Site Lighting	▪ 12' nonresidential; and ▪ 7' residential
Building Mounted Security Lights	May be mounted at heights required to provide adequate security provided all efforts be made to mitigate off-site impacts including dimmers, timers, sensors, shields or other technology
General	Light poles shall be setback from adjacent property at least 1/3 of the height.

C. **Shielding.** All exterior fixtures shall be shielded and installed so that the direct illumination shall be confined to the property boundaries of the source and use shields according to Table 8-10.

Table 8-10: Required Shielding			
Wattage or Mounting Height	***Shield Type***		
	Full Cutoff [a]	***Cutoff*** [b]	***Semi-cutoff*** [c]
Lights mounted above 25'; or Lights above 5,000 lumens	Required	Prohibited	Prohibited
Lights between 2,400 and 5,000 lumens and mounted below 25'.	Permitted	Required	Prohibited
Lights below 2,400 lumens and mounted between 12' and 25'	All shielding types permitted		
Lights below 2,400 lumens and mounted less than 12'	No shielding required		
Decorative lighting below 200 lumens at any height	No shielding required		

a Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.

b Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.

c Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

D. **Design & Performance Standards.** In addition to the height and location standards, exterior site lighting shall meet the following performance standards:

1. Light locations, illumination levels, and fixtures shall be designed to minimize backlighting, uplighting, and glare.

2. Light levels at the perimeter of property shall not exceed:
   a. 0.3 footcandle in or abutting residential zoning districts for lights less than 15 feet high;
   b. 0.5 footcandle in or abutting residential zoning districts for all other lights; and
   c. 1.0 footcandle along any other property boundary.

3. All outdoor lighting shall have a correlated color temperature (CCT) of no more than 3,000K to minimize blue light emission glare.

4. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site and building.

5. Lighting shall be designed to meet the functional and security needs of the site, without adversely affecting adjacent properties. Performance and operational characteristics such as dimming interfaces or timers that reduce lights to minimal security levels for off hours should be used.

6. No lighting shall be permitted in required buffer in Section 36-8.04, except if the buffer yard includes a publicly accessible sidewalk or trail.

7. Lighting plans shall demonstrate compliance with industry standards and guidelines for environmental and energy performance, including the fixture types, light source, and energy source.

8. A photometric plan prepared by a qualified professional may be required by the PD Director for large-scale uses or where certain compatibility and adjacency issues exist because of anticipated lighting.

E. **Exemptions.** The following are exempt from the specific lighting specifications and standards, but still may be subject to general landscape and sight design standards or other conditions and industry standards to mitigate impacts as much as practical:

1. Outdoor recreational uses;

2. Emergency warning or automated security lighting that is only activated during specific events; and

3. Temporary holiday lights.

36-8.08 Modifications

A. **Alternative Landscapes.** The PD Director or the Planning and Zoning Commission may consider alternative landscape and site design plans through the zoning site plan modification process in Article 2. In addition to the general zoning site plan criteria in Section 36-2.03, any proposed alternative landscape and site design shall result in one or more of the following additional benefits:

1. Better allocation of plants in relation to the following areas in order of priority of design objectives:
   a. Mitigating any off-site impacts on adjacent property due to higher intensity activities
   b. Relationship to streetscapes and abutting civic or open spaces.
   c. Enhancements to active or social spaces within the site.

2. Preserve existing, established, healthy and desirable landscape and improve the environmental performance of the site.

3. Improve the longevity, survival, health, or general species mix of plant materials specific to the context and vicinity of the site.

4. Lighting results in better compliance with industry standards and guidelines of the Illuminating Engineering Society and Dark Sky International (IES / IDA).

Article 9. Signs

36-9.01 Intent
36-9.02 Applicability
36-9.03 Exempt Signs
36-9.04 Permitted Sign Allowance
36-9.05 Standards for General Sign Types
36-9.06 Standards for Specific Sign Types
36-9.07 General Standards - All Signs
36-9.08 Design Guidelines
36-9.09 Alternative Sign Plans

36-9.01 Intent

The intent of this article is to:

A. Create an attractive aesthetic environment in the city.

B. Enhance the quality and civic design of the community through the visual priority of buildings, streetscapes, open spaces, scenic views, landscapes, and other investments in the public realm and civic assets of the city.

C. Improve economic viability by assuring that the city is a visually pleasant place to visit, conduct business, and live.

D. Provide effective identification and communication for businesses, institutions, and other community destinations without excessive competition for visual attention.

E. Ensure that signs and graphics maintain the unique character of distinct places and districts.

F. Encourage creativity or flexibility in sign design that improves quality, uniqueness, or aesthetic characteristics of the area, as opposed to simply calling greater attention to one particular use or site.

G. Protect property values and investments by minimizing adverse effects from signs on adjacent property and public spaces.

H. Promote safety for pedestrians, bicyclists, motorists, or other users of the public rights-of-way with proper design, location, construction, operation, and maintenance of signs.

I. Ensure that the constitutionally guaranteed right of free speech is protected through appropriate and reasonable standards for signs as a way of public communication.

36-9.02 Applicability

A. **Permits Required.** A permit is required for all new signs or changes to existing signs, except:

1. Signs exempt from the permit under Section 36-9.03, subject to the limits and qualifications of each exemption.

2. Modifications of nonconforming signs subject to the provisions of Section 36-1.06.

3. Ordinary maintenance or repair of existing signs not involving structural changes.

4. The change of copy or content, change of sign panels, or similar changes to an existing sign that conforms to these standards.

5. Signs, including exempt signs, may require other permits demonstrating compliance with other codes such as building codes or electrical codes, as determined by the PD Director.

B. **Applications.** Application for sign permits shall be signed by the property owner or the owner's authorized agent, and include plans, specifications, and details that identify compliance with the applicable standards. Plans shall include:

1. Calculations of sign allowances for specific sign types based on the lot or building dimensions.

2. A zoning site plan and building elevations showing specific locations of all permitted signs.

3. Sign designs with the dimension, type, materials, and other specifications for each sign and a schedule showing the totals for all signs within each sign type compared to allowances.

4. Other construction specifications including associated foundations, attachment methods, or electrical work necessary to demonstrate compliance with other applicable codes.

C. **Sign Measurements.** Sign dimensions shall be interpreted as follows:

1. *Area Calculation*. The total sign allowance and individual size of any sign shall be calculated as follows:
   a. The area of the sign shall be computed by the area of the face of the smallest geometric shape enclosing the sign face. Bases or supporting structures that include no message, and decorative frames may be excluded from the sign area calculation.
   b. Building signs mounted within a frame, panel, or distinct background shall include the entire frame, panel, or background areas.
   c. Building sign mounted directly on the wall, window, or otherwise not on a background or panel shall be measured by the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the copy and graphics display. Gaps between the copy or graphic display which are greater than two times the height of the sign area may be subtracted from the calculation of the sign area, but it shall be interpreted as two signs.
   d. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire sign mounting.
   e. Signs mounted on illuminated objects and surfaces shall count the entire illuminated surface as the sign area. Examples include lit canopies or awnings, or digital or illuminated projections on a wall surface.

2. *Double-faced Signs.* Where the interior angle between two sign faces of a double-faced sign is no more than 45 degrees and the sign faces are no more than 5 feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be 50% of the sum of all sign faces.

3. *Three-dimensional Objects*. A three-dimensional object or other non-planer sign area is measured as 50% of the sum of four vertical and rectangular planes that enclose the entire object.

4. *Height.* Sign height is measured from the existing lowest grade directly below the sign to the highest point on the sign or sign structure. Decorative elements up to 1 foot above the sign may be excluded from the height. The average grade below the sign may be used; however, if the grade differs by more than 15 feet height shall be measured from 10 feet above the low point. 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 the sign shall be used.

5. *Clearance.* Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.

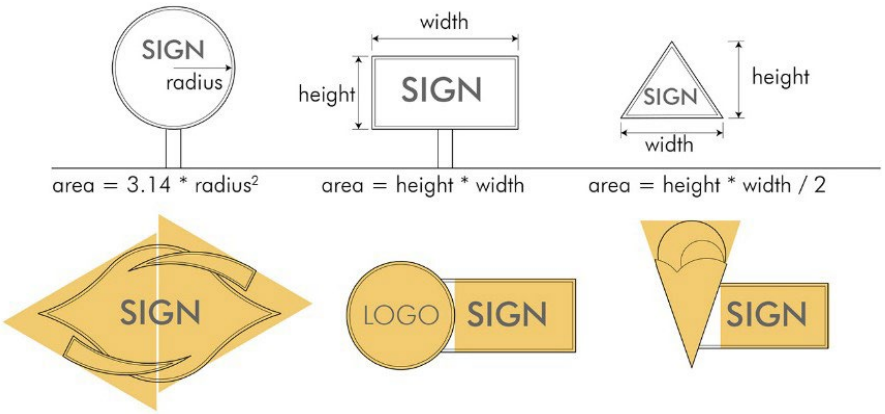


Figure 9-1 Sign Measurements *The size of a sign is generally measured by the area it is mounted upon, or when mounted directly on walls or irregular shapes, the area of up to two standard geometric shapes that encompass the sign or the outer limits of the sign. [36-9.02.C.1.]*

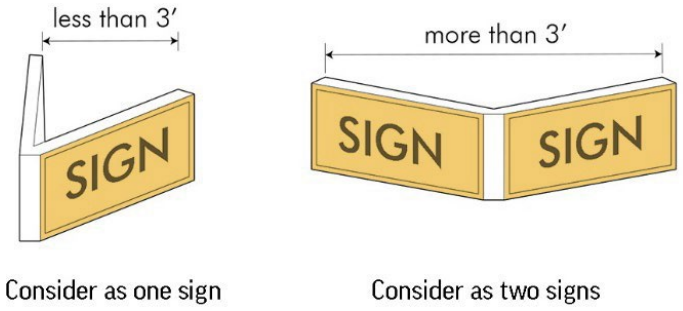


Figure 9-2 Double Faced Signs *Double faced signs generally count the area of only one side as the sign area; except where they are more than 3 feet apart at any one point, then each sign face counts to the area. [36-9.02.C.2.]*

36-9.03 Exempt Signs

The following signs are exempt from a permit provided they meet all other applicable requirements of this article. Unless specifically noted, exempt signs do not count towards the sign allowance specified for the applicable zoning district. Any signs beyond these exemptions and limitations shall only be allowed by a permit and count towards the sign allowance for the lot and building.

A. **Property Identification Signs.** Signs identifying a property address or building are encouraged to help public safety personnel, emergency services personnel, and the general public locate the property. Property identification signs shall be visible from the right-of-way and are subject to the following limitations:

1. *Address Signs.* Two per address up to 2 square feet each, only one of which may be ground mounted. Address signs on buildings shall be placed between 4 feet and 12 feet high on the building. Ground-mounted address signs shall be no more than 36 inches high.

2. *Building Name Plate.* Each building or site may have one name plate sign of up to 20 square feet per street. Building name plate signs shall be associated with the permanence or significance of the building or site, rather than a particular tenant, and include designs such as engraved stone, bronze plates, or similar ornamental detail integrated with the architecture of the building or the landscape of the site.

B. **Public Safety, Traffic Control or Public Information.** Signs designed and located to control traffic movement and safety of vehicles and pedestrians according to Manual of Uniform Traffic Control Devices (MUTCD) standards, signs required by the city's building or fire code, or signs otherwise required to support any official action or legal obligation of a federal, state, or local government, may be designed and located to meet the public purpose of the official entity or the requirements of other codes.

C. **Flags**. Flags shall be mounted to a building below the building height or mounted on a permanent pole subject to the height limit of the zoning district and setback from the property line a distance equal to the actual height of the flagpole. 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. No flagpole may be placed in any easement or within a distance to an easement equal to the height of the flagpole without the permission of the easement owner.

D. **Window Signs.** Wall signs do not include signs on the inside of a window. Wall signs on the exterior face of windows are not permitted, except that lettering on the exterior face of a window stating the days and times that the business is open is permitted as an exempt sign.

E. **Temporary Signs**. All temporary signs are prohibited except as expressly authorized under Section 36-9.05.C. Temporary signs expressly authorized under Section 36-9.05.C are not exempt from the sign permit requirement except as specifically noted in that section.

F. **Construction Signs.** Non-illuminated temporary signs pertaining to the construction, sale, or lease of the premises are exempt from the sign permit subject to the following limits:

1. Residential districts: maximum effective area 6 square feet.

2. Nonresidential districts: maximum effective area 34 square feet.

3. One sign per street frontage.

4. The sign shall be removed within 7 days of the completion of construction, sale, or lease.

G. **Interior Signs.** Any sign that is not legible from the right-of-way, from any point along the perimeter of the property or from adjacent property, or from publicly accessible common spaces are exempt from permits and the standards of this article, but may be subject to electrical, fire, or building codes or other construction specifications. The sign shall be considered legible if the sign content exceeds one inch per 30 feet of distance from the right-of-way, adjacent area, or publicly accessible common space.

H. **Machinery & Equipment Signs.** Accessory signs necessary to devise function or safety on machinery or equipment, such as on gasoline pumps or vending machines. Devices or signs may not be enlarged beyond practical purposes to increase the sign area or visibility of the devices.

I. **Special Event Signs**. Temporary special event signs advertising drives, grand openings, or events of a civic, philanthropic, educational, religious, political, or similar nature may be displayed without a permit subject to the following limits: in residential districts, 10 square feet maximum; in commercial districts, 34 square feet maximum; displayed for no more than 30 days per year; and removed within 24 hours after the event.

J. **Venue Signs.** Signs associated with and accessory to a public or common gathering space for events, and which are oriented only towards patrons of the event, such as scoreboards, institutional logos, crowd instructions, or event-related messages are exempt from the permits and standards provided they are accessory to the facility and any structures the signs are mounted on are approved as part of a zoning site plan for the facility.

K. **Now Hiring Signs.** "Now hiring" signs not exceeding 6 square feet in size are exempt from permit.

L. **Vehicular Signs.** Signs lawfully displayed on a vehicle in normal operation are exempt from permit. Vehicular signs shall 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 motor vehicle, except that a roof sign not to exceed 2 square feet in effective area shall be allowed. This exemption shall not include signs in transit to a site of permanent use, nor any inoperable vehicle or trailer located for the primary purpose of advertising, which is regulated as a detached sign.

M. **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 10 square feet in effective area. The bottom of the banner shall be a minimum of 10 feet above the parking lot grade.

N. **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, are exempt from permit. These signs shall be attached only, and may not exceed a total of 4 square feet in effective area per business.

O. **Political Signs.** Temporary signs of an ideological, political, or noncommercial nature are exempt from permit subject to the same time, place, and manner limits applicable to other temporary signs in the same zoning district under Section 36-9.05.C. Any sign permitted under this article may contain ideological or noncommercial copy in lieu of any other copy.

P. **Directional Signs.** Detached directional signs not exceeding 5 square feet in effective area and 4 feet in height above street grade are exempt from permit. Any logo, business name, product or service identification, or other advertising shall not exceed 20 percent of the effective area.

36-9.04 Permitted Sign Allowances

A. **Residential Signs.** The following signs are permitted in residential districts (R-SF, R-MX1, R-MX2, R-MX3, and R-MHC), and for any residential building or use permitted in a nonresidential district. All planned zoning applications containing a residential component shall follow these standards, unless specifically amended by the approved regulating plan in Section 36-2.06.

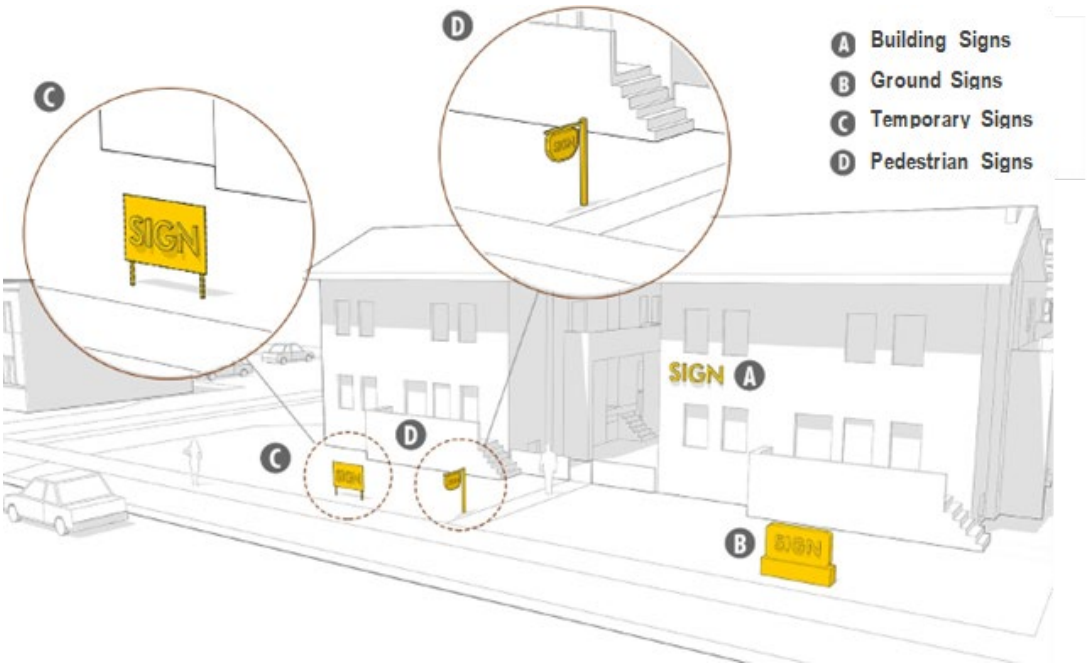


Figure 9-3 Residential Sign Types

Table 9-1: Residential Sign Allowances	
Ground Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ Maximum effective area of 6 square feet. ▪ A premises with 250 or more feet of frontage along one street, or 5 or more acres in lot area, may have a sign up to 34 square feet in effective area
Maximum Size	▪ 100 s.f. on local and collector streets ▪ 200 s.f. on secondary arterial streets ▪ 250 s.f. on primary arterial streets, freeways, or expressways
Quantity	1 / lot, but lots with more than 425' of frontage may have 2
Maximum Height	25'
Location	▪ Each ground sign shall be located no closer to the centerline of the adjacent street than the distance established by the major thoroughfare plan for the applicable street classification, as set forth in Section 36-9.05.A.1 ▪ 300' separation from another ground sign is maintained between all ground signs on a given premises
Other standards	See Sections 36-9.05.A and 36-9.06.A.
Building Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 1 s.f. / lineal foot of wall along the street frontage ▪ 2 s.f. / lineal foot of wall along the street frontage if site has no ground sign
Maximum Size	n/a – subject to overall allowance
Quantity	1 / street-facing wall or other wall facing internal common areas
Maximum Height	▪ At least 1 foot below the top of the wall it is mounted on for flat roof buildings ▪ At least 1 foot below the roof deck or eave line for pitched roof buildings
Other Standards	See Section 36-9.05.B.
Pedestrian Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 1 / public building entrance
Maximum Size	10 s.f.
Maximum Height	▪ 14' if mounted on a wall ▪ 6' if mounted on the ground
Other Standards	See Section 36-9.05.C
Incidental Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 12 s.f. / lot or 25 s.f. /ac., whichever is greater
Maximum Size	6 s.f; or 12 s.f. for lots more than 1 ac. and if setback at least 50' from property line
Maximum Height	▪ 14' high if mounted on a building ▪ 4' high if ground mounted, or 8' high if setback at least 50' from property line
Location	Signs shall be setback at least 6' from any front lot line, and 10' from any other property line
Temporary Signs	
Total Allowance	Temporary signs are prohibited in residential districts except as expressly authorized in Section 36-9.05.C. The express residential allowance is one (1) non-illuminated temporary sign of up to 4 square feet, displayed for not more than 2 consecutive days, twice per calendar year, no permit required.
Quantity	As provided in Section 36-9.05.C.
Maximum Size	4 s.f.

Maximum Height	4’
Other Standards	See Section 36-9.05.C

B. **Nonresidential Signs.** The following signs are permitted in nonresidential districts (C-MX1, C-MX2, CC, GC, GI, and HM), and for any overlays of these districts that do not specifically modify sign standards. All planned zoning applications containing a nonresidential component shall follow these standards, unless specifically amended by the approved regulating plan in Section 36-2.06.

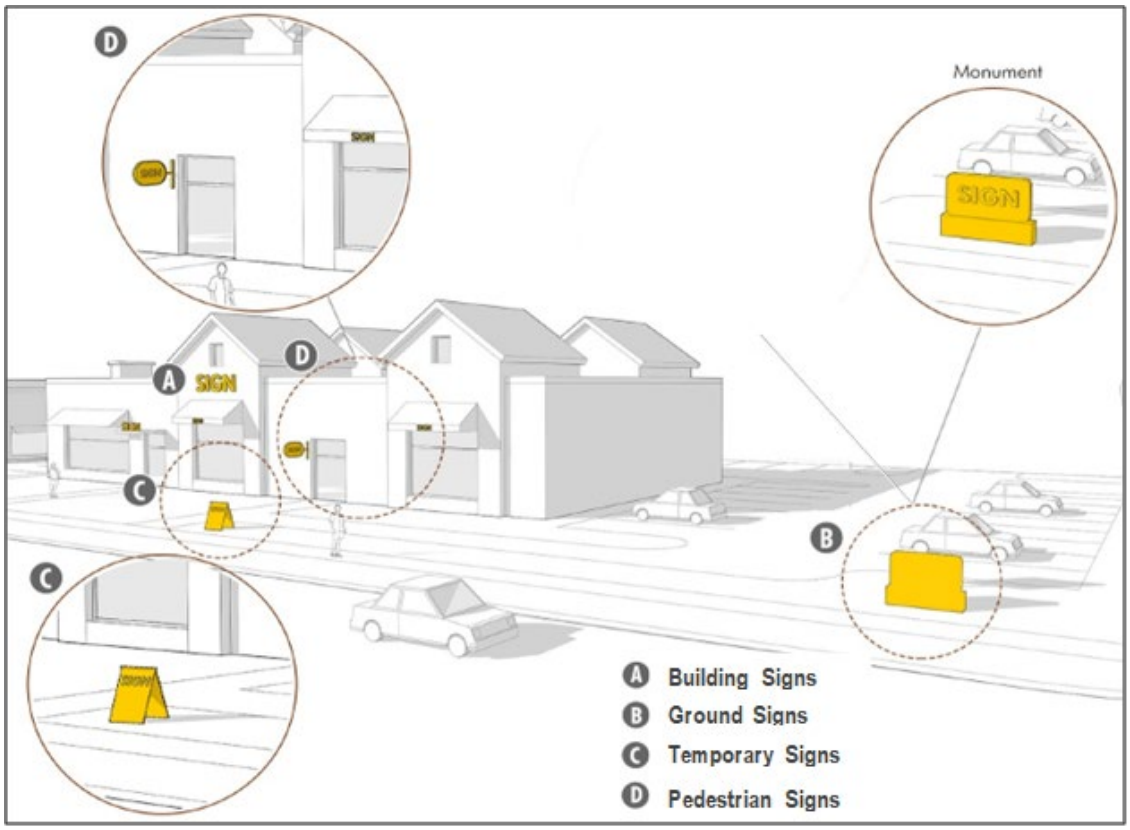


Figure 9-4 Nonresidential Sign Types

Table 9-2: Nonresidential Sign Allowances	
Ground Signs	
Total Allowance	▪ 50 square feet plus 1 s.f. per 1 linear foot of street frontage on local, collector, or secondary arterial street ▪ 100 square feet plus 2 s.f. per 1 linear foot of street frontage on primary arterial, expressway, or freeway
Maximum Size	▪ 250 s.f. for lots fronting on a local, collector, or secondary arterial; or any lot that contains a state licensed off-premises sign ▪ 400 s.f. for lots fronting on primary arterial, expressway, or freeway
Quantity	▪ 1 / lot ▪ Plus 1 additional sign per each 425' of lot frontage on a primary arterial, expressway, or freeway
Maximum Height	▪ 50 square feet plus 1 s.f. per 1 linear foot of street frontage on local, collector, or secondary arterial street ▪ 100 square feet plus 2 s.f. per 1 linear foot of street frontage on primary arterial, expressway, or freeway
Location	▪ Each ground sign shall be located no closer to the centerline of the adjacent street than the distance established by the major thoroughfare plan for the applicable street classification, as set forth in Section 36-9.05.A.1 ▪ 300' separation from any other ground sign is maintained between all ground signs on a given premises, with the 300-foot spacing of all ground signs on a given premises measured radially from the center of the sign; 100' separation from any state permitted off-premises sign ▪ The PW Director may require additional setback from centerlines of streets or for utility easements when a plan for expansion of any public facility is planned and could be built within two years.
Other Standards	See Section 36-9.05.A
Building Signs	
Total Allowance	3 s.f. / 1 linear foot of wall length
Maximum Size	n/a – limited by total wall allowance for each wall
Quantity	n/a – limited by total wall allowance for each wall
Maximum Height	▪ At least 1 foot below the top of the wall it is mounted on for flat roof buildings ▪ At least 1 foot below the roof deck or eave line for pitched roof buildings
Other Standards	See Section 36-9.05.B
Temporary Signs	
Total Allowance	Temporary signs are prohibited in nonresidential districts except as expressly authorized in Section 36-9.05. C. The express nonresidential allowance is a temporary sign of up to 35 square feet displayed under a sign permit issued by Building Development Services for a period of 15 or 30 days, with a maximum of 6 permits per premises per calendar year.
Quantity	1 permitted temporary sign per premises at any one time, as provided in Section 36-9.05. C
Maximum Size	35 s.f., plus a banner sign of highly flexible, lightweight material up to 4 s.f. in effective area is permitted for not more than 30 days per calendar year without a permit.
Maximum Height	20' or below the top of the wall plane, whichever is less if mounted on a wall; 5' if mounted on the ground. All temporary signs shall be attached to a building as an attached sign or attached at each side or corner within the supports of the structure for a permanent sign.
Other Standards	See Section 36-9.05.C

36-9.05 Standards for General Sign Types

A. **Ground Signs**. Ground signs are subject to the following additional standards:

1. Setback from Centerline of Street. All ground signs and 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, in accordance with the following table:

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

2. Support structures and bases shall be constructed with durable, quality materials that complement the building or are integrated into the landscape and other site elements in terms of material, colors, and ornamentation.

3. **Freeway Commercial Sign District.** In the designated freeway commercial sign districts, larger and taller detached signs are permitted in business areas. The maximum height for any detached sign in a freeway commercial sign district shall be 70 feet above street grade of the closest street to the sign. The maximum effective area for any detached sign in a freeway commercial sign district shall be 600 square feet. The designated freeway commercial sign districts are:

   a. Property within a 660-foot radius from the intersection of: Interstate 44 and Kansas Expressway; Kearney Street and Schoolcraft Freeway (U.S. Highway 65); Sunshine Street and Schoolcraft Freeway (U.S. Highway 65); the southwest quadrant of Chestnut Expressway and Schoolcraft Freeway (U.S. Highway 65); or Interstate 44 and Mulroy Road.

   b. 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 Interstate 44 and Glenstone Avenue. 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.

   c. Property at the southwest quadrant of Interstate 44 and Schoolcraft Freeway (U.S. Highway 65) within a 1,800-foot radius from the center of the intersection of these two highways. Any premises having frontage along Schoolcraft Freeway (U.S. Highway 65) in this district is permitted to erect two detached signs with a maximum height of 60 feet above adjacent street grade with a maximum combined effective area of 450 square feet.

B. **Building Signs**. Buildings signs are subject to the following additional standards:

1. Signs attached to a building shall not extend more than 18 inches off the surface, except projecting signs meeting the following additional limitations:
   a. Projecting building signs may extend from and be perpendicular to the wall up to 10 feet, but no closer than 5 feet to the back of the curb.
   b. Projecting building signs may extend vertically above a canopy or similar building

projecting up to 4 feet above the mounting service surface, provided it below the wall plane, roof deck, or eave line for the building elevation.

c. Projecting signs shall have a minimum a minimum clearance of 10 feet above the highest level of the ground under the sign at the sign's lowest point.

d. A business may have a projecting sign only if it does not have a roof sign or the maximum allowable number of detached signs for that premises. 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 not exceed 20 square feet in effective area.

e. In the Center City (CC) and Commercial Street (COM1) zoning districts, and along College Street between Grant and Nettleton Avenue, each premises with multiple businesses located on the ground floor with direct exterior public access is permitted a projecting sign not to exceed 10 square feet per business, with minimum 10-foot clearance, regardless of detached signs allowed on the premises. If the premises consists of only one business located on the ground floor with direct public access, a projecting sign not to exceed 30 square feet may be permitted.

f. Projecting signs meeting the standards of this section have a limited license to project over public right-of-way but may be required to be removed by the city for any public safety reason or any other priority use of the right-of-way.

2. **Roof Signs.** 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 4 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. A sign mounted on the lower one-third of a mansard roof shall be considered a wall sign and not a roof sign.

3. No portion of a building wall may be built above the roofline, that serves no other structural or architectural purpose, other than to mount a sign or expand the sign area allowance or sign height.

4. **Channel Letter Along Roof Edge.** Individual channel letters located along a rood 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 6 inches in height. The maximum allowable height of the individual letters shall not exceed 12 inches.

5. **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 7 feet above the walking surface.

C. **Temporary Signs**. All temporary signs are prohibited except as expressly authorized in this Section 36-9.05.C. Temporary signs are subject to the following standards:

1. **General Prohibition.** All temporary signs are prohibited except as expressly authorized in this subsection. A temporary sign means any sign that is not permanently affixed to a building or sign structure.

2. **Residential Districts.** A premises in a residential district may display one (1) non-illuminated temporary sign of up to four (4) square feet in effective area for not more than two (2) consecutive days, twice (2 times) each calendar year. No permit is required for a temporary sign authorized under this paragraph. No other temporary sign is permitted in a residential district except an exempt sign authorized under Section 36-9.03.

3. **Nonresidential Districts – Banner Allowance Without Permit.** A premises in a nonresidential district may use a banner sign composed of highly flexible, lightweight material, up to four (4) square feet in effective area, for not more than thirty (30) days per calendar year, without obtaining a sign permit.

4. **Nonresidential Districts – Temporary Sign Permit.** Except for exempt signs under Section

36-9.03 and the banner allowance in paragraph (3) above, a sign permit issued by Building Development Services is required for each temporary sign in a nonresidential district. A temporary sign permit allows a temporary sign to be displayed for either fifteen (15) or thirty (30) days, as elected by the applicant at the time of permit issuance. Each premises, and each business within a multi-tenant premises, may obtain up to six (6) temporary sign permits per calendar year. Each business may display one (1) temporary sign of no more than thirty-five (35) square feet in effective area at any one time. All temporary signs shall either be attached to a building as an attached sign or attached at each side or corner within the supports of the sign structure for a permanent sign.

5. **Inflatable Display Objects.** 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 (7) days. The inflatable display object shall be located on grade and appropriately anchored. A temporary sign permit is required.

6. **Streamers.** Streamers are prohibited regardless of color, design, or script displayed on the streamers.

7. **Unusual Situations.** In nonresidential districts: (a) a temporary business with a valid business license and a temporary building permit may apply for and obtain a special permit for a temporary sign for the period of the building permit, attached to a temporary or permanent structure; (b) a temporary business with a valid business license but no structure may apply for and obtain a special permit for a temporary sign attached to a nearby temporary or permanent structure or to the business vehicle in a workmanlike manner; and (c) in the event of 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 sixty (60) days, unless extended by the PD Director for a continuing hardship.

8. **Construction Standards.** Temporary signs shall not be illuminated or painted with light-reflecting paint, and shall be securely anchored so as not to pose a distraction or hazard.

36-9.06 Standards for Specific Sign Types

A. **Neighborhood Identification Signs.** Residential projects with more than 25 lots or more than five acres and with multiple blocks or internal streets are permitted gateway signs in addition to the permitted ground sign allowances subject to the standards in Table 9-3:

Table 9-3: Neighborhood Identification Signs

Ground Signs	
Allowance	▪ Maximum effective area: 50 square feet total per neighborhood
Location	▪ 6' setback from all property lines ▪ Permitted in R-SF and R-MX1 zoning districts
Maximum Height	▪ 5' – monument signs only; unless mounted on a retaining wall or accessory structure incorporated into the landscape design and approved through the zoning site plan process
Other Standards	▪ Neighborhood Identification signs shall be located in a common area owned and controlled by a property owner association to ensure on-going maintenance of the sign and landscape.

B. **Off-premises Signs.** Off premises signs shall only be permitted as follows:

1. *General Allowance.* Off-premises signs are only permitted within 660 feet of an interstate or primary highways where the city is required to allow off premises signs according to RSMo. Chapter 226.500 to 226.000. Where intersecting streets are not state controlled the sign shall

not be located in a right triangle formed by 660 feet from the intersection along the non-state right-of-way, 660 feet from the intersection along the state-controlled right-of-way and the diagonal line connecting those two end points. Off-premises signs on state right-of-way shall meet the Missouri Department of Transportation's outdoor advertising permit standards.

2. *Standards.* State licensed signs shall meet the size and location standards in Table 9-4.

Table 9-4: Off-Premises Signs

Total Allowance	▪ Off premises signs shall be limited by the applicable ground sign allowance unless otherwise authorized by state permit. ▪ Detached signs otherwise permitted by Table 9-2 shall be further restricted on any site with an off-premises sign to: ○ One additional detached sign; ○ 250 s.f. maximum area or applicable property allowances, whichever is less; ○ 25' maximum height; and ○ 100' separation from any other detached sign.
Location	▪ 25' setback from all right-of-way or other property lines ▪ 125' setback from any property in a non-business area ▪ 1,500' separation from any other off-premises sign, except on I-44 where the required separation shall be 2,500' ▪ The PW Director may require additional setback from centerlines of streets or for utility easements when a plan for expansion of any public facility is planned and could be built within 2 years.
Maximum Height	25'
Other Standards	▪ Applicants for off-premises signs shall obtain a state permit prior to submitting an application to the City. ▪ Signs with a valid state-issued permit may contain off-premises or on-premises information.

3. *Scenic Corridors.* Off-premises signs in scenic corridors shall conform to the following additional standards:
   a. *Location*. Scenic corridors are 660 feet from the edge of right-of-way on the following corridors:
      (1) James River Freeway (U.S. 60);
      (2) West By-Pass and U.S. 160; and
      (3) Kansas Expressway north of the nearest paved portion of I-44 and south of the nearest paved area of the James River Freeway (U.S. 60).
   b. *Limitations.*
      (1) Off-premises signs shall not be oriented towards or have copy visible from the listed scenic corridors but may be located on property and oriented to street other than the designated scenic corridor.
      (2) Off-premises signs shall be separated by at least 2,500 feet from other off-premises sign.
      (3) The maximum area shall not exceed 128 square feet and the maximum height shall not be more than 20 feet above the highest paved portion of the right-of-way.

C. **Landscape Wall Signs.** A landscape wall sign consists of individual letters mounted on a screen or perimeter wall, attached or detached from a building, which is architecturally integrated with the overall development. Landscape wall signs shall meet the wall sign allowances applicable to the use and zoning district.

D. **Historic Landmark Signs.** One free-standing or façade-mounted sign identifying a premises of historical

significance is permitted in any locally or nationally designated historic district, and at any duly-designated historic site, historic landmark, or interior landmark located elsewhere within the City. Such sings shall identify, at minimum, the original owner, the current owner, and the year the building was built. No such sign may exceed 2 square feet in sign area. Illumination shall be from the exterior only. Free-standing signs are only permitted for structures with a front yard setback of 20 feet or more, with a minimum 2-foot setback from any public right-of-way line or lot line, and shall not exceed 30 inches in height.

E. **Drive-through Service Signs.** Signs for drive-through services shall be reviewed in coordination with the accessory use standards for drive-throughs in Section 36-4.04. Drive-through uses shall generally permit the following signs:

1. One menu board per drive through service station, with a maximum sign area of 32 square feet and a maximum height of 8 feet.

2. Signs shall be set back at least 20 feet from any adjacent property, and incorporated into the building, circulation plans to otherwise minimize impacts on the streetscape or adjacent property.

3. Menu board signs shall meet all other monument sign design standards, if the menu screen is visible from the right-of-way.

4. Deviations from these standards may only be approved in association with the zoning site plan review or any conditional review required according to Section 36-4.03.E, provided they equally or better meet the review criteria associated with the zoning site plan or permit review.

36-9.07 General Standards – All Signs

A. **Public Health, Safety, & Maintenance.**

1. All signs shall be designed, constructed, located, and maintained in a manner that is compliant with all electrical, fire, building codes, and any other industry standards so that the sign does not present any potential risk to public safety.

2. No sign shall be designed or located in a way where it can obscure, imitate, or be confused with an official government sign for traffic direction or any other public safety symbol.

3. Signs shall not obstruct visibility of pedestrians and vehicles with sight triangles, as defined by Section 36-3.03.B.7.

4. No sign shall hide from the view of those to whom the device is directed any traffic or street sign, signal, or similar device.

5. Any sign projecting over a walkway, active area in front of a building, or other area where people may pass shall maintain at least 7.5 feet vertical clearance and 14 feet vertical clearance if it is accessible to vehicles.

6. No sign, sign structure, or associated grounds shall present any dilapidated state or condition that may negatively impact the relationship to or appearance from the public right-of-way or adjacent property.

7. Affirmative Maintenance Duty. No person shall maintain or allow to be maintained on any premises owned or controlled by that person any dangerous or defective sign. All signs, together with all their supports, braces, connections, or anchors, shall be kept in good repair. Unsafe, damaged, or deteriorated signs, or signs in danger of breaking apart or falling, shall be removed or repaired by their owner. Any fading, chipping, peeling, or flaking or paint, plastic, or glass; or any mechanical, electrical, or structural defect shall be corrected upon written notice by the PD Director.

8. Abandoned Signs. A sign shall be deemed abandoned or discontinued whenever: (a) a

detached sign and sign structure is not removed within six (6) months of the removal of the principal structure on the lot and a new building permit has not been issued; or (b) the sign faces have been removed for a period of six (6) months. An abandoned sign shall be removed by the owner upon written notice by the PD Director.

B. **Specific Designs Prohibited.**

1. No sign shall be placed on any vehicle or trailer visible from the right-of-way, where the sign and the vehicle or trailer is located to avoid the standards or criteria for permitted permanent signs in this article. For purposes of this paragraph, any inoperable vehicle, or any trailer, located for the primary purpose of advertising shall be deemed a detached sign and shall be subject to all standards applicable to detached signs under this article.

2. No sign shall be attached to any public utility pole, placed in any utility easement, or installed within the public right-of-way, except:
   a. Official government signs exempt from these standards according to Section 36-9.03.B;
   b. Signs attached to and projecting from buildings and meeting the standards in section 36-9.05.B.1; or
   c. Signs otherwise licensed by the City through special events or management of the design and use of the right-of-way, apart from this code.
   d. Signs located in a utility easement shall require written approval of the utility provider.

3. Grouping or arranging signs to have the effect of a larger permitted sign or increase visibility to the public beyond size or quantity limits is prohibited

4. No sign shall include balloons, streamers, pennants, inflatable display objects, motion-picture projection used in conjunction with any advertisement, searchlights, strobe lights, or other air activated elements and animated elements, whether animated by mechanical, electrical, or environmental means.
   a. This limitation shall not apply to pedestrian signs, provided any animated element shall apply to the size of the overall pedestrian sign allowances.
   b. This provision shall not apply to prohibit flags, temporary signs, or digital displays meeting the standards of this article and which have motion, or to signs approved in association with a special event permit.
   c. This provision shall not apply to prohibit temporary holiday displays or works of art, provided there is no business message associated with them.

5. Any sign with a business message shall be located on the lot of the business activity and shall not direct attention to a business, product, or service sold or offered off-premises, except:
   a. Signs for multi-tenant premises, which must be associated with the site and located in common areas controlled by the businesses or property owners' associations; or
   b. State licensed signs according to Section 36-9.06.B.

6. 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 a

C. **Illumination.**

1. Any illumination shall be designed to eliminate glare or any other negative impacts on surrounding right-of-way and property. In general, any direct source of light shall not be visible from the public street or adjacent property.

2 Light from an illuminated sign shall not spill onto adjacent properties. The light reading at any point within 10 feet from an adjacent private property shall be less than one foot-candle.

3. External light sources shall be directed and shielded to conceal the light source and illuminate only the surface of the sign.

4. External illumination of signs 10 feet high or more shall only occur from the top down.

5. No light source shall cause any glare, flashing, movement, or other distraction to traffic.

6. Exposed incandescent, neon, or tube lighting, or other integral illumination where the light source is the sign, shall be limited to window signs mounted to the inside of the building, or used only as an accent of less than 10% of the sign area.

D. **Digital or Electronic Message Displays.** Digital or electronic message displays may be incorporated into permitted signs and are subject to the following additional limitations:

1. Digital and electronic message displays are permitted for a portion not to exceed 40 percent of the sign allowance in nonresidential districts for signs in non-business areas, and may be considered through a conditional use permit for nonresidential uses allowed in residential districts.

2 Only static displays are permitted with at least 8 seconds before transitioning to another static display. However, in nonresidential districts any sign setback at least 125 feet from a non-business area and elevated at least 10 feet above the street grade may use the following limited animation techniques:
   a. Frame effects during transition;
   b. Static displays of at least 3 seconds; and
   c. Transitions lasting no longer than 2 seconds.

3. Flashing is prohibited on all signs.

4. All digital or electronic displays shall be equipped with automatic dimming technology to adjust the brightness in direct response to ambient conditions.

5. No digital or electronic display shall exceed a brightness level or 0.3 foot-candles above ambient light measured at a distance equal to the square root of the sign copy area times 100 feet.

6. Non-Business Area Buffer (100 feet). Digital or electronic message displays within 100 linear feet of a non-business area shall display static copy for at least three (3) seconds per copy frame, and any frame-effect transition shall last no longer than two (2) seconds.

7. Signs permitted for nonresidential uses in residential districts shall be limited to no more than 40% of the allowed sign area and shall be setback at least 100 feet from any residentially used property.

36-9.08 Design Guidelines

A. **Applicability.** All signs should meet the following design guidelines to convey durability and quality appearance. Where the PD Director determines that signs present a substantial deviation with these guidelines and conflict with the intent of this article, the PD Director may deny the sign permit or require that the sign plan be reviewed according to Section 36-9.09.

B. **Placement.** The location of all permanent building signs shall be incorporated into the architectural design of the building according to the following principles:

1. Placement of signs should be considered part of the overall facade design and composition.

2. Sign locations should align with major architectural features such as storefront sign bands, cornices and parapets, entrance features, marquees, windows, canopies, and other similar architectural features.

3. Signs shall not be placed where they obstruct any significant building design feature, including

windows, architectural details, trim, and ornamentation.

C. **Durability & Appearance**. All permanent signs shall be designed to convey durability and a quality appearance according to the following principles:

1. Materials, particularly for the frames, casings or bases of signs, should be chosen to complement the architecture of the building, and coordinate with other accent materials or architectural details of the building and site.

2. Simple 2- and 3-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.

3. Buildings and sites that have that have multiple building or ground signs should coordinate all signs using one or more consistent coordinating elements, such as similar fonts, colors, sign scale or shapes, backgrounds, or casing and framing material.

D. **Multi-tenant Buildings & Sites.** Buildings and sites that have multiple wall or ground signs, or multiple tenant components on a single sign shall coordinate all signs for the building or site. Coordination may be established by combinations of two or more of the following:

1. The same or similar fonts, in terms of color, scale, and style. However, a primary and secondary font may be incorporated into signs.

2. The same sign background in terms of material and color or coordinated colors.

3. The same casing or framing in terms of materials and style, provided it is prominent enough to be a visible coordinating element across multiple signs.

4. A consistent scale, orientation, shape or placement of signs. For example, all oval signs, or all signs located within a sign band across storefronts.

5. Pedestrian signs or portions of principal signs that are less than 33% of the sign areas, may deviate from coordinating elements to account for logos, icons, or branding unique to the tenants.

36-9.09 Alternative Sign Plans

Shopping centers, office parks, campuses, or other nonresidential areas with multiple uses or buildings on a single site or development over 2 acres, may propose a property specific sign plan. The sign plan shall be based on the intent, types of signs, and standards of this article, but the Planning and Zoning Commission may approve deviations to these standards in coordination with other land development approvals, where they find that the specific sign plan meets the following criteria:

A. The sign plan promotes a unique character for the area and improves the image and identity of the project as it relates to the surrounding community. In particular, the sign plan considers:

1. Mitigating impacts and improving relationships to adjacent property not subject to the plan.

2. Coordination with streetscapes, including pedestrian or traffic qualities of a particular street.

3. Integration with the architecture of the buildings or other landscape and site design components of the site.

4. Any deviations from these standards, and particularly those for the size, quantity, or location of signs, clearly meet the intent of this article and conform to the design guidelines in Section 36-9.08.

B. The sign plan coordinates with multiple components of the project, including building designs, open and common space designs, and access and circulation, and where there are distinctions in the type and design of the signs within the plan, they are based on effective transitions with the overall development plan.

C. The sign plan has clear and explicit standards for the size, location, design, and quality of the signs, and it anticipates future tenants or changes in tenants through subsequent sign permits without requiring amendments to the plan.

D. The property owner or landlord has authorized the plan, and any changes to the plan will require the property or landlord to submit a new application to be approved by the Planning and Zoning Commission.

Article 10. Supplemental Districts & Standards

36-10.01 Airport Overlay District
36-10.02 Commercial Street District
36-10.03 Midtown Urban Conservation District
36-10.04 Phelps Grove Urban Conservation District
36-10.05 Rountree Urban Conservation District
36-10.06 Walnut Street – East Urban Conservation District
36-10.07 Walnut Street – West Urban Conservation District
36-10.08 Short-term Rentals
36-10.09 Marijuana & Medical Marijuana Uses
36-10.10 Wireless Telecommunication Facilities
36-10.11 Grant Avenue Parkway District
36-10.12 Moon City Live/Work District

36-10.01 Airport Overlay District

A. **Intent.** The intent of the Airport Overlay District is to:

1. Regulate the development of noise-sensitive land uses~~;~~.
2. Promote compatibility between the Springfield-Branson National Airport and surrounding land uses.
3. Protect the Springfield-Branson National Airport from incompatible development.
4. Promote the health, safety, and general welfare of all property uses in the vicinity of the airport.

B. **Applicability.** The standards in this section apply to the following sub-districts indicated in Figure 10-1, and overlayed onto the official zoning map as airport overlay (AO) zones.

1. *AO-1.* All areas with 2,000 feet of any airport runway centerline extending out 10,000 feet from both ends of any airport runway.
2. *AO-2.* [Not currently used.]
3. *AO-3.* All areas encompassing the airport zoned 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.

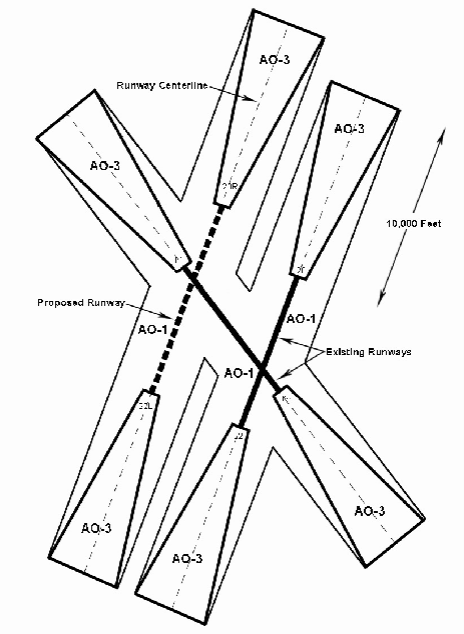


Figure 10-1 Airport Overlay Zones
AO-1 and AO-3.

4. *Split Zoned Tracts & 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.

C. **Allowed, Limited, & Prohibited Uses.** Uses in any underlying zoning district from Table 4-3, Section 36-4.02 shall be further restricted by the standards of the AO districts.

1. *Prohibited in AO-1.* The following uses are prohibited in the AO-1 district, except as modified by the AO-3 district. The AO-3 district shall take precedence over the AO-1 district:
   a. Residential uses – all
   b. Schools – including Primary/Secondary and College / University
   c. Assembly uses – all
   d. Event venue uses – all
   e. Medical Service uses – all
   ~~f.~~ Cultural Facility uses - all
   g. Daycare uses – all
   h. Entertainment & Recreation uses – all

2. *Limited in AO-3.* If permitted by the underlying district, the following uses shall be limited as specified in the AO-3 district:
   a. Residential uses – limited to detached houses on lots greater than 10 acres, except any lot that legally existing prior to initial adoption of the AO district shall be permitted on detached house.

3. *Prohibited in AO-3.* The following uses are prohibited in the AO-3 district:
   a. Lodging uses – all
   b. Transportation – Commercial Parking Lot
   c. Accessory off-street parking in a structure. Accessory off-street parking lots or facilities open to the sky are allowed.

4. *Conditional Uses.* The following uses may be permitted by a conditional use permit in the AO-1 or AO-3 zone:
   a. Open Space uses – all.
   b. In addition to the general procedures and criteria for conditional use permits in Section 36-2.04, conditional use permits shall be subject to the following additional conditions and criteria in the AO districts:
      (1) No use may be closer than 1.5 miles (7,920 feet) from the ultimate end of an existing or planned runway as approved by the Federal Aviation Administration.
      (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 airport board shall review potential impacts to the airport and shall make its recommendation(s) to the Planning and Zoning Commission. 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 electric emissions
         (e) Noise sensitive concerns
         (f) Public safety

D. **Additional Standards.** Any development, use, or building initiated in the AO district shall be subject to the following additional standards:

1. When a plat or building permit is required, 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.

2. No use may 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 to pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the airport.

3. 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.

4. Any permitted residential uses shall meet minimum construction standards to achieve a minimum outdoor to indoor noise-level reduction (NLR) of 30 decibels.
   a. 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 10 decibels over standard construction.
   b. A base airport noise level of 70 day-night average sound level (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.
   c. The BDS Director shall not issue a building permit for any structure within the AO zones unless the plans and specifications accompanying the application have been certified by a registered professional engineer or registered professional architect in the State of Missouri as meeting the NLR standards specified in this subsection. 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.
   d. This subsection 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.

36-10.02 Commercial Street District

A. **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.

B. **Permitted Uses.**

1. 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:

a. Accessory uses, as permitted by Section 36-4.04.
b. Athletic clubs, fitness centers, and indoor sports facilities.
c. Auction sales and flea markets entirely within enclosed buildings.
d. Banks and financial institutions, including automatic teller machines.
e. Catering businesses.
f. Colleges, universities, and business colleges.
g. 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.
h. Day care centers in accordance with Chapter 38, Article IX, Springfield City Code.
i. Educational, cultural, public, or nonprofit institutions such as museums, art galleries, and libraries, but not including elementary and secondary schools and correctional institutions.
j. 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.
k. Glass and mirror sales.
l. Governmental buildings and uses.
m. Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an existing elementary or secondary school, or within 200 feet of an existing child day care center or church and as prescribed and subject to all other requirements in Section 36-10.09.
n. Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within an 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 36-10.09.
o. Offices, administrative, business, finance, and professional.
p. Offices, medical and dental.
q. 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.
r. Pet stores and pet grooming.
s. Police and fire stations.
t. Recording studios.

u. Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.
v. Retail sales use group excluding convenience stores with gas pumps.
w. Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
x. Schools, business.
y. Taverns and cocktail lounges.
z. Temporary uses, as permitted by Section 36-4.03.J.
aa. 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 right-of-way with a six-foot tall barrier that is in conformance with Section 36-8.04. 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.
bb. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

2. 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.
a. 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.
b. Bed and breakfasts.
c. Commercial off-street parking lots and structures.
d. Community center, nonprofit.
e. Cultural centers.
f. Medical and dental clinics.
g. 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.
h. Office equipment repair.
i. Private clubs and lodges.
j. Repair shops, home appliance.
k. Residential uses.
l. 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.
m. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
n. Short-term rental type 3 in accordance with Section 36-10.08.C, and subject to conditions in subsection 36-10.08.C.2, if applicable.

C. **Conditional Uses.**

1. The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, Section 36-2.04 of this article and the requirements of this subsection 36-10.02(3):
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. Awning and canvas sales and rental.
e. Banks and financial institutions, including automatic teller machines, with drive-through facilities.
f. Boarding, rooming, and lodging houses.

g. Bus stations.
h. Construction equipment storage yards or other outdoor storage in COM-2 district only.
i. Convenience stores with gas pumps.
j. Funeral homes and mortuaries.
k. Group homes, custodial.
l. Hospitals with ambulance services as accessory uses.
m. Hotels, motels, and inns.
n. Household resource recovery collection centers, screened from all residential districts and public right-of-way in conformance with Section 36-8.04.
o. Public service and public utility uses, as follows:
(1) Tier I wireless facilities in accordance with Section 36-10.10.
(a) Tier III wireless facilities in accordance with Section 36-10.10, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
(b) Tier IV wireless facilities in accordance with Section 36-10.10, provided wireless towers are setback from any residential district at least 2 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.
(c) Tier V wireless facilities in accordance with Section 36-10.10.
p. Restaurants with drive-in, vehicular pick-up window, and drive-thru facilities.
q. Schools or development centers for persons with handicaps or development disabilities.
r. Structures greater than three stories in height.
s. 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 Department of Planning and Development.
t. Television and radio studios with transmitting facilities.
u. Towers, other than wireless facilities, and related facilities, in accordance with Springfield City Code.
v. Transitional service shelter.
w. Warehouses, storage and distribution centers.

2. 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.
j. 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.

(1) In addition to all other requirements for review and approval of a conditional use permit, the following shall apply:

(a) The proposed use shall generally conform to the goals and policies of the commercial street strategy for success and any other plans or policies in place at the time of approval of the conditional use permit.

(b) 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.

(c) 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 36-2.01.F:

i. Commercial Club.
ii. Commercial Street Community Improvement District Board.
iii. Midtown Neighborhood Association.
iv. Grant Beach Neighborhood Association.
v. Woodland Heights Neighborhood Association.
vi. Urban Districts Alliance.

D. **Use Limitations.**

1. All activities and permitted uses except for the following shall be conducted entirely within a completely enclosed building.
   a. Automobile servicing, but not repair.
   b. Drive-in, pick-up window, or drive-thru facilities.
   c. Occasional sidewalk sales.
   d. Off-street parking and loading facilities.
   e. Outdoor eating and drinking facilities.
   f. 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.
   g. Playgrounds associated with a school or day care center.
   h. Street vendors licensed by the City of Springfield.

2. No vibration, glare, or heat shall be detectable at the lot line.

3. No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.

4. All uses shall operate in accordance with the noise standards contained in Section 36-4.05.

5. 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.

6. No use shall emit an odor that creates a nuisance as determined by Springfield City Code.

7. Uses on parcels not served by public water and public sewer shall meet the requirements of subsection Section 36-4.06.G.

E. **Bulk Regulations.**

1. *Maximum Structure Height.* Three stories unless a conditional use permit for more stories is approved.

2. *Yard Requirements (additional bufferyard may be required by subsection (8).*
   a. Front yard: None.
   b. Side yard: None.
   c. Rear yard: None.

F. **Open Space Requirements**. None.

G. **Design Requirements.**

1. A zoning site plan meeting the requirements of Section 36-2.03, shall be submitted and approved.

2. If required, a landscape plan, meeting the requirements of Section 36-8.03 and Section 36-7.05 shall be submitted and approved.

3. All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with Section 36-8.03.

4. Refuse storage areas shall be screened from view in accordance with Section 36-8.04.

5. Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with Section 36-8.04.

6. Lighting shall be designed to reflect away from any adjacent residential area and in accordance with Section 36-8.07.

7. Accessory buildings and structures shall meet the requirements of Section 36-4.04.

8. 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:
   a. *Building Facades*. 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 facade or wall:
      (1) Changes in color, texture, and material; or
      (2) Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
      (3) Groupings of windows or fenestration.
   b. On each lot, the building facade shall be built to the district minimum setback line for at least 80%of the street frontage. This does not include Blaine Street frontage.
   c. The building facade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
   d. The portions of the building facade 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.
   e. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.
   f. Fenestration on the ground floor facades shall comprise at least 40%, but not more than 90% of the facade area, measured as a percentage of the facade between floor levels.
   g. Fenestration on the upper floor facades shall comprise at least 20%, but not more than

60% of the facade area, measured as a percentage of the facade between floor levels.

h. 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.

i. The maximum story height for the ground story is 20 feet.

j. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.

k. *Building Materials and Colors.*

(1) 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% of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:

(a) Customary brick masonry;
(b) Natural or cast stone;
(c) Oversized brick;
(d) Split-faced block;
(e) Architectural pre-cast concrete; and
(f) Accent materials such as glass block and ceramic tiles.

(2) Facade 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 facade and promote sustainable development.

l. 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.

H. **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 Section 36-8.04.

36-10.03 Midtown Urban Conservation District

A. That the following described property is designated as Urban Conservation District Number 3, to be known as the Mid-Town Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

1. **MID-TOWN URBAN CONSERVATION DISTRICT LEGAL DESCRIPTION**

Beginning at the Northeast corner of Lot 29, Grove Hill Addition, being a point on the Southern Right-of-way of an alley between Commercial and Blaine Streets, thence Westerly along the said Right-of-way as it currently exists crossing Hampton Avenue to the Northwest corner of Lot 3, Nixon's Addition, thence West-southwesterly crossing Texas Avenue to the Northeast corner of Lot 56, Frisco Addition being a point on the Southern Right-of-way of an alley between Commercial and Pacific Street, thence West-southwesterly along the said Right-of-way as it currently exists crossing Sherman, Clay, Summit, Washington, Benton, Jefferson, and Robberson Avenues to the Northwest corner of Lot 2, Block 30, North Springfield Addition, being a point on the Eastern Right-of-way of Boonville Avenue, thence southerly along the said Right-of-way as it currently exists crossing Pacific, Court, Locust, Division, Lynn, Calhoun, Webster, Scott and Central Streets to the Northern Right-of-way of Chestnut Expressway, thence Easterly along said Right-of-way as it currently exists crossing Jefferson, Benton, and Washington Avenues to the Western Right-of-way of the Burlington Northern Railroad, thence Northeasterly along the said Right-of-way as it currently exists to the Western Right-of-way of National Avenue, thence Northerly along the said Right-of-way as it currently exists crossing Division, Locust, Pacific and Blaine Streets to the Northeast

corner of Lot 29, Grove Hill Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: Area bounded generally on the north by Blaine Street including properties on both sides of Blaine Street between Texas and National Avenues, on the west by Boonville Avenue, on the south by Chestnut Expressway and on the east by the Burlington Northern Railroad Right-of-way and National Avenue.)

B. The following sub-districts are hereby established within the Mid-Town Urban Conservation District, to be known as Areas A, B, C, D and E which are described as follows:

1. *Area A Benton Avenue Area.*

Beginning at the Northeast corner of Lot 44, Ozark Land Addition, thence Westerly along the Northern line of said Lot 219' M/L, thence Southerly to a point 219' M/L Westerly of the Southeast corner of Lot 40 of said Addition, being a point on the Northern Right-of-Way of Webster Street as it currently exists, thence Southeasterly crossing said Street to a point on the Southern Right-of-Way of said Street 195' M/L Westerly of the Southwest corner of Webster Street and Benton Avenue as it currently exist, thence Southerly 85' M/L, thence Westerly 85' M/L. thence Southerly 292' M/L following the Eastern line of Root and Bowerman's Addition East of Jefferson, thence Easterly 277' M/L to the Western Right-of-Way of Benton Avenue to a point 376' M/L Southerly of the Southwest corner of Webster Street and Benton Avenue as it currently exists, thence Northerly along the Western Right-of-Way of Benton Avenue as it currently exists crossing Webster Street to the Northeast corner of Lot 44, Ozark Land Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: West side of North Benton Avenue -- Calhoun Street to a point south of Webster Street.)

2. *Area B Benton/Calhoun Corner.*

All of lot 38 and the south 50 feet of Lot 37 in Ozark Land Company's Addition to the City of Springfield, Greene County, Missouri. Section 13, Township 29, Range 22.

3. *Area C.*

Drury Student Housing - Calhoun and Summit

All of Lots 152, 153, and 154 in the Amended Plat of M.H. Merriman's Second Addition to the City of Springfield, Greene County, Missouri. All being in Section 13, Township 29, Range 22.

4. *Area D.*

Drury Parking - Clay and Summit

A tract of land lying in Section 13, Township 29, Range 22 in the City of Springfield, Greene County, Missouri, more particularly described as foleys. Beginning at the Northwest corner of Lot 132 in the Amended Plat of M.H. Merriman's Second Addition, thence Easterly along the South ROW of Webster Street to the Northeast corner of Lot 106 in the Subdivision of Block A of Merriman's Second Addition, thence Southerly along the West ROW of Clay Avenue to the Southeast corner of Lot 118 in the Subdivision of Block A of Merriman's Second Addition, thence continuing Southerly to the Southwest corner of the intersection of Pythian Street and Clay Avenue, being a point on the North line of Block 9 of J. D. Fairbanks Addition, thence Westerly along the South ROW of Pythian Street to the Northwest corner of Lot 7 of Block 4 of

J. D. Fairbanks Addition, thence Northerly to the Southwest corner of Lot 120 in the Amended Plat of M.H. Merriman's Second Addition, thence continuing Northerly along the East ROW of Summit Avenue to the Point of Beginning except for Lots 129, 130, and 131 of M. H. Merriman's Second Add. Amended.

5. Area E (Reserved).

Beginning at the Northwest corner of Lot 1.8 Frisco Addition, being the Southeast corner of Summit Avenue and an alley between Commercial and Pacific Streets, thence East-northeasterly along the Southern Right-of-way of said alley as it currently exists crossing Clay and Sherman Avenues to the Northeast corner of Lot 56, Frisco Addition, thence East-northeasterly crossing Texas Avenue to the Northwest corner of Lot 3, Nixon's Addition, being a point on the Southern Right-of-way of an alley between Commercial and Blaine Streets, thence Easterly along said Right-of-way as it currently exists crossing Hampton Avenue to the Northeast corner of Lot 25, Grove Hill Addition, being a point on said Right-of-way, thence Southerly along the Eastern line of said Lot 25 corner of Lot 56, Frisco Addition, thence to the Southeast corner of said Lot 25, thence Southeasterly crossing Blaine Street to a point on the Southern Right-of-way of said Street 136.5' M/L Easterly of the Southeast corner of Hampton and Blaine, thence southerly 313' M/L to a point on the Northern Right-of-way of Pacific Street 209' M/L Easterlv of the Northeast corner of Hampton Avenue and Pacific Street, thence Southerly crossing Pacific Street to the Northeast corner of Lot 1, Carrs Addition, thence Southerly along the Eastern line of said Lot 1 to the Southeast corner of said Lot 1, thence Southeasterly crossing an alley between Pacific and Locust Streets as it currently exists to a point on the Southern Right-of-way of said alley 200' M/L Easterly of the Southeast corner of Hampton Avenue and said alley, thence Southerly 169' M/L to a point on the Northern Right-of-way of Locust Street 200' M/L Easterly of the Northeast corner of Hampton Avenue and Locust Street, thence South-southwesterly to a point on the Southern Right-of-way of Locust Street 186.5' M/L Easterly of the Southeast corner of Hampton Avenue and Locust Street, thence Southerly 179' M/L to a point on the Northern Right-of-way of an alley between Locust and Division Streets 186.5' M/L Easterly of the Northeast corner of Hampton Avenue and said alley, thence Westerly along the Northern Right-of-way of said alley as it currently exists 186.5' M/L crossing Hampton and Frisco Avenues to a point on the Eastern line of Lot 3, Block 1, North Springfield Addition 25' M/L Northerly of the Southeast corner of said Lot 3, thence Southerly along the Eastern .line of Lot 3 and 4 of said Block and Addition to the Southeast corner of said Lot 4, thence Westerly along the Southern line of said Lot 4 to the Southwest corner of said Lot 4, thence Westerly crossing Sherman Avenue to the Southeast corner of Lot 4, Block 2 of said Addition, thence Westerly along the Southern line of Lots 4 and 11 of said Block and Addition to the Southwest corner of said Lot 11 being a point on the Eastern Right-of-way of Clay Avenue, thence Northerly along said Right-of-way to the Southeast corner of Clay Avenue and Locust Street, thence Northwesterly to the Northwest corner of Clay Avenue and Locust Street, thence Westerly along the Northern Right-of-way of Locust Street to the Northeast Corner of Summit Avenue and Locust Street, thence Northerly along the Eastern Right-of-way of Summit Avenue crossing Pacific Street to the Northwest corner of Lot 18, Frisco Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: Area north of Division and south of Commercial and between Summit and National Avenues.)

AND

Beginning at the Southwest corner of Lot 120, Merrimans 2nd Addition Amended, thence Northerly along the Western line of Lots 120 through 140 crossing Webster and Calhoun Streets to the Northwest corner of said Lot 140, thence Northwesterly crossing: Commit Avenue to the Southeast corner of Lot 152 of said Addition, thence Northerly 30' M/L along the Eastern line of said Lot 152, thence Westerly to a point on the Western line of said Lot 152 30' M/L Northerly of the Southwest corner of said Lot 152, thence Northerly along the Western line of Lots 152, 151, 150, 149, and 148 of said Addition to the Northwest corner of said Lot 148, thence North-northwesterly crossing Lynn Street to the Southeast corner of Lot 7, Ozark Land Company Addition, thence Northerly along the Eastern line of Lots 7, 6, 5, 4, 3, 2, and 1 of said Addition to the Northeast corner of said Lot 1, thence Northerly crossing Division Street to the Southwest corner of Lot 6, Block 4, North Springfield Addition, thence Northerly along the

Western line of Lots 6, 5, 4, 3, 2, and 1 of said Block and Addition to the Northwest corner of said Lot 1, thence Easterly along the Northern line of said Lot 1 to the Northeast corner of said Lot 1, thence Southerly along the Eastern line of Lots 1 through 6 of said Block and Addition to the Southeast corner of said Lot 6, thence Easterly cross Summit Avenue to the Southwest corner of Lot 9, Block 3 of said Addition, thence Easterly along the Southern line of said Lot 9 to the Southeast corner of said Lot 9, thence Southeasterly crossing Division Street to the Northwest corner of Lot 48, Merrimans 1st Addition, thence Southerly along the Western line of Lots 48 & 47 of said Addition.to the Northwest corner of Lot 46 of said Addition, thence Easterly along the Northern line of Lots 46, 27, 22 & 3 (of said Addition crossing Clay and Sherman Avenues to the Northeast corner of said Lot 3, thence Northerly 25' M/L to the Northwest corner of Lot 3, Bigelows Addition, thence Easterly along the Northern line of Lots 3, 15, 27, 39 of said Addition crossing Texas and Frisco Avenues to the Northeast corner of said Lot 39, thence Southeasterly crossing an alley , as it currently exists between Frisco and Hampton Avenues to the Northwest corner Lot 25, A. E. Mitchells Addition, thence Easterly along the Northern line of Lots 25 through 27 of said Addition to the Northeast corner of said Lot 27, thence Southerly along the Eastern line of Lots 27 through 35 of said Addition to the Southeast corner of said Lot 35, thence Westerly 190' M/L to the Northeast corner of Lot 1, Catlin's 2nd Addition, thence Westerly along the Northern line of Lots 1, 2 and the East 1O' M/L of Lot 3 of said Addition to the Northwest corner of the East 1O' M/L of Lot 3 of said Addition being the Eastern Right- of-way of Frisco Avenue, thence Westerly crossing Frisco Avenue to the Northeast corner of Lot 21, Catlin's 2nd Addition, thence Westerly along the Northern line of Said Lot 21 to the Northeast corner of said Lot 21, thence Southerly along the Western line of said Lot 21 to the Southwest corner of said Lot 21., thence Southerly crossing Lynn Street to the Southwest corner of Lynn Street and Frisco Avenue, thence Easterly crossing Frisco Avenue to the Southeast corner of Lynn Street and Frisco Avenue being the Northwest corner of Lot 18, Catlin's 2nd Addition, thence Easterly along the Northern line of Lots 18 through 20 to a point 101 Easterly of the Northeast corner of said Lot 20 being a point on a vacated alley adjacent and East of said Lot 20, thence Southerly following a line 10' M/L Easterly of the Eastern line of said Lot 20 to a point 10' Easterly of the Southeast corner of said Lot 20, thence Southerly 10' M/L, thence Westerly 1O' M/L to a point 10' Southerly of the Southeast corner of said Lot 20 being a point on the center line of a vacated alley adjacent and Southerly of said Lot 20, thence Westerly following said center line of vacated alley located 10' M/L Southerly of said Lots 20, 19, & 18 to a point on the Eastern Right-of-way of Frisco Avenue 10' MIL Southerly of said Lot 18, thence Southeasterly crossing Frisco Avenue to the Northeast corner of Block C, Lamblets Addition, thence Southerly along the Eastern line of said Block C to the Southeast corner of said Block C, thence Westerly along the Southern line of said Block C to the Southwest corner of said Block C, thence Northerly along the Western line of said Block C to the Northwest corner of said Block C, thence Northwesterly crossing Texas Avenue to the Southern line of the Northern half of an alley adjacent North of Block A, Lamblets Addition, thence Westerly along the Southern line of the Northern half of said alley to a point on the Eastern line of Lot 26, Merrimans 2nd Addition 25' M/L Southerly of the Northeast corner of said Lot 26, thence Southerly along the Eastern line of Lots 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, It 14 & 13 of said Addition crossing Calhoun Street to the Southeast corner of said Lot 13, thence South-southeasterly crossing Webster Street to the Northwest corner of Lot 6, Block 15, J. Fairbank's Addition, thence Easterly along the Northern line of said Lot 6 to the Northeast corner of said Lot 6, thence Southerly along the Eastern line of Lots 6 & 5 of said Addition to a point 10' M/L Southerly of Northeast corner of said Lot 5, thence Westerly 140' MIL, thence Southerly 50.5' M/L to a point on the Southern line of said Lot 5, thence Westerly 43' M/L to the Southwest corner of said Lot 5, thence Southerly along the Western line of Lots 4, 3, 2, & 1 of said Block and Addition to the Northwest Right-of-way of the Burlington Northern Railroad as it currently exists, thence Southwesterly along the said Right-of-way crossing Sherman Avenue to the Southeast corner of Lot 60, Merrimans 2nd Addition Amended, thence Westerly along the Southern line of said Lot 60 to the Southeast corner of Lot 61, Block A, Merrimans Subdivision, thence Northerly along the Eastern line of Lots 61 through 63 of said Subdivision to a point 10' M/L Northerly of the Southeast corner of said Lot 63, thence Westerly to a point on the Western line of said Lot 63, 10' M/L Northerly of the Southwest corner of said Lot 63, thence Westerly crossing Clay Avenue to the Northwest corner of Lot 117 of said Subdivision, thence Southerly along the Eastern line of Lots 117 and 118 of said Subdivision to the Southeast corner of said Lot 118, thence Westerly along the Southern line of said Lot 118 to the Southeast corner of Lot 120, Merrimans 2nd Addition Amended, thence Westerly along the Southern line of said Lot 120 to the Southwest corner of said Lot 120 being the point of beginning, all in Springfield,

Greene County, Missouri.

(Location: Area south of Division Street and North of Pythian Street between Summit and Hampton Avenues.)

Except for any part of:

All of Lots 152, 153, and 154 in the Amended Plat of M.H. Merriman's Second Addition to the City of Springfield, Greene County, Missouri. All being in Section 13, Township 29, Range 22 (Area C)

AND

A tract of land lying in Section 13, Township 29, Range 22 in the City of Springfield, Greene County, Missouri, more particularly described as follows. Beginning at the Northwest corner of Lot 132 in the Amended Plat of M.H. Merriman's Second Addition, thence Easterly along the South ROW of Webster Street to the Northeast corner of Lot 106 in the Subdivision of Block A of Merriman's Second Addition, thence Southerly along the West ROW of Clay Avenue to the Southeast corner of Lot 118 in the Subdivision of Block A of Merriman's Second Addition, thence continuing Southerly to the. Southwest corner of the intersection of Pythian Street and Clay Avenue, being a point on the North line of Block 9 of J. D. Fairbanks Addition, thence Westerly along the South ROW of Pythian Street to the Northwest corner of Lot 7 of Block 4 of J. D. Fairbanks Addition, thence Northerly to the Southwest corner of Lot 120 in the Amended Plat of M.H. Merriman's Second Addition, thence continuing Northerly along the East ROW of Summit Avenue to the Point of Beginning except for Lots 129, 130, and 131 of M. H. Merriman's Second Add. Amended (Area D).

C. **District Regulations.**

1. *General Provisions.* Notwithstanding any other provisions of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urban Conservation District No. 3, known as the Mid-Town Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Mid-Town Urban Conservation District.

2. *Definitions.*
   a. The following definition shall apply to Urban Conservation District No. 3, the Mid-Town Urban Conservation District:

      University Student Housing. A dwelling or dwellings, owned and operated by a university and located on a lot(s); each dwelling containing one or more dwelling units each of which is totally separated from the others.

   b. The following definitions shall apply to Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area B:

      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 parking or loading spaces for motor vehicles. The gross floor area shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, whether closed or enclosed and shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

      Guest. Persons who are visiting Drury University on a temporary basis and who are:
      (1) alumni of Drury University;
      (2) faculty;
      (3) staff;

(4) consultants;
(5) friends of faculty or staff; or
(6) persons with an interest in the development or growth of Drury University and their immediate families.

Guest may also include no more than 2 non-Greene County resident students for no more than a total of 7 days in any one academic year when other student housing is temporarily unavailable. Guests do not include other people who are enrolled in any class, seminar, camp or other similar learning experience or function of the college regardless of duration.

3. *Permitted and Conditional Uses.* The underlying zoning districts shall govern all permitted and conditional uses in the Mid-Town Urban Conservation District unless otherwise stated within Sections 4, 5, and 6 of this ordinance.

4. *Non-conforming Uses.* Any existing use in the Mid-Town Urban Conservation District non-conforming under General Ordinance Number 4040 shall have been registered with the Director of Building Development Services by June 1, 1990, or shall otherwise be presumed to be illegal. All non-conforming uses shall adhere to Section 36-1.06.B.

5. *Parking.*
   a. *Off-Street Parking Requirements.* All users shall adhere to the off-street parking requirements in Section 36-7.04 with the exception that no less than three off-street parking spaces shall be provided for each duplex.
   b. *Parking Lot Landscaping.* Parking lots shall be landscaped according to the standards of Section 36-7.05 with the exception that interior landscaping requirements shall apply to parking lots of 20 or more spaces. This provision is applicable to new parking lots or an expansion of an existing parking lot that results in a parking lot that contains 20 or more spaces. Landscaping provisions shall only apply to the expanded portion of existing parking lots.

6. *Site Plan Review.*
   a. Review and approval of a site plan by the ARC shall be required for any new use or a conversion except single-family uses in a single-family dwelling. Notice of any meeting at which such site plan shall be reviewed shall be given to the Mid-Town Neighborhood Association President and representatives of such Association shall be permitted to provide comment on any such site plan prior to any action to approve such site plan by the committee.
   b. Site plans shall be reviewed for their conformity with the following review criteria:
      (1) All fire, health, building, plumbing, and electrical requirements of the City of Springfield are met.
      (2) The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private right-of-way.
      (3) The proposed site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
      (4) The circulation elements of the proposed site plan do not create hazards to safety 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.
      (5) The proposed site plan will not result in a large increase in traffic through the residential neighborhood.
      (6) The screening of the site provides adequate shielding for nearby uses which may be incompatible with the proposed use.
      (7) The proposed structures or landscaping do not lack amenity in relation to, or are not incompatible with, nearby structures and uses.
      (8) The proposed site plan does not create drainage or erosion problems on or off the site.
      (9) Efforts are made to preserve existing trees on the development site.
      (10) For non-residential developments in proximity to existing residential developments, the following design considerations should be addressed:
         (a) Structures are constructed using materials, surface textures, and colors

similar in nature to surrounding residential development.
(b) Roofs are peaked with the same slope as typical surrounding residential development.
(c) Consideration is given to the scale, orientation, and proportion of surrounding development.

c. Projects whose site plans fail to comply with the criteria, or which will have an adverse impact on the area, shall not be issued a building or occupancy permit until the adverse conditions are mitigated.

D. **Area A Regulations.**

1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area A.

2. *Permitted Uses.*
a. Single-family detached, duplex, and single-family semi-detached dwellings.
b. Accessory apartments in owner-occupied single-family detached dwellings, in accordance with Section 36-4.04.C.
c. Accessory uses, as permitted by Section 36-4.04.
d. Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters and temporary outdoor revivals, on a minimum of 2 acres of land, to provide sufficient land area for off-street parking, buffer yards, and proper site design to lessen the impact on adjoining residential neighborhoods.
e. Day care homes in accordance with Chapter 38, Article IX, Springfield City Code.
f. Group homes, custodial.
g. Home occupation uses, as permitted by Section 36-4.04.D.
h. Public and private parks, playgrounds.
i. Temporary uses, as permitted by Section 36-4.03.
j. Non-commercial, 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.
k. Transitional housing.

3. *Conditional Uses.* The following conditional uses may be permitted, provided they meet the provisions of, and a conditional use permit (CUP) is issued pursuant to Section 36-2.04:
a. The following uses, provided the existing structure is preserved and was built before January 1, 1940:
(1) Offices, administrative, business, financial, and professional.
(2) Art galleries, libraries, and museums.
(3) Studios for art, dancing, music, photography, interior decorating, or similar course of study.
(4) Day care centers in accordance with Chapter 38, Article IX, Springfield City Code.
(5) Antique shops.
(6) Book or stationery stores.
(7) Clothing boutiques or ready-to-wear shops.
(8) Dry goods or notions stores.
(9) Florists or gift shops.
(10) Tailors.
(11) Bed and breakfast inns.
b. The following uses, provided the use is located on property zoned R-MX2:
(1) University student housing.

(2) Multi-family dwellings.

4. *Refuse Storage.* In addition to the standards of Section 36-8.04, refuse storage shall adhere to the following:
   a. Waste cans, dumpster units, or other forms of litter control and refuse disposal devises approved for use in the City of Springfield shall be placed on the site in a location where they are least visible from a public right-of-way, other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device shall be visible from public right-of-way (except alleys) or from adjoining properties.

5. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
   a. *Size.* A maximum of 16 square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 16 square feet. A single-sided detached sign shall not exceed 16 square feet.
   b. *Height.* No detached sign shall exceed a height of 5 feet above the ground area upon which it is located.
   c. *Location.* Wall signs shall be attached in a manner and in a location which does not obscure significant architectural features of the structure.
   d. *Sign Types.* Only on-premises signs are allowed in Area A.

E. **Area B Regulations.**

1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area B.

2. *Permitted Uses.*
   a. Administrative and faculty offices.
   b. Classrooms.
   c. Meeting rooms.
   d. Galleries and studios.
   e. Religious services.
   f. Social activities.
   g. Parking as an accessory use to other permitted uses.
   h. The existing house may be used as housing for guests, not students, of the College.
   i. Churches.

3. *Use Limitations.*
   a. All activities or permitted uses, except vehicle parking, shall be conducted within a completely enclosed building.
   b. Screening and fencing shall be provided in accordance with Section 36-8.04.
   c. The existing house is a contributing structure in the Mid-Town National Register Historic District. Exterior modifications to it shall meet the Secretary of Interior's standards for historic preservation.
   d. Hours of operation for classes shall be from 7:00 A.M. until 8:00 P.M.
   e. A resident manager shall be provided for the guest house.

4. *Intensity of Development.* The maximum amount of gross floor area shall not exceed what exists at the time of the passage of this Ordinance as shown on Exhibit 1.

5. *Bulk, Area, and Height Requirements.* All structures, drives, parking, open space, and pedestrian facilities shall be situated in conformance with their locations at the time of

passage of this amendment. There shall be no reductions in the amount of open space that is shown on Exhibit 1.

6. *Access to Public Thoroughfares.* Access to the adjoining public thoroughfares shall be situated in conformance with Exhibit 1.

7. *Off-Street Parking.*
   a. No additional parking is required, and the number of existing parking spaces shall not be reduced to below what exists at the passage of this Ordinance. It is the intent of this Ordinance that any additional parking required for this property shall be provided by Drury University's other parking facilities.
   b. Parking shall be restricted by permit issued by Drury University and shall be limited to those in attendance at activities on this property permitted by this Ordinance. Parking for the guest house shall be limited to those spaces north of that building.

8. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
   a. Drury University is permitted one freestanding site identification sign. Maximum effective area is 50 square feet and maximum height is 8 feet above finished grade.

9. *Refuse Storage.* In addition to the standards of Section 36-8.04, refuse storage shall adhere to the following:
   a. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of sight-proof fence or wall shall be provided. These devices may not occupy the parking spaces required by this exhibit.

10. *Exterior Lighting.* All exterior lighting shall meet the standards of Section 36-8.07, and the developers shall submit a lighting plan with the final development plan demonstrating compliance with said section.

11. *Amendments.* Amendments to Area B's final development plan are not permitted more often than once every 60 months. In addition to the requirements of Section 36-2.01, written notice of any proposed amendment shall be provided by first class mail at the cost of the property owner for each record owner of all property within 1,000 feet of the property within this Area.

12. *Final Development Plan.*
   a. No building or other permits may be issued for development permitted in Area B until the final development plan has been approved in the manner described in this subsection.
   b. A final development plan showing conformance with the requirements of this section shall be submitted to the Department of Planning and Development and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any uses or improvements permitted or required by this exhibit.
   c. The Administrative Review Committee (ARC) is hereby authorized to, acting jointly, approve the final development plan(s) provided such plan substantially conforms to the provisions of this Ordinance.
   d. The ARC is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:

e. Any uses with the Area other than those specifically prescribed by the Ordinance.
f. Any increase in the intensity of use permitted within the Area.
g. Any deviation from the height and setback standards prescribed by the Ordinance.
h. Any reduction in the required parking prescribed by the Ordinance.

F. **Area C Regulations.**

1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area C:

2. *Permitted Uses.*
   a. University student housing.
   b. Single-family detached dwellings.

3. *Design Considerations.* Design of the residential structures in this area shall be of a scale consistent with single-family development in the neighborhood. Large apartment buildings are inappropriate. Development of this area shall consist of detached structures with one or more dwelling units per structure, not to exceed the overall permitted density of the underlying zoning district.

G. **Area D Regulations.**

1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area D:

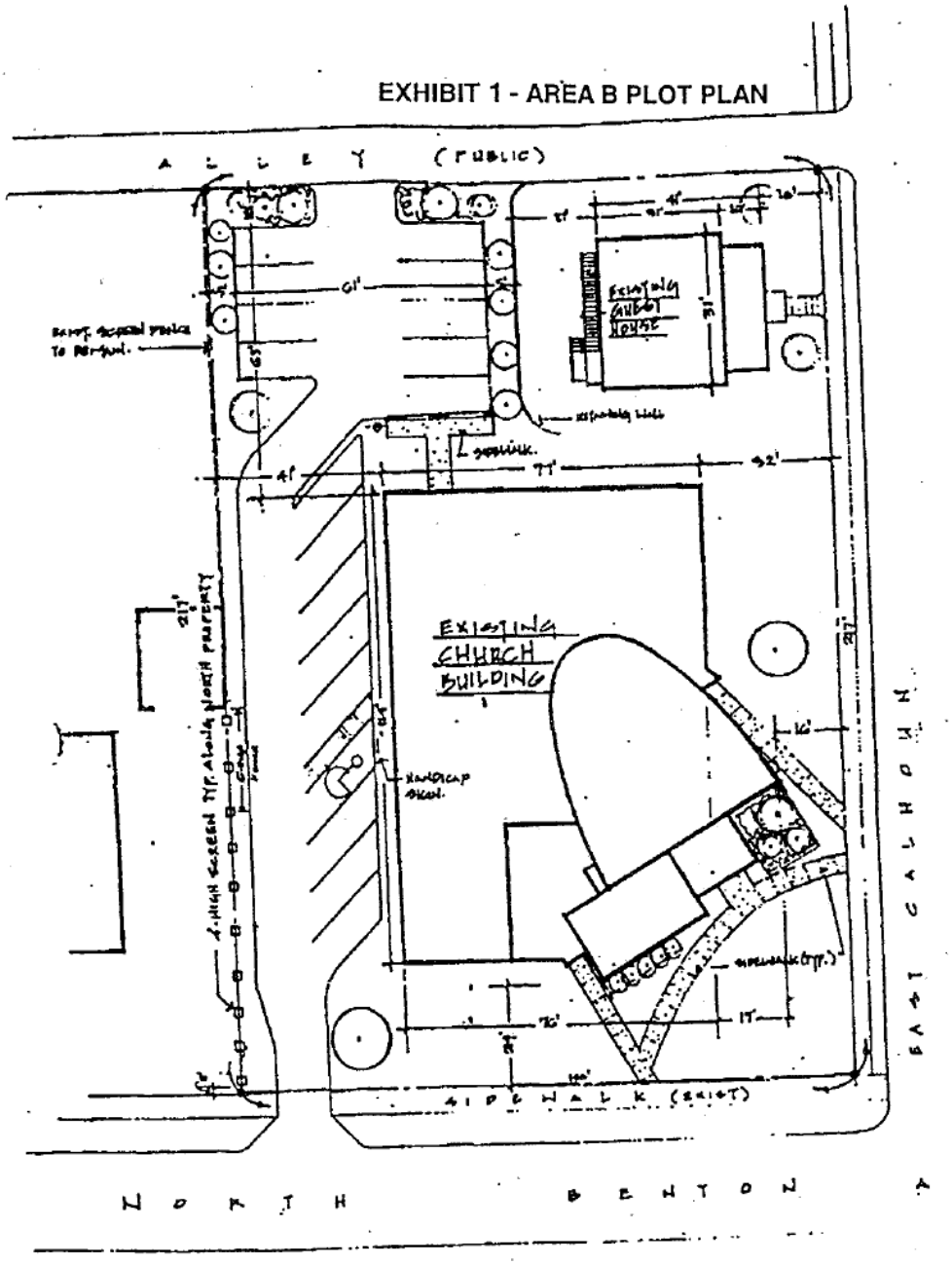
2. *Access.* Vehicular access to parcel(s) in Area D shall be limited Summit Avenue. Vehicular access to said parcels shall not be permitted from Clay Avenue or Webster Street. The standards in this subsection are not applicable to any parcels that are developed for single-family use and have frontage on Clay Avenue or Webster Street.

3. *Buffer Yards.*
   a. Parcels abutting Clay Avenue and separated from a single-family use or zoning district by a street right-of-way shall, at a minimum, adhere to the standards of Buffer yard Type III as established in Section 36-8.04. The buffer yard shall be installed when a building permit is issued for said parcel(s).
   b. Parcels abutting Webster Street and separated from a single-family use or zoning district by a street right-of-way shall, at a minimum, adhere to the standards of Bufferyard Type II as established in Section 36-8.04. The bufferyard shall be installed when a building permit issued for said parcel(s).
   c. The standards in this subsection are not applicable to any parcels that are developed for single-family use.

H. **Exhibits.**

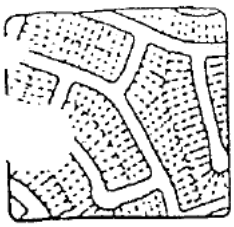
Table 10-1: Mid-Town UCD Summary of Ordinances

G.O. #	*Date*	*Subject*
4040	06/05/89	Created Urban Conservation District #3, the Mid-Town Urban Conservation District
4060	07/31/89	Designated Area B and enacted regulations allowing accessory apartments in Area B.
4762	12/15/97	Designated Area C and enacted special regulations for the use and development of land in Area C.
5216	09/23/02	Repeals all previous ordinances and enacts a new Urban Conservation District #3, the Mid-Town Urban Conservation District including sub-areas A, B, C, D, and E.


EXHIBIT 1 - AREA B PLOT PLAN
ALLEY (PUBLIC)
EXISTING CHURCH BUILDING
EXISTING RUBBY HOUSE
SIDEWALK (EXIST)
EAST CALHOUN
NORTH BENTON
NORTH

PLOT PLAN

17



Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville Avenue - Springfield, Missouri 65801

Zoning Case Z-19-2002 (Amending Mid-Town Urban Conservation District)

Location: 2-1100 blocks E. Chestnut Expressway and Commercial, 8-1700 blocks N. Boonville and National

Existing Zoning: UCD #3

LOCATION SKETCH

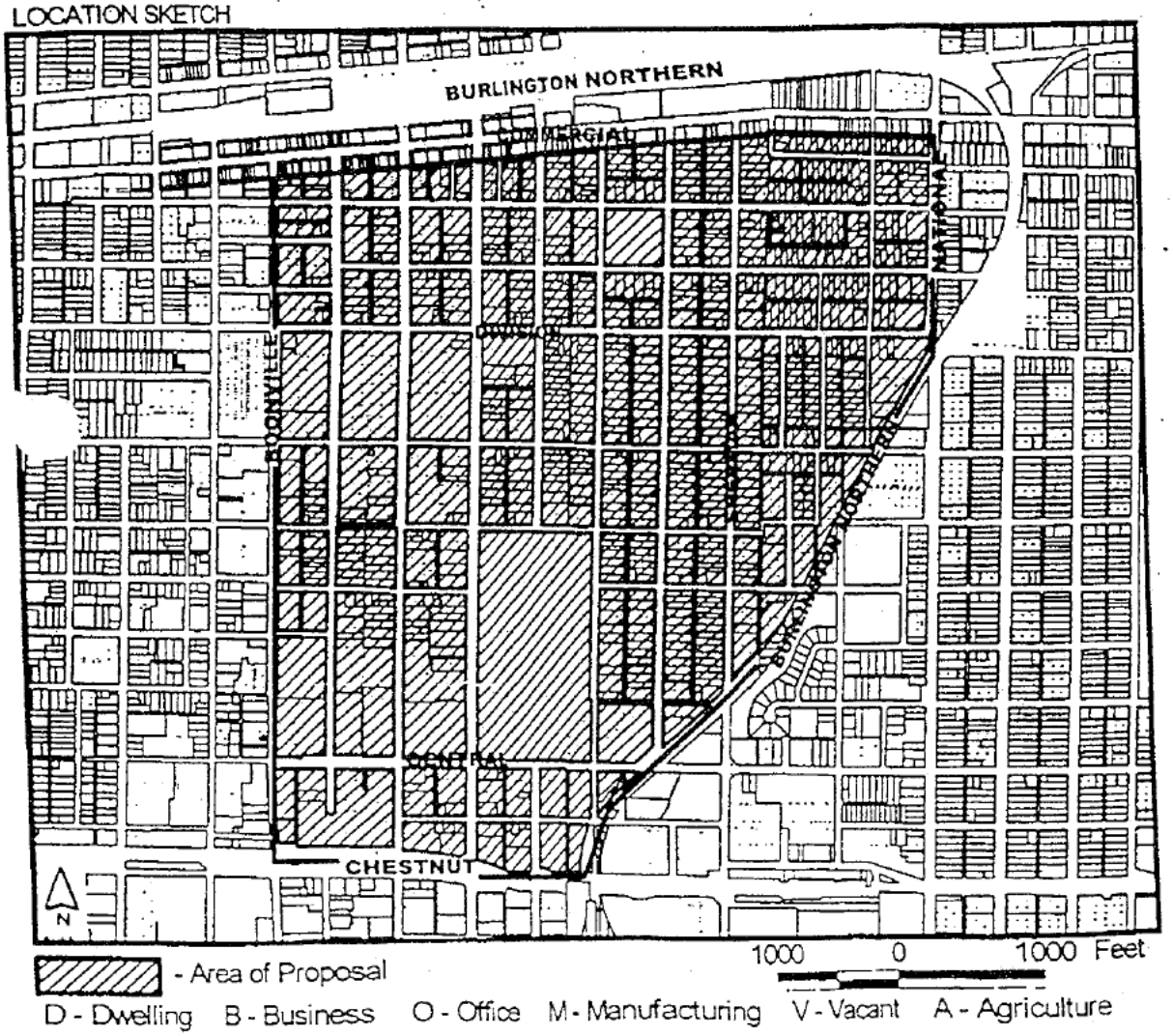



Exhibit 2
Z-19-2002
Mid-Town UCD
Sub Areas
N
Parcels
Lot Lines
Sub Areas
UCD 3 A
UCD 3 B
UCD 3 C
UCD 3 D
UCD 3 E
A
B
C
D
E
Drury
University
Planning & Development Department
City of Springfield, Missouri
36

36-10.04 Phelps Grove Urban Conservation District

The following described property is designated as Urban Conservation District No. 4, to be known as the Phelps Grove Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

A. **Phelps Grove Urban Conservation District Legal Description.**

Part of Section 25, Township 29 North, Range 22 West, in the City of Springfield, Greene County, Missouri described as follows:

All of Waverly Place Addition except Block A and Lots 8, 10, 11, 12, 13, 14, and 15 of Block B; All of Normal Park Addition except Block 1, and Lots 9 and 1o of Block 4; All of Roanoke Subdivision; All of Morningside Subdivision; All of Marlborough Subdivision; All of Amended Plat of Jefferson Place Subdivision; All of Blocks A, B, C, D, and E of Phelps Park Terraces; All of Plot A, all of Plot C, and all of Lots 9 through 14 and Lot 18 of Phelps Grove Park Subdivision; And all of Colonial Place Addition. AND ALSO, Beginning 562 feet South of the Northeast Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 25, Township 29, Range 22; thence South 132 feet to the Northeast corner of Lot 1 in Block "D" of Waverly Place Addition, thence West 330 feet along the north line of said Block "D" to a point 23 feet west of the Northwest corner of Lot 10 of said Block "D", thence North 132 feet, thence East 330 feet to the. point of beginning.

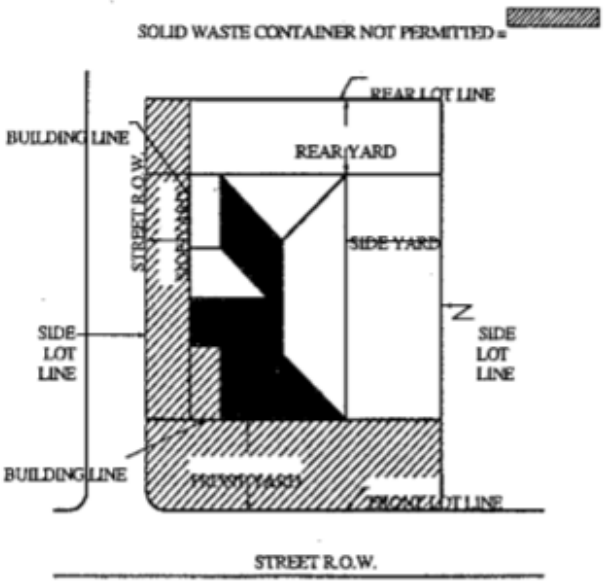
B. **District Regulations.** Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urban Conservation District No. 4, known as the Phelps Grove Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Phelps Grove Urban Conservation District.

1. *Renting Sleeping Rooms and Serving Meals.* Renting sleeping rooms and serving meals to not more than two persons not members of the family owning and occupying the dwelling unit, provided one off-street parking space is provided for each person, is a permitted home occupation.

2. *Accessory Apartments.* Accessory apartments are prohibited.

3. *Solid Waste Containers.*
   a. Solid waste containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within 24 hours after being placed at the curb. The person placing the solid waste container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection.
   b. Solid waste containers, unless placed at the curb for collection in accordance with subsection 2.C.1, are prohibited from the front yard (Figure 1).
   c. Solid waste containers, unless placed at the curb for collection in accordance with subsection 2.C.1, or visually screened by a solid fence or wall not less than the height of the solid waste container, are prohibited from the following additional portions of a lot or tract of land (Figure 1):
      (1) Any portion of a lot between the street and a side building line, and extending from the front yard to the rear lot line.
      (2) Any portion of a lot located between a front yard, a side yard adjacent to a street, and a recessed portion of a building facade.

Figure 10-2 Solid Waste Containers



4. *Non-Conforming Lots of Record. In* the R-SF, Single-Family Residential District, notwithstanding the regulations imposed by any other provision of this article, a single-family detached dwelling which complies with the restrictions in Section 36-1.06.E 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 dimension at such location would not have been prohibited by article; and
   b. Fronts on a local or collector street or can be provided with vehicular access via an alley or an access easement; and
   c. Is not less than 40 feet in width and that consists entirely of a tract of land, or an existing single-family dwelling sited on a tract of land less than 40 feet in width, may be replaced per the non-conforming Section 36-1.06. Off-street parking shall not be required when on-street parking is available within 200 feet of the subject property on a street with a minimum pavement width of 24 feet.

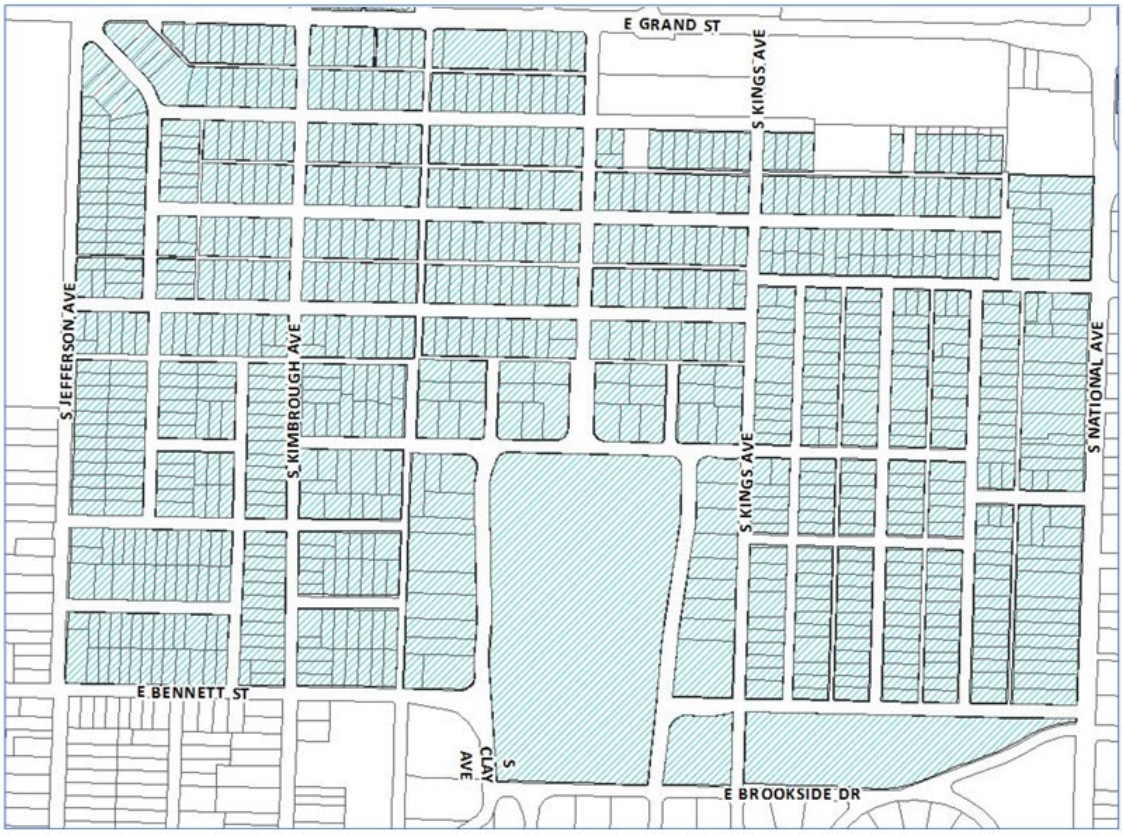
5. *Enforcement.* Any person who shall occupy a premises as lessee or licensed operator shall be jointly and severally responsible for compliance with the provisions of this Ordinance in the same manner as the owner.

C. **Exhibits.**

Table 10-2: Phelps UCD Summary of Ordinances

G.O. #	Date	Subject
4679	03/03/97	Created Urban Conservation District #4, the Phelps Grove Urban Conservation District.
5082	05/29/01	Repealed G.O. #4679. Revised the Urban Conservation District to conform with City Code.
6517	04/22/19	Replaced G.O. #5082. Amended the Urban Conservation District to create a new subsection D, regarding minimum lot width for non-conforming lots of record.

Phelps Grove Urban Conservation District



36-10.05 Rountree Urban Conservation District

The property described in this section is designated as Urban Conservation District No. 2. Urban Conservation District No. 2 shall also be known as and depicted on maps as the Rountree Urban Conservation District. Property in the Rountree Urban Conservation District shall be subject to the provisions herein and in Section 36-403, Urban Conservation District, of the Springfield Land Development Code. The Rountree Urban Conservation District is described as follows:

A. **Rountree Urban Conservation District Legal Description.** Beginning at the northwest corner of Lot 5 in O.H. Mitchell's Addition, as recorded, being on the east right-of-way line of National Avenue; thence east along the north line of Lots 5 through 9 in said O.H. Mitchell's Addition and its easterly extension, to a point 4.5 feet east of the northeast corner of said Lot 9 in O.H. Mitchell's Addition; thence south along a line 4.5 feet east of the east line of said Lot 9 to a point 170.5 feet north of the north right-of-way line of Elm Street; thence east along a line 170.5 feet north of said north right-of-way line of Elm Street to a point 104.5 feet east of the east line of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 160.0 feet north of said north right- of-way line of Elm Street; thence east along a line 160.0 feet north of said north right-of-way line of Elm Street, to a point 68.0 feet west of the west line of Lot 13 of Block 1 in Chamberlain's Addition, as recorded; thence north to a point 244.5 feet north of said north right-of-way line of Elm Street; thence east 68 feet to the east line of Lot 12 of Block 1 in said Chamberlain's Addition; thence south along the west line of said Block 1 in Chamberlain's Addition, to the northwest corner of Lot 13 of Block 1 in said Chamberlain's Addition being on the south line of an alley; thence east along the south line of said alley to the northeast corner of Lot 15 of Block 1 in said Chamberlain's Addition; thence north to the southwest corner Lot 9 of Block 1 in said Chamberlain's Addition; thence north 100.0 feet along the west line of said Lot 9; thence east to the east line of Lot 7 of Block 1 in said Chamberlain's Addition, to a point 100.0 feet north of the southeast corner of said Lot 7, being on the west right-of-way line of Fremont Avenue; thence south along said west right-of-way line to the northeast corner of Lot 18 of Block 1 in said Chamberlain's Addition; thence east to the northwest corner of Lot 20 of Block 1 in Chamberlain's Addition, being on the east right-of-way line of Fremont Avenue; thence east along the north line of Lots 20 through 25 of Block 1 in said Chamberlain's Addition, to the northeast corner of said Lot 25, being on the westerly right-of-way line of the Burlington Northern and Santa-Fe Railway Company; thence northeasterly, perpendicular from said westerly right-of-way line a distance of 25.0 feet; thence southeasterly to a point on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company, said point being the westerly extension of the north line of Lot 7 in Arlington Heights, as recorded; thence east along said westerly extension of the north line of said Lot 7, to the northwest corner of said Lot 7; thence north along the west line of Lot 6 in said Arlington Heights to the north line of the south 130.5 feet of said Lot 6; thence east along the north line of the south 130.5 feet of said Lot 6 and the south 130.5 feet of the west 46.0 feet of Lot 5 in Arlington Heights to the west right-of-way line of Weller Avenue; thence south along said west right-of-way line of Weller Avenue to a point 50.0 feet north of the south line of said Lot 5 in Arlington Heights; thence east along a line 50.0 feet north of the south line of Lot 5, Lot 4 and the west half of Lot 3 in said Arlington Heights; thence south along the east line of the west half of said Lot 3 to the north line of Lot 10 in said Arlington Heights; thence east along the north line of Lots 10 through 12 and its easterly extension to the northwest corner of Lot 36 in East Elm Street Addition, as recorded; thence south along the west line of said Lot 36 in East Elm Street Addition, to a point on the north line of the south 180.0 feet of said Lot 36; thence east along the north line of the south 180.0 feet of said Lot 36 and Lot 35 to a point 10.0 feet east of the west line of said Lot 35 in said East Elm Street Addition; thence south along the east line of the west 10.0 feet of said Lot 35 to the north line of the south 160.0 feet of said Lot 35; thence east along the north line of the south 160.0 feet of Lots 35 through 31 to the east line of said Lot 31; thence north along the

east line of said Lot 31 to the northeast corner of said Lot 31; thence east along the north line of Lots 30 through 23 to the northeast corner of said Lot 23 in East Elm Street Addition; thence east to the northwest corner of Lot 20 in said East Elm Street Addition; thence east along the north line of Lots 20 and 19 and its easterly extension to a point 105.5 east of the northeast corner of said Lot 19 in said East Elm Street Addition; thence south to a point 105.5 feet east of the northeast corner of Lot 54 in said East Elm Street Addition, being on the south right-of-way line of Elm Street; thence east along said south right-of-way line to a point 210.0 feet west of the west right-of-way line of Glenstone Avenue; thence south along a line 210.0 feet west of the west right-of-way line of Glenstone Avenue to the north right-of-way line of Cherry Street; thence south to a point 15.0 feet west of the northeast corner of Lot 21 in Burks' Subdivision, as recorded, being on the south right- of-way line of Cherry Street; thence west along said south right-of-way line to the northeast corner of Lot 5 in the Amended Plat of Dundee Reserve Addition, as recorded; thence south along the east line of Said Lot 5 to the southeast corner of said Lot 5; thence east along the south line of Lot 4 in said Amended Plat of Dundee Reserve Addition to the southeast corner of said Lot 4; thence southeasterly along the northeasterly lines of Lots 8 through 10 to the northeastern corner of said Lot 10; thence east to the southeast corner of Lot 2 in said Amended Plat of Dundee Reserve Addition; thence south along the east line of Lots 11 through 13 in said Amended Plat of Dundee Reserve Addition to the northerly right-of-way line of Kentwood Avenue; thence southeasterly along said northerly right-of-way line of Kentwood Avenue to the intersection of the north right-of-way line of Monroe Street; thence southeasterly to the northwest corner of Lot 17 in said Burk's Subdivision being on the south right-of-way line of Monroe Street; thence east along said south right-of-way line of Monroe Street to the northeast corner of said Lot 17 in Burk's Subdivision; thence south along the east line of Lots 17 through 12 in said Burks's Subdivision to the southeast corner of said Lot 12; thence west along the south line of said Lot 12 to the southwest corner of said Lot 12 being on the east right-of-way line of Kentwood Avenue; thence south along said east right-of-way line of Kentwood Avenue to the northerly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence southwesterly to the intersection of the southerly right-of-way line of said Burlington Northern and Santa Fe Railway Company and the south right-of-way line of Madison Street; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right- of-way line to the intersection with the easterly extension of the north line of Lot 1 in Second Addition to Parkhazel, as recorded; thence west along said westerly extension, to a point 40.0 feet east of the northeast corner of Lot 1 in said Second Addition to Parkhazel; thence south on a line 40.0 feet east of said Second Addition to Parkhazel to the northwest corner of Lot 101 in First Addition to Parkhazel, as recorded; thence east along the north line of said Lot 101 to the northeast corner of said Lot 101; thence south along the east line of said Lot 101 to the southeast corner of said Lot 101, being on the north right-of-way line of Lombard Street; thence southeasterly to the northeast corner of Lot 73 in Parkhazel Addition, as recorded, being on the south right-of-way line of Lombard Street; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition and its southerly extension to the northeast corner of Lot 79 in said Parkhazel Addition, being on the south right-of-way line of Belmont Street; thence east along said south right-of-way line to the centerline of an alley vacated by Ordinance #383; thence south along said centerline to an intersection with the easterly extension of the north line of Lot 82 in said Parkhazel Addition; thence west along said easterly extension and the north line of said Lot 82 to a point on the east line of the west 107.5 feet of said Lot 82; thence south on the east line of the west 107.5 feet of Lots 82, 83, and 84 in said Parkhazel Addition to the south line of said Lot 84, being on the north right-of-way line of Grand Street; thence southeasterly to the to the northeast corner of Lot 4 in Grand View, as recorded, on the south right-of-way line of Grand Street; thence south along the east line of said Lot 4 in Grand View to the southeast corner of said Lot 4; thence west along the south line of Lots 4 through 6 in said Grand View to the southwest corner of said Lot 6, being on the east right-of-way line of Kentwood Avenue; thence west to a point on the west right-of-way line of Kentwood Avenue, being on the east line of Lot 6 in Country Club District, as

recorded, said point being 150.0 feet south of the south right-of-way line of Grand Street; thence west to a point on the west line of Lot 13 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 13, being on the east right-of-way line of Delaware Avenue; thence southwesterly to the northeast corner of Lot 3 in Hawthorn Place, as recorded, on the west right-of-way line of Delaware Avenue; thence west along the north line of said Lot 3 to the intersection with the southerly extension of the east line of Lots 2 and 3 in said Hawthorn Place; thence north along said southerly extension to the southeast corner of said Lot 2; thence west along the south line of said Lots 2, 23 and 26 in said Hawthorn Place to the southwest corner of said Lot 26, being on the east right-of-way line of Pickwick Avenue; thence southwesterly to the southeast corner of Lot 4 in Home Place, as recorded, on the west right-of-way line of Pickwick Avenue; thence west along the south line of Lot 4 and 12 in said Home Place Addition to the southwest corner of said Lot 12, being on the east right-of-way line of Fremont Avenue; thence northwesterly to the southeast corner of Lot 13 of Block 1 in Sanford Place, as recorded, on the west right-of-way line of Fremont Avenue; thence west along the south line of said Lot 13 and Lots 1 through 6 of Block 1 in said Sanford Place to the southwest corner of said Lot 6, being on the east right-of-way of Kickapoo Avenue; thence north along said east right-of-way line of Kickapoo Avenue to the northwest corner of said Lot 6 of Block 1 in said Sanford Place; thence north to a point on the north right-of-way line of Grand Street, said point lying 11.25 feet west of the southwest corner of Lot 17 in Dream-Wold Place, as recorded, being the on the east right-of-way line of Kickapoo Avenue; thence westerly along said north right-of-way line of Grand Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

B. The following subareas are hereby established within the Rountree Urban Conservation District, to be known as Subareas A, B, C, D, E, and F. These subareas are described as follows:

1. *Subarea A.* Beginning at the northwest corner of Lot 5 in O.H. Mitchell's Addition, as recorded, being on the east right-of-way line of National Avenue; thence east along the north line of Lots 5 through 9 in said O.H. Mitchell's Addition and its easterly extension, to a point 4.5 feet east of the northeast corner of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 4.5 feet east of the southeast corner of said Lot 9 in O.H. Mitchell's Addition, being on the north right-of-way line of Elm Street; thence south to the northeast corner of Lot 9 in Elmwood Ralph Walkers Subdivision as recorded, being on the south right-of-way line of Elm Street; thence south along the east line of Elmwood Ralph Walkers Subdivision to the southeast corner of Lot 8 in said Elmwood Ralph Walkers Subdivision, being on the north right-of-way line of Cherry Street; thence southeasterly to the northeast corner of the west 86.3 feet of the east 345.2 feet of the north 208.33 feet of Lot 12 in George M. Jones 1st Addition, as recorded, being on the south right-of-way line of Cherry Street; thence south along the east line of the west 86.3 feet of the east 345.2 feet of the north 208.33 feet of said Lot 12 in George M. Jones 1st Addition to the north line of Lot 3 in Noland Subdivision, as recorded; thence west along the north line of said Noland Subdivision, to a point 3.75 feet west of the northeast corner of Lot 1 in said Noland Subdivision; thence south to a point 3.75 feet west of the southeast corner of said Lot 1, being on the north right-of-way line of Harrison Street; thence west along said north right-of-way line of Harrison Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

   And also the following;

   Beginning at a point 80.0 feet east of the northwest corner of Lot 8 in George M. Jones 1st Addition, as recorded, being on the east right-of-way line of National

Avenue, and the south right-of-way line of Page Street; thence east along said south right-of-way line of Page Street, to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue; thence south to a point on the north line of the south 208.33 feet of said Lot 8; thence west along said north line to a point 456.0 feet west of the east right-of-way line of National Avenue; thence south to a point 456.0 feet west of the west right-of-way line of National Avenue on the north right-of-way line of Belmont Street; thence southwesterly to the northeast corner of Lot 12 in Normal View Place, as recorded, being on the south right-of-way line of Belmont Street; thence south along the east line of said Lot 12 to the southeast corner of said Lot 12; thence south to the northeast corner of Lot 17 in said Normal View Place; thence east along the easterly extension of the north line of said Lot 17 to a point on the west line of Lot 21 in said Normal View Place; thence south along the west line of said Lot 21 and Lot 20 in said Normal View Place, to the northwest corner of Lot 19 in said Normal View Place; thence east along the north line of said Lot 19 to the northeast corner of the west 49.83 feet of said Lot 19; thence south to a point 49.83 feet east of the southwest corner of Lot 18 in said Normal View Place, on the north right-of-way line of Grand Street; thence westerly along said north right-of-way line of Grand Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

2. *Subarea B.* Beginning at the northwest corner of Lot 1 in Wells Place, as recorded, being on the east right-of- way line of National Avenue, and the south right-of-way line of Harrison Street; thence east along said south right-of-way line of Harrison Street, to the northeast corner of said Lot 1 in Wells Place; thence south along the east line of Lots 1 through 8 in said Wells Place to the southeast corner of said Lot 8, also being the northeast corner of Lot 1 in Lena V. Taylor Addition, as recorded; thence south along the east line of Lots 1 through 4 in said Lena V. Taylor Addition to the southeast corner of said Lot 4, also being the northeast corner of Lot 1 in Madison Place, as recorded; thence south along the east line of Lots 1 through 4 in said Madison Place to the southeast corner of said Lot 4, being on the north right-of-way line of Madison Street; thence south to the northeast corner of Lot 1 in Andrus Place, as recorded, being on the south right-of-way line of Madison Street; thence south along the east line of Lots 1 through 6 in said Andrus Place to the southeast corner of said Lot 6, also being the northwest corner of Lot 10 in said Andrus Place; thence east along the north line of said Lot 10 to the northeast corner of said Lot 10, being on the west right-of-way line of McCann Avenue; thence south along said west right-of-way line to the southeast corner of Lot 9 in said Andrus Place, being on the north right-of-way line of Page Street; thence west along said north right-of-way line of Page Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

3. *Subarea C.* Beginning at the northwest corner of Lot 20 of Block 1 in Chamberlain's Addition, as recorded, being on the east right-of-way line of Fremont Avenue; thence east along the north line of Lots 20 through 25 of Block 1 in said Chamberlain's Addition, to the northeast corner of said Lot 25, being on the westerly right-of-way line of the Burlington Northern and Santa-Fe Railway Company; thence perpendicular, northeasterly from said westerly right-of-way line a distance of 25.0 feet; thence southeasterly, parallel with said westerly right-of-way line, a distance of 140.0 feet; thence southwest 25.0 feet perpendicular to said westerly right-of-way line; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right-of-way line, to a point on the west right-of-way

line of Weller Avenue, said point being the northeast corner of Lot 1 of Block 2 in Pickwick Place, as recorded; thence south along said west right-of-way line of Weller Avenue, to the southeast corner of Lot 2 of Block 2 in said Pickwick Place; thence west along the south line of said Lot 2 to the centerline of the alley vacated in Book 29 at Page 491 in said Block 2 ; thence south along the centerline of said vacated alley to the intersection of the easterly extension of the south line of Lot 18 of Block 2 in said Pickwick Place; thence west along said south line of said Lot 18 of Block 2 and its easterly extension, to the southwest corner of Lot 6 of Block 3 in said Pickwick Place; thence north along the west line of Lots 6, 5, and 4 of Block 3 in said Pickwick Place, to the northwest corner of said Lot 4; thence west to the southeast corner of Lot 15 of Block 3 in Pickwick Place; thence west along the south line of said Lot 15 to the southwest corner of said Lot 15, on the east right-of-way line of Fremont Avenue; thence north along the east right-of-way line of Fremont Avenue to the northwest corner of Lot 13 of Block 3 in said Pickwick Place, on the south right-of-way line of Cherry Street; thence northwesterly to the southwest corner of Lot 12 of Block 2 in Chamberlain's Addition, being on the north right-of-way line of Cherry Street; thence north along the west line of said Block 2 in said Chamberlain's Addition to the northwest corner of Lot 14 in said Chamberlain's Addition, being on the south right-of-way line of Elm Street; thence northeasterly to the southwest corner of Lot 20 of Block 1 in said Chamberlain's Addition, on the north right-of-way line of Elm Street and the east right-of-way line of Fremont Avenue; thence north along said east right-of-way line to the point of beginning.

4. *Subarea D.* Beginning at a point 4.5 feet east of the southeast corner of Lot 9 in O.H. Mitchell's Addition, as recorded, being on the north right-of-way line of Elm Street; thence north along a line 4.5 feet east of the east line of said Lot 9 to a point 170.5 feet north of said north right-of-way line of Elm Street; thence east along a line 170.5 feet north of said north right-of-way line of Elm Street to a point 104.5 feet east of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 160.0 feet north of said north right-of-way line of Elm Street; thence east along a line 160.0 feet north of said north right-of- way line of Elm Street, to a point 68.0 feet west of the west line of Lot 13 of Block 1 in Chamberlain's Addition, as recorded; thence north to a point 244.5 feet north of said north right-of-way line of Elm Street; thence east 68 feet to the east line of Lot 12 of Block 1 in said Chamberlain's Addition; thence south along the west line of said Block 1 in Chamberlain's Addition, to the northwest corner of Lot 13 of Block 1 in said Chamberlain's Addition being on the south line of an alley; thence east along the south line of said alley to the northeast corner of Lot 18 of Block 1 in said Chamberlain's Addition, on the west right-of-way line of Fremont Avenue; thence south along said west right-of-way line to the southeast corner of said Lot 18, on the north right-of-way line of Elm Street; thence southeasterly to the northeast corner of Lot 1 in the Amended Plat of Walkers Second Subdivision, as recorded, being on the south right-of-way line of Elm Street; thence south along the east line of said Amended Plat of Walkers Second Subdivision to the southeast corner of Lot 14 in said Amended Plat of Walkers Second Subdivision, being on the north right-of-way line of Cherry Street; thence southwesterly to the intersection of the south right-of-way line of Cherry Street and the west right-of-way line of Fremont Street; thence south along said west right-of-way line of Fremont Avenue to the northeast corner of Lot 23 in Zobeth, as recorded; thence west along the north line of Lots 23 through 11 and its westerly extension to a point 11.25 feet west of the northwest corner of said Lot 11 in Zobeth, being on the east right-of-way line of Kickapoo Avenue; thence northwesterly to a point 164.0 feet south of the north line of Lot 12 in George M. Jones First Addition, as recorded, being on the west right-of-way line of Kickapoo Avenue; thence west along the south line of the north 164.0 feet of said Lot 12 to a

point 111.75 feet west of the west right-of-way line of Kickapoo Avenue; thence south to a point 184.0 feet south of the north line of said Lot 12; thence west along the south line of the north 184.0 feet of said Lot 12 to a point on the west line of the west 200.0 feet of said Lot 12; thence south to the northeast corner of Noland Subdivision, as recorded; thence west along the north line of said Noland Subdivision, to a point on the west line of the east 259.9 feet of the north 208.33 feet of said Lot 12 in George M. Jones First Addition; thence north to a point 259.9 feet west of the north east corner of said Lot 12 in George M. Jones First Addition, being on the south right-of-way line of Cherry Street; thence northwesterly to the southeast corner of Lot 8 in Elmwood Ralph Walkers Subdivision, as recorded, being on the north right-of-way line of Cherry Street; thence north along the east side of said Elmwood Ralph Walkers Subdivision to the northeast corner of Lot 9 in said Elmwood Ralph Walkers Subdivision, being on the south right-of- way line of Elm Street; thence north to the point of beginning.

5. *Subarea E.* Beginning at the northwest corner of Lot 16 of Block 3 in Pickwick Place, as recorded, on the east right-of-way line of Fremont Avenue; thence east along the north line of said Lot 16 and its easterly extension to the northwest corner of Lot 4 of Block 3 in said Pickwick Place; thence south along the west line of Lots 4, 5 and 6 of said Block 3 to the northwest corner of Lot 7 of said Block 3; thence east along the north line of said Lot 7 and the north line of Lot 19 of Block 2 in said Pickwick Place and its easterly extension to the centerline of an alley vacated in Book 29 at Page 491 in said Block 2; thence north along said centerline to the westerly extension of the south line of Lot 2 of said Block 2; thence east along said westerly extension and south line of Lot 2 to the southeast corner of said Lot 2, on the west right-of-way line of Weller Avenue; thence northeasterly to the intersection of the west line of Lot 14 of Block 1 in said Pickwick Place and the westerly right-of-way line of the Burlington Northern and Santa Fe Railway Company, being on the east right-of-way line of Weller Avenue; thence southeasterly, along said westerly right-of-way line to the intersection with the north line of the south 150.0 feet of the east 50.0 feet of Lot 7 of Block 1 in Philips' Addition, as recorded; thence west along said north line to a point on the west line of the east 50.0 feet of said Lot 7; thence south along said west line to a point 50.0 feet west of the southeast corner of said Lot 7, on the north right-of-way line of Monroe Terrace; thence southeasterly to a point 30.0 feet west of the northeast corner of Lot 19 of Block 2 in said Philips' Addition, on the south right-of-way line of Monroe Terrace; thence south to a point 30.0 feet west of the southeast corner of said Lot 19; thence west along the south line of said Lot 19 to a point 20.0 feet east of the northwest corner of Lot 7 of Block 2 in said Philips' Addition; thence south to a point 20.0 feet east of the southwest corner of said Lot 7, on the north right-of-way line of Madison Street; thence southeasterly to the northeast corner of Lot 5 in Rollston-Luster Place, on the south right-of-way line of Madison Street; thence south along the east line of said Lot 5 to the southeast corner of said Lot 5; thence west along the south line of said Lot 5 to a point 250.0 feet east of the east right-of-way line of Delaware Street; thence south to a point to a point 250.0 feet east of the east right-of-way line of Delaware Street on the north right-of-way line of Page Street, a private street; thence southeasterly to a point on the south right-of-way line of Page Street, being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence south to a point on the north side of a 15.0 foot alley as shown on First Addition to Parkhazel Addition, being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence southwesterly, to the northwest corner of Lot 117 in said First Addition to Parkhazel Addition, on the south side of said 15.0 foot alley; thence south along the west line of said Lot 117 to the southwest corner of said Lot 117, on the north right-of-way line of Lombard Street: thence southeasterly to the northeast corner of

Lot 24 in Parkhazel Addition, as recorded, on the west right- of-way line of Fairway Avenue; thence south along said west right-of-way line to the southeast corner of Lot 13 in said Parkhazel Addition, on the north right-of-way line of Grand Street; thence south to the northeast corner of Lot 11 in Country Club District, as recorded, on the south right-of- way line of Grand Street; thence south along the east line of said Lot 11 to a point on the south line of the north 150.0 feet of said Lot 11; thence west to a point on the west line of Lot 13 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 13, being on the east right-of-way line of Delaware Avenue; thence southwesterly to the northeast corner of Lot 3 in Hawthorn Place, as recorded, on the west right-of-way line of Delaware Avenue; thence west along the north line of said Lot 3 to the intersection with the southerly extension of the east line of Lots 2 and 3 in said Hawthorn Place; thence north along said southerly extension to the southeast corner of said Lot 2; thence west along the south line of said Lots 2, 23 and 26 in said Hawthorn Place to the southwest corner of said Lot 26, being on the east right-of-way line of Pickwick Avenue; thence southwesterly to the southeast corner of Lot 4 in Home Place, as recorded, on the west right-of-way line of Pickwick Avenue; thence west to the southwest corner of said Lot 12, being on the east right- of-way line of Fremont Avenue; thence northwesterly to the southeast corner of Lot 13 of Block 1 in Sanford Place, as recorded, on the west right-of-way line of Fremont Avenue; thence west to the southwest corner of said Lot 6, being on the east right-of-way of Kickapoo Avenue; thence north along said east right-of-way line of Kickapoo Avenue to the northwest corner of said Lot 6 of Block 1 in said Sanford Place; thence north to a point on the north right-of-way line of Grand Street, said point lying 11.25 feet west of the southwest corner of Lot 17 in Dream-Wold Place, as recorded, being the on the east right-of-way line of Kickapoo Avenue; thence westerly along said north right- of-way line of Grand Street to a point 49.83 feet east of the southwest corner of Lot 18 in Normal View Place; thence north to a point 49.83 feet east of the northwest corner of Lot 19 on said Normal View Place; thence west along the north line of said Lot 19 to the northwest corner of said Lot 19; thence north along the west line of Lot 19 through 24 to the northwest corner of said Lot 24, on the south right-of-way line of Belmont Street; thence northeasterly to a point on the north right-of-way line of Belmont Street, being 161.25 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point on the north line of the south 208.33 feet in Lot 8 of George M. Jones Addition, being 161.25 feet west of the west right-of-way line of Kickapoo Avenue; thence east along said north line to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue on the south right- of-way line of Page Street; thence northwesterly to the southeast corner of Lot 24 in Andrus Place, as recorded, on the north right-of-way line of Page Street; thence west along said north right-of-way line to the southeast corner of Lot 9 in said Andrus Place, on the west right-of-way line of McCann Avenue; thence north along said west right-of-way line to the northeast corner of Lot 10 in said Andrus Place; thence west along the north line of said Lot 10 to the northwest corner of said Lot 10; thence north along the west line of Lots 11 through 16 in said Andrus Place to the northwest corner of said Lot 16 on the north right-of-way line of Madison Street; thence north to the southwest corner of Lot 5 in Madison place, as recorded, on the north right-of-way line of Madison Street; thence north along the west line of Lots 5 through 8 in said Madison Place to the northwest corner of said Lot 8, also being the southwest corner of Lot 5 in Lena V. Taylor Addition, as recorded; thence north along the west line of Lots 5 through 8 in said Lena V. Taylor Addition to the northwest corner of said Lot 8, also being the southwest corner of Lot 9 in Wells Place, as recorded; thence north along the west line of Lots 9 through 16 in Wells Place to the northwest corner of said Lot 16, on the south right-of-way line of Harrison Street;

thence north to the southwest corner of Lot 41 in said Wells Place, on the north right-of-way line of Harrison Street; thence east along said north right-of-way line to a point 3.75 feet west of the southeast corner of said Lot 1 in Noland Subdivision; thence north to a point 3.75 feet west of the northeast corner on the north line of said Noland Subdivision; thence east along said north line to the northeast corner of Lot 4 in said Noland Subdivision; thence north to the south line of the north 184.0 feet of Lot 12 in George M. Jones First Addition, as recorded, being 211.25 feet west of the west right-of-way line of Kickapoo Avenue; thence east along the south line of the north 184.0 feet of said Lot 12 to a point 111.75 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point 164.0 feet south of said Lot 12; thence east along the south line of the north 164.0 feet of said Lot 12 to the west right-of-way line of Kickapoo Avenue; thence southeasterly to a point 11.25 feet west of northwest corner of Lot 11 in Zobeth, as recorded, being on the east right-of-way line of Kickapoo Avenue; thence east to the northeast corner of Lot 23 in said Zobeth, on the west right-of-way line of Fremont Avenue; thence northeasterly to the point of beginning.

6. *Subarea F.* Commencing at the northwest corner of Lot 7 in Arlington Heights, as recorded; thence west on a line of the westerly extension of the north line of said Lot 7, to a point on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company, for the point of beginning; thence east along said westerly extension of the north line of said Lot 7, to the northwest corner of said Lot 7; thence north along the west line of Lot 6 in said Arlington Heights to the north line of the south 130.5 feet of said Lot 6; thence east along the north line of the south 130.5 feet of said Lot 6 and the south 130.5 feet of the west 46.0 feet of Lot 5 in Arlington Heights to the west right-of-way line of Weller Avenue; thence south along said west right-of-way line of Weller Avenue to a point 50.0 feet north of the south line of said Lot 5 in Arlington Heights; thence east along a line 50.0 feet north of the south line of Lot 5, Lot 4 and the west 52.0 feet of Lot 3 in said Arlington Heights; thence south along the east line of the west 52.0 feet of said Lot 3 to the north line of Lot 10 in said Arlington Heights; thence east along the north line of Lots 10 through 12 and its easterly extension to the northwest corner of Lot 36 in East Elm Street Addition, as recorded; thence south along the west line of said Lot 36 in East Elm Street Addition, to a point on the north line of the south 180.0 feet of said Lot 36; thence east along the north line of the south 180.0 feet of said Lot 36 and the north line of the west 10.0 feet of Lot 35 in said East Elm Street Addition; thence south along the east line of the west 10.0 feet of said Lot 35 to the north line of the south 160.0 feet of the east 40.0 feet of said Lot 35; thence east along the north line of the south 160.0 feet of Lots 35 through 31 to the east line of said Lot 31; thence north along the east line of said Lot 31 to the northeast corner of said Lot 31; thence east along the north line of Lots 30 through 23 to the northeast corner of said Lot 23 in East Elm Street Addition; thence east to the northwest corner of Lot 20 in said East Elm Street Addition; thence east along the north line of Lots 20 and 19 and its easterly extension to a point 105.5 east of the northeast corner of said Lot 19 in said East Elm Street Addition; thence south to a point 105.5 feet east of the southeast corner of said Lot 19, being on the north right-of-way line of Elm Street; thence south to a point 105.5 feet east of the northeast corner of Lot 54 in said East Elm Street Addition, being on the south right-of-way line of Elm Street; thence east along said south right-of- way line to a point 210.0 feet west of the west right-of-way line of Glenstone Avenue; thence south along a line 210.0 feet west of the west right-of-way line of Glenstone Avenue to the north right-of-way line of Cherry Street; thence south to a point 15.0 feet west of the northeast corner of Lot 21 in Burks' Subdivision, as recorded, being on the south right-of-way line of Cherry Street; thence west along said south right-of-way line to the northeast

corner of Lot 5 in the Amended Plat of Dundee Reserve Addition, as recorded; thence south along the east line of Said Lot 5 to the southeast corner of said Lot 5; thence east along the south line of Lot 4 in said Amended Plat of Dundee Reserve Addition to the southeast corner of said Lot 4; thence southeasterly along the northeasterly lines of Lots 8 through 10 to the northeastern corner of said Lot 10; thence east to the southeast corner of Lot 2 in said Amended Plat of Dundee Reserve Addition; thence south along the east line of Lots 11 through 13 in said Amended Plat of Dundee Reserve Addition to the northerly right-of- way line of Kentwood Avenue; thence southeasterly along said northerly right-of-way line of Kentwood Avenue to the intersection of the north right-of-way line of Monroe Street; thence southeasterly to the northwest corner of Lot 17 in Burk's Subdivision, as recorded, being on the south right-of-way line of Monroe Street; thence east along said south right-of-way line of Monroe Street to the northeast corner of said Lot 17 in Burk's Subdivision; thence south along the east line of Lots 17 through 12 in said Burks's Subdivision to the southeast corner of said Lot 12 in Burks's Subdivision; thence west along the south line of said Lot 12 to the southwest corner of said Lot 12 being on the east right-of-way line of Kentwood Avenue; thence south along said east right-of-way line of Kentwood Avenue to the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence southwesterly to the intersection of the westerly right-of-way line of said Burlington Northern and Santa Fe Railway Company and the south right-of-way line of Madison Street; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right- of-way line to the intersection with the easterly extension of the north line of Lot 1 in Second Addition to Parkhazel, as recorded; thence west along said westerly extension, to a point 40.0 feet east of the northeast corner of Lot 1 in said Second Addition to Parkhazel; thence south on a line 40.0 feet east of said Second Addition to Parkhazel to the northwest corner of Lot 101 in First Addition to Parkhazel, as recorded; thence east along the north line of said Lot 101 to the northeast corner of said Lot 101; thence south along the east line of said Lot 101 to the southeast corner of said Lot 101, being on the north right-of-way line of Lombard Street; thence southeasterly to the northeast corner of said Lot 73 in Parkhazel Addition, as recorded, being on the south right-of-way line of Lombard Street; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition and its southerly extension to the northeast corner of Lot 79 in said Parkhazel Addition, being on the south right-of-way line of Belmont Street; thence east along said south right-of-way line to the centerline of an alley vacated by Ordinance #383; thence south along said centerline to an intersection with the easterly extension of the north line of Lot 82 in said Parkhazel Addition; thence west along said easterly extension and the north line of said Lot 82 to a point on the east line of the west 107.5 feet of said Lot 82; thence south on the east line of the west 107.5 feet of Lots 82, 83, and 84 in said Parkhazel Addition to the south line of said Lot 84, being on the north right-of-way line of Grand Street; thence southeasterly to the northeast corner of Lot 4 in Grand View, as recorded, on the south right-of-way line of Grand Street; thence south along the east line of said Lot 4 in Grand View to the southeast corner of said Lot 4; thence west along the south line of Lots 4 through 6 in said Grand View to the southwest corner of said Lot 6, being on the east right-of-way line of Kentwood Avenue; thence west to a point on the west right-of-way line of Kentwood Avenue, being on the east line of Lot 6 in Country Club District, as recorded, said point being 150.0 feet south of the south right-of-way line of Grand Street; thence west to a point on the west line of Lot 11 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 11; thence north along the west line of said Lot 11 to the northwest corner of said Lot 11, being on the south right-of-way line of Grand Street; thence northeasterly to the intersection of the north right-of-way line of Grand Street and the east right-of-way

line of Fairway Avenue, being the southwest corner of Lot 72 in said Parkhazel Addition; thence north along said east right-of-way line of Fairway Avenue to the south right-of-way line of Lombard Street, being the northwest corner of Lot 25 in said Parkhazel Addition; thence north to the north right-of-way line of Lombard Street, being on the south line of Lot 116 in First Addition to Parkhazel; thence west along said north right-of-way line to the southwest corner of Lot 117 in said First Addition to Parkhazel; thence north along the west line of said Lot 117 to the south line of a 15.0 foot alley on the north side of said First Addition to Parkhazel, being the northwest corner of said Lot 117; thence northeasterly to a point on the north line of said 15.0 foot alley, said point being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence north to a point on the south line of Page Street, a private street, being 280.0 feet east of said Delaware Avenue; thence northwesterly to a point on the north line of Page Street, a private street, being 250.0 feet east of the east right-of-way line of Delaware Street; thence north to a point being 250.0 feet east of the east right-of-way line of Delaware Street on the south line of Lot 5 in Rollston-Luster Place, as recorded; thence east along the south line of said Lot 5 in Rollston-Luster Place to the southwest corner of Lot 6 in said Rollston-Luster Place; thence north along the west line of said Lot 6 to the northwest corner of said Lot 6 on the south right-of-way line of Madison Street; thence northwesterly to the southwest corner of the east 40.0 feet of Lot 7 of Block 2 in Philips' Addition, as recorded, being on the north right-of-way line of Madison Street; thence north along the west line of the east 40.0 feet of said Lot 7 of Block 2 in Philips' Addition to a point on the north line of said Lot 7, being 40.0 feet west of the northeast corner of said Lot 7; thence east along the north line of said Lot 7 to a point 30.0 feet west of the northeast corner of said Lot 7; thence north along the west line of the east 30.0 feet of Lot 19 of Block 2 in said Philips' Addition to a point 30.0 feet west of the northeast corner of said Lot 19, being on the south right-of-way line of Monroe Terrace; thence northwesterly to a point 50.0 feet west of the southeast corner of Lot 7 of Block 1 in said Philips' Addition, on the north right-of-way line of Monroe Terrace; thence north along the west line of the east 50.0 feet of the south 150.0 feet of said Lot 7 of Block 1 in said Philips' Addition; thence east along the north line of the east 50.0 feet of the south 150.0 feet of said Lot 7 to the intersection with the westerly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence northeasterly and perpendicular to the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence along said easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company to the point of beginning.

And also the following;

All of the south 100.0 feet of Lots 7 through 9 of Block 1 in Chamberlain's Addition, as recorded.

C. **Rountree Urban Conservation District Zoning Regulations.**

1. *Applicability*.

a. The extent to which compliance with the regulations herein is required shall be as follows:

(1) All new development requires full and complete compliance with all applicable regulations;

(2) Expansion or enlargement of an existing building (not to exceed 30% of the total floor area) shall be exempt from the building and lot standards and design standards;

(3) Redevelopment which replaces an existing building in the same footprint (within 10%) shall not be required to meet parking setback requirements

within Subarea C;

(4) Any change of use of a property requires compliance with all parking and loading, screening, fencing, and signage standards;

(5) Facade changes to existing building require compliance with all applicable facade regulations;

(6) In the event that a dwelling existing as of June 5, 2023, is subsequently destroyed or damaged, that dwelling may be reconstructed or repaired in substantial conformance with its location on the lot, size, and general appearance prior to such destruction or damage without requiring compliance with these regulations, provided that such plans for the reconstruction or repair must be submitted to the PD Director for determination of such substantial conformance.

2. *General Provisions.* These regulations shall supplement the Zoning Ordinance and shall, together with the Zoning Ordinance, govern and control the use and development of land throughout the Rountree Urban Conservation District. In the event of a conflict between these regulations and the Zoning Ordinance for property in the Rountree Urban Conservation District, these regulations shall control. In the event of a conflict between these regulations and provisions in an individual planned development district in the Rountree Urban Conservation District, the provisions of the planned development shall control.

3. *Permitted and Conditional Uses.* Only those uses stated within Section 36-10.07.D.1 and Section 36-10.07.H.1 herein shall be permitted by right or conditional use permit.

4. *Non-Conforming Uses.* Any use in the Rountree Urban Conservation District non-conforming under General Ordinance 3645 shall have been registered with the BDS Director by July 1, 1986. Any uses not registered by that date shall be presumed illegal. Non-conforming uses shall adhere to Section 36-1.06.B.

5. *Site Plan Review.*

a. *Applicability.* The site plan review and approval process set forth in Section 36-2.03 shall be required for any permitted, accessory, or conditional uses in the Rountree Urban Conservation District. No activities or uses, except for temporary uses allowed in the District, shall be exempt from this requirement.

b. *Submittal Requirements.* In addition to the requirements set forth in Section 36-2.03, the applicant shall be required to submit a building elevation plan showing the height, facade, exterior building materials, signage, and window specifications for all proposed building within Subareas A through D.

c. *Review Criteria.* In addition to the review criteria set forth in Section 36-2.03, the site plan review process shall include a review of whether the proposed development aligns with the Rountree Neighborhood Plan, including conformity with the following review criteria:

(1) Existing buildings proposed to be converted to another use must meet all fire, health, building, plumbing, and electrical requirements of the City.

(2) The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private right-of-way.

(3) The proposed site plan is not injurious to or detrimental to the use and enjoyment of surrounding property.

(4) The circulation elements of the proposed site plan do not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconveniences to vehicular and pedestrian travel.

(5) The screening of the site provides adequate shielding for nearby uses which may be incompatible with the proposed use.
(6) The proposed structures or landscaping are not lacking amenity in relation to, or are not incompatible with, nearby structures and uses.
(7) The proposed site plan does not create drainage or erosion problems on or off the site.

d. *Registration of Rental Property.* All owners of rental housing in the Rountree Urban Conservation District must register said property with the City Manager as required by City Code Sections 74-351 and 74-352, as amended from time to time.

D. **Subarea A through D Regulations.**

1. *Permitted and Conditional Uses.* The following key is to be used in the interpretation of Table 1, Permitted and Conditional Uses Subareas A through D, in this section:
   a. *Permitted Uses.* Uses which are marked as "P" in the table shall be allowed in a subarea subject to all applicable regulations herein.
   b. *Conditional Uses.* Uses which are marked as "C" in the table shall be allowed in a subarea upon the approval of a Conditional Use Permit as detailed in Section 36-2.04.
   c. *Uses Not Listed.* If a proposed use is not listed in the table, the ARC shall determine if the use is substantially similar to a use listed in the table. If it is, the proposed use shall be treated in the same manner as the substantially similar use. If not, the use shall be prohibited.
   d. *Conversions.* Structures existing at the time of the adoption of these regulations may be converted to any use permitted in that subarea.
   e. *Additional Regulation.* If uses have specific standards, such standards are referenced in this column. Use-specific standards shall apply to permitted and conditional uses. Where use-specific standards conflict with Rountree Urban Conservation District subarea standards, the subarea standards shall be followed.

Table 10-3: Rountree UCD Subareas A through D Uses

Use	*Use Specific Regulations*	*Subareas*			
		A	*B*	*C*	*D*
Residential Uses					
Dwelling, Multifamily, stand alone		P	P	P	P
Dwelling, Multifamily above ground floor as part of a mixed use		P	P	P	P
Dwelling, Single Family Attached		P	P	P	P
Dwelling, Single Family Detached existing		P	P	P	P
Dwelling, Single Family Detached new development					P
Group Home		P	P	P	P
Day Care Home		P	P	P	P
Churches		P	P	P	P
Schools		P	P	P	P
Parks		P	P	P	P
Non-Profit Neighborhood Community Centers			P		P
Lodging Uses					
Short Term Rental Type 3		P	P	P	P
Bed and Breakfast				P	P
Commercial Retail Uses					
Retail sales use group, stand alone		P	P	P	
Retail sales use group as part of a mixed use		P	P	P	P

Table 10-3: Rountree UCD Subareas A through D Uses					
Use	***Use Specific Regulations***	***Subareas***			
		A	***B***	***C***	***D***
Entertainment Oriented use group, stand alone < 5,000 sq ft		P			
Entertainment Oriented use group as part of a mixed use		P			
Package Liquor		P		P	
Adult Oriented uses					
Pawn Shop					
Artisan Manufacturing		P	P	P	
Personal Service and Office Uses					
Daycare		P	P	P	P
Personal Service use group, stand alone		P	P	P	
Personal Service use group as part of a mixed use		P	P	P	P
General Office use group as part of a mixed use		P	P	P	P
General Office, conversion	2.a below				P
Medical Office use group, stand alone		P	P	P	
Medical Office use group as part of a mixed use		P	P	P	P
Title Loan/Short Term Lending					
Eating and Drinking Uses					
Restaurants, stand alone		P	P	P	
Restaurants as part of a mixed use		P	P	P	P
Breweries and tasting rooms		P		P	
Drive-thru accessory to a restaurant use		P			
Vehicle Oriented Uses					
Commercial off-street parking lots	2.b below	C	C	C	C
Commercial off-street parking structures above ground floor as part of a mixed use		C	C	C	C
Food Truck		P	P	P	P
Outdoor display/sale of merchandise, temporary		P	P	P	P
Outdoor display/sale of merchandise, permanent					
Seasonal sales		P	P	P	P
Accessory Uses					
Accessory Uses and Structures		P	P	P	P
Home Occupations		P	P	P	P
Outdoor dining		P	P	P	P

2. *Use-Specific Standards.*
   a. *General Office Conversion.*
      (1) *Applicability*. Single-family dwellings 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).
      (2) *Location of Entrances.* Only one entrance shall be located on the front facade of the structure. the front facade of the structure shall face Cherry or Elm Streets.
      (3) *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.

(4) *Signs.* General office conversion uses shall be permitted one monument sign in accordance with the standards set forth below.
(a) *Area.* The monument sign shall not exceed 6 square feet in area.
(b) *Height.* The monument sign shall not exceed 4 feet in height.
(c) *Location.* The monument sign shall be located a minimum of 5 feet from all property lines, right-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.
(d) *Sign Base.* The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 10% and a maximum of 25% 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.
(e) *Landscape.* The monument sign shall have a landscape area equal to the area of the sign surrounding the sign base. A minimum of 80% of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.

b. *Commercial Off-Street Parking Lots.* Commercial off-street parking lots adjacent to public right-of-way, excluding alleys, shall provide the following:
(1) A fully opaque wall or fence with a height of 4 feet shall be used in conjunction with required parking lot perimeter landscaping contained in this section. Plant materials shall be installed between the sidewalk and the wall or fence to provide a softening effect.
(2) Four understory trees shall be planted for every 100 lineal feet of frontage adjacent to right-of-way, excluding alley right-of-way and additional plantings shall be clustered at points of pedestrian ingress and egress.
(3) Points of pedestrian ingress and egress, outside of vehicular curb cuts, shall be provided.
(4) To the greatest extent possible, the screening standards established above shall provide safe site distance where driveway access intersects public right-of-way.

c. *Farm Stand.*
(1) *Farm Products Sold.* Only farm products or value-added farm products grown and/or processed on the parcel on which the farm stand is located may be sold at a farm stand. The sale of non-agricultural items or products produced off site is prohibited.
(2) *Farm Stand Structure.* A structure associated with a farm stand shall not have a floor area greater than 100 square feet.

3. *Building and Lot Standards [Figure 10-3].*
a. *Subarea A.* This subarea is characterized by a mix of non-residential and multi-family development and bookends the development along National Avenue. The intent of the regulations for this subarea is to regulate the physical form in order to facilitate quality redevelopment of these higher intensity nodes along the neighborhood edge. This subarea is designated to provide for sensitive and respectful development that allows for walkability and concentrated density to support National Avenue as a future Public Transportation Corridor in the neighborhood.

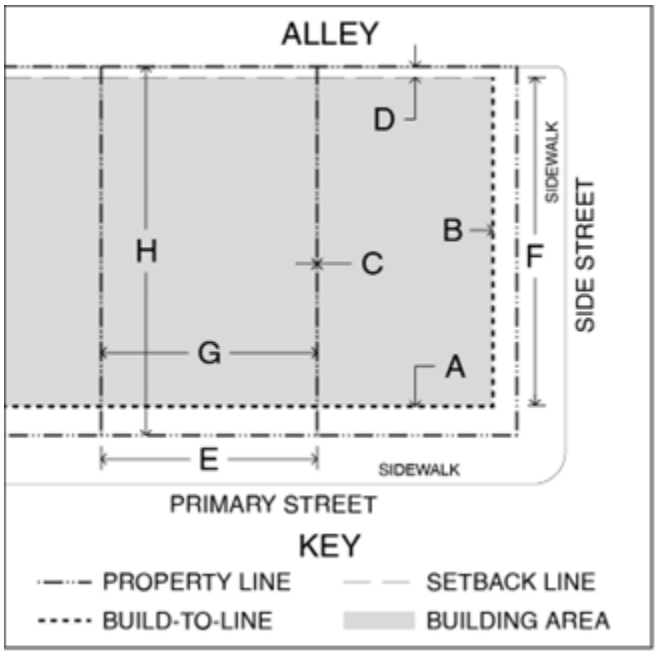


Figure 10-3 Building Lot Standards

(1) *Build-to-Line.*
- (a) Primary Street: 15 feet [A]
- (b) Side Street: 10 feet [B]
  * To match average front facade line of the block face

(2) *Setbacks.*
- (a) *Side Setback.* Zero foot minimum; 10 feet maximum [C]
  * Applicable to principal and accessory structures
- (b) Rear Setback: 5 feet minimum [D]*
  Applicable to principal structure only

(3) *Building Form.*
- (a) *Primary Street.* At least 85% of Build-to-Line [E]
- (b) *Side Street.* At least 85% of Build-to-Line [F]
- (c) *Lot Width.* Per existing [G]
- (d) *Lot Depth.* Per existing [H]

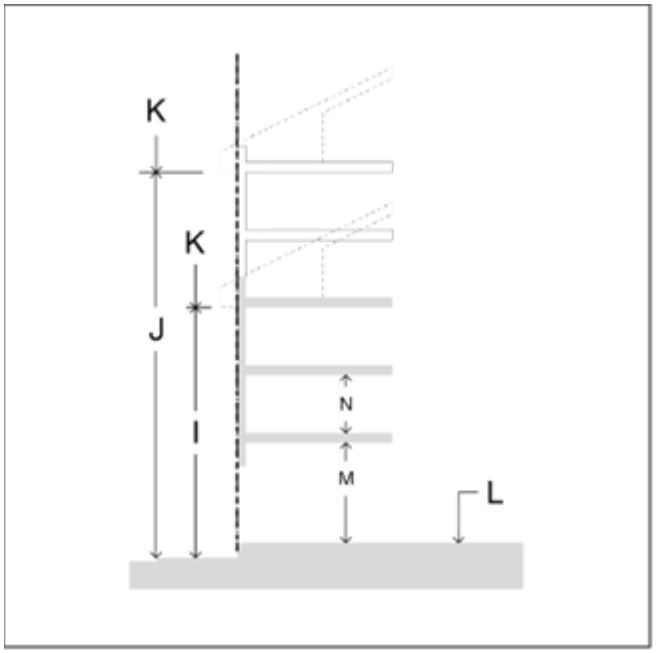


Figure 10-4 Subarea A Building Height

4. *Building Height [Figure 10-4].*
   a. Minimum: Two stories or 32 feet [I]
   b. Maximum: Five stories or 68 feet [J]
      * Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story.
      * All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-MX1 District.
   c. Maximum from Bottom of Eave to Top of Parapet or Roof: 15 feet maximum [K]
      * Finished Ground Floor Level: Six inch maximum, however, if residential on the first floor must be at least 3 to 6 feet [L]
      * Measured from elevation of back of sidewalk or adjacent lot level

5. *Ceiling Heights [Figure 10-4].*
   a. *First Floor.* 12 feet minimum; 15 feet maximum (floor to floor) [M]
   b. *Upper Floors.* 8 feet minimum; 12 feet maximum (floor to floor) [N]

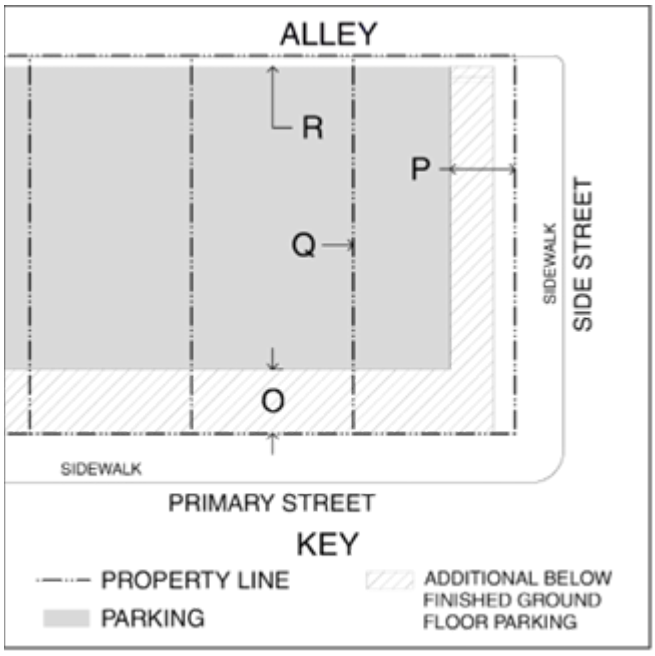


Figure 10-5 Subarea A Parking Requirements

6. *Parking Location [Figure 10-5].*
   a. *Primary Street Setback.* 50 feet maximum [O]
   b. *Side Street Setback.* 10 feet maximum [P]
   c. *Side Setback.* Zero-foot if surface lot [Q]
   d. *Rear Setback.* 5 feet minimum [R]
      * Above-grade parking garages must match build-to-line and setbacks
      * At-grade parking lots must match the parking location requirements above
      * Below-grade parking garages must match build-to-line and setbacks
      * Per principal structure if structured parking

7. *Required Spaces.*
   a. *Non-residential Office Uses.*
      * <7,500 square feet: No off-street parking required
      * >7,500 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.

   b. *Residential Uses.*
      * One off-street parking space per dwelling unit

8. *Signs.* Signage shall conform to the requirements found in Article 9 except that only one detached sign shall be permitted per premises.

E. ***Subarea B.*** This subarea is characterized by a mix of non-residential and multi-family development along the National Avenue corridor. The intent of the regulations for this subarea is to regulate the physical form of development along the corridor in order to preserve and enhance the integrity and quality of this edge of the neighborhood. This subarea is designed to provide for sensitive and respectful infill development which is of a complementary scale and character and serves as a transition to the single-family homes found in the neighborhood along McCann Avenue.

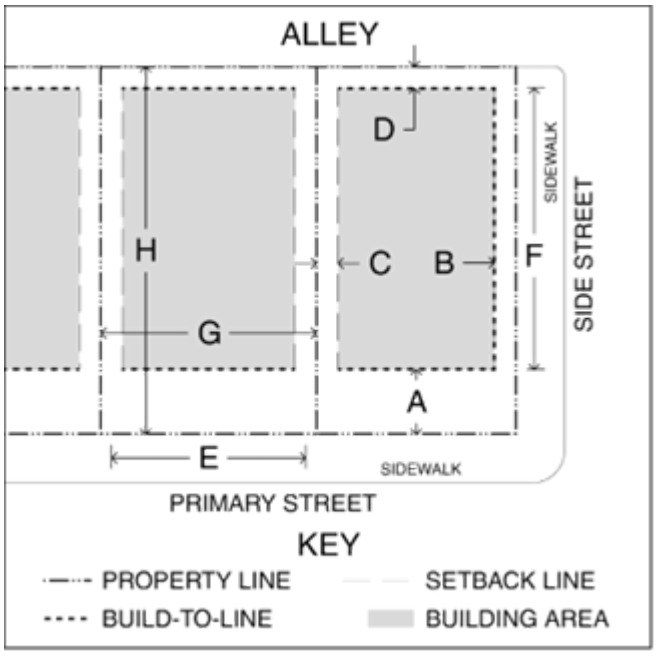


Figure 10-6 Subarea B Building Placement

1. *Build-to-Line [Figure 10-6].*
   a. Primary Street: 15 feet minimum; 50 feet maximum [A]
      *To match average front facade line of the block face
   b. Side Street: 10 feet minimum [B]
      * To match average front facade line of the block face

2. *Setbacks [Figure 10-6].*
   a. Side Setback: 5 feet minimum [C]
   b. Rear Setback: 30 feet minimum [D]
      * Applicable to principal structure only

3. *Building Form [Figure 10-6].*
   a. Primary Street: At least 30% of Build-to-Line [E]
   b. Side Street: At least 25% of Build-to-Line [F]
   c. Lot Width: Per Existing [G]
   d. Lot Depth: Per Existing [H]

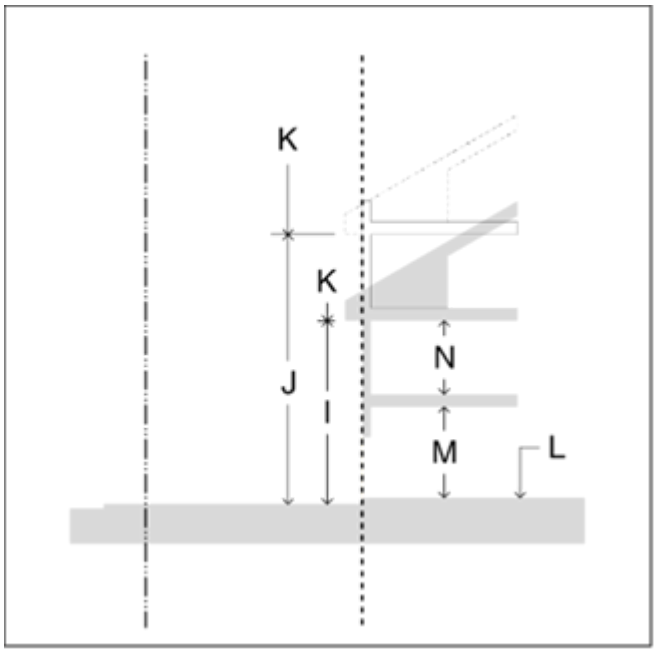


Figure 10-7 Subarea B Building Height

4. *Building Height.*
   a. Minimum: Two stories or 32 feet [I]
   b. Maximum: Four stories or 55 feet [J]
      * Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story
      *All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH District

5. *Maximum from Bottom of Eave to Top of Parapet or Roof.*
   a. 15 feet maximum [K]
   b. Finished Ground Floor Level: 6 inch maximum; however, if residential on the first floor must be at least 3 to 6 feet [L]
      *Measured from elevation of back of sidewalk or adjacent lot level.

6. *Ceiling Heights.*
   a. First Floor: 12 feet minimum; 15 feet maximum (floor to floor) [M]
   b. Upper Floors: 8 feet minimum; 12 feet maximum (floor to floor) [N]

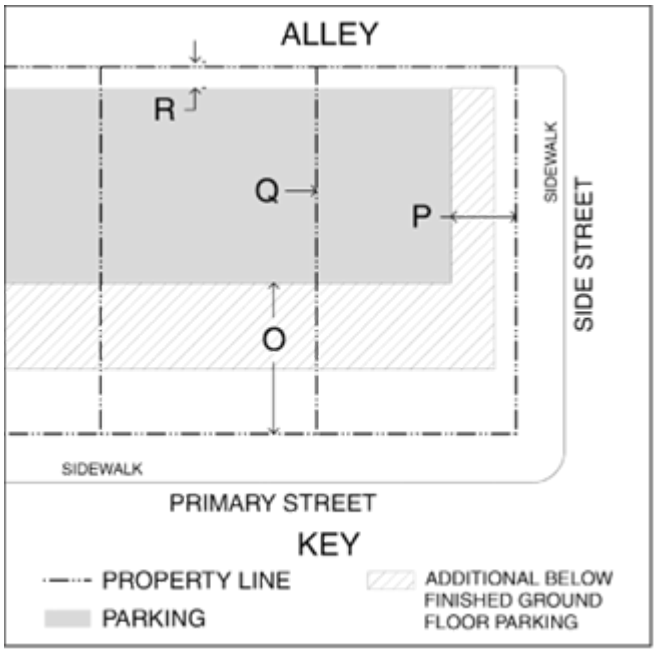


Figure 10-8 Subarea B Parking Requirements

7. *Parking Location [Figure 10-8].*
   a. Primary Street Setback: 60 feet minimum [O]
   b. Side Street Setback: 10 feet minimum [P]
   c. Side Setback: Zero-foot setback if surface lot; per principal building if structured parking [Q]
   d. Rear Setback: 5 feet minimum [R]
      (1) * Above-grade parking garages must match build-to-Line and Setbacks
      (2) * At-grade parking lots must match requirements above
      (3) * Below-grade parking garages must match Build-to-Line and Setbacks

8. *Required Spaces.*
   a. Non-residential office uses:
      (1) < 7,500 square feet: No off-street parking required
      (2) >7,500 square feet: One off-street parking space per 1,250 s.f. over 7,500 s.f.
   b. Non-residential retail uses:
      (1) < 3,000 square feet: No off-street parking required
      (2) > 3,000 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
   c. Residential uses:
      (1) One off-street parking space per dwelling unit

9. *Signs.* All signage shall meet the standards of Article 9 unless other modified herein:
   a. Size: A maximum of 20 square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 15 square feet.
   b. Height: No detached sign shall exceed a height of 7 feet as measured from the street grade.
   c. Sign Types: Only on-premises signs are permitted in Subarea B.

F. **Subarea C.** This subarea is characterized by a mix of low intensity non-residential, multi- family and some single-family residential development. The intent of the regulations for this subarea is to regulate the physical form of the neighborhood center subarea in order to preserve and enhance the integrity and quality of the Cherry Pickwick Business District and serve as a primary gathering place in the neighborhood. This subarea is designated to provide for sensitive and respectful infill development which allows for the dense, urban, mixed-use development appropriate for this vibrant neighborhood

commercial center found in the neighborhood.

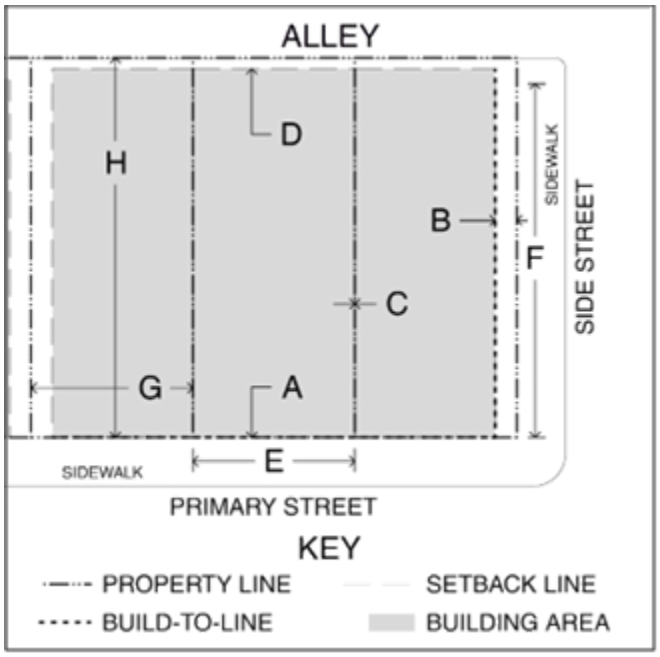


Figure 10-9 Subarea C Building Placement

1. *Build-to-Line.*
   a. *Primary Street.*
      (1) Zero-foot minimum;
      (2) 10 feet maximum [A]

   b. *Side Street.*
      (1) Zero-foot minimum;
      (2) 10 feet maximum [B]
      (3) To match average front facade line of the block face

2. *Setbacks.*
   a. *Side Setback.* Zero-foot minimum; 10 feet maximum [C]
   b. *Rear Setback.* 5 feet minimum [D]
      (1) Applicable to principal building only

3. *Building Form.*
   a. *Primary Street.* At least 80% of Build-to-Line [E]
   b. Side Street: At least 40% of Build-to-Line [F]
   c. Lot Width: Per Existing [G]
   d. Lot Depth: Per Existing [H]

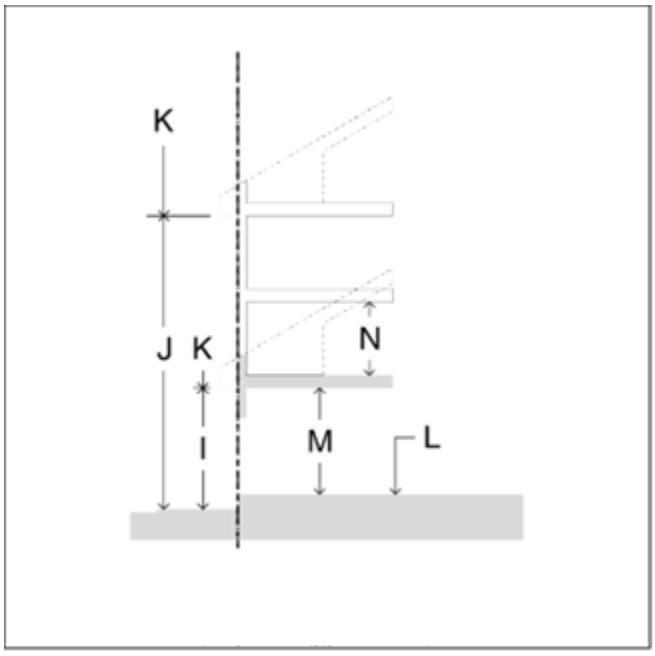


Figure 10-10 Subarea C Building Height

4. *Building Height.*
   a. Minimum: One story or 15 feet [I]
   b. Maximum: Three stories or 41 feet [J]
      (1) Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story

5. *Bottom of Eave to Top of Parapet or Roof.*
   a. 15 feet maximum [K]

6. *Finished Ground Floor Level.*
   a. Maximum: 6 inches [L]
      (1) Measured from elevation of back of sidewalk or adjacent lot level

7. *Ceiling Height.*
   a. First Floor: 12 feet minimum; 15 feet maximum (floor to floor) [M]
   b. Upper Floors: 8 feet minimum; 12 feet maximum (floor to floor) [N]

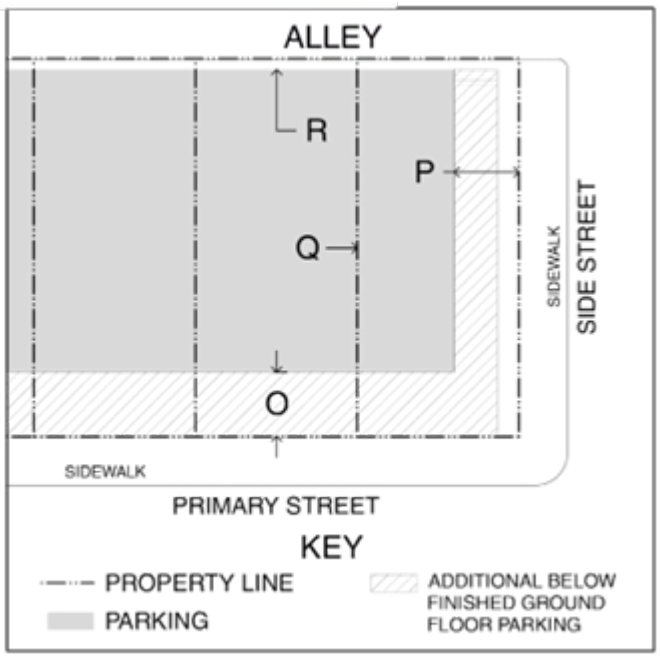


Figure 10-11 Subarea C Parking Requirements

8. *Parking Location.*
   a. Primary Street Setback: 30 feet minimum [O]
   b. Side Street Setback: 10 feet minimum [P]
   c. Side Setback: Zero-foot if surface lot; per principal building if structured parking [Q]
   d. Rear Setback: 5 feet minimum [R]

9. *Required Spaces.*
   a. Non-residential office uses:
      (1) < 7,500 square feet: No off- street parking required
      (2) > 7,500 square feet: One off-street parking space per 1,250 s.f. over 7,500 s.f.
   b. Non-residential retail uses:
      (1) < 3,000 square feet: No off-street parking required
      (2) > 3,000 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
   c. Residential uses:
      (1) One off-street parking space per dwelling unit

10. *Signs.* All signage shall meet the standards of Article 9 unless modified herein.
   a. Number. Each premises shall be permitted to use one detached sign and one wall sign. Roof signs are not permitted. One projecting sign may be substituted for the permitted detached sign.
   b. Size. Each premises is allowed 2 square feet of effective sign area for each lineal foot of building frontage on a public street. Detached signs shall not exceed 20 square feet of effective area.
   c. Height. No detached sign shall exceed a height of 7 feet as measured from the street grade.
   d. Sign Lighting. No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons, spotlights, or strobe lights shall be permitted.
   e. Sign Types. Only on-premises signs are permitted in Subarea C.

G. **Subarea D.** This subarea is characterized by a mix of primarily multi-family and single- family development along Cherry and Elm Streets. The intent of the regulations for this subarea is to regulate the physical

form within this subarea to allow for neighborhood mixed-use in conjunction with multi-family development. The regulations are intended to preserve and enhance the integrity and quality of the development along the Cherry and Elm Street corridors as a neighborhood front door. The subarea is designated to provide for sensitive and respectful infill development which allows for a greater range of housing types and a mix of uses mixed-use that is compatible and complementary to the neighborhood.

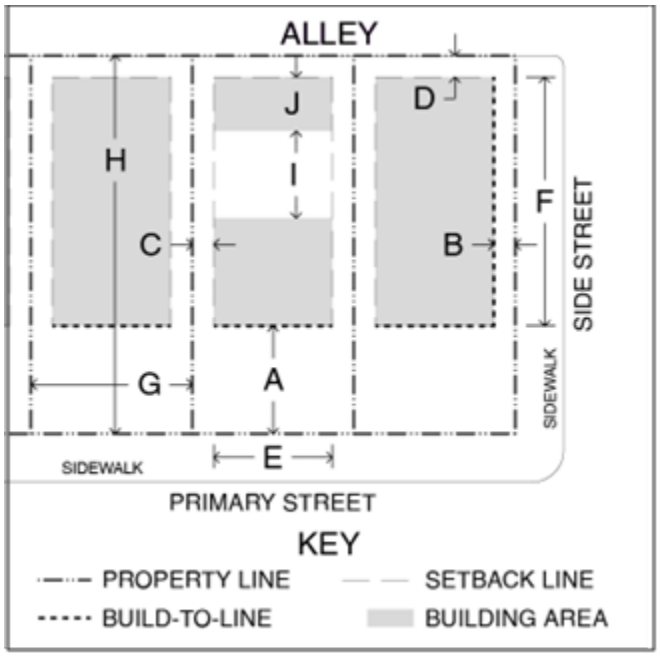


Figure 10-12 Subarea D Building Placement

1. *Build-to-Line.*
   a. Primary Street: 15 feet minimum; 50 feet maximum [A]
      (1) To match average front facade line of the block face
   b. Side Street: 10 feet [B]
      (1) Applicable to principal and accessory building
      (2) To match average front fade line of the block face

2. *Building Setback.*
   a. Side Setback: 5 feet minimum; 15 feet maximum [C]
      (1) Applicable to principal building and accessory building
   b. Rear setback: 5 feet minimum; 120 feet maximum [D]
      (1) Applicable to principal building only
   c. Rear Setback: 5 feet [D]
      (1) Applicable to accessory building only with rear alley access

3. *Building Form.*
   a. Primary Street: At least 50% of Build-to-line [E]
      (1) 30% for detached single-family dwelling, lot width
         (a) >100 ft Side Street: At least 60% of Build-to-line [F]
      (2) 25% for detached single family dwelling
   b. Lot Width: Per existing [G]
   c. Lot Depth: Per existing [H]
   d. Distance between buildings: 25 feet minimum [I] when accessory building is located partially or completely behind the principal building; 10 feet minimum when accessory building is located anywhere other than completely behind the principal building
   e. Depth of Accessory Building: 30 feet maximum [J]

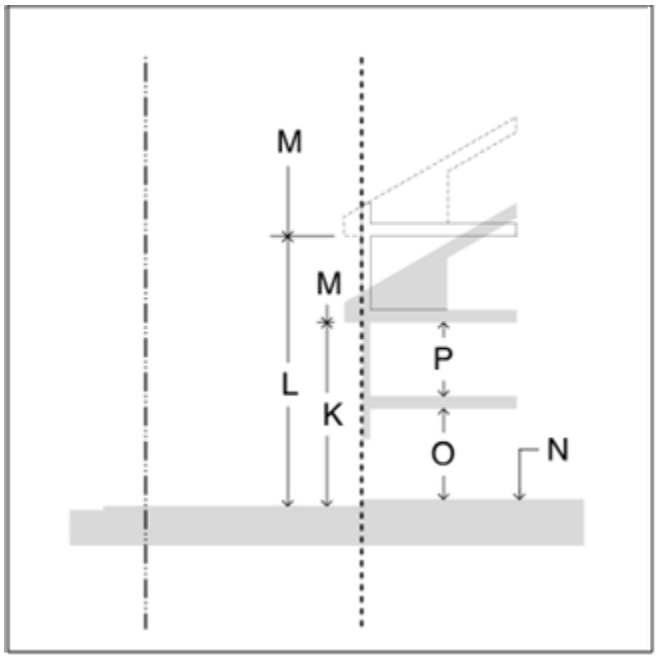


Figure 10-13 Subarea D Building Height

4. *Building Height.*
   a. Minimum: Two stories or 32 feet [K]
   b. Maximum: Three stories or 45 feet [L]
      (1) Two stories and 25 feet for rear garages and carriage houses; and in no case shall they be taller than the principal building
      (2) Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story

5. *Maximum from Bottom of Eave to Top of Parapet or Roof.*
   a. 15 feet maximum [M]

6. *Finished Ground Floor Level.*
   a. Minimum: One foot [N]
   b. Maximum: 4 feet
      (1) Measured from elevation of back of sidewalk or adjacent lot level

7. *Ceiling Heights.*
   a. First Floor: 12 minimum; 15 feet maximum (floor to floor) [O]
   b. Upper Floors: 8 feet minimum; 12 feet maximum (floor to floor) [P]

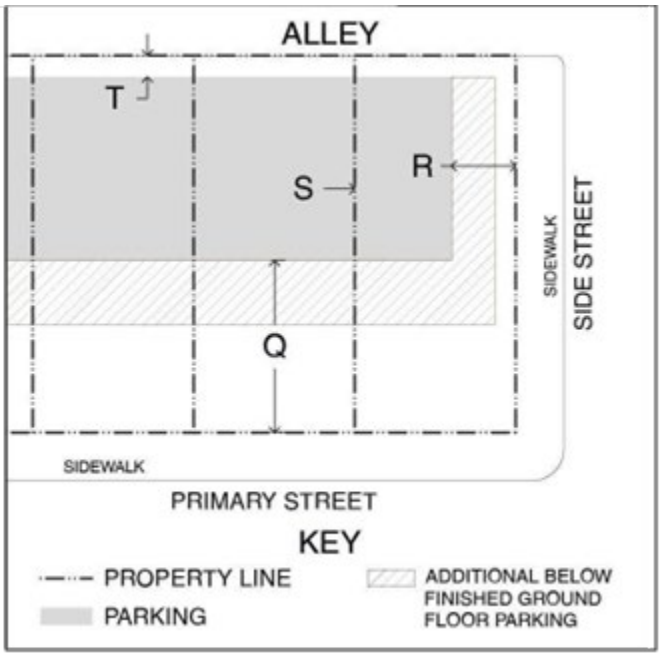


Figure 10-14 Subarea D Parking Requirements

8. *Parking Location.*
   a. Primary Street Setback: Primary Street Build-to-line [A], plus 50 feet minimum [Q]
   b. Side Street Setback: 10 feet minimum [R]
   c. Side Setback: Zero-foot, if surface lot; per principal building if structured parking
   d. Rear Setback: 5 feet minimum
      (1) Above-grade parking garages are prohibited
      (2) At-grade parking lots must match above requirements
      (3) Below grade parking garages must match build-to-lines and setbacks

9. *Required Spaces.*
   a. Non-residential office uses:
      (1) < 7,500 square feet: No off- street parking required
      (2) > 7,500 square feet: One off-street parking space per 1,250 s.f. over 7,500 s.f.
   b. Non-residential retail uses:
      (1) < 3,000 square feet: No off-street parking required
      (2) > 3,000 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
   c. Residential uses:
      (1) One off-street parking space per dwelling unit

10. *Signs.* All signage shall meet the standards of Article 9 unless modified herein.
Size: A maximum of 20 square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 15 square feet. A single-sided, detached sign may not exceed 20 square feet.
   a. Height: No detached sign shall exceed a height of 7 feet as measured from the street grade.
   b. Sign Types: Only on-premises signs are permitted within Subarea D.

11. *Building Orientation, Materials, Siting and Design.* The following regulations shall apply to all principal structures within Subareas A through D, except for single-family detached dwelling units which shall conform to the requirements of Section 5 herein.
   a. Building Orientation: All principal buildings shall have a primary entrance that has a relationship toward and engages the public street. For corner lots, the primary entrance must engage and have a relationship toward the higher classification street.

b. 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 ARC.
   (2) The ground level must offer pedestrian interest along sidewalks and pedestrian paths through the use of contrasting exterior building cladding materials and architectural elements.
   (3) In no instance shall the finish of non-natural materials utilize mimic or match the texture of the natural materials utilized.
   (4) A maximum of 3 exterior building cladding materials may be used.
   (5) Vinyl and steel clapboard siding and/or adhered thin veneer exterior building materials are prohibited.

12. *Roof Finishing.*
   a. Eaves may expose rafters.
   b. Gutters and downspouts may not discharge upon public right-of-way.

13. *Transparency.*
   a. Ground Level Transparency. The ground level of nonresidential or mixed- se buildings must offer pedestrian interest along sidewalks and pedestrian paths through the placement of windows and doors. Therefore, the first floor of any building facade facing a public right-of- way, except for alleys, shall include at least 40% of the subject facade in transparent clear glass windows and/or doors arranged so that the uses inside are visible from and/or accessible to the street. Windows and/or doors with reflective or tinted glass that impede views into a building are prohibited.
   b. All Stories Transparency. All stories of building facades, including the ground level, that face a public right-of-way, except for alleys, shall include at least 40% of the subject facade in windows or doors. The PD Director may waive transparency requirements by up to 20% medical and dental office uses.



Figure 10-15 Transparency

14. *Awnings and Canopies.* 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 3 feet and a maximum of 10 feet.



Figure 10-16 Awnings and Canopies

15. *Articulation.* The ground level must offer pedestrian interest along sidewalks and pedestrian paths that face a public right-of-way, except for alleys, through the use of contrasting elements. Facades 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 breakdown large expanses of flat, unembellished surfaces.

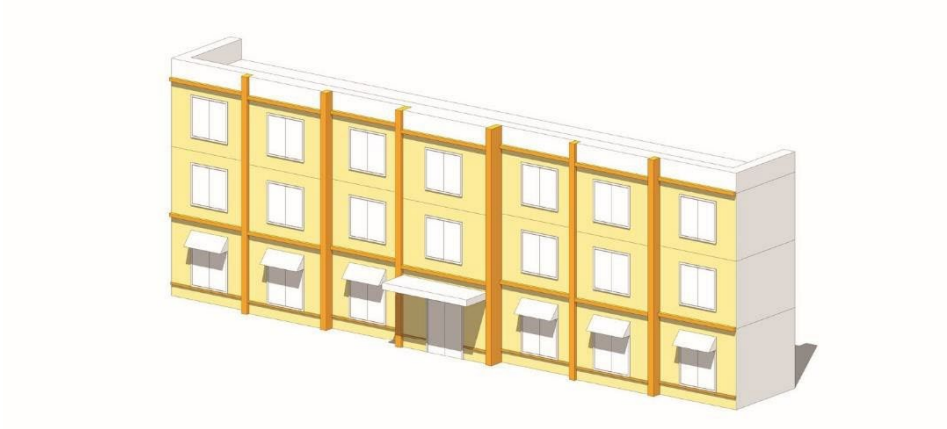


Figure 10-17 Articulation

16. *Access, Parking, and Loading.* The following regulations shall apply to all development within subarea A through D except for single-family detached dwelling units, which shall conform to the regulations contained in Section 5 herein.
    a. In addition to the standards of Section 36-7.05, the following standards shall apply:
        (1) Any off-street parking that is provided must be located behind the building or within or under the building.
        (2) When the depth of the lot is insufficient to permit required parking to the rear of the building, parking may be located to the side of the building, provided that it is screened from view of the street by a wall of primary building material, between 36 and 48 inches in height. Screening is not required in Subarea C.

b. Parking shall not exceed the minimum required parking by more than one space per 1,000 square feet of building area unless any such extra spaces are provided in an enclosed parking garage.
c. Access shall be provided from a side street, alley, or access easement where possible.
d. Vehicular Cross Access Drives:
(1) 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.
(2) 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 in conformance with Public Works Design Standards to accommodate traffic by automobiles, service vehicles, and emergency vehicles.

17. The PW Director may waive or modify the requirements 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.
(1) Easements allowing cross access to and from properties served by a vehicular cross-access drive, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Greene County Recorder's Office before issuance of a building permit for development.
b. Pedestrian Walkways:
(1) 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.
(2) ADA accessible 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.

18. *Screening.*
a. Used Frying Oil, Trash, and Recycling Receptacles. The following screening requirements shall apply to all non-single-family development:
(1) Used frying oil, trash, and recycling receptacles shall be screened on three sides with a solid, opaque material with a minimum height of 6 feet and a maximum height of 8 feet.
(2) Materials used for screening shall complement the exterior building cladding materials of the primary building.
(3) Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
(4) If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
(5) Shrubs shall be installed every 3 feet along the exterior of the enclosure, except for enclosure openings, to provide a softening effect.
(6) Enclosure openings shall be gated with an opaque material.
(7) Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed
(8) Property owners shall be responsible for ensuring that used frying oil, trash, and recycling receptacles are placed in the enclosure at all times other than when such receptacles are being accessed.
(9) Access drives shall be constructed of materials and to a thickness in conformance with Public Works Design Standards. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
(10) Enclosures shall be of an adequate size to accommodate expected receptacles. The enclosure shall be designed to be expandable to accommodate future additional containers.
(11) 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.

(12) Used frying oil, trash, and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

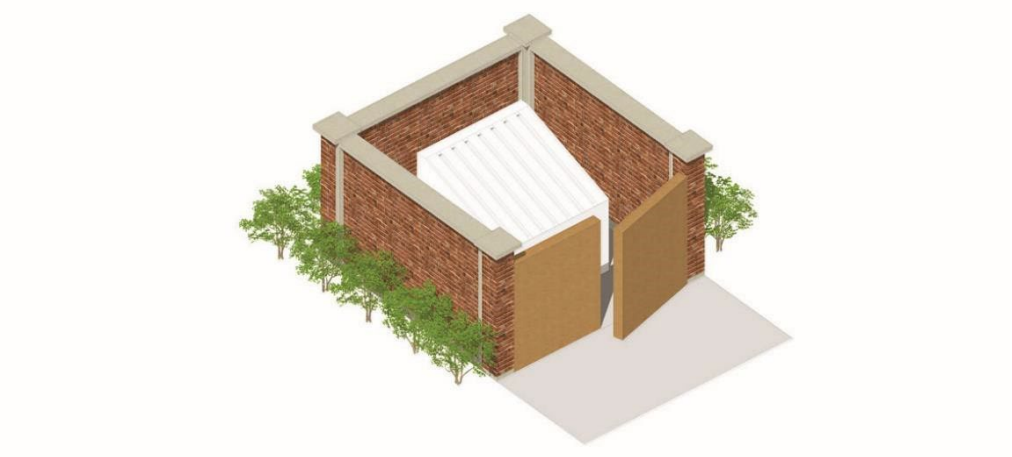


Figure 10-18 Used Frying Oil, Trash, and Recycling Receptacle Screening

b. Ground Mounted Mechanical Units.

(1) 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.

(2) Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.

(3) Materials used for screening shall be designed and established so that the area or element being screened is no more than 20% visible through the screen.

(4) Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.



Figure 10-19 Ground/Wall-Mounted Mechanical Unit Screening

c. Roof Mounted Mechanical Units.

(1) Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts.

(2) Roof mounted mechanical units that are visible from any public right-of- way or adjacent residential property shall be completely screened from public view.
(3) Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.
(4) 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.
(5) Additional screening may be required due to topographic differences in the adjoining properties.

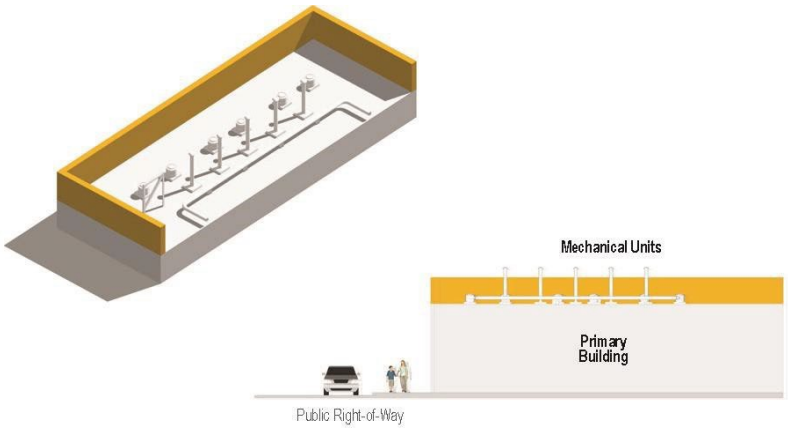


Figure 10-20 Roof-mounted Mechanical Unit Screening

19. *Fencing.*
a. No fence or wall over 6 feet shall be erected on any lot within the Rountree Urban Conservation District.
b. No fence over 48 inches in height shall be erected within 20 feet of National Avenue, Cherry Street, Elm Street or Pickwick Avenue.
c. Fences within 80 feet of National Avenue, Cherry Street, Elm Street and Pickwick Avenue shall be at least 80% transparent.
d. Chain link, vinyl, metal sheeting and plastic fencing are prohibited within 20 feet of National Avenue, Cherry Street, Elm Street and Pickwick Avenue.
e. Chain link shall not be used to satisfy landscaping and screening requirements.
f. The finished side of the fence or wall must face the adjacent property or the street.
g. At- and below-grade patios shall be enclosed by a fence or wall with a height between 36 inches and 48 inches.

20. *Landscaping and Bufferyards.* Bufferyards shall be required along interior property lines of all non- single-family development when adjacent to single-family uses. It is not anticipated that the bufferyard will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics.
a. Applicability: Bufferyards are required in the following situations:
(1) The construction or installation of any new primary building or primary use; and
(2) The expansion of any existing primary building that results in an increase in gross floor area by more than 5% or 1,000 square feet, whichever is greater. In the case of expansions that trigger compliance with the bufferyard requirements, bufferyards are only required in proportion to the degree of expansion. The ARC is authorized to allow the bufferyard plantings to be established adjacent to the area of expansion.
b. Bufferyard Standards:
(1) Width: The bufferyard shall have a minimum width of 7 feet. Required yard

setbacks may be utilized for the bufferyard.

(2) Fences: The exterior line of the bufferyard shall be improved with a fence meeting the following standards:
   (a) Height: The fence shall be 6 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 in line with the fences of adjacent properties, shall provide safe site distance where driveway curb cuts intersect public right-of-way, and shall not extend beyond the front elevation of the primary building.

c. Landscape Elements: The bufferyard shall, at a minimum, be improved with the following landscape elements:
   (1) Canopy/Evergreen Trees: 4 canopy and/or evergreen trees shall be planted per every 100 lineal feet of bufferyard.
   (2) Shrubs/Native Grasses: 10 shrubs/native greases shall be planted per every 100 lineal feet of bufferyard.



Figure 10-21 Buffer Area Landscape

d. Installation and Maintenance of Landscape Areas:
   (1) All installed landscape shall conform to the most recently approved American National Standards Institute Tree Care Standards.
   (2) 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 weather conditions are not conducive to planting, the developer shall apply to the ARC 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.
   (3) A total cost estimate of landscaping for the construction must be given in January 1 dollars for the current calendar year. 20% of the total landscaping costs must be deposited in escrow with the City before building permits are granted. The 20% 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.
   (4) 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.
   (5) 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.
   (6) For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of 18 months following City

approval of installation. During this guarantee period, the landowner shall supply water as necessary to promote successful establishment and growth.

(7) Any required landscape area not intended for stormwater management that is greater than 150 square feet in area shall be provided with an underground irrigation system or shall 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 right-of- way.

(8) All plantings required under this subsection G shall be maintained perpetually and replaced if they die or are substantially weakened or damaged. If plantings die, they shall be replaced with more culturally suitable species of the same type (e.g. tree, shrub, groundcover).

H. **Subarea E and F Regulations.** Subareas E and F of the Rountree Urban Conservation District are known as the Rountree Single-Family Neighborhood Area. Subareas E and F are characterized by a diverse single-family housing stock. The regulations in this Section are intended to promote the continued status of these subareas as single-family residential and off-set the potential adverse impact of adjacent land uses to the character of these subareas.

1. *Permitted and Conditional Uses.* The following key is to be used in the interpretation of Table 2, Permitted and Conditional Uses Subareas E and F, in this section:
   a. Permitted Uses: Uses which are marked as "P" in the table shall be allowed in a subarea subject to all application regulations of this district.
   b. Conditional Uses: Uses which are marked as "C" in the table shall be allowed in a subarea upon the approval of a conditional use permit as detailed in Section 36-2.04.
   c. Uses Not Listed: If a proposed use is not listed in the table, the ARC shall determine if the use is substantially similar to a use listed in the table. If it is, the proposed use shall be treated in the same manner as the substantially similar use. If not, the use shall be prohibited.
   d. Additional Regulations: If uses have additional regulations, such standards are referenced in this column. Additional regulations shall apply to permitted and conditional uses. Where additional regulations conflict with Rountree Urban Conservation District subarea standards, the subarea standards shall be followed.

Table 10-4: Subareas E and F Uses

Use	*Additional Regulations*	*Subareas*	
		E	*F*
Residential Uses			
Dwelling, Single Family Detached		P	P
Dwelling, Single Family Semi-Detached	Section 36-5.05.C	P	P
Day Care Homes		P	P
Group Homes, residential	Section 36-4.03.F	P	P
Other Uses			
Churches (min 2 acres of land)		P	P
Adaptive use of non-residential structures		C	C
Non-commercial, not-for-profit residential neighborhood facilities		C	C
Public museums and libraries (min 2 acres of land)		C	C
Accessory Uses			
Accessory Uses	Section 36-4.04	P	P

2. *Building and Lot Standards.*

Table 10-5: Subareas E and F Building and Lot Standards	
	Areas E and F
Lot Standards	
Lot Area	Per R-SF, Residential Single-Family Residential District
Lot Width	Minimum per R-SF, Residential Single-Family Residential District Maximum of 100 feet; except that lots existing as of June 5, 2023 are exempt from the 100 foot maximum lot width restriction
Lot Depth	Per R-SF, Residential Single-Family Residential District
Yard Setbacks (build to line)	
Front, minimum (ft)	25 (Primary Street) 5 (Side Street) Exception: 15 for parcels fronting McCann Avenue and Belmont Street in Area E and the south side of Cherry Street east of Fairway Avenue in Area F
Front, maximum (ft)	50 (Primary Street) 10 (Side Street)
Side, minimum (ft)	5 (Primary building) 3 (Accessory building)
Side, maximum (ft)	15 (Primary Building)

3. *Design Standards.*
   a. Pedestrian Access: A hard-scaped pedestrian path shall be provided from the primary pedestrian entrance of a single- family home to the driveway and/or sidewalk.
   b. Building Entrance: The primary pedestrian entrance to a new single-family residential home, or home to be rehabilitated, shall be located off the front porch, front stoop, or side porch.
   c. Individual Identity: To the extent possible, single-family homes constructed adjacent to each other should exhibit unique characteristics, regardless of whether they utilize the same floor plan. Acceptable alternatives may include varying roof pitches and orientation, window arrangement, porch arrangement, materials, and other building elements, provided that such alternatives shall not conflict with other design elements addressed in these regulations.
   d. Porches:
      (1) Single-family residential homes shall include a front porch, stoop, or side porch.
      (2) When a front porch is provided, the porch shall be at least 8 feet in depth and, shall span at least 12 feet in width or approximately 50% of the front building facade, whichever is greater.
   e. Garages:
      (1) A garage is not a required building element. When utilized, attached or detached garages shall be located on the parcel in a manner consistent with most of single-family homes in the vicinity, except that it is preferable to remove the garage from the front building facade where possible.
      (2) Attached garages located on front building facades shall be recessed a minimum of 20 feet behind the front building line (including the porch). The total garage opening facing the street shall not exceed 18 feet in width.
      (3) Detached garages shall be of a similar height as garages on adjacent lots, shall have a roof pitch like that of garages on adjacent lots and shall be of a scale such that the garage is clearly accessory to the principal residential structure.
      (4) No metal carports or metal storage buildings shall be visible from the public street (alleys excluded).

f. Roof:
   (1) The principal structure's roof pitch and the orientation of the roof ridge shall be compatible with homes in the vicinity. This requirement does not disallow roof line alterations, if necessary, for structures subject to rehabilitation so long as the alteration is reasonably consistent with the surrounding neighborhood.
   (2) The roof style, including gables and dormers, shall be consistent with homes in the vicinity. False dormers may be permitted to ensure consistency of roof style.
   (3) Exposed fastener metal roofs are not permitted.

g. Fencing: Chain link and other wire fences shall not be permitted in front of the building face.

h. Utility Placement: Electric and gas meters serving new construction shall not be placed on a street-facing building facade. Every effort shall be made to locate or re-locate electric and gas meters to a non-street facing building facade of a dwelling unit to be rehabilitated.

i. Circular Drives: Circular driveways are permitted if sufficient frontage is available and if approved by the City Traffic Engineer.

j. Solid Waste Containers:
   (1) Solid waste containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within 24 hours after being placed at the curb. The person placing the solid waste container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection (11).
   (2) Solid waste containers, unless placed at the curb for collection in accordance with subsection (a) above, are prohibited in the front yard.

36-10.06 Walnut Street – East Urban Conservation District

A. **Walnut Street Urban Conservation District – East Legal Description**. Beginning at a point 20’ East of the SW cnr. of Lot 3, O.H. Mitchell’s Add., thence E to the SE cnr. of Lot 10 Mitchell’s Add., thence S 49.5’, thence E 110.5’, thence S 8’, thence E 578.65’ M/L, thence N 83.5’, thence E 68’ to the SW cnr. of Lot 12 Chamberlain’s Add., thence E along the S line of Lot 12 through 10 of Chamberlain’s Add. to the SE corner of Lot 10, thence N 101.5’ along E line of said Lot 10, thence E 200’ to a pt. on the E Row of Fremont Ave., thence S 101.5’ to the SW cnr. of Lot 5 Chamberlain's Add., thence E along the S line of Lots 1 through 5 of said Add. to the SE cnr. of said Lot 1 being a pt. on the SW ROW of Burlington Northern RR, thence continuing E 220' S of and parallel to Walnut St. to a pt. on the W line of Lot 6, Arlington Heights Add., thence N along the w line of said Addition 120', thence E 202' to a pt. on the E ROW line of Weller, thence S 80', thence E 162' M/L, thence S 50.5' to a pt. 52' W of the SE cnr. of Lot 3 Arlington Heights Add., thence continue E across 14.5' vacated alley (Delaware) to SW cnr. Lot 1 E Elm St. Add., thence continue E along s line of Lots 1 through 14, E Elm St. Add., thence continue E 100' to SW cnr. of Lot 17 E. Elm St. Add., thence continue E 100' to SE cnr. of Lot 18 said Add., thence continue E 52.18'., thence N 231' to the S ROW of Walnut St., thence W along the S ROW of Walnut St. to a pt. 60' S of the SE cnr. of Lot 176 Kennedy Heights Sub., thence N to the SE cnr. of said Lot 176, thence continuing N along the E line of said Lot 176 to the NE cnr. of said lot, thence W along the N line of Lots 176 through 172 Kennedy Heights Sub., said pt. being 15' W of the SE cnr. of Lot 163 Kennedy Heights Sub., thence N 53' along the W line of said Lot 163, thence 10' W along the S line of said Lot 163, thence continuing W along the S line of Lots 164 through 171 Kennedy Heights Sub. 200' to the SW cnr; of said Lot 171, thence S 27' to a pt. 210' N of N ROW of Walnut St., thence w 204.3', thence S 3', thence W 80', thence N 18', thence W 97.5', thence S 17', thence W 80' to a pt. on the E ROW of vacated alley (Delaware) 181.8' N of the N ROW of Walnut St., thence S 41.8', thence W across vacated alley (Delaware) 14.5' to the NE cnr. of Lot 8, Block 9 Frisco Heights Add., thence continuing W along the N line of Lots 8 through 14, Block 9 said Add.to the NW cnr. of Lot 14, Block 9 Frisco Heights Add. and being a pt. on the E ROW line of Weller Ave., thence continue w 40' across Weller Ave. to the NE cnr. of Lot 7, Block 8, Frisco Heights Add., thence N 10' to center line of vacated alley, thence W along center line of vacated alley to a pt. on the E ROW line of Pickwick Ave. 10' N of the NW cnr. of Lot 12, Block 8, Frisco Heights Add., thence continue W across Pickwick 50' to a pt. on the W ROW line of Pickwick, the pt. being the NE cnr. of Lot 2, Block 7, Frisco Heights Add., thence continue W 46' to the SE cnr. of Lot 1, Pickwick Terrace Add., thence continue W along the S line of Lots 1 through 7 Pickwick Terrace to the SW cnr. of said Lot 7, a pt. on the NE ROW of the Burlington-Northern RR, thence continue W to a pt. on the W ROW line of said RR 150' N of N ROW line of Walnut St., thence northwesterly along the RR ROW to a pt. 270' N of the N ROW line of Walnut St., thence W across that portion of vacated Fremont Ave. and continuing W along the center line of vacated alley to a pt. 10' N of the NW cnr. of Lot 1 Whiteheads Sub., thence continue W across Kickapoo Ave. to a pt. 270' N of the N ROW line of Walnut St., thence N along the W ROW line of Kickapoo Ave. to the S ROW line of McDaniel St., the pt. being the NE cnr. of Lot 10, L.C. Hubble's Sub., thence W along S ROW of McDaniel St. 213' to the NW cnr. of Lot 8, L.C. Hubble's Sub., thence S 93.5', thence W 125' to a pt. on the E line of Lot 1, Hawthorne Add. 93.5' S of the S ROW line of McDaniel St., thence S 118.5' to a pt. 10' S of the SE cnr. of Lot 1, Hawthorne Add., being the center line of vacated alley, thence w 166' to a pt. 212' S of the S ROW of McDaniel St., being apt. on the E line of Lot 8, Hawthorne Add., thence South along E. line of Lots 8 and 9 to the SE cnr. Lot 9 said Add., thence West 84' along S line of said Lot 9 to a point N of the E line of Lot 10 Hawthorne Add., thence to SE cnr. of said Lot 10, thence SWly across Walnut Street to a point 20' E of NW cnr. of Lot 3, O.H. Mitchell's Add., thence to point of beginning.

(Location: Walnut Street -- Point east of National to point west of Glenstone).

The /same is hereby rezoned from R-1, Single-Family District, and R-3, Multi-Family District, to Urban Conservation District No. 1, known as the East Walnut Street Urban Conservation District, and Chapter 36, Article I, Zoning, of the Springfield City Code, Section 80.030 thereof, Zoning Maps, is hereby amended, changed and modified accordingly; which district shall be subject to the regulations set forth in Section 80.1150, Urban Conservation District, and the regulations set forth in Sections 2 and 3 of this ordinance.

B. The following regulation shall govern and control the use and development of land in East Walnut Street Urban Conservation District No. 1, which regulations are as follows:

1. *Uses Permitted.* The following uses shall be permitted:
   a. All uses permitted by right in the R-SF, Single-Family Residential District as set forth in Section 36-4.02.

2. *Conditional Use Permits.* All uses permitted upon issuance of a conditional use permit in the R-SF, Single-Family Residential District as set forth in Section 36-4.02 provided all conditions of the use permit as required therein are satisfied and a certificate of appropriateness as set forth in the ordinance is obtained.
   a. *Application and Standards Relating to Conditional Use Permits.* No use permit shall be issued unless the following conditions have been met or provisions made therefore:
      (1) The application including a site plan is complete and does not contain or reveal violations of the regulations applicable to the Walnut Street Urban Conservation District.
      (2) Existing buildings proposed to be converted to uses requiring a conditional use permit must meet all fire, health, building, plumbing, and electrical requirements of the City of Springfield.
      (3) The proposed site plan does not interfere with easements, roadways, utilities, and public or private right-of-way.
      (4) The proposed use as shown by the site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
      (5) The circulation element of the proposed site plan does not create hazards to safety 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.
      (6) The screening of the site provides adequate shielding for nearby, less intense uses.
      (7) The proposed structures or landscaping are not lacking amenity in relation to, or are not incompatible with, nearby structures and uses.
      (8) The proposed use as shown by the site plan does not create drainage or erosion problems on or off the site.
      (9) The application and site plan have been reviewed by the Landmarks Board to determine whether the goal or historic preservation is met, the existing structure is preserved, and any exterior modifications are consistent with the Secretary of Interior's Standards for Historic Preservation Projects and the East Walnut Street Urban Conservation District Design Guidelines. Such determinations shall be shown by the Board issuing a certificate of appropriateness.
      (10) The Planning and Zoning Commission may require such additional conditions as it deems necessary to further the public interest, to achieve the intent of the Urban Conservation District Plan, and to assure that the conditions stated above are satisfied.

3. *Other Zoning Regulations.* All other zoning regulations pertaining to the R-SF zoning district shall apply to the area except for use regulations unless otherwise modified herein. The following general provisions apply to all property located within the East Walnut Street Urban Conservation District:
   a. *Certificate of Appropriateness.* A person shall be required to secure a certificate of appropriateness in the following instances before the commencement of exterior work upon any new or existing structure, or outside work on any site or parcel in the Walnut Street Urban Conservation District except for ordinary maintenance and repair.
      (1) Any construction, alteration, or removal affecting the exterior of a structure that requires a building or demolition permit from the City of Springfield including but not limited to the construction of new buildings.
      (2) A material change to the exterior appearance of existing structures

including but not limited to additions, reconstruction, or alteration, which affects a significant exterior architectural feature of a structure as specified in the Urban Conservation District Design Guidelines or Historic Survey conducted in East Walnut Street Urban Conservation District, copies of which are on file with the PD Director.

(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 PD Director would affect the East Walnut Street Urban Conservation District.

b. *Administrative Review.* A person who is required to obtain a certificate of appropriateness shall submit an application to the PD Director. Individuals in the district are encouraged to contact the Director in order to determine in a certificate is required. If the application is for work that will have no effects on exterior architectural details or is one of any number of items that the Landmarks Board (hereinafter called the Board) has designated for action, then the PD Director may 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 City has issued said certificate, has issues a certificate of economic hardship, or in the event of demolition being refused, the requisite time period has expired. If the PD Director determines that the application is for action not designated for administrative review, then the Director shall submit the application to the Board. The PD Director may require as a condition of processing the application that the applicant submit information as determined by the Director. The PD Director shall also have the authority to refer any building or demolition permit application for structures on a lot contiguous to the Walnut Street Urban Conservation District to the Board for the sole purpose of review and comment when, in his opinion, the proposed improvements would have a significant adverse impact on the Urban Conservation District.

c. *Board Review and Action on Certificates of Appropriateness.* The Board shall meet within 10 working days of notification that the PD Director has received an application for a certificate, and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this ordinance.

(1) If the certificate is denied, no permit for the work shall be issued and the applicant shall not proceed with the work. The 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 Board in considering whether or not to issue a certificate of appropriateness shall be guided by the general purpose of this

ordinance and the following:

(1) The Secretary of Interior's Standards for Historic Preservation Projects, a copy of which is attached hereto and incorporated herein by reference as Exhibit A.

(2) The Design Guidelines for the Walnut Street Urban Conservation District which are on file with the PD Director.

(3) For new construction, the 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 ordinance to discourage contemporary architectural expression or to encourage the emulation of existing building or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of material, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.

(4) In the event the Board concludes that the request, if granted, will have a detrimental effect upon the Urban Conservation District or any adverse effect on a historical or architectural resource, then the Board shall deny the request for a certificate.

e. *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 BDS Director 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 shall issue a stop work order. A certificate shall become void unless construction is commenced within 6 months of date of issuance. 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.

f. *Applicant's Action if Application is Denied.* In the event that a certificate is denied, the applicant may:

(1) Produce new evidence supporting his proposal and resubmit the application within ten working days of denial by the Board.

(2) Wait 6 months and resubmit the application.

(3) Apply for a certificate of economic hardship.

(4) If the request is for a demolition permit, 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. Any person who has been denied a demolition permit while the moratorium for the Walnut Street Area was in effect shall be given credit with the respect to the delay experienced during said moratorium. The 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.

4. *Certificate of Economic Hardship.*

a. *Application Procedure.* Application for a certificate of economic hardship shall be made on a form prepared by the board and submitted to the PD Director. The board shall meet within 10 working days of notification that the PD Director has received a completed application for a certificate of economic hardship.

b. *Review Criteria*. The 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 rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

(3) 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 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 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 year, 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 of 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) Any other information considered necessary by the Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.

c. Board Review and Action: A certificate of economic hardship shall be issued when the structure of part thereof has degenerated beyond feasible limits for rehabilitation or rehabilitation is impracticable and there is an economic hardship.

(1) If approved, the BDS Director will be instructed to issue a building or demolition permit, as requested, for the proposed work. 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 board in whole or in part.

C. **Definitions.** Unless specifically defined below, words, or phrases in the ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

Alteration. 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.

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.

Design Guidelines. A standard of appropriate activity that will preserve the historic architectural character of a structure or area.

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.

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.

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 portions or the public infrastructure.

Rehabilitation. The act of process of returning a property 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 restoration not only because of physical condition but also inability to turn the property to use or account profitably.

Removal. Any relocation of a structure, object, or artifact on its site or to another site.

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, detail, proportion, rhythm, scale, setting, shape, and workmanship.

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 noticeable changing its exterior appearance.

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 or the foregoing, advertising signs, billboards, backstops for tennis courts, fences, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae including supporting towers, roads, ruins or remnants (including foundations), swimming pools, walkways, or any similar item.

Survey. The systematic gathering of information on the architectural historical, or archaeological

significance of buildings, sites, structures, objects, or areas, and districts worthy of preservation.

D. **Exhibits.**

"EXHIBIT A"

SECRETARY OF INTERIOR'S STANDARDS FOR

HISTORIC PRESERVATION PROJECTS

Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

All buildings, structures, and sites shall be recognized as a product of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance, and this significance shall be recognized and respected.

Distinctive stylistic features or examples of skilled craftmanship which characterizes a building, structure, or site shall be treated with sensitivity.

Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications or features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall be not undertaken.

Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.

Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

APPENDIX 1

AFFECTED ADDRESSES

East Walnut Street from a point east of National Avenue to a point west of Glenstone Avenue and all of

Cordova Court. The following addresses are included:

East Walnut Street Addresses:

1208	1345	1465	1635
1213	1351	1471	1638
1218	1354	1477	1647
1221	1358	1481	1648
1230	1363	1485	1655
1231	1400	1501	1656
1234	1401	1504	1666
1235	1404	1505	1673
1244	1410	1510	1700
1249	1420	1513	1701
1260	1430	1520	1704
1300	1435	1523	1708
1303	1440	1526	1714
1314	1448	1531	
1320	1451	1538	
1330	1456	1603	
1333	1460	1611	
1336	1461	1619	
1344	1464	1622	

Cordova Court Addresses:

300	316
307	319
310	336
311	342

APPENDIX 2 SUMMARY OF AMENDMENTS

October 1, 1989 – No amendments have been made as of this date.

36-10.07 Walnut Street – West Urban Conservation District

A. **Legal Description.** That the following described property, is designated as Urban Conservation District Number 1, to be known as the Walnut Street-West Urban Conservation District, which district shall be shown on the district maps and is described as follows:

1. *Walnut Street-West Urban Conservation District Legal Description.* Beginning at the Northwest Corner of Lot 6 E.T. Robberson's Addition, being the Southeast Corner of Walnut St. and John Q. Hammons Parkway, thence South along the East Rights- of-way of John Q. Hammons Parkway to the Northwest Corner of Lot 16 E.T. Robberson's Addition, being at a point on the South line of an existing 20 foot alley, thence East along the South line of said alley to a point on the West Rights-of-way line of National Ave. 238 feet M/L South of the Southwest Corner of Walnut St. and National Ave., thence Easterly 80 feet M/L crossing National Ave. to the Southwest Corner of Lot 4 O.H. Mitchell Addition, thence East to a point 20 feet East of the Southwest Corner of Lot 3 O.H. Mitchell Addition, being a point on the South line of Lot 3 O.H. Mitchell Addition, thence North to a point 20 feet East of the Northwest Corner of Lot 3 O.H. Mitchell Addition, thence Northeasterly across Walnut St. to the Southeast Corner of Lot 10 Hawthorne Addition, thence North to a point on the South line of Lot 9 Hawthorne Addition, thence East to the Southeast Corner of Lot 9 Hawthorne Addition, thence North along the East line of Lots 9 through 4, Hawthorne Addition to the Northeast Corner of Lot 4 of Hawthorne Addition, also being the South Rights-of-way line of McDaniel St., thence West 166 feet M/L to the Northwest Corner of Lot 4 Hawthorne Addition, thence Westerly 80 feet M/L to the Northeast Corner of Lot 41 East Side Addition also being the Southwest Corner of McDaniel St. and National Ave., thence North 160 feet M/L to the Northeast Corner of Lot 27 East Side Addition, thence West to the Northwest Corner of said Lot 27, thence continue West 15 feet across the alley to the Northeast Corner of Lot 21 East Side Addition, thence South along the East line of Lots 21 and 22 in East Side Addition to and across McDaniel St. and continue South along the East line of Lots 35 through 40 of East Side Addition to the Southeast Corner of Lot 40 East Side Addition, thence West along the South line of Lot 40 East Side Addition, to and across Florence Ave. continuing West along South line of Lot 34 East Side Addition to and across Hampton Ave. to a point on the West Rights-of-way of Hampton Ave. 182feet M/L North of the North Rights-of-way of Walnut St., thence North 18 feet along the West Rights-of-way of Hampton Ave., thence West 150 feet, to the East line of property described in Book 2703 Page 1103, thence North along the East property line of Book 2703 Page 1103 to the South Rights-of-way line of McDaniel St. as it now exists, thence West along the South Rights-of-way line of McDaniel St. 61.4 feet, thence South 207.6 feet, thence West 63 feet,. Thence South 52 feet, thence West 419 feet M/L to a point on the East line of One Parkway Place 210 feet North of the North Rights-of-way line of Walnut St., thence South along the East line of One Parkway Place 210 feet to the North Rights-of-way of Walnut St. thence continuing South Across Walnut St. to a point on the South Rights-of-way of Walnut St. and the North line of Lot 10 of E.T. Robberson Addition, thence West along the North line of Lots 6 through 10 of E.T. Robberson Addition to the Point of Beginning. All in the City of Springfield, County of Greene, State of Missouri.

   (Location: East Walnut Street - Hammons Parkway to a point east of National and north on National to a point north of McDaniel.)

B. **Subareas.** The following sub-districts are hereby established within the Walnut Street- West Urban Conservation District, to be known as Sub Areas A & B which are described as follows:

1. *Sub Area A Walnut Street Area.* Beginning at the Northwest Corner of Lot 6 E.T. Robberson's Addition, being the Southeast Corner of Walnut St. and John Q. Hammons Parkway, thence South along the East Rights-of-way of John Q. Hammons Parkway to the Northwest Corner of Lot 16 E.T. Robberson's Addition, being at a point on the South line of an existing 20 foot alley, thence East along the South line of said alley to a point on the West Rights-of- way line of National Ave. 238 feet M/L South of the Southwest Corner of Walnut St. and National Ave., thence Easterly 80 feet M/L crossing National Ave. to the Southwest Corner of Lot 4 O.H. Mitchell Addition, thence East to a point 20 feet East of the Southwest Corner of Lot 3 O.H. Mitchell Addition, being a point on the South line of Lot 3 O.H. Mitchell Addition, thence North to a point 20 feet East of the Northwest Corner of Lot 3 O.H. Mitchell Addition, thence Northeasterly across Walnut St. to the Southeast Corner of Lot 10 Hawthorne Addition, thence

North to a point on the South line of Lot 9 Hawthorne Addition, thence East to the Southeast Corner of Lot 9 Hawthorne Addition, thence North to the Northeast corner of said Lot 9, thence West to the Northwest corner of said Lot 9, thence West across the National Avenue right-of-way to the Northeast corner of Lot 46 of East Side Addition, thence West along the North line of said Lot 46 and across a 15 feet wide alley to the Northeast corner of Lot 40 of East Side Addition, thence South along the East line of Lot 40 of East Side Addition to the Southeast Corner of Lot 40 East Side Addition, thence West along the South line of Lot 40 East Side Addition, to and across Florence Ave. continuing West along South line of Lot 34 East Side Addition to and across Hampton Ave. to a point on the West Rights-of-way of Hampton Ave. 182feet M/L North of the North Rights-of-way of Walnut St., thence North 18 feet along the West Rights-of-way of Hampton Ave., thence West 150 feet, to the East line of property described in Book 2703 Page 1103, thence North along the East property line of Book 2703 Page 1103 to the South Rights-of-way line of McDaniel St. as it now exists, thence West along the South Rights-of-way line of McDaniel St. 61.4 feet, thence South 207.6 feet, thence West 63 feet. Thence South 52 feet, thence West 419 feet M/L to a point on the East line of One Parkway Place 210 feet North of the North Rights-of-way line of Walnut St., thence South along the East line of One Parkway Place 210 feet to the North Rights-of-way of Walnut St. thence continuing South Across Walnut St. to a point on the South Rights-of-way of Walnut St. and the North line of Lot 10 of E.T. Robberson Addition, thence West along the North line of Lots 6 through 10 of E.T. Robberson Addition to the Point of Beginning. All in the City of Springfield, County of Greene, State of Missouri.

2. *Sub Area B National Avenue Area.* Beginning at the Southeast corner of Lot 8 of Hawthorn Addition, thence North along the East line of Lots 8 through 4 of Hawthorne Addition to the Northeast Corner of Lot 4 of Hawthorne Addition, also being the South Rights-of-way line of McDaniel St., thence West 166 feet M/L to the Northwest Corner of Lot 4 Hawthorne Addition, thence Westerly 80 feet M/L to the Northeast Corner of Lot 41 East Side Addition also being the Southwest Corner of McDaniel St. and National Ave., thence North 160 feet M/L to the Northeast Corner of Lot 27 East Side Addition, thence West to the Northwest Corner of said Lot 27, thence continue West 15 feet across the alley to the Northeast Corner of Lot 21 East Side Addition, thence South along the East line of Lots 21 and 22 in East Side Addition to and across McDaniel St. and continue South along the East line of Lots 35 through 39 of East Side Addition to the Southeast Corner of Lot 39 East Side Addition, thence east across a 15 feet wide alley to the Southwest corner of Lot 45 of East Side Addition, thence continuing East to the Southeast corner of said Lot 45, thence East across National Avenue right-of-way to the Southwest corner of Lot 8 of Hawthorn Addition, thence east to the Point of beginning.

C. **District Regulations.** Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the enforcement, administration, interpretation, and use and development of land throughout Urban Conservation District No. 1, known as the Walnut Street-West Urban Conservation District. Unless otherwise stated herein, the minimum requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Walnut Street-West Urban Conservation District.

1. *Permitted Uses.* The following uses shall be permitted in the Walnut Street-West Urban Conservation District except for those properties identified in subsection 3.C.
   a. Single-family-detached dwellings.
   b. Single-family-semi-detached dwellings~~, in accordance with *Section 3-3100*~~.
   c. Townhouses containing no more than four dwelling units.
   d. Duplexes.
   e. Multi-family dwellings.
   f. Boarding and lodging houses.
   g. Nursing homes.
   h. Day care homes and group day care homes in accordance with Springfield City Code.
   i. Group homes, custodial.
   j. Public parking areas in accordance with subsection 4.D. or 5.D., except parking designed for or used for parking of trucks having a capacity of 3/4 ton or larger or the chassis thereof, or a single unit with more than one rear drive axle shall not be permitted.
   k. Community centers, nonprofit.

l. Little Theater group, or dramatic clubs.
m. Art galleries, libraries or museums.
n. Offices, administrative, business, financial and professional.
o. Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
p. Day care centers in accordance with Springfield City Code.
q. Zero-lot-line construction, in accordance with Section 36-5.03.C~~3-3200~~.
r. The following commercial uses shall be permitted in contributing buildings as established in subsection 3.D., provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*. Commercial uses are limited to the following types:
(1) Antique shops;
(2) Book or stationary stores;
(3) Clothing boutiques or ready-to-wear shops;
(4) Dry goods or notion stores;
(5) Florist or gift shops;
(6) Tailors; and
(7) Bed and breakfast inns.
s. *Outdoor Display and Sales.* Outdoor display and sales are permitted as an accessory use subject to the following conditions:
(1) A permitted commercial use, as established in Section 36-10.07.C. shall be operating within the building or structure;
(2) Outdoor display and sales shall be limited to the side and rear yard of a lot; and on a corner lot, outdoor display and sales shall be limited to the rear yard and any side yard that does not abut a street;
Outdoor display and sales shall not encroach within a side or rear yard setback, shall be located a minimum of 10 feet behind the front building line and shall not encroach within any required vehicular use area;
(3) Outdoor sales shall be limited to hours between sunrise and sunset;
(4) Outdoor display and sales shall be limited to those items that would typically be displayed outdoors, including but not limited to: birdbaths, statuettes, outdoor furniture, plants, etc.;
(5) Items for outdoor display and sales shall be stored in an organized manner and must be integrated as part of a plan that shall require the issuance of a certificate of appropriateness from the Landmarks Board; and
(6) When considering the issuance of a certificate of appropriateness for outdoor display and sales areas, the Landmarks Board shall consider whether the proposal will detract from any element that promotes the historic context of the *Walnut Street National Historic District*; and will unduly impact any adjacent residential use by increasing noise, lighting or traffic directly associated with the commercial activity.

2. The following commercial uses shall be permitted for the properties commonly addressed as 1041 East Walnut Street, 1050 East Walnut Street, 1108 East Walnut Street, 1111 East Walnut Street, 1112 East Walnut Street, 1129 East Walnut Street, all being in Springfield, Greene County, Missouri, and more particularly described as:
Beginning on the north side of East Walnut Street, 974.3 feet west of the range line dividing Ranges 21 and 22, being the southeast corner of Moses Levy's lot; thence east 123.3 feet to the southeast corner of the W. H. Garrett lot for a beginning point; thence east 76 feet, thence north 200 feet; thence west 76 feet, thence south 200 feet to the point of beginning being a part of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) Section 24, Township 29, Range 22.

All of Lot 10 and Lot 11 except the east 20 feet, Ad. E. Smith's Addition.

Lot 8, Ad. E. Smith's Addition.

Lot 49 East Side Addition.

Lot 7 and west 24 feet and two inches of Lot 6, Ad. E. Smith's Addition.

All of Lot 51 and Lot 52 except the east 17.5 feet, East Side Addition.

a. Temporary outdoor green grocer's market limited to daylight hours, four days per week. Notwithstanding other provisions of Chapter 36 of the City Code prohibiting outdoor storage and display of goods for sale, such storage and sales shall be permitted, limited to flowers, potted plants, perishable vegetables and vegetative produce, craft items and baked goods, from portable stands, stalls, or hand carts located in the front yards. Sales from trucks or other vehicles are prohibited. No overnight storage of goods, stands, stalls, or hand cards is allowed from the front yard of any premises, and all goods, stands, stalls, and hard carts must be removed from the front yard by sundown of each day of operation.
b. Personal service establishments including beauty parlors, barber shops, dry cleaning and pick-up, shoe repair, self-service laundromats, express or mailing offices, hearing aid and eye glass shops, massage therapy and spas.

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 36-2.04 and, these uses shall only be permitted in a contributing building as established in subsection 2.D. except for such accessory outdoor uses with conditions set forth below, provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*; a certificate of appropriateness has been issued by the Landmarks Board indicating approval of the work; the use does not create any amplified sound outside the contributing building; and the use is in compliance with the noise standards of Section 36-4.05 of this code and Chapter 78, Article IV, Division 2, Section 78-112, Springfield City Code.
   a. Restaurants (sit down or dine in), excluding drive-in and carry-out facilities, which restaurants may include outdoor dining as an accessory use to the main structure with the following limitations:
      (1) Outdoor dining shall be limited to the hours of 11:00 a.m. and 11:00 p.m.;
      (2) All preparation of food for outdoor dining use shall be prepared in the contributing building approved for restaurant use;
      (3) Accessory structures existing at the time of the passage of this ordinance shall be used only for storage and parking accessory to the use of the contributing building, and dining and beverage service, including the sale of alcohol, but in no event shall the accessory structure be used for food preparation; and
      (4) All outdoor activity shall cease at 11:00 p.m. other than routine ingress and egress from the contributing building.

4. *Use Guidelines for 1200 and 1201 East Walnut.* The following use regulations shall apply for the properties commonly addressed as 1200 East Walnut and 1201 East Walnut, more particularly described as:

   All of Lot 4 and the West 20 feet of Lot 3 in O. H. Mitchell's Addition plus all of Lot 10 in Hawthorn Addition, all in the City of Springfield, Greene County, Missouri.
   a. The following uses shall be permitted.
      (1) Single-family-detached dwellings.
      (2) Single-family-semi-detached dwellings, in accordance with Section 36-5.05.C.
      (3) Townhouses containing no more than four dwelling units.
      (4) Duplexes.
      (5) Multi-family dwellings.
      (6) Boarding and lodging houses.
      (7) Nursing homes.
      (8) Day care homes and group day care homes in accordance with Springfield City Code.
      (9) Group homes: custodial.
   b. The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to Section 36-2.04. These uses shall only be permitted in a contributing building as established in subsection 3.D, provided

the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*; and a certificate of appropriateness has been issued by the Landmarks Board indicating approval of the proposed work.

(1) Public parking areas, in accordance with Subsection 4.D or 5.D.
(2) Antique shops.
(3) Bed and breakfast inns.
(4) Book or stationary stores.
(5) Clothing boutique or ready to wear shop.
(6) Community centers, nonprofit.
(7) Dry goods or notion stores.
(8) Florist or gift shop.
(9) Little Theater group, or dramatic clubs.
(10) Art galleries museums or libraries.
(11) Offices, administrative, business, financial and professional.
(12) Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
(13) Tailors.
(14) Day care centers in accordance with Springfield City Code.
(15) Zero-lot-line construction, in accordance with Section 36-5.03.

5. *Contributing Buildings.* For purposes of this ordinance, contributing buildings shall be determined in accordance with the *Walnut Street Historic District National Register of Historic Places Nomination* as officially listed in the National Register of Historic Places on March 21, 1985, and incorporating any amendments of said nomination.

6. *Certificate of Economic Hardship.* The standards contained in Section 36-2.11.E, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District.

7. *Additional Standards Regarding Certificates of Appropriateness and Economic Hardship.* All sites and parcels within the Walnut Street-West Urban Conservation District and subject to the issuance of certificates of appropriateness and economic hardship shall also be subject to the standards contained in Section 36-2.11.

8. *Refuse Storage.* In addition to the standards of Section 36-8.04, refuse storage shall adhere to the following:
   a. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices, approved for use in the City of Springfield, shall be placed on the site in a location where they are least visible from a public right-of-way other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device shall be visible from public right-of-way (except alleys) or from adjoining properties.

9. *Minimum Maintenance Requirements.* Every owner, and every person in actual possession of property in the district, shall keep all interior and exterior portions of buildings and other structures in good repair.
   a. *Public Areas.* All sidewalks leading to a building, steps, driveways, parking spaces, and similar paved areas for public use shall be kept in a proper state of repair. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.
   b. *Structural Members.* All supporting structural members of all structures shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.
   c. *Exterior Surfaces (Foundations, Walls, and Roofs).* Every foundation, exterior wall, roof, and all other exterior surface shall be maintained in a workmanlike state of maintenance and repair.
   d. *Foundation Walls.* All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

e. *Exterior Walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

f. *Roofs and Drainage.* The roof shall be structurally sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building. 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.

g. *Decorative Features.* All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

h. *Signs and Awnings.* All canopies, signs, awnings, stairways, fire escapes, exhaust ducts, and similar overhang 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 treatment.

i. *Chimneys.* All chimneys 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 periodic application of weather-coating materials such as paint or similar surface treatment.

j. *Stairs and Porches.* Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair.

k. *Window and Door Frames.* Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

l. *Weathertight.* Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

m. *Glazing.* Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.

n. *Door Hardware.* Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.

o. *Basement Hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain, and surface drainage water into the structure.

p. *Grading and Drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water shall be determined as any accumulation that has not dispersed within seven days of the last recorded local rainfall.

q. *Accessory Structures.* All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in compliance with Sections 36-5.03.B and 36-6.03.B.

10. The Landmarks Board may refer violations of this section to the BDS Director for purposes of conducting such inspections and enforcement proceedings as BDS Director may deem appropriate so that the building or structure may be preserved in accordance with the purposes of this ordinance.

11. The provisions of this section shall be in addition to all other applicable provisions of the Springfield City Code relating to the construction and maintenance of buildings and structures.

D. **Area A Regulations.**

1. *Site Plans.* Any development or use requiring a site plan pursuant to Section 36-2.03, and located within the Walnut Street-West UCD, must first acquire a certificate of appropriateness, when required, from the Landmarks Board in accordance with Section 36-10.07.D.2. Site plans

may also be subject to conditions by City Council in order to promote the intent of the *Walnut Street Preservation Plan.*

2. *Certificate of Appropriateness.* The standards contained in Section 36-2.11, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District, unless otherwise modified herein.
   a. *When Required.* A certificate of appropriateness shall be required in accordance with the standards contained in Section 36-2.11.D with the following modification:
      (1) Section 36-2.11.D.1.b shall be applicable to structures as specified in the *Walnut Street Design Guidelines* or *Historic Survey* conducted in the Walnut Street-West Urban Conservation District.
   b. *Review Criteria.* The Landmarks Board, in considering whether or not to issue a certificate of appropriateness, shall be guided by the standards contained in Section 36-2.11.D.3 with the following modifications:
      (1) The *Walnut Street Design Guidelines* which are on file with the PD Director shall be used to fulfill the standard referenced in Section 36-2.11.D.
      (2) For demolition, the Landmarks Board shall also consider the standards contained in Section 36-2.11.D.3.d with the following additions and modifications:
         (a) The visual and spatial relationship of the structure to its surroundings and to the rest of the Walnut Street Urban Conservation District - West.
         (b) The Board shall consult the Walnut Street Historic Survey, the Walnut Street Historic District National Register Nomination and/or the Walnut Street Preservation Plan in addition to those items contained in Section 36-2.11.D.3.d.

      (3) The alternatives available to the demolition applicant including:
         (a) Donation of the subject structure or site to a public or benevolent agency.
         (b) Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.
         (c) The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
         (d) The potential of such structure or site for renovation and its potential for continuing use.

      (4) The Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.

3. *Demolition of Contributing Buildings.* The standards contained in Section 36-2.11.D.3.d shall not be applicable to the Walnut Street- West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a contributing building as defined in Section 36-10.07.C.5. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a contributing building in the Walnut Street Urban Conservation District - West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a contributing building unless a certificate of economic hardship has been issued by the Landmarks Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.

4. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
   a. *Number.* Each premises shall be permitted one detached sign and shall also be permitted either one projecting sign or one wall sign.
   b. *Size.* A maximum of 16 square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed 16 square feet. A single-sided detached sign shall not exceed 16 square feet.
   c. *Height.* No part of a detached sign shall exceed a height of 5 feet above the ground area upon which it is located.
   d. *Sign Lighting.* No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.

e. *Sign Types.* Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.

f. *Exempt Signs.* Those signs set forth below shall also be permitted.

(1) *Address Numbers and Name Plates. Address* numbers for each residential building not exceeding one square foot in effective area and one name plate not exceeding 2 square feet in effective area per dwelling unit or business.

(2) *Banner Signs.* One sign composed of highly flexible lightweight material, such as a banner, per business premises, which is not over 4 square feet in effective area, posted for not more than 30 days per year.

(3) *Directional Signs.* Detached on-premises directional signs which do not exceed 5 square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed 20% of the effective area. No part of the sign shall exceed 4 feet in height above street grade or 4 feet in height above the lowest level of the ground under the sign if elevation of premises at sign location is more than 12 inches above street grade, excluding berms or other landscaping features. A certificate of appropriateness much be issued prior to installation of directional signs.

(4) *Flag.* A flag or similar device identifying any person.

(5) *Government Signs.* Any sign erected or maintained by or for any agency or government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.

(6) *Internal Signs.* Any on-premises sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.

(7) *Neighborhood Identifications Signs.* A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name, or historic district. A certificate of appropriateness must be issued prior to installation of neighborhood identification signs.

(8) *Real Estate Sale, Lease, And Construction Signs.* Non-illuminated temporary on-premises signs pertaining to the construction, sale, or lease of that premises, not to exceed 6 square feet in effective area. Such 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.

(9) *Miscellaneous Exempt Signs.*

(a) A temporary sign not exceeding 4 square feet in background area advertising drives 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.

(b) Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of 4 square feet in effective area per business.

5. *Off-Street Parking Requirements.* All uses shall provide off-street parking in accordance with Section 36-7.04, unless the contributing structure is intact, whereas Section 36-7.04 is otherwise modified herein:

a. Parking Spaces Required.

(1) Non-residential uses shall have at least one parking space for each 350 square feet of gross leasable area, excluding outdoor display and sales areas. However, parking requirements may be reduced for uses that demonstrate a sensitivity to historic preservation. The applicant may submit a parking plan to the ARC for modification to the requirements. The ARC shall consult with the Landmarks Board for overall sensitivity to historic preservation.

(2) Residential uses shall have at least one and 1.5 parking spaces for each dwelling unit.

b. *Parking Lot Surface.* Parking lots and driveways shall be surfaced with either asphalt,

concrete or pavers so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be subjected.

E. **Area B Regulations.**

1. *Site Plans.* All development and uses shall comply with the site plan requirements of Section 36-2.03.

2. *Certificate of Appropriateness.*
   a. *When Required.* A certificate of appropriateness shall be required when a contributing structure is proposed to be demolished.
   b. *Review Criteria.* The Landmarks Board, in considering whether or not to issue a certificate of appropriateness, shall be guided by the standards contained in Section 36-2.11.D.3 with the following modifications:
      (1) For demolition, the Landmarks Board shall also consider the standards contained in Section 36-2.11.D.3.d with the following additions and modifications:
         (a) The visual and spatial relationship of the structure to its surroundings and to the rest of the Walnut Street Urban Conservation District - West.
         (b) The Landmarks Board shall consult the Walnut Street Historic Survey, the Walnut Street Historic District National Register Nomination and/or the Walnut Street Preservation Plan in addition to those items contained in Section 36-2.11.D.3.d
      (2) The alternatives available to the demolition applicant including:
         (a) Donation of the subject structure or site to a public or benevolent agency.
         (b) Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.
         (c) The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
         (d) The potential of such structure or site for renovation and its potential for continuing use.
         (e) The Landmarks Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.

3. *Demolition of Contributing Buildings.* The standards contained in Section 36-2.11.D.3.d shall not be applicable to the Walnut Street- West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a contributing building as defined in subsection 2.D. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a contributing building in the Walnut Street Urban Conservation District - West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a contributing building unless a certificate of economic hardship has been issued by the Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.

4. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
   a. *Number.* Each premises shall be permitted one detached sign and shall also be permitted either one projecting sign or one wall sign.
   b. *Size.* A maximum of 50 square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed 50 square feet. A single-sided detached sign shall not exceed 50 square feet.
   c. *Height.* No part of a detached sign shall exceed a height of 10 feet above the ground area upon which it is located.
   d. *Sign Lighting.* No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.
   e. *Sign Types.* Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary

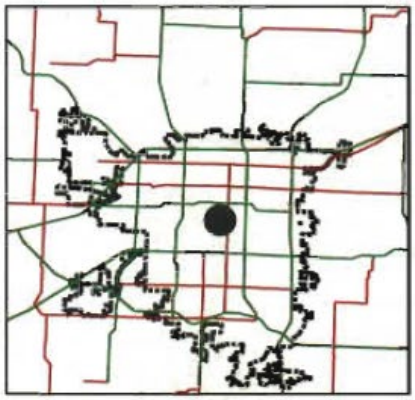
signs shall not be permitted.

f. *Exempt Signs.* Those signs set forth below shall also be permitted.
   (1) *Address Numbers and Name Plates.* Address numbers for each residential building not exceeding one square foot in effective area and one name plate not exceeding 2 square feet in effective area per dwelling unit or business.
   (2) *Banner Signs.* One sign composed of highly flexible lightweight material, such as a banner, per business premises, which is not over 4 square feet in effective area, posted for not more than 30 days per year.
   (3) *Directional Signs.* Detached on-premises directional signs which do not exceed 5 square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed 20% of the effective area. No part of the sign shall exceed 4 feet in height above street grade or 4 feet in height above the lowest level of the ground under the sign if elevation of premises at sign location is more than 12 inches above street grade, excluding berms or other landscaping features. A certificate of appropriateness much be issued prior to installation of directional signs.
   (4) *Flag.* A flag or similar device identifying any person.
   (5) *Government Signs.* Any sign erected or maintained by or for any agency or government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.
   (6) *Internal Signs.* Any on-premises sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.
   (7) *Neighborhood Identifications Signs.* A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name, or historic district. A certificate of appropriateness must be issued prior to installation of neighborhood identification signs.
   (8) *Real Estate Sale, Lease, And Construction Signs.* Non-illuminated temporary on-premises signs pertaining to the construction, sale, or lease of that premises, not to exceed 6 square feet in effective area. Such 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.
   (9) *Miscellaneous Exempt Signs.*
      (a) A temporary sign not exceeding 4 square feet in background area advertising drives 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.
      (b) Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of 4 square feet in effective area per business.

5. *Off-Street Parking Requirements.* All uses shall provide off-street parking in accordance with Section 36-7.04, unless the contributing structure is intact, whereas Section 36-7.04 is otherwise modified herein:
   a. Parking Spaces Required.
      (1) Non-residential uses, except restaurant uses which shall follow the requirements, shall have at least one parking space for each 350 square feet of gross leasable area, excluding outdoor display and sales areas. However, parking requirements may be reduced for uses that demonstrate a sensitivity to historic preservation. The applicant may submit a parking plan to the ARC for modification to the requirements.
      (2) Residential uses shall have at least one and 1.5 parking spaces for each dwelling unit.
   b. *Parking Lot Surface.* Parking lots and driveways shall be surfaced with either asphalt, concrete or pavers so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be subjected.

F. **Definitions.** The Walnut Street-West Urban Conservation District shall be subject to all applicable definitions found in Article 11. Any definition found in Article 11 and referencing historic structures, historic sites, historic landmarks, or historic districts shall also be deemed applicable to any building or property within the Walnut Street-West Urban Conservation District.

G. **Exhibits.**



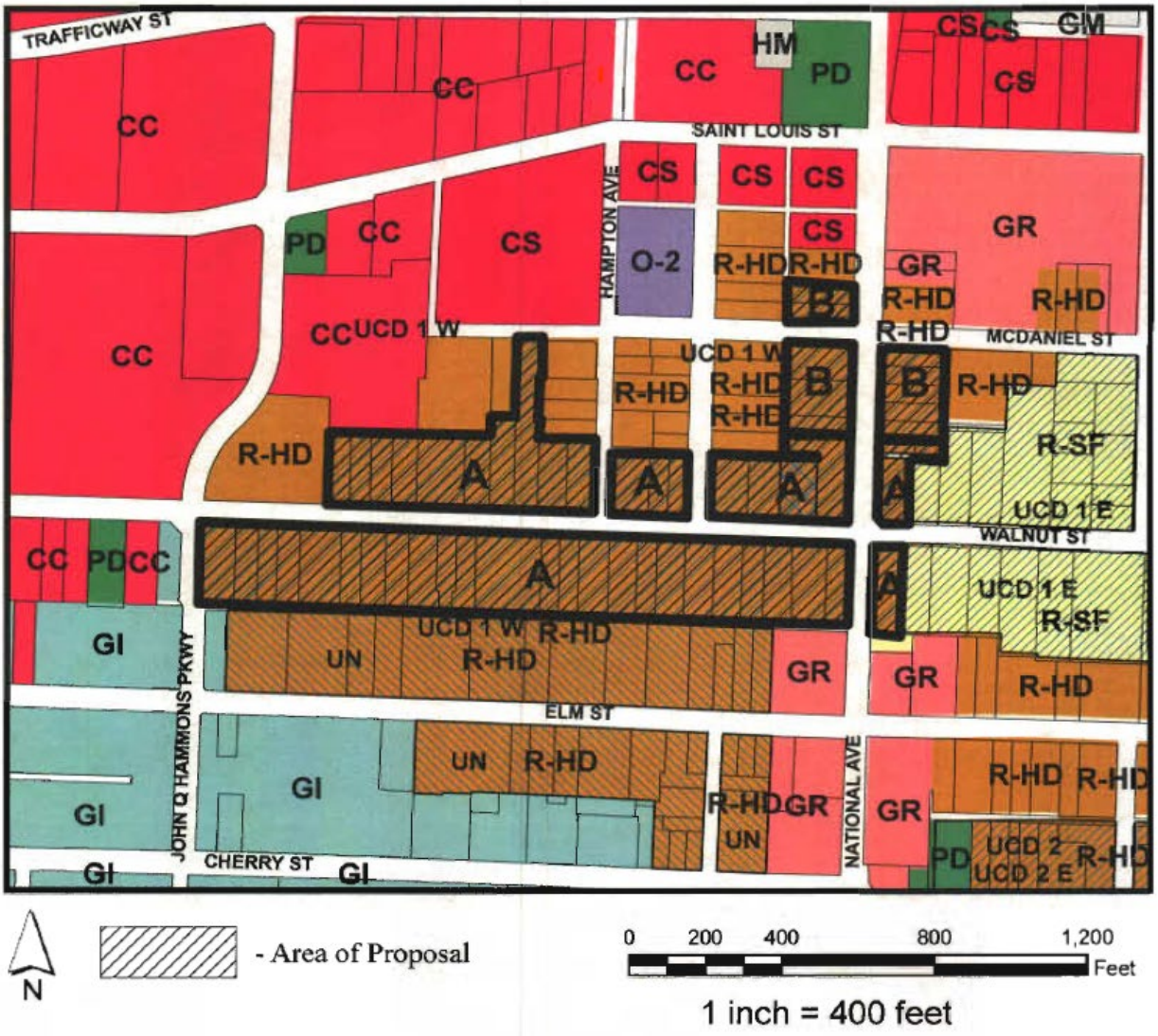
Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville - Springfield, Missouri 65801

Exhibit 2
Z-02-2010
Walnut Street-West UCD
Sub Areas

Location: 900-1200 blk E. Walnut & 200-300 blk S. National

LOCATION SKETCH



36-10.08 Short-term Rentals

A. **Short-term Rental Type 1.**

1. This section (1) shall apply to a short-term rental use that:
   a. Is rented for periods of less than 30 consecutive days;
   b. Is located within a R-SF or R-MX1 zoning district; and
   c. Is a residential dwelling that is the primary residence of the short-term rental owner or operator.

2. The following provisions shall apply to a short-term rental type 1:
   a. A short-term rental type 1 shall only be located in the primary structure or an accessory dwelling unit per Section 36-4.04.C;
   b. Annual business license shall be obtained; and
   c. 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 1 which is not in compliance with the provisions of this section.

B. **Short-term Rental Type 2.**

1. This section (B) shall apply to a short-term rental use that:
   a. Is rented for periods of less than 30 consecutive days;
   b. Is located within a R-SF or R-MX1 zoning district; and
   c. Is not a residential dwelling that is the primary residence of the short-term rental owner or operator.

2. The following provisions shall apply to a short-term rental type 2:
   a. Density limitations: no short-term rental type 2 shall be located within 500 feet of another short-term rental type 2, as measured by the shortest distance between the two closest property lines;
   b. A short-term rental type 2 shall only be located in the primary structure or an accessory dwelling unit;
   c. No exterior alterations that would change the single-family residential character of the short-term rental type 2, other than those necessary to ensure the safety of the structure, shall be made;
   d. No residential structure shall be removed for parking or to expand the short-term rental type 2;
   e. A short-term rental type 2 shall not be rented for receptions, parties, weddings, or any similar activities on the property;
   f. The owner of a short-term rental type 2 shall provide notification as required by Section 36-10.08.D;
   g. A certificate of occupancy shall be obtained in accordance with Article I, Division 6 of Chapter 38, Building Development Codes;
   h. An annual business license shall be obtained; and
   i. 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.

3. A short-term rental type 2 permit shall be required for short-term rental type 2 uses.
   a. An application fee as set forth in the schedule of fees, shall accompany any short-term rental type 2 application and is in addition to the permit and certificate of occupancy fee required by this section. The additional fee shall be for the costs of processing the application.
   b. 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 10 days prior to the meeting, to the owner of each real property within 500 feet of the short-term rental property, as shown on the records of the county assessor, to the occupant of each real property within 500 feet of the short-

term rental property, which may be addressed to “occupant” and mailed to the physical address, and to the president or other association officer(s) of any neighborhood association(s) as on file with the PD Director.

c. Notice of the neighborhood meeting shall be posted by the applicant at least 10 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 PD Director. 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.

d. 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.

e. The mailing shall be performed by the Department of Planning and Development; 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 Department of Planning and Development for mailing, in sufficient time to allow for mailing for at least 10 days prior to the date of the neighborhood meeting. A file copy of the letter shall be provided to the Department of Planning and Development. The notice letter shall contain the following at a minimum and any additional information as required by the PD Director:
   (1) Description and details of proposed short-term rental operation including number of days per month to be rented and any other proposed changes;
   (2) Meeting date, time and location;
   (3) Applicant or their representative's contact information; and
   (4) Information sheet provided by the city, including notice that an owner of residential real property within 500 feet of the short-term rental property has 10 days from the date of the neighborhood meeting to submit a letter objecting to the short-term rental.

f. No more than 10 days following the neighborhood meeting, the applicant shall submit a summary of the meeting to the Department of Planning and Development using the following format as set forth below (“meeting summary”):
   (1) Meeting date, time, and location;
   (2) Number of individuals in attendance with an attached sign-in sheet;
   (3) List of issues raised, and any verbal comments received and how the applicant plans to respond; and
   (4) Additional information, such as comment cards and letters, shall be attached to the summary.

g. If the applicant does not submit a complete meeting summary within 10 days of the neighborhood meeting, the application shall be considered incomplete, and the applicant will be required to conduct a new meeting.

h. If at least two or at least 30%, whichever is greater, of adjacent owners of residential real property, including those adjoining and immediately across the street, submit a letter of objection no more than 10 days after the neighborhood meeting, the application shall be denied. If the application is denied for this reason, an applicant may file an appeal to the Planning and Zoning Commission for a resolution to approve the application. An appeal must be filed within 10 days of denial. The decision of the Planning and Zoning Commission shall be final for the purposes of Chapter 536, RSMo.

i. If the applicant submits a complete meeting summary and less than two or less than 30%, whichever is greater, of adjacent owners of residential real property, including those adjoining and immediately across the street, submit a letter of objection, the application shall be approved, provided that all other requirements have been satisfied.

j. The City shall have the authority from time to time to prepare forms to implement this section including application forms, forms for notice, forms for proof of ownership, and other appropriate requirements.

C. **Short-term Rental Type 3.**

1. This section (C) shall apply to a short-term rental use that:
   a. Is rented for a period of less than 30 consecutive days; and
   b. Is not located in an R-SF or R-MX1 zoning district, but in a zoning district that allows residential uses.

2. The following provisions shall apply to a short-term rental type 3:
   a. A maximum of two units, or 10% of the units on a premises, whichever is greater, may be used as two short-term rental type 3 units;
   b. A short-term rental type 3 unit shall not be rented for receptions, parties, weddings, or any similar activities on the property;
   c. A short-term rental type 3 shall provide notification as required by Section 36-10.08.D;
   d. A certificate of occupancy shall be obtained in accordance with Article I, Division 6 of Chapter 38, Building Development Codes;
   e. Annual business license shall be obtained; and
   f. 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.

D. **Short-term Rental Notification Requirements.**

1. The owner of a short-term type 2 or short-term rental type 3 shall post, conspicuously in each rental unit the following information:
   a. The names and contact information of the person or persons responsible for the day-to-day operations of the short-term rental;
   b. The certificate of occupancy and business license number;
   c. The restrictions on noise applicable under Section 36-4.05 including limitations on the use of amplified sound;
   d. Any applicable parking restrictions;
   e. Trash collection schedule; and
   f. That the short-term rental unit may not be rented for receptions, parties, weddings or other similar activities on the property.

E. **Short-term Rental Revocation, Suspension, or Denial of a Permit.**

1. The PD Director may immediately revoke or suspend a permit, or deny either the issuance or renewal thereof, if it is found that:
   a. The owner or operator failed to comply with the short-term rental requirements in this section or any other city codes and ordinances. The PD Director may suspend, revoke, or deny an application to renew a short-term rental permit for a period of 12 months. During that time, another short-term rental may be established pursuant to this section and cause the revoked or denied short-term rental from being re-established due to the density limitation.
   b. The PD Director 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 section.
   c. When a short-term rental permit is denied by the PD Director, 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 section or other pertinent code used as a standard for the basis of denial.
   d. If the PD Director denies, suspends, or revokes a permit, the owner may file an appeal request to the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be final for the purposes of Chapter 536, RSMo.

F. **Transferability/Renewal.**

1. The owner of a permitted short-term rental may transfer the property along with the permitted use to another within 30 days of the change in property ownership, 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.

2. Nonconforming permitted short-term rentals are eligible for transferring of business ownership in the event of a change of property ownership. This will need to take place within 30 days of the change in property ownership.

3. Nonconforming short-term rentals will be eligible for business license renewal provided they meet all of the other requirements of this section except the density limitations. Renewal of short-term rentals will be conducted by the Licensing Division of the Finance Department.

G. **Implementation.**

1. 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.

2. 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 Section 36-10.08.B.2.a. Applications received after this initial period will be subject to this density.

H. **Hosting Platform Responsibilities.**

1. *Definitions.*

Booking transaction. Any reservation or payment service provided by a person who facilitates a short-term rental transaction between a short-term rental licensee and a transient guest.

Hosting platform. A person who participates in the rental of a short-term rental by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

Person. Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, limited liability company, or organization of any kind.

Short-term rental: see Section 36-11.01.

Short-term rental licensee: a person who holds a business license for a short-term rental.

Transient guest. A person who occupies a room or rooms in a short-term rental for less than 30 consecutive days during any calendar quarter.

2. Hosting platforms shall be responsible for collecting all applicable City taxes and remitting the same to the City. The hosting platform shall be considered an agent of the short-term rental licensee for tax collection and remittance responsibilities as set forth in Chapter 70, Article V of this Code.

3. Subject to applicable laws, hosting platforms shall disclose to the City on a monthly basis each short-term rental listing located in the City, the address of each such listing, the revenue for each such listing, and the tax due amount.

4. Hosting platforms shall not complete any booking transaction for any property subject to this section unless it is licensed as a short-term rental at the time the hosting platform receives a fee for the booking transaction. Hosting Platforms that display short-term rental listings for properties shall require all owners using the platform to include a license number in any new listing for a short-term rental on the platform. A Hosting Platform shall remove any listing for a short-term rental from the platform after notification by the City that the short-term rental listing

lacks a license number or the license number is invalid, expired, or has been revoked. The notification must identify the listing(s) to be removed by its URL and state the reason for removal. The platform shall remove the listing from public view within seven business days from the date of the notice.

I. **Penalties.**

1. Any violation of this section shall be punishable by a fine of not more than $1,000.00 or by imprisonment in jail for a period not exceeding 180 days, or both such fine and imprisonment. The court shall not suspend imposition of sentence for any violation of this section.

2. Each day a violation continues shall be deemed a separate offense.

3. Any person found guilty of a violation of this section shall be sentenced to a minimum fine of $500.00.

4. Any person found guilty of a violation on this section who has previously been found guilty of a violation of this section shall be sentenced to a minimum fine of $1,000.00.

36-10.09 Marijuana & Medical Marijuana Uses

A. **Intent.** The intent of this section is to allow marijuana and medical marijuana uses while minimizing any possible adverse effects of these uses on the surrounding neighborhood. Marijuana-related uses are subject to additional district- or use-specific standards in this section.

B. **Applicability.** In association with the use table in Section 36-4.02, specific marijuana and medical marijuana uses are further restricted to specific districts indicated in Table 10-6. All uses are subject to the general use, development, form, and design standards of the applicable district.

Table 10-6: Permitted Marijuana and Medical Marijuana Uses and Districts

Use Type	Separation	CC	C-MX2	GC	LIC	HM
Medical, comprehensive, or microbusiness dispensary facility	1,000' from elementary or secondary school or place of worship. 200' from a child daycare	P	P	P	P	P
Medical or comprehensive marijuana infused product manufacturing Type 2 extraction	1,000' from elementary or secondary school or place of worship. 200' from a child daycare	P	P	P	P	P
Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility	1,000' from elementary or secondary school, place of worship, or child daycare			P / C	P / C	P / C
Marijuana testing facility	1,000' from elementary or secondary school, place of worship, or child daycare				P	P
Medical or comprehensive marijuana infused product manufacturing Type 1 extraction	1,000' from elementary or secondary school, place of worship, or child daycare					P / C

C = Conditional use permit required if adjacent to or across the street from residential uses; use is subject to the process and criteria in Section 36-2.04 in addition to the standards and criteria of this section.

C. **Specific Use Standards.** Marijuana and medical marijuana facilities shall meet the following additional standards in districts where they are permitted or allowed by conditional use permit.

1. A business license shall be obtained annually, and the marijuana and medical marijuana

license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

2. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including engineering controls, such as system design and operational processes. The plan shall be reviewed and certified by a professional engineer or a certified industrial hygienist to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
3. The location and separation measures of Table 10-6 shall be applied as follows:
   a. In the case of a freestanding facility, the distance between the facility and the protected use shall be measured from the closest external wall of the facility structure to the closest point of the property line of the protected use.
   b. If the protected use is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the protected use.
   c. If the facility is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured from the facility's closest entrance or exit to the property line of the protected use.
   d. If the facility and the protected use are both part of a larger complex or campus, the distance shall be measured between the entrances of the facility and the protected use.
   e. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
4. No marijuana or medical marijuana facility shall be located in a building that contains a residence.
5. All marijuana and 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.
6. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana facility.
7. 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.
8. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.

D. **Definitions.** The following terms shall have the specific meaning given for interpreting this section:

Child Daycare. A childcare facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.

Comprehensive Facility. A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

Comprehensive Marijuana Cultivation Facility. A facility licensed by the state to acquire, cultivate, process, package, store on-site or offsite, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation

of prerolls, but shall not include the manufacture of marijuana-infused products.

Comprehensive Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, primary caregiver, or consumer, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer, and consistent with the limitations in Article XIV of the Missouri State Constitution and Springfield City Code, to a comprehensive facility, a marijuana testing facility, or a medical marijuana facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but such facility shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV of the Missouri State Constitution and Springfield City Code. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Comprehensive Marijuana-infused Products Manufacturing Facility. A facility licensed by the state to acquire, process, package, store, manufacture, and transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

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.

Elementary or Secondary School. 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 not including any private school in which education is primarily conducted in private homes.

Flowering Marijuana Plant. A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

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 marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

Marijuana Facility. A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness marijuana dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the state pursuant to Article XIV, Section 2 of the Missouri State Constitution. Marijuana facilities do not include medical marijuana facilities licensed pursuant to Article XIV, Section 1 of the Missouri State Constitution.

Marijuana-infused Products. Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

Marijuana Microbusiness Facility. A facility licensed by the state as a microbusiness marijuana dispensary facility or microbusiness wholesale facility, as defined in this section.

Marijuana Testing Facility. A facility certified by the state to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility.

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, package, store onsite or off-site, transport to and from, and sell marijuana, marijuana seeds, and marijuana vegetive cuttings (also known as clones) to a marijuana dispensary facility, marijuana testing facility, medical marijuana cultivation facility, or medical marijuana-infused products manufacturing facility. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store onsite or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer to a qualifying patient, a primary caregiver, as set forth and defined in Article XIV of the Missouri Constitution, anywhere on the licensed property or to any address as defined by the patient or primary caregiver, so long as the address is a location allowing for the legal possession of marijuana, another medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or a medical marijuana-infused products manufacturing facility. Dispensary facilities may receive transaction orders at the dispensary in person, by phone, or via the internet, including from a third party. A medical marijuana dispensary facility's authority to process marijuana shall include the production and sale of prerolls, but shall not include the manufacture of marijuana-infused products.

Medical Marijuana Facility. Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as governed by Article XIV, Section 1, of the Missouri State Constitution.

Medical Marijuana-infused Products Manufacturing Facility. A facility licensed by the state to acquire, process, package, store onsite or off-site, manufacture, transport to or from, and sell marijuana-infused products to a medical marijuana dispensary facility, a marijuana testing facility, a medical marijuana cultivation facility, or to another medical marijuana-infused products manufacturing facility.

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.

Microbusiness Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, qualifying patient, or primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with state and local law, a microbusiness wholesale facility or a marijuana testing facility. Microbusiness marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness Wholesale Facility. A facility licensed by the state to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

Place of Worship. A permanent building primarily and regularly engaged in organized services for religious worship open to the public or a specific congregation of members or participants.

Preroll or Infused Preroll. A consumable or smokable marijuana product, generally consisting of:
a. A wrap or paper;
b. Dried flower, buds, and/or plant material; and
c. A concentrate, oil, or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

36-10.10 Wireless Telecommunication Facilities

A. **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.

1. 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.
2. New personal wireless telecommunications technologies, such as personal communications systems (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.
3. The Telecommunications Act of 1996 preserves the authority of the city to regulate the placement, construction, and modification of towers, antenna support structures, and telecommunications facilities and to protect the health, safety, and welfare of the public, which is granted to the city under the Constitution and statutes of the State of Missouri and the Charter.
4. 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 chapter, will not have the effect of prohibiting any person from providing wireless telecommunications services.
5. The Federal Communications Commission (FCC) has exclusive jurisdiction over:
   a. The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
   b. The regulation of radio signal interference among users of the radio frequency spectrum.
6. 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.
7. 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 right-of-way by abutting landowners and members of the public.

B. **Legislative Purposes.** The general purpose of this section 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 are:

1. To direct the location of towers and telecommunications facilities in the city;
2. To protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
3. To minimize adverse visual impacts of towers and telecommunications facilities through careful design, sitting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
5. 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;
6. To the greatest extent feasible, ensure that towers and telecommunications facilities are compatible with surrounding land uses;
7. 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; and
8. To create a licensing process which allows the city to more efficiently administer this section.

C. **Applicability.**

1. All towers, antenna support structures, and telecommunications facilities, any portion of which are located within the city of Springfield, are subject to this chapter. 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 as set forth in the schedule of fees. 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 FCC; 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 that 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 right-of-way.
2. Except as provided in this section, any current legal use being made of an existing tower or antenna support structure on the effective date of this section, herein "nonconforming structures," shall be allowed to continue, even if in conflict with the terms of this section. 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.

D. **Permitted, Conditional, & Accessory Uses.**

1. *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 chapter 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 City Council prior to installation. Multiple locations may be approved in one application process.

Table 10-7: Wireless Facilities and Telecommunication Towers

Tier	Descriptions
Tier I	Wireless facilities and antennas mounted on buildings or other structures, including existing towers, public buildings and structures, school buildings and structures, and churches.
Tier II	Cell towers of a stealth design that are not greater than 60' 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.
Tier III	Cell tower of a monopole or stealth design that are <100' in height.
Tier IV	Cell towers of a stealth or monopole design that are >100' in height.
Tier V	Cell towers that are: a. Not of a stealth or monopole design; or b. >100' in height and not setback from any residential district at least 2 feet for every one foot of height; or c. Not able to collocate at least 1 additional provider if the tower height is >100' or at least 2 additional providers' facilities if the tower height is >120'.

2. *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:
   a. 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 chapter by more than 20 feet;
   b. 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 right-of-way, and a building permit has been obtained from the Department of Building Development Services;
   c. 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 BDS Director 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 right-of-way, and does not pose any danger to the traveling public; and
   d. 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.

E. **Co-location.**

1. *Co-location of facilities.* New towers constructed within the city with height in excess of 60

feet should be capable of accommodating two additional carriers or telecommunications 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.

2. *Co-location or installation.*
   a. 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 co-location capabilities under this section, and has available additional capacity for installation or co-location 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 , the credit worthiness, and the technical abilities of the proposed tenant. However, in no event shall a licensee be required to allow co-location of facilities if to do so would result in technical interference with the delivery of licensee's service. Failure to permit co-location or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for co-location may result in any enforcement action as permitted in Section 36-1.07 or termination of utilities following a hearing as permitted in subsection H of this section.
   b. For the purpose of co-location of antennas, a legal nonconforming tower may be used.
   c. Failure to comply with the provisions of this subsection E.2 constitutes a material violation of this section, for the purposes of subsection H of this section.

3. *Exception from Height & Bufferyards/Requirements for Co-location.*
   a. A licensee of an existing tower may modify the height of its tower to accommodate co-location 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.
   b. Permission to exceed the maximum permitted height pursuant to this section shall not require an additional distance separation as set forth in subsection F.3.e, nor additional bufferyards or landscaping above that required for the original tower. The tower's premodification height shall be used to calculate such distance separations.

4. *Same Tower Type.* A tower which is modified to accommodate the co-location 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 BDS Director if it is demonstrated that permitting a different tower type will not exceed the height permitted in subsection E.3 and will permit the co-location of more carriers than could be accomplished by the modification of the same tower type as the existing tower.

5. *Movement of Tower.*
   a. A tower which is being rebuilt to accommodate the co-location 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 bufferyards are maintained.
   b. A tower that is relocated pursuant to subsection E.5. shall continue to be measured from the original tower site for the purpose of calculating the separation distances between towers pursuant to subsection F.3.e. The relocation of a tower under this

subsection shall in no way be deemed to cause a violation of subsection F.3.e.

c. A tower that is relocated on the same premises it was constructed on which comes within the separation distances established in subsection F.3.e shall only be permitted when notarized written consent is obtained from affected residential property owners.

6. *Appeal Process.* Any applicant who is denied a tower application, or who is determined by the BDS Director to be in violation of this section shall have the right to 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 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 co-location, and said tower is not being made available for joint use or co-location as indicated at the time of application, the hearing examiner shall order utilities disconnected until such time as the tower is used jointly for co-location 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 supersedeas 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.

F. **Construction Standards.**

1. *Setbacks.*

a. All towers shall be set back a distance equal to:

(1) 50% of the height of the tower up to 100 feet, plus 1 foot for each foot over 100 feet in height; or

(2) 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 co-location.

In the event a tower is capable of being used for co-location 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.

b. 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.

2. *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.

3. *Separation or Buffer Requirements.*

a. 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:

Table 10-8: Tower Separation & Buffer

Designated Area	*Separation Distance*
Single-family or duplex residential units in a residential district [1]	300'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% 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'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant unplatted residentially zoned land and residential units in nonresidential zoned districts [3]	200' or 100% of tower [2], whichever is greater.
Existing multifamily residential units greater than duplex units	100' or 100% t height of tower, whichever is greater.
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply.
Approved heliports	100' or 100% 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.

a. The minimum tower separation distances above listed shall be calculated and applied irrespective of city and county jurisdictional boundaries.
b. Measurement of tower separation distances for the purpose of compliance with this section shall be measured from the center of a tower to the closest point of a designated area as specified in the table above.
c. Separation distances from other uses set forth in this subsection may be reduced for towers designed for the co-location of telecommunications facilities of other carriers by obtaining a conditional use permit, which will require demonstrating that the separation distances will:
   (1) Have the effect of preventing service to an area of the city; or
   (2) Constitute a barrier to entry into the marketplace by the applicant.
d. Proposed towers must meet the following minimum separation requirements from towers existing at the time a license is granted pursuant to this section, unless constructed for the purpose of providing co-location 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.

Table 10-9: Separation From Other Towers

Proposed Towers / Types	*Existing Towers / Types*			
	Lattice or Guyed >150'	*Lattice or Guyed < 150'*	*Monopole Towers >75'*	*Monopole Towers < 75'*
Lattice	3,000'	2,500'	1,500'	750'
Guyed	3,000'	2,500'	1,500'	750'
Monopole >75'	1,500'	1,500'	1,500'	750'
Monopole < 75 ft. in height	750'	750'	750'	750'

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.

4. *Method of Determining Tower Height.* The height of the tower shall be measured as the vertical distance between the highest point of the tower and the natural grade below this point.

5. *Illumination.* Towers shall not be artificially lighted except as required by the Federal Aviation Administration 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.

6. *Finished Color & 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.

7. *Fencing & 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 36-8.04 of this chapter.

8. *Bufferyard & Landscape.* All landscaping on parcels containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable bufferyard 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 Section 36-8.04 and, if a conditional use permit is required, Section 36-2.04. All vegetation used in the landscaping shall be located outside any fenced area.

9. *Security.* All towers must be secured to protect against trespass or unauthorized use of the property, tower, or telecommunications facilities.
   a. If high voltage is necessary for the operation of a tower or telecommunications facility 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".
   b. 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.

10. *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.

11. *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 facility shall agree:
    a. To demonstrate compliance with good engineering practices;
    b. To provide the City a copy of all intermodulation studies submitted to the FCC;
    c. Not to induce objectionable technical interference to the city's public safety radio services;
    d. 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);
    e. In the case of colocation 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;
    f. To pay for any studies requested by the City Manager to determine if the applicant's telecommunications facilities are causing objectionable technical interference;
    g. 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.

12. *Certifications & Inspections.*
    a. 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-City Code and federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to subsection G.2.a 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 G.2.a 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.
    b. 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-City Code and federal and state law.
    c. The City reserves the right to conduct such inspections at any time, upon reasonable

notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.

13. *Maintenance.*
    a. 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.
    b. 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.
    c. 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.

14. *Drainage.* All parcels upon which towers are located must contain adequate drainage facilities, which are approved by the PW Director.

15. *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.

G **Licensing Requirement.**

1. *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 original passage of this section. Unless otherwise expressly provided elsewhere in this section, the license required by this section is in addition to the procedures and approval required pursuant to this chapter 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 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. A license shall be for a term of not more than five years. A renewal must be made in compliance with Section 36-4.03, and an applicant must demonstrate an existing tower or telecommunications facility is needed and reasonable alternatives will not meet their needs for continued service capability. Owners of existing towers without an active license shall have six months from passage of said ordinance to obtain a license as required by this subsection; all licenses active at the passage of this section shall remain valid until natural expiration.

2. *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:
    a. *License Application.* Prior to the construction of any tower, a license application and fee as set forth in the schedule of fees shall be submitted to the Finance Director. 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 as set forth in the schedule of fees. 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:

(1) 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, and 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 J regarding abandonment.

(2) An affirmative statement of whether the applicant will be developing the tower for its own use or for the use of others.

(a) If for applicant's use, the following is required:

(i) A description of the use.

(ii) A description of the network the proposed tower will be part of.

(iii) A description of the technological design proposed and description of alternatives.

(iv) Evidence of drive-by tests or other studies relating to the proposed tower which support location on the proposed property.

(v) Construction date or schedule.

(b) 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 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.

(3) The legal description, parcel identification number, and address of the parcel of land upon which the tower is to be situated.

(4) 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.

(5) 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.

(6) Written documentation containing the following information:

(a) Whether the applicant's telecommunications facilities are technically capable of being installed or collocated on another person's tower or useable antenna support structure.

(b) 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 co-location is technically or economically infeasible. "Technically infeasible" for the purpose of this subsection means that the co-location 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. The City may require additional evidence of co-location being technically infeasible if, in the opinion of the Board of Adjustment that additional information is necessary to determine that co-location is technically infeasible. "Economic infeasibility" for purposes of this section shall mean that the cost of co-location is not a reasonable business decision from an economic standpoint when all factors are considered.

(c) 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 co-location that will be accommodated.

(d) 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.

(e) Written technical evidence from a structural engineer that the proposed structure meets the standards set forth in Section 36-10.03, and the applicable requirements of the Department of Building Development Services.

(f) 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 and the applicable requirements of the Department of Building Development Services.

(g) 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.

(h) 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 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.

(7) A map of the city and the first one-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 and specifications, and signal area coverage.

(8) A site plan drawn to scale specifying the location of tower(s), its planned height, guy anchors (if any), transmission building(s), all telecommunications facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences, and zoning designation of adjacent land.

(9) 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.

(10) 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.

(11) The identity of all adjacent property owners.

(12) If the proposed tower is sited within Central Springfield, evidence that:

(a) Sites outside Central Springfield will not accommodate the proposed tower, considering size, topography, and physical features; or

(b) 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 City Council.

(c) 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.

(13) A maintenance bond in the amount of 10% 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.

(14) 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, removal of said tower will be guaranteed.

(15) 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.

(16) 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.

(17) A statement that the applicant has no outstanding and overdue debt to the City.

(18) 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.

(19) 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 sitting 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 Finance Director, the PD Director shall approve or deny the application if the Finance Director determines that the applicant meets all the requirements of subsection G.2. 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 Finance Director shall issue the license itself after all requirements for the tower are complete.

b. *Conditional Use Permit (CUP) 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 PD Director in accordance with Article 2 of

this chapter.

c. *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 City 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, and the landscaping plan, and shall 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:

(1) 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

(2) The tower height will not exceed 60 feet; and

(3) The stealth design blends into the surrounding area and the structures existing on the premises where the tower is to be located; and

(4) The site plan minimizes the impact of the presence of the tower on adjacent uses; and

(5) 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

(6) A request for reduction of the separation requirements of subsection F.3.e for towers on the same premises is a part of the stealth design to be utilized on said site; and

(7) A request for reduction of the separation requirements of subsection F.3.e 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 marketplace by the applicant, or will constitute a technical or economic hardship on the applicant; and

(8) 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

(9) 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.

d. *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 BDS Director. 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 PW Director. 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 G.2. The application shall also include items (1) through (19) listed in subsection G.2.a above.

3. *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 Finance Director 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 as set forth in the schedule of fees shall be required and shall be renewable every five years in accordance with subsection G.7.

4. *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.

5 *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 their representative to that effect. All licensees or owners of towers in existence on the effective date of this section 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.

6. *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.

7. *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 as set forth in the schedule of fees. 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.

H. **Revocation of License.** The City may at any time revoke a tower license for failure to comply with the provisions of this section, 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:

1. The Finance Director 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 Finance Director shall provide licensee with written findings of fact which are the basis of the revocation.

2. 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 H.1. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.

3. After the public hearing, the hearing examiner shall, within 30 days after the public hearing date, issue a written order setting forth their findings of fact and conclusions of law forming the basis for their decision.

4. 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 supersedeas 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.

5. Upon satisfactory correction by licensee of the violation upon which said notice was given as determined in the Finance Director's sole discretion, the initial notice shall become void.

6. Upon licensee's failure to correct a violation as found by the hearing examiner, the City Manager or their 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 H.4 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.

I. **Transfer of License.** A tower license may not be sold, transferred, leased, or assigned to any other person, without the consent of the Finance Director, such consent not to be unreasonably withheld.

J. **Abandonment of Tower.**

1. 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 H 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.

2. 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.

3. 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 J.2. All interested parties shall be allowed an opportunity to be heard at the public hearing.

4. After a public hearing is held pursuant to subsection J.1.b, 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 G.2.a.(14) or performance bond or letter of credit filed pursuant to subsection M 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.

K. **Variances & 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 chapter or the granting of a special exception under subsection F.3.d.

L. **Location of Towers on City-owned Property.** The City Manager or their 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 G 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.

M. **Miscellaneous.**

1. *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.

2. *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.

N. **Enforcement & Reservation of Rights.**

1. The provisions of this section 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 until such noncompliance has been cured.

2. 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.

O. **Definitions.** For the purposes of this section, 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.

Act. The federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may, from time to time, be amended.

Antenna Support Structure. Any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities.

Applicant. Any person that applies for a tower license pursuant to subsection G of this section.

Application. 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.

City. The City of Springfield, a municipal corporation, in the State of Missouri, acting by and through its City Manager or their designee.

Code. The City of Springfield Code of Ordinances.

Communications or *Telecommunications*. 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.

Engineer. Any engineer licensed by the State of Missouri.

FCC. The Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

Licensee. Any person who has lawfully obtained a tower license pursuant to subsection G.

Person. Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.

Site. The actual location of a tower, which may be only part of a larger parcel or premises.

Stealth. Any tower or telecommunications facilities designed to blend into the surrounding environment. *Telecommunications Facilities*. Any cables, wires, lines, wave guides, antennas or 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:

a. 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;
b. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
c. 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.

Tower. 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 FCC. A 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 right-of-way or easements for that purpose, and are a part of a system of such utility poles throughout the city of Springfield, Missouri.

36-10.11 Grant Avenue Parkway District

A. **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 10-10, shall be utilized in the interpretation of this division. If a term is utilized in this division and is not defined in Table 10-10, the definitions included in Article 11 shall be utilized.

Table 10-10: GAP District Definitions

Term	*Definition*
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.
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.
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 36-2.03.

   b. *Submittal Requirements.* In addition to the submittal requirements detailed in section 36-2.03 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 36-2.03 alignment with the Grant Avenue Parkway Corridor Plan shall be considered in the site plan review process.

B. **Bulk Standards.** Table 10-11 addresses the requirements applicable to development of a lot per subdistrict.

Table 10-11: GAP District Bulk Standards						
Standard	***Subdistrict A***	***Subdistrict B***	***Subdistrict C***	***Subdistrict D***	***Subdistrict E***	***Subdistrict F***
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 10-22 and 10-23)						
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.						

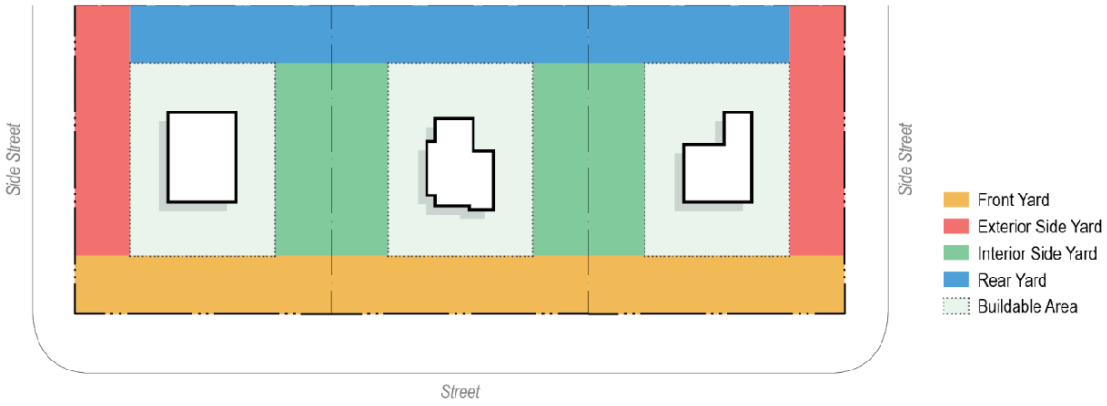


Figure 10-22 Required Yard



Figure 10-23 Build-To-Zones

C. **Permitted and Conditional Uses.** The following key is to be used in the interpretation of Table 10-12, 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 36-2.04.

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 ARC 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.

D. ***Conversions.*** Structures existing at the time of the adoption of this ordinance [September 20, 2021 G.O. 6684] in subdistricts A, B, and/or C may be converted to any use permit in that subdistrict.

1. *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 10-12: GAP District Permitted and Conditional Uses							
Use	***Additional Regulation***	***Subdistrict A***	***Subdistrict B***	***Subdistrict C***	***Subdistrict D***	***Subdistrict E***	***Subdistrict F***
Residential Uses							
Dwelling, Live Work	36-10.11.E.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	36-10.11.E.2	P	P	P		P	P
Dwelling, Multifamily conversion	36-10.11.E.3		P	P	P		
Dwelling, Single-Family Semi-detached			P	P	P		
Dwelling, Single-Family Detached existing	36-10.11.E.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	36-10.11.E.5		P	P	P		
Hotel	36-10.11.E.6	P	P	P		C	C
Short-Term Rental Type 1	36-10.08.A				P		
Short-Term Rental Type 2	36-10.08.B				P		
Short-Term Rental Type 3	36-10.08.C	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

Table 10-12: GAP District Permitted and Conditional Uses							
Use	***Additional Regulation***	***Subdistrict A***	***Subdistrict B***	***Subdistrict C***	***Subdistrict D***	***Subdistrict E***	***Subdistrict F***
General Retail Use Group, greater than 10,000 sq. ft.		C	C				
Medical or Comprehensive Marijuana Dispensary Facility	36-10.09	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	36-10.11.E.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	36-10.11.E.8	P					

Table 10-12: GAP District Permitted and Conditional Uses							
Use	***Additional Regulation***	***Subdistrict A***	***Subdistrict B***	***Subdistrict C***	***Subdistrict D***	***Subdistrict E***	***Subdistrict F***
Commercial Off-Street Parking Structures above ground floor as a part of mixed use		P					
Industrial Uses							
Artisan Manufacturing	36-10.11.E.9	P	P	P		P	P
Brewery/Winery/Distillery		P					
Medical or Comprehensive Marijuana Cultivation Facility or Microbusiness Marijuana Wholesale Facility	36-10.09	P					
Medical or Comprehensive Marijuana Infused Product Manufacturing Type 2 Post Extraction Facility	36-10.09	P					
Marijuana Testing Facilities	36-10.09	P					
Personal Storage							
Accessory Uses							
Accessory Structures and Uses	36-4.04	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	36-10.11.E.10	P	P	P	P	P	P
Solar Energy Collection System, roof	36-10.11.E.11	P	P	P	P	P	P
Temporary Uses							
Farm Stand	36-10.11.E.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

E. **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 5 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 10-24).* 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 6 square feet in area.
      (2) *Height.* The monument sign shall not exceed 4 feet in height.

(3) *Location.* The monument sign shall be located a minimum of 5feet from all property lines, right-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 right-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 10% and a maximum of 25% 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% 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.

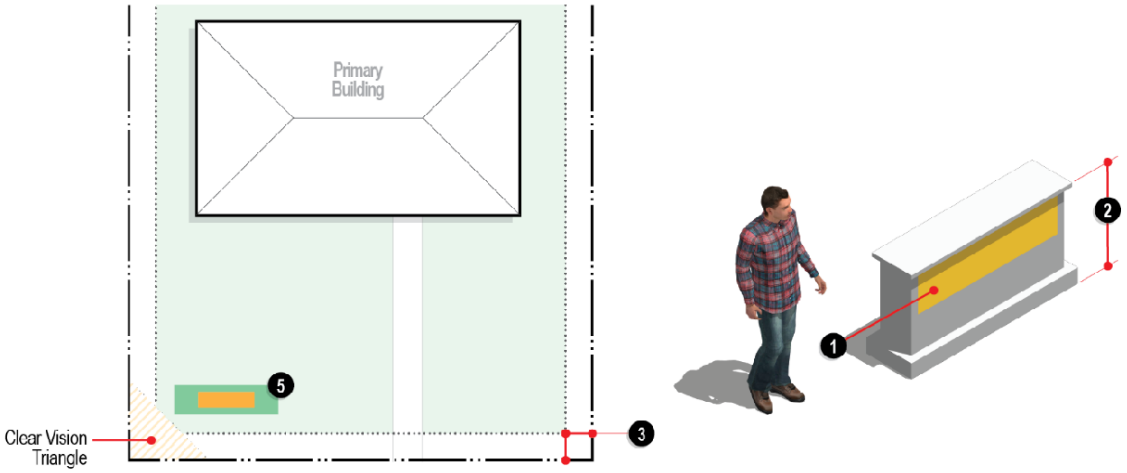


Figure 10-24 Bed and Breakfast Monument Signs

6. *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.

7. *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 10-25).* 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 6 square feet in area.
(2) *Height.* The monument sign shall not exceed 4 feet in height.
(3) *Location.* The monument sign shall be located a minimum of 5 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 Section 36-3.03.B.7.
(4) *Sign base.* The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 10% and a maximum of 25% 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% of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.

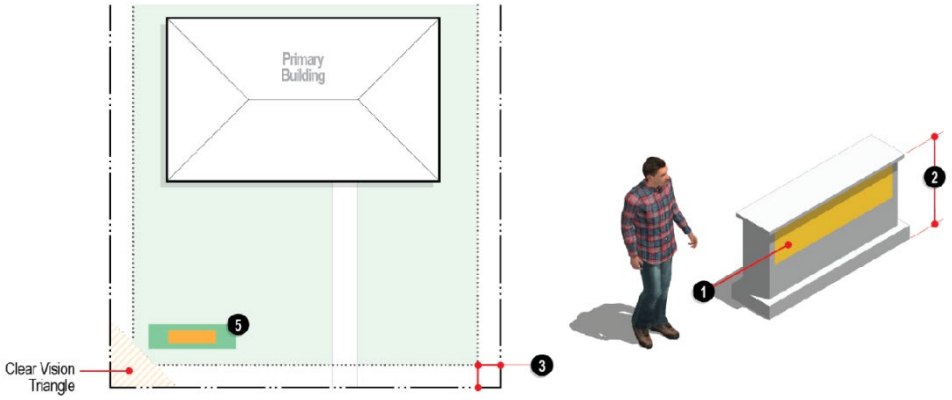


Figure 10-25 General Office Conversion Monument Sign

8. *Commercial Off-street Parking Lots.* Commercial off-street parking lots shall provide all of the landscape required in Section 36-10.11.H as well as the screening and landscape elements detailed below in areas adjacent to public right-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. 4 understory trees shall be planted for every 100 lineal feet of right-of-way adjacent frontage, excluding alley right-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 intersects public right-of-way.

9. *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 % 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.

10. *Solar Energy Collection System, Canopy (Figure 10-26).*

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.

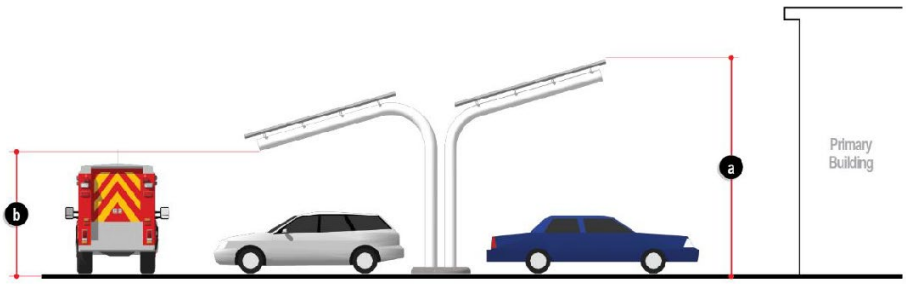


Figure 10-26 Solar Energy Collection System, Canopy

11. *Solar Energy Collection System, Roof-mounted (Figure 10-27).*
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.

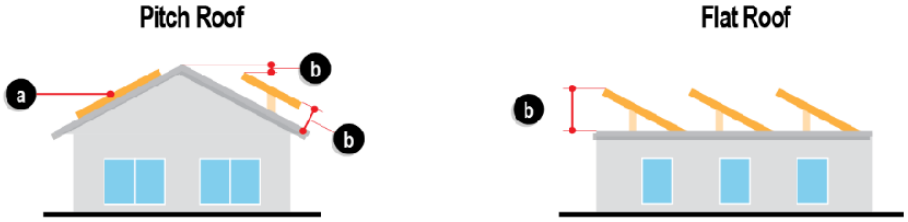


Figure 10-27 Solar Energy Collection System, Roof-mounted

12. *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 8 feet in height.
(3) Comply with all required setbacks of the primary building. 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 10-14, shall be permitted.

F. **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 General Ordinance 6684 shall be exempt from the requirements of Section 36-10.11.F.

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 10-13.

Table 10-13: GAP District Frontage Types by Subdistrict

Frontage Type	*Subdistrict A*	*Subdistrict B*	*Subdistrict C*	*Subdistrict D*	*Subdistrict E*	*Subdistrict F*
Projecting Porch		●		●		●
Engaged Porch		●	●	●		●
Integral Porch	●	●	●	●	●	●
Balcony	●	●	●	●	●	●
Forecourt		●	●		●	●
Shopfront	●	●	●		●	●

(1) *Projecting Porch (Figure 10-28).* 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.* 10 feet.
(b) *Depth.* 8 feet.
(c) *Height.* 8 feet.
(d) *Finish Level Above Sidewalk.* 18 inches.

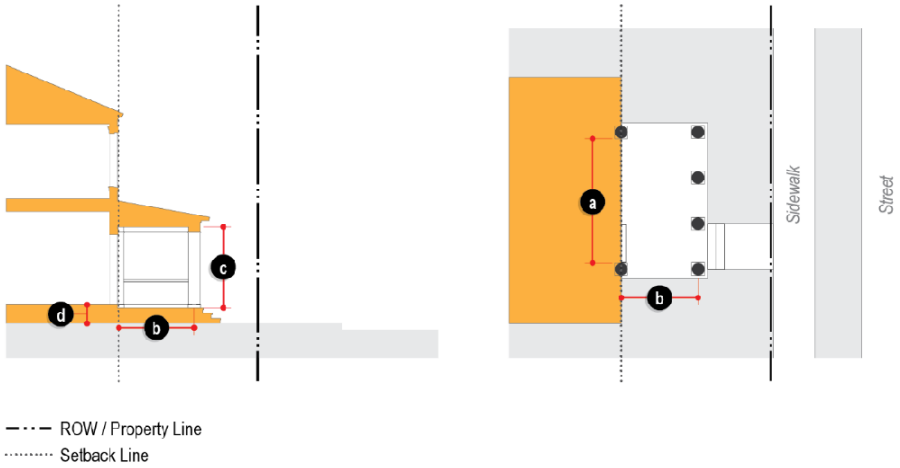


Figure 10-28 Projecting Porch Frontage Type

(2) *Engaged Porch (Figure 10-29).* The primary façade of the building is built to the minimum front yard setback or is located a minimum of 10 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.* 10 feet.
(b) *Depth.* 8 feet.
(c) *Height.* 8 feet.
(d) *Finish Level Above Sidewalk.* 18 inches.

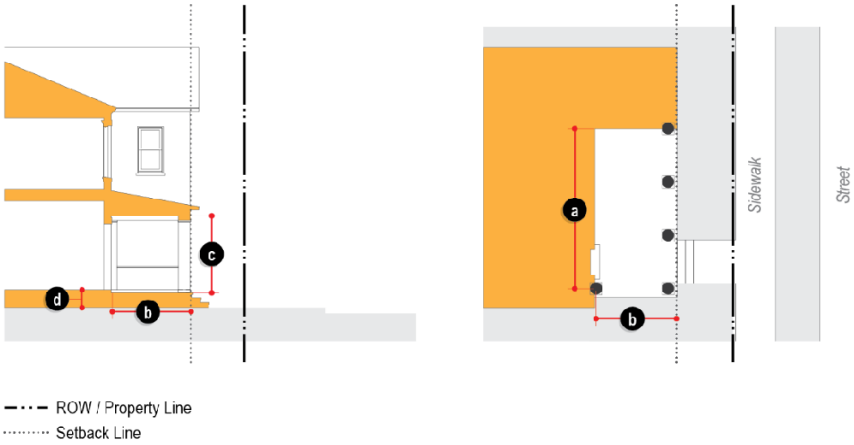


Figure 10-29 Engaged Porch Frontage Type

(3) *Integral Porch (Figure 10-30).* The primary façade of the building is built to the minimum front yard setback or is located a minimum of 10 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.* 8 feet.
(b) *Depth.* 8 feet.
(c) *Height.* 8 feet.
(d) *Finish Level Above Sidewalk.* 18 inches.

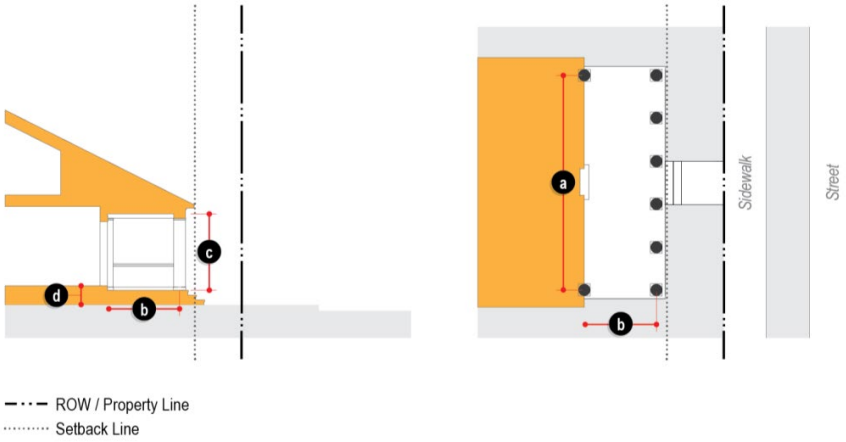


Figure 10-30 Integral Porch Frontage Type

(4) *Balcony (Figure 10-31).* The primary facing façade of the building is set back a minimum of 8 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.* 4 feet.
(b) *Depth.* 4 feet.
(c) *Vertical Clearance.* 8 feet.
(d) *Projection From Building Facade.* 8 feet, maximum.
(e) *Railing Height.* 5 feet, maximum.

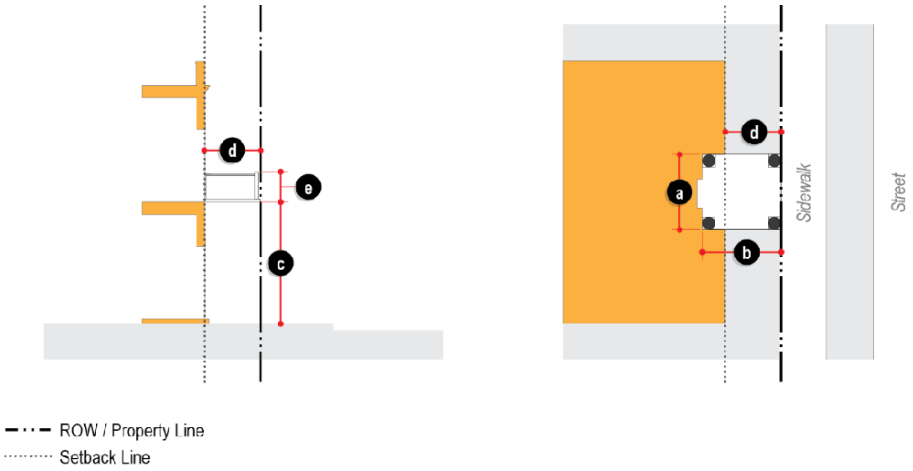


Figure 10-31 Balcony Frontage Type

(5) *Forecourt (Figure 10-32).* 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.* 12 feet.
(b) *Depth.* 12 feet.

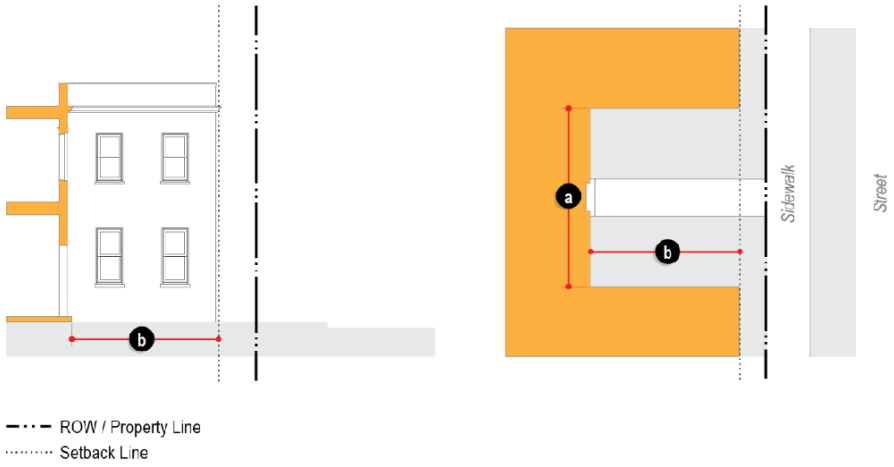


Figure 10-32 Forecourt Frontage Type

(6) *Shopfront (Figure 10-33).* 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.* 16 square feet.
(b) *Window width.* 3 feet.
(c) *Window height.* 4 feet.
(d) *Sill height.* 3 feet, maximum.
(e) *Depth of Recessed Entrance.* 5 feet, maximum.

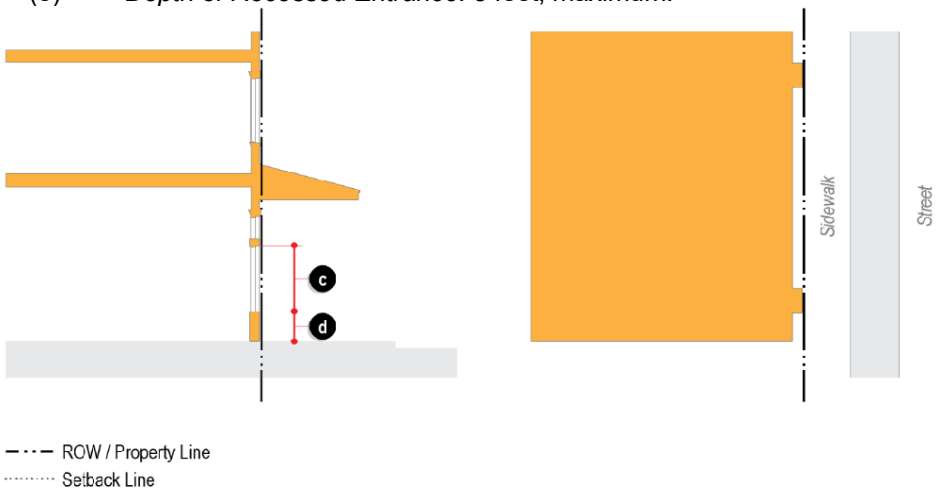


Figure 10-33 Shopfront Frontage Type

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 ARC.

(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 right-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 right-of-way.

(2) *Height.*

(a) Fences in front and/or exterior side yards shall not exceed 4 feet in height.

(b) Fences in interior side and/or rear yards shall not exceed 6 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%. 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 ARC.

3. *Multifamily, Mixed Use, and Nonresidential Uses.*

a. *Building Siting (Figure 10-34).* Development located at the corner of two streets shall be sited to connect or anchor the corner with prominent architectural features and site treatments.

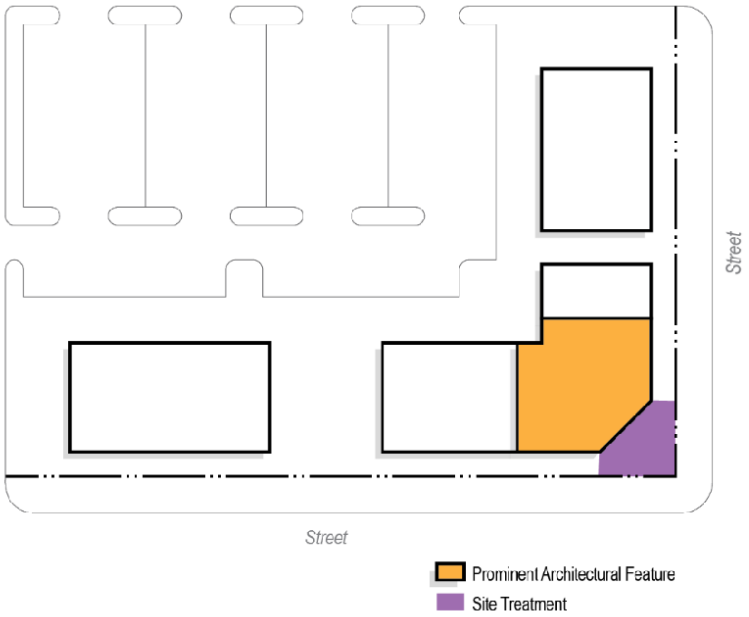


Figure 10-34 Building Siting

b. *Transparency (Figure 10-35).*

(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% of the subject facade in windows or doors. The ARC may waive transparency requirements by up to 20% for medical and dental office uses.



Figure 10-35 Transparency

c. *Awnings and Canopies (Figure 10-36).* 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 facade.

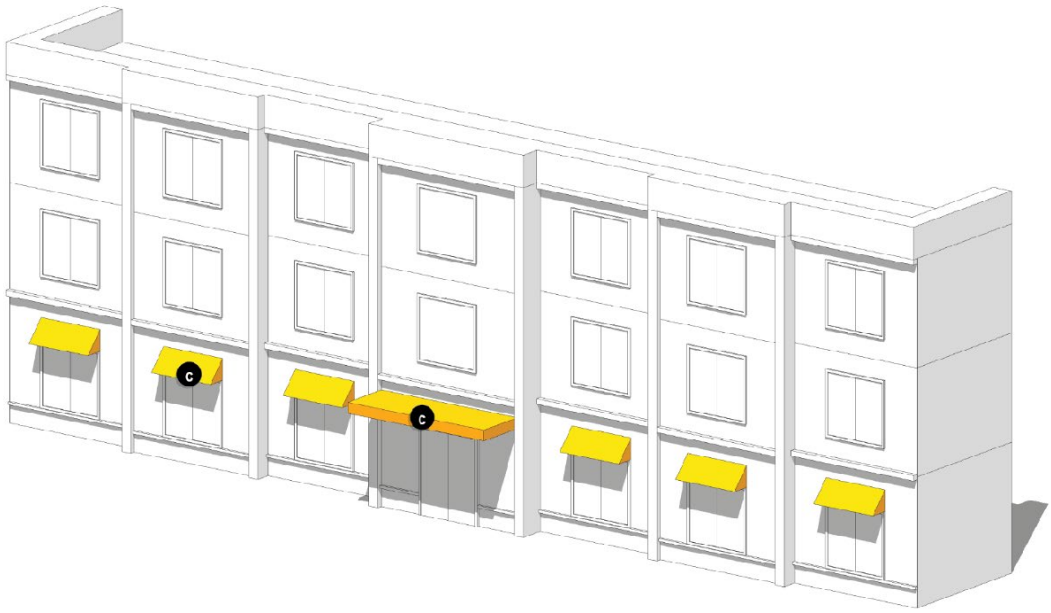


Figure 10-36 Awnings and Canopies

d. *Articulation (Figure 10-37).* 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 36-10.11.H) breakdown large expanses of flat, unembellished surfaces.

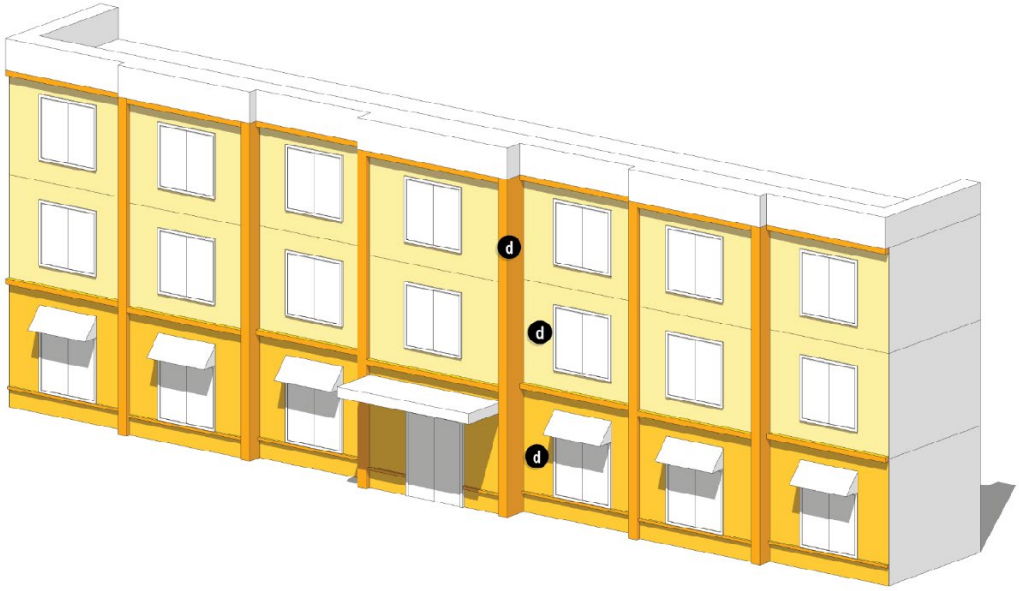


Figure 10-37 Articulation

G. **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 10-38).*
   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.

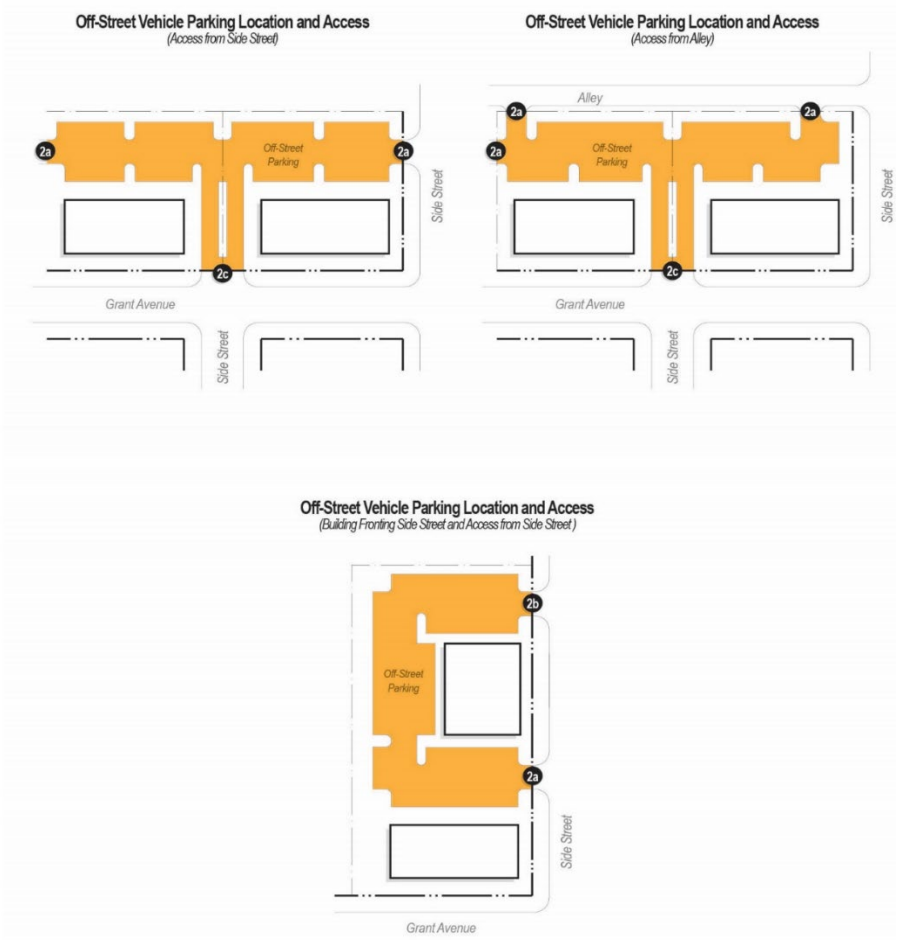


Figure 10-38 Off-street Vehicle Parking Location and Access

3. *Vehicular Cross Access Drives (Figure 10-39).* 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:
   c. 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.
   d. 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.
   e. The ARC 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.
   f. 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.

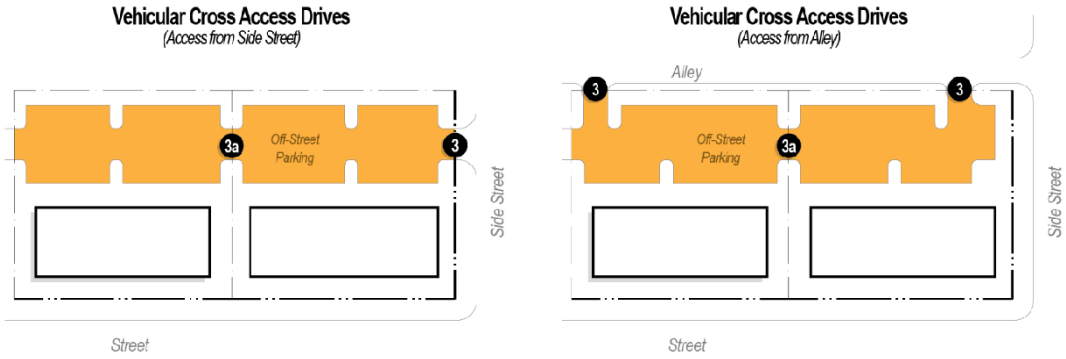


Figure 10-39 Vehicular Cross-access Drives

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 10-40).*
   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 6 feet in length with the exception of vertical or wall mounted bicycle parking spaces.
(2) Bicycle racks shall be located at least 3 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 7 feet shall be maintained above all bicycle parking facilities.

d. *Off-street Bicycle Parking Requirements (Figure 10-40).*
(1) The number of required bicycle parking spaces shall be equal to 5% of required vehicle parking spaces or 10 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.

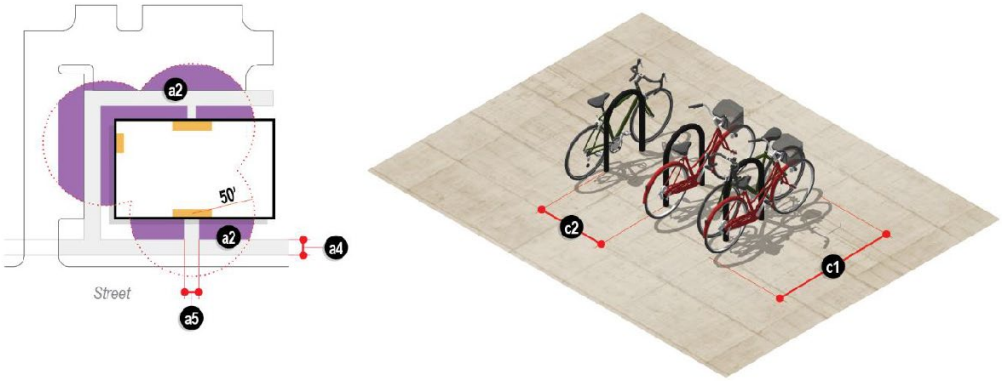


Figure 10-40 Off-street Bicycle Parking

H. **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 10-41).* 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 6 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 6 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.

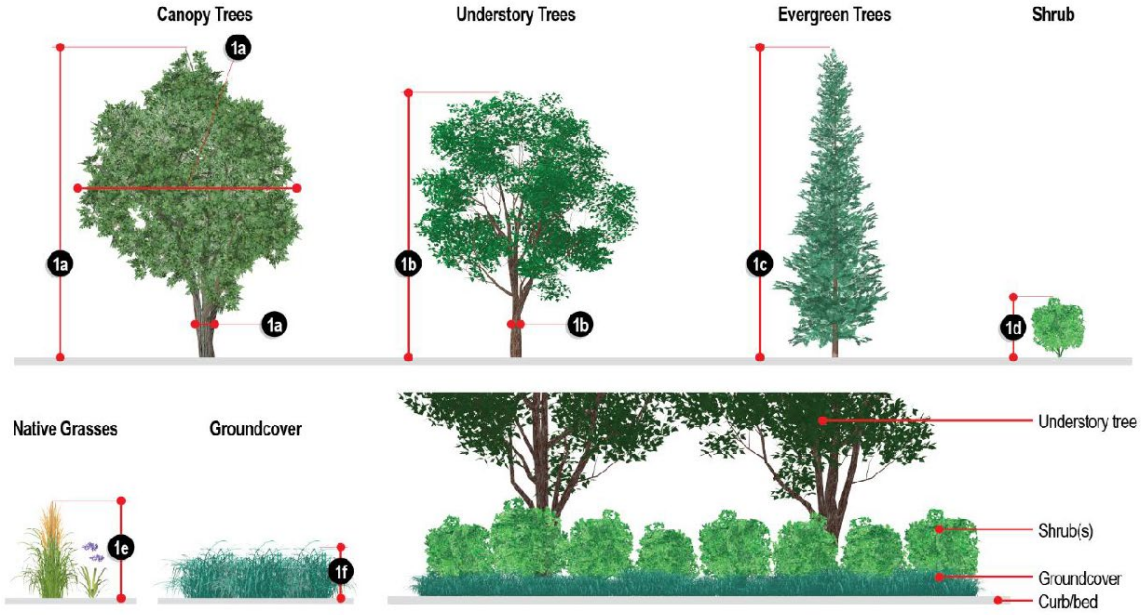


Figure 10-41 Planting Types

2. *Required Landscape Areas (Figure 10-42).* Landscape shall be provided as outlined below in the locations illustrated in Figure 10-42.

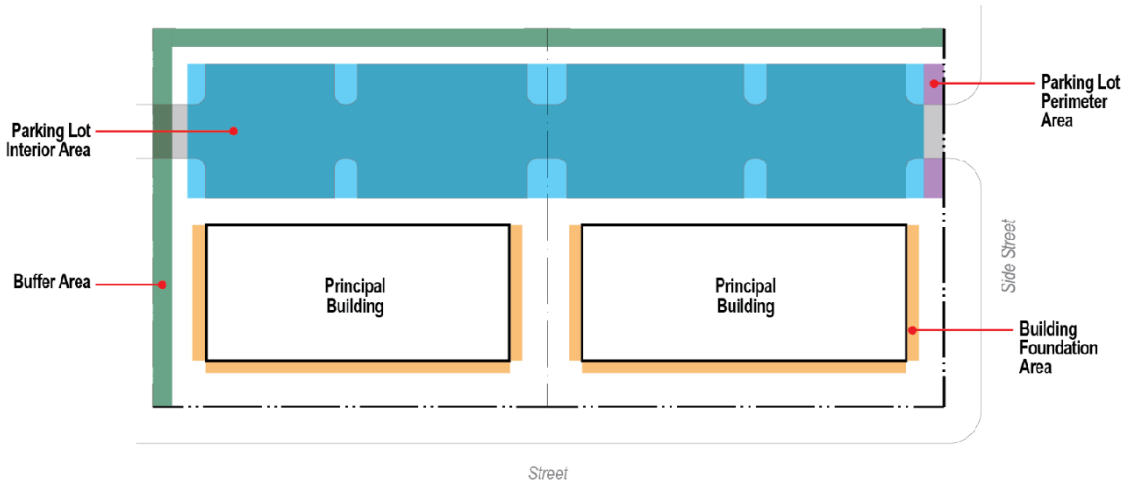


Figure 10-42 Required Landscape Areas

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 right-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 10-43).*
      (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 7 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 3 feet nor greater than 5 feet, shall be planted for every 3 feet of landscape area length, spaced to adequately screen vehicle bumpers. 50% 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 3 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.

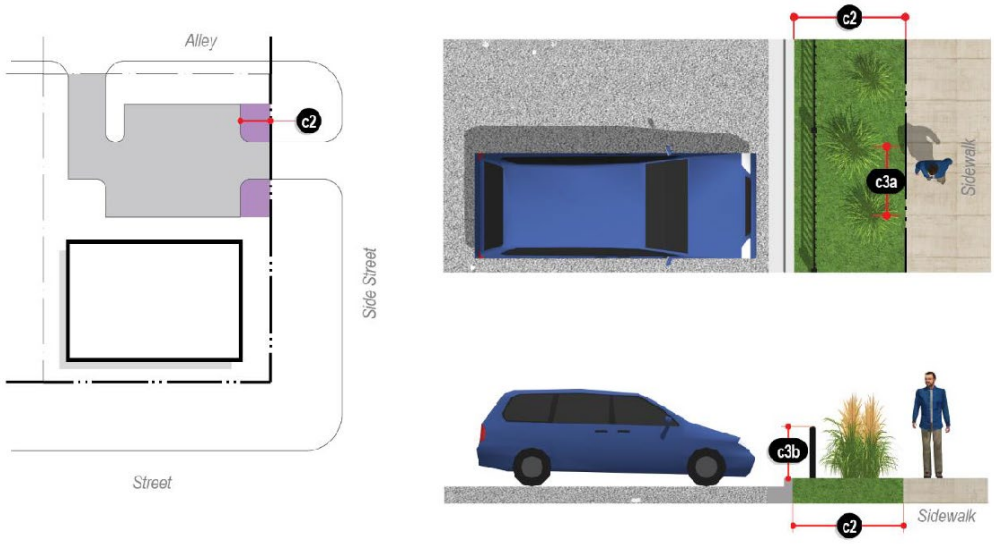


Figure 10-43 Parking Lot Perimeter Area Landscape

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 10-44).*
      (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.

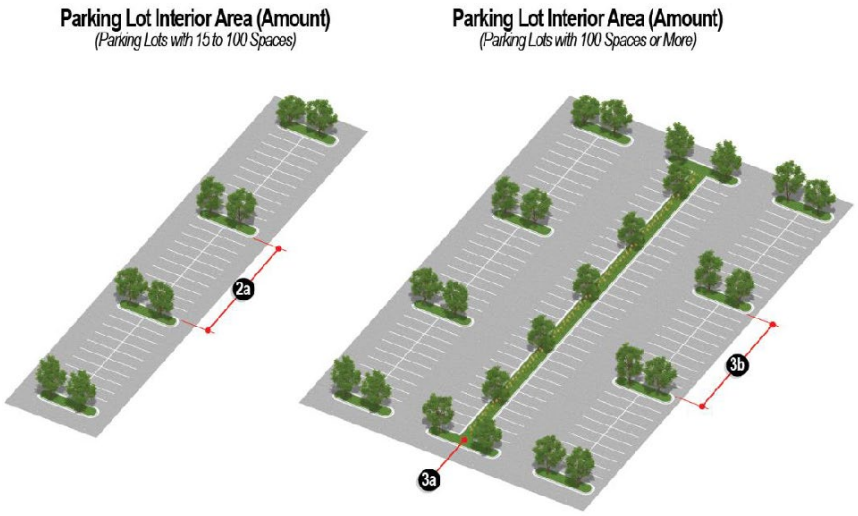


Figure 10-44 Parking Interior Area Landscape - Amount

c. *Parking Lot Median Standards (Figure 10-45).*
   (1) *Size.* Parking lot medians shall have a minimum width of 9 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.

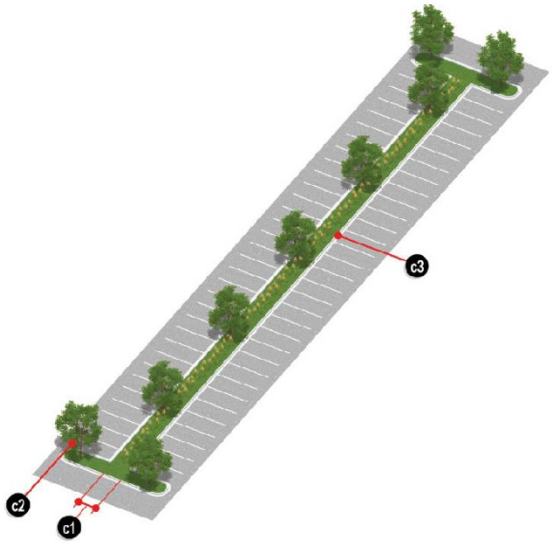


Figure 10-45 Parking Lot Median Standards

d. *Parking Lot Island Standards (Figure 10-46).*
   (1) *Size.* Parking lot islands shall be a minimum 9 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 1 canopy tree shall be provided for every parking lot island. If the island extends the width of a double row, then 2 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.

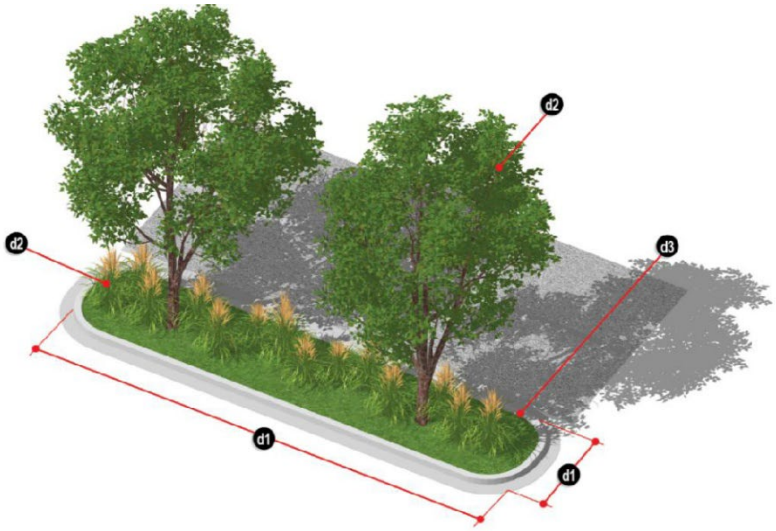


Figure 10-46 Parking Lot Island Standards

e. *Pedestrian walkways.* Pedestrian walkways, as required by Section 36-10.11.G.4, shall be located along parking lot medians. The ARC 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 ARC.

g. *Groundcover.* Except where areas are designed as vegetated stormwater management areas, a minimum of 75% 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 ARC.

5. *Building Foundation Area (Figure 10-47).* 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 7 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% of the length of the front and exterior side façade of the building.

e. Foundation plantings may include trees, shrubs, native grasses, and groundcover.

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 ARC.

g. Above-ground stormwater planter boxes along building facades may be substituted for foundation plantings.

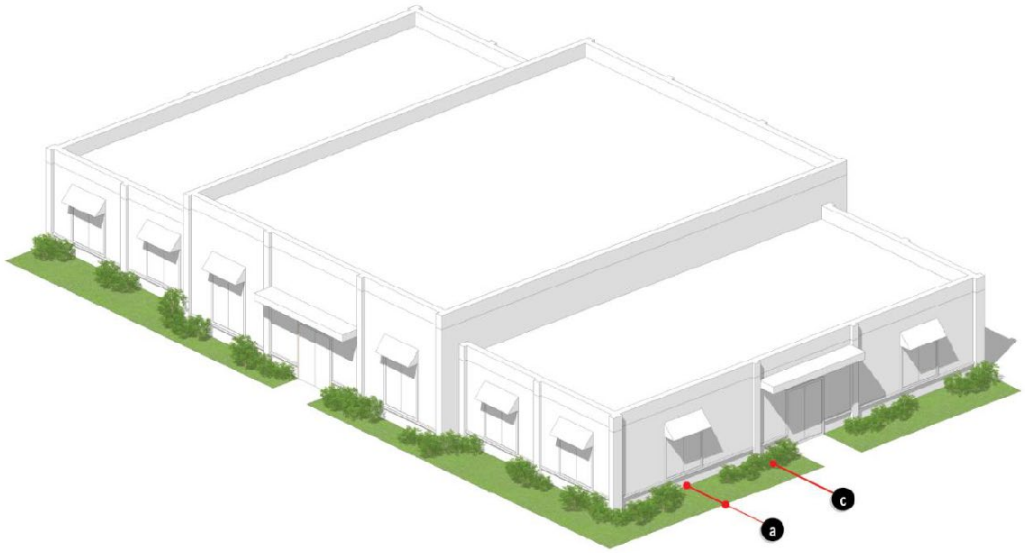


Figure 10-47 Building Foundation Area Landscape

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 5% 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 ARC 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 10-48).*
   (1) *Width.* Buffer areas shall have a minimum width of 7 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 6 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.* 4 canopy and/or evergreen trees shall be planted per every 100 lineal feet of buffer area.
      (b) *Shrubs/native grasses.* 10 shrubs/native grasses shall be planted per every 100 lineal feet of buffer area.

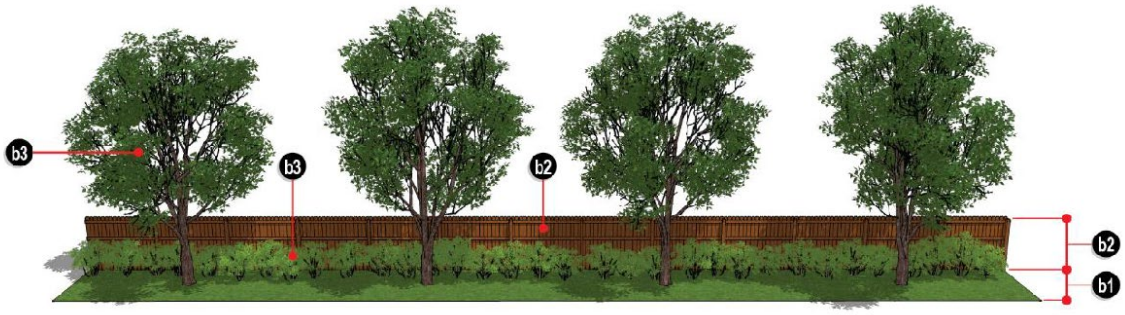


Figure 10-48 Buffer Area Landscape

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 ARC 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. 20% of the total landscaping costs should be deposited in escrow with the city before building permits are granted. The 20% 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 right-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).

l. **Screening.**

1. *Used Frying Oil, Trash, and Recycling Receptacles (Figure 10-49).* 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 6 feet and a maximum height of 8 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 3 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.

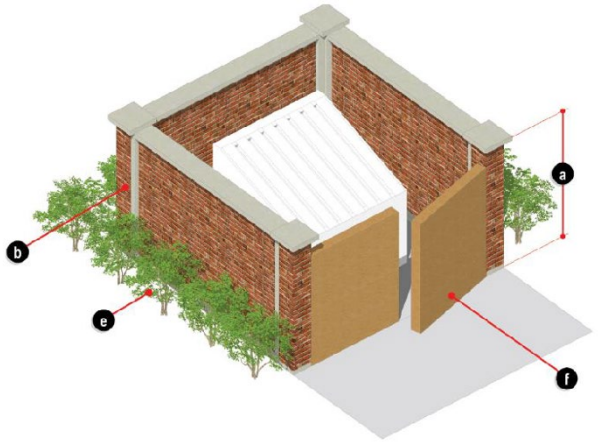


Figure 10-49 Used Frying Oil, Trash, and Recycling Receptacle Screening

2. *Ground/Wall-mounted Mechanical Units (Figure 10-50).* 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.

   b. 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.

   c. Ground/wall-mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.

   d. Materials used for screening shall be designed and established so that the area or element being screened is no more than 20% visible through the screen.

   e. Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

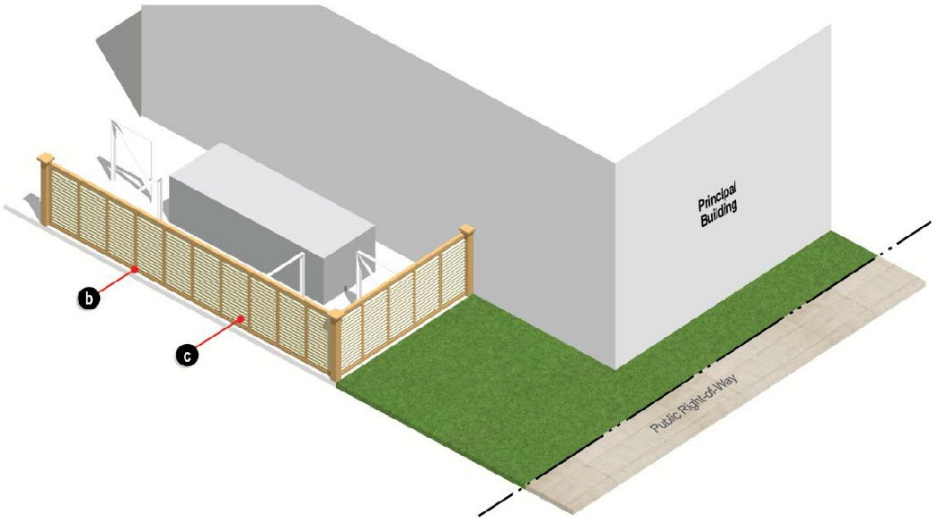


Figure 10-50 Ground/Wall-mounted Mechanical Unit Screening

3. *Roof-mounted Mechanical Units (Figure 10-51).* 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.

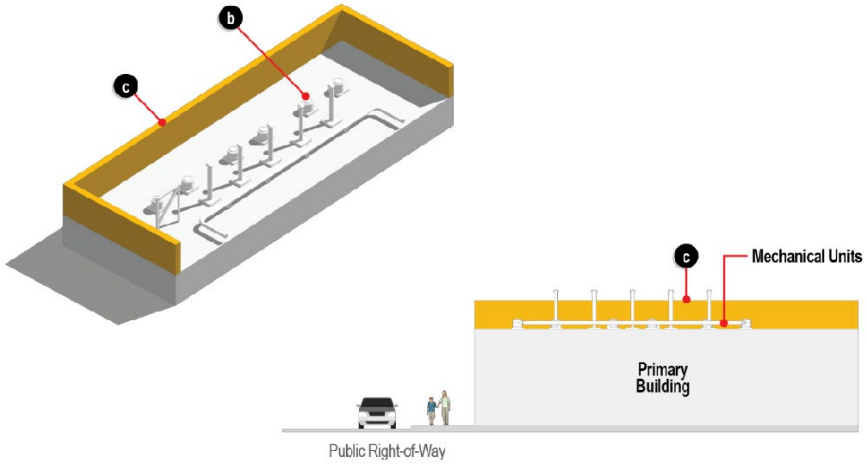


Figure 10-51 Roof-mounted Mechanical Unit Screening

J. **Signs.**

1. Sign Measurement.

a. Sign Area (Figure 10-52). 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.

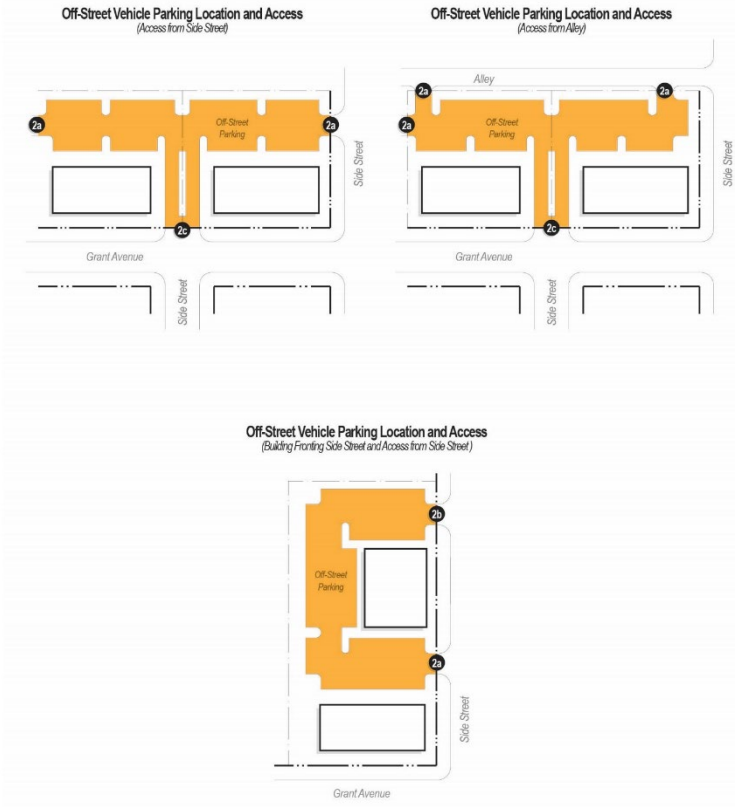


Figure 10-52 Sign Area Measurement

b. *Sign Height (Figure 10-53).* Sign height shall be measured from grade directly below the sign to the topmost portion of the sign.

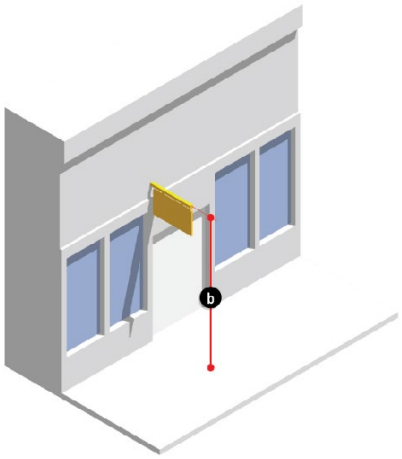


Figure 10-53 Sign Height Measurement

2. *Limit on Sign Area (Figure 10-54).*
   a. *Permanent Sign Area Limit.* Each lot shall be allowed 1 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 6 inches 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 6 inches of aggregate sign area for each linear foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.

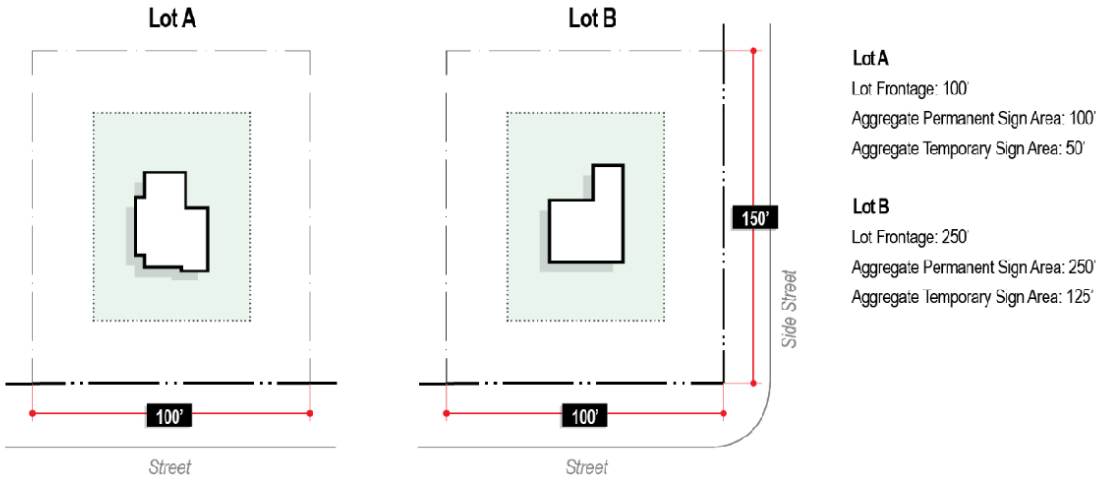


Figure 10-54 Limit on Sign Area

3. *Permitted and Allowed Sign Types.* Table 10-14 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 Article 9.

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 10-14 shall be considered prohibited.

Table 10-14: Permitted and Allowed Sign Types

Sign Type	*Single-family Uses*	*Non-single-family Uses*
Permanent Signs		
Wall Sign		P
Awning or Canopy Sign		P
Projecting Sign		P
Window Sign, Permanent		P
On-site Traffic Directional Sign		P
Temporary Signs		
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 10-55).*
      (1) *Sign area.* The maximum sign area of a wall sign shall be 5% 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 6 inches from the wall of the building or structure to which it is attached and shall maintain a minimum vertical clearance of 10 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.

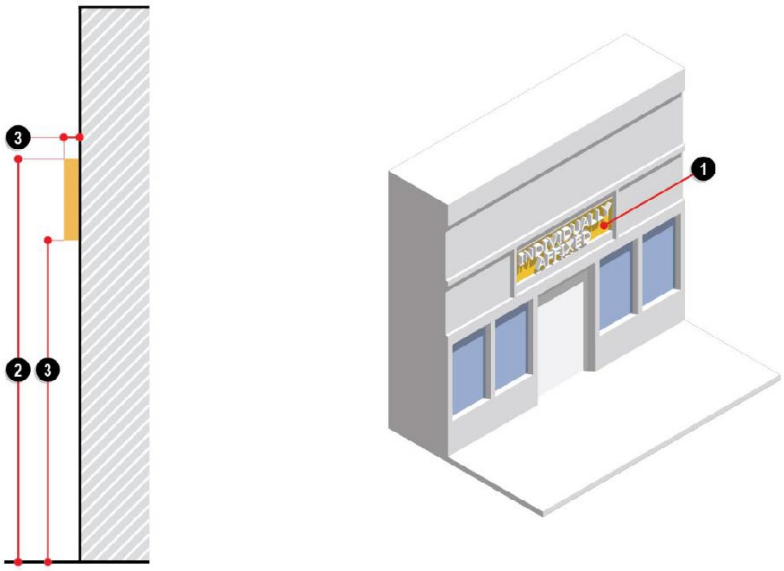


Figure 10-55 Wall Signs

b. *Awning or Canopy Signs (Figure 10-56).*
   (1) *Sign area.* The maximum sign area of an awning or canopy sign shall be 50% 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.

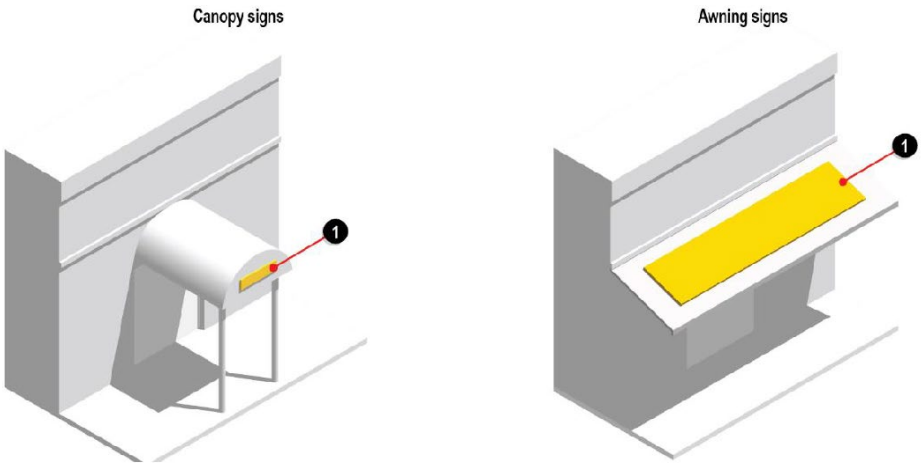


Figure 10-56 Awning or Canopy Signs

c. *Projecting Signs (Figure 10-57).*
   (1) *Sign area.* The maximum sign area of a projecting sign shall be 6 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 8 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 4 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.

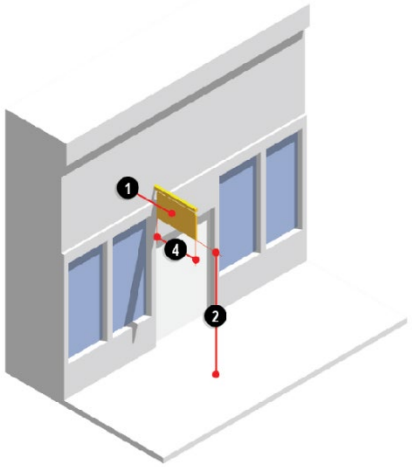


Figure 10-57 Projecting Signs

d. *Window Signs, Permanent (Figure 10-58).*

(1) *Sign area.* The maximum sign area of a permanent window sign shall be 25% 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.

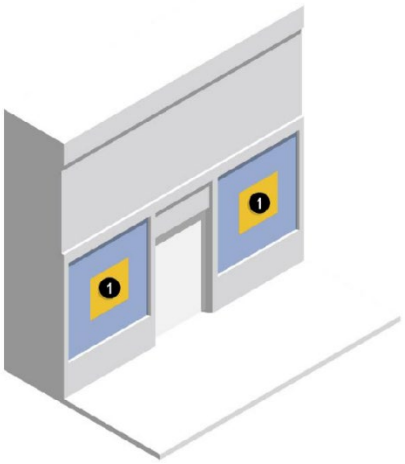


Figure 10-58 Windows Signs, Permanent

e. *On-site Traffic Directional Signs (Figure 10-59).*
   (1) *Sign area.* The maximum sign area of an on-site traffic directional sign shall be 6 square feet.
   (2) *Height.* The maximum height of an on-site traffic directional sign shall be 4 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 ARC.
   (4) *Location.* On-site traffic directional signs shall be located a minimum of 5 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 Section 36-3.03.B.7.

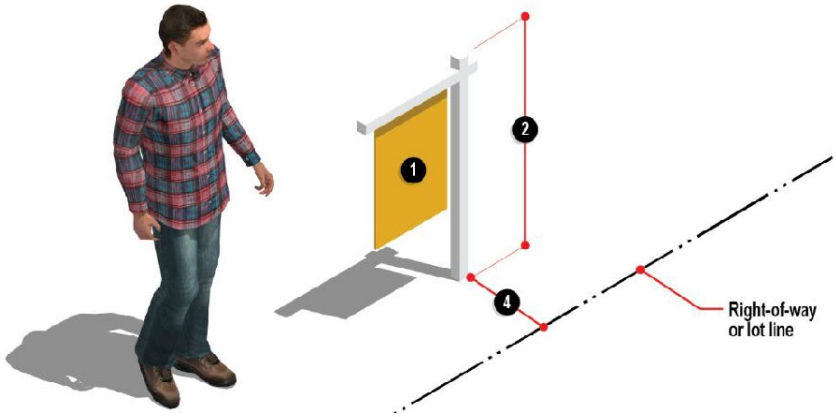


Figure 10-59 On-site Traffic Directional Signs

5. *Standards for Temporary Signs.*
   a. *Wall-mounted Banner Signs (Figure 10-60).*
      (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 10-60 Wall-mounted Banner Signs

b. *Sidewalk Signs (Figure 10-61).*

(1) *Sign area.* The maximum sign area of a sidewalk sign shall be 4 square feet.

(2) *Height.* The maximum height of a sidewalk sign shall be 3 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 3 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 3 feet and no more than 6 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.

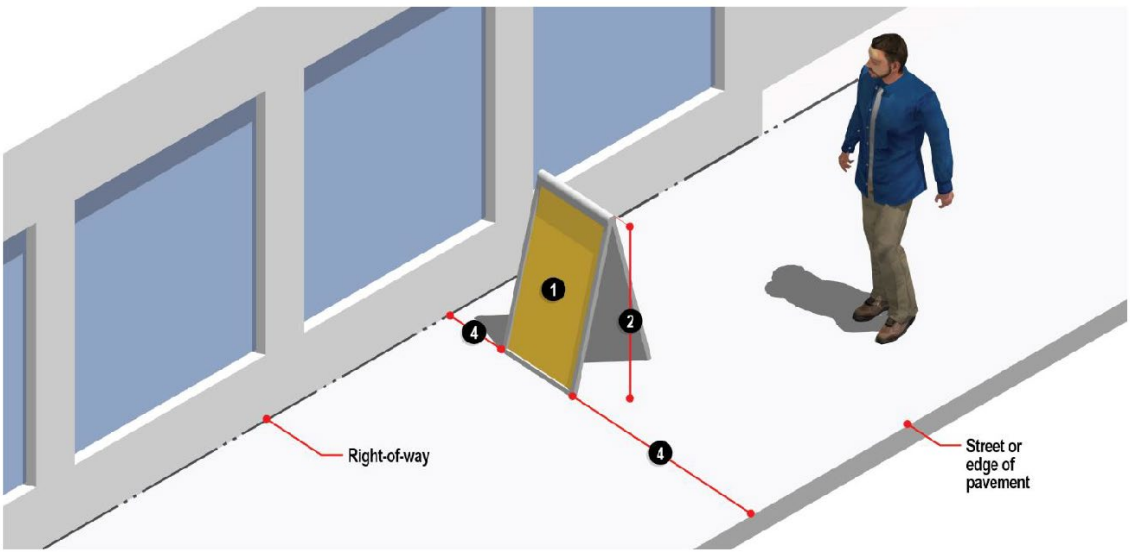


Figure 10-61 Sidewalk Signs

c. *Window Signs, Temporary (Figure 10-62).*
   (1) *Sign area.*
      (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% 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.

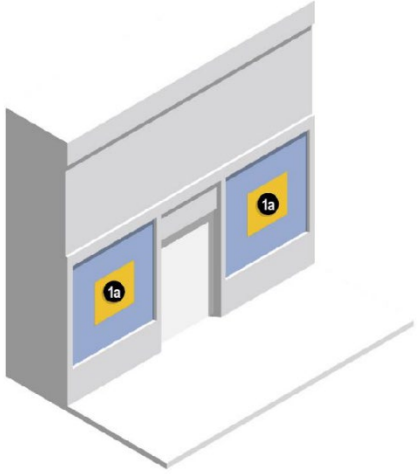


Figure 10-62 Window Signs, Temporary

d. *Yard Signs (Figure 10-63).*
   (1) *Sign area.* The maximum sign area of a yard sign shall be 3 square feet.
   (2) *Sign height.* The maximum height of a yard sign shall be 4 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.

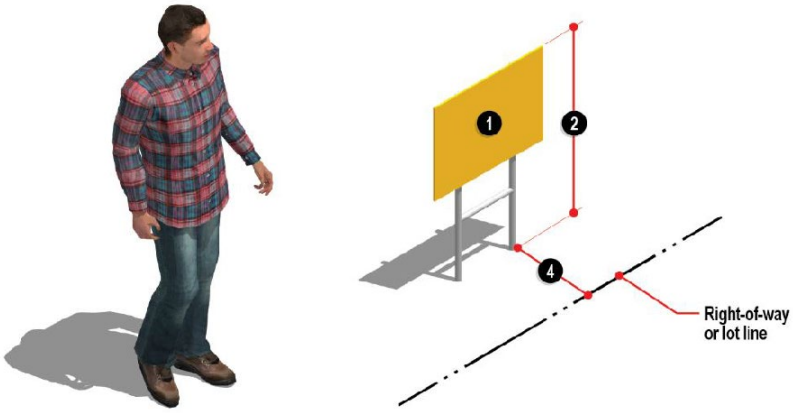


Figure 10-63 Yard Signs

e. *Post Signs (Figure 10-64).*
   (1) *Sign area.* The maximum sign area of a post sign shall be 4 square feet.
   (2) *Height.* The maximum height of a post sign shall be 6 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.

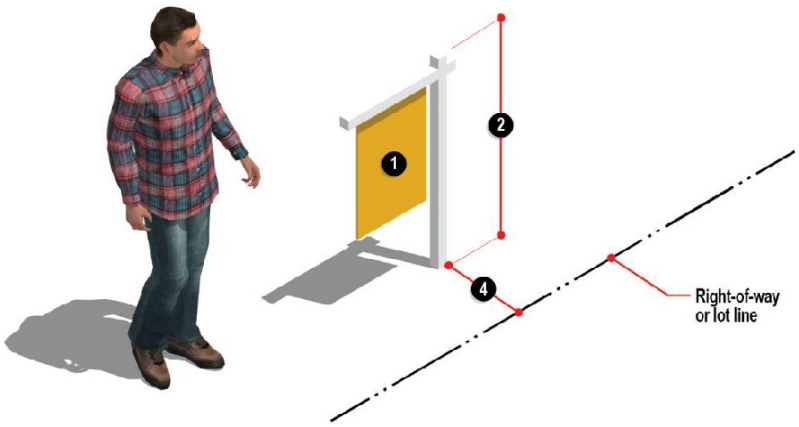


Figure 10-64 Post Signs

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, propellors, 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% 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% 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 ARC 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.

K. **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.

36-10.12 Moon City Live/Work District

A. **General Provisions.** The requirements of Section 36-4.03.D of the Springfield Zoning Ordinance shall be as modified herein for development within this district. The district is intended to facilitate live/work arrangements for artists.

B. **Permitted Uses**. Live/Work Units as defined and regulated by the Building Code as adopted, and in effect, by the City of Springfield, except as modified below. The following uses are permitted in the nonresidential area of the live/work units:

1. Two- and three-dimensional artists, artisans, designers, and craft persons.

2. Music and art teachers or other tutoring services.

3. Computer programming and web design.

4. Weavers, spinners, dressmakers, seamstresses, and tailors.

5. Offices for architects, engineers, and similar design occupations.

6. Home crafts, model making, rug weaving, woodworking, ceramics (with a kiln up to 7 cubic feet), and similar activities.

7. Literary artists – writers and composers of all kinds.

8. Performing artists – musicians, actors, and traditional dancers.

C. **Conditional Uses.** No additional conditional uses are permitted.

D. **Use Limitations.**

1. Maximum floor area of the live/work unit: 3,000 square feet.

2. Maximum percentage of nonresidential floor area: 50%.

3. Maximum number of nonresidential workers or employees permitted to occupy the nonresidential area at any one time: 2 employees.

4. Certain types of equipment, not customarily found in a home, will be allowed in the home studios of the artists so that they may create and produce their work. The equipment may not pose a danger to inhabitants or the structure or disturb the peace of the home (multi-family) or neighbors. The equipment employed shall not produce offensive noise, fumes, electrical interference, excessive heat, dust, or odors that are detectable beyond the property lines. The installation, maintenance, and use of equipment must comply with all safety, building, and fire codes of the City of Springfield, Missouri.

5. All activities conducted by the uses permitted by this district shall be conducted entirely on or in the principal residential property, housing structure, or in a permitted accessory building.

Incomplete works shall be located inside of a permitted structure or in the rear yard with no front or street-side exposure. All materials shall be stored in a permitted structure or in the rear yard with no front or street-side exposure. When stored in the rear yard, materials shall be kept in an orderly manner so as not to cause an eyesore to neighbors or alley traffic.

6. *Group Classes.* Group teaching in any visual, literary, and performing art is permitted in conjunction with a home studio so long as the following requirements are met:
   a. Group classes shall only be conducted between the hours of 9:00 a.m. and 10:00 p.m.
   b. Group classes shall not disturb the peace of the neighborhood.
   c. Group classes shall not produce offensive noise, fumes, electrical interference, dust, or odors detectable beyond the property lines.
   d. Group classes shall not exceed five persons at any one time, provided all occupancy requirements are met.
   e. No more than two classes shall be conducted at any one location per week.

7. *Retail Sales.* Retail sales are permitted only as accessory to the live/work use.

E. **Design Requirements.**

1. The entrance to the nonresidential area shall be located on a façade facing a street frontage.

F. **Signage.**

1. One detached sign shall be permitted on each property.

2. Signs shall not exceed a maximum effective sign face area of 6 square feet.

3. Freestanding signs shall not exceed a height of 4 feet measured from the base of the sign.

4. Signs shall not be illuminated.

5. Signs shall not be displayed or mounted in public space or impair or impede foot or vehicular traffic.

6. Building-mounted signs may be hung from the wall of the home or porch but may not be mounted above the roof line.

G. **Parking.** No additional off-street parking is required for a live/work unit.

Article 11. Definitions

36-11.01 Definitions
36-11.02 Description of Uses
36-11.03 Glossary of Design Terms

36-11.01 Definitions

All terms used in this code shall have their plain and commonly accepted meaning, based upon the context of their use in the code. The following terms shall have the meaning given below, except where more specifically described, limited, or qualified within the standards of this code. Some may have specific definitions of terms that have a more specific or technical meaning only for that article.

Abandon. The relinquishment of a property or cessation of a use of a building or property without actions that further the transfer of rights to another person, or where a lack of transfer, continuation, or reinitiation of use has occurred for a specified period.

Abut / Adjoin. To physically touch or border upon or to share a common property line or other defined boundary.

Activity Center. A dense area with significant pedestrian and vehicle traffic area that serves as an anchor, attracting people for shopping, employment, school, recreation, and socialization.

Adaptive Reuse. The process of reusing an existing building for a purpose other than which it was originally built or designed for.

Adjacent. A lot or parcel of land that shares a common boundary line or is separated from a property by right-of-way, easements, or other public, common, or shared space serving abutting properties.

Administrative Condominium Plat. A certified survey to confirm the legal boundaries of a unit or structure on a platted lot of record that could only be determined post-construction, such as for duplexes, townhouses, or for residential or non-residential condominiums where the units and lots are individually owned, and the property is on a lot of record in common ownership.

Administrative Lot Combination. A certified survey to confirm the combination of previously platted lots or legally established tracts of record prior to March 26, 1956, into fewer lots.

Administrative Plat. A certified survey to confirm the alteration or the division of one or more platted or un-platted parcels or of legally established tracts of record prior to March 26, 1956, into no more than 5 additional lots from the parent parcel.

Administrative Plat Correction. A certified survey or other legal instrument acceptable to record that corrects a tract, parcel, or lot was legally established and corrects an error or omission from prior legal instruments that results in no observable impacts on the development pattern or potential development.

Administrative Property Line Adjustment. Only in instances of a property line dispute, a minor encroachment, or a court-ordered and certified survey to confirm the alteration of legal boundaries of previously platted lots or legally established tracts of record prior to March 26, 1956. Absent a court-ordered and certified survey, only a single lot line may be adjusted as part of an administrative property line adjustment.

Administrative Tract Certification. A certified survey or other legal instrument acceptable to record that confirms a tract or parcel as legally established in the present configuration prior to annexation into the city, under a prior code at the time of its recording, or prior to March 26, 1956.

Agriculture Lands. Land used for the production, keeping, or maintenance of plants and animals for sale, lease, or personal use. This includes but is not limited to, forages, sod crops, grains, dairy animals and products, poultry and products, livestock (such as cattle, sheep, swine, and goats) bees and apiary products, fur animals, trees, fruits, vegetables, and nursery or greenhouse products. It also encompasses lands involved in soil conservation or forestry management programs. However, it excludes feedlots, stockyards, animal slaughterhouses, and facilities related to marijuana or medical marijuana.

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 show thereon, whether existing or proposed, including extension of such runways.

Alley. A public or private way at the rear or side of the property, dedicated as a means of access to the abutting property and generally internal to a block and having less width than a street.

Alteration (Historic Structure). Any act or process that changes one or more of the exterior architectural features of a structure, including the erection, construction, reconstruction, or removal of any feature of the structure.

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

Alternative Access. An access approved by the Department of Public Works that is not a public street.

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 animal specified herein or are dangerous or unsafe for contact with humans.

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 of parts of a sign.

Annex / Annexation. To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

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 significant may include aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations, tailings, or other similar 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.

Area Plan. A collection of plans submitted in support of a planned zoning application.

Automobile Sales. The sale, leasing, or rental of new or used vehicles.

Basement. Any level of a building where more than one-half of the vertical distance between floor and ceiling is below the grade of the site.

Bedroom. Any room intended and used principally for sleeping purposes with at least one window per International Residential Code (IRC).

Berm. A mound of earth typically located in a buffer, and in association with landscape or structural screens designed to shield or block noise, lights, views, or other impacts.

Bicycle Parking. A designated area in which bicycles are stored when not in use, including but not limited to racks, lockers, and stalls.

Block. A group of lots, tracts, or parcels bounded by platted streets, public parks, railroad rights of way, waters, and/or other barriers to the continuity of development and connectivity of the street network. See Table 3-1 for dimensions and other regulatory metrics.

Block Face. A lot or group of lots fronting on one side of a block between street intersections. Significant deviations in the pattern of a block or the continuity of a streetscape can also determine the block face.

Brownfield. An urban site for potential development having had previous development on it. May be affected by real or perceived environment contamination. An area with abandoned, idle, or under-used industrial and commercial facilities where expansion, redevelopment, or reuse is complicated by real or perceived environmental contamination.

Buffer. An area of a site used to promote separation and enhance compatibility between different development intensities, and using space, landscape, or the arrangement of buildings and structures, or any combination of these to create separation.

Building. Any structure having a roof supported by columns or walls on a fixed foundation or pad for the housing or enclosure of persons, animals or chattels.

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

Building, Accessory. A building that is subordinate, incidental, and on the same lot as a principal building.

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 with these codes.

Building, Detached. A building that does not have any party wall in common with another building.

Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by the maximum height regulations, yard setbacks, and any applicable bulk plane standard. When referencing the massing of a building, the building envelope shall be the actual and constructed three-dimensional space the building occupies.

Building Floor Area, Gross Leasable. In multitenant buildings, the total building floor area excluding non- leasable areas such as hallways, lobbies, malls, and restrooms.

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 restrooms or for utilities or for fitting rooms, dressing and alteration rooms, halls, storage rooms, file rooms, stairways, elevators shall be excluded.

Building Footprint (or Coverage). The horizontal area or portion of a lot which is occupied or covered by a building and defined by the ground level foundation elements of exterior walls. Building coverage may be expressed as a percentage of the lot for defining outer regulatory limits or square-footage when describing actual building footprints.

Building Materials. The physical characteristics which create the aesthetic and structural appearance of the resource, including a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete, or stucco.

Building, Principal. The main building on the lot, typically in terms of size and priority, in which the principal use of the property is conducted.

Building Types (Residential). Residential building types are further distinguished by lot and building development standards unique to each type, which affect the scale and form of residential buildings. The types are specifically:

(a) *Detached House*. A residential building designed for one principal dwelling unit situated on a single lot in a neighborhood setting. It may accommodate accessory buildings or an accessory dwelling unit subject to meeting additional criteria, lot standards, and building design standards.

Variants of this type are based primarily on the lot size required in different zoning districts or development contexts.

(b) *Duplex / Multi-unit House.* A residential building designed to accommodate two to four primary dwelling units on a single lot in a neighborhood setting. This building type has the scale, massing, and appearance of a detached house, and the accommodations for multiple units such as entrances, parking, or garages are minimized in the design of the building. Configuration of units may vary (up/down, front/back, side/side), and these variations typically prevent platting of individual units and lots (see *Townhouse*).

Variants of this type include and are commonly referred to as duplex, tri-plex, or quad-plex.

(c) *Townhouse.* A residential building type designed to accommodate 3 or more dwelling units, in a neighborhood or mixed-density setting. Each unit is separated by a common side wall with a side-by-side configuration, and each has its own private entrance. It is distinguished from a multi- unit house in that each unit may be platted on its own lot and may appear as distinct and separate units through entrances, facade designs, and other building form elements.

Variants of this type are based primarily on lot size and unit configurations.

(d) *Apartment.* A residential building designed to accommodate multiple units in a single building, in a mixed-density, high-density, or mixed-use setting. In some settings, buildings can accommodate accessory or ground floor non-residential uses.

Variants of this building type include small-, medium-, and large-scale buildings, dependent on the lot size, building footprint, height, and number of units. Multiple apartment buildings may be arranged into a larger apartment complex or project in some settings.

(e) *Apartment Complex.* Two or more apartment buildings located on a single lot and sharing a frontage outside a conventional block structure. This is a distinct development pattern that is suburban in nature and is not subject to the small-, medium-, or large-block structure format.

Bulk Plane. A theoretical plane beginning at a lot line, or other location specified in this chapter, and rising over a slope determined by a specific angle measured up from the starting point, and above

which no building shall extend.

Capital Improvement. Permanent improvement of a public asset to extend, enhance, or otherwise improve the longevity or useful life for the public good.

Caregiver. An individual who provides direct support or assistance to individuals within a facility that may reside at the facility.

Certificate of Appropriateness. The official document issued by the Landmarks Board or the PD Director approving any application for permission to construct, erect, demolish, relocate, reconstruct, restore, or alter any structure designated by the authority of this zoning code.

Certificate of Economic Hardship. A certificate issued by the Landmarks Board authorizing an alteration, construction, removal, or demolition even though a certificate of appropriateness has previously been denied or may be denied.

Change of Use. A use that substantially differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise, or lighting. A change of ownership which does not include any of the factors listed above shall not be considered a change of use.

Charter City. A city that is incorporated under its own charter rather than the general laws of the state. Charter cities have broader powers than do general law cities in matters that are “municipal affairs” (as opposed to matters of “statewide concern”).

Civic / Institutional Buildings. Buildings designed for a public or semi-public use but not limited to schools, hospitals, or educational institutions.

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

Cluster. A development design technique that concentrates buildings on smaller, and sometimes individual lots in specific areas on a site to provide more remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commercial. Relating to the sale of goods or services.

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

Complete Streets. Streets designed to accommodate all modes of travel and enable safe access for all users: pedestrians, bicyclists, motorists and bus riders of all ages and abilities.

Comprehensive Plan. The official Springfield Comprehensive Plan, adopted pursuant to Section 11.6 of the Springfield City Charter, including any official amendments or replacements of that plan.

Concept Plan. A preliminary plan, diagram, or sketch used during the early stages of development that outlines the general layout and intended use of a site.

Conditional Use. A user 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 a specified in this chapter and authorized by the Planning and Zoning Commission.

Conditional Use Permit (CUP). A permit that provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions.

Condominium. A form of real property ownership, where individual units are designated for separate ownership and the remainder is designated for common ownership vested solely in the unit.

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

Courtyard Pattern. Residential buildings that front on a shared open space.

Corner Orientation. A structure on a corner lot that fronts two or more intersecting public streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side lot lines with no rear lot line.

Cul-de-sac. A short street having one end open to traffic and terminating at the other end by a vehicular turnaround.

Current Replacement Value. The total estimated cost in current dollar value to replace an existing structure or property with one of equal functionality, size, and utility, taking into account the cost of materials, labor, and modern building codes and disregarding original purchase price, depreciation, and current physical condition. The following are acceptable methods of calculation:

(a) *The sale of the structure or property within the previous year*;
(b) *An appraisal within the last two (2) years*;
(c) *The amount for which the structure or property was insured prior to the date of damage or destruction*; or
(d) *An alternative method determined acceptable by the City*.

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.

Degenerated Beyond Feasible Limits for Rehabilitation. When the conditions of the structure are such that the economics or 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 while 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 amount of development per acre permitted on a parcel under the applicable zoning.

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

Development. The activity of initiating a change of landscape, buildings, access, use, or operation on a property through activities such as grading, paving, excavating, construction, erection, repair, or rehabilitation of existing physical elements of property.

Development Pattern. The physical layout of blocks, streets, open spaces, lots and uses where common attributes or associated elements define distinct areas of the community by the scale, intensity, or other physical barriers or transitions.

Director. The department director of Planning and Development, unless otherwise stated, or their

designee of the City of Springfield, Missouri.

Drive-through, Accessory. An accessory site design and building design component of any business or commercial use in which the provision of services or the sale of food or merchandise is made to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

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

Driveway Spacing. The distance from the center of a driveway to the center of an adjacent driveway on either side of the street/roadway.

Driveway Safety Study. An engineering evaluation focused on evaluating the design and placement of access points, such as driveways, intersections, or entrances, to ensure safe and efficient connectivity to public roadways.

Dwelling. Any building or portion of a building that is used as the residence of one or more households, but not including visitor accommodations, clubs, hospitals, tents, or similar uses providing transient or temporary accommodation.

Dwelling Unit. One or more rooms and a single kitchen and at least one bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single household, for residential occupancy (i.e., sleeping, living, cooking, and sanitary purposes).

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

Dwelling, Accessory. The use of a building or portion of a building for a dwelling unit that is subordinate, incidental, and on the same lot as a principal dwelling unit.

Dwelling, Principal. The building used as a dwelling unit, or group of units, that is the primary use on the lot in terms of location, size, and/or priority of the building.

Easement. A grant of one or more of the property rights by the property owner for use by the public, a corporation or another person or entity.

Economic and Housing Access Calamity. A declared period of crisis where severe economic and housing disruptions disproportionately affect residents within the city. During such calamity individuals, agencies, or churches meeting building, safety, and health codes may establish temporary facilities to provide food and lodging to those who are without permanent housing. These facilities are not considered “shelters” and are exempt from the general building, zoning, health, and fire codes herein.

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.

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.

Encroachment. Any architectural feature, structure or structural element that breaks the plan of a vertical or horizontal regulatory limit extending into a setback, or beyond the build-to-line into the public frontage, or above the height limit.

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

Flag. A type of sign on a piece of fabric, or similar material containing distinctive colors, patterns, or designs, typically attached on one edge to a staff or cord.

Floor Area. The area of the floors of a structure, as measured by the exterior faces of the walls, except any areas where the floor to ceiling height is under 6 feet or where other specific exclusions from this area included in the standards.

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

Front Building Line. The actual location of where the forward most portion of a building is established, and a line extended from that location parallel to the front of a lot. When expressed as a permitted range, the front building line is interpreted as the area within which a building shall be located.

Front Building Line, Required. The portion of the lot frontage (usually expressed as a percentage) required to be occupied by the front facade of the principal structure, or other specifically permitted substitutes that help define the relationship of the building frontage to the streetscape.

Frontage, Building or Lot. The area of the lot between the front building line and the front lot line. Frontage includes the design details and spatial elements of the lot and building that determine the relationship between the public and private realm.

General Public. Any and all individuals without any prior qualifications.

Glare. The effect produced by brightness sufficient to cause loss in visual performance or visibility.

Green Infrastructure. Measures that use plant or soil systems, permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or surface waters.

Greenway. Linear open spaces that link parks and neighborhoods within the community, such as paths or trails. Greenways provide public access to green spaces and opportunities for residents of all ages and abilities to be physically active.

Gross Floor Area. The total floor area of a building inclusive of all enclosed spaces.

Gross Leasable Area (GLA). The area of a building that can be leased to tenants, including storage areas and common areas apportioned to the number of tenants sharing the area. Gross leasable area shall be measured in the same manner of floor area, but is apportioned to specific uses or tenants in the building.

Ground Cover. Grasses or other plants, excluding weeds or noxious plants, that typically do not exceed 7 inches in height and are grown to keep soil from being blown or washed away.

Hazard. A source of danger to persons or damage to property.

Hazardous Substance. Any material or waste which poses a present or potential danger to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed; and any material which is hazardous within the meaning of any federal, state, or local law, regulation, or ordinance, including:

1. The federal Resource Conservation and Recovery Act, as amended, 42 USC 6901, et seq.;
2. Substances regulated under the federal Toxic Substances Control Act, as amended, 15 USC 2601, et seq.;

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 building or structure measured from the average established grade at the street lot line or from the average natural ground level, if higher; 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; or to the highest point of all other structures. In measuring the height of a building, the following structures shall be excluded: chimneys; cooling towers; telecommunication towers; ornamental cupolas, domes, or spires; elevator bulkheads; penthouse tanks; water towers; and parapet walls not exceeding 4 feet in height.

Historic Design Guideline. A standard of appropriate activity that will preserve the historic architectural character of a structure or area.

Historic District. An area designated as a historic district by ordinance of the City Council, pursuant to procedures in this section, 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.

Historic Landmark. A property or structure designated as a historic landmark by ordinance of the City Council, pursuant to procedures in this section, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the city. Historic landmark status will be reserved for those properties displaying exemplary historic or architectural significance.

Historic Preservation. The preservation of historically significant structures and neighborhoods to facilitate restoration and rehabilitation of the building(s) to a former condition.

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 City Council, pursuant to procedures in this section, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the city but which is of insufficient significance to merit historic landmark status.

Home Occupation. A business conducted by a resident accessory to a dwelling and subject to other standards and procedures of this chapter.

Household. The following arrangements constitute a household:
(a) One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in any district.
(b) 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.
(c) Four persons or less living as a single housekeeping unit in the R-MX1, R-MX2, R-MX3 districts and nonresidential districts which permit multifamily dwellings provided the off-street parking requirements of this chapter are met, otherwise three persons or less are permitted.

Illuminated Sign. A sign lighted by or exposed by artificial light.

Impervious Material or Surface. Any part of a lot that is covered by buildings, structures, parking

areas, driveways. or any other surface that have been compacted or covered with a layer of materials so that it is highly resistant to infiltration by water such as compacted sand, limerock, or clay; asphalt, concrete, or compacted aggregate walkways, drives, and patios; and other similar structures.

Infill Development. Development that takes place on vacant or underutilized parcels within an area that is already developed and has access to existing urban services.

Infrastructure. The built or natural facilities and features, generally publicly funded, that are required to serve a community's development and operational needs. Infrastructure includes but is not limited to roads, utilities, and trees.

Intensity. The degree to which land uses generate traffic, noise, air pollution, and other potential impacts.

Interior Landmark. Any part of an interior designated as an interior landmark by ordinance of the City Council, pursuant to procedures in this zoning code, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the city and which remains substantially intact in terms of (1) original configuration, (2) original volume, or (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.

Internal Access Lanes. A private way internal to a large development intended to organize parcels, tracts, and lots similar to the surrounding block structure and development patterns; provide efficient access for all applicable modes of transportation; and create public space and frontages similar to the street design types and streetscapes of public streets.

Landscaped Area. A verdant outdoor space that has been designed and maintained to enhance or preserve its aesthetic appeal or function.

Landscape Materials. Lawn, 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.

Land Use. The occupation or use of land or water area for any human activity or any purpose.

Legacy District. A previously established regulatory district whose specific provisions will continue to be enforced.

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.

Lot. A parcel of land, established for individual and separate ownership by a subdivision plat or Tract Certification (see Outlot and Tract).

Lot Area. The area bounded by the front, rear, and side lot lines or, when expressed as a range, it shall be interpreted as a minimum and a maximum.

Lot Coverage. The percentage of total lot area which would be covered by a building, structure, or impervious surface.

Lot, Interior. A lot bounded by other lots on at least two sides and typically has frontage on only

one public street.

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

Lot Line. A line dividing one lot from another lot or tract, or from a street or alley.

Lot Line, Front. The property line dividing a lot from a street or public or common space on which the building and lot orients. On a corner lot, generally the shorter street frontage shall be considered as a front lot line, except as noted on an approved plat.

Lot Line, Interior Side. A side lot line which is adjacent to a side lot line of another lot.

*Lot Line, Rear. T*he line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to the front lot line.

Lot Line, Side. Any lot lines other than the front or rear lot line.

Lot Line, Street Side. A side lot line which separates the lot from a street.

Lot Line, Zero. 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.

Lot, Reverse Frontage. A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

Lot, Reverse Corner. A corner lot having its side lot line substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. A lot, other than a corner lot, having frontage on more than one street.

Lot Width. The horizontal distance between the side lot lines, typically measured at the front lot line, but for irregular lots it may be measured at the front setback line.

Lot of Record. A tract of land that has been platted or certified as legally established according to this chapter (see Tract of Record).

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 8 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 home as defined is a specific structure type, distinct from the various construction methods which may be used to site, transport, or erect any other residential building type meeting the standards of this chapter.

Manufactured Housing Development. See Small-format Housing Community in Section 36-5.05.D.

Mixed-use Building Type. A multi-story building which accommodates nonresidential and residential uses.

Mix of Uses. The use of real property for more than one type of use.

Mobile Home. A transportable, factory-built structure, 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 Vendor. A food or vendor service operation that operates from a motorized vehicle, typically on an approved vendor site.

Modular Home. A transportable, factory-built 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.

Motor-Vehicle Oriented Business. Any commercial business which, by design, type of operation, or nature of business, has as one of its functions, the provision of services to a number of motor vehicles or its occupants in a short time span, or the provision of services to the occupants of motor vehicles while they remain in a vehicle. Businesses included in this category shall have one or more of the following facilities: One or more pump islands for retail sale of gasoline; or one or more drive-through lanes/service windows for distribution of products or other transactions; or an automated car wash facility.

Multimodal. Refers to various modes of transportation (walking, bicycling, bus transit, rail transit, e-scooters and micromobility devices, shared mobility services, personal automobile, etc.) and emphasizes the importance of providing transportation choices beyond single-occupant vehicles.

Nativar Plant. A cultivated variety (cultivar) of a native plant that has been selectively bred for specific traits such as a color, size, disease resistance, or grow habit. Preference is given to open-pollinated or seed-grown varieties over highly modified cultivars shall count toward native planting requirements.

Native Plant. A plant species that occurs naturally in specific region, ecosystem, or habitat without human introduction. Native plants have evolved alongside local climate, soils, wildlife, and pollinators. A plant is considered native if it is indigenous to Missouri as documented by the Missouri Department of Conservation and Grow Native.

Natural Area. Aquatic or terrestrial habitats or areas which exist in their natural condition, and which have not been significantly altered by human activity or which have been restored to as close to their natural condition if disturbed previously by human activity.

Natural Feature. Features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

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.

Nonconforming, Lot. A lot that was legally platted before the adoption or amendment of current zoning regulations but does not meet the current requirements.

Nonconforming, Sign. A sign that was installed but does not conform to current regulations.

Nonconforming, Site Condition. A site feature such as parking, landscaping, open space, or other non-building characteristic associated with a conforming use or structure, that existed before the adoption of current regulations but does not comply with the current standards.

Nonconforming, Structure. A legally constructed building or structure, that existed before the adoption or

amendment of current zoning regulations but does not comply with the current zoning requirements.

Nonconforming, Use. A use of land, structure, or building that was lawfully established prior to the adoption or amendment of the zoning regulations but does not comply with the current zoning requirements.

Open Space, Common. A common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners' association, which open area may be landscaped or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding, or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required right-of-way.

Open Space, Private or On-lot. An outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include yards and other landscape areas, decks, balconies, or patios.

Open Space, Usable. That portion of a lot, site, project, or neighborhood, whether public, common, or private available to all occupants of the building or site for environmental, scenic, or recreational purposes. Specific types of useable open space are defined in this chapter and shall not include driveways, parking lots, or other surfaces designed or intended for vehicular travel, or areas designed specifically for screening and mitigating impacts of development, unless they can be integrated with and contribute to one of the usable open space types.

Outlot. A parcel or parcels of land designated on a plat and intended for development at some point in the future, but which may be initially created under single ownership through a subdivision process. (*See* Lot and Tract)

Overlay District. A zoning district classification which encompasses a defined geographic area and imposes additional requirements above that required by the underlying zoning. Overlay districts may be combining, where they join property included in two or more adjoining districts based on common attributes or policies; or overlay district may be separating, where they distinguish property in a single district based on a specific attribute or context that requires different regulations.

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.

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.

Party (Common) Wall. A common or shared structural separation which may be centered on one building lot or between abutting dwelling, business, or industrial units or buildings on either side of a lot line.

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.

Perennial. A plant that regrows from the same root stock year after year.

Permitted Use. An authorized use within a zoning district.

Person. Any individual, corporation, association, firm, partnership, institution, or other legal entity, singular or plural.

Pick-up Window. A building feature or element typically accessory to a commercial establishment designed solely for the distribution of goods to the customer.

Plat, Administrative. A certified survey to confirm the alteration or the division of legally established tracts of record prior to March 26, 1956, or previously un-platted lots, not to exceed the creation of five additional lots.

Plat, Administrative Condominium. A certified survey to confirm the legal boundaries of a unit or structure on a platted lot of record that could only be determined post-construction, such as for duplexes, townhouses, or for residential or non-residential condominiums where the units and lots are individually owned, and the property is on a lot of record in common ownership.

Plat, Administrative Correction. A certified survey or other legal instrument acceptable to record that corrects a tract, parcel, or lot was legally established and corrects an error or omission from prior legal instruments that results in no observable impacts on the development pattern or potential development.

Plat, Final. A legally binding map, document or survey that applies to all or specific portions of the preliminary plat area, in accordance with an approved phasing plan from the preliminary plat.

Plat, Preliminary. Provides detailed planning review of development patterns, street networks and design types, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans.

Placetypes. A combination of interconnected and supporting land uses that create a place, neighborhood, or district. Placetypes provide a general vision for each area of the city that focus on how a mix of uses and properties function collectively, rather than individually to establish an identifiable and memorable place.

Pocket Neighborhood. A set of residences that are clustered around a shared open space such as a courtyard, greenway, or park. A pocket neighborhood can include single-family residences, both detached and attached, and similar apartment buildings.

Practical. Under the circumstances, all reasonable efforts have been undertaken to comply with the purpose, intent, design objective, or requirements of the standards in this chapter, and where physical, technical, or cost constraints could outweigh the potential benefits to the public of full compliance and would unreasonably burden the proposed project and other reasonable alternatives. Economic considerations may be a factor, but shall not be the sole or determining factor.

Premises. A premises is any land consisting of one or more lots or tracts under single or multiple ownership, and operating 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.

Preservation. The act or process of sustaining the form and extent of a structure or site element

including but not limited to tree, other natural features, architecturally significant features, etc., as it now exists.

Private Street. A street that is privately owned and maintained, constructed to all applicable City standards and specifications, and provides the primary means of vehicular ingress and agree from a public street to any dwelling unit, lot, parcel or principal building.

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.

Recreational Vehicle. A motorized or towable vehicle that is designed to provide temporary living quarters for recreational, camping or travel use and 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 homes on wheels, or other similar units.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of any part of a vanished structure as it appeared at a specific point in time.

Rehabilitation. The act or process of returning a property or structure to a state of utility, through repair or alteration, which makes possible a 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 movement of a structure, object, or artifact on its site or to another site.

Residence. A home or place where an individual is actually living at a specific point in time.

Restoration. The act or process of accurately recovering the form and details of a structure or property as it appeared at a particular point in time by removing later work or replacing missing original work.

Rezoning. The process by which the zoning district of a property is changed.

Right-of-way. See Chapter 98.

Rural Parcels. Tracts divided into lots of at least three acres for rural, agricultural, or very low-intensity development.

Screening. A method of reducing the impact of visual or noise intrusions through the use of plant materials, earthen berms, solid fences, or walls, or any combination thereof.

Setback. The required minimum horizontal distance between the lot line and the nearest front, side, or rear line of a building or structure, and where expressed as a range it shall function as a “build-to line”, within which range a building or structure shall be established.

Short-term Rental. The rental of an entire dwelling, or any portion thereof, for a period of less than 30 consecutive 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 Code.

Shrub. A self-supporting woody perennial plant of low or medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at maturity.

Sidewalk. A paved, surfaced, or leveled area, parallel to and usually separated from the street, used as a pedestrian path, or which otherwise provides pedestrian circulation and access to destinations and principal building entrances within a site.

Sign. Any advertisement, announcement, or direction of communication produced in whole or in part by the construction, erection, affixing, or placing of a structure, or produced by painting on, or pasting or placing any printed, lettered, pictured, figured, or colored materials on any building, structure, or surface.

Sign, Abandoned. A sign which advertises or identifies an out-of-business, moved, or non-existing business, service, or other use of premises.

Sign, Building. A sign incorporated in, painted on, attached to or erected against the facade of a building.

Sign, 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.

Sign, Electronic Message Display (EMD). A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Sign, Ground. A sign which is supported by its own structure not affixed to a building.

Sign, Incidental. A small permanent sign that supports the function or operation of the property.

Sign, Monument. A sign supported by or mounted directly upon the ground by a base that is integral to the entire sign structure and incorporated into the sign.

Sign, Off-premises. A permanent sign advertising goods and services not located on the premises where the sign is located, or otherwise expressing a message unrelated to the location or property. Most off- premises signs require an Outdoor Advertising Permit from the Missouri Department of Transportation.

Sign, Pedestrian. A sign that is not permanently affixed to a building, structure, or into the ground, but which has a durable design and stable support to allow placement of the sign on an interim or more permanent basis than temporary signs.

Sign, Temporary. A sign which is not intended as a permanent sign and which is easily relocated or removed.

Sign, Window. A sign painted on, mounted to, or applied to a window.

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.

Split Zoned. A lot that is divided into two or more zoning districts.

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; or other 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.

Stormwater Management. The collection, conveyance, storage, treatment and disposal of stormwater runoff to prevent accelerated channel erosion, increased flood damage, and degradation of water quality.

Story. The part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above the ceiling above. Story heights shall generally be 9 to 10 feet except the following guidelines can be used to address the effective scale and massing of buildings within permitted heights (see Height):
(a) The first story for residential buildings should be 9 feet to 14 feet;
(b) The first story for non-residential buildings should be 12 feet to 20 feet;
(c) Building types or parts of buildings that require high floor-to-ceiling heights, such as a gymnasium, atrium, or warehouse, shall have the number of stories calculated as the finished floor-to-ceiling height divided by 15;
(d) Any ground story that has more than 4 feet of its height exposed above finished grade along more than 50% of the foundation perimeter shall count as a story; or
(e) A half-story is the space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor area with head room of 6 feet or more is no greater than 60% of the total floor area of the story directly beneath.

Street. A public way used for passage or travel by pedestrians, bicycles, and/or vehicles, and that is designed to provide access, visibility, and public space to support use(s) fronting on it.

Street, Design Type. A reference to the design attributes of a specific segment of the street, regardless of the functional class, and including lane widths, number of lanes, parking, streetscape, and sidewalks. Street design types allow the design of segments of streets to transition and relate better to the context and anticipated abutting land uses, without disrupting the overall role of the street in the transportation system.

Street Design Type, Neighborhood. A human-scaled design type that balances walkability, landscape amenity, and vehicle access. It is characterized by street trees, comfortable sidewalks, traffic calming, and relatively low volumes and slow traffic speeds that enhance the livability and quality of the neighborhood.

Street Design Type, Parkway / Bikeway. A multi-modal design type with a higher degree of civic design and landscape amenity characterized by balanced design for pedestrians, bicycles, and automobiles and has an elevated degree of landscape and civic design.

Street Design Type, Pedestrian / Mixed-Use. A pedestrian-oriented design type appropriate in areas where walkability is a priority and there is a well-connected street network characterized by traffic calming methods to ensure slow speeds, on-street parking, wide sidewalks, and well-designed amenity zones that support businesses and economic activity along the block.

Street Design Type, Standard / Trafficway. A basic design type that is generally applicable where no particular development characteristic or urban design characteristic warrant application of other design types.

Street, Functional Classification. A system of categorizing streets based on their role in the overall street network, considering traffic volumes, traffic speeds, and continuity of the street over longer distances, apart from the specific design type for any one segment. These include:

(a) *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, and has no relationship to and should be buffered from, abutting land.

(b) *Expressway.* A street or highway with limited or partially controlled 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, and has minimal relationship to and should be buffered from abutting land.

(c) *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.

(d) *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 but little relationship to abutting land unless specific street design types are applied.

(e) *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 and application of specific design types to better relate to abutting land.

(f) *Collector – Major, Minor, or Subdivision.* A street which collects and distributes traffic to and from local and arterial street systems, or which can provide an alternative or a complete substitute to larger arterial streets when located with sufficient frequency and continuity. The collector is primarily intended to provide for low to moderate volume, low speed, and moderate-length trips while providing access and public space to support abutting property based on specific design types.

(g) *Local – High-Activity, Low Activity, or Shared.* A street primarily providing direct access to abutting property and designed to accommodate low volume, low speed traffic, as well as provide public space that supports abutting property based on specific design types.

(h) *Alley.* A minor way which is used primarily for vehicular service access or parking access to the back or the side of properties otherwise abutting a street and is often used in areas with enhanced streetscape design.

(i) *Downtown Streets.* Streets which provide frontage for adjacent businesses as well as providing for the movement of pedestrians, bicycles, public transit, and 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:

(1) Tampa Street east of Benton Avenue;
(2) Phelps Street east of Washington Avenue;
(3) Market Avenue between Walnut and State Streets;
(4) Main Avenue between Mount Vernon and State Streets;
(5) Mount Vernon Street between Grant and Campbell Avenues; and
(6) Harrison Avenue between Grant and Market Avenues and classified as designated by the major thoroughfare plan.

(j) *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.

(k) *Residential Local.* A street for low-volume, low-speed, and short-length trips to and from abutting properties in residential neighborhoods.

(l) *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.

(m) *Commercial/Industrial Local.* A street for low-volume, low-speed, and short-length trips to and from abutting properties in commercial and industrial areas.

Street Frontage. The property line which abuts a public right-of-way.

Street, Grade. Beginning at the back of curb and measured at a right angle to the street center line.

Streetscape. The scene that may be observed or the area designed for activity along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures, and miscellaneous structures.

Street Width. The horizontal distance between the outside edges of the street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

Structure. Anything constructed or erected, located on or in the ground, whether permanent or temporary, including, but not limited to, houses, buildings, barns, backstops for tennis courts, bridges, fences, pergolas, parking lots, gazebos, radio and television antennae, signs, solar collectors, microwave antennae, supporting towers, roads, ruins or remnants (including foundations), swimming pools, walkways, septic systems, or any similar item.

Structure, Accessory. A detached structure that is subordinate, incidental, and on the same lot as a principal building, structure, or use.

Subdivision. The division 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 administrative platting and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Subdivision, Administrative. Routine applications that impact the legal disposition of property (property lines, easements, etc.) but do not significantly alter development patterns or impact public infrastructure or services.

Subdivision, Major. Any subdivision not eligible as an administrative subdivision which requires a comprehensive review through preliminary plat and final plat procedures.

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.

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.

Tract. A parcel of land eligible for further subdivision. (See Lot and Outlot)

Traffic-calming. Physical design changes to a street or roadway used to decrease traffic speed and volume. Methods of traffic calming include but are not limited to: traffic circles, speed humps, and curb extensions.

Traffic Impact Study. A comprehensive engineering evaluation conducted to assess the effects of proposed developments or land-use changes on the surrounding transportation network. A TIS analyzes the anticipated changes in traffic volumes, patterns, and safety conditions caused by a development and includes a driveway safety study.

Transition Area. An area along or between the edges of placetypes, where dissimilar land uses converge. Typical transitional areas occur between one-to-two blocks on either side of both placetype boundaries. Transition areas can also exist adjacent to geographic land features located within a placetype, examples can include major roadways and crossroads, railways, waterways, parks, trails,

and natural and built land features.

Transparency. When referring to the design of building facades, transparency is the percentage of windows and doors on the facade intended for two purposes: (1) to break up the scale and massing of the façade and relate the building to the streetscape and public spaces; and (2) to provide connections – visual and perceived – between the activities on the site and the public streetscape or spaces. Therefore, transparency has two measurements: (1) the extent of transparency, which is the percentage of the overall facade, measured at each story but which includes non-transparent components associated with the opening such as molding, casing or frames; and (2) the degree of transparency, which is typically the clarity of the glass used for the opening. A door assembly may count to this requirement if at least 25% of the door or door assembly meets the clarity requirement with windows in the door, or transom or side light doors alongside of the door. The clarity of the glass in the opening is met by a minimum Visible Light Transmission of 60% (VLT = the percent of total visible light that is transmitted through a glazing system) and a maximum Visible Light Reflectance of 15% (VLR = the percent of total visible light that is reflected by a glazing system). For upper story windows, these measures may be 40% VLT and 20% VLR.

Tree, Evergreen. A medium or large non-deciduous woody plant with a main trunk and mature height over 8 feet.

Tree, Overstory. A large deciduous woody plant that normally grows with a main trunk and has a mature height of 30 feet or more.

Tree, Understory. A small deciduous tree typically smaller than an overstory tree, with a mature height of approximately 15 to 30 feet.

Undeveloped Land. Land in its natural state before development.

Urban Forestry. Urban forestry is the careful care and management of urban forests. These are tree populations in urban settings maintained to improve the urban environment. Urban forestry advocates the role of trees as a critical part of the urban infrastructure.

Urban Service Area. The Urban Service Area delineated on the Urban Service Area map represents land where public investment has been made or is programmed for sanitary sewer service or major transportation facilities. Within the Urban Service Area, sewer services will be provided as available resources permit and streets and highways will be planned to handle urban populations.

Use, Accessory. A use of land, buildings, or structures that is subordinate, incidental, and on the same lot as a principal use.

Use, Principal. The primary purpose or activity of a lot or building.

Variance. Provides relief from a strict interpretation of the zoning and site design and development standards of this chapter, which when applied to a particular property in a specific context limits all reasonable use of the property. This application shall only apply to the design, dimension, and other site development standards of this chapter and shall not be used to authorize a use that is prohibited by the applicable zoning district.

Vehicle Service Bay. Any enclosed work area for the maintenance or repair of vehicles, comprising an average floor area of 420 square feet per bay to accommodate both service and access requirements.

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.

Yard, Front. That portion of a lot extending across the full width of the lot between the front lot line and the nearest line or point of the principal building and between any accessory buildings.

Yard, Rear. That portion of a lot extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

Yard, Side. That portion of a lot extending from the front yard to the rear yard between the side lot line and the nearest line or point of the principal building.

Zoning. The division of a city or county by legislative regulations into areas, or zones, that specify allowable uses for real property and size restrictions for buildings within these areas.

36-11.02 Description of Uses

This section provides descriptions of uses of land and buildings associated with Table 4-3. It is organized by categories and types of uses. Categories are general groupings of uses with similar characteristics, and types are based on common physical or operational characteristics, such as typical scale, format, or intensity of activity. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the PD Director shall make an interpretation on the most equivalent described use category and/or type, considering:

1. The similarity of the use in terms of scale, impact, and operations to other described uses;
2. The typical building format and site design associated with the use from existing examples; and
3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district, and the ability to complement and be compatible with other permitted uses.

Any uses that may not be interpreted as equivalent to a use in Table 4-3 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

A. **Residential Uses.**

Household Living. Residential occupancy of a dwelling unit by a household, with tenancy arranged on a monthly or longer basis. Household living occurs in a variety of types based on the scale and format of buildings, arrangement of dwelling units, and household accommodations.

Household Living – One-unit Dwelling. A residential building designed for one primary dwelling unit. One-unit dwellings include variations based on the lot size.

Household Living – Multi-unit Dwelling. A residential building designed for two or more principal dwelling units. Multi-unit dwellings include variations based on the building type and scale, including duplexes, multi-unit houses, townhouses, or apartments.

Household Living – Live / Work Dwelling. A combination of residential commercial activity located in a dwelling unit or sharing the same building as a dwelling sharing a common wall or with direct access between the residential and commercial elements, and where each is intended as a principal use.

Household Living – Mixed-use Dwelling. A residential use in a building designed for street level retail, service or employment uses, and where dwelling units are

accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

Household Living – Small Format Dwelling. A parcel of land planned and designed for multiple home sites for the placement of manufactured or other small homes and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems, and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

Existing Residential. Any residential building and use, legally established when it originated but where new development of the same use or similar building type is no longer permitted in the zoning district. These uses shall be permitted so that continued use and further investment in the building and use is not discouraged, and if the use is destroyed beyond the protections of its legal nonconforming status could be built back to a similar extent based on the most applicable residential building type standards from residential districts.

Group Living. Residential occupancy of a structure by a group of people that do not meet the definition of a household, with tenancy arranged on a monthly or longer basis. Group living structures typically have a common eating area or social areas for residents, and they may receive some level of care, training, or services associated with their residency. Group living occurs in a variety of types based on the scale and format of buildings, arrangement of dwelling units, and the degree or intensity of associated services.

Group Living – Dormitory. A residential or institutional building offering seasonal and long- term residency for a discrete population based on membership or attendance at a school, instructional or training institution. Typical examples include student housing on a campus, or convent or seminary residences.

Group Living – 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 house parents 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 house parents or guardians.

Group Living – Group Home, Custodial. A dwelling in which unrelated mentally or physically handicapped, or otherwise mentally or physically impaired persons reside with house parents or guardians.

Group Living – Boarding House, Small. A residential building occupied by the owner or a resident manager, with 3 to 11 tenant rooms where non-household members may share residency on a monthly or longer basis. The owner / resident manager or service staff may provide housekeeping, meals, or other management of shared living facilities as an accessory service to the dwelling. Typical examples include houses or small apartments offering single-room occupancy, or co-housing courtyard or small complex.

Group Living – Boarding House, Large. A residential building occupied by the owner or a resident manager, 12 or more tenant rooms where non-household members may share residency on a monthly or longer basis. The owner / resident manager or service staff may provide housekeeping, meals, or other management of shared living facilities as an accessory service to the dwelling. Typical examples include larger co-housing complexes, medium to large apartment buildings offering single-room occupancy, or a fraternity or sorority house.

B. **Civic Uses.** The Civic use category is the use of land and buildings to serve public or community interest, and to support or enhance the daily cultural, social, or recreation needs for residents and neighborhoods. It can include public and institutional uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. The civic use category includes the following types:

Assembly. An institutional use designed to serve the community for regular or periodic membership activities and events, including worship, civic, recreation, or entertainment activities, and accessory uses associated with organized activities, including child-care, concession services, and community events

Assembly – Small (<-400 capacity and <2.5 acres). A place of public or community assembly designed and located to serve adjacent uses and nearby neighborhoods, or be accessory to other immediately abutting uses, and designed for less than 400 people capacity. All buildings and facilities are located on a lot of less than 2.5 acres. Examples include a small neighborhood association clubhouse or recreation center, common meeting rooms or meeting halls, or small religious facilities.

Assembly – Medium (400-800 occupants and <4 acres). Places of public or community assembly designed and located to serve community or civic needs of a broad vicinity and designed for 400 – 800 people capacity. All buildings and facilities fit on a lot or area arranged in a small campus of between 1 and 4 acres. Examples include a community/recreation center, small event center, or large religious facility.

Assembly – Large (>800 occupants or >4 acres). Places of public and community assembly designed and located to serve community or civic needs of a wide area – typically city-wide and designed for more than 800 people capacity. Buildings and facilities require large lots or campuses that are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations as a major destination. Examples include an auditorium, large event hall, major community worship hall or campus, or convention and conference center.

Cemetery. Property used for the interring of deceased humans, including mausoleums.

Crematorium. A building used to process and reduce deceased humans into tiny particles resembling ash, through exposure to flames, intense heat, or other industrial processes.

Cultural Facility. The use of land and buildings to serve public or community interest through government or non-profit agencies through cultural, social, or education offerings, or for the administration operations of organizations providing these services. This includes the use, but not sale, of literary, musical, artistic, or reference materials and the exhibit or repository of a collection for natural, scientific, artistic, or other cultural activities. This use may include the accessory sales related to the subject matter or accessory services to support the activity such as gift shops or cafes.

Event Venue. An institutional or commercial use designed to host spectators for performances or events, or rent facilities and grounds to host large gatherings. This use does not include facilities or events that are accessory to an otherwise permitted civic or commercial use. Event venue uses are further refined by scale, intensity, and format based on the following:

Event Venue – Small (<1K capacity). A gathering space designed for less than 1,000

people capacity, such as a small auditorium, banquet hall, or amphitheater. This use may be accessory to and included with a school or assembly use.

Event Venue – Medium (1K – 3K capacity). A gathering space designed for between 1,000 and 3,000 people capacity, such as a large event hall or small stadium. This use may be accessory to and included with a large school.

Event Venue – Large (>3K capacity). A gathering space designed for greater than 3,000 people capacity, such as an arena, fairgrounds, race track, or large stadium. This use may be accessory to and included with a college / university use in a campus format.

Funeral Home & Mortuary (Accessory Crematorium). A building used for services to honor and memorialize deceased humans, and associated activities and facilities related to services such as a chapel or crematorium, provided they only support and are incidental to on-site services and have no equipment or structures that alters the appearance of the building as a civic use.

Open Space. Any parcel or area of land or water unimproved with any residential, commercial, or industrial uses and dedicated or reserved for public or private community use and enjoyment.

Open Space – Athletic Field. Land designed for outdoor games and sports such as lacrosse, baseball, football, and soccer, and which may attract more structured and organized activities and periodically have more intense use due to participants and fans. Athletic fields may include accessory structures and uses for equipment storage, concessions, or other supporting activities.

Open Space – Open & Civic Space. A public, common, or private open area designed and used for both active or passive recreation and integrated into the development patterns and block structure of the neighborhood or district. (See Section 36-3.04 for specific design types in appropriate contexts.)

Open Space – Recreation Center & Grounds. Open spaces and associated facilities for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain or is otherwise owned and managed by a property owners association as a focal point for a neighborhood. Examples include a community gym, pool, club, golf course, or similar recreational facilities that serve as an organizing element or focal point for surrounding development.

Public Safety. Public uses that support the health, safety and security of the community at large through preventative measures, protective measures, emergency response measures, or similar government functions.

Public Safety – 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 and who are criminal offenders on probation or parole, or who are within 120 days of release from a prison, jail sentence or custody from the state department of corrections, and who reside under the supervision of trained staff.

Public Safety – 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.

Public Safety – Police & Fire. Stations and associated living, administrative, and dispatch facilities that provide patrols and emergency response services to neighborhoods districts, and businesses.

School. A public or private institutional use designed to provide structured, seasonal, or year- round education opportunities. Schools are typically integrated into the surrounding context and development pattern as a civic amenity with public and civic spaces, but the format may differ based on the scale of the facilities and educational mission.

School – College / University. A school dedicated to post-secondary education and typically at a scale and capacity that involves multiple buildings and facilities organized on a. The use includes 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.

School – Primary / Secondary. A school that is part of a system of public or private education of at least kindergarten through 12th grade, but which may be divided into smaller campuses or facilities by district, neighborhood, or discrete age groups within the system. Primary schools are more neighborhood-oriented and integrated into the block structure and open space systems in more walkable patterns, and secondary schools tend to be larger, more intense, and concentrated facilities requiring more careful siting within the community or requiring a more civic-oriented campus pattern.

School – Vocational 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. Vocational Business Schools typically require facilities more similar to commercial businesses and may be located or integrated into commercial areas and buildings at a variety of scales and formats.

School – Vocational Industrial or Trade. 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. Vocational Industrial or Trade Schools typically require facilities associated with industrial activities and may be located or integrated into more intense commercial or industrial areas and buildings at a variety of scales and formats.

Transportation. A use category supporting the movement of people or freight, including accommodating navigation, access, and storage of vehicles involved in the transportation system.

Transportation – Airport. Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities, navigation and communication, and housing of aircraft.

Transportation – Bus Station. A transportation facility designed for the transfer, pick-up and drop-off of passengers traveling by bus with buildings or associated passenger convenience facilities, distinguished from public stops accommodated in the design of the right-of-way.

Transportation – Commercial Parking Lot. A parcel of land where the principal use is to park vehicles in a structure or on a lot for a fee, which may be operated by a public,

community, or private entity.

Transportation – Heliport. Any area of land or portion of a building used for the landing and take-off of helicopters for business or commercial purposes, including the landing pad, any communication or navigation facilities and instruments, and areas to accommodate the interchange of passengers or cargo.

Transportation – Motor or Rail Terminal. An area or building where storage and transfer of cargo occurs, and where vehicles may be stored and maintained for further deployment in shipping, or any other similar high-intensity activities associated with freight or public transportation.

Utility. A use category for services owned by a governmental entity, or any entity defined as a public utility for any purpose by the state public utilities commission, and for the delivery of energy, water, communication, or municipal services. All utilities may be further limited by site design and landscape standards of this code, or more specifically regulated and permitted by licensing agencies, franchise agreements, or specific conditions and design requirements of any easement or right-of-way authorizing the location of facilities. Utility facilities are further classified in the development code as follows:

Utility – Minor. Any electric, gas, water, and sewer facility that exceeds the standard transmission lines, pipes or conduits in the right-of-way and easements, and where a dedicated parcel or lot is needed to support utility systems in the immediate area. Structures and facilities are necessary to reduce the bulk quantity from larger transmission facilities into distribution and service facilities to serve the immediate area. Examples include water tanks or reservoirs, sub-stations, gas regulator stations, water and sewage pumps, and lift stations.

Utility – Major. A facility using manufacturing processes for generating, storing, or distributing energy, water, wastewater, or other utility products or services for use beyond the immediate vicinity, including any other facility used in the transmission or distribution of large utility flows between generating or treatment areas and substations or transmission lines.
Examples include power plants, water treatment plants, solar energy or wind energy farms, or regional transmissions and pipelines.

Utility – Wireless Telecommunication Facility. Towers, structures, and related equipment and grounds used for communication. These facilities are further defined by “tiers” and height limits in the specific wireless communication facility standards in Article 10, Section 36-10.10.

C. **Commercial Uses.**

Adult Entertainment. An establishment featuring live or recorded media, or a store with more than 50% of its merchandise, with an emphasis on specified sexual activities or displaying specified anatomical areas, including: (a) less than a completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered; (c) human genitals in a state of sexual stimulation or arousal; (d) acts of human masturbation, sexual intercourse, or sodomy; and (e) fondling of other erotic or touching of human genitals, pubic region, buttock, or female breast.

Animal Care / Sales – Commercial service or retail use that provides the sale, care, or boarding of domesticated animals that is further refined by the scale and intensity of the operations, as follows:

Animal Care / Sales – Limited (<5K, no boarding). A small office or shop providing animal care or sales. The use involves less than 5,000 square feet of commercial area, and all activities occur indoors (except routine daily pet care). Examples include a veterinary office, small pet store, or small pet grooming or training.

Animal Care / Sales – Small (2K – 10K or limited boardings). An office or store providing animal care or sales, and where any overnight boarding is limited to that necessary for medical care or observation. The use involves between 2,000 and 10,000 square feet of commercial space and limited outdoor activity areas necessary to accommodate the care of animals. Examples include a veterinary clinic, large pet store, or large pet grooming or training, or small kennel with no outside keeping of animals.

Animal Care / Sales – General (>10K or boarding (or outdoor care). A large facility providing animal care or sales, or any use offering routine daily care for animals, whether less than 24 hours or overnight boarding. The use involves more than 10,000 square feet of commercial space, or in the case of routine daily animal care involves any combination of indoor and outdoor space where multiple animals are cared for daily. Examples include a pet super-store, large grooming or training facility, animal hospital, or any animal daycare, kennel, or boarding service with significant need for outside care.

Daycare. A commercial service use offering non-residential care on a daily, weekly, or other regular basis for children or other individuals in need of non-medical, non-therapeutic, or non-custodial supervision.

Daycare – In-home / Accessory. 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.

Daycare – Commercial. 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.

Entertainment & Recreation. A commercial service use providing daily or regularly scheduled activities for entertainment, leisure, training and instruction, or recreation, offered to the public, offered by membership, or offered by group arrangements. This use type is further refined by the scale, format and intensity as follows:

Entertainment & Recreation – Small (<5K). An indoor entertainment and recreation use that involves a building less than 5,000 square feet. Examples include a small bowling alley, billiard hall, a small theater, or dance or yoga studio.

Entertainment & Recreation – Medium (5K - 10K). An indoor entertainment and recreation use that involves a building that is between 5,000 and 10,000 square feet or more. Examples include a larger arcade or game center, a fitness center or gym, or small theater.

Entertainment & Recreation – Large (10K - 50K). An indoor entertainment and recreation use that involves a building that is between 10,000 and 50,000 square feet or more. Examples include a small sports and recreation center, large arcade or game center, large fitness center, or a moderate-sized theater.

Entertainment & Recreation – Complex (>50K). An indoor entertainment and recreation use that involves a building that is 50,000 square feet or more. Examples include a large bowling alley, a sports and recreation center, a large theater or

theater complex, or skating rink.

Entertainment & Recreation – Outdoor. Any outdoor entertainment and recreation use, where a commercial business offers the grounds for use of patrons. Examples include racquet club, miniature golf, driving range, golf course, batting cages, sports and athletic complex, or band shell or amphitheater.

Food & Beverage Establishment. A commercial service use engaged in the business of serving prepared food or beverages to the public for immediate consumption. The serving of alcoholic beverages is accessory to this use but may be further regulated by business and liquor licenses. Food and beverage uses are further refined by scale, format, and intensity based on the following:

Food & Beverage Establishment – Small (<3K or <10% of mixed-use building). A small-scale establishment under 3,000 square feet of commercial area, or less than 10% of the building area in mixed-use projects and buildings accessory to other uses, such as a cafe, lunch counter, walk-up window, or similar small retail sales food or beverage outlet.

Food & Beverage Establishment – General (3K – 8K). A moderate scale establishment between 3,000 and 8,000 square feet of commercial area and typically includes separate kitchen and dining facilities, accessory bar area, or small accessory craft manufacturing area. Examples include a restaurant, or a small bar, brewery, bakery, or catering outlet.

Food & Beverage Establishment – Large (>8K). A large-scale establishment with over 8,000 square feet of commercial area, and typically includes separate kitchen and dining facilities, accessory bar and entertainment areas, or accessory craft manufacturing areas. Examples include a large restaurant, large bar, or large brewery, or a food court or hall.

Lodging. A commercial use providing accommodations for temporary, short-term overnight occupancy on a less than monthly basis, and accessory uses associated with typical guest services such as food service, recreation, or similar accommodations to support overnight-guests. Lodging is refined to the following scales based on building type, format, and intensity of use:

Lodging – Bed & Breakfast (<5 rooms). A small residential building used for commercial short-term lodging with shared living space between the primary occupants and patrons and includes no more than 5 guest rooms, and where meals may be offered to overnight guests.

Lodging – Small / Inn (6 – 12 guest rooms). A large residential building or small commercial building providing accommodations for short-term overnight occupancy for at least 6 but less than 12 guest rooms.

Lodging – Hotel / Motel, Medium (13 - 80 guest rooms). A commercial building providing accommodations for short-term overnight occupancy for between 13 but less than 80 guest rooms, and accessory accommodations or event or recreation space for overnight guests.

Lodging – Hotel / Motel Large / Conference Center (>80 guest rooms). A commercial building providing accommodations for short-term overnight occupancy more than 80 guest rooms, and may include accessory accommodations or event and recreation space for guests and overnight guests.

Lodging - Short-term Rental. The rental of an entire dwelling, or any portion thereof, for a period less than 30 consecutive days, where the owner is engaged in a contract for the rental of that specific swelling, or any portion thereof. Short-term rentals are further categorized as Type 1, 2, or 3, as defined in Section 36-10.08.

Marijuana & Medical Marijuana Uses. Uses involved in the production, distribution, prescription, or sale of cannabis. See Article 10, Section 36-10.09 for more specific definitions and standards for various types of businesses and services.

Medical Services. A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats:

Medical Services – Small (<10K). A medical service offering routine outpatient services, that occupies less than 10,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

Medical Services – Medium (10K – 30K). A medical service offering routine outpatient services, that occupies between 10,000 and 30,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

Medical Services – Large (30K – 100K). A medical service offering a full range of services, that occupies between 30,000 and 100,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include large out-patient offices, small hospital, remote surgical centers, or large clinic or analytical labs.

Medical Services – Campus / Complex (>100K, campus). A medical service with a full range of care, that occupies more than 100,000 square feet or multiple buildings, provides comprehensive medical care including emergency services, and accessory office, lab, and retail uses related to patron and patient needs. Examples include a large hospital or regional medical center campus.

Office. A commercial use focused on employment and engaged in the administrative, technical, or management aspects of business or professional services that typically do not have frequent or unscheduled on-premises interaction with the public or clients. Office uses are further refined by the scale and format of buildings based on the following:

Office – Small (<10K). An office use less than 10,000 square feet of commercial area, within a small building or occupying a portion of a mixed-use building.

Office – General (10K – 30K). An office use between 10,000 and 30,000 square feet of commercial area, typically within one moderate-sized building or the upper levels of a moderate or large mixed-use building.

Office – Large - (30K – 100K). An office use between 30,000 and 100,000 square feet of commercial area, typically within one large building with accessory retail or service uses.

Office – Campus / Complex (>100K). An office use with more than 100,000 square feet, typically within one large or high-rise building or involving more than one building in a

campus pattern.

Personal Service. A commercial use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include a barbershop or beauty salon, travel agency, small equipment repair, tailor, bank, or personal financial services. Service uses are further refined by scale, intensity, and format based on the following:

Personal Service – Small (<5K). A service use under 5,000 square feet, typically in line with other small-scale uses in a multi-tenant commercial building or mixed-use building.

Personal Service – Medium (5K – 10K). A service use between 5,000 square feet and 10,000 square feet, typically in a small freestanding building or part of a large mixed-use building.

Personal Service – Large (>10K). A service use more than 10,000 square feet, typically in a moderate-freestanding building or part of a large mixed-use building.

Residential Care. A commercial or institutional use providing residency on short-term, long-term, interim or permanent bases for individuals that are in need of associated medical, therapeutic, or custodial care or supervision to assist in daily living, to aid rehabilitation from injury or infirmity, or for other protective or supervisory reasons. Residential care uses are further refined by the type and intensity of care based on the following:

Residential Care – Nursing Home. An assisted, 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, may be unable to care for themselves.

Residential Care – Transitional Housing. A residential or institutional building providing lodging for longer than 30 consecutive days for residents in need of housing and services due to economic, social, or physical difficulties, and may include associated services in a group setting on the same premises, including, but not limited to, job counseling, life or parenting skill courses, or job training. Such shelter may include office for staff of the providers and for counselors.

Residential Care – Transitional Shelter. An institutional building providing lodging on a short-term or emergency basis for shorter than 30 consecutive days for residents in need of housing and services, or offering meals and other social services, due to economic, social, or physical difficulties.

Residential Care – 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, meal, and lodging and that is accredited by the State of Missouri, the Joint Chief Hospitals Operations Administration (JCHOA) or Commission on Accreditation of Rehabilitation Facilities (CARF).

Retail. Commercial uses engaged in the sale, lease, or rental of household or commercial products to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity, and format based on the following types:

Retail – Small (<5K or <10% of mixed-use building). A small-scale retail use under 5,000 square feet of commercial area, or less than 10% of the building area in mixed-use

projects and buildings accessory to other uses, typically located in a mixed-use storefront building or a small single building that is part of a larger grouping of uses.

Retail – Medium (5K - 10K). A retail use between 5,000 and 10,000 square feet of commercial area, typically located in a multi-tenant, mixed-use, or moderate-sized freestanding building.

Retail – Large (10K - 50K). A moderate-scale retail use between 10,000 and 50,000 square feet of commercial area, typically located in a moderate to large free-standing, multi-tenant, or mixed-use building.

Retail – Extra-Large (>50K). A large-scale retail use with at least 50,000 square feet of gross commercial area in a large, freestanding building which may be integrated as part of a larger project.

Retail – Grocery Store. A specific retail use primarily selling food, produce, and household products for general household consumption, including a significant portion of inventory in fresh produce, baked goods, meats, or seafood, and accessory sales of prepared food. These uses often serve as a key anchor for neighborhood and community centers which justifies slightly larger scale than other general retail uses, provided they can still fit into the block structure, development pattern, and public-realm framework of the area. To accommodate this, retail grocery store is further refined by scale and format as follows:

Retail – Grocery Store, Small (<10K). A small grocery offering a limited selection of products or specialty foods or produce in a small-scale format under 10,000 square feet. Examples include a corner store, butcher shop, produce market, or urban-format groceries.

Retail – Grocery Store, Medium (10K – 40K). A mid-sized grocery offering a range of food and household products, and limited accessory services in a mid-sized building format between 10,000 and 40,000 square feet. Examples include a neighborhood market or traditional-scale full-service grocery store.

Retail – Large (>40K). A large grocery store offering a wide range of food and household products and associated accessory services in a large-scale format. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

Retail – Outside Sales. A specific retail use where the primary business is associated with merchandise that must be displayed outside. This is distinct from retail uses that may have an accessory component of its merchandise outside, whether permanent, seasonal, or as an occasional temporary outside retail display or service. Outdoor retail is further refined by the scale and intensity of the use as follows:

Retail – Outside Sales, Small (<0.5 acres; 25%-50%). Outdoor sales either on a lot less that 0.5 acres or lots larger than 0.5 acres where the outdoor display area is between 25% and 50% of the interior display area. Examples include a small nursery / greenhouse or a small equipment sales or rental business.

Retail – Outside Sales, Medium (0.5 – 2.5 acres; 50%-100%). Outdoor sales either on a lot between 0.5 and 2.5 acres or on lots larger than 2.5 acres where the outdoor display area is between 50% to 100% of the interior display area. Examples include a nursery / greenhouse, a small car sales or rental lot, small lumber yard, or landscape supply store.

Retail - Outside Sales, Large (> 2.5 acres; > 100%). Outdoor sales either on a lot larger than 2.5 acres and where the outdoor display area is more than100% of the interior display area. Examples include a large nursery, large car sales or rental lot, boat or recreational equipment sales, outside flea market, or a large lumber yard or landscape supply store.

Vehicle Service – Car Wash. A facility providing self-service or professional washing of vehicles. Limited facilities to wash cars may be an accessory use to another permitted use provided it counts toward one of the vehicle service bays.

Vehicle Service – Gas Station. A specific retail use primarily involving the sale of fuel to the public, and which may involve accessory sales of vehicle accessories and convenience goods. This use may be combined with accessory vehicle service and repair uses, or accessory car wash, subject to the service bay limitations below. Gas station uses are further refined by the scale, format and intensity as follows:

Vehicle Service – Gas Station, Small (<5 service areas). The use is limited to no more than 4 fueling bays, 2 vehicle service bays, and 2,000 square feet of accessory retail or customer service areas. Examples include small neighborhood service stations.

Vehicle Service – Gas Station, Medium (5-12 service areas). The use is limited to between 5 and 12 fueling bays and no more than 3 vehicle service bays and 4,000 square feet of accessory retail or customer service areas. Examples include a general store and gas station.

Vehicle Service – Gas Station, Large (13-24 service areas). The use contains between 13 and 24 fueling stations, and no more than 3 vehicle service bays and 6,000 square feet of accessory retail or customer service areas. Examples include a large convenience center and gas station.

Vehicle Service – Gas Station, Extra-large (>24 service areas). The use contains 25 or more fueling stations, or 4 or more vehicle service bays, and other accessory retail or service areas. Examples include a truck stop or travel center.

Vehicle Service & Repair. A specific service use primarily involving motor vehicle and mechanical equipment maintenance, repair services, and accessory retail sales of supplies and accessories. Vehicle Service & Repair is further refined by scale, format, and intensity as follows:

Vehicle Service & Repair – Small (<0.5 acres; <4 service bays). A vehicle service and repair use with 1 to 3 service bays, where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited and requires no special site accommodations other than ordinary parking areas. This use is located on lots less than 0.5 acres. Examples include a small machine shop, mechanic, lubricant center, tire store, auto glass installation, or audio or alarm installation service.

Vehicle Service & Repair – Medium (0.5 – 1.5 acres; 4-8 service bays). A vehicle service and repair use with 4 to 8 service bays, where all work occurs indoors, but where the volume of work may require some outdoor storage of supplies, equipment, or vehicles beyond ordinary parking needs of comparable sized businesses. This use is typically located on lots between 0.5 and 1.5 acres. Examples include a large machine shop, mechanic, lubricant center, tire store, or small auto body shop.

Vehicle Service & Repair – Large (>1.5 acres; >8 service bays). A vehicle service and

repair use with 9 or more service bays, where some work may occur outdoors, and where the volume of work requires frequent outdoor storage of supplies, equipment, or vehicles. This use is typically located on lots larger than 1.5 acres. Examples include repair of large vehicles and equipment and collision repair center.

D. **Industrial Uses.**

Industrial & Business Services. A business whose customers include other businesses and industries, or the general public. The business services typically consist of dispatched fleet vehicles to perform some aspect of the service and involve dedicated outdoor storage. Examples include plumbing services, exterminators, HVAC repair, utility contractors, janitorial services, landscape contractors, ambulance dispatch center, transportation dispatch center, bus barn, commercial laundry services, or other similar business. The scale and intensity are determined by the number of fleet vehicles as follows:

Industrial & Business Services – Limited (<10 vehicle fleet). A small-scale light industrial or business service use with limited outdoor storage needs and with a vehicle fleet of up to 10 vehicles, where surface parking, vehicle storage, and general storage needs are similar to other general commercial uses.

Industrial & Business Services – General (11 – 25 vehicle fleet). A light industrial service business use where outdoor storage or warehouse storage is necessary, or with a vehicle fleet is between 11 and 25 vehicles, requiring dedicated areas for storage of vehicles during down times or off hours.

Industrial & Business Services – Large (>26 vehicle fleet). A large-scale industrial or business service use that may have substantial outdoor storage needs, large warehouses, or with a vehicle fleet that involves heavy equipment or is more than 26 vehicles, requiring large areas for storage of vehicles or equipment.

Manufacturing. A use primarily involving the processing, fabrication, packaging, or assembly of goods, from raw materials or partially competed secondary materials. Products may be finished or semi-finished and are typically stored and shipped to other areas for distribution to businesses, consumers, or retail outlets. Accessory sales, display, or customer service areas may be provided. Excludes feedlots, stockyards, animal slaughterhouses, and facilities related to marijuana or medical marijuana.

Manufacturing – Limited / Artisan (<10K). A small-scale manufacturing use producing primarily finished products with limited need for storage of materials or finished products with a building size less than 10,000 square feet. The use produces no negative byproducts such as smoke, odor, dust or noise discernable from outside of the building. Deliveries and distribution are made by general commercial delivery services requiring no special large truck access. Products or services are often made available to the public on premises generating customer activity. Examples include artists' studios, small bakeries, brewpubs, small wood or metal shops, or similar craft manufacturing.

Manufacturing – Small (10K – 30K). Manufacturing primarily from previously prepared materials of finished products or parts within a building size less than 30,000 square feet. The activities produce little or no byproducts such as smoke, odor, dust, or noise discernable from outside of the building; and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or

facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakeries, non-retail laundry services, or similar businesses that provide products for support of other businesses.

Manufacturing – Medium (30K – 100K). A manufacturing use that produces little or no byproducts such as smoke, odor, dust, or noise discernable from beyond the property within a moderate-sized building between 30,000 and 100,000 square feet. Limited outside storage may be necessary, and where distribution and delivery needs require occasional large truck access. Examples include research labs or facilities, small equipment or commodity assembly, non-retail laundry services, commercial bakeries, or food and beverage processing.

Manufacturing – Large (>100K). Manufacturing from previously prepared materials or raw materials into other materials or finished products requiring a large building over 100,000 square feet. The activities may produce byproducts such as noise, dust, smoke, or odor, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale manufacturing or fabrication plants, large equipment assembly, food production and processing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

Manufacturing – Heavy (any size). Manufacturing or compounding processes with raw materials, including some that may be hazardous, noxious, or combustible. These activities are capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site. Hazardous materials may be stored, used, or produced as a typical part of the business, and distribution involves heavy truck, freight, and machinery access. Examples include chemical, wood or metal storage and production, quarries and mining, fuel refining and storage, pressing and drying plants, asphalt or cement production, or similar heavy or hazardous manufacturing operations.

Warehouse & Storage. An industrial use engaged in the business of keeping goods and products for interim or long-term periods for personal or business uses, or for the distribution to other businesses and industries. Examples include any related logistic services related to this business such as labeling, bulk packaging, inventory control, or light assembly. Warehouse and storage uses are refined further based on the scale, format and intensity as follows:

Warehouse & Storage – Indoor, Small (<20K). A storage use where individuals store personal property in units or space leased or rented on a periodic basis and where all storage units are accessed from within the principal building. Interior storage space is limited to less than 20,000 square feet. Examples include small indoor self-storage or small commercial warehouse.

Warehouse & Storage – Indoor, Medium (20K – 100K). A storage use for businesses or larger personal products where all items are stored indoors. Interior storage space is limited to between 20,000 and 100,000 square feet. Examples include large indoor self-storage, commercial warehouses, small distribution centers, warehouse outlets for bulk items such as furniture or appliances, and long-term garages for vehicles or recreation equipment.

Warehouse & Storage – Indoor, Large (>100K). A large-scale facility for long-term storage or products or supplies, or where goods are stored on-site temporarily for the purpose of delivery to other business outlets or final destination, and where the nature of the operation has frequent daily truck traffic. Interior storage space is greater than

100,000 square feet. Examples include large commercial or industrial storage facilities, commercial warehouse, or distribution centers.

Warehouse & Storage – Outdoor, Small (<2.5 acres). A use for the public where individuals store personal property in units leased or rented on a periodic basis. Units are accessed directly from the outside. Lot sizes for storage buildings, storage yards, and all associated access is limited to under 2.5 acres. Examples include small outdoor self-storage mini warehouses or small equipment storage yard.

Warehouse & Storage – Outdoor Large (>2.5 acres). A use for the public or supporting other businesses and industries where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot. Lot sizes to accommodate this use are greater than 2.5 acres. Examples include large outdoor self- storage mini warehouse, boat or RV storage, building supply lots, or similar industrial supply storage yards.

Warehouse & Storage – Chemicals, Waste, or Hazardous Materials. The use of grounds for storing, processing, disposal or distribution of any industrial waste, chemicals, or hazardous materials.

Waste Management. Facilities used to collect, process, repurpose, transfer, or dispose of waste created by other uses in the city. Waste management uses are refined further based on the intensity as follows:

Waste Management – Hazardous Waste Facility. Any facility that deals with the final disposal, or the storing and preparation for final disposal of any hazardous materials.

Waste Management – Landfill. A large-scale disposal point for non-recyclable or non-reusable material, which may include aggregation, separation, or compaction of solid waste to delivery at other locations, or the management and operation of final disposal.

Waste Management – Recycling Center. A large-scale disposal point for recyclable or reusable material, where storage or processing of materials may occur on site.

Waste Management – Scrap and Salvage Yard. An outdoor facility for the storage, dismantling, repurposing, or disposal of parts or large equipment.

Waste Management – Sewage Treatment Plant. A facility used to treat and process water and wastewater for further distribution or disposal.

E. **Urban Agriculture Uses.** The cultivation, processing, and marketing of food within an urban environment, with a primary emphasis on operating as a business enterprise.

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, 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 marijuana or medical marijuana facilities.

Market Garden. The growing and cultivation of fruits, vegetables, herbs, flowers, or other

plants for commercial purposes, including on-site sales and distribution to local markets, restaurants, or consumers. Market gardens operate on a scale smaller than traditional farms and may involve intensively managed plots in urban or peri-urban areas.

36-11.03 Glossary of Design Terms

This section is a glossary of architecture and design terms that explains concepts, strategies, and techniques used to affect building and site design.

A. **Architectural Style.**

When used generally, architectural style refers to a distinctive manner of expression, fashion or composition of building elements at a specific time.

When used specifically, architectural style refers to a prevalent local or historical style that is documented with common or typical techniques in assembling building elements and form, and where variations within the style follow common rules of application for materials, massing, or composition of the details. (i.e. Art Deco, Colonial Revival, Craftsman, Mid-Century Modern, Mission, Spanish Colonial Revival, Tudor Revival, Victorian, etc.)

B. **Urban Design**. The process of giving form, shape, and character to the arrangement of buildings on specific sites, in whole neighborhoods, or throughout a community. Urban design blends architecture, landscaping, and city planning concepts to make an urban area accessible, attractive, and functional.

C. **Building Elements.** Buildings are made up of vertical elements, horizontal elements, details, and ornamentation that break up the building elevations into distinct components and establish the form and scale of the building. Building elements may include:

1. *Awning*. A sloped or rounded framed projection attached to a wall and extended over a window or door to provide protection from the natural elements.

2. *Bay (window)*. A bump out in the facade typically associated with an element of the interior floor plan but located to provide balance and relief to the massing on the exterior facade. A bay is usually associated with a window.

3. *Belt Course*. A continuous row or layer of stones, brick or other primary building material set in a wall and in line with changes in stories, changes in materials, or windowsills. Belt courses make a visually prominent horizontal line to break up a wall plane by using a distinct material or implementing a distinct pattern of the material.

4. *Bracket.* A projecting support placed under an eave or other projection with design qualities and details that add emphasis to the roof structure or massing element.

5. *Canopy.* A flat roofed projection attached to a wall and extended over a window, door, or walkway, or a freestanding structure over a walkway or service area that gives protection from the natural elements.

6. *Clerestory Window*. A window high on a wall section above eye level and used to permit light or air into areas that otherwise do not have windows due to functional constraints of the building.

7. *Column*. A supporting pillar, especially one consisting of design qualities and details that add emphasis and ornamentation to a portion of the facade, or any roof structure or area it supports.

8. *Cornice.* An ornamental topping projecting from the wall with design qualities and details that crowns a structure along the top near the roof, with an emphasis that is compatible with but more elaborate than other similar details and ornamentation on the building.

9. *Eaves.* A projecting lower edge of a roof structure overhanging a wall, where larger eaves can increase the prominence of the roof as a "cap" to the building and protect portions of the facade (particularly windows) from the natural elements.

10. *Facade*. The exterior of a building exposed to public view, and particularly the front.

11. *Facia.* The exposed vertical edge of the roof often with design qualities and details that add emphasis and ornamentation to the roof structure.

12. *Foundation*. The base upon which the entire structure sits, designed with stronger, heavier materials, and often includes details and ornamentation to emphasize a buildings connection to the ground. This creates a sense of permanence, and transition to the main wall plane for vertical articulation.

13. *Gable.* The triangular and vertical portion of a wall plane between intersecting roof pitches.

14. *Lintel.* A horizontal beam, typically over a door, window, or storefront to support and add accent to the structure above.

15. *Parapet*. A vertical extension of the wall plane above the roof, typically used to hide a flat or low-sloped roof and the rooftop equipment, or function as a firewall for attached structures.

16. *Pediment*. A gable or ornamental tablet or panel, typically triangular or arched, placed above a point of emphasis on a facade and often supported by columns or pilasters.

17. *Pilaster*. A projecting vertical element on a wall plane used to give the appearance of a supporting column and used to articulate the extent of a wall plane or other component of a facade.

18. *Sidelight*. A window with a vertical orientation along an opening (door or window) that is narrower than the opening but provides emphasis to the importance of the opening with expanded transparency, additional trim and ornamentation, or other architectural details.

19. *Transom.* A window above an opening (door or window) built on a horizontal crossbar that may provide light and/or swing open to add ventilation.

D. **Building Form.** Building form refers to the outward three-dimensional envelope of a building or space affected by the mass, shape, composition, and articulation of building elements.

a. *Mass.* Mass is the volume (height x width x depth or height x building footprint) defined by a structure relative to its surroundings.

b. Shape. Shape affects the massing and refers to the simplicity or complexity of the outer dimensions of surface planes (wall planes or roof planes), and their orientation (horizontal/vertical; symmetrical/asymmetrical).

c. *Composition.* Composition is how the different building elements or materials are arranged to either distinguish or coordinate a particular shape or mass.

d. *Proportion.* The relative physical sizes within and between buildings or distinct components of the building or facade.

e. *Rhythm.* A regular pattern of shapes, including windows, doors, projections or massing, or groups of dissimilar elements that create a repeating pattern.

f. *Articulation.* Articulation is using architectural elements to clearly call out a different portion of the composition, shape, or mass and break the building form into smaller, identifiable pieces.
   i. *Horizontal Articulation*. Breaking the mass down through different levels of height on the building, particularly for taller buildings, or by a step back or other voids in the massing.
   ii. *Vertical Articulation*. Breaking the mass down through different bays or structural components along the length of the building elevation, particularly for longer, larger footprint

buildings.

g. *Primary Entrance Features*. The entrance of a building that establishes the orientation to streets and public spaces, intended to be the main pedestrian or public entrance, and therefore includes enhancements, human-scale details, or social space to show the priority and importance of the space.
   i. For residential buildings the entrance feature typically includes one of the following:
      1. *Porch.* A moderate to large outdoor space shaped by small walls, railings, and/or roof structures, extending across a significant portion of the building frontage, and providing enough space and depth for comfortable gathering and seating.
      2. *Stoop.* An elevated platform, typically 2 to 5 steps, that includes a small seating or gathering area, and is emphasized with enhanced architectural details on the building or the stoop.
      3. *Entry Court.* A small to moderate recession in the building footprint providing access to a more remote entrance, but emphasized with enhanced landscape, edge walls or planning, and gateways, and may include small seating or gathering areas.
   ii. For non-residential or mixed-use buildings the entrance feature typically includes one of the following:

      1. *Arcade or Gallery.* A semi enclosed area along a frontage and includes arches or support columns at regular intervals, and can include habitable spaces on upper stories above the space.
      2. *Marquee.* A flat roofed surface, typically embellished with architectural details and integrated lighting and signs, that creates a large covered areas at the entrance of the building.
      3. *Courtyards or Plazas.* Small to moderate open spaces meeting the site open space design standards, and located to emphasize a building entrance.
      4. Other facade enhancements such as arches, awnings, canopies, pediments, or ornamental windows that express the priority of the entrance.

h. *Altering Form.* Techniques to alter the form of a building and affect the scale include:
   i. Main mass and wing or secondary masses;
   ii. Stepping back in the wall plane, usually larger differences (i.e. >4 feet) at upper story(ies);
   iii. Cantilever or overhangs, usually a smaller distance (i.e. 1 to 4 feet) over a lower story;
   iv. Off-sets or breaks in a wall plane in relation to interior floor plan or outside space, not to the level of creating a wing or secondary mass;
   v. Dormers, including a window and sub-roof within roof structure;
   vi. Projections of an element of the facade composition such as a bay window, entry feature, or eave; and
   vii. Using proportion, rhythm, and articulation in the composition of buildings in addition to or in association with any of the above techniques to allow larger elements to appear smaller or achieve a human-scale.

E. **Scale of Building.** Scale refers to the perceived or relative size of a form in relation to something else – usually a person, a social space (courtyard, lot, streetscape, etc.), or another building. For example, "human scale" refers to how spaces or objects relate to and are experienced or perceived by people at a close range and a slow pace. Scale can be affected by the mass, shape, composition, or articulation of the form to make an otherwise larger form seem smaller or more relatable based on how the components are perceived.

F. **Compatibility.** Compatibility refers to the similarity of buildings and sites to adjacent properties or to prevalent patterns and themes in an area. In general, the elements of compatibility will include combinations of the following:

   a. Similar proportions of building masses, particularly nearest to the property lines and other adjacent buildings;

   b. Similar orientation of the building including the relationship to streetscapes, the shaping of open

spaces, and the locations and arrangements of the building footprint;

c. Similar window and door patterns, including location, size, and proportions;

d. Similar roof lines (planes, pitches, profiles and details);

e. Similar building materials, particularly primary building materials, or where materials differ, they share common textures or color palates;

f. A common architecture style, including the facade composition and materials; however, many styles can allow differences in design within the style.

Note: Compatibility does not necessarily mean the same, but rather a sensitivity to the context, adjacencies, and character of the area. While not all of the above elements are necessary for compatibility, the greater the number that are similar, the greater the compatibility will be. Significant departures from any one element should be compensated with either greater similarity of other elements or by similarity of more elements. Where things are not compatible, transitions should occur through space and landscape buffer designs.