City of Springfield

Agenda

Planning and Zoning Commission

Randall Doennig, Chair

Dan Scott, Vice Chair
Bill Knuckles
Helen Gunther
Betty Ridge

Bruce Colony
Eric Pauly
Christopher Lebeck
Layne Hunton

February 13, 2025	**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. January 16, 2025

3. COMMUNICATIONS.

3.1. January 2025 Planning and Zoning / City Council Actions

4. CONSENT ITEMS.

5. UNFINISHED BUSINESS.

6. PUBLIC HEARINGS.

6.1. Preliminary Plat of Broadway Cottages
737 North Broadway Avenue (Applicant: Drew Lewis Foundation, Inc.)

6.2. Prelminary Plat of McClernon Springs 1st Addition
3156 North National Avenue (Applicant: Gerst Properties, LLC)

6.3. Preliminary Plat of Elevate Subdivision
1103 East Smith Street (Applicant: Elevate Investments Group, LLC)

7. OTHER BUSINESS.

7.1. Code Amendment
Citywide (Applicant: City of Springfield)

8. ADJOURN.

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.

City of Springfield
Minutes
Planning and Zoning Commission

Layne Hunton	Bill Knuckles, Vice Chair	Bruce Colony
Helen Gunther		Eric Pauly
Christopher Lebeck		Dan Scott
Betty Ridge		Randall Doennig

January 16, 2025	**6:30pm**	**Regional Police-Fire Training Center** **2620 West Battlefield Road** **Room 101, 102, and 103**

ROLL CALL.
Present: Commissioner Knuckles, Commissioner Layne, Commissioner Colony, Commissioner Pauly, Commissioner Doennig, Commissioner Ridge, Commissioner Gunther, and Commissioner Scott. Absent: Commissioner Lebeck

Staff in attendance: Justin Crighton, Planning and Development Assistant Director, Bob Hosmer, Planning Manager, Daniel Neal and Michael Sparlin, Senior Planners, and Laura Vales, Assistant City Attorney.

APPROVAL OF MINUTES.
The minutes of December 19, 2024, were approved.

COMMUNICATIONS.
City Council summary for December 2024.

CONSENT ITEMS.

Relinquishment of Easement 949
700 East Central Street
Applicant: Drury University

Relinquishment of Easement 950
1515 East Independence Street
Applicant: Thompson Sales Company

COMMISSION ACTION:
Planning and Zoning Commissioner Scott moved to approve Relinquishment of Easement 949 and Relinquishment of Easement 950; Commissioner Doennig seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

UNFINISHED BUSINESS.

Z-32-2024 COD 265
2224 & 2234 West Phelps Street
Applicant: Paul Mueller Company

Mr. Neal states that this is a request to rezone approximately 0.65 acre of property from R-TH, Residential Townhouse District to LB, Limited Business District.

Mr. Scott asked about the screening to the north side and if it is kind of a traditional 4-foot solid wood fence. Mr. Sparlin noted that it will be landscape screening from the parking area.

Mr. Daniel Richards, 1200 E. Woodhurst Drive and stated that they proposing to expand the existing parking lot by purchasing the lots next door and at the neighborhood meeting the majority were okay with the project and here to answer any questions.

Mr. Colony asked for clarification that the trees and the house have currently been removed.

Mr. Sparlin noted that it is currently a vacant lot.

Mr. Nicholas Falley, 2303 W. Phelps Street has various concerns, i.e., traffic, noise, pollution, and residential safety (children) and here also on behalf of another citizen. He states that Mueller has a growing problem in the neighborhood and believes that Mueller has disregarded the noise problems that they are generating by early morning and late-night operations. He also gave examples of nuisance traffic levels, i.e., heavy machinery, semi-trucks, etc., which have trespassed on yards causing deep ruts, examples of air pollution, etc., and would like these to be addressed by City staff.

Commission members asked if he has made any complaints regarding noise pollutions, etc., and he stated that he has made complaints.

Mr. Hosmer noted that he should contact his City Council representative since Mr. Falley has not had these issues resolved.

Mr. Colony stated that his concerns were valid and should be addressed.

Mr. Knuckles closed the meeting.

COMMISSION ACTION:
Planning and Zoning Commissioner Colony moved to approve Z-32-2024 COD 265; Commissioner Doennig seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

Conditional Use Permit 477
2854 West Grand Street
Applicant: Greene County Baptist Association

Mr. Sparlin states that this is a request for a Conditional Use Permit for an electronic message center in an R-SF District.

Mr. David Jackson, 2854 W. Grand Street and representing the owner of the property and proposes a sign that would help the flow of traffic through the neighborhood. The signage would tell the hours of operation and that the current sign can not been seen from the street for the clients that are requesting help.

Mr. Pauly asked what days it is in operation.

Mr. Jackson stated that it Tuesday, Wednesday, and Thursday from 9:00am to 3:00pm.

Ms. Brooke Buehler, 650-A East Battlefield stated that the sign is fully programable and will make sure it is any specifications that are required.

Mr. Knuckles closed the meeting.

COMMISSION ACTION:
Planning and Zoning Commissioner Colony moved to approve Conditional Use Permit 477; Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

PUBLIC HEARINGS.

Z-1-2025 COD 267
2242 North Oakland Avenue
Applicant: SGF Homes, LLC

Mr. Sparlin states that this is a request to rezone approximately 0.47 acres from R-SF, Residential Single-Family District to R-TH, Residential Townhouse and establishing Conditional Overlay District No. 267.

Mr. Colony asked approximately how many units will be on the site.

Mr. Sparlin stated that the area contains three lots, and each lot can have two dwelling units.

Mr. Rick Wilson, 1835 S. Stewart stated that the property was plated again in 2020 into three tracts and is about a 100-year-old subdivision and would like to change the zoning to build a couple of duplexes.

Ms. Donna Wagner, 2245 N. Fay Avenue and have lived there for approximately 30-years and purchased solely because of the location and quiet single-family neighborhood and believes it will be an eye-sore, invade their privacy and excess traffic on their one lane street, including the heavy vehicles required for the construction.

Commission members asked about the original lots, their sizes and what could be built on them.

Mr. Wilson stated that it will depend on the changes made with the new zoning ordinance and if they will be single family or duplexes and at this time just getting the rezoning completed.

Mr. Knuckles closed the meeting.

COMMISSION ACTION:
Planning and Zoning Commissioner Colony moved to approve Z-1-2025 COD 267; Commissioner Scott seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

Planned Development 390
739 West Talmage Street
Applicant: Baptist Temple of Springfield

Mr. Sparlin states that this is a request to rezone approximately 6.4 acres of property from R-SF, Single-family residential district to Planned Development No. 390, noting that access to and from Missouri Avenue will be gated and locked and will be signed Fire Department access only.

Commission members questioned the current site plan and if they need to critique it or just address the rezoning.

Mr. Sparlin noted that both need to be reviewed and before building permits are applied, they will have to substantially conform to the site plan.

Mr. Mike Stalzer, 5216 South Farm Road 137 and the representative for the applicant noting that it is a 32-unit condominium development and have addressed the storm water issues.

Mr. Colony asked about the access between the church and neighborhood and was told that one of the accesses will need to be closed.

Mr. Scott asked about the maintenance of the common area and was informed that the Condominium Associations Owners (COA) will be responsible after the developer relinquishes its control.

Ms. Evelyn Irvine, 910 W. Woodridge stated her concerns were the additional traffic, but with Missouri Avenue being blocked off so no longer has any questions or concerns.

Ms. Laurie Brotherton, 2708 N. Broadway stated her concerns is adding 32 houses and how it will affect the neighborhood and noticed that the information regarding these houses will be for the lowest income people, and it will cause problems. She also noted the stormwater drainage issues and asked where the water will go.

Mr. Colony asked about stormwater retention.

Mr. Joe Codichini, Public Works stated that the property to the west would consume the majority and will be designed to handle 120% of the required runoff and gave examples by increasing the curb inlets and larger pipes.

General discussion on runoff location, design, and grading.

Mr. Knuckles closed the meeting.

COMMISSION ACTION (amendment changes):
Planning and Zoning Commissioner Scott moved to approve amendment changes to Planned Development 390; in Exhibit 1 on page 20 "K. Access to Public Thoroughfares. In the first paragraph, the sentence, "Access to Grant Avenue is only allowed until the access to the north, of the church's property is closed" is requested to be revised to read "Access to Grant Avenue is allowed after the access to the north, on 2655 N. Grant Avenue, is closed." Commissioner Colony seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

COMMISSION ACTION:
Planning and Zoning Commissioner Scott moved to approve Planned Development 390; Commissioner Colony seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

Conditional Use Permit 479

901 South West Bypass
Applicant: Carleton Resources, LLC

Mr. Neal states that this is a request to permit residential uses on the first-floor frontage of a building within a GR, General Retail District.

Mr. Colony asked if they could turn the commercial retail units into apartments later.

Mr. Neal went over different situations of where it could happen.

Mr. Scott asked about parking and does not believe it has adequate parking with their current layout.

Mr. Hosmer noted they are only looking at the area in "yellow" on the map and that the current site plan is more illustrative and it's conceptual.

Mr. Neal stated that anything outside of the "yellow" area is conceptual and they will adapt to the code requirements.

Mr. Chris Wynn, 5051 S. National noted that past PUD site plans have been binding versus the Conditional Use Permit and staff had us write a specific description of what the CUP will apply to, and the description applies to those buildings fronting Cape Point Boulevard, so the site plan is associated with it, but not necessary binding. He also noted that parking and that this was prepared by an architect and was mainly concerned with the buildings and the parking will be meet the code requirements. He stated that at the neighborhood meeting they had approximately 10 people attended, and that this property is already zoned for multi-family but does not allow for multi-family on the bottom floor.

Mr. Knuckles closed the meeting.

COMMISSION ACTION:
Planning and Zoning Commissioner Colony moved to approve Conditional Use Permit 479; Commissioner Pauly seconded the motion It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

Initiate Code Amendment
Citywide
Applicant: City of Springfield

Mr. Hosmer requests the Commission initiate text amendments to the Springfield Land Development (Zoning) Code. The specific text amendments proposed will replace the existing zoning ordinance and subdivision regulations and will be coming back to the Commission in February 13, 2025.

Mr. Knuckles closed the meeting.

COMMISSION ACTION:
Planning and Zoning Commissioner Colony moved to approve Initiate Code Amendment; Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

2025 Election of Officers

COMMISSION ACTION (Chair)
Planning and Zoning Commissioner Colony moved to approve to elect Randall Doennig as Chair; Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

COMMISSION ACTION Vice-Chair:
Planning and Zoning Commissioner Colony moved to elect Dan Scott as Vice-Chair; Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Knuckles, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, Commissioner Doennig and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck. Abstain: None.

COMMISSION ACTION:

ADJOURN.

PNZ City Council Results

Meeting Dates From: 01/01/2025 **To:** 01/31/2025

Project Info	PNZ Hearing Date / Result	1st City Council Hearing Date / Result	2nd City Council Hearing Date / Result
Conditional Use Permit 477 2854 W GRAND ST	1/16/2025 Approved		
Z-32-2024 2224 W PHELPS ST 2234 W PHELPS ST	1/16/2025 Approved		
Planned Development 390 739 W TALMAGE ST 2655 N GRANT AVE	1/16/2025 Approved		
Z-1-2025 COD 267 2242 N OAKLAND AVE	1/16/2025 Approved		
Conditional Use Permit 479 901 S WESTBYPASS BYP	1/16/2025 Approved		
Relinquishment of Easement 949 700 E CENTRAL ST	1/16/2025 Approved		
Relinquishment of Easement 950 1515 E INDEPENDENCE ST	1/16/2025 Approved		
PPlat of Chimney Rock Subdivision 3040 S ARCADIA AVE	12/19/2024 Denied	1/27/2025 Complete	
Z-29-2024 COD 263 3697 N GLENSTONE AVE 3703 N GLENSTONE AVE	12/19/2024 Approved	1/27/2025 Complete	
Z-30-2024 COD 264 2409 N BOONVILLE AVE	12/19/2024 Approved	1/27/2025 Complete	
Z-31-2024 3505 S CAMPBELL AVE	12/19/2024 Approved	1/27/2025 Complete	
Z-33-2024 910 S WEST AVE 920 S WEST AVE	12/19/2024 Approved	1/27/2025 Complete	
PPlat North Glenstone Heights 3697 N GLENSTONE AVE 3627 N GLENSTONE AVE 3703 N GLENSTONE AVE	12/19/2024 Approved	1/27/2025 Complete	
Conditional Use Permit 478 3080 E CHERRY ST	12/19/2024 Approved	1/27/2025 Complete	
PPlat of Spirit Filled Estates 3114 E SUNSET ST 2658 S HILLSBORO AVE	12/19/2024 Approved	1/27/2025 Complete	

PNZ City Council Results

Meeting Dates From: 01/01/2025 **To:** 01/31/2025

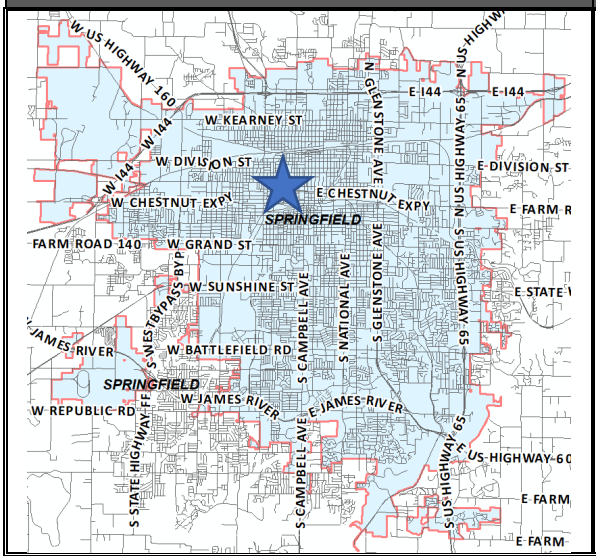
Project Info	PNZ Hearing Date / Result	1st City Council Hearing Date / Result	2nd City Council Hearing Date / Result

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Preliminary Plat of Broadway Cottage Courtyard
Location:	737, 745, 751, 761 & 801 North Broadway Avenue and 732 & 742 North Weaver Avenue
Total Acres:	1.41 acres
Applicant:	Drew Lewis Foundation, Inc.
Existing Land Use:	Single-Family Residence and Undeveloped
Neighborhood Meeting:	N/A
Planning and Zoning Commission:	February 13, 2025
City Council:	March 10, 2025
Public Notification:	Posted property
Staff:	Andrew Menke, Senior Planner, (417) 864-1613
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve the preliminary plat of Broadway Cottage Courtyard subject to the conditions listed in Attachment 2 of the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

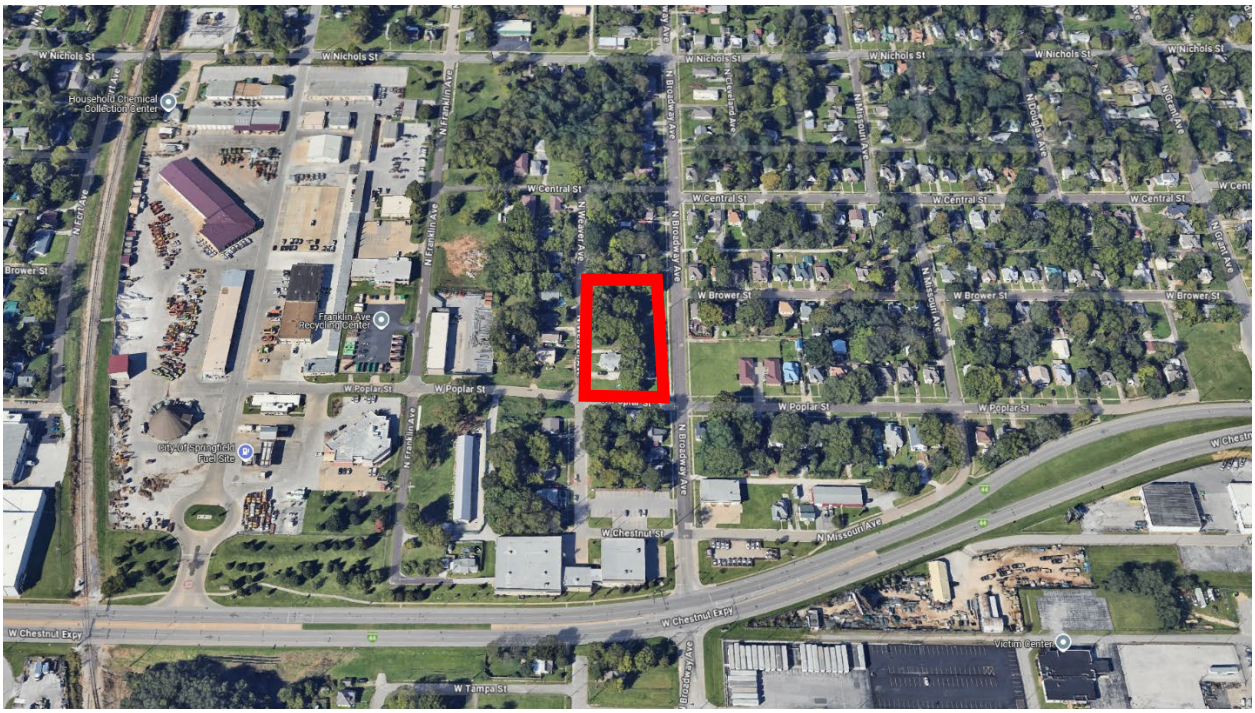
PROJECT SUMMARY:

Request to subdivide approximately 1.41 acres of property generally located at 737, 745, 751, 761 & 801 North Broadway Avenue and 732 & 742 North Weaver Avenue into eleven (11) lots to facilitate the development of the site.

LOCATION MAP	ZONING MAP
	

DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:

View from intersection of Poplar Street & Broadway Avenue

DEVELOPMENT REVIEW STAFF REPORT

View from intersection of Poplar Street & Weaver Avenue

PROPERTY HISTORY:

The subject property was annexed into the city in 1869. The northernmost parcel was certified as a tract of record in 1992. No other subdivision activity involving the subject area has occurred since this property was annexed into the city. In October 2024 the property was rezoned from R-TH, Residential Townhouse to Planned Development No. 389.

PLANNING AND ZONING COMMISSION AUTHORITY:

Action Type: Administrative.

A subdivision is the legal process to divide a surveyed tract of land into lots for the purposes of sale of the property. Platting is the process of mapping those lots and is considered part of the subdivision process. Subdivision is an administrative action. An administrative action is ministerial and non-discretionary. In reviewing a preliminary plat, the role of the Planning and Zoning Commission is to determine whether the plat meets the minimum requirements set forth in the subdivision statutes and the subdivision regulations in the Land Development Code. If the plat meets these standards, approval is required.

Relevant Authority

Revised Statutes of Missouri

Sections 89.400 through 89.470

City Charter

Sec. 11.7. – Legal status of master plan.

(1) *Master plan to provide general guidelines.* The master plan shall be prepared and maintained as a general guide for the orderly and efficient development and redevelopment of the City of Springfield. The master plan shall be kept current through review not less than every five years. When required by this Charter or otherwise deemed necessary, such review shall include proposed revisions or alterations in the master plan and public hearings thereon.

(2) *Regulations to generally conform to master plan.* All rezoning of land, subdivision plats, development proposals, and the zoning ordinance, subdivision ordinance and the zoning map should generally conform with the guidelines set forth in the master plan and should be reviewed for consistency with the master plan; provided, however, inconsistencies with the master plan shall not constitute cause to invalidate any such matter. The master plan shall not have the effect of a regulatory ordinance.

(3) *Master plan to guide public improvements.* The master plan shall provide guidelines for the location of public streets, parks and other public ways, grounds and spaces, public buildings and structures, facilities of public or private utilities, and the acquisition of real property by the city for public use. To that end the planning and zoning commission shall review the following:

(a) All proposals to construct or extend public streets.
(b) All proposals to improve land as a park.
(c) All proposals to lay out or improve other public ways, grounds or spaces.
(d) All proposals to construct public buildings and structures.
(e) All proposals to lay out and construct facilities of public utilities, whether publicly or privately owned.
(f) All proposals to acquire real property for public purposes.

In reviewing and approving all such proposals, the function of the planning and zoning commission shall be to determine whether they are generally consistent with the master plan of the city. No such proposals shall be constructed or authorized until the location, extent and character thereof has been submitted and approved by the planning and zoning commission.

In case of disapproval, the commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the proposal is by an agency other than an agency of the city and the authorization or financing does not fall within the province of the city council, then the submission to the planning commission shall be by the agency having jurisdiction, and the planning commission's disapproval may be overruled by that agency by a vote of not less than two-thirds of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled.

In the event the commission shall fail to act within thirty days after the date of official submission of a proposal (which date shall be the date that the matter is placed upon the agenda of the commission) to the commission, then the proposal shall be deemed to have been approved by the commission, unless a longer period for review by the commission shall have been authorized by the council or by the public officials submitting the proposal. In any case in which the commission finds that it is not reasonably able to complete its review of a proposal within thirty days, it may extend the time for such review for not more than thirty days.

City of Springfield Land Development Code

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.
- (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
- (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.
- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.
- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.

(e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

(f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.

(g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

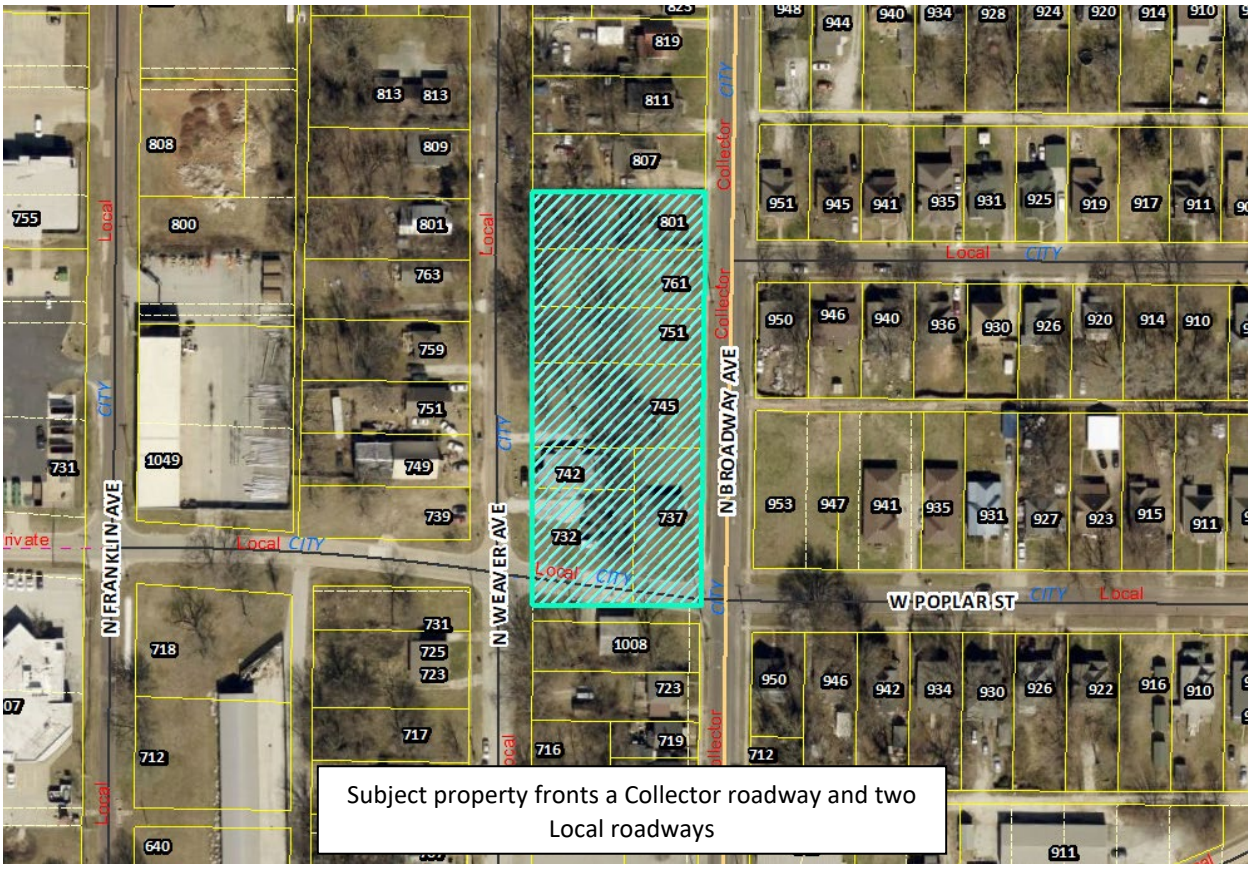
DEVELOPMENT REVIEW STAFF REPORT

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR PLANNED DEVELOPMENT 389
Minimum lot dimension requirements	Lot Area: 3,500 square feet Lot Width: 40 feet Lot Depth: 80 feet
Maximum structure height	- When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. - When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Front yard setback	15 feet along local streets 25 feet along Collector streets or higher
Side yard setback	5 feet
Rear yard setback	Ten percent of the lot depth, but may not be less than ten feet nor shall more than 20 feet be required.
Street Classification	N Broadway Avenue – Collector W Poplar Street – Local N Weaver Avenue – Local
Sidewalks	Sidewalk is required along N Broadway Avenue, W Poplar Street, and N Weaver Avenue. Sidewalk currently exists along the frontage of N Broadway Avenue.
Open Space Requirements	The minimum open space ratio on each buildable lot shall be at least 20 percent.

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is proposing to subdivide approximately 1.41 acres into an eleven (11) lot subdivision named “Broadway Cottage Courtyard”.
2. Lot 1 will be further subdivided via an Administrative Replat, Residential once the existing structure is no longer occupied and subsequently demolished.
3. Driveway access to Broadway Avenue and Poplar Street is not permitted. Angled on-street parking on Broadway Avenue is to be provided.
4. All lots meet the minimum requirements of the City’s subdivision regulations and Planned Development District 389.
5. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
6. The Land Development Code requires that each lot have adequate public facilities including but not limited to water, sanitary sewer, electricity, gas, open space, storm drainage, access to the public transportation system, and that any existing natural features such as floodplains, stream buffers and sinkholes have been identified on the preliminary plat.
7. The proposed preliminary plat was reviewed by City departments and comments are contained in ***Attachment 1.*** Conditions of Approval are provided in ***Attachment 2.*** The Preliminary Plat drawing can be found in ***Attachment 3.***
8. All Departments and other reviewing agencies have approved the subdivision per the subdivision regulations and zoning district standards.

STAFF RECOMMENDATION:

1. The proposed subdivision meets all applicable requirements of the City of Springfield’s *Land Development Code* for subdivisions and is compatible with the zoning requirements of the R-SF Single-Family Residential District.
2. Staff recommends approval as submitted in the staff report.

PLANNING AND ZONING COMMISSION OPTIONS:

In reviewing a preliminary plat, the role of the Planning and Zoning Commission is to determine whether the plat meets the requirements set forth in the subdivision statutes and the Land Development Code. If the plat meets these minimum standards, approval is required.

The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing.

1. The commission shall approve the preliminary plat.

2. The commission shall conditionally approve the preliminary plat.

3. The commission shall disapprove the preliminary plat and state for the record which requirement or requirements of the *Land Development Code* the preliminary plat fails to meet.

PUBLIC NOTIFICATION AND COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing.

No comments were received by citizens for this case at the time of publication.

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

ATTACHMENT 1

1. AT&T:

   Approved.

2. CITY UTILITIES:

   No issues with updated layout.

3. DEPARTMENT OF PUBLIC WORKS TRANSPORTATION ENGINEERING SURVEY DIVISION:

   Approved.

4. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

   Public improvement plans for new public sewer will be required for lots 1, 3, 5, 7 & 9, as shown on the plat. These public improvements must be approved, filed and either completed or escrowed before the final plat or building permits could be approved.

5. FIRE DEPARTMENT:

   No comments.

6. PARKS & GREENWAYS:

   Approved.

7. DEPARTMENT OF PUBLIC WORKS TRANSPORTATION ENGINEERING RIGHT-OF-WAY DIVISION:

   Approved.

8. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

   <u>Site Description and Drainage Pattern</u>

   The property is in the **Jordan Creek Lower Branch** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is** aware of flooding problems in the local or downstream area. The city **is not** aware of a sinkhole or other Karst feature at this location. The property **does not have a stream buffer on site.**
   A fee in lieu of on-site stormwater detention **will be dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts.**

   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. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3.
   a. There is ROW flooding and low spots along W Poplar St and N Weaver Ave. The flooding cannot be increased in the ROW or on adjacent properties from the new development.
   b. A fee in lieu of detention application requires a downstream impact analysis to determine if flooding or point discharge will occur. Submit at time of permitting, this may require public improvements

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

N/A

Natural Channels and Stream Buffers

N/A

Sinkholes and Karst Features

N/A

Additional Stormwater Requirements

1. Stormwater Control Measures are the responsibility of the property owner or property owners' association to maintain, repair, and update unless the agreement is made with the City to operate. Operation and maintenance agreements are required for any permanent stormwater control measures.

9. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

Access

- All new and existing driveway approaches shall comply with the requirements of the planned development.

- Broadway Avenue: No direct access is allowed to Broadway Avenue from the development.

- Poplar Street: No direct access is allowed to Poplar Street from the development.

Trails, Bus Stops, And Additional Information

There are no Greenway Trails near the property. There is one (1) bus stop near the property on N. Broadway Avenue.

Improvements

No improvements are required for the preliminary plat. Public improvements are required for this planned development. All required public improvements must be constructed, or funds escrowed prior to approval of a building permit or final plat. Required improvements include:

- Sidewalks along Broadway Avenue, Poplar Street, and Weaver Avenue.

- Curb & gutter, and concrete angled on-street parking along Broadway Avenue.

- Concrete median along Broadway Avenue and traffic calming measures for the southbound lane of Broadway Avenue in advance of and along the on-street angled parking.

- Stormwater conveyance improvements along Weaver Avenue.

All public improvements shall be designed and constructed per City of Springfield Public Works Design Standards for Public Improvements. A traffic study is not required for this preliminary plat.

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	N. Broadway Avenue	Collector	City	30	**25**	NA	No	Yes	Yes
Street 2	W. Poplar Street	Local	City	25	**Var**.	NA	Yes	Yes	**No**
Street 3	N. Weaver Avenue	Local	City	25	25	NA	Yes	Yes	**No**

DEVELOPMENT REVIEW STAFF REPORT

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

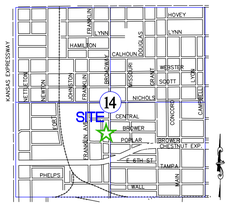
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

RECORDER'S SPACE

PRELIMINARY PLAT OF
BROADWAY COTTAGE COURTYARD

BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 29 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.



LOCATION SKETCH
SEC. 14, T-29-N, R-22-W
SCALE: 1"=2000'

MISSOURI ONE CALL SYSTEM, INC.
1-800-344-7483
STOP-CALL BEFORE YOU DIG!

LEGEND OF SYMBOLS AND ABBREVIATIONS

- (4) INTERNAL ANGLE # (SEE TABLE)
- SS SANITARY SEWER LINE
- E OVERHEAD ELECTRIC
- G GAS LINE
- WS WATER SERVICE
- UT UNDERGROUND TELEPHONE
- UE UNDERGROUND ELECTRIC
- X FENCE LINE
- FH FIRE HYDRANT
- LP LIGHT POLE
- P.O.C. POINT OF COMMENCEMENT
- LINE LABELS: MEASURED 100' M; DEED 100' D; RECORD 100' R
- WV WATER VALVE
- GV GAS VALVE
- WM WATER METER
- TR TELEPHONE RISER
- ER ELECTRIC RISER
- RD ROOF DRAIN
- TRANS TRANSFORMER PAD
- MH SANITARY MANHOLE
- RWM RIGHT-OF-WAY MARKER
- IP FOUND IRON PIN
- SET IP SET IRON PIN
- P.O.B. POINT OF BEGINNING
- GROUND LIGHT
- SET PM PERMANENT MONUMENT
- TREELINE

ZONING DATA

SUBJECT PROPERTY IS ZONED PD-389 (PLANNED DEVELOPMENT 389)

SETBACKS TO BE DETERMINED BY THE ZONING AT TIME OF DEVELOPMENT.

STORMWATER DETENTION/WATER QUALITY

WATER QUALITY WILL BE PROVIDED PER CITY OF SPRINGFIELD DESIGN REGULATIONS. A FINAL DETENTION DESIGN WILL BE COMPLETED ONCE BUILDING PLANS ARE SUBMITTED TO THE CITY OF SPRINGFIELD.

DETENTION WILL BE ANALYZED AT THE TIME OF DEVELOPMENT.

STORMWATER NOTE

THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE WATER RUNOFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUNOFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.

ALL COMMON AREAS SHALL BE CONSIDERED DRAINAGE EASEMENTS. ALL COMMON AREAS ARE TO BE MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION. ALL DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY THE PROPERTY OWNER.

NO FENCES, PLANTINGS, OR OBSTRUCTIONS OTHER THAN MAILBOXES ARE PERMITTED WITHIN THE LIMITS OF ANY DRAINAGE EASEMENT, UNLESS THE DRAINAGE IS ENCLOSED IN A BELOW GRADE CONDUIT. AT NO TIME SHALL PERMANENT STRUCTURES BE ALLOWED IN THE EASEMENT.

NOTES

LOT SIZE
LARGEST – LOT 1 = 14,858± SQ. FT. (0.341± ACRES)
SMALLEST – LOT 2 = 3,701± SQ. FT. (0.085± ACRES)
TOTAL SQUARE FOOTAGE OF DEVELOPMENT = 61,594± SQ. FT.
TOTAL ACREAGE OF DEVELOPMENT = 1.41± ACRES
TOTAL NUMBER OF LOTS = 11

OWNERSHIP = BOOK 2023 AT PAGE 014879-23 FOR TRACTS I, II, III, IV, AND V

OWNERSHIP = BOOK 2025 AT PAGE 000087-25 FOR **TRACT A AND TRACT B**

METERS TO U.S. FEET CONVERSION 3.28083333 "GRID".

MAINTENANCE OF ANY AREA REFERRED TO AS DRAINAGE EASEMENT OR DRAINAGE DETENTION IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

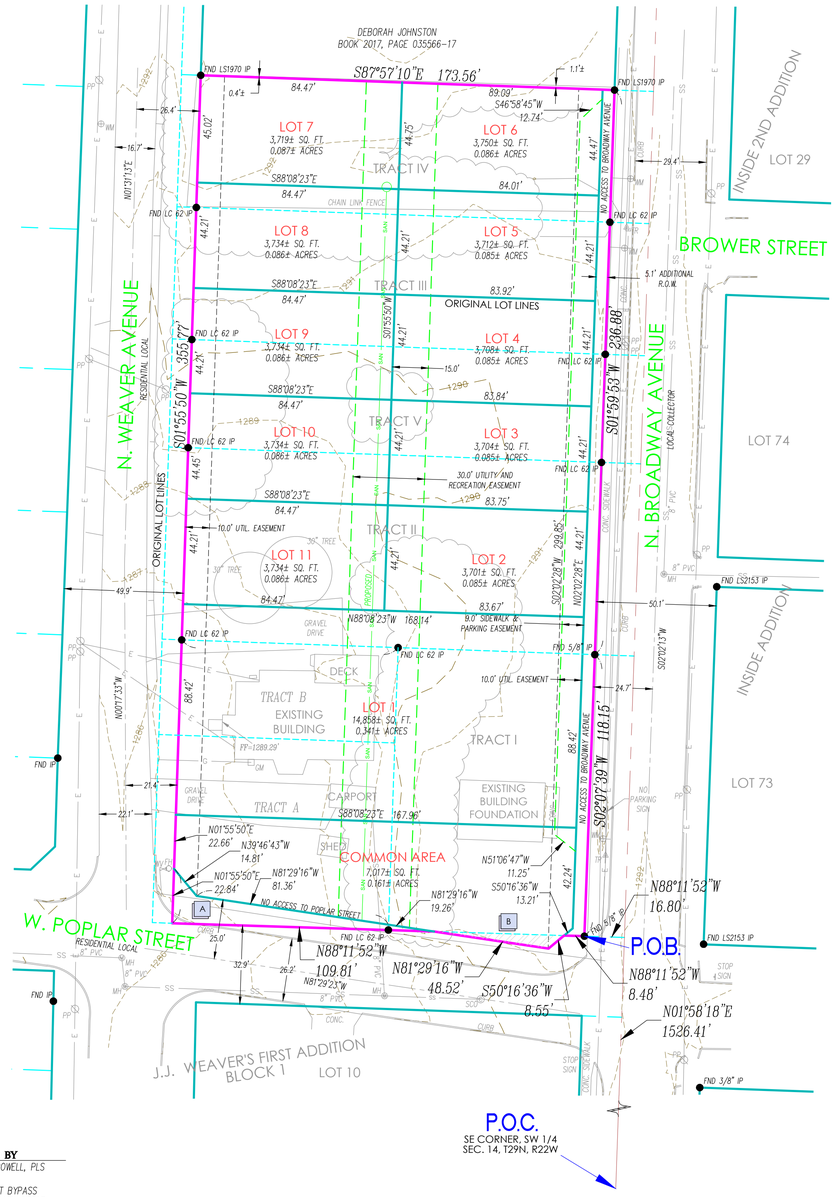
INSTALLATION OF IRON PINS ON ALL LOT CORNERS WILL BE COMPLETED UPON COMPLETION OF UTILITIES INSTALLATIONS.

NO LOT SHALL HAVE DIRECT ACCESS TO BROADWAY AVENUE OR POPLAR STREET.

RIGHT-OF-WAY NOTE

A — RIGHT-OF-WAY TO BE DEDICATED TO CITY UPON FINAL PLATTING.

B — RIGHT-OF-WAY TO BE RELINQUISHED UPON FINAL PLATTING.



BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2000, FROM GPS OBSERVATIONS.

GRID

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

RECORD DESCRIPTION (BOOK 2023, PAGE 014879-23)

TRACT I:
BEGINNING AT THE NORTHEAST CORNER OF LOT TEN (10), WEAVER ADDITION; THENCE NORTH 150 FEET; THENCE WEST 99 FEET; THENCE SOUTH 150 FEET; THENCE EAST 99 FEET TO THE POINT OF BEGINNING, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, EXCEPT PART USED FOR CITY STREET.

TRACT II:
THE SOUTH 80 FEET OF THE FOLLOWING DESCRIBED LAND:
COMMENCING 97 1/3 POLES NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION FOURTEEN (14), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22), GREENE COUNTY, MISSOURI; THENCE WEST 12 POLES; THENCE NORTH 13 1/3 POLES; THENCE EAST 12 POLES; THENCE SOUTH 13 1/3 POLES TO THE PLACE OF BEGINNING; EXCEPT A STRIP 3 1/3 RODS WIDE ACROSS THE NORTH SIDE, AND A STRIP 40 FEET WIDE ACROSS THE SOUTH SIDE THEREOF AND ALSO EXCEPT THAT PART TAKEN BY CITY STREET; IT BEING A STRIP OF GROUND 80 FEET NORTH AND SOUTH BY 173 FEET AND WEST OFF THE SOUTH SIDE OF THE ABOVE DESCRIBED TRACT, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT III:
BEGINNING 275 FEET NORTH OF THE NORTHEAST CORNER OF LOT TEN (10) IN WEAVER ADDITION; THENCE NORTH 55 FEET; THENCE WEST 198 FEET; THENCE SOUTH 55 FEET; THENCE EAST TO THE POINT OF BEGINNING, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT IV:
THE SOUTH HALF (S 1/2) OF A TRACT BEGINNING 110 RODS AND 16 74/100 LINKS NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION FOURTEEN (14), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22), GREENE COUNTY, MISSOURI; THENCE WEST 12 POLES; THENCE NORTH 6 2/3 POLES; THENCE WEST 12 POLES; THENCE SOUTH 6 2/3 POLES TO THE PLACE OF BEGINNING, ALL IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

TRACT V:
BEGINNING 230 FEET NORTH OF THE NORTHEAST CORNER OF LOT TEN (10) IN WEAVER ADDITION; THENCE NORTH 45 FEET; THENCE WEST 198 FEET; THENCE SOUTH 45 FEET; THENCE EAST TO THE POINT OF BEGINNING, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

RECORD DESCRIPTION (BOOK 2025, PAGE 000087-25)

TRACT A:
BEGINNING 99 FEET WEST OF THE NORTHEAST CORNER OF LOT TEN (10), IN J.J. WEAVER 1ST ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI; THENCE NORTH 110 FEET; THENCE WEST 99 FEET; THENCE SOUTH 110 FEET; THENCE EAST 99 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE EAST HALF (E1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FOURTEEN (14), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22).

TRACT B:
THE NORTH FORTY (40) FEET OF THE FOLLOWING DESCRIBED LOT:
BEGINNING AT A POINT 90 POLES 16.75 LINKS NORTH AND 12 POLES WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION FOURTEEN (14), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-TWO (22) AND RUNNING THENCE NORTH 149.5 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF A LOT THERETOFORE OWNED BY J.H. SHACKLEFORD; THENCE EAST 99 FEET; THENCE SOUTH 149.5 FEET; THENCE WEST 99 FEET TO THE PLACE OF BEGINNING, ALL IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

PERIMETER DESCRIPTION

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 29 NORTH, RANGE 22 WEST IN GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 29 NORTH, RANGE 22 WEST; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER NORTH 01°58'18" EAST, 1,526.41 FEET; THENCE LEAVING SAID EAST LINE, NORTH 88°11'52" WEST, 16.80 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO LYING AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH BROADWAY AVENUE AND WEST POPLAR STREET, AS IT CURRENTLY EXISTS; THENCE LEAVING THE WEST RIGHT-OF-WAY OF BROADWAY AVENUE, ALONG THE NORTH RIGHT-OF-WAY OF POPLAR STREET THE FOLLOWING COURSES, NORTH 88°11'52" WEST, 8.84 FEET; THENCE SOUTH 50°16'36" WEST, 8.55 FEET; THENCE NORTH 81°29'16" WEST, 48.52 FEET; THENCE NORTH 88°11'52" WEST, 109.81 FEET TO A POINT LYING ON THE EAST RIGHT-OF-WAY OF WEAVER AVENUE; THENCE LEAVING SAID NORTH RIGHT-OF-WAY, AND ALONG SAID EAST RIGHT-OF-WAY LINE OF WEAVER AVENUE NORTH 01°55'50" EAST, 355.77 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY, SOUTH 87°57'10" EAST, 173.56 FEET TO A POINT LYING ON THE AFOREMENTIONED WEST RIGHT-OF-WAY OF BROADWAY AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY, SOUTH 01°59'53" WEST, 236.88 FEET; THENCE SOUTH 02°07'39" WEST, 118.15 FEET TO THE POINT OF BEGINNING. CONTAINING 61,749 SQUARE FEET OR 1.42 ACRES, MORE OR LESS.

ALL LYING IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 29 NORTH, RANGE 22 WEST IN GREENE COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

CERTIFICATE OF APPROVAL BY THE PLANNING AND ZONING COMMISSION

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

_____
STEPHEN CHILDERS, DIRECTOR OF PLANNING & DEVELOPMENT

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL

APPROVED THIS _____ DAY OF _____, 20____, BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI BY SPECIAL ORDINANCE_____.

_____
ANITA J. COTTER, MMC/MPCC
CITY CLERK

DEDICATION

SAID LAND HAS BEEN SUBDIVIDED AS SHOWN HEREON, ALL STREETS, EASEMENTS, AND ACCESS LIMITATIONS AS RELINQUISHED AND DEDICATED TO THE PUBLIC.

IN WITNESS WHEREOF_____, MANAGING MEMBER OF DREW LEWIS FOUNDATION INC., (CORPORATE OFFICE/ETC.) SOLE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAS CAUSED THIS PLAT TO BE SIGNED THIS_____ DAY OF _____, _____.

_____
SIGNATURE

_____
PRINT NAME
MANAGING MEMBER OF DREW LEWIS FOUNDATION, INC.

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF SPRINGFIELD, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION.

_____ _____
SIGNATURE DATE

_____ _____
PRINT DATE
MANAGING MEMBER OF DREW LEWIS FOUNDATION, INC.

ACKNOWLEDGEMENT

STATE OF MISSOURI)
(SS)
COUNTY OF GREENE)

ON THIS _____ DAY OF _____, IN THE YEAR 20_____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____ TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT HE/SHE IS THE _____ OF _____ A LIMITED LIABILITY COMPANY OF THE STATE OF _____, AND THAT SAID DOCUMENT WAS SIGNED IN BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS _____ AND SAID _____ ACKNOWLEDGED SAID DOCUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

NOTARY PUBLIC: _____

PRINT NAME: _____

SURVEYOR'S CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, ROBERT A. POWELL, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY OWN, INC. DATED NOVEMBER 2024 AND SIGNED BY ROBERT A. POWELL, PLS NO. 2008016663 AND THAT THE MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE SUPERVISION OF ROBERT A. POWELL, PLS NO. 2008016663 IN ACCORDANCE WITH THE STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS PROMULGATED FOR THE STATE OF MISSOURI BY THE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS AND THE MISSOURI DEPARTMENT OF AGRICULTURE. DRAWING LAST REVISED ON JANUARY 29, 2025.

OWN, INC. BY:

STATE OF MISSOURI
ROBERT A. POWELL
NUMBER PLS-2008016663
PROFESSIONAL LAND SURVEYOR

ROBERT A. POWELL, PLS NO. 2008016663

01-29-2025
DATE PREPARED

FLOOD NOTE:
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 29077C0333E, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 17, 2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS.

SURVEYORS NOTE:
WITH THIS SURVEY WE DO NOT GUARANTEE THAT OWNERSHIP IS TO THE SURVEY LINES DEPICTED HEREON. THIS SURVEY IS A GRAPHIC REPRESENTATION OF THE OPINION OF THE SURVEYOR AS TO THE LOCATION OF THE RECORD DESCRIPTION. NO OPINION AS TO THE VALIDITY OF TITLE IS GIVEN OR IMPLIED.

UTILITY NOTE:
THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANTY THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

PREPARED BY
ROBERT A. POWELL, PLS
OWN, INC.
3213 S. WEST BYPASS
SPRINGFIELD, MO. 65807

OWNER AND DEVELOPER
DREW LEWIS FOUNDATION, INC.
1126 N. BROADWAY BLDG. A
SPRINGFIELD, MO. 65802

COA #000062

OWN
Engineering beyond
3213 S. West Bypass
Springfield, MO 65807
417.866.2741
weareown.com
FORMERLY ANDERSON ENGINEERING

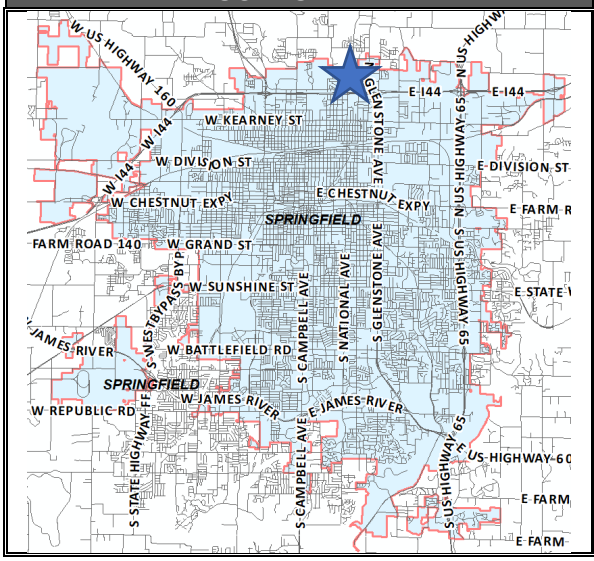
FIELD: BB	DATE: 11-26-2024	112040
DRAWN: GAS	FIELD BK: N/A	SHEET 1 OF 1
CHECKED: RAP	JOB NO: 24SP10214	

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Preliminary Plat of McClernon Springs 1st Addition
Location:	3156 North National Avenue
Total Acres:	1.39 acres
Applicant:	Gerst Properties, LLC
Existing Land Use:	Single-Family Residence
Neighborhood Meeting:	N/A
Planning and Zoning Commission:	February 13, 2025
City Council:	March 10, 2025
Public Notification:	Posted property
Staff:	Andrew Menke, Senior Planner, (417) 864-1613
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve the preliminary plat of McClernon Springs 1st Addition subject to the conditions listed in Attachment 2 of the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

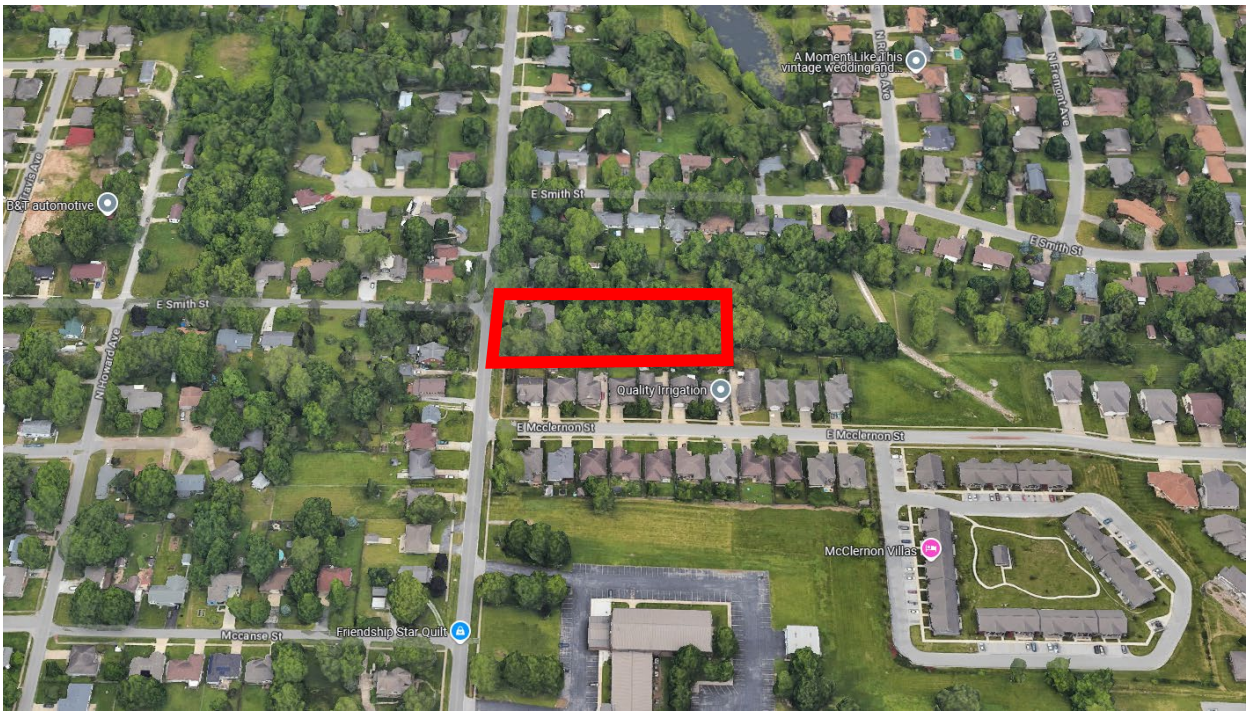
PROJECT SUMMARY:

Request to subdivide approximately 1.39 acres of property generally located at 3156 North National Avenue into two (2) lots to facilitate the development of the site.

LOCATION MAP	ZONING MAP
	

DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:

DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was annexed into the city in 1955. No subdivision activity involving this parcel has occurred since this property was annexed into the city. At the time of the 1995 citywide remapping, the property was rezoned to R-SF, Single-Family Residential.

PLANNING AND ZONING COMMISSION AUTHORITY:

Action Type: Administrative.

A subdivision is the legal process to divide a surveyed tract of land into lots for the purposes of sale of the property. Platting is the process of mapping those lots and is considered part of the subdivision process. Subdivision is an administrative action. An administrative action is ministerial and non-discretionary. In reviewing a preliminary plat, the role of the Planning and Zoning Commission is to determine whether the plat meets the minimum requirements set forth in the subdivision statutes and the subdivision regulations in the Land Development Code. If the plat meets these standards, approval is required.

Relevant Authority

Revised Statutes of Missouri

Sections 89.400 through 89.470

City Charter

Sec. 11.7. – Legal status of master plan.

(1) *Master plan to provide general guidelines.* The master plan shall be prepared and maintained as a general guide for the orderly and efficient development and redevelopment of the City of Springfield. The master plan shall be kept current through review not less than every five years. When required by this Charter or otherwise deemed necessary, such review shall include proposed revisions or alterations in the master plan and public hearings thereon.

(2) *Regulations to generally conform to master plan.* All rezoning of land, subdivision plats, development proposals, and the zoning ordinance, subdivision ordinance and the zoning map should generally conform with the guidelines set forth in the master plan and should be reviewed for consistency with the master plan; provided, however, inconsistencies with the master plan shall not constitute cause to invalidate any such matter. The master plan shall not have the effect of a regulatory ordinance.

(3) *Master plan to guide public improvements.* The master plan shall provide guidelines for the location of public streets, parks and other public ways, grounds and spaces, public buildings and structures, facilities of public or private utilities, and the acquisition of real property by the city for public use. To that end the planning and zoning commission shall review the following:

(a) All proposals to construct or extend public streets.

(b) All proposals to improve land as a park.
(c) All proposals to lay out or improve other public ways, grounds or spaces.
(d) All proposals to construct public buildings and structures.
(e) All proposals to lay out and construct facilities of public utilities, whether publicly or privately owned.
(f) All proposals to acquire real property for public purposes.

In reviewing and approving all such proposals, the function of the planning and zoning commission shall be to determine whether they are generally consistent with the master plan of the city. No such proposals shall be constructed or authorized until the location, extent and character thereof has been submitted and approved by the planning and zoning commission.

In case of disapproval, the commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the proposal is by an agency other than an agency of the city and the authorization or financing does not fall within the province of the city council, then the submission to the planning commission shall be by the agency having jurisdiction, and the planning commission's disapproval may be overruled by that agency by a vote of not less than two-thirds of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled.

In the event the commission shall fail to act within thirty days after the date of official submission of a proposal (which date shall be the date that the matter is placed upon the agenda of the commission) to the commission, then the proposal shall be deemed to have been approved by the commission, unless a longer period for review by the commission shall have been authorized by the council or by the public officials submitting the proposal. In any case in which the commission finds that it is not reasonably able to complete its review of a proposal within thirty days, it may extend the time for such review for not more than thirty days.

City of Springfield Land Development Code

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.
(a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.

(b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.

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

(d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.

(e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

(f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.

(g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

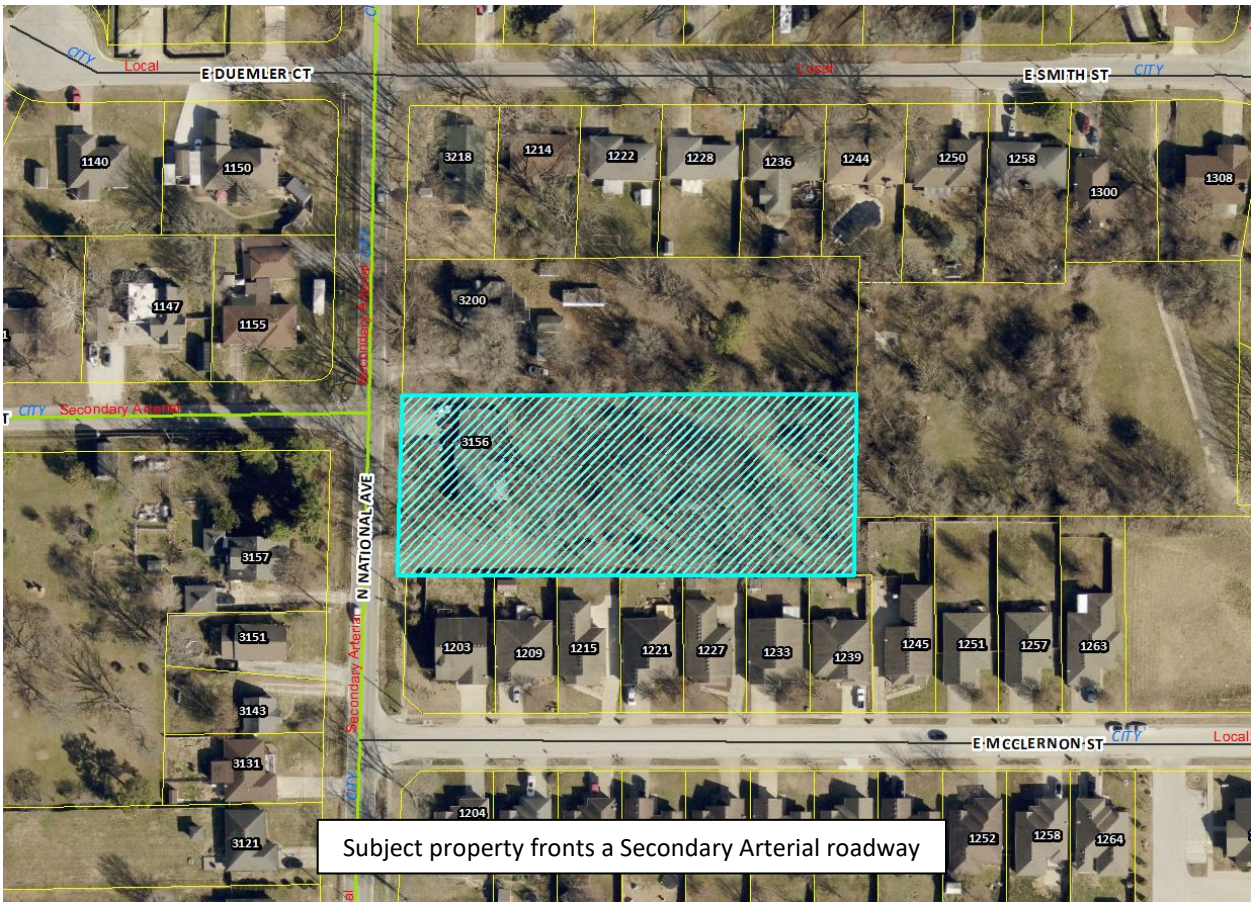
DEVELOPMENT REVIEW STAFF REPORT

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL
Minimum lot dimension requirements	Lot Area: 6,000 square feet Lot Width: 50 feet Lot Depth: 80 feet
Maximum structure height	- When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. - When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Front yard setback	15 feet along local streets 25 feet along Collector streets or higher
Side yard setback	Five feet or as required by section 36-453, supplemental open space and yard regulations.
Rear yard setback	Ten percent of the lot depth, but may not be less than ten feet nor shall more than 20 feet be required.
Street Classification	N National Avenue – Secondary Arterial
Sidewalks	Sidewalk is required along N National Avenue, but sidewalk does not currently exist along the frontage of the property. Sidewalk along N National Avenue will be constructed at the time of development.
Open Space Requirements	The minimum open space ratio on each buildable lot shall be at least 30 percent.

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is proposing to subdivide approximately 1.39 acres into a two (2) lot subdivision named “McClernon Springs 1st Addition”.
2. All lots meet the minimum requirements of the City’s subdivision regulations and the R-SF, Single-Family Residential District.
3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
4. The Land Development Code requires that each lot have adequate public facilities including but not limited to water, sanitary sewer, electricity, gas, open space, storm drainage, access to the public transportation system, and that any existing natural features such as floodplains, stream buffers and sinkholes have been identified on the preliminary plat.
5. The proposed preliminary plat was reviewed by City departments and comments are contained in ***Attachment 1.*** Conditions of Approval are provided in ***Attachment 2.*** The Preliminary Plat drawing can be found in ***Attachment 3.***
6. All Departments and other reviewing agencies have approved the subdivision per the subdivision regulations and zoning district standards.

STAFF RECOMMENDATION:

1. The proposed subdivision meets all applicable requirements of the City of Springfield’s *Land Development Code* for subdivisions and is compatible with the zoning requirements of the R-SF Single-Family Residential District.
2. Staff recommends approval as submitted in the staff report.

PLANNING AND ZONING COMMISSION OPTIONS:

In reviewing a preliminary plat, the role of the Planning and Zoning Commission is to determine whether the plat meets the requirements set forth in the subdivision statutes and the Land Development Code. If the plat meets these minimum standards, approval is required.

The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing.

1. The commission shall approve the preliminary plat.

2. The commission shall conditionally approve the preliminary plat.

3. The commission shall disapprove the preliminary plat and state for the record which requirement or requirements of the *Land Development Code* the preliminary plat fails to meet.

PUBLIC NOTIFICATION AND COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing.

No comments were received by citizens for this case at the time of publication.

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

ATTACHMENT 1

1. AT&T:

   Did not respond in allotted review time.

2. CITY UTILITIES:

   No issues with prelim plat. Both proposed lots will have access to CU Electric/Gas/Water along National Ave.

3. DEPARTMENT OF PUBLIC WORKS TRANSPORTATION ENGINEERING SURVEY DIVISION:

   Approved.

4. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

   No issues with lot split. Both lots have access to public sewer.

5. FIRE DEPARTMENT:

   No comments.

6. PARKS & GREENWAYS:

   Approved.

7. DEPARTMENT OF PUBLIC WORKS TRANSPORTATION ENGINEERING RIGHT-OF-WAY DIVISION:

   Approved.

8. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

   <u>Site Description and Drainage Pattern</u>

   The property is in the **Pea Ridge Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. The city **is not** aware of a sinkhole or other Karst feature at this location. The property **does not have a stream buffer on site.**
   A fee in lieu of on-site stormwater detention **will be dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts.**

   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. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. Detention for Flood Control will be evaluated at time of development.

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

N/A

Natural Channels and Stream Buffers

N/A

Sinkholes and Karst Features

N/A

Additional Stormwater Requirements

1. Stormwater Control Measures are the responsibility of the property owner or property owners' association to maintain, repair, and update unless the agreement is made with the City to operate. Operation and maintenance agreements are required for any permanent stormwater control measures.

9. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

Access

All new or modified driveway approaches shall comply with current City of Springfield standards for the street classification. Accesses to the 2 lots shall be for single family residences only. If either lot rezones, redevelops, and/or changes use, the 2 lots must share one common access.

Trails, Bus Stops, And Additional Information

There are no Greenway Trails near the property. There are no bus stops near the property.

Improvements

No improvements are required for the preliminary plat. Sidewalk along National Avenue will be constructed at the time of development. A traffic study is not required for this preliminary plat.

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	N. National Avenue	Secondary Arterial	City	35	**30**	NA	No	Yes	**No**

DEVELOPMENT REVIEW STAFF REPORT

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

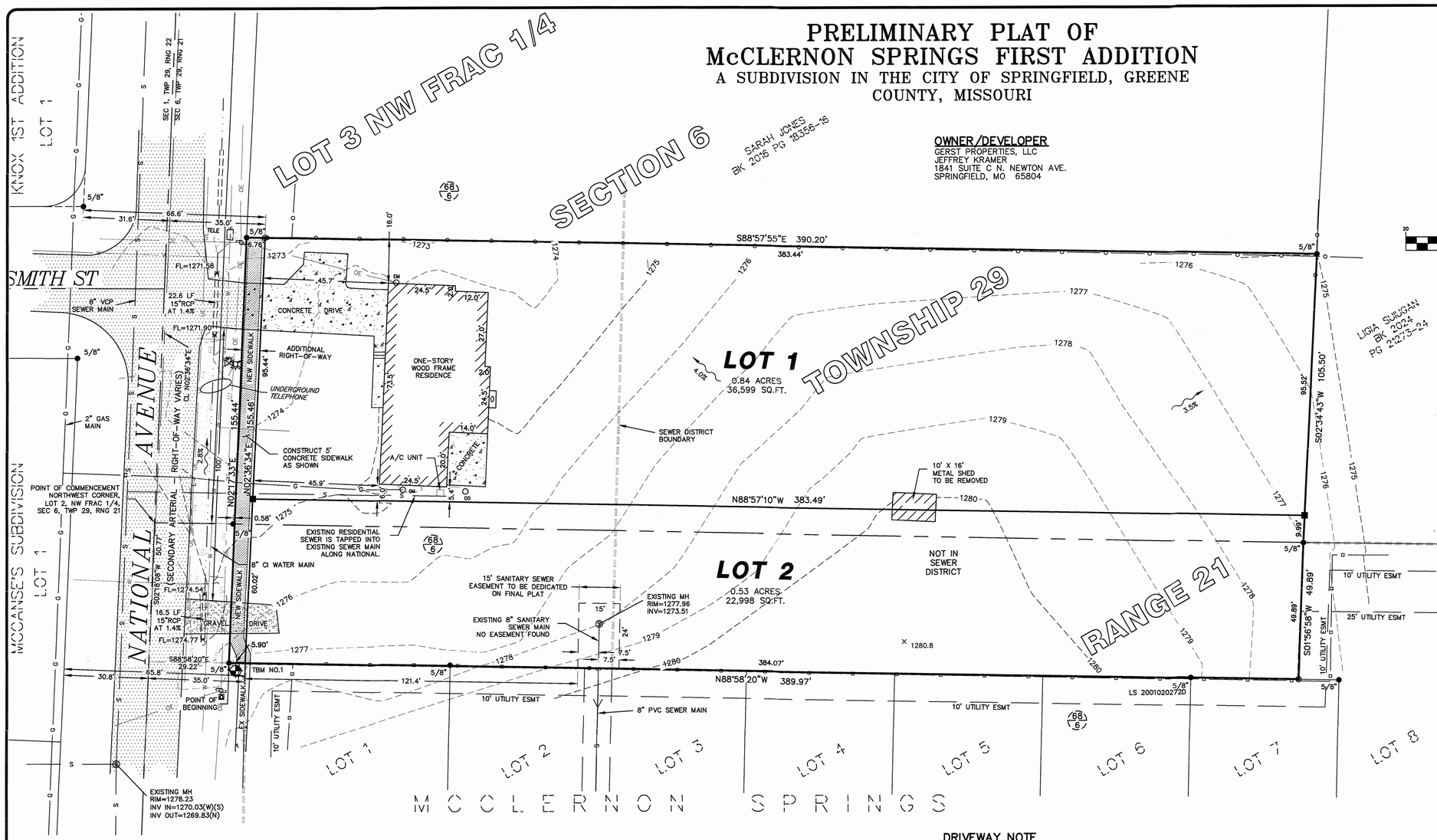
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

PRELIMINARY PLAT OF
McCLERNON SPRINGS FIRST ADDITION
A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI



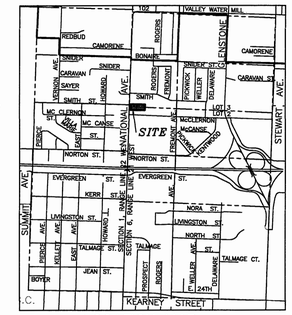
OWNER/DEVELOPER
GERST PROPERTIES, LLC
JEFFREY KRAMER
1841 SUITE C N. NEWTON AVE.
SPRINGFIELD, MO 65804

GRID NORTH
MISSOURI STATE PLANE
CENTRAL ZONE
NAD83 2011

VERTICAL DATUM
NAVD88
MODOT RTK NETWORK

COORDINATES LISTED
ARE IN METERS
(1m = 3.28083333 ft.)

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.



LOCATION MAP
PART OF SECTION 6
TOWNSHIP 29 RANGE 21 AND
SECTION 1 TOWNSHIP 29 RANGE 22
APPROX. SCALE: 1"=2000'

PROPERTY DESCRIPTION
A TRACT OF LAND BEING PART OF LOTS 2 AND 3 IN THE NORTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP 29, RANGE 21, SPRINGFIELD, GREENE COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2, THENCE S02°18'08"W, ALONG THE WEST LINE OF SAID LOT 2, 50.77 FEET; THENCE S88°58'20"E, 29.22 FEET TO THE EAST RIGHT-OF-WAY LINE OF NATIONAL AVENUE FOR THE POINT OF BEGINNING; THENCE N02°17'33"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 155.44 FEET; THENCE S88°57'55"E, A DISTANCE OF 390.20 FEET; THENCE S02°34'43"W, A DISTANCE OF 105.50 FEET; THENCE S01°56'58"W, A DISTANCE OF 49.89 FEET; THENCE N88°58'20"W, A DISTANCE OF 389.97 FEET TO THE POINT OF BEGINNING. CONTAINING 1.4 ACRES.

SUBJECT TO ANY EASEMENTS OF RECORD, AND ANY PART THEREOF TAKEN OR USED FOR ROAD OR HIGHWAY PURPOSES.

OFFER OF DEDICATION
GERST PROPERTIES, LLC IS THE OWNER OF THE REAL ESTATE DESCRIBED HEREON AND HAS CAUSED SAID REAL ESTATE TO BE SUBDIVIDED AS SHOWN. SAID SUBDIVISION SHALL BE KNOWN AS MCCLERNON SPRINGS FIRST ADDITION AND ALL STREETS, ALLEYS, EASEMENTS, AND ACCESS LIMITATIONS SHOWN HEREON ARE DEDICATED TO THE PUBLIC. IN WITNESS WHEREOF GERST PROPERTIES, LLC HAVE CAUSED THIS PLAT TO BE SIGNED THIS ____ DAY OF _____, 2025.

SIGNATURE: _____
JEFFREY KRAMER, MANAGING MEMBER
OF GERST PROPERTIES, LLC

NO SEAL

ACKNOWLEDGMENT
STATE OF MISSOURI }
}SS:
COUNTY OF GREENE }

ON THIS ____ DAY OF _____, 2025, BEFORE ME PERSONALLY APPEARED JEFFREY KRAMER, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN (OR AFFIRMED), DID SAY THAT HE IS THE MANAGING MEMBER OF GERST PROPERTIES, LLC A LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERS, AND SAID JEFFREY KRAMER ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE THE DAY AND YEAR LAST ABOVE WRITTEN.

_____

PRINT NAME: _____
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

MY COMMISSION EXPIRES _____

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL
I, ANITA COTTER, CITY CLERK OF SPRINGFIELD, GREENE COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE PLAT OF MCCLERNON SPRINGS FIRST ADDITION WAS PRESENTED TO, ACCEPTED AND APPROVED BY THE COUNCIL OF SAID CITY OF SPRINGFIELD, AND APPROVED BY SPECIAL ORDINANCE NO. _____ ON THE _____ DAY OF _____, 2025.

_____
ANITA COTTER, MMC/MPCC
CITY CLERK

CERTIFICATE OF APPROVAL BY THE PLANNING AND ZONING COMMISSION
I, STEPHEN CHILDERS, DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, IN ACCORDANCE WITH THE AUTHORITY GRANTED TO ME BY SECTION 203 OF ARTICLE II OF THE LAND DEVELOPMENT CODE, CHAPTER 36, SPRINGFIELD CITY CODE, DO HEREBY APPROVE MCCLERNON SPRINGS FIRST ADDITION, A SUBDIVISION OF SAID CITY OF SPRINGFIELD OF THIS ____ DAY OF _____ 2025.

_____
STEPHEN CHILDERS
DIRECTOR OF PLANNING AND DEVELOPMENT

DEVELOPMENT NOTES

Total Area	60,580 Sq. Ft. (1.4 ACRES)
Right-of-way Area	983 Sq. Ft.
Total No. of Lots	2
Smallest Lot	Lot 2: 22,998 Sq. Ft. (0.5 ACRES)
Largest Lot	Lot 1: 36,599 Sq. Ft. (0.8 ACRES)
Density	1.4 LOTS/ACRE
Proposed Land Use	SINGLE FAMILY HOME SITES
Current Zoning	Single-Family Residential
Source of Title	Book 2009 Page 5736-09
Street Classifications	National Ave: Secondary Arterial
5' Sidewalks	Shall Be Constructed When Developed

NOTE
SETBACKS ARE DETERMINED BY THE ZONING DISTRICT AT THE TIME OF DEVELOPMENT.

THE PROPERTY SHOWN HEREON LIES IN A FLOOD ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) 29077C0328E, EFFECTIVE DECEMBER 17, 2010.

UTILITIES
SANITARY SEWER TO BE PROVIDED
BY CITY OF SPRINGFIELD
840 BOONVILLE AVENUE
SPRINGFIELD, MISSOURI 65802
(417) 864-1900

ELECTRIC, NATURAL GAS AND WATER
TO BE SUPPLIED BY
CITY UTILITIES OF SPRINGFIELD, MO
301 E. CENTRAL STREET
SPRINGFIELD, MISSOURI 65802
(417) 863-9000

TELEPHONE SERVICE TO BE PROVIDED
BY SBC
1010 PINE
ST. LOUIS MISSOURI 63101
(800) 464-7928

CABLE TELEVISION TO BE PROVIDED
BY MEDIACOM
1533 S. ENTERPRISE AVENUE
SPRINGFIELD, MISSOURI 65804
(417) 875-5500

SOURCE OF TITLE
BOOK 2009 PAGE 5736-09

RESOURCE MATERIALS USED FOR BOUNDARY DETERMINATION
TIMBERCREEK 6TH ADDITION
FINAL PLAT

WESTWOOD HILLS FIRST ADDITION
FINAL PLAT

WESTWOOD HILLS SECOND ADDITION
FINAL PLAT

WEST BYPASS PROPERTIES
FINAL PLAT

WEST BYPASS PROPERTIES – PLAT 2
FINAL PLAT

DEEDS AS SHOWN

LEGEND
- = EXISTING IRON PIN EXCEPT AS NOTED
- = 5/8" IRON PIN SET CAPPED "LS-267D"
- = STONE
- = POWER POLE
- = PHONE RISER
- = GAS METER
- = WATER METER
- = WATER VALVE
- = FIRE HYDRANT
- = SEWER MANHOLE
- S = SAN. SEWER LINE
- G = GAS LINE
- W = WATER LINE
- E = ELECTRIC LINE
- T = TELEPHONE LINE
- = CHAIN-LINK FENCE
- = WIRE FENCE
- = WOOD FENCE
- = ASPHALT
- = CONCRETE
- = GRAVEL

DRIVEWAY NOTE
THE DRIVES ON NATIONAL AVENUE TO THE 2 LOTS SHALL BE FOR SINGLE FAMILY RESIDENTIAL USE ONLY. IF EITHER LOT REZONES, REDEVELOPS, AND/OR CHANGES USE, THE 2 LOTS MUST SHARE ONE COMMON ACCESS.

STORMWATER NOTES
1. THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE WATER RUN-OFF. THIS IS DUE TO THE FACT THAT THE SURFACE WATER RUN-OFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES.
2. ALL COMMON AREAS ARE TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION. ALL DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY THE PROPERTY OWNER.

SINKHOLE NOTES
1. A 25' DRAINAGE EASEMENT/BUFFER AREA IS SHOWN ON THIS PLAT. THE SINK-HOLE RELATED NON-BUILDABLE AREAS OR RESTRICTED FILL AREAS SHALL BE DETERMINED BASED ON THE STUDY AND RECOMMENDATION OF A PROFESSIONAL ENGINEER OR GEOLOGIST PRIOR TO FINAL PLAT. HOWEVER, APPROVAL OF THIS PLAT IS NOT TO BE INTERPRETED AS ANY GUARANTEE THAT FUTURE SINKHOLE ACTIVITY WILL NOT OCCUR DUE TO EITHER NATURAL OR HUMAN ACTIVITIES.
2. ANY SINK-HOLE RELATED NON-BUILDABLE AREA IDENTIFIED HERE HAS BEEN DETERMINED TO BE UNSUITABLE FOR ANY CONSTRUCTION ACTIVITY, AND NO BUILDINGS, PARKING AREAS, LAND DISTURBANCE OR OTHER STRUCTURES SHALL BE PERMITTED WITHIN THIS AREA.
3. ANY SINKHOLE OR RESTRICTED FILL AREA IDENTIFIED HERE HAS BEEN DETERMINED TO BE UNSUITABLE FOR SOIL BEARING FOUNDATION, AND THE ENTIRE STRUCTURE OF ANY BUILDING (INCLUDING THE FLOOR SYSTEM) CONSTRUCTED THEREIN MUST BE FOUNDED ON SOLID ROCK, OR AS DETERMINED BY THE DIRECTOR OF BUILDING DEVELOPMENT SERVICES.

SURVEYORS DECLARATION
KNOW ALL MEN BY THESE PRESENTS: THAT I, RICK WILSON, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED AND SIGNED BY ME AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS PROMULGATED FOR THE STATE OF MISSOURI BY THE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONALL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS AND THE MISSOURI DEPARTMENT OF AGRICULTURE, AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

SIGNATURE _____
WILSON SURVEYING CO., INC. LC 267D
BY RICK WILSON LS 1970

MISSOURI ONE CALL SYSTEM, INC.
1-800-344-7483
STOP-CALL BEFORE DIGGING!

CAUTION:
INFORMATION ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.

PREPARED BY
WILSON SURVEYING CO., INC.
SURVEYING/ ENGINEERING/ LAND PLANNING
(417)-522-7870
Email: Rick.Wilson@wilsurveyinc.com
1835 S. STEWART AVENUE, SUITE 124
Springfield, Missouri 65804
DRAWING NO.: WD-106-413
JOB NO.: 2024-100
DRAWN BY: JV
DATE: FEBRUARY 2, 2025

RICK WILSON
MISSOURI L.S.
LICENSE NUMBER 1970

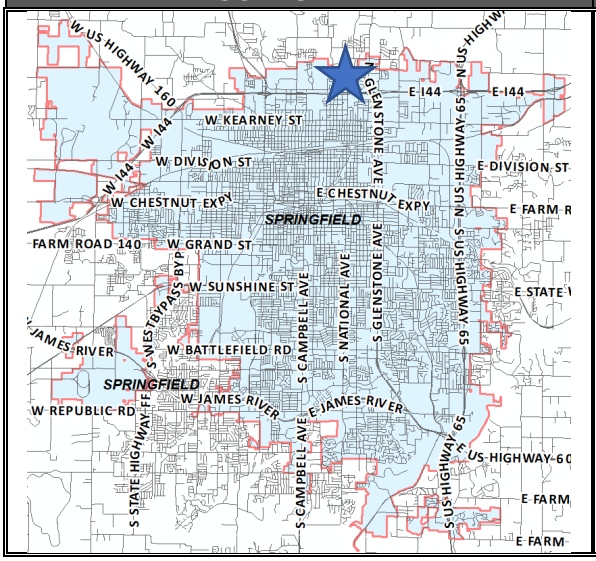
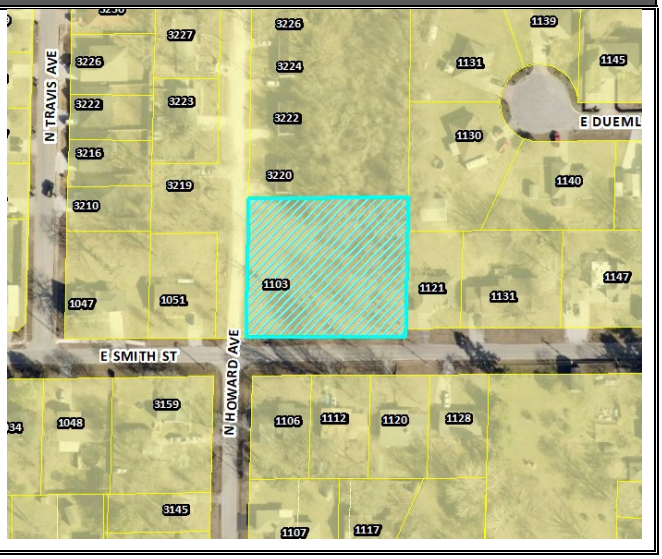
STATE OF MISSOURI
RICK WILSON
NUMBER PLS-1970
PROFESSIONAL LAND SURVEYOR
2-3-25

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Preliminary Plat of Elevate Subdivision
Location:	1103 East Smith Street
Total Acres:	0.74 acres
Applicant:	Elevate Investments Group, LLC
Existing Land Use:	Undeveloped
Neighborhood Meeting:	N/A
Planning and Zoning Commission:	February 13, 2025
City Council:	March 10, 2025
Public Notification:	Posted property
Staff:	Andrew Menke, Senior Planner, (417) 864-1613
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve the preliminary plat of Elevate Subdivision subject to the conditions listed in Attachment 2 of the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to subdivide approximately 0.74 acres of property generally located at 1103 East Smith Street into four (4) lots to facilitate the development of the site.

LOCATION MAP	ZONING MAP
	

DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:

GOOGLE MAPS STREET VIEW:

View from Smith Street

DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was annexed into the city in 1955. This property makes up part of a parcel certified as a tract of record in 2006. No additional subdivision activity involving this parcel has occurred since this property was annexed into the city. At the time of the 1995 citywide remapping, the property was rezoned to R-SF, Single-Family Residential.

PLANNING AND ZONING COMMISSION AUTHORITY:

Action Type: Administrative.

A subdivision is the legal process to divide a surveyed tract of land into lots for the purposes of sale of the property. Platting is the process of mapping those lots and is considered part of the subdivision process. Subdivision is an administrative action. An administrative action is ministerial and non-discretionary. In reviewing a preliminary plat, the role of the Planning and Zoning Commission is to determine whether the plat meets the minimum requirements set forth in the subdivision statutes and the subdivision regulations in the Land Development Code. If the plat meets these standards, approval is required.

Relevant Authority

Revised Statutes of Missouri

Sections 89.400 through 89.470

City Charter

Sec. 11.7. – Legal status of master plan.

(1) *Master plan to provide general guidelines.* The master plan shall be prepared and maintained as a general guide for the orderly and efficient development and redevelopment of the City of Springfield. The master plan shall be kept current through review not less than every five years. When required by this Charter or otherwise deemed necessary, such review shall include proposed revisions or alterations in the master plan and public hearings thereon.

(2) *Regulations to generally conform to master plan.* All rezoning of land, subdivision plats, development proposals, and the zoning ordinance, subdivision ordinance and the zoning map should generally conform with the guidelines set forth in the master plan and should be reviewed for consistency with the master plan; provided, however, inconsistencies with the master plan shall not constitute cause to invalidate any such matter. The master plan shall not have the effect of a regulatory ordinance.

(3) *Master plan to guide public improvements.* The master plan shall provide guidelines for the location of public streets, parks and other public ways, grounds and spaces, public buildings and structures, facilities of public or private utilities, and the acquisition of real property by the city for public use. To that end the planning and zoning commission shall review the following:

(a) All proposals to construct or extend public streets.
(b) All proposals to improve land as a park.
(c) All proposals to lay out or improve other public ways, grounds or spaces.
(d) All proposals to construct public buildings and structures.
(e) All proposals to lay out and construct facilities of public utilities, whether publicly or privately owned.
(f) All proposals to acquire real property for public purposes.

In reviewing and approving all such proposals, the function of the planning and zoning commission shall be to determine whether they are generally consistent with the master plan of the city. No such proposals shall be constructed or authorized until the location, extent and character thereof has been submitted and approved by the planning and zoning commission.

In case of disapproval, the commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the proposal is by an agency other than an agency of the city and the authorization or financing does not fall within the province of the city council, then the submission to the planning commission shall be by the agency having jurisdiction, and the planning commission's disapproval may be overruled by that agency by a vote of not less than two-thirds of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled.

In the event the commission shall fail to act within thirty days after the date of official submission of a proposal (which date shall be the date that the matter is placed upon the agenda of the commission) to the commission, then the proposal shall be deemed to have been approved by the commission, unless a longer period for review by the commission shall have been authorized by the council or by the public officials submitting the proposal. In any case in which the commission finds that it is not reasonably able to complete its review of a proposal within thirty days, it may extend the time for such review for not more than thirty days.

City of Springfield Land Development Code

Sec. 36-226. - Major subdivision review procedure.

(3) Preliminary plat.
(a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.

(b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.

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

(d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.

(e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

(f) If approved with modifications which are not acceptable to the applicant or if disapproved, the director of planning and development shall attach to the plat a statement of reasons for such action and return it to the subdivider.

(g) Actions by the commission regarding the preliminary plat are final unless such action is appealed by the subdivider to the city council within 90 days of the action by the commission.

(h) Effective period of preliminary approval.

1. The approval of a preliminary plat shall be effective for a period of two years. The application for final plat approval must be submitted to the department of planning and development within the two-year period. Any plat not submitted within the two-year limit shall be null and void except as provided in subparagraph 2. below.
2. The planning and zoning commission may at its discretion and upon application by the subdivider extend the effective period of preliminary approval by two years, one time. All other submittals shall be considered a new preliminary plat and subject to applicable reviews.

DEVELOPMENT REVIEW STAFF REPORT

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR SINGLE-FAMILY RESIDENTIAL
Minimum lot dimension requirements	Lot Area: 6,000 square feet Lot Width: 50 feet Lot Depth: 80 feet
Maximum structure height	- When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. - When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Front yard setback	15 feet along local streets 25 feet along Collector streets or higher
Side yard setback	Five feet or as required by section 36-453, supplemental open space and yard regulations.
Rear yard setback	Ten percent of the lot depth, but may not be less than ten feet nor shall more than 20 feet be required.
Street Classification	E Smith Street – Secondary Arterial
Sidewalks	Sidewalk is required along E Smith Street, but sidewalk does not currently exist along the frontage of the property.
Open Space Requirements	The minimum open space ratio on each buildable lot shall be at least 30 percent.

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is proposing to subdivide approximately 0.74 acres into a four (4) lot subdivision named “Elevate Subdivision”.
2. All lots meet the minimum requirements of the City’s subdivision regulations and the R-SF, Single-Family Residential District.
3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
4. The Land Development Code requires that each lot have adequate public facilities including but not limited to water, sanitary sewer, electricity, gas, open space, storm drainage, access to the public transportation system, and that any existing natural features such as floodplains, stream buffers and sinkholes have been identified on the preliminary plat.
5. The proposed preliminary plat was reviewed by City departments and comments are contained in ***Attachment 1.*** Conditions of Approval are provided in ***Attachment 2.*** The Preliminary Plat drawing can be found in ***Attachment 3.***
6. All Departments and other reviewing agencies have approved the subdivision per the subdivision regulations and zoning district standards.

STAFF RECOMMENDATION:

1. The proposed subdivision meets all applicable requirements of the City of Springfield’s *Land Development Code* for subdivisions and is compatible with the zoning requirements of the R-SF, Single-Family Residential District.
2. Staff recommends approval as submitted in the staff report.

PLANNING AND ZONING COMMISSION OPTIONS:

In reviewing a preliminary plat, the role of the Planning and Zoning Commission is to determine whether the plat meets the requirements set forth in the subdivision statutes and the Land Development Code. If the plat meets these minimum standards, approval is required.

The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing.

1. The commission shall approve the preliminary plat.
2. The commission shall conditionally approve the preliminary plat.

3. The commission shall disapprove the preliminary plat and state for the record which requirement or requirements of the *Land Development Code* the preliminary plat fails to meet.

PUBLIC NOTIFICATION AND COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing.

No comments were received by citizens for this case at the time of publication.

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

ATTACHMENT 1

1. AT&T:

   Did not respond in allotted review time.

2. CITY UTILITIES:

   No issues with preliminary plat. All proposed lots would have access to CU electric/gas/water along Smith St. Some electric infrastructure work will be needed to provide individual services to each lot, but this can be done at the time of construction.

3. DEPARTMENT OF PUBLIC WORKS TRANSPORTATION ENGINEERING SURVEY DIVISION:

   Final Plat must have a new legal description reflecting the additional right-of-way given by Plat.

4. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

   No issues with preliminary plat. Sanitary sewer public improvements have already been approved and filed.

   Final Plat can't actually be approved until the public improvements have been completed or escrowed.

5. FIRE DEPARTMENT:

   No comments.

6. PARKS & GREENWAYS:

   Approved.

7. DEPARTMENT OF PUBLIC WORKS TRANSPORTATION ENGINEERING RIGHT-OF-WAY DIVISION:

   Approved.

8. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

   <u>Site Description and Drainage Pattern</u>

   The property is in the **Pea Ridge Creek** drainage basin. The property **is not** located in a FEMA designated floodplain. Staff **is not** aware of flooding problems in the local or downstream area. The city **is not** aware of a sinkhole or other Karst feature at this location. The property **does not have a stream buffer on site.**

A fee in lieu of on-site stormwater detention **will be dependent on further analysis of the surrounding stormwater infrastructure and downstream impacts.**

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. Any development or redevelopment that increases runoff, through the increase in impervious surface, current detention requirements must be met per Chapter 3 Sec. 2.3.3. Detention for Flood Control will be evaluated at time of development.

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

N/A

Natural Channels and Stream Buffers

N/A

Sinkholes and Karst Features

N/A

Additional Stormwater Requirements

1. Stormwater Control Measures are the responsibility of the property owner or property owners' association to maintain, repair, and update unless the agreement is made with the City to operate. Operation and maintenance agreements are required for any permanent stormwater control measures.

9. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

Access

All new or modified driveway approaches shall comply with current City of Springfield standards for the street classification. Lots 1 and 2 shall share one (1) common access. Lots 3 and 4 shall share one (1) common access.

Trails, Bus Stops, And Additional Information

There are no Greenway Trails near the property. There are no bus stops near the property.

Improvements

No improvements are required for the preliminary plat. Public improvements are required for this development. All required public improvements must be constructed, or funds escrowed prior to approval of a building permit or final plat. Required improvements include sidewalks along Smith Street. All public improvements shall be designed and constructed per City of Springfield Public Works Design Standards for Public Improvements. A traffic study is not required for this preliminary plat.

	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. Smith Street	Secondary Arterial	City	35	**25**	NA	No	Yes	**No**
Street 2	N. Howard Avenue	Private - Local	Private	25	**20 - unplatted**	NA	Yes	Yes	**No**

DEVELOPMENT REVIEW STAFF REPORT

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the “Design Standards for Public Improvements” of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk, and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.

2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.

3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.

4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.

5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush, and overhanging tree limbs.

6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.

PRELIMINARY PLAT OF
ELEVATE SUBDIVISION

LOCATED IN THE E1/2 OF LOT No. 3 OF THE NE1/4 OF SECTION 1, TOWNSHIP 29 NORTH, RANGE 22 WEST OF THE 5th. P.M. IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

(RECORDER)

GRID NORTH

NOTE: ALL BEARINGS ARE BASED ON GPS OBSERVATIONS IN THIS PROJECT MO CENTRAL ZONE

0 20 40 60

(1"= 20')

BASIS FOR COORDINATES

BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE USING MODOT SPRINGFIELD CORS ARP
N= 513551.695 FEET
E= 1427959.359 FEET
ZONE= MO CENTRAL
GRID FACTOR= .99998497
ALL COORDINATES ARE SHOWN IN FEET. 1 meter = 3.280833'

LEGEND

- △ — CALCULATED POINT
- ○ — FOUND EXISTING IRON PIN.
- ● — SET IRON PIN WITH PLS–2002014103 CAP.
- ◆ — EXISTING UTILITY SERVICE POLE.
- (M) — MEASURED (P) — PLAT (D) — DEED
- Ⓜ — SEWER MANHOLE ◉ — EXISTING WATER METER
- (OHE) — OVERHEAD ELECTRIC ✪ — EXISTING FIRE HYDRANT
- ——S——S—— — SANITARY SEWER
- ——G——G—— — GAS LINE
- ——W——W—— — WATER LINE

INTERIOR ANGLES OF SUBDIVISION:

A. 92°16'22"
B. 87°43'38"
C. 92°17'05"
D. 87°42'55"

TOTAL= 360°00'00"

FLOOD HAZARD NOTE:

THE FLOOD INSURANCE RATE MAP (FIRM) FROM FEMA, MAP No. 29077C0219E EFFECTIVE 12/17/2010, SHOWS THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

AREA TABLE:

TOTAL AREA: 32117.45 SQUARE FEET (0.74 ACRES)

TOTAL NUMBER OF LOTS: 4
LOT 1– 7640.65 Sq. Ft. 0.18 Ac.
LOT 2– 7989.72 Sq. Ft. 0.18 Ac.
LOT 3– 7989.20 Sq. Ft. 0.18 Ac.
LOT 4– 8497.88 Sq. Ft. 0.20 Ac.

OWNER/DEVELOPER:

ELEVATE INVESTMENTS GROUP, LLC
325 S. AIRWOOD AVENUE, SPRINGFIELD, MO 65802

SURVEY CLASSIFICATION:

"URBAN"

RECORD SOURCE DEED:

QUIT CLAIM DEED BY LLC IN BOOK 2024 AT PAGE 015899–24.

CURRENT ZONING:

SINGLE–FAMILY RESIDENTIAL

SETBACKS:

SETBACKS TO BE SET BY ZONING DISTRICT AT TIME OF DEVELOPMENT.

BENCHMARKS

CITY BENCHMARK COS 241
NATIONAL AVE. AT SMITH ST.. NORTHWEST QUADRANT
COS STANDARD MONUMENT – ELEVATION: 1,272.79 FEET

CITY BENCHMARK COS 242
SUMMIT AVE. AT SMITH ST., SOUTHWEST QUADRANT
COS STANDARD MONUMENT – ELEVATION: 1,255.22 FEET.

PLAT NOTES:

THE AREA SHOWN HEREON IS NOT LOCATED IN A STORM SEWER DISTRICT AS OF THE DATE OF RECORDING AND MAY BE SUBJECT TO FUTURE ASSESSMENT COST IF INCLUDED IN FUTURE STORM WATER BENEFIT DISTRICT DEEMED NECESSARY RESULTING FROM PROBLEMS CREATED BY SURFACE WATER RUNOFF. THIS IS DUE TO THE FACT

THAT THE SURFACE WATER RUNOFF IS PRESENTLY BEING ACCOMMODATED BY STREET AND OPEN DRAINAGE FACILITIES."

MAINTENANCE OF ANY SURFACE AREA REFERRED TO AS A UTILITY, SANITARY SEWER, LANDSCAPE AND/OR DRAINAGE EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

PER CHAPTER 12 SECTION 3.1 OF THE STORMWATER DESIGN CRITERIA MANUAL ALL COMMON AREAS SHALL BE CONSIDERED DRAINAGE EASEMENTS. ALL COMMON AREAS ARE TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATED. ALL DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY THE PROPERTY OWNER."

SIDEWALK TO BE CONSTRUCTED ALONG SMITH STREET AT THE TIME OF DEVELOPMENT.

LOT 1 AND LOT 2 SHALL SHARE 1 COMMON ACCESS.
LOT 3 AND LOT 4 SHALL SHARE 1 COMMON ACCESS.

DESCRIPTION AND EXECUTION OF PLAT:

I, THE UNDERSIGNED, LUKE O'DELL, AM A MEMBER OF ELEVATE INVESTMENTS GROUP, LLC AND THE OWNER IN FEE SIMPLE OF THE PROPERTY DESCRIBED BELOW,

A PART OF LOT THREE (3) OF THE NORTHEAST ONE–QUARTER (NE1/4) OF SECTION ONE (1), TOWNSHIP TWENTY–NINE NORTH (T29N), RANGE TWENTY–TWO WEST (R22W) OF THE 5th. P.M. IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHWEST CORNER OF THE EAST ONE–HALF (E1/2) OF LOT THREE (3) OF THE NE1/4, SAID SEC. 1, THENCE S89°40'14"E ALONG THE SOUTH LINE OF THE E1/2 OF LOT 3 OF THE NE1/4, SAID SEC. 1, 681.70 FEET; THENCE N02°36'08"E, 200.00 FEET; THENCE S89°40'14"E, 5.00 FEET TO THE POINT OF BEGINNING; THENCE S89°40'14"E, 201.00 FEET; THENCE S02°36'08"W, 159.89 FEET; THENCE N89°40'56W, 201.00 FEET; THENCE N02°36'08"E, 159.94 FEET TO THE POINT OF BEGINNING.

SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN HEREON AND SAID SUBDIVISION SHALL HEREAFTER BE KNOWN AS ELEVATE SUBDIVISION, ALL EASEMENTS, ADDITIONAL RIGHTS–OF–WAY SHOWN ON PLAT AND NOT HERETOFORE DEDICATED TO THE PUBLIC USE ARE HEREBY SO DEDICATED.

AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF SPRINGFIELD, MISSOURI TO LOCATE AND MAINTAIN, AND TO AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE, OR USE OF CONDUJTS, FOR ALL AND ANY PURPOSE, WATER, GAS, AND SEWER MAINS, POLES, WIRES, ANCHORS AN APPURTENANCES THERETO, OR ANY OR ALL OF THEM OPEN, UNDER AND ALONG THE STRIP OF LAND OUTLINED ON THIS PLAT AND DESIGNATED "UTILITY EASEMENT" OR "UTIL. ESMT."

ALL STREETS ARE HEREBY DEDICATED TO THE PUBLIC.

IN TESTIMONY WHEREOF, THE UNDERSIGNED TRUSTEE HAS HEREUNTO SET THEIR HAND THIS __ DAY OF _____ ,2025.

LUKE O'DELL – MEMBER OF ELEVATE INVESTMENTS GROUP, LLC

ACKNOWLEDGEMENT:
STATE OF MISSOURI }SS
COUNTY OF GREENE

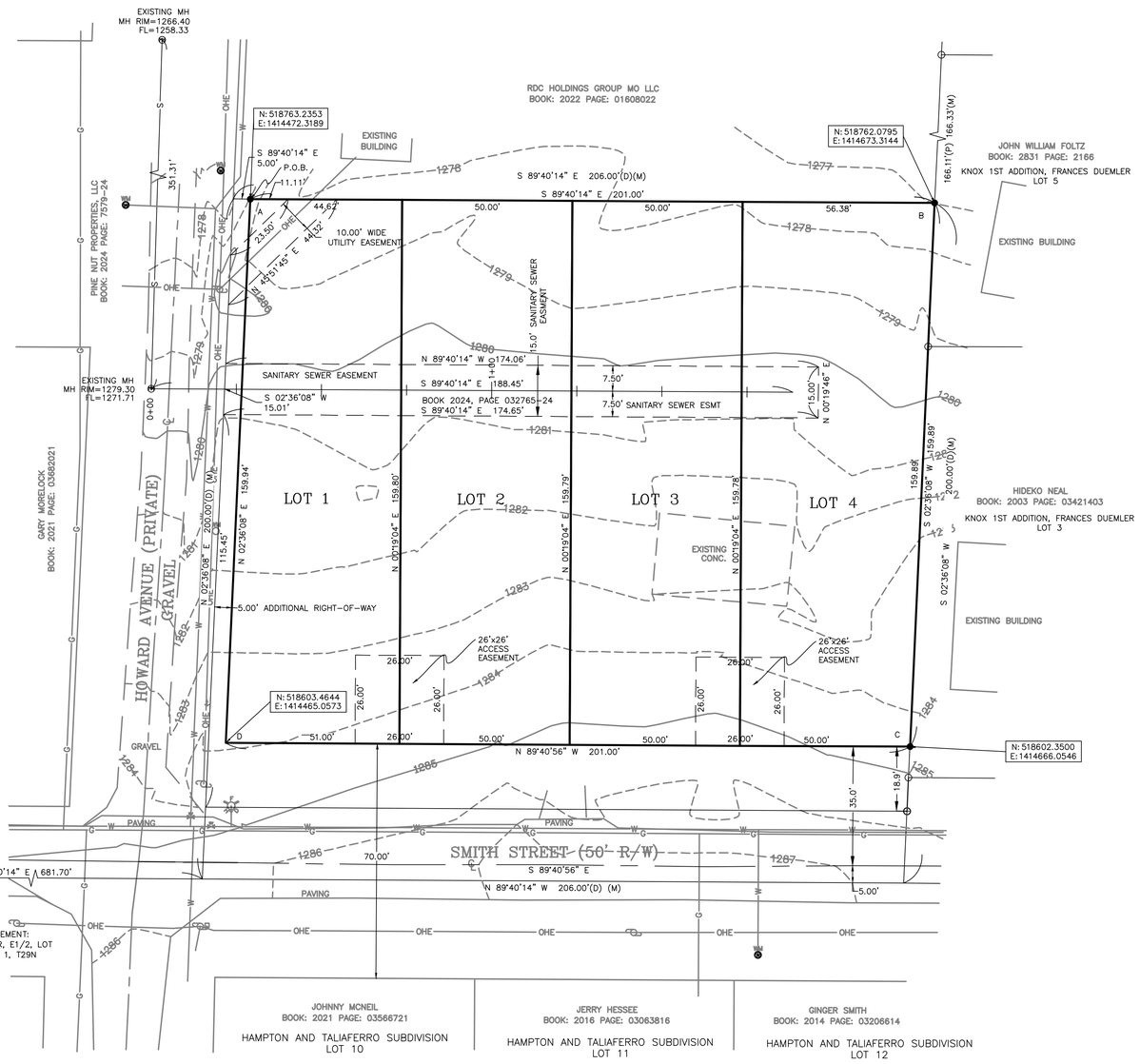
ON THIS ____ DAY OF _____ , 20____ , BEFORE ME PERSONALLY APPEARED LUKE O'DELL, TO ME PERSONALLY KNOWN AND WHO BEING DULY SWORN BY ME DID DEPOSE AND SAY THAT HE IS THE OWNER(S), OR THE LEGAL REPRESENTATIVE ACTING IN BEHALF OF THE ENTITY OWNER, OF THE PROPERTY DESCRIBED IN THIS DOCUMENT AND THAT HE EXECUTED THIS INSTRUMENT AND SIGNED HIS NAME THERETO BY HIS FREE ACT AND DEED. IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC SEAL

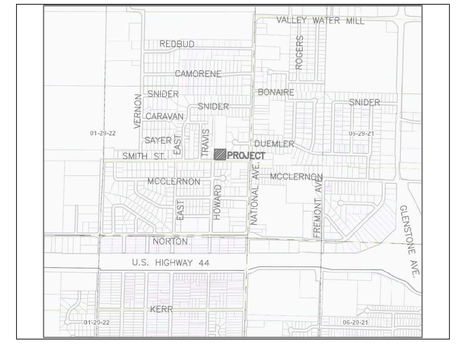
NOTARY PUBLIC: (SIGNATURE)

NOTARY PUBLIC: (PRINTED NAME)

MY COMMISSION EXPIRES



LOCATION SKETCH – NO SCALE



RECORD SOURCE PROPERTY DESCRIPTION:

ALL OF THE SOUTH 200 FEET OF THE FOLLOWING DESCRIBED TRACT: ALL COMMENCING AT THE SOUTHWEST CORNER OF THE EAST ONE HALF (E1/2) OF LOT THREE (3) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION ONE (1), TOWNSHIP TWENTY–NINE (29), RANGE TWENTY–TWO (22); THENCE EAST 681.7 FEET FOR A NEW BEGINNING POINT; THENCE EAST 206 FEET; THENCE NORTH 795.96 FEET; THENCE WEST 206 FEET; THENCE SOUTH 795.96 FEET TO THE PLACE OF BEGINNING, IN GREENE COUNTY, MISSOURI, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED, OR USED FOR ROAD PURPOSES.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD, IF ANY.

DESCRIPTION OF SUBDIVISION:

A PART OF LOT THREE (3) OF THE NORTHEAST ONE–QUARTER (NE1/4) OF SECTION ONE (1), TOWNSHIP TWENTY–NINE NORTH (T29N), RANGE TWENTY–TWO WEST (R22W) OF THE 5th. P.M. IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHWEST CORNER OF THE EAST ONE–HALF (E1/2) OF LOT THREE (3) OF THE NE1/4, SAID SEC. 1, THENCE S89°40'14"E ALONG THE SOUTH LINE OF THE E1/2 OF LOT 3 OF THE NE1/4, SAID SEC. 1, 681.70 FEET; THENCE N02°36'08"E, 200.00 FEET; THENCE S89°40'14"E, 5.00 FEET TO THE POINT OF BEGINNING; THENCE S89°40'14"E, 201.00 FEET; THENCE S02°36'08"W, 159.89 FEET; THENCE N89°40'56W, 201.00 FEET; THENCE N02°36'08"E, 159.94 FEET TO THE POINT OF BEGINNING.

DECLARATION NOTES:

MONUMENTS AND IRON PINS SHOWN AS SET WERE PLACED UNDER THE PERSONAL SUPERVISION OF BRADLEY N. MACKEY, PLS–2002014103. LOCATION OF IMPROVEMENTS AS SHOWN HEREON WAS TAKEN FROM VISUAL INSPECTION OF PHYSICAL EVIDENCE ON THE PREMISES AND EASEMENTS, IF ANY ARE SHOWN, ARE THOSE WRITTEN, PROVIDED, OR DISCOVERED; AND THESE ITEMS MAY NOT BE ALL INCLUSIVE. PROPERTY BOUNDARIES AS SHOWN ARE GENERALLY BASED ON DEEDS OF RECORD. VARIATIONS FOUND OUT OF HARMONY AGREEMENT WITH RECORD TITLE LINES ARE AS SHOWN.

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, BRADLEY N. MACKEY, PLS–2002014103, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREON WERE PLACED UNDER PERSONAL SUPERVISION OF BRADLEY N. MACKEY, PLS–2002014103, IN ACCORDANCE WITH THE "MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS", AND IN ACCORDANCE WITH SECTION 410.5 OF THE SUBDIVISION REGULATIONS, ARTICLE II, OF THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

Bradley N. Mackey 02/03/2025
BRADLEY N. MACKEY (PLS–2002014103) DATE

DECLARATION:
I, BRADLEY N. MACKEY, PROFESSIONAL LAND SURVEYOR #2002014103, HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY UNDER MY SUPERVISION AND THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS PLAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. I DID ATTEMPT TO MEET THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS OF THE MISSOURI DEPARTMENT OF AGRICULTURE, AND THE STANDARDS ADOPTED BY THE BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS. WITNESS BY SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 3rd. DAY OF FEBRUARY, 2025.

MACKEY SURVEYING
LAND SURVEYORS AND PLANNERS
162 OAK TREE ACRES LANE, BRANSON, MISSOURI 65721
417–300–1781

DATE OF PREPARATION: 12/16/2024
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER: PLS–2002014103
PLS CORP. NUMBER: 2022012827

STATE OF MISSOURI
BRADLEY N. MACKEY
NUMBER
PLS–2002014103
PROFESSIONAL LAND SURVEYOR

CLIENT: *ELEVATE INVESTMENTS GROUP, LLC*
DESCRIPTION: SUBDIVISION PLAT
LOCATION: LOCATED IN THE E1/2, LOT No. 3, NE1/4 OF SEC. 1, T29N, R22W OF THE 5th. P.M., SPRINGFIELD, GREENE COUNTY, MISSOURI.
ORDERED BY: LUKE O'DELL AND CHRIS SAPIEN

JOB No.: 24–1622–1
DATE: 02/03/2025
SCALE: 1" = 20'
DWG. No.: 1622–1–1
PAGE No.: 1 OF 1

CERTIFICATE OF APPROVAL BY THE PLANNING AND ZONING COMMISSION:

APPROVED ON THIS _____DAY OF _____ 20__, BY THE PLANNING AND ZONING COMMISSION OF SPRINGFIELD, MISSOURI.

_____
Stephen Childers
DIRECTOR OF PLANNING AND DEVELOPMENT

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL:

I, ANITA COTTER, CITY CLERK OF SPRINGFIELD, GREENE COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE PLAT OF ELEVATE SUBDIVISION WAS PRESENTED TO, ACCEPTED AND APPROVED BY THE COUNCIL OF SAID CITY OF SPRINGFIELD, AND APPROVED BY SPECIAL ORDINANCE NO. _____ ON THIS _____ DAY OF _____, 20_____.

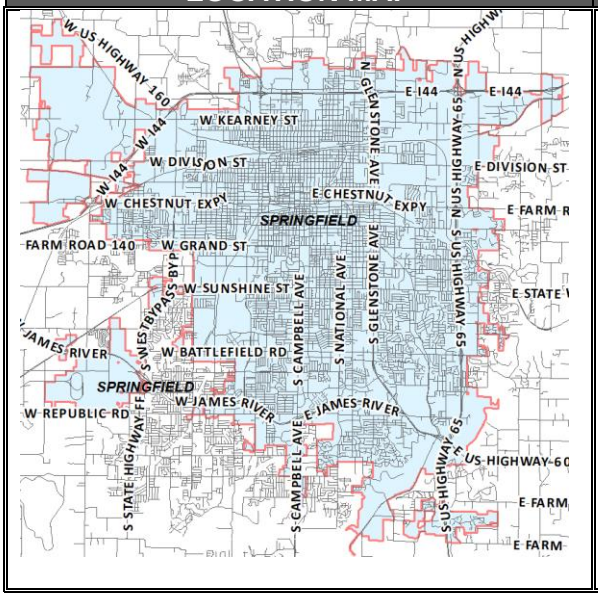
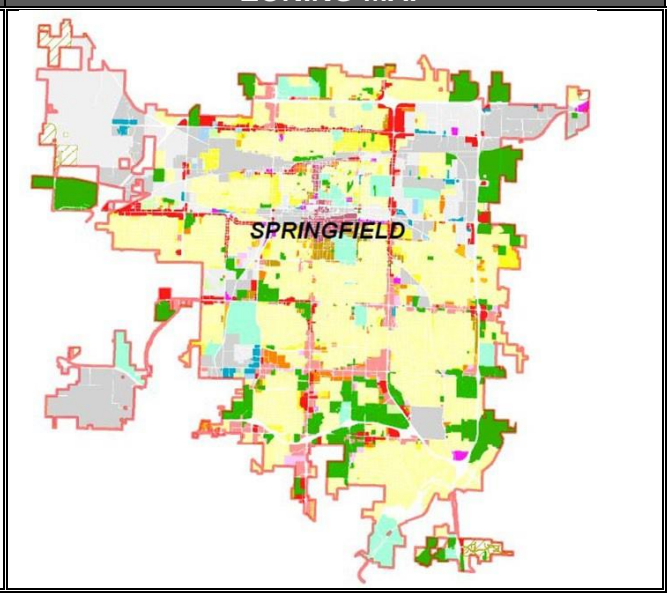
_____
ANITA J. COTTER, MMC/MPCC
CITY CLERK

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION:	
Case Number:	Land Development Code – Text Amendments
Location:	Citywide
Applicant:	City of Springfield
Planning and Zoning Commission:	February 13, 2025
City Council:	March 10, 2025
Public Notification:	Legal in Daily Events
Staff:	Justin Crighton, Assistant Director
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of the text amendment to Chapter 36 Sections 36-200 to 36-495 of the Land Development Code of the City of Springfield, Missouri 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).

PROJECT SUMMARY:

Request to amend Chapter 36 Sections 36-200 to 26-495 of the Land Development Code of the City of Springfield, Missouri and adopt the new Land Development Code as presented in Attachment 1 as a replacement. If adopted the new Land Development Code would not become effective until a new official zoning map is adopted according to the procedures set forth in the ordinance or other effective date established by City Council.

LOCATION MAP	ZONING MAP
	

Sec. 36-367. – Amendments describes the factors that Planning and Zoning Commission may consider when a request to amend the text of the zoning ordinance is before them. The findings of the commission may consider:

Whether the proposed text amendment is consistent with the Springfield Comprehensive Plan.

1. Whether the proposed text amendment is consistent with the intent and purpose of this article.
2. 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.
3. Whether the proposed text amendment is necessitated by a change in conditions in the zoning districts affected and the nature of such changed conditions.
4. Information submitted at the public hearing.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

1. The Comprehensive Plan Chapter 15, Implementation: The following actions and strategies establish the "next steps" to be taken after the adoption of the *Forward SGF Comprehensive Plan*. They will provide for the effective application of the Plan and continued community planning and investment, and ensure the Plan remains reflective of community needs and aspirations. They include:

Chapter 5 – Land Use & Development

- **Land Use Planning Framework –** Responding to Trends and Land Development Pressures
  - Increased use flexibility that promotes redevelopment and revitalization will need to be balanced by regulatory codes that promote and emphasize quality design and construction that is pedestrian focused and has a greater experience factor.
  - Future code changes will need to support the implementation of planning that promotes the development of places with a wide array of convenient services in proximity to amenity-rich, attractive, inviting, integrated corridors and districts that are within walking distance of neighborhood, trails, parks, and mixed-use centers with diverse housing options.
  - "Plans and code changes will also need to champion alignment of subsidies and other public investments and improvements with land planning to ensure housing and economic development projects are permitted and supported in places where they are best suited and equitably dispersed across the city.

Chapter 7 – Neighborhoods & Housing

- **Goal 3.** Revitalize Springfield's Neighborhoods
  - **(3.5)** Champion Safe, Healthy, Liveable Housing and Neighborhoods Chapter 8 – Economic Development

Chapter 8 – Economic Development

- **Goal 1.** Redefine Springfield's Narrative as a Major Competitor and Leader in the Regional Market
  - **(1.3)** Update the Code

Chapter 9 – Transportation & Mobility

- **Goal 3.** Integrate Transportation and Land Use to Support Mobility and Placemaking
  - **(3.3)** Enhance Community Character and Placemaking

Chapter 10 – Infrastructure & Community Facilities

- **Goal 3.** Develop Infrastructure and Community Facilities in a Sustainable Manner
  - **(3.1)** Apply Sustainable Development Practices

Chapter 12 – Subarea Plans

- **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 4.** Build on Commercial Street's maker ethos and strength in artisan manufacturing district
  - **(4.2)** Ensure land use codes allow for flexible maker spaces and artisan manufacturing uses throughout the district.

Chapter 15 – Implementation

- **Integrate Land Use, Placetypes, and Zoning**
  - Create a strategy for updating the City Land Development Regulations and Zoning Map based on the Placemaking approach
- **Implementation through regulation**
  - Implementation of interim amendments – Redevelopment on the Edges

2. Review and update the Land Development Code and other development controls to reflect policies presented in the *Forward SGF Comprehensive Plan.*

STAFF ANALYSIS AND RECOMMENDATION:

1. The City of Springfield contracted with the urban planning firm, Multistudio, beginning in 2023 to facilitate and draft new Development Codes, which will provide the City with the regulatory framework essential to implement many of the recommendations outlined in Forward SGF that will impact expansion of uses and quality of place enhancements for re-development projects.

2. Code consultant, Multistudio, completed the research and analysis phase of the code update process in the winter of 2023, which included reviewing and studying the City of Springfield's existing codes, policies, and district standards, as well as conducting interviews. The analysis phase produced the Fiscal Impact Analysis, the Code Review Summaries, and the Development Pattern Analysis documents, all of which can be found online.

3. After the analysis phase of the code update process was concluded, the consultant began the discussion phase on, January 25, 2024, with an initial meeting of the volunteer Place Teams and a public open house. These events were an opportunity for both members of the public and individuals that expressed interest in being involved in the process to learn how the consultant is using the vision of *Forward SGF* to update the City's development codes. The precedent studies set the framework for these events and other conversations with the public. In addition, the presentation boards that were at the open house can be found online at: https://www.forwardsgf.com/initiative3.

4. The Place Teams met again with the consultant and city staff on, June 4, 2024, to discuss their vision for future development. Based on the three Guiding Principles – "Community Design", "Development and Design", and "Site Design" participants were asked to share desired improvement for the four consolidated Placetypes – Neighborhoods, Corridors, Destinations, and Employment Centers and Campuses, as defined by Forward SGF.

5. The Place Teams met for a third time on December 4th, 2024, to kick off the public review of the draft code articles that were released on November 13th. Place Team members were encouraged to submit their feedback to staff at forwardsgf@springfieldmo.gov prior to City Council adoption process.

6. Multistudio and City staff worked for much of 2024 to draft a code that would integrate the recommendations from Forward SGF and be ready for public review. After the working draft's release in mid-November, City staff provided one-on-one opportunities for members of the public to discuss the code and provide their feedback.

7. Public comments on the individual articles of the working draft continued into January of 2025. After making adjustments to the code language based on the provided input, the proposed Community Development Code is anticipated to be adopted in March of 2025. Knowing that the code will contain minor imperfections and that there will be structural changes required to implement the code, a testing period through the year 2025 is anticipated with a proposed full effective date of January 1, 2026. Comments received from the public have been included as Attachment 2.

8. Planning and zoning commission recommended the initiation of the text amendment contained in Attachment 1 at their, January 16, 2025, regular meeting.

9. The proposed amendments follow the guidance and recommended implementation measures identified in Forward SGF as necessary for enhancing, preserving, and creating quality of place.

10. The proposed amendment has been made available for public review from October 2024 through the end of January 2025. The collected comments are provided in Attachment 2.

11. The proposed amendments are intended go into effect only after an update to the official zoning map in accordance with the procedures outlined in the ordinance which is anticipated to occur on or about January of 2026.

12. The proposed text amendments represent a shift in the overall way land use and development are regulated. The key changes include but are not limited to:

    a) Shifting administration of the Land Development Ordinance to the Director of Planning and Development.
    b) Expanded eligibility for administrative subdivisions.
    c) Establishing two tiers of rezoning – open, or straight rezoning and rezoning with a site plan.

d) Two tiers of site plan modifications – minor (administrative), major (P&ZC). P&ZC approves conditional use permits, with an appeal to City Council.
e) Implementing street design types city-wide, based on context.
f) Flexibility in code compliant public improvements
g) Generalizing and increasing flexibility of uses
h) Increased distinctions on scale & format; and
i) Reliance on design and performance criteria
j) Consolidating districts - 25 to 13.
k) Allowing ADUs in all single-family districts subject to design and operation conditions.
l) Enhancing neighborhood design standards by context
m) Focus on frontages & streetscapes; and basic building & stie design standards
n) Broadening & simplifying non-residential design by context
o) Focus on frontages & streetscapes; and
p) Basic building & site design standards.
q) Establishingthree tiers of access plans
r) Providing flexibility in parking requirements.
s) Defined parameters for permitted modifications or reductions, with criteria.
t) Allowance for alternative data/rates, parking plans, or shared parking.
u) Prioritizing Street Trees as infrastructure.
v) Implementing strategic tree preservation.

STAFF RECOMMENDATION:

1. Staff recommends approval of the text amendment.

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.

ATTACHMENT 1: PROPOSED AMENDMENT

Article 1. General Provisions

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

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.

1.02 Purposes

The Springfield Land Development Code is adopted to promote the public health, safety, and general welfare for 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 complimentary 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.

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, site plans, 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 Permit.* Any use operating under a conditional use permit use permit 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 not so limited, 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.

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 site plan according to the terms of this chapter.

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 site plan according to the terms of this chapter.

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, structure.

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 zoning 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 interpretation and administering this chapter.
g. Make all final interpretations and any final administrative decision referred to the PD Director under the procedures and standards of these regulations.
h. Initiate enforcement actions.

2. ***Director of Building Development Services***. The Director of Building Development Services (BDS Director) is responsible for 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 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 PD Director may assemble the Administrative Review Committee for any applications that the PD Director determines require more coordinated referral, review, and comment from any other departments or external agencies. The Administrative Review Committee shall perform a secondary review of any decision that is appealed under this code and issue a final administrative decision. 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 (Planning 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 these regulations.

1. *Procedure.* All meetings of the commission shall be open to the public except as otherwise provided by law. The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every recommendation or decision of the commission shall be in writing and shall contain the findings of the commission in each case, which shall be immediately filed in the office of the commission and shall be a public record.

2. *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 director of planning and development, director of building development services, director of public works, other employees of the City of Springfield or consultants in connection with the application and made a part of the record at the time of hearing;

(3) Inspections of the site;

(4) The Springfield Comprehensive Plan and adopted goals, objectives and policies related to community development; and

(5) The knowledge of matters of fact held by members of the commission, provided any such factual matters shall be made a part of the record at the time of the hearing; and any party to the hearing.

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 director of planning and development.

C. **Board of Adjustment.** The Board of Adjustment (Board) is established by Section 11.4, Title XI 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 5-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 of Board decisions.

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 2.10, Appeals of Administrative Decisions.
b. To grant variances from the strict application of the terms of this chapter according to the procedures and criteria in Section 2.09, Variances.
c. To hear any other matters specifically delegated to the Board by ordinance.

D. **Landmarks Board.** There now exists a Landmarks Board of Springfield. The Landmarks Board is the successor to the historical site board and historic district review board.

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, 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.
g. Members shall serve 3-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.

2. *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 10.02.XY.
d. Recommend plans and policies with regard to historic preservation;
e. Prepare written recommendations to the council regarding designation of historical or architectural resources;
f. Recommend to the 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 council;

j. Recommend the promulgation of standards for architectural review in addition to those cited in Section 10.02.XY.

k. Consider applications for and to approve or disapprove certificates of appropriateness pursuant to Section 10.02.XY.and to prepare written reasons pursuant to that action;

l. Consider applications for and issue or deny certificates of economic hardship pursuant to Section 10.02.XY.and to 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 further, by placing monuments and markers at historic sites, historic landmarks and historic districts designated under this article;

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

o. Review, evaluate and comment on proposed zoning amendments, applications for special use permits or applications for zoning variances that affect proposed or designated historic landmarks and historic districts. The 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 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, and make recommendations concerning actions undertaken by other city agencies with respect to the effect of such actions upon historical and architectural resources, including, but not limited to, reviewing applications for demolition permits (prior to issuance) for structures 50 years or older, or having historic significance as determined by the landmarks board;

r. Make recommendations to the council concerning grants from federal and state agencies, private groups and individuals and the utilization of budget appropriations to promote the preservation of historic and architectural resources;

s. Make recommendations to the council concerning the acquisition by gift, purchase, grant, bequest, devise, lease or otherwise the fee, any lesser interest, development right, easement, including scenic easement, covenant or other contractual right, including conveyance on conditions or with limitations or revisions, in any property in the city;

t. Investigate complaints, conduct hearings and recommend the commencement of actions to enforce the provisions of this article; and

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

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 dictionary 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 include 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, 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. In the case where they 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 or other rights of way or 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 shall be interpreted as following the actual city limits.
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 Planning and Development Department. 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 these regulations.

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 these regulations, 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 these regulations.

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 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 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 replacement value of the structure shall be permitted.

2. If damaged by 50% or less of its total replacement cost, 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 new 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. Where any investment is greater than 50% of the current replacement value of the site or can reasonably be interpreted as impacting more than 50% of any one component of the site, the site or that component shall be brought into full compliance with these standards.

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

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 these regulations. 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 into compliance with these regulations.
7. When there is a zone 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.

1.07 Enforcement

A. **Violations.** It is unlawful for any building, structure, site element, use of land or building, or development of land to be constructed, altered, maintained, or otherwise initiated in violation of 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 in performance of a right or duty granted by this chapter to interpret, apply, and enforce this chapter.

B. **Notice.** Whenever the PD Director or any other authorized agent of the city determines there are reasonable grounds to believe a violation of this chapter exists, the PD Director shall give notice of the alleged violation to the owner or agent of the property, including:

1. A written statement of the alleged violation.
2. 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.

3. 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.
4. 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.

C. **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:

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; and/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.

D. **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 article.

Article 2 Procedures

2.01 General – All Applications
2.02 Plats
2.03 Site Plan
2.04 Conditional Use Permit
2.05 Rezoning
2.06 Planned Zoning
2.07 Variance
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2.09 Text Amendments

Table 2-1: Summary of Procedures

Application	Eligible Applicant				Notice			Pre-development		Review & Decision				Protest
	Owner	Staff	P&Z	CC	Pub	Mail	Post	Staff Meeting	N'hood Meeting	Staff	P&Z	CC	BOA	
Administrative Subdivision (2.02.B)	✓							■		D	A			
Major Subdivision – Preliminary Plat (2.02.C)	✓				■		■	■	□	R	R/PH	Ac / A		
Major Subdivision – Final Plat (2.02.D)	✓									D	A			
Site Plan (2.03)	✓							○		D	A			
Conditional Use Permit (2.04)	✓				■	■	■	■	■	R	D/PH	A		
Rezoning (Map Amendment) (2.05)	✓		✓	✓	■	■	■	■	■	R	R/PH	D/PH		x
Planned Zoning + Regulating Plan (2.06)	✓		✓	✓	■	■	■	■	■	R	R/PH	D/PH		x
Variance (2.07)	✓					■	■	○					PH/D	
Appeal of Administrative Decision (2.08)	✓	✓	✓	✓		■	■						PH/D	
Text Amendment (2.09)		✓	✓	✓	■					R	R/PH	D/PH		

✓ = Eligible to initiate application

■ = Required
○ = Applicant's option
□ = Optional at PD Director's Discretion

R = Review and recommendation
D = Decision
A = Appeal of Prior Decision
Ac = Acceptance of Improvements / Dedications
PH = Public Hearing

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: Summary of Procedures 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-development Meeting.** Pre-development discussions are informational and non-binding and assist applicants with due diligence on formal application for development. Pre-development 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-development 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 or parking lots). A required pre-development 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. Pre-development meetings are recommended

where they are not required by Table 2-1 and may be requested by the applicant or city staff for any application.

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. *Duration.* The pre-development meeting and city staff's comments contained with the report are valid for six 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: Summary of Procedures, and specifically applicants shall hold a neighborhood meeting prior to the planning and zoning commission public hearing on zoning map changes, planned developments, 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 ten days prior to the meeting, to at least one record owner of each real property within 500 feet of the development proposal, as shown on the records of the county assessor, and to the president or other association officer(s) of any neighborhood association(s) as on file with the 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.
4. The mailing shall be performed by the planning and development department; however, the letters and envelopes including postage shall be prepared by the applicant. The neighborhood letters shall be submitted to the planning and development department for mailing one business day prior to the deadline as set forth in paragraph 2. A file copy of the letter shall be provided to the planning and development department. The notice letter shall contain the following at a minimum or any additional information as required by the 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 days prior to the planning and zoning commission public hearing, the applicant shall submit a summary of the meeting

to the planning and development department using the following format as set forth below:

a. Development application.
b. Meeting date, time and location.
c. Number of invitations that were sent and how the mailing list was generated.
d. Number of neighbors in attendance with an attached sign-in sheet.
e. List of issues raised, any verbal comments and how the applicant plans to respond.
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 planning and development department.

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 Planning and Development Department after a complete application, and consult with Building and Development Services, 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 1.04, Administration.
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 utilities;
   (4) Telecommunications and cable providers;
   (5) Public safety agencies (police, fire, EMS, health);
   (6) School district(s);
   (7) Water and sewer utilities; 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 2.01: Summary of Procedures, 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 10 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. Published notice shall also include a legal description of the property.
   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 (i.e. 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: Summary of Procedures, 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: Summary of Procedures. 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.

I. **Appeals.** Where no appeal process is designated in Table 2-1: Summary of Procedures, 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 2.08, Appeal of Administrative Decisions. 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 development code;
   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; and
   c. Any other person who was aggrieved and materially affected by the decision, and otherwise 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.

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, rights-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 subdivision 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 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 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.

d. *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, row houses, 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 rights of way or easements may be included provided they are formally accepted by 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.

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. The lot patterns are compatible with the surrounding area and any previously approved development plans for the subject property. Compatibility shall be based on the size, dimensions, layout, and design of existing subdivisions and rights of way, transitions to adjacent property, and degree of deviation for existing conditions.

g. 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.

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

3. *Review Procedures.* In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following requirements apply to administrative plat applications.

a. If the PD Director determines at any point in the process that the application is not eligible for an administrative plat 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 plats, and the decision may be appealed to the Planning and Zoning Commission.
c. Any administrative plat that includes right-of-way for a new street shall be approved by the Planning and Zoning Commission and the dedication accepted by City Council.
d. The PD Director shall inform the applicant of a decision in writing within 30 days of the determination of a complete application.
e. 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 plat and all other required documents and certificates in the proper format to the City for execution of signatures.
b. The applicant shall record the administrative plat and executed documents with the Greene County Recorder of Deeds.
c. The administrative 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. An administrative plat 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 plat 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, are supportive of the Place Types in the comprehensive plan, and are coordinated with existing or potential development on adjacent property.
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: Summary of Procedures and Section 2.01, General – All Applications, the following requirements apply to preliminary plat applications.
   a Any application may be coordinated with a Rezoning in Section 2.05 or a Planned Zoning in Section 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.

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

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 infrastructure systems; and

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

b. The required public improvements 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 percent; 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 lands and rights-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 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 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 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 3.04, Required Improvements. 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.

2.03 Site Plan

A. Applicability. The 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. Site plan applications may be initiated by the property owner.

The 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 3 or more buildings are proposed.
3. Expansion or alterations to an existing multi-family 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.

B. **Review Criteria.** Any site plan in compliance with all requirements of this chapter may be approved. The following criteria shall be considered when evaluating site plans and determining compliance with the standards of this chapter, and in exercising any discretionary approvals or interpretations associated with the 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 identify in the application or on a 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 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 (i.e. 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: Site Plan Modifications

Site Design Element	*Minor Modifications (Staff Discretion)*	*Major Modification (Planning & Zoning Commission Discretion)*
Article 5 & 6: Development & Dimension Standards (5.03 Residential; 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
Article 5: Residential Design Standards (Section 5.04)		
Frontage Design, Building Design, Open Space Design	Based on general criteria in this section and specific criterial in Section 5.04.	
Article 6: Nonresidential Design Standards (Section 6.04)		

Table 2-2: Site Plan Modifications		
Site Design Element	***Minor Modifications (Staff Discretion)***	***Major Modification (Planning & Zoning Commission Discretion)***
Frontage Design, Building Design, Open Space Design	Based on general criteria in this section and specific criterial in Section 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 major collector or higher class street.
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%
Plant Specifications	Dependent on American Standards for Nursery Stock and PD Director approval	N/A
Outdoor Lighting	5%	15%
Article 9: Signs		
Size & Height	n/a	5%
Location	n/a	10%
Quantity	n/a	n/a

. D. **Review Procedures**. In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following requirements apply to site plan applications.

1. Site plan applications shall be accompanied by an access plan demonstrating compliance with Section 7.03, Access of this Chapter and Chapter 98.
2. 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 the planning and zoning review with other required permits.
4. Any 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. Site plan may be required to accompany applications that require review by other review bodies, such as conditional use permits, rezoning, 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 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.

2.04 Conditional Use Permit

A. **Applicability.** A conditional use permit 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 the Use Table in Section 4.02, Permitted Uses.

B. **Review Criteria.** Conditional use permits shall be reviewed according to the following criteria:
1. All criteria for site plan review in Section 2.03 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 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: Summary of Procedures and Section 2.01, General – All Applications, the following requirements apply to conditional use permit applications.
1. Applications shall be accompanied by 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. The applicant may appeal a final decision by the Planning and Zoning Commission to the City Council in accordance with Section 2.01.I.

D. **Effect of Decision.**
1. Approval a of a conditional use permit shall authorize the applicant to proceed with building permits, use 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 site plan provided it meets the criteria in Section 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

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 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 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 is it changing to a degree that it 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; and
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 should planning, design, and engineering practices applicable to the site.
f. Any rezoning application associated with a proposed conceptual development plan or 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: Summary of Procedures and Section 2.01, General – All Applications, the following procedures shall apply to rezoning applications.

1. Applications may be accompanied by a conceptual, non-binding 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 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 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 site plan for a specific development application.
   a. In this case, the site plan shall be evaluated according to the criteria in Section 2.03, Site Plan.
   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 zoning map with a numeric and/or date reference to the specific ordinance and 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.
8. 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 rights-of-way and alleys.
9. 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 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. 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

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 zoning 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 adoption of an area plan that includes 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 2.02, Plats, 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 existing base zoning district(s) or propose any associated changes to the base zoning districts. 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, 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 plans apply the goals and policies 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. The plans meet all of the review criteria for a rezoning in Section 2.05.B.

D. **Review Procedure.** In addition to the general procedures in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, 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 2.05.C,
2. The planned zoning process involves at least two steps: the development plan establishing the zoning and any necessary deviations (Existing Conditions, Vision and Development Plan, Public Space Plan, and Regulating Plan); and platting and site plans for development of specific components of the development plan.
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 a development plan in subsection B. into

more than two steps to review concepts and preliminary designs prior to approval of the full development 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 a development plan. The platting process is a separate process but may run concurrently with the planned zoning process, as specified in Section 2.01.B.
5. All development in planned zoning districts shall require site plan review according to Section 2.03, Site Plans. The Planning and Zoning Commission may recommend, and the City Council may approve Regulating Plans that require 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 pan 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 2.02, Plats, 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 2.05. Sites governed by an approved regulating plan shall be designated on the Official Zoning Map with 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.* Prior to applying for permits for final development, any project included as part of a planned zoning shall first require approval of a final plat and a site plan (administrative or discretionary) as provided in these regulations. 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 development plan have been met.

2.07 Variance

A. **Applicability.** A 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. 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. Variances may be initiated by the property owner.

B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that all of the following conditions are met:
1. 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;
2. 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;
3. The variance will not adversely affect the public safety or general welfare;
4. The variance will not undermine the purpose the ordinance, the intent of the zoning district or standards, or any other required professional design standard or specification;
5. The variance will not adversely affect the rights of adjacent property owners or residents; and
6. The variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.

C. **Review Procedures.** In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following requirements are specific to 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 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 applicant shall record the written approval, and upon recording 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 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.

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.

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 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 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 Procedures.** In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01 General – All Applications, 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.

Article 3. Subdivision & Community Design

3.01 Intent
3.02 Applicability
3.03 Streets
3.04 Civic & Open Spaces
3.05 Blocks & Lots
3.06 Required Improvements

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 Place Types.
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, 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.

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.

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 save 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 placed types: 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 following place types:. Residential Neighborhood, Mixed Residential, City Corridor, Institutional & Employment Center*	200' min. 800' max 7.5 ac. max	600' per Exceptions in B.2 only.
Campus, Rural, or Remote Areas – Low Connectivity *Limited to areas 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 of large urban greenspace & recreation.*	250' min. 1,320' max. 12 ac. max.	800' max.

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 are 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 rights-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 amenity 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 7.03.B.2 Access; Internal Access Lanes.]

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 (3.01.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 600' 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.

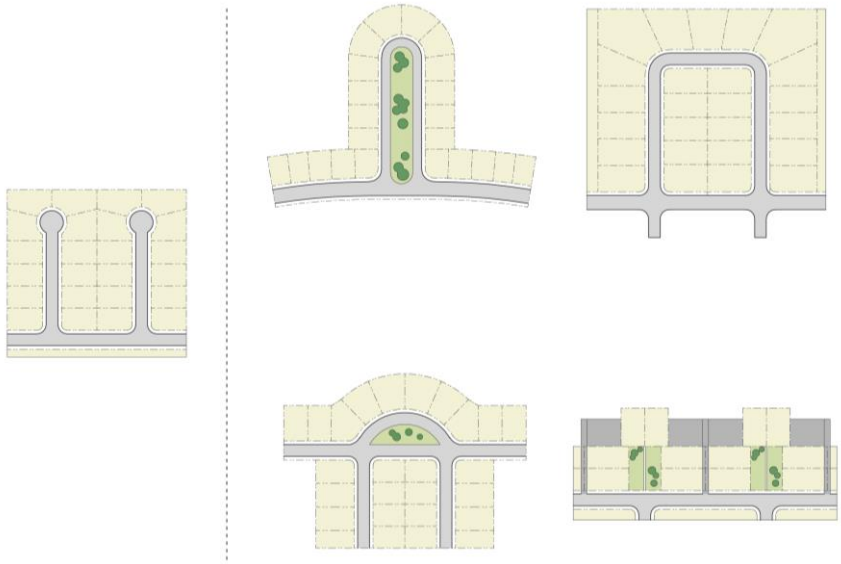


Figure 3-3 Disconnected Street Options. Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (3.01.B.2.e)

f. *Area Plans.* A specific street network plan approved by the city through the planned development process in Section 2.07, Planned Zoning 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 open and civic space standards in Section 3.02.

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. (3.01.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 delated 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 Place Types 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 Directo 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 minimum right-of-way widths required shall be as follows:

Table 3-2: Right-of-Way Widths

Street Type	Minimum Width*
Expressways	130’
Arterials	100’
System Collectors	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 rights-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 and Technical Specifications.

   a. *Sight Distance Analysis for Site Plans.* For all developments requiring a site plan, the applicant 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 determined 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

With Intersection of	*Expressway*	*Arterial*	*System Collector*	*Residential Collector / Local High-Activity*	*Local Low-Activity / Alley*
Expressway	A	A	A	B	B

Arterial	A	A	A	B	B
System Collector	A	A	B	B	C
Residential Collector / Local High-Activity	B	B	B	C	C
Local Low Activity	B	B	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 3.01.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 streets shall be designed to reinforce the Place Type, character of the area, and support the anticipated land uses on the abutting blocks and lots. Construction and design specifications shall occur according to the Public Works Design Standards and Technical Specifications. The following streetscape and urban design standards implement a context-based street design approach that coordinates the design and construction specifications with planning and urban design standards in this code.

1. *Street Design Types.* Each functional classification may use the following design types so that urban design features and streetscapes better support the context and character of the area.

Table 3-4: Street Design Types & Classification

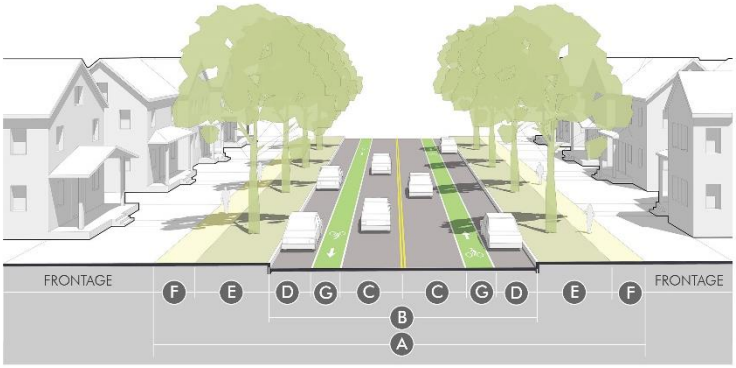
	Classification										
Street Design Type	**Expressway**	**Primary Arterial**	**Secondary Arterial**	**Maor Collector**	**Minor Collector**	**Subdivision Collector**	**Local – High Activity**	**Local – Low Activity**	**Local – Shared Street**	**Alley - Commercial**	**Alley - Residential**
Pedestrian / Mixed Use	-	☐	☐	☐	■	-	■	■	☐	■	-
Parkway / Bikeway	☐	☐	■	■	■	■	-	-	-	-	-
Neighborhood	-	■	■	■	■	■	■	■	■	-	■
Standard / Trafficway	■	■	■	■	☐	-	☐	☐	-	■	■

■ = Typically used in general application
☐ = Limited use in specific application, based on context and specific localized transportation plan

a. *Pedestrian / Mixed Use.* A pedestrian-oriented design type appropriate in areas where walkability is a priority and there is a well-connected street network. It is 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.

Pedestrian / Mixed Use

b. *Parkway / Bikeway.* A multi-modal design type with a higher degree of civic design and landscape amenity. It is characterized by balanced design for pedestrians, bicycles, and automobiles and has an elevated degree of landscape and civic design. It is most appropriate for gateways, signature streets, or important routes through the community.

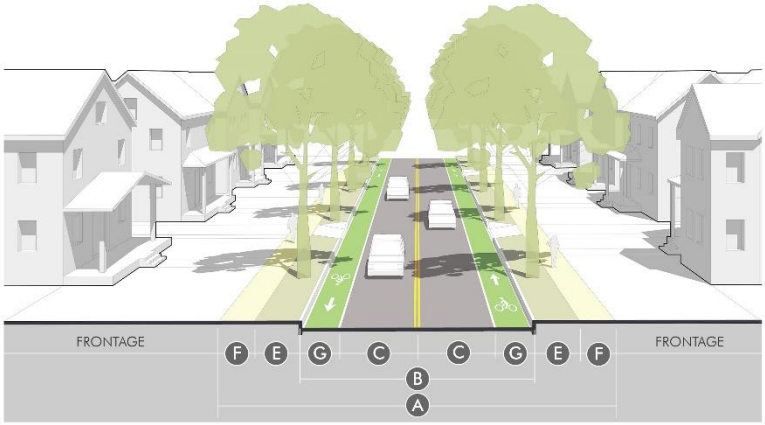


Parkway / Bikeway

c. *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.

Neighborhood

d. *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. It prioritizes safe and efficient transportation movements but addresses other streetscape elements and amenities in opportunistic ways to balance transportation and public safety needs with design and development on abutting property.



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: Compete 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 / high-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	Slow or low-volume streets where bicycles can mix with travel lanes. (typically < 20 mph)	■	-	■	-
	4' – 6' lane	Low-speed streets or constrained ROW (typically < 35mph)	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 / high-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.	■	O	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 zoned / attached sidewalk	Used for high-activity streets that prioritize social space in streetscapes (i.e. sidewalk dining, mini-courtyards).	■	L	-	-
	1' – 4' landscape area	Avoid – difficult to grow and maintain plants or trees.	-	-	-	-

Table 3-5: Compete 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; small or ornamental trees only.	L	L	L	L
	7' – 8' tree strip	Generally applicable, sufficient for large shade 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 3.02.C. & D.).	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 3.02.C. & D.).	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 (i.e. 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 following 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.

[All values TBD in association with further street design discussions, coordination with Master Street Plan, and coordination with Chapter 98 and PW Design Manual and Technical Speficiations]

Table 3-6: Street Types & Cross-sections

Functional Class + Street Design Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Sidewalk	Landscape Amenity	Other Notes and Applicability
Major Arterial - 120 / 80								
Pedestrian Boulevard								
Bicycle Boulevard								
Parkway / Bikeway								
Standard / Trafficway								
Minor Arterial – 100 / 70								
Pedestrian Boulevard								
Bikeway Boulevard								
Parkway / Bikeway								
Trafficway (Standard)								
Major Collector – 80/ 52								
Neighborhood Connector								
Pedestrian / Bikeway Street								
Pedestrian Mixed-use Street								
Parkway / Bikeway								
Standard Street								
Minor Collector / Local – 60 / 32-36								
Neighborhood Connector								
Pedestrian Street								
Pedestrian Mixed-use Street								
Bikeway								
Standard Street								
Local 54 / 28								
Neighborhood Street								

Table 3-6: Street Types & Cross-sections

Functional Class + Street Design Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Sidewalk	Landscape Amenity	Other Notes and Applicability
Neighborhood Connector								
Neighborhood Bikeway								
Local Lane 44 / 24								
Neighborhood Lane								
Pedestrian Lane								
Shared Street								
Frontage Lane								
Rural Lane								
Access Alley 20 / 12-18 [2]								
Residential Alley								
Non-residential Alley								

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 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. Council may review a request for a variance in accordance with the procedures and standards set forth in section xxxx, variances, 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 36-463, common open space and common improvement regulations. Additionally, a property owners' association shall be required for all lots or residential units served by a 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 subsection 36-463(8), required to be on the final plat by subsection 3.01.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 3.01.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 Public Works Director.

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., Open and Civic Space Design.

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.

c. Dedication to a public entity as part of the rights-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.

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, Open & Civic Space Types 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 [1]*	*Service Area*	*Application*	
			Public	*Common*
Natural Open Space / Stream Buffer	3 acre min.; 100' min. width; 20+ acre optimal or significant continuity with adjacent areas	n/a	■	■
Park - Regional	20+ acres	w/in 3 miles	■	
Park - Community	8 – 20 acres	w/in 0.5 mile	■	
Park - Neighborhood	3 – 8 acres	w/in 0.25 mile	■	■
Park – Small	0.5 – 3 acres	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 – 3 acres	w/in 0.25 miles		■
Civic Space - Green	1 – 3 acres	w/in 0.25 miles		■
Civic Space - Square	5K s.f. – 1 acre	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, Place Type, 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 2 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 1 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.

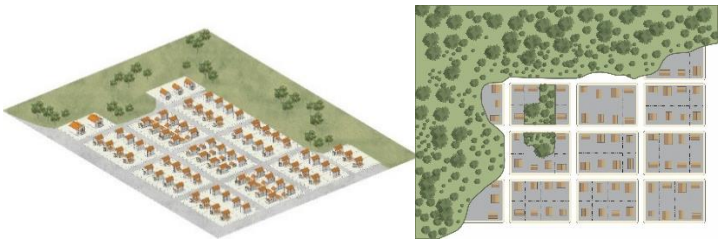
4. *Open & Civic Space Design Guidelines.* Open and civic spaces shall be designed according to the following guidelines for each specific type:

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 Contral 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+ acres / 3 miles +
Community – 8 – 20 acres / 0.5 miles
Neighborhood – 3 - 8 acres 0.24 mile
Mini - 0.5 – 3 acres / 0.25 mile

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 1 or more public streets for 400' or more (100' Mini Park); exception to street frontage if designed abutting part of a public trail system.
- One shade tree for every 30' of street frontage; one shade tree per 50' of internal trails or paths; 20 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.)
.

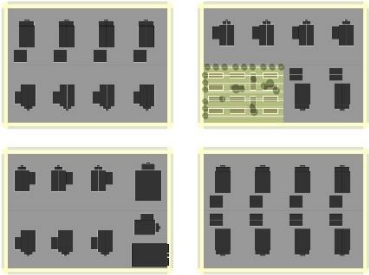
Service Area
500' from trail, or up to 1,000' from trailhead

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', and wider in places that incorporate natural features or significant vegetation.
- One shade tree for every 40' of trail length; and one ornamental tree or small evergreen tree for every 25' of trail length.
- Trails corridors located along rights-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 – 3 acres

Service Area
0.25 miles

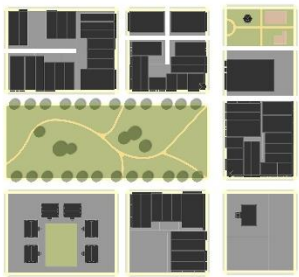


Design Elements & Guidelines

- 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 acres / ¼ mile
Square – 5K s.f. – 1 acre / 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 3 sides and at least 75% of the perimeter,
  - Squares along at least 2 sides and 60% of the perimeter
  - Plazas along at least 1 side and at least 30% of the perimeter.
  - 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 shade tree for every 25' of street frontage and one ornamental or evergreen tree for every 2,000 square feet.

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 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 3.02.B, Street Networks and Table 3-1: Bock Size and Street Connectivity.

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 3.02 Civic and Open Space 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 7.03.B, Vehicle Access
   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 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 six 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 rights-of-way lines and integrated into streetscape design or along the rear of lots in the mid-block area.

c. Additional rights-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.

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 plats, except administrative plats that require no public improvements.
2. Any zoning approval, 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.
4. *Exceptions.* Subdivisions in the R-SF and R-MX1 districts dividing all property in to tracks of 10 acres or larger are exempt from the requirements of this section, unless specifically required by the city based on capital improvement plans or other infrastructure plans impacting property beyond that proposed in the application.

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; and
   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 and the applicable Public Works Design Standards and Technical Specifications, the plat, any other requirements for any subdivision or development, and as noted below. Residential single family lots that have legal lot frontage on existing public streets are exempt from these requirements.
   a. All subdivisions requiring new streets, any site plan, or building permit shall provide the following:
      (1) Sidewalk or trails shall be constructed with all new street construction.
      (2) Where lots adjoin existing streets and have sidewalk or trails on adjacent lots or properties that terminate at or near the applicant's property lines, the applicant shall build new sidewalk or trails to connect to existing pedestrian facilities along the entire street frontages of any lots involved in the subdivision, site plan, or building permit activity.
   b. Where conditions do not exist per item a.(2) above:

(1) The applicant shall pay a fee in lieu of sidewalk construction for the entire property frontage. Fee in lieu of sidewalk is approved by the City Council in the annual fee schedule and the payment for the fee is determined at the time of the triggering permit or activity requiring the fee.

(2) The site plan must accommodate site grading and rights of way for future sidewalk or trail connections. The amount of the fee in lieu of sidewalk will be 75% when site plans are graded for future construction of pedestrian facilities. If grading of the site plan is deemed impractical due to physically limited conditions or excessive cost, the PW Director may waive the grading requirement and retain the fee in lieu of sidewalk construction payment in the full amount.

(3) Lots which have over 600 feet of street frontage require payment of fee in lieu of sidewalk, 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 as applicable to the following conditions:

i. Payment shall occur with a building permit, site plan, or other activity triggers the requirement of fee in lieu of sidewalk.

ii. The portion of the fee will be directly proportional of the additional square footage or acreage being modified in absence of building construction.

iii. However, no phased fee in lieu of sidewalk shall be less than or 25% of the total street frontage at any one time.

3 *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.

4. *Sanitary Sewer.* Sanitary sewer connections and transmission for each lot, including sewer mains, conveyance pies, tanks, lift stations, and service connections.

5. *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.

6. *Coordination with Other Facilities.* The applicant is responsible for coordination of public improvements with all other required facilities and services, such as gas, electric, water, and communications.

7. *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 3.04.F., Reimbursement Agreements. 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:
      i. Insufficient street pavement cross section or pavement condition to support increased traffic volume or the use of commercial trucks or transportation.
      ii. Insufficient lane widths to support proposed traffic or any other major safety deficiencies
      iii. Any pedestrian facilities not in compliance with the Public Right-of-Way Accessibility Guidelines (PROWAG) requirements.
      iv. 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 accepts 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 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 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

4.01 Establishment of Districts
4.02 Permitted Uses (Use Table)
4.03 Specific Use Standards
4.04 Accessory Uses
4.05 District Performance Standards

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 Place Types*
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.	▪ Center City Neighborhood (Transition Areas) ▪ Mixed Residential ▪ Mixed Use (Limited Applicability) ▪ City Corridors
R-MX3 – Mixed-density Neighborhood - High. The R-MX3 district provides residential living in high-density patterns in urban areas or lager-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 emphasize 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) ▪ City Corridors ▪ Downtown (Strategic Integration)

Table 4-1: Zoning Districts & Intent

District & Intent	*Applicable Place Types*
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 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 Corridors ▪ 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-MX 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 my strategic urban residential and commercial buildings. The character of this area emphasizes 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 Corridors
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 high level of civic design, walkable urban patterns, and a concentration of diverse, small- and moderate-scale uses. Sub-districts can accommodate lager or more intense supporting uses may be strategically located on edges of the district or on side streets that do not disrupt urban frontages and patterns.	▪ Downtown
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) ▪ Institution & Employment Center (limited)
GI- Government & Institution. 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
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 characteristics of mixed- and flex-use business areas.	▪ Business Flex ▪ Institutional & 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	▪ Industry & Logistics

Table 4-1: Zoning Districts & Intent	
District & Intent	***Applicable Place Types***
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.	
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 historic designations, flood plain management, or airport related standards. (See Sections #.##, #.##, and #.## - cite where these end up in final format.)	▪ Specific planned applications' special purpose districts

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 Planning & Development Department. 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 Districts Transitions	
Previous Code	***This Code***
R-SF - Single Family Residential	*R-SF Single Family Residential*
R-TH - Residential Townhouse	*R-MX1 - Mixed-density Neighborhood - Low*
WC-3 - West College Residential Sub-area	
GAP – Grant Avene Parkway Sub-area D	
R-LD - Low-density Residential	*R-MX2 - Mixed-density Neighborhood - Medium*
R-MD - Medium-density Multifamily	
WC-2 - West College Live/work Sub-area 2	
GAP – Grant Avenue Parkway – Sub-area F	
LWO – Live Work Overlay	
R-HD - High-density Multifamily	*R-MX3 – Mixed-density Neighborhood - High*
UN – University Combining	
R-MHC - Manufactured Home Community	*R-MHC- Residential Manufactured & Small Format Home Community*
GI - Government and Institutional Use	*GI – Government and Institutional*
LB – Limited Business	*C-MX1 – Commercial Mixed-use Neighborhood*
O - Office	

Table 4-2: Zoning Districts Transitions	
Previous Code	***This Code***
WC-1 - West College Mixed-use Sub-area	
GAP– Grant Avenue Parkway Sub-areas A, B, C & E	
(new – unmapped upon initial adoption)	*C-MX2 – Commercial Mixed-use Community*
CC – Center City	*CC – Center City*
GR – General Retail	*GC – General Commercial*
HC – Highway Commercial	
CS – Commercial Service	*LIC – Light Industrial / Commercial*
RI – Restricted Industrial	
LI – Light Industrial	
IC – Industrial Commercial	
GM – General Manufacturing	*HM – Heavy Manufacturing*
HM – Heavy Manufacturing	

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. Midtown
   b. Rountree
   c. Phelps Grove
   d. Walnut Street (east and west)
   e. Commercial Street district (COM)
   f. Moon City Live/Work District

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 complimentary 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 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 4.03, Specific Use Standards

3. Other accessory or temporary uses not listed in the table may be permitted according to Section 4.04, Accessory Uses.

4. Uses in the table are more specifically described in Section 11.02, Description of Uses. 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***	***RMHC***	***C-MX1***	***C-MX2***	***CC***	***GC***	***GI***	***LIC***	***HM***
Residential Uses *[See Article 5 for Residential Development & Design Standards]*												
Household Living – One-unit Dwelling	P	P	P	P	P							
Household Living – Multi-unit Dwelling		P	P	P		C	C	C	C			
Household Living – Live-Work Dwelling		C	P	P		P	P	P	C			
Household Living – Small Format Dwelling					P							
Household Living – Mixed-use Dwelling			C	C		P	P	P	P			
Household Living – Accessory Dwelling	See Section 4.04.C. Accessory Dwelling											
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				P				
Group Living – Boarding House Small (3-11 capacity)		C	C	P		C		P	P			
Group Living – Boarding House Large (12+ rooms)			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	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	

Table 4-3: Permitted Uses

P = Permitted use C = Conditional use permit **Use**	R-SF	R-MX1	R-MX2	R-MX3	RMHC	C-MX1	C-MX2	CC	GC	GI	LIC	HM
Cultural Facility (under 10K Art Gallery, Museum, Library	C	C	C	C	C	P	P	P	P	P		
Cultural Facility – Large (10K or more))												
Entertainment Venue – Small (< 1K capacity)							P	P	P	P	P	
Entertainment Venue – Medium (1K – 3K capacity)							P	P	P	P	P	
Entertainment Venue – Large (>3K capacity)								P		P		
Funeral home and Mortuary (accessory crematorium)						C	P	P	P		P	
Open Space – Athletic Field												
Open Space – Open & Civic Space (see Section 3.02)	P	P	P	P	P	P	P	P	P	P	P	P
Open Space – Recreation Center & Grounds	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
School – College / University								P		P		
School – Primary / Secondary	P	P	P	P			P	P		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
Utility - Major										C	C	P
Utility – Wireless Communication Facilities (See Section 10.03)	C	C	C	C	C	P/C	P/C	P/C	P/C	P/C	P/C	
Commercial Uses												
Adult Entertainment									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 – In-home / Accessory (See Chapter 36, Article XI)	P	P	P	P	P							
Daycare – Commercial (See Chapter 36, Article XI)			C	C		P	P	P	P	P	P	
Entertainment and 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	

Table 4-3: Permitted Uses

P = Permitted use C = Conditional use permit **Use**	R-SF	R-MX1	R-MX2	R-MX3	RMHC	C-MX1	C-MX2	CC	GC	GI	LIC	HM
Food & Beverage Establishment – General (3K – 8K)				C		C	P	P	P	P	P	
Food & Beverage Establishment – Large (> 8K)							C	P	P	P		
Lodging – Bed and Breakfast (<5 rooms)	C	C	C	P		C	P	P	P	C		
Lodging – Small / Inn (5 – 12 rooms)						C	P	P	P	P	P	
Lodging – Hotel / Motel, Medium (13 – 80 rooms)							P	P	P	P	P	
Lodging – Hotel / Motel, Large / Conference Center (>80 rooms)							C	P	P		P	
Lodging – Short-term Rental (See Section 10.05)	P	P	P	P	P	P	P	P	P	P	P	P
Marijuana & Medical Marijuana Uses (See Section 10.04)							P	P	P/C		P/C	P/C
Medical Services – Small (<10K)				P		P	P	P	P	P	P	
Medical Services – Medium (10K – 30K)							P	P	P	P	P	
Medical Services – Large (30K – 100K)								P	P	P	P	
Medical Services – Campus / Complex (> 100K)								P	C	P		
Office – Small (<10K)				C		P	P	P	P	P	P	
Office – General (10K– 30K)						C	P	P	P	P	P	
Office – Large (30K – 100K)							P	P	P	P	P	
Office – Campus / Complex (100K+)								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		
Residential Care – Transitional Housing	C	C	C	C	C				C		C	C
Residential Care – Transitional Shelter								C	C		C	C
Residential Care – Treatment Facility								P	C	P	P	P
Retail – Small (<5K or < 10% of mixed-use building)			C	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	
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 acre)						C	C	C	P		P	P
Retail – Outside Sales, Medium (0.5 – 2.5 acres)									P		P	P
Retail – Outside Sales, Large (2.5+ acres)									C		C	P
Vehicle Service -Gas Station, Small (< 5 service areas)						C	P	C	P	P	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
Vehicle Service – Gas Station, Extra-large (>24 service areas)									C			P
Vehicle Service & Repair – Small (<0.5 ac; < 4 service bays)						C	C	C	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***	***RMHC***	***C-MX1***	***C-MX2***	***CC***	***GC***	***GI***	***LIC***	***HM***
Vehicle Service & Repair – Medium (0.5 – 1.5 ac;; 4 – 8 service bays)							C	C	P	P	P	P
Vehicle Service & Repair – Large (> 1.5ac+; > 8 service bays)									C		P	P
Vehicle Service – Car Wash							C		P		P	
Industrial Uses												
Industrial & Business Services – Limited (< 10 vehicle fleet)							P	P	P	P	P	P
Industrial & Business services – General (10 to 25 vehicle fleet)							C	C	P	C	P	P
Industrial & Business Services – 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	P		P	P
Warehouse & Storage – Indoor, Medium (20K – 100K)									P		P	P
Warehouse & Storage – Indoor, Large (> 100K)											C	P
Warehouse & Storage – Outdoor, Small (< 2.5 ac.)									P		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		
Wate Management – Recycling Center												P
Waste Management – Scrap and Salvage Yard												C
Wate management – Sewage Treatment Plant										C		
Urban Agriculture Uses												
Community Gardens	P	P	P	P	P	P	P	P	P	P		
Market Garden – Small (< 1 acre)	P	P	P	P	P	P	P	P	P	P	P	
Market Garden – Medium (1-3 acres)			P	P	P	P	P	P	P	P	P	
Market Garden – Large (> 3 acres)			C	C	C	P	P	P	P	P	P	

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 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 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 principle 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 site plan criteria in Section 2.04.
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 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 2 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 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:

1. In residential districts, mixed-use dwellings shall be limited to collector or arterials streets, or corner lots at focal points within the neighborhood.
2. In residential districts, round 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.
3. In nonresidential districts, at least 30 percent of the ground level and 100 percent of the frontage of a mixed-use building shall be a nonresidential use, except for a limited portion to provide a separate access form the frontage to residential uses.
4. In nonresidential districts, residential uses on the ground level street front may be permitted by a conditional use permit in Section 2.05 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 does not alter the appearance as a single-unit detached house.
2. In the R-SF and R-MX1 districts, no group home shall be located less than 1,320 feet from another existing group home, except that the PD Director may waive this requirement if separated by streets, parks, civic spaces or other transitions that establish different neighborhoods

3. Group homes shall be supervised at all times, and may include up to 2 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 centers, work release facilities or other housing facilities qualifying as commercial residential care uses.

G. **Jails & Community Correctional Facilities.** All jails and community correctional facilities shall meet the following additional requirements.
1. Jails and correctional facilities shall be located at least 2,000 feet from any other jail or correctional 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 of any residential zoning district.
2. Landfills shall be located on at least 160 acres.
3. All activities and facilities shall be set back at least 100 feet from any right-of-way.

I. **Residential Care.** Residential Care facilities, 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. Facilities shall be limited to services or lodging for no more than 50 patrons at a single time.
2. Uses 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 alterations 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 another similar residential care or social service by at least 2,000 feet.
5. Uses shall be separated from a primary or secondary school by at least 1,000 feet
6. Uses, except those approved by conditional use, shall be separated from residential zoned districts by 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.
7. An operation plan shall be submitted and kept on file with the Planning and Development Department, including administrative contact information, on-site supervision and staffing, patron access and occupancy requirements, hours of operation for different functions, and security measures.
8. A business license shall be renewed annually that demonstrates compliance with the operation plan and all applicable standards and conditions.

J. **Temporary Uses.** Uses that may not otherwise be interpreted as being permitted by Table 4-3, or accessory uses in Section 4.04, may be permitted through a Temporary Use Permit according to this section.

1. *Permit.* An application for a 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. 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.
c. 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.
d. 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 zoning district setbacks and standards, with the exception of the following:
a. The 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 site plans in Section 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 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.

f. The PD Director may impose any other conditions on a permit necessary to protect the public health, safety, and welfare.

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 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 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 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 3.01. (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 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 may be allowed on a lot with a principal detached house as follows:

Table 4-4: ADU Allowances

Planning Context	Lot Size	ADU Type	
		Attached	Detached
Center City Neighborhoods ***Mixed Residential*** ***Mixed Use***	6K +	P	P
	> 6K	C	C
Traditional Neighborhoods	6K +	P	C
	> 6K	n/a	n/a
Existing detached houses in non-residential districts	6K +	P	C
	> 6K	C	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 2.04

2. The accessory dwelling shall not exceed 60 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.
3. One additional parking space shall be provided on site. The PD Director may waive the parking requirement if the context and circumstances of each dwelling unit prove the space unnecessary.
4. 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 be compatible with principal building in terms of massing, design, and materials. 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.
6. 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.** Home occupations may be accessory to a primary residential use and shall meet all of the following additional standards:

1. 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.
2. 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.
3. No traffic, utility impacts, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
4. 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.
5. 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).
6. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
7. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
8. 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.
9. In-home daycare as an accessory home occupation is subject to the standards of Section 10.##; Chapter 38, Article##. - *site whether current Chapter 36, Article XI ends up in Article 10 with P&Z or in Chapter 38 with bds/business licensing*.]

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 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 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 8.04.
7. In reviewing the 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 rights-of-ways, 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 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 2.04. Any renewable energy facility that does not meet the limits of this section or cannot qualify as an accessory special 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 ▪ 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.	▪ 6' max. off a roof or building wall
Ground Mounted	▪ 6' high max ▪ 10' setback min. ▪ Screened from adjacent property and ROW the same as all other mechanical equipment.	▪ 10' max high
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 my 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.
   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. Up to 3 containers and no more than 800 square feet, 8,000 cubic feet
   b. No 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 are limited to:
      (1) Up to 3 containers and no more than 500 square feet, 4,000 cubic feet;
      (2) No more than 72 hours per occurrence;
      (3) No more than 3 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 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 per occurrence;
      (3) No more than 2 occurrences in a 12-month period;
      (4) Storage containers shall be located outside of the frontage area of the lot.

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, District Performance Standards.

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 8.06, Outdoor Lighting				

[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 8.06, Outdoor Lighting.

Article 5. Residential Development & Design

5.01 Intent
5.02 Applicability
5.03 Development & Dimension Standards
5.04 Neighborhood Design
5.05 Alternative Patterns

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.

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 of the R-MX2 district shall apply to any new residential projects permitted in a nonresidential districts 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.

G. The standards do not apply to previously established UCDs, except that amendments to the standards of existing UCDs and new similar planned developments shall use these standards as a base line but may modify or add additional standards through the planned zoning process in Section 2.06.

H. The Neighborhood Design standards in Section 5.04 are basic city-wide design standards to implement the Center City Neighborhoods, Mixed Residential, and Traditional Neighborhoods place types 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 2.06. Specific guidelines shall be listed in Appendix A.

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, Residential Building & Lot Standards.

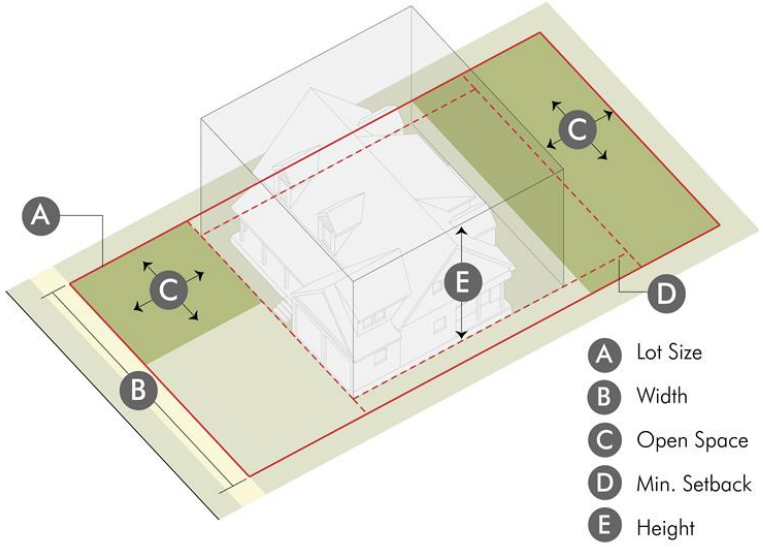


Figure 5-1 Building Types
Building types in Table 5-1 are distinguished based on lot sizes, unit configuration, building footprints, building massing, building placement, and frontage designs. This diagram illustrates these key standards in Table 5-1 applied to a typical lot.

Table 5-1: Residential Building & Lot Standards

Building Type	*# of Principal Dwelling Units*	*Minimum Lot Standards*			*Building Standards*				*Zoning Districts* P = Permitted C = CUP				
		Area	Width	Open Space	Height[3]	*Setbacks* Front [2]	Side	Rear	R-SF	R-MX1	R-MX2	R-MX3	R-MHC
Detached House –*Standard Lot*	1	6K	50' +	40%	32' 2.5 stories	25'	5'	30'	P	P			
Detached House – *Urban Lot*	1	4K	35' - 50' [1]	30%	32' 2.5 stories	25'	3'	30'		P	P		P
Detached House – *Small Format*	1	2K	25' – 35' [1]	20%	25' 2 stories	25'	3'	20'	C	C	P	P	P
Duplex / Multi-unit House	2 - 4	6K 3K / unit min	50' + [1]	40%	32' 2.5 stories	25'	5'	20'		P	P	P	
Townhouse – *Large Lot*	3 - 6	2.4K / unit min. 20K total max.	20' / unit min. 150' total max	30%	40' 3 stories	15' - 25'	5'	20'		P	P	P	
Townhouse – *Small Lot*	3 - 8	1.5K / unit min. 16K total max.	14' / unit min 125' total max	20%	40' 3 stories	15' – 25'	5'	20'		C	P	P	
Apartment – *Small Lot*	3 - 12	1.5K / unit min. 20K total max.	50' – 150'	20%	52' 4 stories	15' - 25'	5'	20'			P	P	
Apartment – *Medium Lot*	13 - 40	1.5K / unit min. ¼ block max.	100' – 200'	20%	65' 5 stories	15' – 25'	5'	20'			P	P	
Apartment – *Large Lot*	13 +	1.1K / unit min. ½ block max.	100' – 300'	20%	n/a'	15' – 25'	5'	20'				P	
Apartment - *Complex*	17.7 du/ac	8.5K min/ 2.45 K / unit min.	100' +	30%	40' 3 stories	25'	5'	20'				P	
Civic / Institutional Buildings *(permitted nonresidential uses)*	n/a	20K	200'	40%	40' 3 stories	25'	25'	30'	P	P	P	P	P

[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 5.03.C.2
[2] Front setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 5.04.B, Frontage Design.
[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 and R-SF district.

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, Residential Accessory Structures, and to the following additional limitations.

Table 5-2: Residential Accessory 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 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 accessory 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 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 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. Secondary buildings with vehicle access directly from an alley or shared easement shall be positioned to prevent parking that encroaches 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 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: Residential Building & Lot Standards.

1. *Lot and Building Configurations.*
   a. 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.

b. 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.

c. The front setbacks for each building may be modified according to the frontage types and Frontage Design Standards in Section 5.04.B.

d. Lots may be configured in a Courtyard Pattern as provided in Section 5.05.B.

e. Lots may be configured in a Cluster Pattern as provided in Section 5.05.C.

Figure 5-2 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. (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.

[insert illustration of 3 options]

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 5.04.B.3.

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.
   (3) Are screened from public right-of-way 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 5.02.B., shall have a setback of at least one-half its height from the property line.

3. *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.

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. Relating 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 5-3, and be applied based on the context of the neighborhood and block. Frontage design standards shall be applied to any building façade facing the right-of-way which shall include 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 building along a block. Subsections following the table provide specific design strategies and techniques to meet the standards.

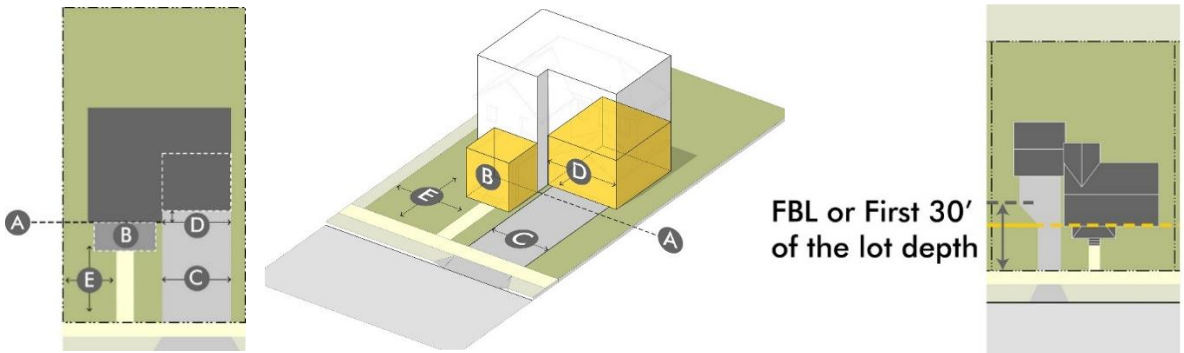
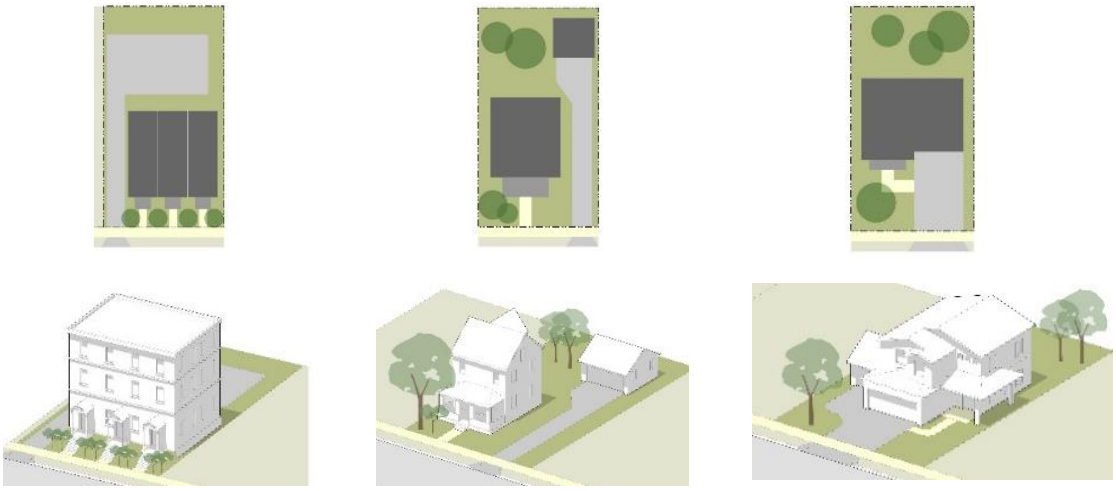


Figure 5-3 Frontage Design Standards
This diagram illustrates the key elements of frontage design in Table 5-3: (A) front building line; (B) front entry features, (C) driveway widths (applies to the first 30' of frontage depth or up to the front building line); (D) garage limitations, and (E) frontage landscape 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 5.04.B.2	Required, See Section 5.04.B.2	Optional
Driveway Width (max)		15% of lot width, up to 22'	20% of lot width, up to 22	40% of lot width, up to 22'
Garage Limitations		▪ 20% of facade; ▪ 35% if 12'+ behind FBL	▪ 30% of facade; ▪ 45% if 12'+ behind FBL	▪ 50% of facade; ▪ No limit if 50' + setback
Frontage Landscape		75% minimum	60% minimum l	45% minimum
Application	*R-SF*	☐	■	☐
	R-M1	☐	■	
	R-M2	■	☐	
	R-M3	■	☐	☐
	R-MHC		■	☐

■ Permitted default standard.
☐ Alternative standard to be applied based on context through Minor Modification.
Blank is only applicable through a Major Modification



Terrace Frontage *Neighborhood Frontage* *Suburban Frontage*

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 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 8.03, Required Landscape 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.

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. Entry features shall be integrated into the overall building design including compatible materials, roof pitch and forms, and architectural style and details.

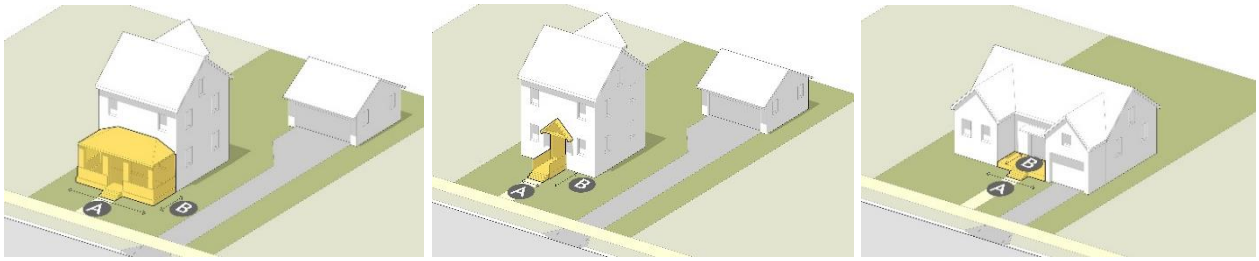
c. Entry features shall be single story, and any roof structure and ornamentation shall be between 8 feet and 14 feet above the floor level of the entry feature. If not roofed, a canopy, pediment, transom windows, enlarged trim or molding shall be used to emphasize the entry.

d. Entry features shall be unenclosed by may include a decorative wall or railing between 2.5 feet and 4 feet high along the perimeter

e. 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)
   (5) Any other significantly different architectural detail or massing elements.

f. Any building with more than 150 feet of front facade, or any street side façade longer than 250 feet, and which is permitted within 30 feet of the street shall have 1 entry feature for every 100 linear feet of building fronting the street.

g. 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 5-4 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 (A) and depth (B) 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.

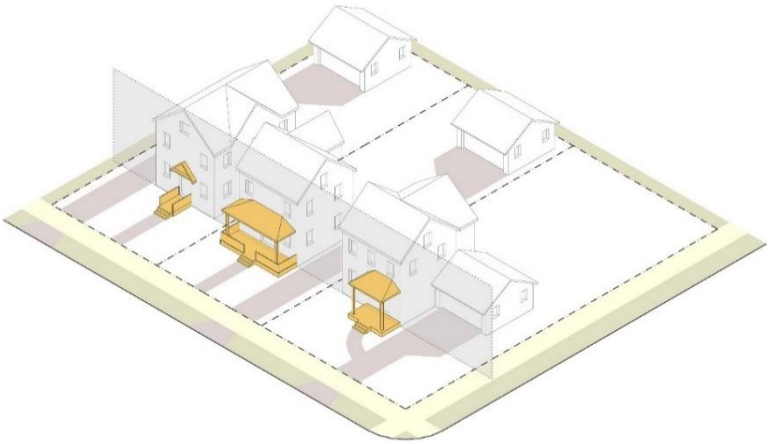


Figure 5-5 Primary Entry Feature - Encroachments
Front entry features meeting the standards of this section create social spaces that help activate streetscapes, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along blocks. (Table 5-4)

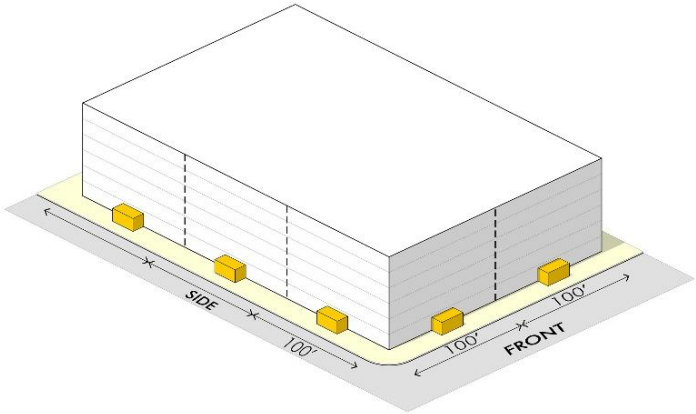


Figure 5-6 Primary Entry Feature - Large Buildings
Front entry features should be more frequently located on larger buildings with wall planes in close proximity to the street. This breaks up the building massing and activates the streetscape. (Table 5-4)

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 affects 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.
   a. The driveway width limits apply to the first 20 feet of lot depth, or up to the front building line, whichever is less.
   b. 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.
   c. 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.

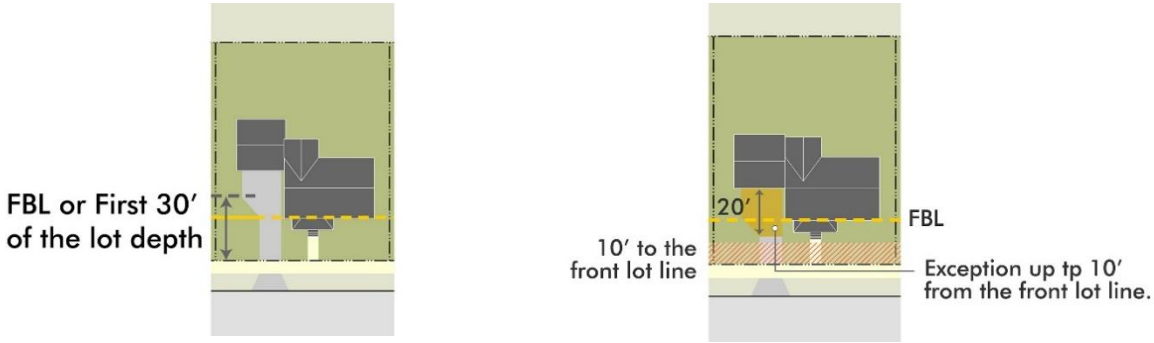


Figure 5-7 Application of Driveway Limits

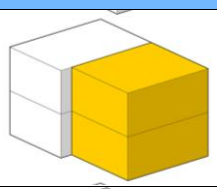
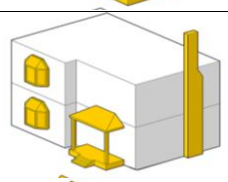
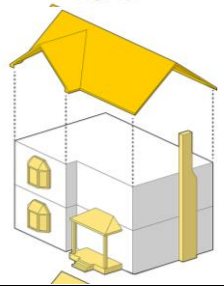
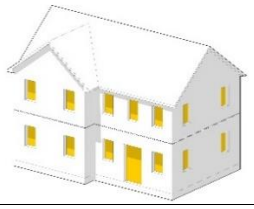
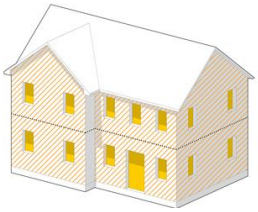
Driveway limits shall apply to the first 30' or up to the Front Building line, whichever is less; except any front-loaded garage meeting these standards may have a driveway expanded to the width of the entry 20 feet in front of the entry, provided the expanded area is no closer than 10' from the front lot line. (5.04.A.34.a).

Figure 5-8 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. (5.04.A.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, Row House,*	*Apartment (all)*
Maximum wall plane without a massing variation of 4'+ on at least 25% of elevation.		250 s.f. or 25 linear feet	500 s.f. or 40 linear feet	1,000 s.f. or 50 linear feet
Maximum 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	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	600 s.f. or 50 linear feet Does not apply to flat roofs provided there is a parapet, cornice or other defined edge at the roof line	1,000 s.f. or 70 linear feet
Minimum window and door openings per elevation		25% on all street-facing facades; 15% 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		*Primary Material* – at least 55% *Secondary Material* -20% - 30% (limit 2) *Accent Material* - 5% - 15% Limit – 3 materials total *Detached house and Duplex see 5.04.C..4.a* *Multi-unit House, Row House – same as apartments*		*Primary – 55 – 80%* *Secondary – 20 - 30%* *Accent - 5 – 15%* *Limit – 3 materials total*

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 project at least 6 feet from the wall plane.
e. Articulate rooflines by using gables and dormers, dropping eaves, and using prominent overhangs, or 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 facade facing the street. Building height cannot exceed the overall width of the right of way without a minimum of a 4-feet 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.* Façade composition uses materials, ornamental details, and subtle variations in the wall plane to break up 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 façade 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 façade with the location, pattern, and proportions of openings. Building elevations shall meet the required transparency in Table 5-5 for any street-facing façade. This can be achieved through one or more of the following design techniques.
   a. Create relationships to 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 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 façade composition. High-bank windows, transom windows, opaque windows, and window treatments that are adaptable and user-controlled are better 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 widows with significant ornamental details 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.

4. *Materials.* Building materials add texture and patterns, 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 offer 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 in multi-unit buildings and apartment complexes.

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 3 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, create unique identities for different neighborhoods, and provide focal points for building and development. The block and lot open space requirement compliments 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, Landscape and Site Design requires additional open areas for landscape and buffers that meet the standards of this section, it shall not preclude also meeting the standards on 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 3.02 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 16-5-4.B, ▪ Excludes any permitted for 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 5.05.D.
Public or Common Open Space	▪ Designed according to Section 3.02

E. **Modifications.** Modifications to the standards in Section 5.04, Neighborhood Design may be authorized according to the site plan modification process and criteria in Section 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, 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.

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.

   It is specifically applicable through the 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 5 buildings or 36 units, whichever is less.
   b. Row Houses, up to 4 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.*
   1. Lots may front on a common courtyard, rather than along a street.
   2. 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.
   3. Building frontage standards shall apply on the courtyard and on the public street frontage. The streetscape and frontage landscape standards in Section 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.
   4. 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.
   5. The front setback may be reduced to 5 feet from the courtyard boundary.
   6. 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 5.04.

7. Vehicle access and parking shall be coordinated for all lots and buildings, 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.

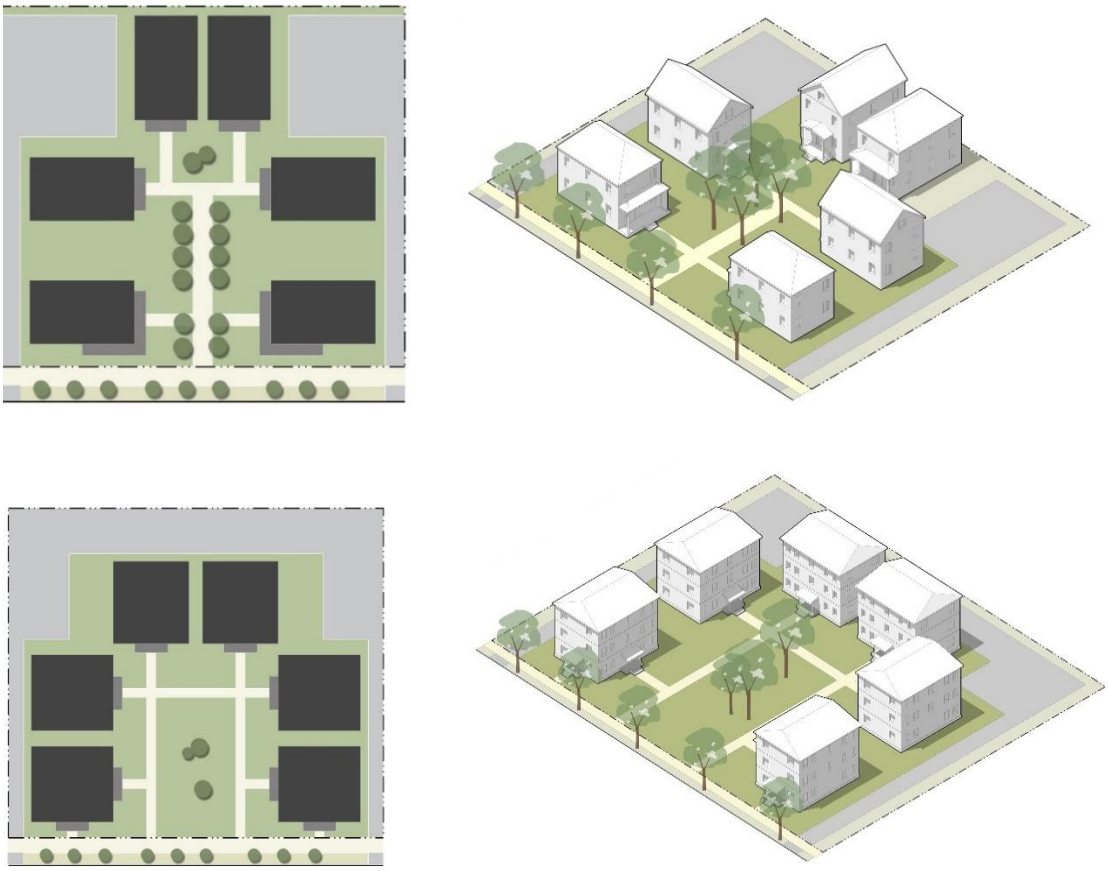


Figure 5-9 Courtyard Pattern

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 focal point and community amenity, and provides benefits from a greater variety and concentration of housing on developed areas.

2. *Applicability.* The conservation pattern is appropriate in more remote areas where preservation of larger or natural open space is beneficial, and specifically is eligible in combination with R-SF zoning district. It requires a planned development application as outlined in Section 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	0	36 units on 7 – 8 acres
31% to 40%	50%	5 ac.	36 units	18 units	54 units on 6 – 7 ac.
41% to 50%	100%	5 ac.	36 units	36 units	72 units on 5 to 5.5 ac.
51% to 60%	150%	5 ac	36 units	54 units	90 units on 4 – 5 ac.
> 60%	TBD by Planning 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 3.02

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 Row house (all types)

5. *Open Space.* Open space shall meet the design criteria of Section 3.02for 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 5-10 Conservation Pattern
The conservation 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.

   Application of the small format housing pattern requires a planned zoning application as outlined in Section 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 2.06.

Table 5-8: Small Format Housing Community Plan	
Project Size	▪ 3 acres minimum; ▪ 150' minimum frontage on an arterial or collector
Project Intensity	▪ 15 units per acre, maximum
Useable Open Space	▪ 20% of project areas

Table 5-8: Small Format Housing Community Plan	
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 feet minimum 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 acre minimum, 100' frontage on arterial ▪ *Project Intensity:* 20 units per acre maximum ▪ *Home Sites:* 1.2K s.f.; 20' width minimums

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 3.01:
      (1) 20 feet 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 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 3.02 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, but 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 3.01.

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

6.01 Intent
6.02 Applicability
6.03 Development & Dimension Standards
6.04 Community Design
6.05 Special Plans

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.

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.

E. The standards do not apply to previously established UCDs, except that amendments to the standards of existing UCDs and new similar planned developments shall use these standards as a base line but may modify or add additional standards through the planned zoning process in Section 2.06.

F. The Community Design standards in Section 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 2.06. Specific guidelines shall be listed in Appendix A.

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 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. Non-residential districts and or structures abutting R-SF are required to have a 30-degree bulk plane.

Table 6-1: Nonresidential District Lot & Building Standards

Zoning District	Minimum Lot Standards			Minimum Setbacks				Building Height [3]
	Size	Frontage Width	Open Space	Front [1]	Interior Side [2]	Street Side [1]	Rear [2]	
C-MX1 – Commercial Mixed-use Neighborhood	30K s.f. max	25' – 150'	20%	25'	n/a	15'	20'	40' / 3 stories
C-MX2 – Commercial Mixed-use Community	60K or ½ block max.	25' – 150'	10%	0' - 15'	n/a	0' - 15'	n/a	65' / 5 stories
CC – City Center	60K or ½ block max	25' – 300'	n/a	0' -15'	n/a	0' - 15'	n/a	n/a
GC – General Commercial	n/a	50' +	20%	25'	n/a	25'	n/a	n/a
GI – Government & Institution	n/a	50'+	20%	25'	n/a	25'	n/a	n/a
LIC – Light Industrial Commercial	n/a	50' +	15%	25'	10'	25'	10'	40'
HM - Heavy Manufacturing	n/a	50' +	15%	25'	n/a	25'	10'	n/a

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 within 50' of the right-of-way, it shall be constructed with consistent materials as the primary building.

C. **Dimensions Exceptions.**

1. *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;
      (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, rights-of-way, and other public spaces by structures or landscape according to Section 8.04.

2. *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.

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 from 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. Frontage design Each street-facing façade, 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
Access Width (max.)		26'	26'	32'	40'
Access Spacing		Frontage designs and access shall be coordinated with requirements of Section 7.03			
Parking Setback (min.)		Behind rear of building	Behind front building line	6' min. See Section 7.05.B	20' min.
Extent of Parking Frontage (max.)		0%	35%	n/a	n/a
Extent of Garage Bays		Prohibited	10% of facade	25% of facade	Limited only by screening 8.04
Landscape		See Sections 3.01 and 3.02		See Section 8.03	
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.

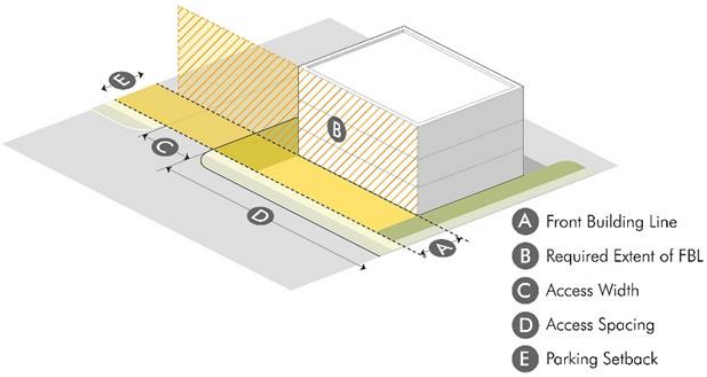


Figure 6-1 Frontage Design
Frontage types are differentiated based on the location of the front building line (FBL), the extent of the front building line occupied by the building (Required FBL), access widths, and parking location and extent along frontage. Coordinating frontage design of multiple buildings and sites along a block

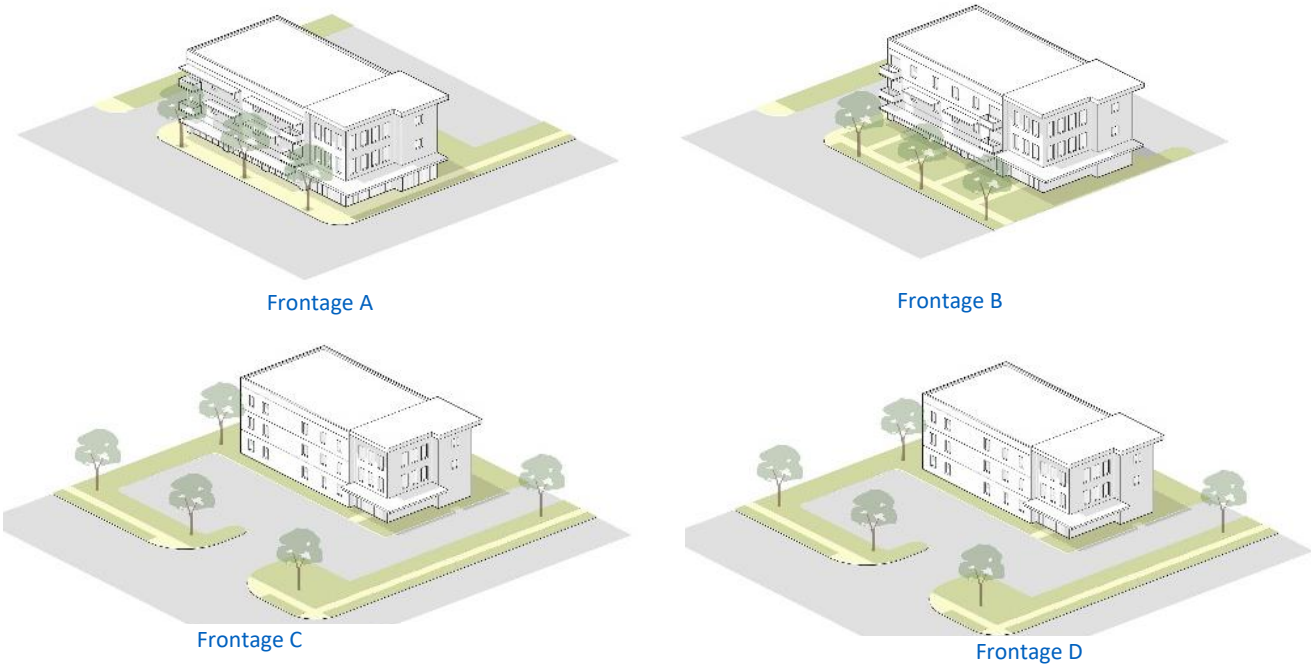


Figure 6-2 Frontage Types
The relationship between private development and the public realm determines the character of different districts. Building placement, parking and access locations, and landscape and streetscape design distinguish different frontage type designs. Social spaces and human-scale architectural features are emphasized in more pedestrian-oriented contexts, and landscape screens and setbacks are emphasized in more car-oriented areas. 6.03.A.2.

1. *Front building Line.* Front building lines create a consistent pattern along a 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, Nonresidential Building Design; or
      (2) Open spaces meeting the requirements of Section 6.04.D provided:
         (i) It is limited to no more than 50 feet or 50% of the lot frontage, whichever is greater;
         (ii) 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
         (iii) 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 3.01.B.2.d shall use the internal access streets for the purpose of applying frontage standards.

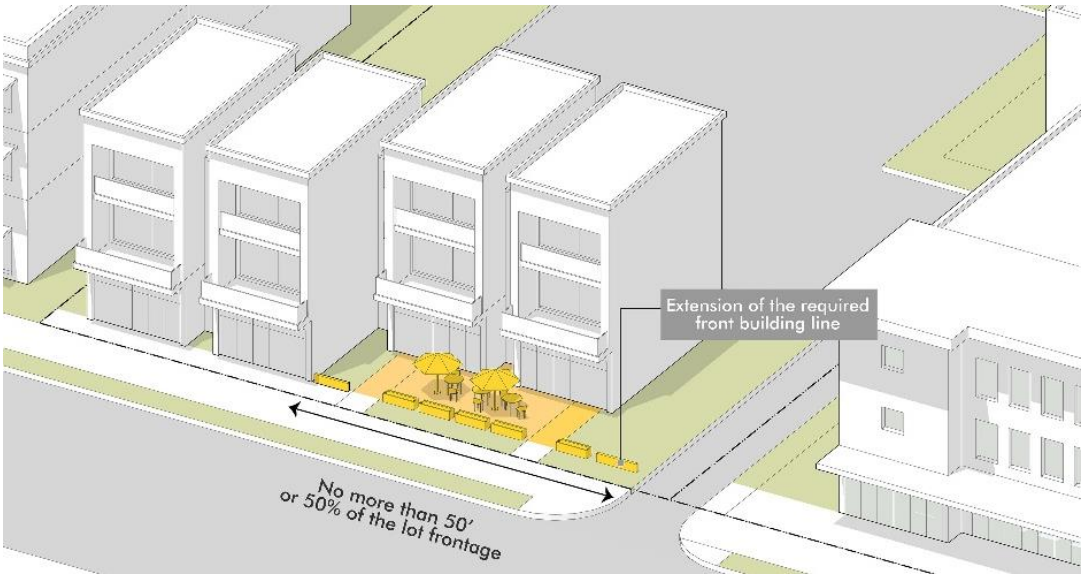


Figure 6-3 Required Front Building Line
The required front building line determines the extent of the lot width required to be occupied by building frontage at the front building line. Alternatives that activate the streetscape with active social spaces may serve this function provided they establish similar defining elements of this space along the frontage. 6.03.A.3.a. and b.

2. *Access and Parking Limits.* Access spacing and parking limits in Table 5-3 limit 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, Nonresidential Frontage Design:
   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 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 rights-of-way or adjacent property according to Section 8.04.

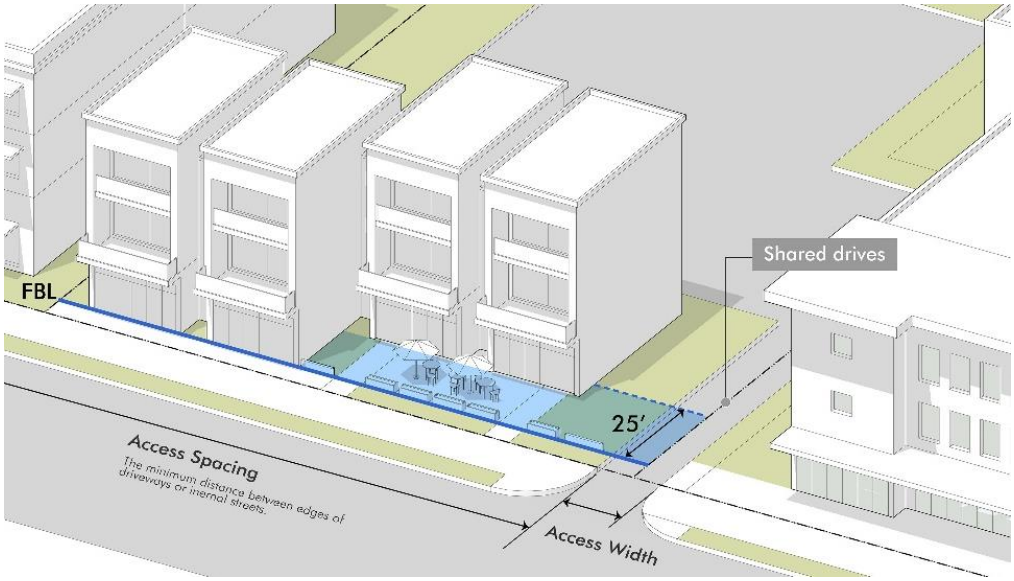


Figure 6-4 Access and Parking Limits
Access & parking limits determine the extent of frontages that are designed for cars, including driveways and surface parking. Parking and vehicle access is more limited in the frontage area for pedestrian-oriented contexts, and more permissive in car-oriented areas. 6.04.B.2.

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 3.01.
   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 6.04.D may be included in this area.

C. **Building Design.** 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 façade 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' / 1,000 s.f.	150' / 2,000 s.f.	200' / 4,000 s.f.
Entry Feature Spacing		50' max.	75' max	150' max 1 per 100' avg	1 per 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. 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;
      (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 3 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 3 to 6 stories, the first floor should be clearly differentiated from upper stories to establish the base and an embellished roof structure.

(3) For buildings 7 stories or more, the first two floors may be clearly differentiated from upper stories to establish the base, and the upper story 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 on 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 6.03.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.

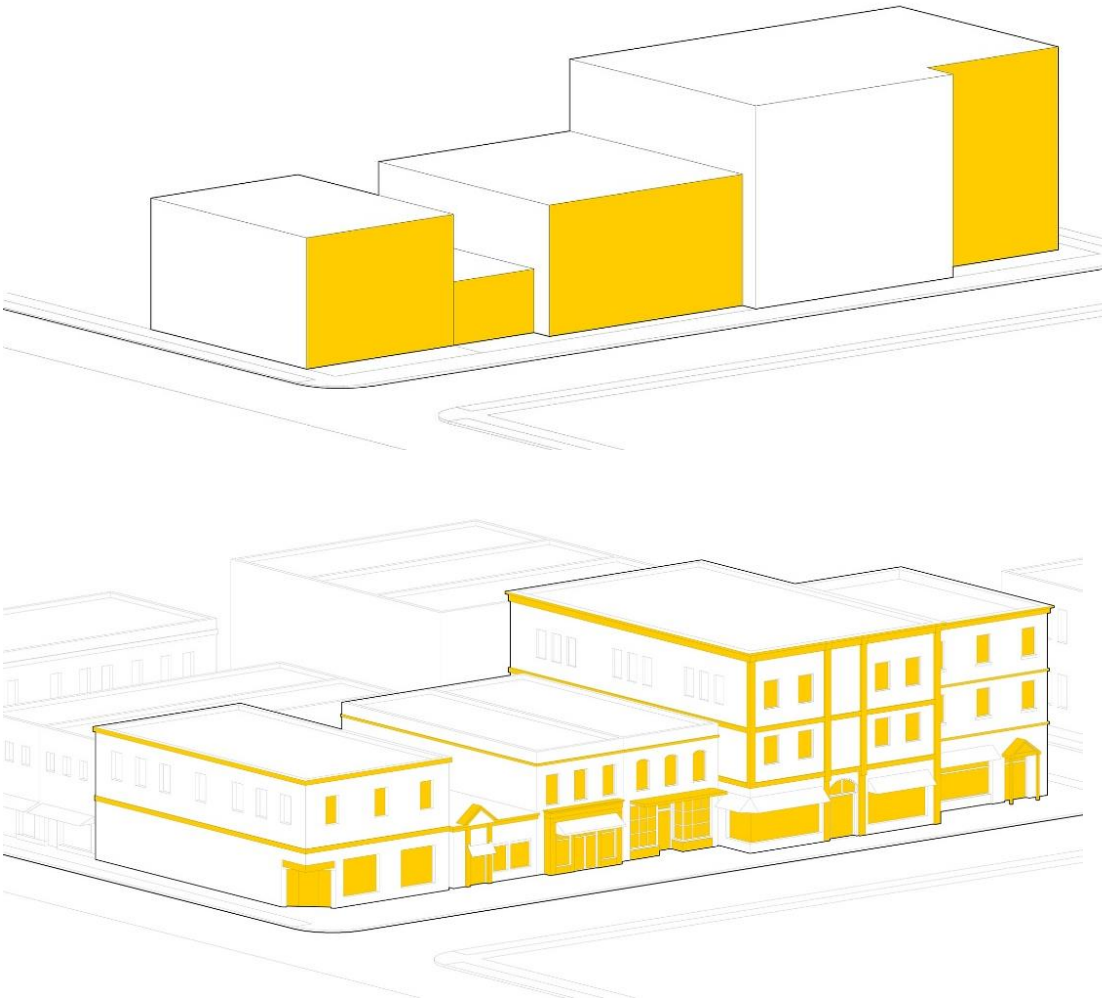


Figure 6-5 Massing & Modulation
Wall planes that exceed either the linear dimension limits or the square foot limits in Table 5-6 wall plane limits shall be broken up by massing elements and/or architectural details. 6.03.C.1

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. 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.

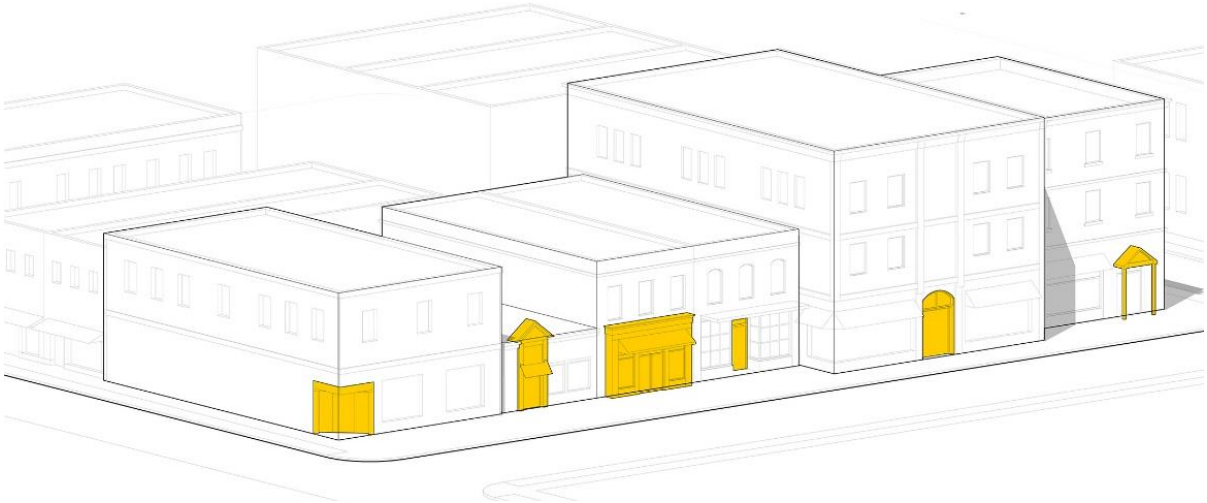


Figure 6-6 Primary Entry Features.
Entrances help activate the streetscape and orient buildings to public spaces. More pedestrian-oriented blocks benefit from the activity created by smaller-scale uses and the rhythm created by more frequent entrances. More car-oriented streets may allow less frequent entrances or alternative orientations of buildings to internal access streets or common spaces. 6.03.C.2.

3. *Transparency.* Windows and doors provide connections to active outdoor spaces and add visual rhythm and detail to the façade 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 conjuction with massing and modulation standards in subsection C.1., including:
      (1) Coordinate the façade 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 façade.
      (3) Emphasize openings or combine groups of openings in association with ornamental details and architectural projections or recessions.

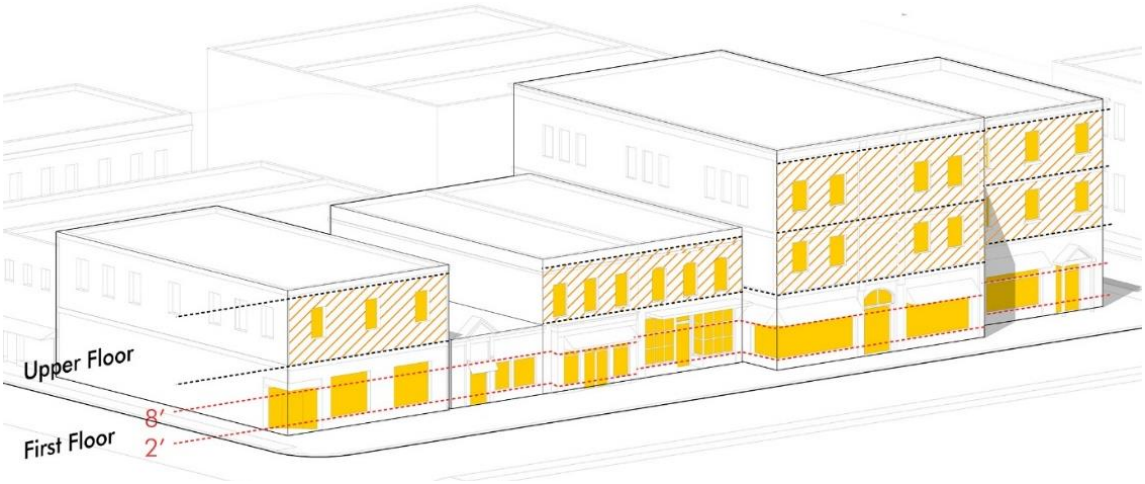


Figure 6-7 Transparency.
Transparency requirements eliminate large expanses of blank walls and create physical and perceptual connections to spaces around buildings. Meeting the requirements for each story helps reduce the scale of larger buildings. 6.03.C.3

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 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. The open space design standards 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 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 3.02;
3. Civic amenities or social spaces such as courtyards, patios, or plazas, provided they are at least 20 feet 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 8.04.

5. For any mixed-use building, the following may count open spaces designed according to Section 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 6.04, Community Design may be authorized according to the site plan modification process and criteria in Section 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.

6.05 Specific Plans

The frontage design, building design, and open space design standards in this article. may 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 plans approved shall be included or cross-referenced in the sub-sections below.

A. **[Reserved]**

Article 7. Access & Parking

7.01 Intent
7.02 Applicability
7.03 Access
7.04 Required Parking
7.05 Parking Design
7.06 Modifications

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.

7.02 Applicability

Access and parking shall be shown on plats, site plans, and building permits according to the application requirements in Article 2, Procedures. 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.

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 5.04.B and 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, site plan, or subdivision that will access on a public right-of-way, regardless of trip generation shall provide a Traffic Access Assessment.
         i. 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 and/or zoning ordinance as applicable.
         ii. 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, 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.
         i. 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.
         ii. All land uses identified as motor-vehicle oriented businesses shall complete a gap study for each driveway connecting to an arterial or collector street.
         iii. 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, site plan, or subdivision as required by the applicable Public Works Design Standards and Technical Specification, 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 Section 3.01 and 3.03, 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 5.04 for residential frontages, and Section 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 3.01.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 3.02 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 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 (3) 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 sixty (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 twenty (20) feet wide and two-way access gates shall be a minimum of twenty-four (24) feet wide. A clear width of twelve (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, 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, site plan, subdivision, or other development activity requires a Driveway Safety Study, Traffic Impact Study, or the potential to produce 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 occurs:

   a. When a site plan, public improvement plans, or driveway permits are required.
   b. When 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 Analysis that identifies required corrections to the access.

4. *Access for Residential Single-Family 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 residential single-family lot on a residential collector street 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 residential single family may remain if the existing access is on a street classified as a residential collector or below, is not within 50 feet of an arterial street, or poses no public safety risk as determined by the City Traffic Engineer. If within 50 feet of an arterial or deemed a safety

risk, the Access Plan will be required to analyze future shared access, cross access easements, and/or applicability of removal or modification of current access points. 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 (TCO).

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 public 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: Internal Sidewalk Widths.

Table 7-2: Internal Sidewalk Widths

Location	*Minimum Width*
▪ Any residential property, generally	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

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 8.03.
   c. Lighting fixtures along all walkways meeting the landscape design standards in Section 8.06.

7.04 Required Parking

A. **Vehicle Parking Rates**. Table 7-3: Required Parking 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 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.
6. The PD Director may accept any other industry data or parking manual as a substitute for these standards when it is documented as a professional approved resource and is demonstrated to be applicable to the particular context, site, and development proposal based on precedents.

Table 7-3: Required Parking

Use Category / Specific Use	*Required Parking*
Residential	
Dwellings (detached house, duplex, townhouse)	2 per unit
Multiple-unit Dwellings	1 / unit (micro-efficiency or studio unit) 1.5 / unit (1 bedroom unit) 2 / unit (2+ bedroom unit)
Dwellings (detached, manufactured)	2 / unit
Group Living (residence hall, senior living, group home)	2 per each 3 occupants (non-staffed) 1 per each 2 beds + 1 per employee (staffed)
Public / Civic	
Assembly	1 / 4 seats
Library	1 / 350 s.f.
Museum	1 / 1,000 s.f. + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Parks, playgrounds, and athletic fields	1 / 5,000 s.f. or 1 / 4 seats for assembly areas, whichever is greater
School – Elementary & Junior High	2 / class or 1 / 5 seats of largest assembly, whichever is greater
School – High School	2 / class or 1 / 5 seats of largest assembly, whichever is greater + 1 / 8 students
School – College / Vocational	1 per employee + 2 per each 3 students
Commercial	
Retail – Small (under 3K)	1 / 500 s.f.
Retail – General (3K+)	1 / 250 s.f.
Retail Bulk or Outdoor (i.e. furniture store, car dealer, .nursery, etc.)	1 / 500 s.f. + 1 per 3,000 s.f. open sales lot
Service - Generally	1 / 350 s.f. (See Section #.## for any drive-up service requirements)
Service – barber, hair/nail salon	1 / 100 s.f.
Service – medical - outpatient	1 / 250 s.f.
Service – medical – in-patient	1 per bed + 1 per employee

Table 7-3: Required Parking	
Use Category / Specific Use	***Required Parking***
Service – automobile service stations or repair	1 / 250 s.f. + 2 per service bay
Lodging	< 20 rooms = 1 / guest room first 20 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.)
Office	1 / 350 s.f.
Restaurant, bar or night club	1 / 100 s.f. – general 1 / 75 s.f. – fast food (See Section #.## for any drive-through queuing areas)
Health and Fitness Center	1 / 200 s.f. workout areas 1 / 500 s.f. open court areas 1 / 350 s.f. general service facilities
Recreation and Entertainment	1 / 350 s.f. generally (indoor); 1 / 5,000 s.f. generally (outdoor 1 / 4 seats of fixed seating areas 1 / active patron station (i.e 4 per lane bowling; 4 per hole golf course; etc.) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Industrial	
General Manufacturing and Warehousing	1 / 500 s.f. (artisan/limited or light) 1 / 1,000 or 1 per 1.5 employees, whichever is greater (all others) Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
Self storage	1 per 25 units + 1 per employee

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 7.03.C., Parking Reductions.
2. Provide shared parking for other uses on the block or adjacent blocks according to this Section 7.03.D.
3. 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 Manul.
4. Provide additional buffers and site open spaces to screen parking with at least a 10% increase in the size open space or buffers required for the parking and landscaped at the effective rate for that additional space.
5. Provide at least a 20% increase in the amount of landscape material required for the parking and allocate it appropriately within required open spaces.
6. 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 7-4: Required Parking 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 – City Center (exempt for all projects up to the first 10,000 square feet).
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 7.03.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 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 plan clearly indicates the location, pattern, and circulation to access the deferred parking area.
   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 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, Shared Parking.
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*
Employment	100 %	10 %	5 %	5 %	5 %

Table 7-4: Shared Parking

Use	Percentage of Required Parking by Time Period				
	Weekday		Weekend		All
	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 %
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, Bicycle Parking.

Table 7-5 Bicycle Parking

Activity	Required Spaces
Multi-unit Residential Buildings (3+ units)	▪ 1 space per 1 dwelling units; 2 spaces per dwelling units with 3 bedrooms or more ▪ 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
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% 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 Director may reduce or waive the bicycle parking requirement.

Bicycle parking shall be designed according to the following standards:

1. Bicycle parking areas shall generally have clear areas of 2 feet by 6 feet to maneuver and store the bicycle.

2. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, support a bike at two points of contact to prevent damage to wheels or frames.
3. 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.
4. 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 circulating for the site.
5. Bicycle parking for residential uses may be incorporated into storage areas within the units or common areas of the buildings.
6. Residential bicycle parking or bicycle parking for longer terms such as employment locations should incorporate other secured and weather-proof elements into the design.
7. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may be approved by the Director through site plan review.

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, Parking Lot Landscape 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% internal islands
101 or 200	▪ 20' front setback buffer ▪ 10' perimeter buffer ▪ 8% internal island	▪ 6' perimeter buffer ▪ 5% internal islands
30-100	▪ 10' front setback buffer ▪ 6' perimeter buffer ▪ 5% internal 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.

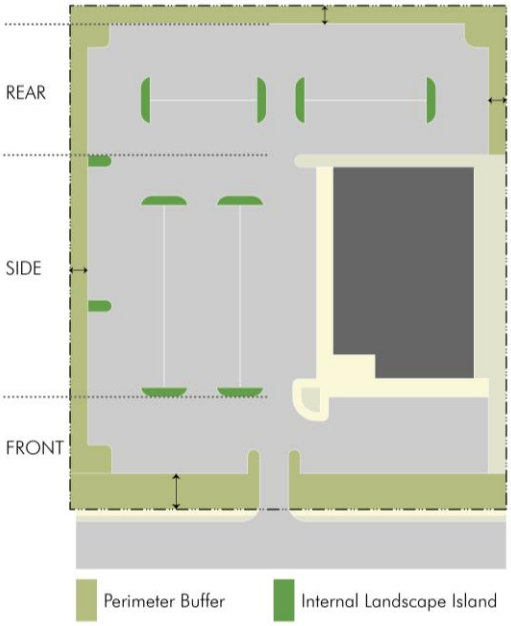


Figure 7-1 Parking Design
Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-7 is based on larger parking areas and parking in the frontage area requiring greater limits or landscape design mitigation than smaller parking areas or parking in the rear of buildings.

The landscape areas required by Table 7-6 shall be allocated as follows:

1. The perimeter landscape areas shall be continuous, except for driveways or sidewalks accessing the parking area.
2. Perimeter landscape and internal islands shall be designed at regular intervals to break up larger expanses of pavement with green space, impervious surfaces, and shade trees.
3. Interior landscape islands shall be either:
   a. A peninsula extending from the perimeter landscape area at least 9 feet wide and the depth of adjacent parking spaces.
   b. 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
   c. A continuous “center strip” between two opposing stalls along the entire parking bank that is at least 6 feet wide.
4. 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.
5. Perimeter and internal landscape areas shall include plant materials meeting the requirements of Section 8.03 Required Landscape applicable to parking areas.

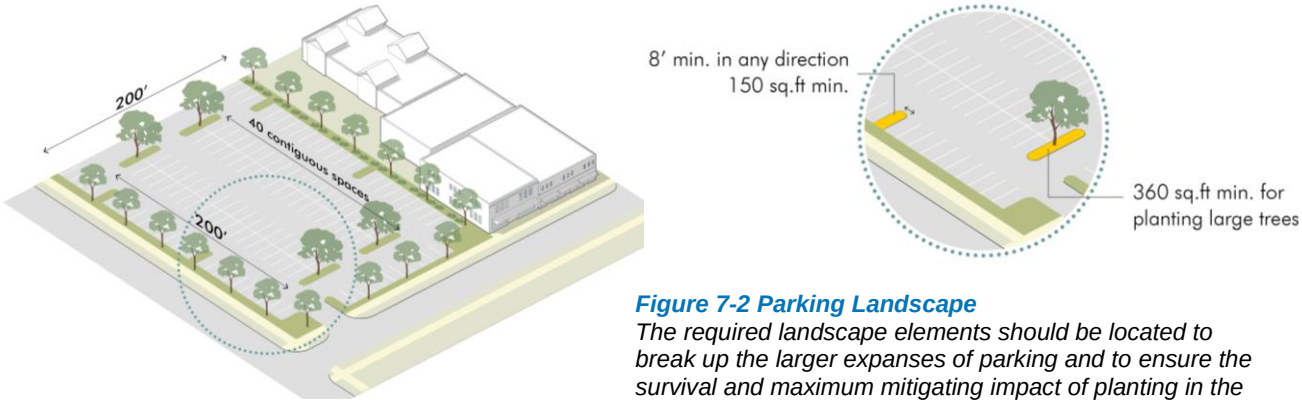


Figure 7-2 Parking Landscape
The required landscape elements should be located to break up the larger expanses of parking and to ensure the survival and maximum mitigating impact of planting in the landscape areas.

C **Sidewalks.** In meeting the standards of Sections 7.03.C and 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: Parking Dimensions.

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.

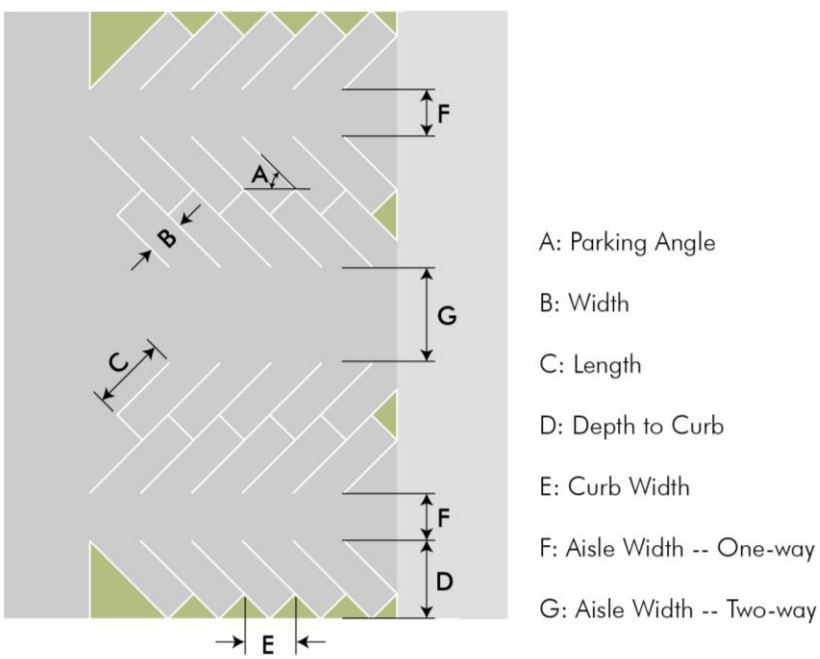


Figure 7-3 Parking Dimensions
Dimensions standards of Table 7-7, applied to typical parking layouts.

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 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.
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 6 units or less; or
   b. On-street parking on public streets or private streetscapes according to the standards in Section 3.01.
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 3 dwelling units.

F. **Loading Requirements.** In mixed-use, commercial, or industrial districts, off-street loading shall be required as indicated in Table 7-8, Loading Areas.
1. The number and size of spaces may be revised based on the operating characteristics of the particular use and determined through 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 District or as permitted in F.5).
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 8.03.
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 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.5
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 to10' x 50'

7.06 Modifications

The PD Director or the Planning Commission may consider alternative landscape and site design plans through the site plan process in Article 2, Procedures. In addition to the general site plan criteria in Sections 2.04, any proposed alternative landscape and site design shall result in one or more of the following additional benefits:

A. The 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

8.01 Intent
8.02 Applicability
8.03 Required Landscape
8.04 Buffers & Screening
8.05 Plant Specifications
8.06 Tree Protection
8.07 Outdoor Lighting
8.08 Modifications

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.

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 structures that results in an increase of the gross floor area by more than 15% and more than 500 square feet;
3. A site plan that increases the impervious area by more than 20%;
4. Any addition of parking to nonresidential uses or residential uses with 10 or more dwelling units
5. 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.

6. 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 that full compliance impractical. Standards shall be applied according to the following order of priority areas.

1. Streetscapes and frontage areas along public rights-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.

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, Plant Requirements.

Table 8-1: Plant Requirements

Site Element	*Trees*	*Evergreen Trees*	*Shrubs*
Streetscape: *The landscape area in the ROW or along the lot*	1 overstory tree per 40' of lot frontage;	n/a	n/a

Table 8-1: Plant Requirements

Site Element	*Trees*	*Evergreen Trees*	*Shrubs*
line immediately abutting the right of way.	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement. Constrained right-of-way or streetscapes may substitute 1 understory tree per 20.'		
***Frontage** & **Foundation.** The area between the building line and ROW along a street, including street sides of corner lots.*	1 understory tree per 40' of lot frontage for buildings set back more than 10' from the front lot line; AND 1 overstory tree per 40' of lot frontage for buildings set back 30' or more from the front lot line.	Evergreen trees may be substituted for understory trees at a rate of 1 for 1, and for large trees at a rate of 2 for 1, 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. 3 ornamental grasses may be substituted for 1 shrub up to 50% of the requirement.
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement		
***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 2 for 1, 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 street. (See Section 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 2 for 1 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 8.03		
***Civic and Open Spaces.** Areas of the site designed as part of a broader system of formal and natural open spaces.*	See Section 3.02		
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 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 compliments the landscape design.		

[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 building in between the parking and the boundary.

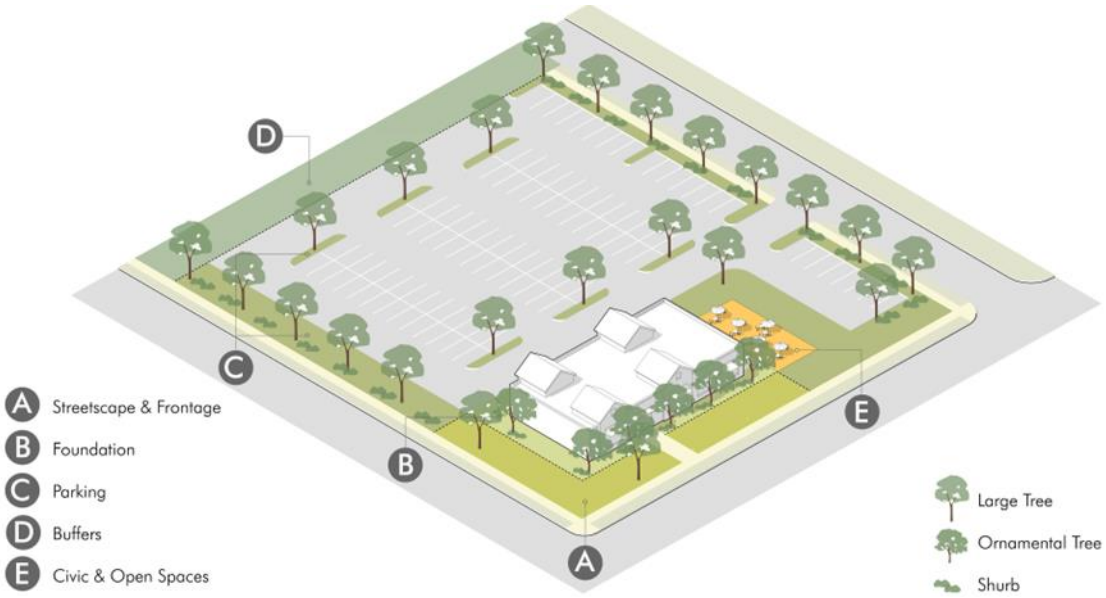


Figure 8-1 Landscape Design
The landscape requirements are allocated to different elements of the site and emphasize how different landscape standards and designs should be used to serve different functions on the site, including relating the streetscape, adding comfort and interest to active spaces, and or mitigating impacts on adjacent areas.

C. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and desirable species, 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.
2. Credits shall be based on
   a. 1 for 1 basis provided it meets the minimum specifications for new plants.
   b. 2 for one for any tree larger than 6" DBH
   c. 3 for one 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 8.07 Landscape & Site Design; Modifications, 7.07 Parking and Access; Modifications, and 2.06. Site Plan procedures and criteria.

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 and, 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. 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 6 feet of 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;
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 & Foundation Trees & Shrubs.* Foundation 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.
   a. Understory and evergreen trees shall be located within 25 feet from 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 internal islands planned and designed according to Section 7.05, Parking Design.
   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 internal island. Internal islands over 300 square feet shall have one overstory tree or two understory trees per 300 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 30 feet of the street with a public sidewalk shall have a Type I buffer per and any parking area within 10 feet of any other property line shall have a Type II buffer Section 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 site plan, the lot will be considered conforming if approved by the administrative review committee ("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 in building height in direct proportion to the area (square footage) that is being used for the stream buffer, provided the height is not increased more than one story above the required height limit; or

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-percent reduction in required parking. For every 167 square foot area of stream buffer or water quality stormwater control measure, a reduction of one parking space will be allowed.

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 3.03.B.7., Sight Distances.

6. *Specific Applicability.* Where landscape standards for different conditions or elements of a site overlap, 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 8.03 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 Director determining that the design objectives of this section and intent of this article are achieved.

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.

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, Buffer Planting Requirements and Table 8-3, Buffer Application.

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 limit 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: large 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.

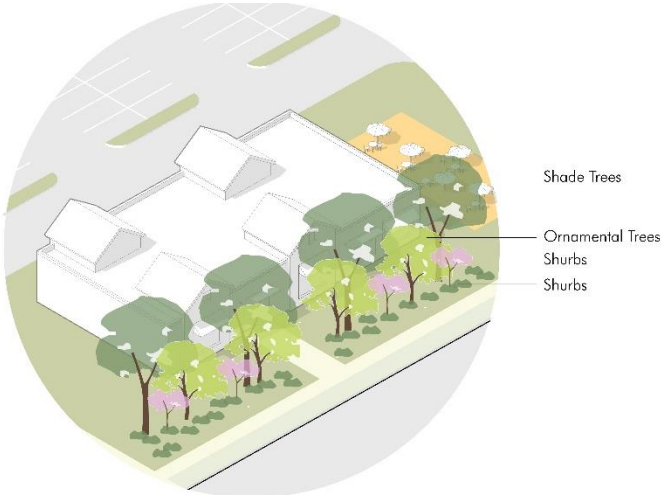


Figure 8-2 Buffer Layers
Effective buffer design should be based on the specific context, and the intent and degree of mitigation desired. Shade trees provide separation and mitigation at upper levels, evergreen and ornamental trees provide separation and mitigation at mid-levels, and shrubs or other 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: Buffer Planting Requirements 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 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 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 bay be reduced by 50% and the width reduced to 5' with the following: ▪ 4' to 6' high 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'; and 1 understory per 25'; and 1 evergreen tree per 25' 1 shrub per 10' *Variation*: The shrub and evergreen tree rate may be reduced by 50% in combination with the following: ▪ A 6' solid wall or fence; or ▪ A 3' high berm and 4' high fence with 50% opacity.	 *Separation + Planting* *6'-7' 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 per 15' *Variation:* The evergreen and understory tree requirement may be reduced by 50% where a combination of berms, feces, and/or shrubs accommodate the understory screening. The width may be decreased to 20' with a 25% increase in the plant rates.

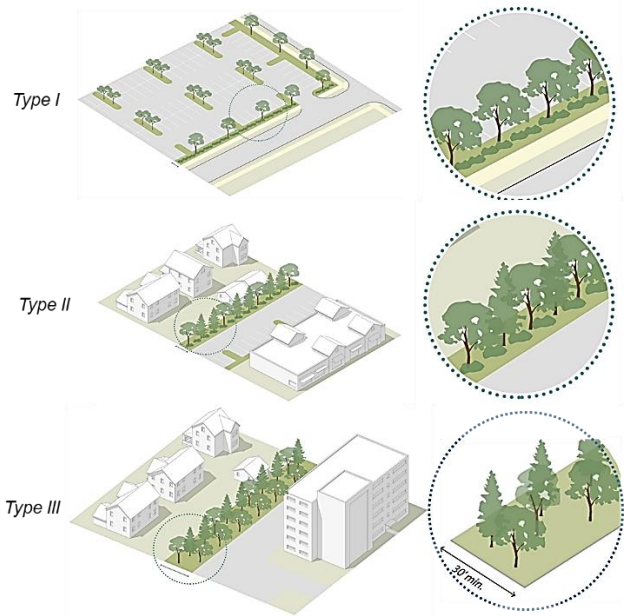


Figure 8-3 Buffer Types & Context
Application of the specific buffer type should be based on context and the adjacent site or projects.

C. **Buffer Locations.** Buffer types shall be required and applied as indicated in Table 8-3, Buffer Application.

Table 8-3: Buffer Application

Intensity of Adjacent Site		*Intensity of Proposed Development*			
		Low	*Medium*	*High*	*Very High*
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	*Low*	▪ *Residential:* detached house; multi-unit house; row house; and small-lot apartment types			
	Medium	▪ *Residential*: medium- and large-lot apartment; or apartment complexes ▪ *Nonresidential:* churches, schools, or similar institutional uses; neighborhood retail (under 5K s.f.); office uses (under 2 stories); artisan or small manufacturing (under 10K); or similar uses that do not operate between 10PM and 7AM			
	High	▪ *Nonresidential*: general commercial uses that may be larger scale (over 5K); light manufacturing; or other higher intensity uses that operate beyond 10PM			
	Very High	▪ *Nonresidential:* heavy commercial uses (over 150K s.f.); uses with significant outside activity or storage; or heavy industrial and manufacturing uses			
Other Applications		▪ Parking areas within 20 feet of any public street or internal access street shall have a Type I buffer ▪ Any lots that back to a collector or arterial street require a Type III buffer, which may be incorporated into the right-of-way landscape. (See Sections 3.01 and 3.02 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			

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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, open 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 stations or fixtures.
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 of 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 wall 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, Fence & Wall Standards.

Table 8-4: Fence & Wall Standards

	Residential	*Commercial & Industrial*
Front	▪ 3.5' high ▪ 4.5' high if at least 50% open	▪ 3' high ▪ 4' high if at least 50% open
Side & Rear	▪ 6' if behind the front building line	▪ 8' if behind the front building line
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	▪ 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. *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 vinal clad except prohibited for any front 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.
   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 3.03.B.7, Sight Distances, 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.

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 Planning and Development Department, and listed in Appendix A. In addition to any species on these lists, alternatives may be proposed and approved as part of the 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; and
3. Are not invasive or otherwise problematic to the overall health of the landscape.

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" DBH; Mature height of at least 30'; Deciduous tree
Understory Tree	1.0" DBH ; 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 trees. Evergreen or conifer trees
Shrub	5-gallon minimum container or 18" minimum planting height; 36" minimum mature height
Ground Cover	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within 2 growing seasons.
General	At least 30% of plantings in any landscape project shall consist of plant species native to Missouri

DBH – Diameter at breast height

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.

Table 8-6: Tree Diversity	
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 Standard for Nursery Stock (ANSI) details and ensure proper soil quality and conditions.
3. All plantings shall be properly maintained. Plant materials which fail to grow within a 2-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. The 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.

8.06 Tree 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 8.02.
3. The following additional development activities:
   a. Any plat that disturbs more than 5,000 square feet of land.
   b. Any new residential structure is built on a vacant lot;
   c. Any demolition or grading on an existing lot;

C. ***Protected Trees.*** Trees are protected based on their size and location, as specified in Table 8-7 and Figure 8-4. Protected trees require mitigation if removed; priority trees require special circumstances and approval to remove the tree, and require additional mitigation if authorized to be removed.

Table 8—7: Protected Trees

Location	*Protected Tree*	*Mitigation If Removed*	*Priority Trees [1]*	*Mitigation If Removed*
Area 1: Street Trees	--	--	All trees	▪ 1 Tree for every 6" caliper removed ▪ Maximum 4 to 1 replacement.
Area 2: Frontage Trees	2" – 6"	1 to 1 replacement	> 6"	▪ 1 Tree for every 6" caliper removed ▪ Maximum 3 to 1 replacement.
Area 3: Lot Trees	4" – 20"	1 to 1 replacement	> 20"	▪ 1 Tree for every 12" caliper removed ▪ Maximum 3 to 1 replacement.
Area 4: Buildable Area Trees	6" – 30"	1 to 1 replacement	> 30"	▪ 1 Tree for every 12" caliper removed ▪ Maximum 2 to 1 replacement.
Any Area	--	--	Any Missouri State Champion Tree	▪ 1 Tree for every 6" caliper removed ▪ Maximum 4 to 1 replacement.

[1] Priority trees may only be removed as provided in Section 8.06.F.

1. *Area 1:* Area 1, "street trees" includes any tree that is in the public right-of-way.
2. *Area 2.* Area 2, "frontage trees" includes any tree that is 3" caliper or more, on private property and within 20 feet of the front lot line.
3. *Area 3.* Area 3, "lot trees" includes any tree that is 6" caliper or more, on private property, but outside of the frontage or buildable area.
4. *Area 4.* Area 4, "buildable area trees" includes any tree that is 6" caliper or more, and in the buildable area determined by the zoning setbacks applicable to the principle building.

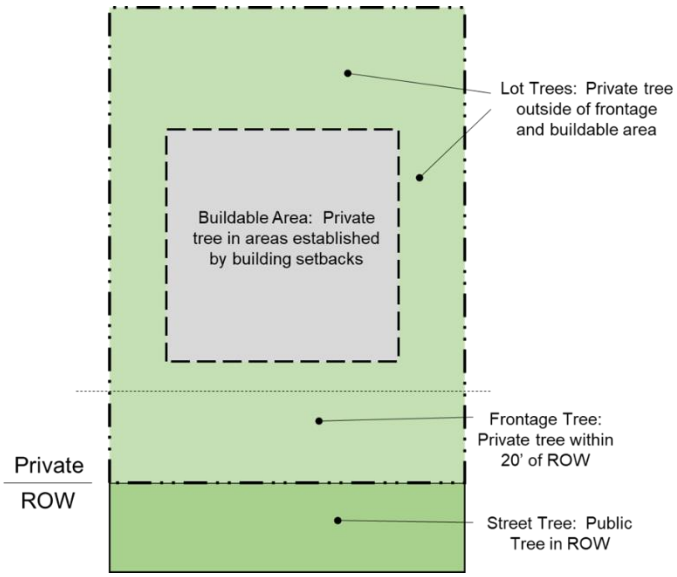

Figure 8-4 Tree Protection Areas. *Tree protection provisions and required mitigation is based on the area of the lot and the size of trees in particular areas.*

D. ***Exceptions – Authorizations for Removal.*** The PD Director may consider an exception to remove a tree prohibited from removal under Section 8.06.C. only upon a written request indicating the specific tree and documentation establishing justification for removal. The PD Director shall generally 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. An "Undesirable Tree Species List is available from the PD Director. 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. ***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 where for all applicable projects where:

a. The property has a tree protected by Section 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.
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 otherwise not authorized from removal. prevent infringement on the root system form any construction-related activities and 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 at least 75% of the drip line
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. The city may authorize that fences be moved at certain times for final grading, access or other work.
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 a protective nature 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 in excess of two inches (cut or fill) shall be allowed within the limits of the drip line.

f. New paving with asphalt, concrete, or other impervious materials should 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.

F. ***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 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.

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; ▪ 25’ 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 lumination of all parking lots 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; ▪ 7’ residential

Table 8-9: Maximum Light Mounting Height	
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.
   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 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
   3. Temporary holiday lights

8.07 Modifications

The PD Director or the Planning Commission may consider alternative landscape and site design plans through the site plan process in Article 2, Procedures. In addition to the general site plan criteria in Sections 2.03, any proposed alternative landscape and site design shall result in one or more of the following additional benefits:

A. Better allocation of plants in relation to the following areas in order of priority of design objectives:
   1. Mitigating any off-site impacts on adjacent property due to higher intensity activities
   2. Relationship to streetscapes and abutting civic or open spaces.
   3. Enhancements to active or social spaces within the site.

B. Preserve existing, established, healthy and desirable landscape and improve the environmental performance of the site.

C. Improve the longevity, survival, health, or general species mix of plant materials specific to the context and vicinity of the site

D. Lighting results in better compliance with industry standards and guidelines of the Illuminating Engineering Society and Dark Sky International (IES / IDA).

Article 9. Signs

9.01 Intent
9.02 Applicability
9.03 Exempt Signs
9.04 Permitted Sign Allowance
9.05 Standards for General Sign Types
9.06 Standards for Specific Sign Types
9.07 General Standards - All Signs
9.08 Design Guidelines
9.09 Alternative Sign Plans

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.

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 9.03, Exempt Signs, subject to the limits and qualifications of each exemption.
   2. Modifications of nonconforming signs subject to the provisions of Section 1.06, Nonconforming Signs.
   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.

   Signs, including exempt signs, may require other permits demonstrating compliance with other codes such as building codes or electrical codes, as determined by the BDS 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 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 entire area of the face of the structure, cabinet, or module encompassing the sign. 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 five 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 percent 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.

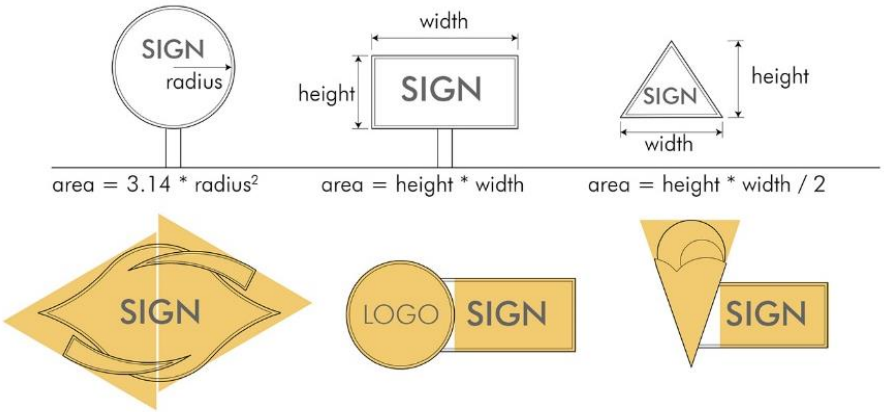

Figure 9-1 Sign Measurements
The size of a sign is generally measured by the area it is mounted upon, or when mounted directly on walls or irregular shapes, the area of up to two standard geometric shapes that encompass the sign or the outer limits of the sign. [9.02.C.1.]

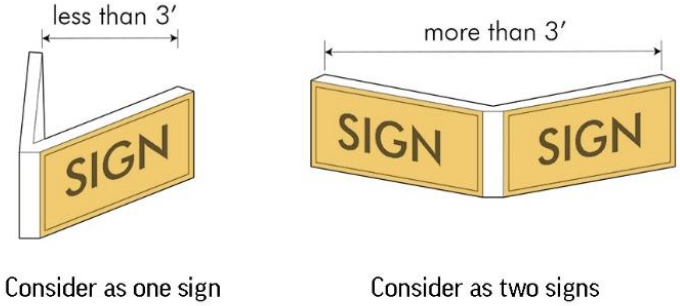

Figure 9-2 Double Faced signs
Double faced signs generally count the area of only one side as the sign area; except where they are more than 3 feet apart at any one point, then each sign face counts to the area. 9.02.C.2.

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 two square feet each, only one of which may be ground mounted. Address signs on buildings shall be placed between four 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. 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.

1. *Residential Districts.* Up to three flags may be permitted per lot. Total flag area per property shall not exceed 80 square feet and no single flag may be more than 40 square feet.
2. *Nonresidential Districts.* Up to five flags may be permitted per lot. Total flag area per property shall not exceed 200 square feet and no single flag may be more than 100 square feet.
3. *Large Properties*. Property over 3 acres may have one flag up to 375 square feet provided it is setback at least 40 feet, or at least equal to the mounting height, whichever is greater.

D. **Window Signs.** Signs may be installed on or to the interior of any first-floor windows in nonresidential districts if they do not exceed more than 33 percent of the area of all first floor windows, measured between two feet and ten feet above the first floor elevation, and if at least 33 percent of the window the sign is mounted on remains clear of any visual obstructions including the sign area.

E. **Temporary Signs**. Temporary signs are exempt from the sign permit process, provided they are within the allowances in Section 9.04 and comply with the standards in Section 9.05.D., Temporary Signs.

F. **Construction Signs.** Signs associated with a nonresidential or multi-family construction, or any construction project over 10 acres, and under a valid permit are limited to:

1. Up to 80 square feet total sign allowance per public street frontage;
2. No more than three signs per street frontage;
3. Signs shall be mounted on a trailer, building or fence, or no more than 10 feet high if mounted on the ground; and
4. The signs shall only be posted for the duration of a valid permit associated with the project.

These signs are in addition to any other temporary sign allowances in Section 9.06.E., Temporary Signs.

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 may be approved through permitting and approvals for special events. Signs shall generally follow the standards in this article; however, the deviations may be approved to accommodate an event's short-term and special circumstances.

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 site plan for the facility.

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 2.06.

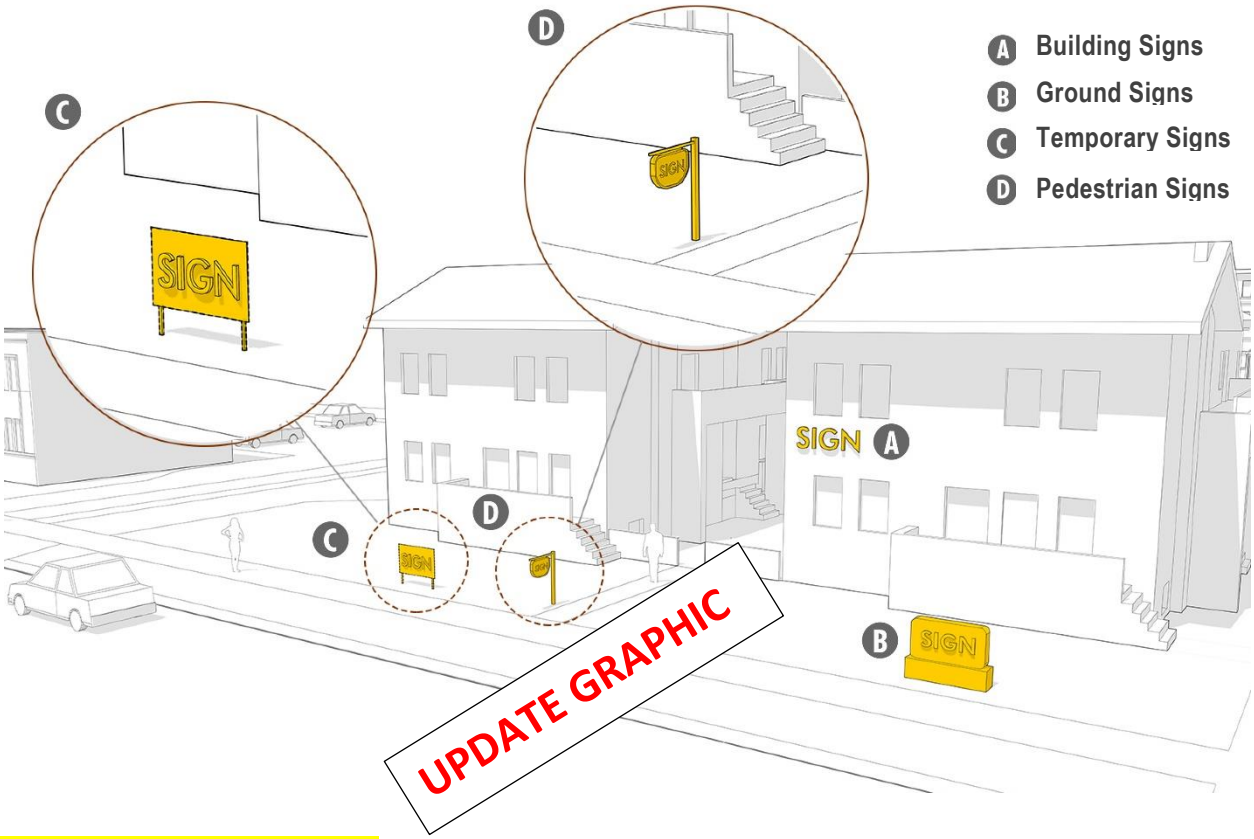

Figure 9-3 Residential Sign Types
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Table 9-1: Residential Sign Allowance	
Ground Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 1 s.f. per lineal foot of street frontage.
Maximum Size	▪ 100 s.f. on local and collector streets ▪ 200 s.f. on secondary arterial streets ▪ 250 s.f. on primary arterial streets, freeways, or expressways
Quantity	1 per lot, but lots with more than 425' of frontage may have 2
Maximum Height	25';
Location	▪ 25' setback from all property lines ▪ 300' separation from another ground signs
Other standards	See Section 9.05.A, and Neighborhood Identification signs in Section 9.06.A. for additional ground sign allowances.
Building Signs	

Table 9-1: Residential Sign Allowance	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 1 s.f. per lineal foot of wall along the street frontage. ▪ 2 s.f. per lineal foot of wall along the street frontage if site has no ground sign.
Maximum Size	N/a – subject to overall allowance
Quantity	1 per street-facing wall or other wall facing internal common areas
Height	▪ At least 1 foot below the top of the wall it is mounted on for flat roof buildings ▪ At least 1 foot below roof deck or eave line for pitched roof buildings.
Other Standards	See Section 9.05.B
Pedestrian Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 1 sign for each public building entrance
Maximum Size	10 square feet
Height	▪ 14' if mounted on a wall ▪ 6' if mounted on the ground
Other Standards	See Section 9.05.C.
Incidental Signs	
Total Allowance	▪ Permitted for principal non-residential or multi-unit residential buildings ▪ 12 s.f. per lot; or 25 s.f. per acre, whichever is greater
Maximum Size	6 s.f, or 12 s.f. for lots more than 1 acre 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	15 s.f., or 0.15 s.f. per 1 lineal foot of street frontage, whichever is greater, up to a maximum allowance of 48 square feet.
Quantity	N/a; subject to total allowance and duration limits in Section 9.05.D..
Maximum Size	▪ 6 s.f. on local or collector streets ▪ 12 s.f. on secondary arterial streets ▪ 24 s.f. on primary arterial, expressway, or freeway
Height	▪ 20' or below the top of the wall plane, whichever is less if mounted on a wall ▪ 4' if mounted on the ground
Other Standards	See Section9.05.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 2.06

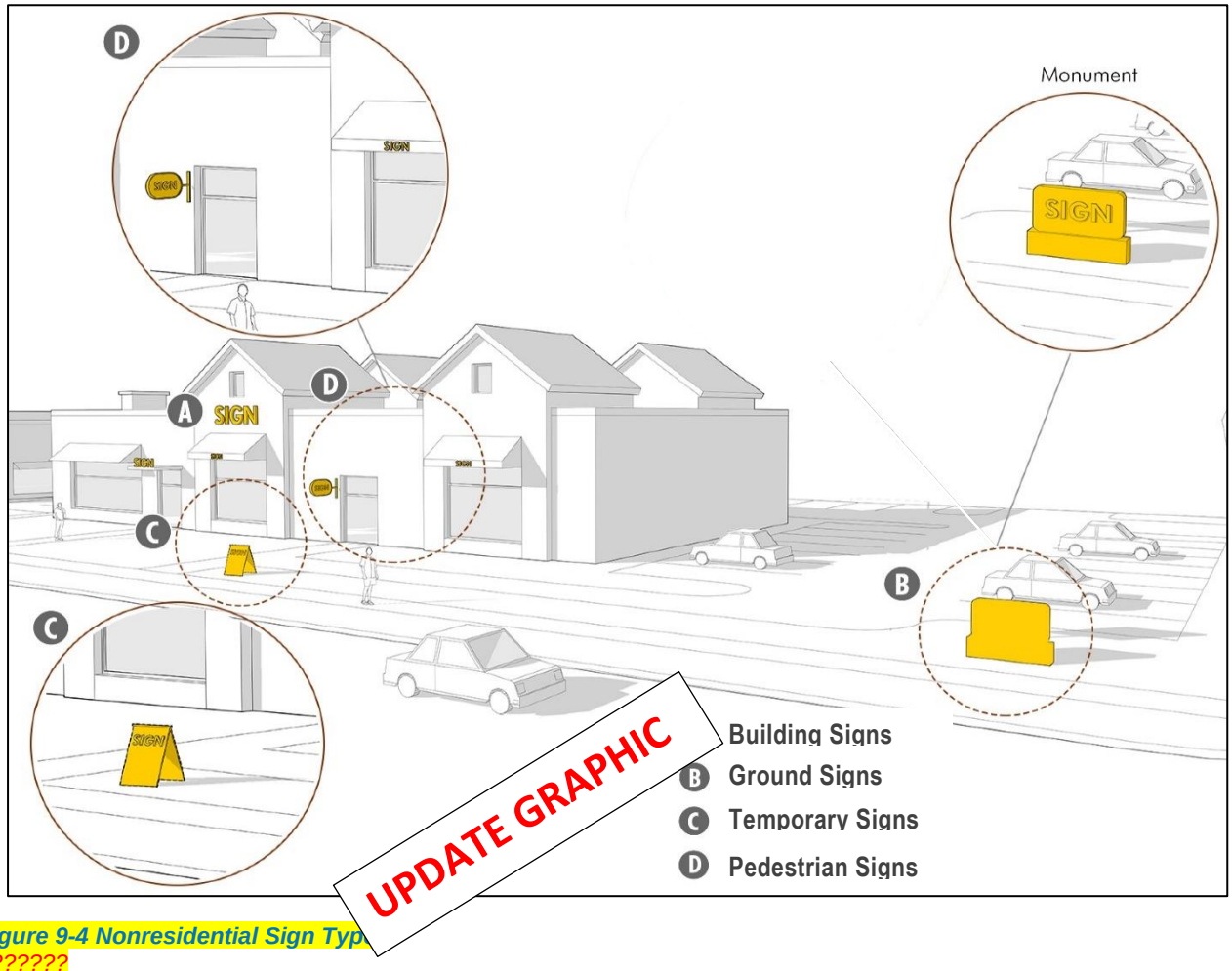

Figure 9-4 Nonresidential Sign Typ
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Table 9-2: Nonresidential Sign Allowances	
Ground Signs	
Total Allowance	▪ 1 s.f per 1 lineal foot of street frontage on local, collector, or secondary arterial street. ▪ 2 s.f. per 1 lineal foot of street frontage 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 per lot,

Table 9-2: Nonresidential Sign Allowances	
	▪ Plus 1 additional sign per each 425' of lot frontage on a primary arterial, expressway or freeway.
Maximum Height	25'; 60' if located in areas near interstates noted in Section 9.05.A.5
Location	▪ 25' setback from all property lines ▪ 300' separation from any other ground sign; 100' separation from and 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 2 years.
Other Standards	See Section 9.05.A
Building Signs	
Total Allowance	2 s.f. per 1 lineal 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
Height	▪ At least 1 foot below the top of the wall it is mounted on for flat roof buildings ▪ At least 1 foot below roof deck or eave line for pitched roof buildings.
Other Standards	See Section 9.05.B
Pedestrian Signs	
Quantity	▪ 1 sign per each 50' of building frontage ▪ Plus, one sign for each public building entrance
Maximum Size	▪ 6 square feet ▪ 10 square feet if associated with the primary building entrance on each elevation.
Maximum Height	▪ 14' if mounted on a wall ▪ 5' if mounted on the ground
Other Standards	See Section 9.05.C.
Incidental Signs	
Total Allowance	16 s.f. per lot; or 40 s.f. per acre, whichever is greater
Maximum Size	8 s.f, or 16 s.f. for lots more than 1 acre 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	25 s.f., or 0.25 s.f. per 1 lineal foot of street frontage, whichever is greater, up to a maximum allowance of 100 square feet.
Quantity	N/a; subject to total allowance and duration limits in Section 9.05.D
Maximum Size	▪ 12 s.f. on local or collector streets ▪ 24 s.f. on secondary arterial streets ▪ 48 s.f. on primary arterial, expressway, or freeway
Height	▪ 20' or below the top of the wall plane, whichever is less if mounted on a wall ▪ 5' if mounted on the ground
Other Standards	See Section 9.05.D

9.05 Standards for General Sign Types

A. **Ground Signs**. Ground signs are subject to the following additional standards:

1. 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.
2. Monument signs shall be located within a landscape area at least 3 feet in all directions from the monument base.
3. Pole signs shall be located within a landscape area at least equal to the area of the sign, and extending under all areas of the sign.
4. Ground signs shall be accompanied by a landscape plan that integrates the sign area into the overall site, softens the visibility of the structural elements, and improves the appearance of the sign and property from the streetscape subject to the standards and criterial of Article 8.
5. Ground signs near interchanges may be up to 60 feet high in the following specific locations:
   a. Within 660 feet of the center of the following intersections:
      (1) Interstate 44 and Kansas Expressway;
      (2) Kearney Street and Schoolcraft Freeway (U.S. Highway 65)
      (3) Sunshine Street and Schoolcraft Freeway (U.S. Highway 65)
      (4) Southwest quadrant of Chestnut Expressway and Schoolcraft Freeway (U.S. Highway 65)
      (5) Intestate 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 northern right-of-way of McClernon Street, and property within an 1,800 feet of the center of Interstate 44 and Glenstone Avenue.
   c. Property in the southwest quadrant and within 1,800 square feet of the center of Interstate 44 and Schoolcraft Freeway (U.S. Highway 65).

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 be at least 8 feet above grade or any area where pedestrians may gather or pass and at least 14 feet above any area where vehicles may pass.
   d. Projecting signs shall be limited to either 1 per building up to 30 square feet maximum or 1 per tenant with a street front entrance up to 10 feet maximum.
   e. 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. 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.

C. **Pedestrian Signs.** Pedestrian signs are subject to the following additional standards:

1. Pedestrian signs shall be placed along the building frontage where there is direct pedestrian access and circulation.

2. Signs may be mounted directly on the surface of the wall, awning, or canopy, or if hanging below, maintain at least 7.5 feet clearance from the sidewalk below
3. Pedestrian signs associated with and allowed due to a building entrance shall be located within 10 feet of a business entrance.

D. **Temporary Signs**. Temporary signs are subject to the following additional limitations:
1. The total area allowance and maximum sign area for temporary signs is in Table 9-1 or 9-2, and may be allocated to multiple signs subject to the limitations in this subsection.
2. Temporary signs shall not be illuminated or painted with a light-reflecting paint.
3. Temporary signs shall be constructed of rigid material, designed to resist quick deterioration from the elements, and securely anchored to not pose a distraction or hazard. Non-rigid materials (such as banners) shall be secured to a structure or attached to a support or frame to avoid distraction of flapping.
4. No temporary sign shall be displayed for more than 180 consecutive days, without 60 days intervening. Relocation of a temporary sign, or removal and replacement with a substantially similar sign does not extend the time period for the temporary sign.
5. The period when more than 2 temporary signs are displayed on a property shall be limited to 120 days per calendar year.
6. The PD Director may require the removal of any temporary sign that pertains to a past or expired event, or may refrain from enforcement of the duration or time limits for any temporary sign related to an event that has been extended beyond the control of the owner.

9.06 Standards for Specific Sign Types

A. **Neighborhood Identification Signs.** Residential projects with more than 25 lots or more than 5 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	▪ Up to 2 per entrance from a collector or arterial street ▪ 25 s.f per entrances on a collector street (may be allocated between 2 signs) ▪ 50 s.f. for entrances on an arterial street (may be allocated between 2 signs)
Location	▪ 6' setback from all property lines
Maximum Height	▪ 5' – monument signs only; unless mounted on a retaining wall or accessory structure incorporated into the landscape design and approved through the 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: Nonresidential Sign Allowances shall be further restricted on any site with an off-premises sign to ○ 1 additional detached sign; ○ 250 s.f. maximum area or applicable property allowances, whichever is less; ○ 25' maximum height. ○ 100' separation from any other detached sign.
Location	▪ 25' setback from all rights-of-way or other property lines. ▪ 125' setback from any property residential zoning district. ▪ 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 the 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. **Drive-Through Service Signs.** Signs for drive through services shall be reviewed in coordination with the accessory use standards for drive throughs in Section 4.04. Drive through accessory uses shall generally permit the following signs:
   1. One menu board per drive through service station, up to 32 square feet and no more than 8 feet high.

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.
4. Deviations from these standards may only be approved in association with the site plan review or any conditional review required according to Section 4.03.E, and provided they equally or better meet the review criteria associated with the site plan or permit review.

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, and 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 3.03.B.7, Sight Distances.
4. 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.
5. 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.

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.
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 9.03.B;
   b. Signs attached to and projecting from buildings and meeting the standards in section 9.05.B.1.
   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.
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, 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.
   b. State licensed signs according to Section 9.06.B

C. **Illumination.**
1. Any illumination shall be designed to eliminate glare or any other negative impacts on surrounding rights-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 ten 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 ten 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 any portion of the sign allowance in nonresidential districts 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 residential district 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.
   Flashing is prohibited on all signs.
3. All digital or electronic displays shall be equipped with automatic dimming technology to adjust the brightness in direct response to ambient conditions.
4. No digital or electronic display shall exceed a brightness level of 0.3. foot-candles above ambient light measured at a distance equal to the square root of the sign copy area times 100 feet.
5. 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.

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 9.09, Alternative Sign Plans.

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 principle 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.

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 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 Commission.

Article 10. Supplemental Districts & Standards

10.01 Airport Overlay
10.02 Historic Designations
10.03 Wireless Telecommunication Facilities
10.04 Marijuana Facilities
10.05 Short-Term Rentals
10.06 Retail Liquor Sales
10.07 Chickens
10.08 Utilities
10.09 Economic and Housing Access Calamity
10.10 Residential Occupancy
10.11 Travel Trailer, Camper, Recreational Vehicle, and Other Trailer Parking
10.12 Commercial Vehicle Parking
10.13 Established Frontage on Street
10.14 No Public Water or Public Sewer
10.15 Annexation
10.16 Tiny Home Communities

10.01 Airport Overlay

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; and
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.

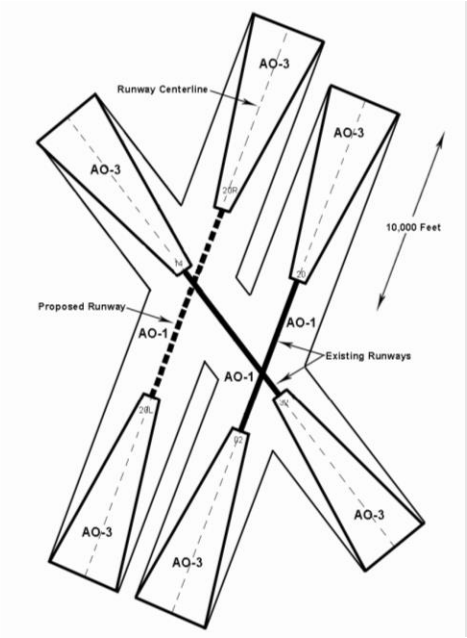

Figure 10-1 Airport Overlay Zones
AO-1 and AO-3..

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 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 use groups – all
   b. Schools – primary/secondary and college / university.
   c. Assembly use groups – all
   d. Entertainment venue use group – all
   e. Medical services use group – all
   f. Cultural facilities.
   g. Daycare – all
   h. Entertainment & regulation use group – 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 A0-3.* The following uses are prohibited in the AO-3 district:
   a. Lodging use group – 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 – Athletic Fields or other private or common open spaces.

b. In addition to the general procedures and criteria for conditional use permits in Section 2.04, conditional use permits shall be subject to the 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 (FAA).

(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 subdivision 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.

(d) 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.

(e) 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.

10.02 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. Insure 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, landmark, interior landmark, or 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 2.01, the specific procedures in Table 10-1 apply to designations of historic properties.

Table 10-1: Designation of Historic Property

	Historic Site	***Landmark or District***
Nomination	▪ By resolution of LB, PC, or CC; or [1] ▪ By owner	▪ By resolution of LB, PC, or CC; ▪ By owner; or ▪ By verified petition (district only) [2]
Notice	Certified mail to all property owners at least 15 days prior to a formal application to the Planning and Development Department. Forms supplied by city, and mailing done by city, but applicant shall supply letter, envelopes, and postage.	
Landmarks Board Hearing and Recommendations	▪ Public hearing 2.01.G ▪ Action according to 2.01.H at or within 28 days of hearing ▪ Recommendations to designate forwarded to City Council (see B.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 2.01.H (See B.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 2.01.G ▪ Action according to 2.01.H ▪ A protest may be filed according to 2.05.C
City Council Decisions	▪ Considered at its next regularly scheduled meeting; public hearing according to 2.01.G. ▪ Action according to 2.01.H (see B.3 below for effect of decisions) ▪ A protest may be filed according to 2.05.C.8.	
Notification of Designation	n/a	▪ 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 - pro or con - 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 affect:

a. No building or demolition permit shall be issued by the BDS Department 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 10-1.

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

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 without a permit approved by the BDS Director and either:

a. A certificate of appropriateness granted by the Landmarks Board according to subsection D;

b. A certificate of economic hardship granted by the Landmarks Board according to subsection E; or

c. The expiration of 60 days from an application for a certificate to the Landmarks Board.

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.
      (3) Temporary structures associated with a temporary event permit, provided it is removed at the conclusion of the event.

2. *Review Procedures.* 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 appropriates 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 for 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.
d. Notice shall be posted according to 2.01.F.2
e. Landmarks Board shall review and take action according to 2.01.H. If the Landmark Board denies the application, specific reasons shall be indicated in writing to the applicant with suggestions for appropriate changes.

3. *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.

4. *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, within 15 days the applicant may
(1) Appeal to the Board of Adjustment according to Section 2.08.
(2) Apply for a certificate of economic hardship according to subsection D
(3) Resubmit an alternative proposal.
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 2.01.F.2

c. The Landmarks Board may act on the application according to Section 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 2.08.

F. **Definitions.** The following terms shall have the specific meaning given for interpreting this section.

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.

Archaeological Significance. Importance as an area, site, place, or landscape that has yielded or is likely to yield information concerning past patterns of human settlement, or artifacts or information concerning previous cultures in Missouri or previous periods of the present culture. Areas, sites, or landscapes of archaeological significance may include 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.

Certificate of Appropriateness. The official document issued by the Landmark's Board or the director of Planning and Development, 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 certificated 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.

Degenerated Beyond Feasible Limits for Rehabilitation. When the conditions of the structure are such that the economics of restoration preclude the landowner from making any reasonable economic use of the property if restored, or the restoration is infeasible from a technical or mechanical standpoint.

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

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.

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 of City Council, pursuant to procedures in this section, which is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the city but which is of insufficient significance to merit historic landmark status.

*Interior Landmark.*Any part of an interior designated as an interior 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 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.

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.

Preservation: The act or process of sustaining the form and extent of a structure essentially as it now exists.

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 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.

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 and/or replacing missing original work.

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.

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.

10.03 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 rights-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.
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 Federal Communications Commission; 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 rights-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 10-2: Wireless Facilities and Communication 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 two 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 rights-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 Administrative Review Committee of the city prior to construction of said antenna and such approval shall be dependent upon a showing that coverage is unavailable but for the extension, the extension does not violate any other building code of the city, state, or federal law that is applicable, encroach upon public rights-of-way, and does not pose any danger to the traveling public; 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 Article, 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 1.07 or termination of utilities following a hearing as permitted in subsection E 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 J 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 Administrative Review Committee 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.*
   1. 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.

2. A tower that is relocated pursuant to subsection E.5.a 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.

3. 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 Directorto 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) Fifty percent of the height of the tower up to 100 feet, plus one 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 10-3: 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.

   b. The minimum tower separation distances above listed shall be calculated and applied irrespective of city and county jurisdictional boundaries.
   c. 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.
   d. 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; or
      (3) Will constitute a technical or economic hardship on the applicant. Additionally, the applicant must demonstrate that (1) the location, shape, appearance, or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located, and that landscaping techniques will be used to screen the tower from any adjacent residential use, and (2) the proposed tower will accommodate at least two additional carriers of various telecommunications services.

The City Council shall consider the information presented by the applicant and determine if a special exception would conflict with the purposes of this section, would create a blight on adjacent property, or would interfere with adjacent uses within the separation area. If the tower requires a use permit, then said showing shall be made to the Planning and Zoning Commission and City Council as a part of the conditional use permit process.

e. 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 10-4: 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 (FAA) and provisions of the City Code, except that seasonal lighting may be permitted as approved by the city. At time of construction of a tower, dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower which is equal to three times the proposed height of the tower.

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 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 8.04 and, if a conditional use permit is required, Section 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 the City's 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 the City's 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 the Springfield City Code regarding the use or provision of towers, telecommunications services or public property, health, or safety. The license required under this section shall not be in lieu of a license to conduct business in the City of Springfield, Missouri. A license shall be for a term of not more than five years. A renewal must be made in compliance with this section 36-466, telecommunication towers, and an applicant must demonstrate an existing tower or telecommunications 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 AdjustmentA 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 this section 36-466, telecommunication towers, 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 ten percent of the cost of construction of the tower to ensure that the tower is maintained in a condition that complies with all applicable building standards and regulations, including, but not limited to, the provisions of said ordinance.

(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 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 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 his 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 his findings of fact and conclusions of law forming the basis for his 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 his designee may issue an order to disconnect utilities to said tower to any utility company providing same unless a supersedeas bond in an amount determined by the hearing examiner under subsection 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 his designee may authorize any person to locate a tower, antenna support structure, or telecommunications facilities on publicly owned property, subject to the application process set forth in subsection 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 his 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 premise.

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:

(1) Any satellite earth station antenna two meters in diameter or less which is located in an area zoned and used for industrial or commercial purposes;
(2) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
(3) Any satellite earth station in excess of two meters in diameter which is utilized for the reception of broadcast television, video, or radio signals and which is an ancillary use to a structure on the premises of the holder of the broadcast license.

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 Federal Communications Commission. 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 rights-of-way or easements for that purpose, and are a part of a system of such utility poles throughout the City of Springfield, Missouri.

10.04 Marijuana & Medical Marijuana Uses

A. **Intent.** The intent of this section is to allow marijuana and medical marijuana facilities 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 4.02, specific marijuana and medical marijuana uses are further restricted to specific districts indicated in Table 10-5. All uses are subject to the general use, development, form, and design standards of the applicable district.

Table 10-5: Permitted 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 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-## 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.

(1) Type 1 extraction facility: A facility which uses combustible gases, CO2, or other hazardous substances in the marijuana extraction process.

(2) 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.

(1) *Type 1 Extraction Facility.* A facility which uses combustible gases, CO2, or other hazardous substances in the marijuana extraction process.
(2) *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:

(1) A wrap or paper;
(2) Dried flower, buds, and/or plant material; and

(3) 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.

10.05 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 ;

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 (2) 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 five hundred (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 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 10.05.D;

g. A certificate of occupancy shall be obtained in accordance with section 36-333, certificate of occupancy;

h. 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 (1) 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 planning and development department; however, the letters and envelopes themselves must be prepared, and postage placed on same by the applicant. The neighborhood letters shall be submitted to the planning and development department for mailing, in sufficient time to allow for mailing for at least 10 days prior to the date of the neighborhood meeting. A file copy of the letter shall be provided to the planning and development department. The notice letter shall contain the following at a minimum and any additional information as required by the 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 planning and development department 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 (2) or at least thirty percent (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 ten (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 (2) or less than thirty percent (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 (3) 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 ten percent (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 10.05.D;

d. A certificate of occupancy shall be obtained in accordance with section 36-333, certificate of occupancy;

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 rental 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 36-485, noise standards, 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 article.

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 article 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 10.05.B.2.a. Applications received after this initial period will be subject to this density.

H. *Hosting platform responsibilities.*

1. Definitions.

a. *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.

b. *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.

c. *Person*. Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, limited liability company, or organization of any kind.

d. *Short-term rental*: see Section 11.01.

e. *Short-term rental licensee*: a person who holds a business license for a short-term rental.

f. *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 regular basis each short-term rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay.

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 (7) 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.

10.06 Retail Liquor Sales.

(1) *Applicability.* No license shall be issued for the sale of intoxicating liquor at retail in any form notwithstanding that the proposed establishment is within the zone appropriate therefore under this article nor shall any such use be conducted in any zone of the city unless the following procedures shall be followed.

(2)

Location with regard to R-SF, R-TH, R-MHC, or PD districts. Whenever any application shall be received by the city for the establishment of a place for the sale of intoxicating liquor at retail in any form, it shall be determined by the officer charged with the responsibility of issuing such licenses whether or not the proposed establishment is located within 200 feet of any property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district under this article. In the event there shall be no such property within 200 feet from the proposed location and the application shall otherwise be appropriate and authorized by the laws of the city, then the license may be issued.

(3)

Application fee. If the proposed establishment is within 200 feet of property zoned R-SF, R-TH, R-MHC, or designated for single-family or two-family residential use in a PD district, then the person charged with the responsibility of accepting applications for such establishments on behalf of the city shall require to be filed there with a fee of $107.00 plus the actual costs of publication and other legal notices required by law for the processing of said application, which fee is in addition to the license fee required by

ordinances of the city. The additional fee shall be for the costs of processing the application and providing the necessary notifications described herein.

(4)
Public notice. Thereupon, the applicant shall cause to be posted in four places in the vicinity of the property which is so zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, and which is within 200 feet of the proposed establishment a notice setting forth the proposed application and advising that persons within said 200 feet owning or occupying property zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, shall have the right within 21 days from the date that the notice shall first be posted in which to protest the granting of a license for the establishment and the use of the land therefore, 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-TH, 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. In addition, said notice shall be advertised in an official newspaper or a newspaper of general circulation in the City of Springfield, Missouri, said notice to be given for at least five straight consecutive issues and the time to protest shall commence with the date of the first said publication and shall terminate on the twenty-first day thereafter.

(5)
Protest requirements. If within the 21 days aforesaid there shall be filed with the officer of the city charged with receiving applications for liquor licenses a protest to granting the license for the proposed establishment signed by at least 50 percent of the owners and/or occupants of the land so zoned R-SF, R-TH, R-MHC or designated for single-family or two-family residential use in a PD district, and located within 200 feet of the proposed establishment, then the application shall be forwarded to City Council for its resolution in favor or against said application. If, however, no such protest shall be filed within 21 days or if the same shall be insufficient, thereupon the license may issue, all other requirements of the law of the City of Springfield having been met and complied with.

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-percent 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.

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.

Notwithstanding the provisions of this section, the director of finance may issue a license for the same location to any purchaser of a retail liquor establishment which was duly licensed at the time of the purchase providing the purchaser makes proper application and is qualified and eligible to hold a license and providing that the provisions of section 10-36 [of the] Springfield City Code shall have been complied

with; nor shall the provisions of this section prohibit the reissuance of licenses for previously existing duly licensed establishments.

(6)
Exemption from notice. The applicant shall be exempted from the notice and publication requirements herein, and only those requirements, if 100 percent of all owners 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.

10.07 Chickens

1. The keeping or raising of six or less chicken hens as an accessory use.

10.08 Utilities

Utility distribution facilities. Utility distribution facilities shall be exempt from the requirements of this article except as follows:
1. In new subdivisions, electric power lines of 13,200 volts or less, telephone lines, fiber optic cables, or any other wires, cables or conduits for conveyance of electrical power or the communications of messages, data or signals, and appurtenant equipment shall be placed underground. Utility providers may grant waivers from the requirement for placing utilities underground if economic or technological factors found to exist on a site make placement underground not practically feasible. It is the intent of this subsection that all utility providers develop policies and programs to promote the placement of utilities underground. Temporary poles, overhead wires, and associated overhead structures, to be used in conjunction with construction projects or to provide emergency service shall be exempt from the requirements of this article.

2. All other new and relocated electric power lines of 13,200 volts or less, telephone lines, fiber optic cables, or any other wires, cables or conduits for conveyance of electrical power or the communications of messages, data or signals, and appurtenant equipment, shall, according to the utilities policies, be placed underground to the maximum extent practical.

3. Utility poles utilized for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables, and located within the rights-of-way or utility easements that serve as support structures for wireless telecommunications facilities. No attachment for wireless communications devices shall be attached on a pole closer than 400 feet from another pole attachment for wireless communications devices as measured along either side of the easement or rights-of-way. Such utility poles shall be placed in accordance with the following matrix based on the zoning classification in which the utility pole is located.

Zoning Classification	**Easement** (1)	**ROW**
Residential (R-SF, R-TH, R-LD, R-MD, R-HD, WC-2, WC-3 and R-MHC)	50 feet	60 feet
Office/institutional (O-1, O-2 and GI)	70 feet	80 feet
Commercial (LB, GR, HC, CS, CC, WC-1, COM1 and COM2)	80 feet	90 feet

Industrial (RI, LI, GM, HM, and IC)	90 feet	100 feet
Planned development (based on use)	Individual case basis	Individual case basis

Any equipment placed on the utility pole must be located at a sufficient height to meet any federal or state requirements or occupy no more than a 20-square foot area on the ground adjacent to the pole and not occupy any sight restrictions for adjacent driveways, access points and rights-of-way.

5. Existing poles exceeding the matrix height criteria shall be considered conforming and may be replaced as needed with another pole of like size.

6. This section 36-303 shall not apply to wireless telecommunications facilities used for internal utility operations.

(b) *Utility substation facilities.* Utility substation facilities shall be permitted in any district and shall comply with the following requirements:

1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.

2. When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.

(c) *Utility transmission facilities.* Utility transmission facilities shall be exempt from the requirements of this article.

(d) *Other facilities.*

1. *Exemptions.* The following utility uses are exempt from the requirements of this article provided the use meets the design requirements of the City of Springfield and its location is approved by the City of Springfield.

a. Facilities for the detention or collection of stormwater.

b. Civil defense warning sirens.

2. *Lot size requirements and bulk regulations.* Notwithstanding any other provision of this article, none of the following public utility or public service uses shall be required to comply with the lot size requirements or bulk regulations of the zoning district in which they are located.

a. Water standpipes, and elevated, and ground-level, water storage tanks.

b. Stormwater detention, retention, and treatment facilities.

10.09 Economic and housing access calamity.

(a) During such time that an economic and housing access calamity for the working poor and unemployed within the City of Springfield, Missouri, is declared by City Council; individuals, agencies, or churches that are able to meet building, safety, and health codes for such a use, may establish facilities during the pendency of the calamity to provide food and lodging to the unemployed and working poor, who are without a permanent residence or dwelling, and such shall not be considered "shelters" as that term is defined in section 36-321 of the Land Development Code, and are excepted from the general requirements of the city's building, zoning, health and fire codes herein.

(b) The departments of fire, health, and building development services shall determine the applicability of the various city codes and whether a facility meets such code provisions, as well as whether any codes may be adjusted administratively on a site-by-site basis to meet the intent of this article.

(c) In accordance with the goals and intent of this subsection, the director of building development services together with the departments of fire and health may exempt, modify or adjust existing codes after due consideration for (including, but not limited to) venue, density of population, intensity of use, ingress-egress, exit travel, fire safety, hours of operation, sanitary services and adjacent properties.

(d) Any individuals, agencies or churches desiring to operate a facility under this subsection shall apply to the director of building development services for a certificate of occupancy at no cost and showing compliance or exceptions from certain code requirements. Such certificate must be renewed annually. Such applications shall be made on a form provided by the director of building development services.

(e) Under no event shall a certificate of occupancy be issued for a shelter herein if it is less than 1,000 feet from an elementary or secondary school, unless said shelter is given written consent of the governing body of such school.

(f) Upon the expiration of the declared economic and housing access calamity, all permitted shelters shall cease operations within 90 days.

10.10 Residential occupancy.

(a) *Intent.* This section is intended to reasonably regulate the number of persons who can live in a residential dwelling unit. Such regulation is needed to provide density control; preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children; protect safety and welfare; and maintain property values. Such limits are also needed to insure that there are adequate public and private facilities including adequate off-street parking, utilities, and adequate lot size to accommodate the residents of each dwelling unit without impairing the character of the neighborhood. The city also finds there are a number of residential living arrangements other than the traditional biological family arrangement. This section is intended also to accommodate those alternative living arrangements.

(b) *Occupancy.* A dwelling unit may not be occupied by more persons than one of the following family living arrangements: One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in any district.

2. Three or less unrelated persons or two unrelated persons, plus their biological, adopted or foster children, or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit, in any district.

3. Four persons or less living as a single housekeeping unit in the R-MX1, R-MX2, R-MX3 districts and nonresidential districts which permit multifamily dwellings provided the off-street parking requirements of this article are met, otherwise three persons or less are permitted.

(c) *[Exclusions.]* A single housekeeping unit shall not be construed to mean a fraternity, sorority, club, or institutional group.

10.11 Travel trailer, camper, recreational vehicle, and other trailer parking.

The parking of a travel trailer, camper, or recreational vehicle for overnight accommodations or dwelling purposes in any district shall be prohibited except when such travel trailer, camper, or recreational vehicle is located in a licensed campground or recreational vehicle park. The parking or storing of a travel trailer, camper or recreational vehicle other than a mobile home in any district not in a licensed campground or recreational vehicle park, shall be permitted provided that no living quarters shall be maintained while such travel trailer, camper or recreational vehicle is parked or stored. No travel trailer, camper, recreational vehicle or any other trailer shall be parked in the required front yard of a lot or tract of land in

any residential district or a lot or tract of land used for residential purposes in any other district except in a driveway leading to a required off-street parking space for a single-family detached, single-family semi-detached, duplex or townhouse dwelling unit or mobile home on an individual lot.

10.12 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.

10.13 Established frontage on street.

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

10.14 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.

10.15 Annexation

(a) *Zoning classification.* Whenever any territory shall be annexed to the City of Springfield after the effective date of this article, said territory so annexed shall maintain the zoning classification designated by the county in which the property is located until City Council has had an opportunity to classify the territory properly after its annexation which shall occur within six months of the date of annexation.

(b) *Building permits.* The owner, lessee, or any other person, firm or corporation owning, controlling, constructing, supervising or directing the construction of any building or structure in the process of construction and which is incomplete at the time the land upon which it is situated is annexed to the City of Springfield may proceed with the construction, alteration or completion thereof without obtaining a building permit from the department of building development services of the City of Springfield provided a building permit has been legally obtained from the county in which the property is located and all conditions and requirements of the permit are met. If construction has not commenced prior to annexation, a permit shall be obtained from the department of building development services of the City of Springfield.

Article 11. Definitions

11.01 Definitions
11.02 Description of Uses
11.03 Glossary of Design Terms

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 and/or adjoin. To physically touch or border upon or to share a common property line.

Activity Centers. 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 Lot Combination. A certified survey to confirm the combination of previously platted lots or generally established tracts of record prior to March 26, 1956 into fewer lots.

Administrative Property Line Adjustment. Only in instances of a property line dispute, a minor encroachment, or a court-ordered certified survey to confirm the alteration of legal boundaries of previously platted lots or legally established tracts of record prior to March 26, 1956.

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, permanently dedicated as a means of vehicular access to the abutting property and generally internal to a block and having less width and priority than a street.

Alternative Access. An access approved by 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.

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 potential negative 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 away, waters, and/or other barriers to the continuity of development and connectivity of the street network.

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 land uses of different intensities, and using space, landscape, or the arrangement of buildings and structures, or any combination of these to create separation or mitigate impacts.

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-foot 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 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, façade designs, and other building form elements. Variants of this type include are based primarily on lot size and unit configurations.

(d) *Apartment.* A residential building designed to accommodate multiple units in a single building and on a single lot, in a mixed-density, high-density, or mixed-use setting. Buildings typically have a common entry shared by all units and interior common space accessing individual units. In some settings, buildings can accommodate accessory or ground floor non-residential uses. Variants of this building include small-, medium-, and large-scale buildings, dependent on the lot size, building footprint, height, and number of units or multiple apartment buildings can be arranged into a larger apartment complex or project in some settings..

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.

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 officially adopted Springfield Comprehensive Plan, which is currently Forward SGF at the adoption of this chapter, including any official amendments or replacements of that plan. The comprehensive plan may include any other plans, policies, or programs officially adopted or approved by the city under the guidance of the 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 article and authorized by the ~~City Council~~ Planning and Zoning Commission.

Conditional Use Permit. 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 real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

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

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 being terminated at the other end by a vehicular turnaround.

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.

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

Density. The amount of development per acre permitted on a parcel under the applicable zoning.

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 in which the provision of services or the sale of food or merchandise to the customer in a motor vehicle

without the need for the customer to exit the motor vehicle. This definition includes, but is not limited to, bank drive-up tellers and drive-through fast food restaurants.

Driveway. An improved and maintained way providing vehicular access from the public street to a parking area, garage, or to other uses or lots within a block or lot. Any dimensions relating to the width of a driveway or driveway surface shall be measured from edge to edge at the right of way line.

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 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 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 primary building used as a dwelling unit, or group of units, that is the main use of 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 to and/or for the use of the public, a corporation or another person or entity.

Economic and Housing Access Calamity. A declared period of crisis where sever 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.

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 one edge to a staff or cord

Floor Area. The sum of the areas of several floors of a structure, as measured by the exterior faces of the walls, except any areas where the floor to ceiling height is under six 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 façade 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 that establishes the primary relationship between the building and site and the streetscape, or to any other areas lots are specifically allowed to front on by this chapter, including the design details and spatial elements of the lot and building that determine this relationship.

General Public. Any and all individuals without any prior qualifications.

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

Grade. The degree of rise or descent of the ground adjoining the base of a structure.

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 one foot 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:
(a) The federal Resource Conservation and Recovery Act, as amended, 42 USC 6901, et seq.; or
(b) Substances regulated under the federal Toxic Substances Control Act, as amended, 15 USC 2601, et seq.; or
(c) Substances described or regulated as hazardous or toxic under Missouri state statutes or regulations; or
(d) 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.

Home Occupation. A business conducted by a resident accessory to a dwelling and subject to other standards and procedures of this chapter to ensure that it is subordinate and customarily incidental to the residence.

Household. The following arrangements constitute a household:
(a) One or more persons related by blood, marriage, legal adoption or guardianship, or custodial relationship;
(b) two unrelated persons plus their biological, adopted, or foster children or other minors for whom they have legally established custodial responsibilities; or
(c) three or less unrelated persons
(d) Four or less unrelated persons in multi-family districts
living as a single housekeeping unit and sharing a dwelling.

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 has 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.

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.

Landscape Materials. Lawn, trees, plans, 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.

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

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, having the required minimum dimensions, location, orientation, and access. (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, when viewed directly from above, 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 at right angles to the front right-of-way lines. Where the front and rear lines are not approximately parallel, the lot depth shall be the average when measured from at least three different points along the front lot line, including the two corners at the front lot line.

Lot Line. A line dividing one lot from another lot or parcel, 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 that the context of the block and abutting lots may permit different arrangements specified in this chapter.

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 ten 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 street 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.

Manufactured Home. A factory-built structure which bears the seal of the State of Missouri public service commission, U.S. Department of Housing and Urban Development, or its agent, and which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, contains 320 or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation. Manufactured 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. A site with required improvements and utilities for the long-term placement of manufactured homes or park model recreational vehicles for dwelling purposes. Services and facilities for residents of the development may also be included on the site.

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

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 home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 16, 1976.

Modular home. A factory-built transportable structure which bears the seal of the State of Missouri public service commission or is built to the building code as adopted by the City of Springfield and which does not have its own running gear and is designed to be used as a dwelling unit with a permanent foundation.

Moter-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-thru 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 and/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 rights-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 to be further subdivided before 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.

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, the main purpose of which is to act as a support for the building and as a positive fire separation between the contiguous units in separate ownership or operation.

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 facility typically accessory to a commercial establishment designed solely for the distribution of goods to the customer in a motor vehicle

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, row houses, 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 standard 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

Rehabilitation. The act or process of returning a property or structure to a state of utility, through repair or alteration, which makes possible an efficient contemporary use, while preserving those portions or features of the property that are significant historically, architecturally, or culturally.

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.

Rezoning. The process by which the zoning district of a property is changed.

Right-of-way. See 98.xx

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 days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. Short-term rentals are further categorized as Type 1, 2, or 3 and subject to the conditions set forth in this article.

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 ten 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 important 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; provided, however, that signs placed or erected by the city or the state for the purpose of showing street names, traffic directions or regulations or for other municipal or government purposes shall not be included herein.

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 associated with 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 sings require an Outdoor Advertising Permit from the Missouri Department of Transportation.

Sign, Portable. 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 or applied to a window.

Split Zoned. A lot that is divided into two or more zoning districts.

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.

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 in 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;
(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.

Streamers. Multiple pieces of fabric, plastic, tinsel or other material designed to flap, move, wiggle or spin in the wind, which are suspended outdoors from a single structure, pole, rope, wire or string, for the purpose of attracting public attention to the site where they are displayed.

Street. 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 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 no relationship 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-volumes, low-speeds, 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-volumes, low-speeds, 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.

Street Tree. A tree planted in close proximity to a street or right-of-way in order to frame public spaces and soften the street environment; such trees are typically an overstory tree although understory trees may be substituted in specific circumstances.

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 location on or in the ground, whether permanent or temporary, including houses, buildings, barns, backstops for tennis courts, bridges, fences, pergolas, parking lots, gazebos, radio and television antennae, signs, solar collectors, microwave antennae including supporting towers, roads, ruins or remnants (including foundations), swimming pools, walkways, septic systems, or any similar item.

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 resubdivision 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.

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 platted in a subdivision for a specific purpose, which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, stormwater detention or retention areas, parks, open space, or land areas reserved for other public facilities. (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 façade, 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 façade, 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 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 woody plant with foliage that persists and remains green year-round with a main trunk and mature height over 8 feet.

Tree, Overstory. A large deciduous (foliage that sheds annually) 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 and overstory tree approximately 15 to 30 feet in height.

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 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.

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. That portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line to a principal building.

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.

11.02 Description of Uses

This section provides descriptions of uses of land and buildings associated with Table 4-2: Permitted Uses. 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, row houses, 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 and/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 and/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, community events

Assembly – Small (< 400 capacity and < 2.5 acre). 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 hall, or small religious facilities.

Assembly – Medium (400-800 occupants or 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; 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). An event venue 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). An event venue 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). An event venue 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 and/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. These lands are typically managed by a government or non-profit entity for a broader community benefit.

Open Space – Open & Civic Space. A public, common, or private open areas 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 3.02 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 supports 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 who are criminal offenders on probation, whose probation or parole has been revoked, who are within 120 days of their release from a prison, jail sentence or custody from the state department of corrections, or who are under supervision of state probation or parole or a similar agency, and who reside under the supervision of trained staff.

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 thereto.

Public Safety – Police & Fire. Stations and associated living, administrative, and dispatch facilities that provide patrols and emergency response services provide 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 and 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 large complex or campus pattern. 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 skills or trades. 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 and/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.

Utilities – 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.

Utilities – 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.

Utilities – Wireless Communication Facilities. 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 10.##.XY.

C. **Commercial Uses.**

Adult Entertainment. An establishment featuring live or recorded media, or a store with a substantial portion 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. Examples include adult motion picture theaters, adult video stores or booths, adult book stores, strip clubs or bars featuring topless or go-go dancers, or other exotic or erotic performances.

Animal Care. 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 - 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 – 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 5,000 and 10,000 square feet of commercial space and limited outdoor activity areas necessary to accommodate the care 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 – 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.

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

Day Care – 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 and 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, lager fitness center, or a moderate sized theater.

Entertainment & Recreation - Complex (> 50K). An indoor entertainment and use that involves a building that is 20,000 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 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 and/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 (under 3K or < 10% of mixed-use buildign). 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 dining facility, and accessory bar area, or small accessory craft manufacturing area. Examples include restaurant, small bar or brewery, or small 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 dining facility, and accessory bar and entertainment areas, or accessory craft manufacturing areas. Examples include a large restaurant, a large bar or brewery, or 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 (up to 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 bedrooms, and where meals may be offered to overnight guests.

Lodging – Small / Inn (6 – 12 rooms). A large residential building or small commercial building providing accommodations for short-term overnight occupancy for at least 6 but less than 12 rooms.

Lodging, Hotel/Motel, Medium (13 - 80 rooms). A commercial building providing accommodations for short-term overnight occupancy for between 13 but less than 80 rooms, and accessory accommodations or event or recreation space for overnight guests..

Lodging, Hotel/Motel Large / Conference Center (> 80 rooms). A commercial building providing accommodations for short-term overnight occupancy more than 80 rooms, and may include accessory accommodations or event and recreation space for guests and overnight guests.

Lodging, Short Term Rental. An accessory commercial use of a residential building where one or more rooms in a dwelling unit are used for short-term lodging

Marijuana Uses. Uses involved in the production, distribution, prescription, or sale of cannabis for treatment of medical conditions. See Article 10, Section 10.04 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 (Under 10K). A medical service offering routine outpatient services, that occupies less than 3,000 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, and serves a greater region with a wide range of health care needs including emergency services, a wide range of 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-premise 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. Facilities that include multiple buildings or occupy lots or campuses of more than 5 acres are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations

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, 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 extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Residential Care - Transitional Housing. A residential or institutional building providing lodging for longer than 30 days at any one time 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 / Emergency Shelter. An institutional building providing lodging on a short-term or emergency basis for shorter than 30 days at any one time 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 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 with under 5,000 gross square feet, 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 gross square feet, typically located in a multi-tenant, mixed-use building or a moderate-sized freestanding building.

Retail – Large (10K - 50K). A moderate-scale retail use between 10,000 but less than 50,000 gross square feet, typically located in a moderate to large free-standing building or a large multi-tenant or mixed-use building.

Retail – Extra-Large (> 50K). A large-scale retail use with at least 50,000 gross square feet in a large, freestanding building which may be integrated as part of a large mixed-use project.

Retail – Grocery Store. A specific retail use 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 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.

Grocery – 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 stores.

Grocery – 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, a small equipment sales or rental business, or a large garden center of a large or extra-large retail use

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, or 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 - Gas Station. A specific retail use engaged in the sale of fuel to the public, and may involve limited accessory sales of vehicle accessories and convenience goods. This use may be combined with accessory vehicle service and repair uses, or accessory car wash, but is 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 ares). The use is limited to no more than 4 fueling stations, no more than 2 service islands, no more than 2 vehicle service bays and no more than 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 stations, no more than 3 service islands, no more than 3 vehicle service bays ,and no more than 4,000 square feet of accessory retail or customer service areas. Examples include general stores and gas stations.

Vehicle Service - Gas Station, Large (13-24 service areas) –The use contains between 13 and 24 fueling stations, and no more than 6 service islands, and no more than 3 vehicle service bays, and no more than 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, and 7 or more service islands, 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 engaged in motor vehicle and mechanical equipment maintenance and repair services and accessory retail sale of supplies and accessories. Vehicle Service & Repair is further refined by scale, format and intensity as follows:

Vehicle & Service and 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 and buildings are 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 and Repair – Medium (0.5 – 1.5 acres; 4-8 service bays). A vehicle service and repair use with 4 to 8, where all work occurs indoors, but where the volume of work may require some outdoor storage of supplies, equipment, or storage of vehicles waiting to be served is beyond ordinary parking needs of comparable sized businesses. This use and building is typically located on lots between 0.5 and 1.5. Examples include a large machine shop, mechanic, lubricant center, or 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 waiting to be served. This use and building is typically located on lots larger than 1.5 acres. Examples include repair of large vehicles and equipment and collision repair center.

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 to one of the vehicle service bays.)

D. **Industrial Uses.**

Industrial & Business Services. A business engaged in service to other businesses and industries, or engaged in services to the general public but where industrial facilities support the service, or where services are dispatched from a central location used for storage of vehicles, equipment, or merchandise. 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.

Industrial & Business Services – Limited (up to 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 (10 – 25 vehicle fleet). An 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 vehicle fleet involves heavy equipment or is more than 26 vehicles, requiring large areas for storage of vehicles or equipment.

Manufacturing. A use engaged 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, although limited accessory sales, display, or customer service areas may be provided.

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, and 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 bakery, brewpub, small wood or metal shops, or similar craft manufacturing.

Manufacturing – Small (10K – 30K). Manufacturing predominantly 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 bakery, 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 distribution and delivery or distribution needs require occasional large truck access. Examples include research labs or facilities, small equipment or commodity assembly, non-retail laundry services, commercial bakery, 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 manufacturing 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. The activities capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site, or where 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 dying plants, asphalt or cement production, large-scale animal processing for food and byproducts, 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, including any 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 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 and where all storage is inside but individual units may be 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, and dispose of waste created by all other uses in the city.

Waste Management – Hazardous Waste Facility. Any facility that deals with the final disposition, or the storing and preparation for final disposition of any hazardous materials.

Waste Management – Landfill. A large-scale disposal point for non-recyclable or non-reusable material, which may include aggregation, separation, and/or compaction of solid waste to delivery at other locations, or the management and operation of final disposition of solid waste in the landfill.

Waste Management - Recycling Center. A large-scale disposal point for recyclable or reusable material, where longer-term storage or processing of materials may occur on site.

Waste Management – Scrap and Salvage Yard. An outdoor facility for storage, dismantling, repurposing and description of parts, and disposal of 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.

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 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 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 window sills. Belt courses make a visually prominent horizontal line to break up a wall plane by using a distinct material and//or implementing a pronounced and 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 walkway or service area that gives protection from the 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 elements.
10. Façade. The exterior wall of a building exposed to public view, and particularly the front or other public spaces outside and near the building.
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, 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 the structure above it and add accent to the door, window, or storefront.
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, and usually including ornamentation to provide a visually prominent “cap” to the building.

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.

1. *Mass.* Mass is the volume (height x width x depth or height x building footprint) defined by a structure relative to its surroundings.
2. *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).
3. *Composition.* Composition is how the different building elements or materials are arranged to either distinguish or coordinate a particular shape or mass.
4. *Proportion.* The relative physical sizes within and between buildings or distinct components of the building or façade.
5. *Rhythm.* A regular pattern of shapes, including windows, doors, projections or massing, or groups of dissimilar elements that create a repeating pattern.
6. *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.
   (a) *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.
   (b) *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.
7. *Primary Entrance Features*. The entrance of a building that establishes the orientation to streets and public spaces, and 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.
   (a) 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.
   (b) For non-residential or mixed-used 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 façade enhancements such as arches, awnings, canopies, pediments, or ornamental windows that express the priority of the entrance.

8. *Altering Form.* Techniques to alter the form of a building and affect the scale include:
   (a) Main mass and wing or secondary masses;
   (b) Stepping back in the wall plane, usually larger differences (i.e. 4 feet +) at upper story(ies);
   (c) Cantilever or overhangs, usually a smaller distance (i.e. 1 to 4 feet) over a lower story;
   (d) 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;
   (e) Dormers, including a window and sub-roof within roof structure;
   (f) Projections of an element of the facade composition such as a bay window, entry feature, or eaves; and
   (g) 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.**

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:
1. Similar proportions of building masses, particularly nearest the property lines and other adjacent buildings;
2. Similar orientation of the building including the relationship to streetscapes, the shaping of open spaces, and the locations and arrangements of the building footprint;
3. Similar window and door patterns, including location, size, and proportions;
4. Similar roof lines (planes, pitches, profiles and details);
5. Similar building materials, particularly primary building materials, or where materials differ they share common textures or color palates;
6. 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.

ATTACHMENT 2: PUBLIC COMMENTS

Exhibit 2

Public Comment Summary for the Land Development Code Update

Drafts of each article of the Land Development Code were made available beginning in November 2024 on forwardsgf.com. The public was invited to review and share their comments with staff regarding the drafts through January 31, 2025. Comments were collected from approximately 30 members of the public that represented a wide variety of interest groups including, designers, citizens, neighborhood representatives, developers, and other professionals. This exhibit contains all 175+ individual comments received during the public review period.

These comments were collected in addition to the feedback provided at three public open houses and multiple City Council, Planning and Zoning Commission, and Place Team workshops held in 2024. Staff worked with the consultant team to determine how the feedback could be used to improve the draft articles and made an effort to incorporate the suggested changes that are supported by the goals and objectives of the Forward SGF Comprehensive Plan.

Outlook

FW: Proposed New Land Development Code - Center City Parking

From Knopf, Hanna <hanna.knopf@springfieldmo.gov>
Date Wed 12/18/2024 8:27 AM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

Hanna Knopf
Senior Planner
Planning & Neighborhoods
417-864-1188
hanna.knopf@springfieldmo.gov

From: Whitman, Randall <rwhitman@springfieldmo.gov>
Sent: Tuesday, December 17, 2024 9:34 AM
To: Crighton, Justin <justin.crighton@springfieldmo.gov>; Childers, Steve <steve.childers@springfieldmo.gov>; Hosmer, Bob <bhosmer@springfieldmo.gov>; Knopf, Hanna <hanna.knopf@springfieldmo.gov>; Owen, Alana <aowen@springfieldmo.gov>; Graham Smith <graham.smith@multi.studio>; Chris Brewster <chris.brewster@multi.studio>; Payne, Samantha <samantha.payne@springfieldmo.gov>; Rosenbury, Tim <tim.rosenbury@springfieldmo.gov>; Stinson, Corey <corey.stinson@springfieldmo.gov>; Tegeler, Ben <ben.tegeler@springfieldmo.gov>
Subject: FW: Proposed New Land Development Code - Center City Parking

We can add these questions and comments to the list to investigate.

Randall Whitman
Principal Planner
417-864-2027 (office)
rwhitman@springfieldmo.gov
www.springfieldmo.gov

From: Bruce Adib-Yazdi [redacted]
Sent: Sunday, December 15, 2024 7:49 AM
To: Whitman, Randall <rwhitman@springfieldmo.gov>
Subject: Proposed New Land Development Code - Center City Parking

Randall - Below I have excerpted the current requirements and proposed requirements.
The current draft of the code exempts projects under 10,000 sf to be exempt from providing parking.
10,000-25,000 to provide 50% of the parking required and over 25,000 at 100% of the parking required.

I'm not sure if by 'Projects' they mean new construction or also renovations of that scale. *What was the intent here?*

It also completely exempts providing any parking in the Commercial Street District. *Are C Street groups OK with this?*

Based on the recent parking study, the vast amount of underutilized parking already in place, this proposed change is counterproductive to further development in the CC district. It seems to me the providing 100% of the required parking for anything over 25,000 square feet will dis-incentivize any significant developments to come about.

IMHO we need to:

1 - Place higher value on street parking and move toward paid parking on street
2 - Then, find ways for overnight parking for residents in garages to be accommodated and possible paid for
3 - Create more demand to use the available parking already in place.
4 - Then start charging for daily and monthly use of the garages.

CURRENT COMMERCIAL STREET REQUIREMENT:

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.

CURRENT CENTER CITY REQUIREMENT

In all zoning districts ***except the Center City***, GI and COM-1 districts, all uses established after the effective date of this article ***shall provide off-street parking solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees*** in accordance with the following regulations.

PROPOSED NEW CODE PARKING REDUCTIONS

Parking Reductions. The parking required by Table 7-4: Required Parking may be reduced depending on context and according to the following strategies:

1. Exempt Districts. The following zone districts ***are exempt*** from required vehicle parking in
Table 7 3:

a. CC – City Center (projects up to 10,000 sq ft)
Projects from 10,000 - 25,000 sq ft provide 50% required parking
Projects over 25,000 sq ft provide 100%.

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.

Bruce Adib-Yazdi, AIA

VP Development

[redacted]

Vecino Group | Springfield, MO

Concerns and Welcome Updates to Springfield's Development Codes

Missouri Inclusive Housing and the HOME (Housing Options Must Expand) Team have each expressed concerns that the City's current regulations regarding Residential Group Homes may be both restrictive and discriminatory.

- Section 36-321 of the Zoning Regulations defines a Residential Group Home as, "*A single-family-detached dwelling in which no more than ten people reside, comprised of the following: eight or fewer unrelated mentally or physically handicapped persons, no more than two persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons, residing in the dwelling, and the children of the houseparents or guardians.*" This definition appears to align with the definition found within the Missouri municipal enabling legislation (RSMo 89.020).
- However, Missouri Inclusive Housing and the HOME Team have issues with the current location requirement as found within Section 36-465 of the Zoning Regulations, which states that, "*Residential group homes are permitted in the R-SF, R-TH, and R-MHC districts provided that no residential group home shall locate within a one-quarter mile radius of another residential or custodial group home."* I believe that pursuant to RSMo 89.020 one could argue regarding whether or not the one-quarter mile provision is a "reasonable standard" regarding density. It appears to me that the intent of provisions of RSMo 89.020 would be to view what we currently define as a "Residential Group Home" as a single-family dwelling or single-family residence. We have an opportunity to amend these provisions prior to seeing potential legal challenges.

Springfield has a need for the allowance of clearly defined Accessory Dwelling Unit (ADU) regulations within residential districts (above and beyond the current Accessory Apartment provisions).

- Springfield has a housing shortage in general, and an affordable housing shortage in particular. Per the information attained while developing the City's Needs Assessment and Gaps Analysis that was conducted as a part of the development of the HOME-ARP Allocation Plan, the City staff found that Springfield has an affordable housing gap of 8,235 units (both rental and home ownership units). The allowance of well-defined (size specifications, placement etc.) ADUs within both existing and future residential areas / neighborhoods would be a method of allowing for a greater density of development, thereby potentially allowing for a greater supply of affordable housing units.
- As our local, state, and national populations continue to age, the allowance of ADUs may also allow for situations in which people may provide care for aging parents, while also allowing the parents some level of autonomy from their adult children.

The City should incorporate Inclusionary Zoning (i.e., Inclusionary Housing) Components in the New Community Development Code Updates.

- Developers should be required and/or encouraged to include a specified share of below-market (e.g., Affordable Housing) units as part of market-rate rental or homeowner developments.

The New Community Development Code should encourage the infill development of vacant commercial corridor properties with multi-family and mixed-used development.

- With the continued growth of online shopping and the gig economy, a large number of commercial properties within our City are currently vacant, and not in productive use, while the City also continues to struggle finding adequate housing opportunities for its low-income citizens. I feel that it essential that some of these commercial corridor properties are allowed to be redeveloped as either multi-use properties or even multi-family uses.

The City needs to revisit its zoning requirements regarding the placement of Emergency Shelter Facilities for the Homeless and Domestic Violence Survivors.

- I feel that there should be a specific section of the Land Development Code dedicated to the placement of Homeless and Domestic Violence Emergency Shelters.
- The current definitions for the terms "*Overnight Shelter*", "*Transitional Housing*", and "*Transitional Service Shelter*" do not mesh well with the terms that HUD uses for such things as Homeless Emergency Shelters.
- It appears to me that Overnight shelters or transitional service shelters are only permitted uses within the Commercial Service (CS), Highway Commercial (HC), General Manufacturing (GM), and Heavy Manufacturing (HM) zoning districts with the following parameters:
  "*Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, and located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for an overnight shelter, transitional service shelters or soup kitchens herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.***"**
- In some ways it appears to me that the zoning requirements for *Overnight shelters or transitional service shelters* are actually more restrictive than even adult entertainment uses. Adult entertainment uses must be located 1,000 feet

from one another, while no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other
overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines. I completely understand that NIMBY issues will always be encountered regarding the placement of Emergency Shelters. However, by making it more difficult to site new Emergency Shelters, we may be limiting the number of unsheltered people that can be assisted within our community, leading to a large population of unsheltered homeless individuals and families.

The New Community Development Code should provide a greater level of certainty for both developers and citizens of Springfield

- The New Community Development Code must be written in a manner that provides a greater level of certainty for developers and citizens. It must strike a difficult balance between being developer friendly, while also considering the needs of the City's existing neighborhoods. This balance will be essential to the success of these New Codes.

Outlook

Feedback for Code Development Update

From Jade Pavia [redacted]
Date Wed 1/29/2025 6:55 PM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

I would really like to see ADU's implemented, to see minimum lot sizes be adjusted to be smaller, to reduce setbacks, and make other lad use changes that would allow more small scale incremental development to occur.

Other cities are doing things such as reducing or eliminating parking minimums to allow developers to choose how much parking they need so parking isn't overbuilt where it isn't needed. I think if Springfield did away with parking minimums it would be beneficial for the city.

Outlook

Feedback

From Gena Thompson [redacted]
Date Tue 1/14/2025 2:19 PM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

I am completely against all of your plan. Why did we use a consulting firm out of Kansas City when they have worse crime, cost of living, homeless issues, etc. Why would you not use a successful city at least. Why is an unelected group so heavily influencing the city? Why is the feedback period so short? Why is the amount of talking points in the plan so lengthy that most wouldn't read it? Why are all of these items not going to a vote of the citizens? Why do you and the city not email all citizens about your agenda and that they have limited time to give feedback? If they can contact us all regarding bills and taxes then I will oppose anything our city tries to implement from those non elected that ALL citizens weren't directly contacted about for feedback. Why are you pushing this through right before new officials are elected? I am asking nothing be considered without ALL citizens in both Springfield as well as the areas you plan to annex being mailed or emailed your full agenda with an adequate feedback period.

Gena Thompson
Springfield MO

Sent from my iPhone

Outlook

Feedback

From Eric Thompson [redacted]
Date Tue 1/14/2025 6:31 PM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

This is a bad plan. Stop trying to push through a liberal agenda in a conservative community. If you are so sure this plan is what Springfield wants why are you trying to sneak it through?
Sent from my iPhone

CID DOWNTOWN
Springfield Community Improvement District

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Chris Ball
Chairman

Dick Scott
Secretary/Treasurer

Board of Directors

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Chris Ball
Michelle Billionis
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Maintenance Supervisor
Brian Ussery

CID Manager
Barb Baker

Brett Foster
City Liaison

Mary Lilly Smith
Director Emeritus

July 3, 2024

Brett Foster
Engineer
City of Springfield, Missouri

Proposed Parking Requirements for Downtown Springfield in the New Comprehensive Code

Downtown Springfield has historically not required parking for new developments to stimulate growth. With significant development now in place, parking has become a critical and often contentious issue. The Downtown Community Improvement District (CID) requests that parking requirements be reconsidered in the new Comprehensive Code to support the needs of residents and businesses.

Recommendations

1. Parking Demand Analysis Requirement
All impactful developments must conduct a thorough parking demand analysis to understand and mitigate their effects on the area's parking needs. Impact redevelopment must be carefully considered as to allow redevelopment of existing sites within thresholds that do not have significant impact.

Scope: The analysis should cover all developments that significantly impact parking demand, particularly large multifamily residences and large commercial projects.

Methodology: The analysis must consider:

a. Current parking supply and utilization rates
b. Projected parking demand based on the development's size and type
c. Potential impacts on existing residential and non-residential parking needs
d. Availability of alternative transportation options

2. Private Parking Solutions:
Developers are strongly encouraged to provide private parking solutions to minimize the impact on public parking resources.

a. On-Site Parking: Developers should prioritize creating on-site parking facilities that align with the scale of their development.

b. Cooperative Agreements: If on-site parking is not feasible, developers should seek cooperative agreements with nearby private parking facilities to accommodate their parking needs.

3. Flexible Parking Standards:
Adopt flexible parking standards to balance the needs of the historic downtown area with modern development pressures.

a. Parking Maximums and Minimums: Establish parking maximums to prevent over-parking and maintain urban density. Set parking minimums tailored to the type and size of the development but allow for reductions in areas where applicable.

b. Shared Parking: Encourage shared parking arrangements between different uses with staggered peak hours.

650 N. Boonville Ste. 100, Springfield, MO 65806 | 417.812.6101
www.itsalldowntowncid.com

4. Design and Sustainability Requirements:
Ensure that new parking facilities are designed to complement the historic character of Downtown Springfield and incorporate sustainable practices.
Aesthetic Integration: New parking structures should blend seamlessly with the historic architecture of the area.

5. Alternative Transportation Support:
Promote alternative transportation options to reduce the reliance on parking.
a. Bicycle and Scooter Parking: Require developments to include secure bike parking and charging stations for electric scooters.
b. Public Transit Incentives: Offer incentives for developments that provide transit passes or shuttle services to reduce parking demand.
c. Loading and Unloading Zones: Designate specific areas for loading and unloading to prevent congestion and maintain traffic flow.

6. Over-night and monthly parking permits in City-owned garages
We ask that you examine the feasibility of the City selling parking permits to its garages for overnight parking and monthly parking.

7. Community and Stakeholder Engagement
Ensure that the planning process includes input from local residents, businesses, and other stakeholders.

a. Public Meetings and Feedback: Hold public meetings to gather input and address concerns about parking impacts.

b. Feedback Integration: Demonstrate how community feedback has been incorporated into the final parking plan

Jeff Schrag

Jeff Schrag, Chairman
Visionary Parking Committee of the Downtown Springfield CID

Outlook

Community Development Code, Parking Requirements

From David Hutchison [redacted]
Date Mon 1/27/2025 11:52 AM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

I am opposed to parking requirements for development in the CC-Center City District as stated in Section 7.04 Required Parking, Parking Reductions, Exempt Districts. I believe that all development the CC-Center City District should be exempt from parking requirements. The attraction of the Center City District is dense adjacent development where multiple businesses are within walking distance of one another. Developers will provide the amount of parking that is required for their development to be a commercial success. The City should not be requiring developers to provide more parking than their calculations dictate. I feel that this new requirement will eliminate some developers that could bring effective development to downtown and reduce the attraction of a dense downtown by interspersing parking lots throughout the district and keeping some keeping parking lots from being developed into commercial space that supports our tax base and the downtown economy.

Outlook

Follow-Up on Zoning Concerns and Proposed Community Development Codes

From Atchley, Bob <batchley@springfieldmo.gov>
Date Tue 12/17/2024 3:13 PM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

1 attachment (125 KB)
Development Code Concerns and Welcome Updates.pdf;

Hello Forward SGF Staff Members,

I hope this email finds you well. Please accept my apologies for submitting my comments later than anticipated.

Prior to the drafting of the City's new Community Development Codes, I submitted a series of concerns and recommendations that I believed would benefit Springfield. For your reference, I've attached a PDF copy of that document.

One key issue I raised was regarding the current zoning requirements for the placement of Emergency Shelter facilities serving the homeless and survivors of domestic violence. Under the City's current Community Development Codes Overnight shelters or transitional service shelters are only permitted uses within the Commercial Service (CS), Highway Commercial (HC), General Manufacturing (GM), and Heavy Manufacturing (HM) zoning districts under the following specific parameters:

"*Overnight shelters or transitional service shelters for 50 or fewer residents, or soup kitchens, and located at least 500 feet from a residential district, as measured from property lines provided that no overnight shelter, transitional service shelter or soup kitchen may locate within 2,000 feet of any other overnight shelter, transitional service shelter, soup kitchen, substance abuse treatment facility or community corrections facility as measured from property lines, in accordance with subsection 36-363(10)(b)5. In no event shall a certificate of occupancy be issued for an overnight shelter, transitional service shelters or soup kitchens herein if it is less than 1,000 feet from an elementary or secondary school as measured from property lines.*"

Upon reviewing the newly proposed Community Development Codes, Emergency Shelter facilities would fall under the provisions of "Residential Care" as found within Article 4, Section 4.03 (I). These regulations impose the following conditions:

"*Residential Care. Residential Care facilities, 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. *Facilities shall be limited to services or lodging for no more than 50 patrons at a single time.*
2. *Uses 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 alterations 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 another similar residential care or social service by at least 2,000 feet.*
5. *Uses shall be separated from a primary or secondary school by at least 1,000 feet*
6. *Uses, except those approved by conditional use, shall be separated from residential zoned districts by 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.

7. *An operation plan shall be submitted and kept on file with the Planning and Development Department, including administrative contact information, on-site supervision and staffing, patron access and occupancy requirements, hours of operation for different functions, and security measures.*
8. *A business license shall be renewed annually that demonstrates compliance with the operation plan and all applicable standards and conditions.*"

While these provisions largely mirror the current requirements, the proposed codes restrict Residential Care – Transitional Housing (most Emergency Shelters provide shelter for at least a 90 day period) facilities to conditional use only within certain districts (R-SF, RMX1, R-MX2, R-MX3, RMHC, General Commercial, Light Industrial/Commercial, and Heavy Manufacturing). Is there a zoning district where this could be a permitted use by right?

This change could significantly complicate the process of siting new Emergency Shelters, potentially reducing the number of facilities available to assist Springfield's unsheltered population. Limiting these facilities' availability could exacerbate homelessness in our community, where nearly 20% of residents live below the poverty line, many just one paycheck away from experiencing homelessness.

Additionally, I noticed a discrepancy in the language between different sections of the current codes, which reference a maximum of 50 beds in one section and a maximum of 50 patrons in another. This distinction could create further challenges in implementing effective shelter operations.

Initially I was looking at the provisions for "Residential Care – Transitional Shelter" vs. "Residential Care – Transitional Housing". However, I believe that the majority of our local emergency shelters would be viewed under the provisions of the Residential Care – Transitional Housing, since most of these facilities provide shelter for a minimum of 90-days.

I urge you to consider these factors in the final drafting of the Community Development Codes. Ensuring adequate provisions for Emergency Shelters is vital to addressing the needs of our community's most vulnerable residents.

Thank you for your time and attention to this matter. Please feel free to reach out if further clarification is needed.

Best regards,

Bob Atchley
Senior Planner
Grants Administration & Affordable Housing Team
Planning and Development Department
City of Springfield
P.O. Box 8368
Springfield, MO 65801

P: (417) 864-1308
batchley@springfieldmo.gov

Outlook

Community Development Code Question

From Krug, Ashley <akrug@springfieldmo.gov>
Date Fri 11/22/2024 9:00 AM
To Whitman, Randall <rwhitman@springfieldmo.gov>; Forwardsgf <Forwardsgf@springfieldmo.gov>
Cc Kemper, Errin <ekemper@springfieldmo.gov>; Petering, Ron <rpetering@springfieldmo.gov>; Roberts, Erick <eroberts@springfieldmo.gov>

Hey Randall!

Following up on our conversation earlier this week on the community development code and waste receptacle storage, (so that it doesn't leave my brain for forever), I noted that there is currently guidance in the code on shielding of commercial waste receptacles, but not necessarily on any proper sizing of the actual space these areas take up. I've seen in other cities that there is often language around ensuring that there is appropriate space designated for multiple dumpsters (trash, recycling, potentially organics, etc). While the City doesn't currently require businesses utilize all of these options, should we ever make changes to require it, it would behoove us to ensure that we're encouraging that space before it is in issue. There may also need to be considerations to the location of waste receptacles when businesses are for different frontage options and where those shielded waste areas are on the site (or even if a preferred shielding option is necessary depending on the frontage).

Let me know if it would be helpful to share some language I've seen in other communities that address this. (Austin, TX has some great guidance as part of their Universal Recycling Ordinance).

Thanks!
Ashley

Ashley Krug, MCP, ISSP-SA *(she/her)*
Market Development Coordinator
Department of Environmental Services
290 E. Central St
Springfield, MO 65802
:: o ::417.864.2003 :: c :: 417.496.3427 :: e :: akrug@springfieldmo.gov

Please consider the environment before printing this e-mail.

From: Dan Scott [redacted]
Sent: Tuesday, December 10, 2024 3:52 PM
To: Werland, Amy <awerland@springfieldmo.gov>
Cc: Betty Ridge [redacted] Bill Knuckles 2nd Email address [redacted] Bill Knuckles 2nd Email address [redacted] Bruce Colony [redacted]; Christopher Lebeck [redacted] Eric Pauly [redacted] Helen Gunther [redacted]>; Helen Gunther 2nd Email address [redacted] Natalie Broekhoven <[redacted]; Randall Doennig [redacted] Whitman, Randall <rwhitman@springfieldmo.gov>; White, Judy <jwhite@springfieldmo.gov>; Hosmer, Bob <bhosmer@springfieldmo.gov>
Subject: Re: Reminder about December 10th Community Workshop starting at 8:30am - 4th floor Denny Whayne Conference Room

Amy,
One more thing:

I mentioned that I thought there was a provision in Article 3 about a curvilinear streets recommendation or requirement in Traditional Neighborhoods (R-SF). I was incorrect. My memory got this from the strategic plan in the Traditional Neighborhood illustration on page 39, bullet point 4. Curvilinear streets are listed along with other street design types in this bullet point.

Dan

On Tue, Dec 10, 2024 at 2:57 PM Dan Scott [redacted] wrote:

> Amy,
> To follow is my memorialization of some of the points I raised in today's meeting:
>
> 1) Table 2.1 - I'm a cheerleader of Natilie's idea to move PZ items that receive unanimous approval to the CC consent agenda instead of having a PH at CC for every issue we pass along. Items can always be removed from the consent agenda, but most items will pass on consent and save time and duplication in CC meetings. This would require some text changes and a footnote to Table 2.1, as well as a review of the City Charter for permissibility. As a side note; I received a positive reaction for this idea from Councilperson Callie and Mayor Ken in casual discussions after our meeting.
>
> 2) Table 4.1 - Add the descriptive text to the C-MX1 line item, "Relating to Comprehensive Plan" column, stating "Traditional Neighborhoods (Transition Areas)". This will add

consistency between the proposed Article 4 and the Comprehensive Plan

a) Define "Transition Area"

3) Define Legacy Districts and reconcile this concept with Urban Conservation Districts. They seem to have a conceptual and regulatory overlap; and may not meet the overarching goal to simplify Chapter 36.

a) Is a map needed to define the extents of these Districts?

Thank you for passing these comments along to the team.

Dan Scott

On Mon, Dec 9, 2024 at 2:16 PM Werland, Amy <awerland@springfieldmo.gov> wrote:

> Commission Members
>
> Just a reminder regarding tomorrow's workshop. Thanks
>
> Amy Werland
> Department of Planning and Development
> 840 Boonville Avenue
> Springfield, MO 65802
>
> 417-864-1611 phone
> 417-864-1030 fax

From: Whitman, Randall
To: Knopf, Hanna
Subject: Fw: Zoning Code
Date: Tuesday, December 3, 2024 2:54:53 PM
Attachments: image001.png

Olsson

Randall Whitman
Principal Planner – City of Springfield
Planning and Development Department
840 Boonville Avenue
Springfield, MO 65802
417-864-1031
417-864-2027
rwhitman@springfieldmo.gov
www.ForwardSGF.com

Sent from my iPhone, please excuse any typos and/or autocorrect anomalies

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From: Rosenbury, Tim <tim.rosenbury@springfieldmo.gov>
Sent: Tuesday, December 3, 2024 2:29:14 PM
To: Whitman, Randall <rwhitman@springfieldmo.gov>; Crighton, Justin <justin.crighton@springfieldmo.gov>; Tegeler, Ben <ben.tegeler@springfieldmo.gov>
Subject: FW: Zoning Code

Good catch, I think, from Jared Rasmussen. What's an appropriate response?

Tim Rosenbury, AIA
Director of Quality of Place Initiatives
City of Springfield, Missouri
Office (417) 864-1022
Mobile (417) 849-5364

From: Jared Rasmussen [redacted]
Sent: Tuesday, December 3, 2024 1:09 PM
To: Rosenbury, Tim <tim.rosenbury@springfieldmo.gov>
Subject: Zoning Code

Tim -

Left you a VM as well, but we have our development team looking at the new zoning code. Looks like its proposed to add parking to the CC zoning.. See below from Article 7, 7.04 Required Parking

- Parking reductions may be reduced on context and according to the following
  - City Center – exempt from requirements up to 10,000 sf building. 10,000-25,000 50% parking required, 25,000+ provide 100% required.

Doesn’t this go against the need you were showing me this morning from the Parking Study? This could really prevent redevelopment from a density standpoint. Especially for the City development opportunities.

Jared Rasmussen, P.E.
Senior Vice President
[redacted]

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Outlook

FW: Code Update Question

From Knopf, Hanna <hanna.knopf@springfieldmo.gov>
Date Wed 12/18/2024 8:27 AM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

Hanna Knopf
Senior Planner
Planning & Neighborhoods
417-864-1188
hanna.knopf@springfieldmo.gov

From: Whitman, Randall <rwhitman@springfieldmo.gov>
Sent: Tuesday, December 17, 2024 10:39 AM
To: Tegeler, Ben <ben.tegeler@springfieldmo.gov>; Duran, Angela <angela.duran@springfieldmo.gov>; Knopf, Hanna <hanna.knopf@springfieldmo.gov>; Hession, Tyler <tyler.hession@springfieldmo.gov>; Stinson, Corey <corey.stinson@springfieldmo.gov>; Crighton, Justin <justin.crighton@springfieldmo.gov>
Subject: Fw: Code Update Question

Per the community garden discussion. From the health department.

Randall Whitman
Principal Planner – City of Springfield
Planning and Development Department
840 Boonville Avenue
Springfield, MO 65802
417-864-1031
417-864-2027
rwhitman@springfieldmo.gov
www.ForwardSGF.com

Sent from my iPhone, please excuse any typos and/or autocorrect anomalies

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From: Mooney, Jon <jmooney@springfieldmo.gov>
Sent: Tuesday, December 17, 2024 8:29:28 AM
To: Whitman, Randall <rwhitman@springfieldmo.gov>
Cc: Knopf, Hanna <hanna.knopf@springfieldmo.gov>
Subject: Code Update Question

Randall,

I was recently contacted about the most recent update in the process to updating the zoning codes. The person had shared that the new code appeared to be more restrictive or banned activities like urban gardens and farms. They were concerns about the current and future impact if food could not be grown in an urban environment. I offered to visit with you to see if the updated draft codes were more restrictive or just restructured, still allowing for the activities to occur. Could you let me know how the current draft revisions handle this use?

Jon Mooney (he/him)
Assistant Director
Springfield-Greene County Health
O: (417) 874-2566
Health.springfieldmo.gov | Facebook.com/SGCHD | Twitter.com/SGCHD

Outlook

Code Update Initiative

From Keith, Katie <kkeith@springfieldmo.gov>
Date Thu 11/14/2024 3:47 PM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

My first impression of a code update initiative as it relates to Parks is bringing the maintenance area at 2400 S. Scenic up to code. This area has the potential to be a growing facility for Public Works as well as the Botanical Gardens and Parks and is the location where **all** the Parks' Arborists, Greenways Field Team and Landscapers start their day.

I see references to rain and community gardens, landscapes, connecting to nature but no logical pathway forward without growing staff or facilities for these operations. Let me know if you would like to tour the behind the scenes!

Katie Keith
Botanical Center Coordinator
Springfield-Greene County Park Board

From:	Lauren Shantz
To:	Childers, Steve; Whitman, Randall
Cc:	Forwardsgf
Subject:	Feedback on code council lunch suggestions
Date:	Wednesday, December 11, 2024 10:00:18 AM
Attachments:	image001.png

Steve and Randall,

Thanks so much for connecting with me yesterday on the code updates. I wanted to share some feedback I received from Jared Davis with OWN Inc. regarding two items highlighted during the council lunch. I also think it would be worth highlighting these items, depending on how strongly council feels about them, at the December GDAC meeting. Let me know if you have any questions. Thanks!

FILO trees suggestion

The development community will probably not enjoy "more fees". I think the City needs to be careful how they word and enforce this type of code language. Branson has a similar requirement and it doesn't seem to force any developers to keep trees. They just pay the fee. Folks generally like to save trees, the problem is, given the costs of a project, you HAVE to use the whole site and not keep them. I'm not sure the fee-in-lieu of trees functions as the City of Branson originally intended.

Requiring traffic study for all rezonings suggestion

It's hard to do a traffic study without the intended user being known. For instance, using today's code, if an owner wants to rezone to GR they have the flexibility to put multifamily, office space, a nail salon, or a Starbucks on the site. These uses have very different traffic count data and you wouldn't want to hold an office space to the same traffic requirements as a Starbucks. Traffic study at the time of development tends to work better.

Thanks,
Lauren

Springfield
Area Chamber of Commerce

Lauren Shantz
Vice President, Public Affairs
Springfield Area Chamber of Commerce
[redacted]
www.springfieldchamber.com

Outlook

Feedback

From Lauren Shantz [redacted]
Date Thu 12/19/2024 3:58 PM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

Feedback provided by a Growth and Development Advisory Council member (architect):

1. I'm in strong support of everything that has staff administratively making decisions whenever possible, along with additional P&Z authority. (2a, 2c, 2d, 2e)
2. (4a) If that hard to read sentence means additional opportunities and flexibility in land uses. Yes.
    1. Our favorite case study Cherry x Pickwick doesn't occur when overly rigid concepts of land use stand.
3. Detached ADU's (4c) are being discussed and are potentially on the menu here?!
    1. But on a serious note, ADU's are such an easy answer to achieve higher density that we've been talking about. I do think it would need some strong and carefully crafted guardrails.
4. Parking requirements (7b), are currently entirely excessive. In the writeup I see credits, exceptions, parameters, modifications, reductions … based on context and criteria. Is there not a discussion to just reduce parking requirements across the board? The only downside I see with allowing reduced parking is that building owners could potentially cause a problem that will only impact themselves. I've never heard anyone say "boy we really should hold these developers to MORE parking".

Thanks,
Lauren

Springfield
Area Chamber of Commerce

Lauren Shantz
Vice President, Public Affairs
Springfield Area Chamber of Commerce
[redacted]
www.springfieldchamber.com

What is December 4 meeting format? Opportunity for public comment or just informational from staff.
Please show us the codes that apply below.

General questions

"Allowed if doesn't meet standards but meets expectations" – what are the criteria and where are expectations defined?

Consultant used these terms in city council lunch video. Where are these terms defined?

Land value economics : Value/acre. How is this value defined?

Quality of place: (

Defined on City website/City council priorities – web) "Those features of physical environment and qualities of life that make a location a desirable, competitive and economically vibrant place to live.

Defined in FWD SGF plan: Comprehensive Plan contains three themes which are all crucial aspects of quality of place: 1) Community physical image, 2) arts, culture & historic preservation, 3) Health & well being

What is the city's priority list for decisions when there are conflicts among the codes?

Land Use Article 1/1.05 Interpretation/B. Conflicts

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 of which standard is higher, 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

Land Use Article 1/Section 1.05 Interpretation/B. 3 Conflicts
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.

Key community stakeholders – like who? Includes neighborhood?
On Yahoo generated by AI

"The Forward SGF 2040 plan for Springfield, Missouri involves many community stakeholders, including:

- **Municipal and county governments**

The city should work closely with these governments to coordinate regional planning and address local issues.

- **Utility providers**

The city should work with utility providers to support sustainable growth and stewardship of the environment.

- **Regional planning agencies**

The city should work with regional planning agencies to coordinate regional planning and address local issues.

- **Business and environmental groups**

The city should work with these groups to promote sustainable growth and stewardship of the environment.

- **Property owners and builders**

These stakeholders should consult the plan when developing their own plans.

- **Citizens**

Citizens should rely on the plan to guide the city towards a future that improves opportunities to live, work, and play.

The Forward SGF 2040 plan aims to create a vital economy, complete neighborhoods, and promote stewardship.

Complete neighborhoods: neighborhoods that host a range of diverse housing types, that are well connected with multi-modal facilities and access to goods, services, and community facilities.

FAQ

What parameters on P&D director for allowing rezoning application without binding site plan. Sole Discretion? What's the safeguard for neighborhoods if not binding? Why allow non-binding site plan – what's purpose, what assurances to neighbors if not binding?

Site plans are applied for by property owner, created and approved by city staff, and only go to P&Z on appeal. Article 2/Table 2-1

Article 2 Procedures/ Table 2-**1What is the difference between COD (conditional overlay district) and CUP (conditional use plan)?**

COD was the old way that's going away. Were used on almost all rezoning applications.

CODs Being replaced by CUPs, which have same public notice and hearing requirements as re-zoning but are decided in P&Z. Only appeals go to City Council. Neighbors cannot file protest petition

Administration section – what are

Two tiers of rezoning

Open Zoning might be this: 2.05 rezoning applications may have a site plan but don't have to (?)

Planned zoning –2.06 More defined, more specific and more detailed treatment of initiated by CC, input from all owners. More flexible. Has same public notice, hearing and appeal process as rezoning/map amendment – 2.05

Article 4:Rezoning

2.05 Review procedure

C.3. What is the alternative engagement process beyond the neighborhood meeting and public hearings that may be agreed to by the PD Director and applicant.

4.01 D

Legacy districts keep special provisions "until an application occurs under the provisions of this chapter to change the prior approvals." Midtown, Walnut, Phelps, Rountree, Commercial

This language says an application itself would remove the special provisions. Surely it would have to be a "completed and approved application"

ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions
Restrictive Covenants

I, _____ have checked the subdivision plat notes,
(*Print name of applicant*)

deed restrictions, and/or restrictive covenants prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at:

_____
(*Address or Legal Description*)
_____

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, and/or restrictive covenants, it will be m y responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, and/or restrictive covenants.

I understand that if requested, I must provide copies of any and al l subdivision plat notes, deed restrictions, and/or restrictive covenants as information which may apply to this property.

_____ _____
(*Applicant's signature*) (*Date*)

COMMUNITY PARTNERSHIP
Working Together to Build Strong Communities

January 21, 2025

Collin Quigley, Interim City Manager
City of Springfield
840 Boonville Avenue, 4th Floor
Springfield, MO 65802

RE: Springfield Proposed Zoning Codes

CC: Maurice Jones, Deputy City Manager, Steve Childers, Director, Planning & Development, Justin Crighton, Assistant Director, Planning & Development, and Randall Whitman, Principal Planner, Planning & Development, Brandon Jenson, City Councilman, and Monica Horton, City Councilwoman

Dear Collin Quigley, Interim City Manager:

This letter is being submitted on behalf of the Executive Board of the Ozarks Alliance to End Homelessness (OAEH) in response to proposed updates to Springfield's zoning and development codes, particularly in relation to the provision of emergency shelter and transitional housing services for those experiencing homelessness in our community. The OAEH is the U.S. Department of Housing and Urban Development's (HUD) designated Continuum of Care for Springfield/Greene, Christian, and Webster Counties. Community Partnership of the Ozarks is proud to coordinate this dynamic initiative, which has grown from the first two partners (The Kitchen, Inc. and the City of Springfield) to over 65 partners today representing people with lived experience, non-profits, local government, advocacy groups, and others. Through innovation and collaboration with partner agencies, OAEH implements a community-wide approach to ensure episodes of homelessness are rare, brief, and non-recurring.

It is the understanding of the Executive Board of the OAEH that homeless and domestic violence emergency shelters are categorized under the proposed regulations as "Residential Care – Transitional Housing", since these facilities provide shelter for a period greater than 30 days.

Based on feedback from member agencies, we humbly request the following concerns be carefully considered as updated zoning codes are drafted. Current zoning requirements for emergency shelters and transitional housing could be considered restrictive. This limits the number and locations of shelters available and increases unsheltered homelessness as a result, and new revisions to zoning codes appear to be just as or in some cases even more restrictive. For example:

Article 4.03.I. Residential Care

1. Facilities shall be limited to services or lodging for no more than 50 patrons at a single time.

The Executive Board recommends use of the word "beds" as opposed to "patrons." Limiting facilities to 50 patrons would effectively limit future shelter capacity at a time when there is an increasing need for family sheltering. Emergency shelters constructed under current zoning regulations, have been allowed to operate with up to 50 beds, and this precedent should be maintained.

2. Uses 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.

This proposed provision adds a condition, creates an additional layer of complexity, further restricting the potential to establish future emergency shelters or transitional housing.

Conditional Use Permitting

Additionally, any facility providing emergency shelter or transitional housing services is subject to Conditional Use permitting regardless of district type. This requirement further limits the ability to establish adequate resources to meet the needs of those attempting to resolve episodes of homelessness or escape domestic violence. The Executive Board recommends that emergency shelter and transitional housing services be allowed by-right within certain zoning districts within the City of Springfield.

Economic Calamity Ordinance

Since December 14, 2009, the Springfield City Council's Declaration of an Economic and Housing Access Calamity has enabled individuals, agencies, churches, or not-for-profits that meet building, safety, and health codes to provide food and lodging to the unemployed and working poor who are without a permanent residence. This is the Declaration that has allowed for the establishment of Springfield's Crisis Cold Weather Shelter System and for the operation of the Council of Churches of the Ozarks' Safe to Sleep program.

Section 36-303(34) of the City's current Zoning Regulations not only references the Declaration but also explicitly permits overnight shelters and related services when Council declares an economic and housing access calamity. These provisions do not appear to exist within the new zoning regulations. The Executive Board recommends that the language found within Section 36-303(34) be added to the new codes to ensure continuation of the community's Crisis Cold Weather Shelter System.

We acknowledge the complexity of balancing the needs of an entire community in these efforts and greatly appreciate the time that has gone into these proposed updates. We likewise appreciate consideration of the needs of those agencies and entities that serve the most vulnerable members of our community with the attainable goal of reducing and ultimately eliminating homelessness locally. These efforts are made possible through the combined investment of time and resources

COMMUNITY PARTNERSHIP
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by all parties, benefiting not only those at risk of experiencing homelessness, but also the broader Springfield community.

Thank you for your consideration of these comments and requests.

Sincerely,

Missey Hayward, OAEH Exec Board Chair

Missey Hayward, Ozarks Alliance to End Homelessness Executive Board Chair

Darline Mabins

Darline Mabins, Ozarks Alliance to End Homelessness Executive Board Vice Chair

Community Partnership of the Ozarks, Inc. • 330 N. Jefferson • Springfield, MO 65806
(417) 888-2020 • (417) 888-2322 fax • www.cpoarks.org

From: About Faces Photo
To: Forwardsgf
Subject: Tree protection and diversity in the new code
Date: Thursday, January 16, 2025 7:28:58 PM

The draft articles of Springfield's new land development code include many updates that I wish represented progress in achieving the goals of the Forward SGF comprehensive plan, but they don't. I see a bunch of flexibility that will give developers lots of options and we will lose even more protection for home owners.

I feel that it would be an excericise in futility to even start pointing out the problems…but I do think that there could be hope in the tree protection area. Please, at least protect our trees and natural infrastructure!

Article 8 does not include complete tree protection or tree diversity policies that are essential to maintaining and improving the quality of place for our entire community.

The land development code MUST include a tree protection policy that incentivizes the preservation of mature tree in new developments. Mature trees are highly valued by our community for their many benefits: cleaner air, cooler streets and buildings, higher property values, **better stormwater management**, and more. One reason for the heightened tensions between neighborhoods and developers is the complete and unnecessary removal of trees with previous developments, which removed all the benefits that trees provide to the landowner, the neighbors, and the entire community. Requiring some trees be preserved will help make new developments more appealing to neighborhoods.

A tree diversity policy that requires a mix of native tree species is also essential to the goals of Forward SGF and the future health of Springfield's urban forest. We don't know what invasive species or blights will impact our trees in the future. Requiring diverse plantings will ensure that whichever tree species are damaged, most of our urban forest will survive.

Including these two policies will help achieve the City of Springfield's goals to "**apply sustainable development practices**" and "**identify, promote and protect natural infrastructure**" that are explicitly specified in Forward SGF. Without these policies, achieving those goals will be impossible. Springfield citizens did not want "business as usual" when they set the vision for Forward SGF. Preserving mature trees and planting a diverse mix of native trees follows the new path forward that the community envisioned for itself.

Thank you for the opportunity to provide comment on the draft articles for Springfield's new land development code.

Sincerely,

Wendy Huscher

From:	Aaron Scott
To:	Forwardsgf
Subject:	LDC comments — Great start, needs more on trees
Date:	Thursday, December 26, 2024 5:11:44 PM
Attachments:	image228921.png image956482.png image251498.png image722395.png

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After review of the Land Development Code drafts and discussion at the Dec. 4 place teams workshop, I want to applaud the City and Multistudio for developing a very strong draft to guide future development. As city staff and Multistudio polish the draft, **I strongly encourage the following considerations**:

- **Include policy on tree protection now, not later.** A strong foundation of a tree protection policy will help achieve the Forward SGF goals of promoting sustainable development and protecting natural infrastructure. Furthermore, having a policy will help ease tensions between neighborhoods and developers, as well as help the Mayor and City Council make better decisions in the interest of the community. Mature trees, whether on public or private land, are community assets with immense value and should be treated as such.
    - **The lack of a tree protection/preservation policy would reflect the old model of development in the city. Springfield citizens spoke very loudly when they called for a new model through the Forward SGF comprehensive plan.**
- **Incentivize tree preservation.** Preserving trees should provide benefits to developers. Providing credits related to stormwater management or parking spaces should be included. Removal of trees should be mitigated by appropriate penalties that fund the planting of trees at a different site or the acquisition of greenspace.
- **Include policy on tree diversity now, not later.** Including requirements for tree diversity in landscaping will protect the health of Springfield's urban forest well into the future, as we can't anticipate what tree species will be targeted by invasive insects, diseases or other blights in future decades.
- **Maintain the requirement of a landscape plan drafted by a licensed landscape architect or certified arborist.** Defining the license, certification and/or licensing/certifying institutions would bring helpful clarity to this requirement.
- **Provide more clarity on the specifications of required landscaping.** While I understand the draft code is written to provide flexibility in its application, better defining the specifications will help close loopholes open for abuse.
- **Maintain the requirement for trees/shrubs/plants appropriate for our region, as well as the prohibition of invasive/nuisance species.** Specifying both preferred and prohibited species in a separate list, as suggested by the reference to "Appendix A," is a great way to manage these lists. Relying on invasive species lists from Missouri Department of Conservation and/or Missouri Invasives Plant Council is also recommended.

Thank you for the opportunity to provide comment and participate in this process through the place-team workshops. With further streamlining and revisions — and the inclusion of tree protection and diversity policies — the new code will play a positive role in advancing Springfield's quality of place and enhance the attractiveness of the city for future residents and businesses.

Aaron Scott
(He/Him/His)
Director of Communications
Community Foundation of the Ozarks
[redacted]

MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180

Telephone: 573-751-4115 ▲ www.MissouriConservation.org

JASON A. SUMNERS, Director

January 9, 2025

Forward SGF planning group

After reviewing the proposed working draft of the Community Development Code on the Forward SGF website, I am submitting various recommendations related to trees. The comments meant to improve the code to ensure trees are established, maintained, and/or protected to the greatest extent possible so they may provide the multiple desired benefits to the citizens and visitors of Springfield.

Jon

Jon Skinner
Community Forester
Missouri Department of Conservation
[redacted]

COMMISSION

MARGARET F. ECKELKAMP Washington | STEVEN D. HARRISON Rolla | MARK L. McHENRY Kansas City | RAYMOND T. WAGNER JR. Town and Country

Table 2-2: Site Plan Modifications		
Site Design Element	*Minor Modifications (Staff Discretion)*	*Major Modification (Planning & Zoning Commission Discretion)*
Article 5 & 6: Development & Dimension Standards (5.03 Residential; 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
Article 5: Residential Design Standards (Section 5.04)		
Frontage Design, Building Design, Open Space Design	Based on general criteria in this section and specific criterial in Section 5.04.	
Article 6: Nonresidential Design Standards (Section 6.04)		
Frontage Design, Building Design, Open Space Design	Based on general criteria in this section and specific criterial in Section 6.04.	
Article 7: Access & Parking		
Vehicle Access	Dependent on Public Works Director approval and access management policy and guidelines or TIA for the plan	Any non-compliant access for nonresidential uses on major collector or higher class street.
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%
Plant Specifications	Dependent on American Standards for Nursery Stock and PD Director approval	[illegible]
Outdoor Lighting	5%	15%
Article 9: Signs		
Size & Height	n/a	5%
Location	n/a	10%
Quantity	n/a	n/a

In table 2-2 in Article 2 on page 2-17 "Plant Specifications" reference American Standards for Nursery Stock. This publication should be referenced as American National Standards Institute (ANSI) Z-60.1 – 2014 American Standards for Nursery Stock or newer edition. This properly identifies the document and allows updates to be incorporated into the code. A reference on where to acquire the document at https://www.americanhort.org/ should be included.

Z-60.1 specifies the sizes of plants, condition, amount of soil that is included with it at time of delivery, type of container, and more related to the growing, purchase and delivery of plants. It does not state anything about the planting and initial care of plants. This concept should also be included. For trees and shrubs, ANSI A300 - 2023 Tree Care Standards is the current standard that covers planting and initial care for trees and shrubs. The supplemental publication Best Management Practices - Tree Planting, Second Edition (2014) provides common language descriptions and images to provide better understanding of the tree planting portion of ANSI

A300. Both of these publications are available from the International Society of Arboriculture web store found at https://www.isa-arbor.com/store.

Table 3-5: Street Types & Cross-sections

Functional Class + Street Design Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Sidewalk	Landscape Amenity	Other Notes and Applicability
Major Arterial - 120 / 80								
Pedestrian Boulevard	120'	80'	4 @ 11'	8'	N/A – slow speed	12'	8' amenity zone 20' center median	20 – 25 MPH
Bicycle Boulevard	120'	80'	4 @ 11'	8'	10' protected lane	8'	12' tree strip	30 – 40 MPH
Parkway / Bikeway	120'	80'	4 @ 11'	n/a	8' protected lane	8'	12' tree strip 20' center median	30 – 40 MPH
Standard / Trafficway	120'	80'	6 @ 11'	n/a	n/a off-street or alternat route	8'	12'+ tree strip 14' + center median	35 – 45 PH
Minor Arterial – 100 / 70								
Pedestrian Boulevard	100'	70'	4 @ 11'	8'	n/a – slow speed	10'	5' amenity zone 10' center median	20 – 25 MPH
Bikeway Boulevard	100'	70'	4 @ 10'	8'	7' protected lane	10'	5' amenity zone	25 – 35 MPH
Parkway / Bikeway	100'	70'	4 @ 11'	n/a	8' protected lane	6'	9' tree strip 10' center median	25 – 35 MPH
Trafficway (Standard)	100'	70'	6 @ 11' 2' outside shoulder	n/a	n/a off-street or alternate route	5'	10' tree strip	35 – 45 MPH
Major Collector – 80/ 52								
Neighborhood Connector	80'	52'	4 @ 10'	n/a	6' lane	6'	8' tree strip	25 – 35 MPH
Pedestrian / Bikeway Street	80'	52'	2 @ 11'	8'	7' protected lane	10'	4' amenity zone	20 – 25 MPH
Pedestrian Mixed-use Street	80'	52'	2 @ 11'	8' (1 side) 22' angled (1 side)	n/a – slow speed	10'	4' amenity zone	20 – 25 MPH

Table 3-5: Street Types & Cross-sections

Functional Class + Street Design Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Sidewalk	Landscape Amenity	Other Notes and Applicability
Parkway / Bikeway	80'	52'	2 @ 11'	n/a	7' protected lane	6'	8' tree strip 16' center median	25 – 35 MPH
Standard Street	80'	52'	4 @ 10' 12' center turn lane	n/a	n/a	6'	8' tree strip	30 – 40 MPH
Minor Collector / Local – 60 / 32-36								
Neighborhood Connector	60'	32'	2 @ 9'	7'	n/a – slow/low volume	6'	8' tree strip	20 – 30 MPH
Pedestrian Street	60'	32'	2 @ 11' 2' shoulder (1 side)	8' (1 side)	n/a – slow speed	10'	4' amenity zone	20 – 25 MPH
Pedestrian Mixed-use Street	60'	36'	2 @ 10'	8'	n/a – slow speed	8'	4' amenity zone	20 – 25 MPH
Bikeway	60'	32'	2 @ 10'	n/a	6' lane	6'	8' tree strip	25 – 30 MPH
Standard Street	60'	36'	2 @ 11'	7'	n/a	5'	7' tree strip	25 – 30 MPH
Local 54 / 28								
Neighborhood Street	54'	28'	11' - 14' yield lane	7'	n/a – slow/low volume	5'	8' tree strip	.< 20 MPH
Neighborhood Connector	54'	28'	2 @ 10.5'	7' (one side)	n/a	5'	8' tree strip	20 – 30 MPH
Neighborhood Bikeway	54'	28'	2 @ 9'	n/a	5' lane	5'	8' tree strip	20 – 30 MPH
Local Lane 44 / 24								
Neighborhood Lane	44'	24'	12' yield lane	6'	n/a – slow/low volume	5'	5' tree strip	< 20 MPH
Pedestrian Lane	44'	24'	17' yield lane	7' (one side)	n/a – slow/low volume	6'	4' amenity zone	< 20 MPH
Shared Street	30' – 44'	n/a see plan	shared	shared	shared	shared	shared	< 10 MPH
Frontage Lane	30' – 44'	16' – 27'	9' – 12' one way	7' parallel (one or both sides) 14' – 18' angled	n/a	8' – 12' one side – building frontage	5' – 10' one side (b/t street & lane)	< 15 MPH One-way side street or "slip lane" to tame suburban arterials and promote fronting development...
Rural Lane	44'	24'	2 @ 10' 2' outside shoulder	n/a	n/a	n/a	10' rural buffer	20 – 25 MPH
Access Alley 20 / 12-18 [2]								
Residential Alley	20'	12' – 16'	12'-16' yield lane	n/a	n/a	n/a	2' – 4' buffer	< 10 MPH

DRAFT

Table 3-5: Street Types & Cross-sections								
Functional Class + Street Design Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Sidewalk	Landscape Amenity	Other Notes and Applicability
Non-residential Alley	20'	16' - 18'	2 @ 8' - 9'	n/a	n/a	n/a	1' -2' buffer / shoulder	< 10 MPH
Current Code Comparison**								

[1] Street width is back-of-curb measurement, with curb and gutter included street width where it is on-street parking or a travel lane.
[2] Access 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

In table 3-5 in Article 3 on pages 3-12 through 3-14 Landscape Amenity widths are indicated. It would be helpful to include the type/size of vegetation would be appropriate for the specified width. For trees, widths of 4 feet to 6 feet are appropriate for Ornamental Trees as defined in Article 11 and widths of 8 feet and greater are appropriate for Large or Shade Trees as defined in Article 11.

B. **Landscape Areas.** The landscape area standards in Table 7-6, Parking Lot Landscape 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).

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% internal islands
101 or 200	▪ 20' front setback buffer ▪ 10' perimeter buffer ▪ 8% internal island	▪ 6' perimeter buffer ▪ 5% internal islands
30-100	▪ 10' front setback buffer ▪ 6' perimeter buffer ▪ 5% internal 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.

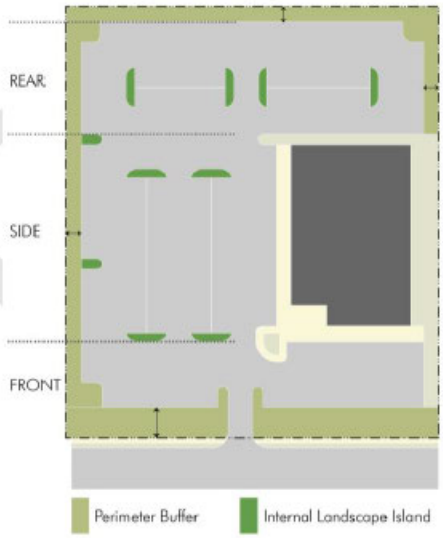


Figure 7-1 Parking Design
Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-7 is based on larger parking areas and parking in the frontage area requiring greater limits or landscape design mitigation than smaller parking areas or parking in the rear of buildings.

The landscape areas required by Table 7-6 shall be allocated as follows:

1. The perimeter landscape areas shall be continuous, except for driveways or sidewalks accessing the parking area.

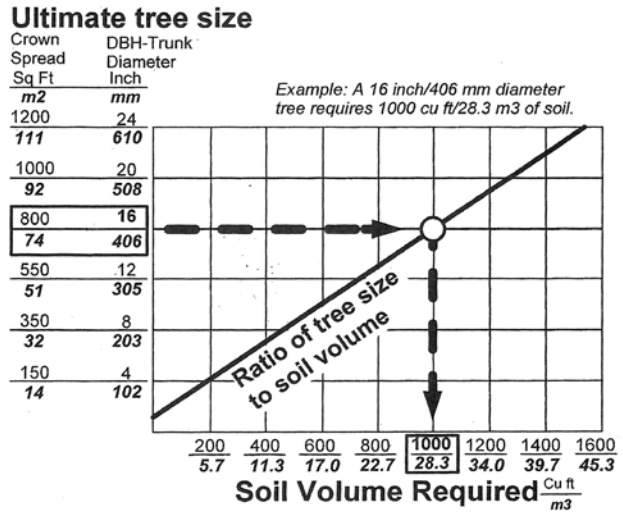
2. Perimeter landscape and internal islands shall be designed at regular intervals to break up larger expanses of pavement with green space, impervious surfaces, and shade trees.
3. Interior landscape islands shall be either:
   a. A peninsula extending from the perimeter landscape area at least 9 feet wide and the depth of adjacent parking spaces.
   b. 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
   c. A continuous "center strip" between two opposing stalls along the entire parking bank that is at least 6 feet wide.
4. 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.
5. Perimeter and internal landscape areas shall include plant materials meeting the requirements of Section 8.03 Required Landscape applicable to parking areas.

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.

On pages 7-11 and 7-12 in Article 7, there is a discussion of perimeter landscape areas and landscape islands in relation to parking lots. Only where the perimeter is indicated as 10 feet wide is adequate space available to grow a shade tree as defined in Article 11. One graphic indicates 360 square feet is the minimum for planting of large trees. It should be noted that trees potential to grow is limited by the amount of soil available to it. The 360 square feet minimum meets the concept by providing slightly of 1,000 cubic feet of soil space. James Urban came up with the relationship between tree growth and soil volume. This graphic shows this relationship.

Many of the islands and peninsulas may not allow for large trees to be planted to optimize shade on the lot. There are technologies that allow soil volume to be added to these small areas, support the parking lot, and be used to help control storm water. The technology of structural soil as described by Nina Bassuk provides a medium of rock, clay loam soil, and water absorbing polymer to help the soil stick to the rock. This provides 50% soil space per area of use. Learn more at:

Table 2.4.1. Tree size to soil volume relationships *(Urban 1992)*.



https://blogs.cornell.edu/urbanhort/outreach/cu-structural-soil/

Another technology is Silva Cells modular pavement suspension system. These allow for back filling the space between the structure with good soil and support the lot. Learn more at: https://www.deeproot.com/products/silva-cell/.

Adding either technology around islands and peninsulas will increase available soil volume allowing for large trees to be grown. If used in conjunction with permeable pavement or street drain will both provide water for the tree and control some storm water runoff.

I encourage these technologies be highly recommended for parking areas and added to the code.

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 large tree per 40' of lot frontage;	n/a	n/a
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement. Constrained right-of-way or streetscapes may substitute 1 ornamental tree per 20.'		
Frontage & Foundation. *The area between the building line and ROW along a street, including street sides of corner lots.*	1 ornamental tree per 40' of lot frontage for buildings set back more than 10' from the front lot line; AND 1 large tree per 40' of lot frontage for buildings set back 30' or more from the front lot line.	Evergreen trees may be substituted for ornamental trees at a rate of 1 for 1, and for large trees at a rate of 2 for 1, 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. 3 ornamental grasses may be substituted for 1 shrub up to 50% of the requirement.
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement		
Parking. *Landscape areas on the perimeter or interior of parking.*	1 large tree per 10 parking spaces	Evergreen trees may be substituted for large trees at a rate of 2 for 1, 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 street. (See Section 8.04.)
	Ornamental trees may be substituted for large trees at a rate of 2 for 1 up to 50% of the requirement		

On page 8-2 in Article 8, the table references Parking and the tree requirements for them. Please see comments above for Article 7 about parking lots and needs for trees for adequate soil volume.

1. Landscape plans by a licensed landscape architect or certified arborist shall provide an inventory of all existing trees or significant woody vegetation including size, health, species, and any proposed for removal.
2. Credits shall be based on
   a. 1 for 1 basis provided it meets the minimum specifications for new plants.
   b. 2 for one for any tree larger than 6" DBH
   c. 3 for one 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 8.07 Landscape & Site Design; Modifications, 7.07 Parking and Access; Modifications, and 2.06. Site Plan procedures and criteria.

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 and, 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. 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 6 feet of 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;
   e. Ornamental trees may be substituted for large street trees only in situations where no other alternative is available due to constraints of the site or right-of-way conditions. Ornamental 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 & Foundation Trees & Shrubs.* Foundation 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.
   a. Ornamental and evergreen trees shall be located within 25 feet from 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.

On page 8-4 in Article 8, item C.1. states "Landscape plans by a licensed landscape architect or certified arborist shall…". The term certified arborist does not indicate the credentialing organization. This should be stated as International Society of Arboriculture Certified Arborist. There are other credentialed professionals that should be included in the list from the Society of American Foresters. These credentials are Certified Forester and Urban Certified Forester. I encourage the statement be rewritten to be: Landscape plans by a licensed landscape architect, International Society of Arboriculture Certified Arborist, Society of American Foresters Certified Forester, or Society of American Foresters Urban Certified Forester shall…

Details of the requirements to earn these credentials are available from each societies website:
International Society of Arboriculture – www.isa-arbor.com;
Society of American Foresters – www.eforester.org.

On page 8-4 in Article 8, item C.3. discusses critical root zone (CRZ) and tree protection measures but does not specify any standard. ANSI A300 - 2023 Tree Care Standards describe the process of protecting trees. In conjunction with the supplemental publications Best Management Practices - Best Management Practices - Soil Management for Urban Trees, 2nd Edition (2021), Best Management Practices - Managing Trees During Construction, Third Edition (2023), Best Management Practices - Root Management, Second Edition (2023). These publications provide common language descriptions and images to provide better understanding of the soils, construction, and root management portions of ANSI A300. These publications are available from the International Society of Arboriculture web store found at https://wwv.isa-arbor.com/store. Another publication from the American Public Works Association titled Tree Protection & Preservation is a compilation of most of the ANSI standard and the appropriate ISA BMP's related to trees and construction. It is available at from APWA web store found at: https://www.apwa.org/. Current minimum standard of a critical root zone is 1 foot radius for each in of diameter at breast height (DBH – 4.5 feet above ground). So an 10 inch DBH tree would have a protection radius of 10 feet in all directions and a 30 inch DBH tree would have a protection radius of 30 feet in all directions. The protective fence should be place at that distance. Underground utility installation should tunnel under the tree from outside the CRZ. No activity should occur inside the CRZ. No storage of materials, equipment, travel across, digging, or any other activity unless mitigating activities discussed in references listed above are followed.

On page 8-4 in Article 8, item D.1. discusses trees planted in streetscapes in both planting strips and in planting pits inside sidewalks. Please review the discussion above for Article 7 about parking lots and needs for trees for adequate soil volume. This concept is true for both planting strips and planting pits in sidewalks.

parking areas and not in parking islands or streetscape or front buffers.

c. There shall be at least one tree per internal island. Internal islands over 300 square feet shall have one large tree or two ornamental trees per 300 square feet.

On page 8-5 in Article 8, item 3.c. discusses internal islands in parking lots over 300 square feet require one large tree or two ornamental trees per 300 square feet. This is inconsistent with the graphic on page 7-12 in Article 7 which indicates 360 square feet. The 360 square foot standard is better, but utilizing structural soil or silva cells adjacent to these areas as shared above is needed.

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*
Large Tree	1.5" DBH; Mature height of at least 30'; Deciduous tree
Ornamental Tree	1.0" DBH ; 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 large trees. Evergreen or conifer treen
Shrub	5-gallon minimum container or 18" minimum planting height; 36" minimum mature height
Ground Cover	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within 2 growing seasons.

DBH – Diameter at breast height

On page 8-11 in Article 8, item C including table 8-5 discusses sizes of plants that shall be planted. It properly references American Standard for Nursery Stock as the standard to use, but does not indicate it is specifically ANSI Z60.1 – 2014 or newer. Unfortunately, Table 8-5 references DBH sizes for Large and Ornamental trees. Z60.1 does not do this. It references Caliper. Caliper is the diameter of the trunk 6 inches above the root flare, not the top of the soil medium. For the DBH of 1.5 inch a caliper of 2 inches is the likely size. For a DBH of 1 inch a caliper of 1.5 inches is the likely size.

Table 8-##: Protective Fencing

Tree Size	*Fenced Area (lessor of)*	
> 30" DBH	20' from center of tree	Fencing protecting at least 75% of the drip line
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	

On page 8-11 in Article 8, Table 8-## references fenced areas for tree protection. Please review the comments on pages 8-4 for Article 8, item C.3. I encourage the table be adjusted to the stated recommendation.

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 Standard for Nursery Stock (ANSI) details and ensure proper soil quality and conditions.
3. All plantings shall be properly maintained. Plant materials which fail to grow within a 2-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 Director to be removed and replaced.
4. The Director may defer planting for up to 9 months to account for seasonal conditions.

On page 8-16 in Article 8, E.1. discusses no tree should be planted in compacted soil. Compacted soil is difficult to fix if truly possible at all. Nina Bassuk has developed a soil amendment and compaction reduction process call Scoop and Dump. This system adds organic matter to the site, reduces the compaction, and creates a plantable site. Providing this information as an alternative will allow better sites to be available. Learn more about Scoop and Dump at: https://blogs.cornell.edu/urbanhort/outreach/scoop-and-dump-soil-remediation/.

On page 8-16 in Article 8, E.2. discusses using American Standard for Nursery Stock for preparing and planting trees, shrubs, etc. This standard does not do this. ANSI A300 - 2023 Tree Care Standards is the current standard that covers planting and initial care for trees and shrubs. The supplemental publication Best Management Practices - Tree Planting, Second Edition (2014) provides common language descriptions and images to provide better understanding of the tree planting portion of ANSI A300. Both of these publications are available from the International Society of Arboriculture web store found at https://www.isa-arbor.com/store.

Article 11. Definitions

11.01 Definitions
11.02 Description of Uses
11.03 Glossary of Design Terms

Article 11 Definitions. Reading the code without knowing the definitions is difficult to understand in many places and leaves interpretation to the reader which will lead to improper implementation. I encourage Article 11 be moved to Article 2 and Article 2 through 10 be renumbered accordingly.

> *Street Tree*. A tree planted in close proximity to a street in order to provide shade over the street and to soften the street environment, typically a canopy tree although ornamental trees may be substituted in specific circumstances.

On page 11-11 of Article 11. The definition of a street tree mentions a canopy tree. Canopy tree is not defined in the definitions or other place I could find. Either a definition needs added or the term Shade tree which is defined should be used.

From: Mike Kromrey
To: Forwardsgf
Subject: City Code Feedback Re. Trees
Date: Monday, January 13, 2025 2:04:09 PM

Dear City Team,

From my post at Watershed, I can attest to the importance of Trees for Clean Water. Based on Watershed's mission, and my personal experience, I want to suggest that as part the City Code review and update process, Springfield needs an updated, codified tree ordinance. Most other communities our size, including the communities we use as benchmarks, have tree ordinances that can be used as an example. Our community has a wealth of resources to help, not the least of which is the City's Tree City USA board. As a lover of trees and SGF, I'd be happy to help, too.

Sincerely,

Mike

Michael R. Kromrey (he/him)
Executive Director
Watershed
[redacted]
www.watershedcommittee.org

From: Robert Kipfer
To: Forwardsgf
Subject: Land development code
Date: Monday, January 13, 2025 3:12:56 PM

Forward SGF comprehensive plan is an important step in our future community development. As a Master Naturalist I am especially interested in the health of our natural community. The native plants that tend to be crowded out by exotic species are especially important in maintaining the ecosystem of our Ozarks.

While we can't directly influence the native bird population, we can support them by protecting our native trees that provide them food and shelter. This includes not only encouraging planting native trees but also supporting the care of the existing trees and shrubs. This is important to insure the future health of our outdoors as we develop our city in these crowded times. Please consider this in creating the code.

Bob Kipfer
[redacted]
Springfield Plateau Chapter, Missouri Master Naturalists
Blog at Springfieldmn.blogspot.com

"We are using nature's gifts as if we had more than just one Earth at our disposal," - Marco Lambertini

James M. Guldin, Ph.D.

Research scientist in forest ecology and silviculture (retired)
[redacted]

16 January 2025

To the Mayor and the City Council,

The draft articles of Springfield's new land development code include many updates that represent great progress in achieving the goals of the Forward SGF comprehensive plan. However, Article 8 does not include the goal to include tree protection or tree diversity policies that are essential to maintaining and improving the quality of place for the city.

As a Springfield resident since 2021, I've been impressed by the urban tree canopy in neighborhoods and city parks across town. As an avocational project in my retired life, I've developed a website called "The Remarkable Trees of Springfield". The website highlights 40-50 of the trees that I think are ecologically, culturally, and botanically remarkable here in Springfield.

- Link: https://remarkable-trees-sgf.com

FYI, I'd be glad to share some of the highlights of what I think are the Remarkable Trees in person with the review committee, and why I think these trees are remarkable. In my view, the land development code should include provisions that promote the development and retention of remarkable trees, not eliminate them. I think provision should be in place that ensure that these and other remarkable trees survive local development issues that threaten them.

In my professional opinion, here are a few initial suggestions:

1) The land development code should include a tree protection policy that incentivizes the preservation of mature tree in new developments.

Several examples from my Remarkable Tree website illustrate this.

a) The pin oak at the north entrance of Bass Pro Shops off Sunshine. The crown radius of this tree is shorter than its height, which indicates growth in open conditions for most of its life.

2020 Fellow, Society of American Foresters
Inducted into the Arkansas Foresters Hall of Fame, 2021
Lifetime Achievement Award for Silvicultural Excellence, Washington Office, USDA Forest Service, 2022
Member, Board of Directors, L-A-D Foundation, Salem MO (https://ladfoundationorg)
Member, Board of Directors, Lovett Pinetum, Strafford MO (https://lovettpinetum.org)

[redacted] [redacted]

A look at the historic photos of the city of Springfield shows how Bass Prop Shops worked to isolate and protect this tree during the development of their current location.

- Link: https://static1.squarespace.com/static/6596e3552cc4473e5d078e02/t/6781311a97989111f18fa226/1736519966289/Pin+oak+at+Bass+Pro+-+images.pdf

That tree would no longer exist if Bass Pro Shops had not worked to protect it as they developed their current campus. Today, by my estimation, it's a remarkable tree. By the way, the crown radius of that tree exceeds 50 ft. Your proposed standard suggests that a tree > 30 in. dbh should have a protected radius of 20 ft? You should triple that, and the same for the other size classes in that table, recognizing that tree roots commonly extend beyond the drip line of the canopy.

b) The bur oaks on the west side of South Campbell, just north of Walnut Lawn, near the Walmart Supercenter. (And, in addition, the few large bur oaks in residential ownership on N Dayton.)

The diameter of the trees on S Campbell exceeds 50", and the larger one has been more severely pruned in its crown next to the power lines along South Campbell. A look at the historic photos of the city of Springfield shows that the crowns of all these bur oak trees have been visible on aerial photos since 1936, well before urban development in that part of the city.

- Link: https://static1.squarespace.com/static/6596e3552cc4473e5d078e02/t/674fbbb308634047083b7d37/1733278646986/241203+Bur+Oaks+in+SW+SGF+history.pdf

c) Virtually all of the white oaks (chinkapin oak, bur oak, white oak, and post oak) >20" dbh in the city predate the development of the neighborhoods where they are found. Shingle oak and Shumard oak, both red oaks, share this attribute.

- Shingle oak link, Nichols Park: https://static1.squarespace.com/static/6596e3552cc4473e5d078e02/t/676eb8e60c0e5d0238844c05/1735309553033/241203+Shingle+oak+in+Nichols+Park%2C+images.pdf
- Shumard oak link, Silver Springs Park: https://static1.squarespace.com/static/6596e3552cc4473e5d078e02/t/677aee34e024f12f1be6fc66/1736109634967/Shumard+Oak%2C+SS+Park+-+images.pdf

Trees that predate the establishment of their neighborhood, if threatened by development, should be protected with 50-ft-radius buffers.

Perhaps the City's record of historic aerial photos could be used to assess whether trees in areas under development should be retained or not. For example: if the canopy of the trees in question predates 1960, the trees should be considered for

protection by the developer. Does the city have any aerial photos of higher resolution than those on the historic photo website that predate 1960? That might be useful.

2) A tree diversity policy that requires a mix of native and selected non-native tree species is also essential to the goals of Forward SGF and the future health of Springfield's urban forest.

That said, I would not advocate that pin oaks should be planted on small residential lots anywhere in Springfield! They just grow too darn fast, and then landowners find themselves in a financial pinch to pay a thousand dollars or more to remove these big trees, when they succumb, on their little property. Few of these pin oaks are older than 65 years in age; they were planted when neighborhoods were developed in the 1960s.

3) Efforts to develop a climate-smart tree canopy in the city should be considered as a key element in the current planning effort. Among the elements I did not see addressed in the plan is attention to changes in the prevailing climate of Springfield.

The USDA Forest Service has developed a planning tool for this purpose, the USFS NRS Tree Atlas. The Tree Atlas can provide suggestions about the appropriate species for Springfield in the face of changing climatic conditions, to determine what tree species might be suited to grow in the future climate predicted for southwest Missouri.

- Link: https://www.fs.usda.gov/nrs/atlas/tree/

In this analysis, Springfield is UA 83953, ad this link shows conditions expected in the city, and an analysis of tree species that would be adapted to future climate of the city.

- Link: https://www.fs.usda.gov/nrs/atlas/combined/resources/summaries/urban/ua_83953.pdf

The ADAP variable shows trees that are adaptable to changing climatic conditions, and the Capabil85 variable shows trees likely to be good or very good (or poor) in the climate expected by the end of the 21st century. In essence, a number of tree species currently found in the city will thrive, some that are here today will not, and some that are not here are projected to do well. This suggests opportunities for species to recommend, and to avoid, in climate-smart urban reforestation efforts.

Respectfully submitted,

James M. Guldin, Ph.D.

MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180

Telephone: 573-751-4115 ▲ www.MissouriConservation.org

JASON A. SUMNERS, Director

Dear Planning Committee,

My fellow Community Forester has provided an exhaustive list of details that should be addressed when citing ANSI standards for tree planting, pruning, measuring, and care. I would echo many of his statements and have included my own comments below:

As stewards of our community's growth and sustainability, it is imperative that we address the critical need to incorporate tree planting, landscape requirements, and tree protection standards into our city code and zoning regulations.
Urban development, while essential for progress, often results in the loss of tree canopy, diminished air quality, and increased urban heat. Trees and well-designed landscapes provide significant benefits, including:

- **Environmental Advantages**: Trees absorb carbon dioxide, filter pollutants, reduce stormwater runoff, and mitigate the urban heat island effect.
- **Economic Benefits**: Well-landscaped areas enhance property values, attract businesses, and lower energy costs by providing natural shade and insulation.
    - For Springfield to be a model of progress while preserving our green infrastructure, it is imperative that we balance economic growth with tree preservation.
- **Health and Social Impact**: Green spaces promote mental well-being, encourage outdoor activity, and foster community connections.

To ensure our city remains resilient, sustainable, and vibrant, I urge you to consider the following recommendations:

1. **Adopt Tree Planting Standards**: Require tree planting in new developments, parking lots, and along streets to increase canopy coverage.
2. **Implement Landscape Requirements**: Mandate the inclusion of native plants and sustainable landscaping practices in zoning ordinances. When planting trees, ensure that there is adequate soil volume for trees to thrive.
3. **Strengthen Tree Protection Policies**: Establish regulations to prevent unnecessary tree removal, safeguard mature trees, and require developers to replace trees removed during construction. This may be viewed as a hindrance to development, but citizens have been emphatic that preservation and promotion of green space and their quality of place is important. Please consider adopting tree protection ordinance like Columbia, Missouri; Fayetteville, Arkansas; Abilene, Texas; Columbia, South Carolina; Columbus and Savannah, Georgia; Grand Rapids and Kalamazoo, Michigan; and Salt Lake City, Utah.

COMMISSION

MARGARET F. ECKELKAMP Washington | STEVEN D. HARRISON Rolla | MARK L. McHENRY Kansas City | RAYMOND T. WAGNER JR. Town and Country

4. **Incentivize Participation**: Offer incentives such as grants, tax credits, or reduced permitting fees for projects that exceed minimum green standards. Penalties for breaking these standards need to be enforced for the standards to be meaningful.

I believe these measures will not only preserve our natural heritage but also enhance the quality of place for all residents, ensuring our city remains an attractive and sustainable place for generations to come.

Sincerely,

Justin Holmes
Community Forester- Missouri Department of Conservation

From:	Michael
To:	Forwardsgf
Subject:	Tree protection and diversity in the new code
Date:	Thursday, January 16, 2025 1:11:56 PM

The draft articles of Springfield's new land development code show real progress toward achieving the goals of the Forward SGF comprehensive plan. However, Article 8 misses a vital opportunity to address tree protection, diversity, and maintenance—key elements for improving our community's quality of life.

A strong tree protection policy that prioritizes preserving mature trees is essential. Mature trees are not just aesthetically pleasing—they are vital to our quality of life. They clean the air, cool our streets and homes, increase property values, manage stormwater, and make neighborhoods more livable. Unfortunately, past developments have cleared mature trees unnecessarily, creating tension with neighborhoods and taking away these benefits from everyone. By requiring the preservation of some mature trees, we can ensure new developments support neighborhood well-being rather than detracting from it.

Tree diversity is another critical piece. Requiring a mix of native species is a practical step to protect the future of Springfield's urban forest. We don't know what invasive pests or diseases might threaten our trees in the years ahead, but diversity creates resilience. If one species is impacted, others can thrive, ensuring our urban canopy remains healthy and strong.

Planting trees isn't enough—those trees must also be maintained. Too often, developers meet minimum planting requirements during construction, only to neglect the trees once the project is finished. Without care, trees die, leaving neighborhoods without the benefits they were promised. The land development code should require that trees planted by developers are properly maintained and, if they don't survive, replaced. This will ensure our urban forest remains a lasting asset rather than a short-term checkbox.

Policies for tree protection, diversity, and maintenance are crucial to achieving the city's goals of promoting sustainable development and protecting natural infrastructure, as outlined in Forward SGF. These aren't just lofty ideas—they're priorities the community has clearly supported. Ignoring them would undermine the vision Springfield citizens set for their future.

Thank you for considering this feedback on the draft articles of Springfield's new land development code.

Sincerely,

Michael Brittain

From:	Charles_Ewing
To:	Forwardsgf
Subject:	Tree preservation and diversity
Date:	Thursday, January 16, 2025 1:23:16 PM

Sent from my iPhone

The draft articles of Springfield's new land development code include many updates that represent great progress in achieving the goals of the Forward SGF comprehensive plan. However, Article 8 does not include complete tree protection or tree diversity policies that are essential to maintaining and improving the quality of place for our entire community.

The land development code MUST include a tree protection policy that incentivizes the preservation of mature tree in new developments. Mature trees are highly valued by our community for their many benefits: cleaner air, cooler streets and buildings, higher property values, better stormwater management, and more. One reason for the heightened tensions between neighborhoods and developers is the complete and unnecessary removal of trees with previous developments, which removed all the benefits that trees provide to the landowner, the neighbors, and the entire community. Requiring some trees be preserved will help make new developments more appealing to neighborhoods.

A tree diversity policy that requires a mix of native tree species is also essential to the goals of Forward SGF and the future health of Springfield's urban forest. We don't know what invasive species or blights will impact our trees in the future. Requiring diverse plantings will ensure that whichever tree species are damaged, most of our urban forest will survive.

Including these two policies will help achieve the City of Springfield's goals to "**apply sustainable development practices**" and "**identify, promote and protect natural infrastructure**" that are explicitly specified in Forward SGF. Without these policies, achieving those goals will be impossible. Springfield citizens did not want "business as usual" when they set the vision for Forward SGF. Preserving mature trees and planting a diverse mix of native trees follows the new path forward that the community envisioned for itself.

Thank you for the opportunity to provide comment on the draft articles for Springfield's new land development code.

Sincerely,
Charles M. Ewing
Homestead Properties LLC
13 year TCUSA volunteer

Vision/Development co-chair for GVNA

From: [redacted]
To: Forwardsgf
Subject: Tree protection
Date: Thursday, January 16, 2025 4:13:55 PM

This is the first time you received an email from this sender [redacted] Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Secured by Check Point

The draft articles of Springfield's new land development code include many updates that represent great progress in achieving the goals of the Forward SGF comprehensive plan. However, Article 8 does not include complete tree protection or tree diversity policies that are essential to maintaining and improving the quality of place for our entire community.

The land development code MUST include a tree protection policy that incentivizes the preservation of mature tree in new developments. Mature trees are highly valued by our community for their many benefits: cleaner air, cooler streets and buildings, higher property values, better stormwater management, and more. One reason for the heightened tensions between neighborhoods and developers is the complete and unnecessary removal of trees with previous developments, which removed all the benefits that trees provide to the landowner, the neighbors, and the entire community. Requiring some trees be preserved will help make new developments more appealing to neighborhoods.

A tree diversity policy that requires a mix of native tree species is also essential to the goals of Forward SGF and the future health of Springfield's urban forest. We don't know what invasive species or blights will impact our trees in the future. Requiring diverse plantings will ensure that whichever tree species are damaged, most of our urban forest will survive.

Including these two policies will help achieve the City of Springfield's goals to "**apply sustainable development practices**" and "**identify, promote and protect natural infrastructure**" that are explicitly specified in Forward SGF. Without these policies, achieving those goals will be impossible. Springfield citizens did not want "business as usual" when they set the vision for Forward SGF. Preserving mature trees and planting a diverse mix of native trees follows the new path forward that the community envisioned for itself.

Thank you for the opportunity to provide comment on the draft articles for Springfield's new land development code.

Sincerely,

Danielle Day

Sent from the all new AOL app for iOS

From: Tony Hartfield
To: Forwardsgf
Subject: Tree Protection and Diversity in the Code
Date: Friday, January 17, 2025 1:29:04 PM

This is the first time you received an email from this sender [redacted] Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Secured by Check Point

The land development code needs to include a tree protection policy that incentivizes the preservation of mature tree in new developments and a diversity policy that requires the planting of a mix of native tree species when new tree planting is conducted.

Mature trees offer many benefits: cleaner air, cooler streets and buildings, higher property values, better stormwater management, and more. One reason for the heightened tensions between neighborhoods and developers is the complete and unnecessary removal of trees with previous developments, which removed all the benefits that trees provide to the landowner, the neighbors, and the entire community. Requiring some trees be preserved will help make new developments more appealing to neighborhoods.

Also essential to the goals of Forward SGF and the future health of Springfield's urban forest is planting new trees that are native to Missouri. We don't know what invasive species or blights will impact our trees in the future. Requiring diverse native plantings will ensure that whichever tree species are damaged, most of our urban forest will survive.

Including these two policies will help achieve the City of Springfield's goals to "**apply sustainable development practices**" and "**identify, promote and protect natural infrastructure**" that are explicitly specified in Forward SGF. Without these policies, achieving those goals will be impossible. Springfield citizens did not want "business as usual" when they set the vision for Forward SGF. Preserving mature trees and planting a diverse mix of native trees follows the new path forward that the community envisioned for itself.

Thank you for the opportunity to provide comment on the draft articles for Springfield's new land development code.

Sincerely,

Tony Hartfield

From: About Faces Photo
To: Forwardsgf
Subject: Tree protection and diversity in the new code
Date: Thursday, January 16, 2025 7:28:58 PM

The draft articles of Springfield's new land development code include many updates that I wish represented progress in achieving the goals of the Forward SGF comprehensive plan, but they don't. I see a bunch of flexibility that will give developers lots of options and we will lose even more protection for home owners.

I feel that it would be an excericise in futility to even start pointing out the problems…but I do think that there could be hope in the tree protection area. Please, at least protect our trees and natural infrastructure!

Article 8 does not include complete tree protection or tree diversity policies that are essential to maintaining and improving the quality of place for our entire community.

The land development code MUST include a tree protection policy that incentivizes the preservation of mature tree in new developments. Mature trees are highly valued by our community for their many benefits: cleaner air, cooler streets and buildings, higher property values, **better stormwater management**, and more. One reason for the heightened tensions between neighborhoods and developers is the complete and unnecessary removal of trees with previous developments, which removed all the benefits that trees provide to the landowner, the neighbors, and the entire community. Requiring some trees be preserved will help make new developments more appealing to neighborhoods.

A tree diversity policy that requires a mix of native tree species is also essential to the goals of Forward SGF and the future health of Springfield's urban forest. We don't know what invasive species or blights will impact our trees in the future. Requiring diverse plantings will ensure that whichever tree species are damaged, most of our urban forest will survive.

Including these two policies will help achieve the City of Springfield's goals to "**apply sustainable development practices**" and "**identify, promote and protect natural infrastructure**" that are explicitly specified in Forward SGF. Without these policies, achieving those goals will be impossible. Springfield citizens did not want "business as usual" when they set the vision for Forward SGF. Preserving mature trees and planting a diverse mix of native trees follows the new path forward that the community envisioned for itself.

Thank you for the opportunity to provide comment on the draft articles for Springfield's new land development code.

Sincerely,

Wendy Huscher

Outlook

Concerns for Neighborhoods

From Tammy Fulk [redacted]
Date Wed 1/29/2025 11:53 AM
To Forwardsgf <Forwardsgf@springfieldmo.gov>

Hello, my name is Tammy Fulk and I live at 3134 S Arcadia Ave, Springfield. My neighborhood has recently been challenged by a proposed preliminary plat adjoining our properties. Due to the property already being zoned Residential - Single Family, we did not receive any mailing from the City to notify us of such a proposal. We found out about it, due to the posting requirements of 10 days prior to the Planning and Zoning meeting. This is an 8-acre piece of land being re-platted into 40 lots, so very dense housing, meeting only the MINIMUM requirements regarding lot depth, width and setbacks. As citizens of Springfield, we deserve better. I hope this new document will help protect other neighborhoods from experiencing this lack of concern for the citizens of Springfield and only concern for developers.

I hope this document would include the following:

1. Additional notifications to surrounding property owners as to ANY changes occurring so they can provide input as to how it affects the neighbors and neighborhood. They are the ones familiar to the area and provide a wealth of knowledge as to existing problems and concerns.
2. Require neighborhood meetings with surrounding property owners with ANY changes occurring. It would be great for collaboration at the beginning of the process as opposed to law suits holding up development.
3. Include the surrounding property owners in the Pre-Development process so they are ensured the City is addressing traffic issues, public works, storm water, flooding issues, air quality. All these items matter to the citizens of Springfield. Why not prevent problems from occurring in the future. Again, the citizens are a wealth of knowledge of issues they deal with on a daily basis. The city needs to be more transparent in this process.
4. Include preservation of trees and green space. This is what the "Ozarks" are known for, so have requirements to preserve the God given beauty we have been granted. This is one of our biggest resources and we are destroying it. Mayor McClure just spoke on "Beautification" in our city. Lets consider this on EVERY decision, not just to impress a large group coming to our city.
5. Considerations given to the overall placement of new development and its lasting effects to the adjoining community. After experiencing what our neighborhood has been through, it appears the city has such a small lens and doesn't consider the overall community. They are looking at just the development in front of them, so devising an overall plan for the city, taking into account ,not only does it fit certain requirements, but does it fit the community in which it is asking to be located. I know the City wants to attract new development; however, it has a responsibility to protect their existing citizens.
6. Add additional discretion to the minimum lot requirements as not all minimum lots fit into existing neighborhoods.

Thank you for considering my suggestions. I do hope this new version will protect the existing citizens of Springfield going forward as we need to live in a community where we feel we have rights, are heard and are safe.

Best regards,

Tammy Fulk

Outlook

Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)

From Geoffrey Butler [redacted]
Date Wed 12/4/2024 3:01 PM
To Whitman, Randall <rwhitman@springfieldmo.gov>
Cc Lauren Shantz [redacted]; John Griesemer [redacted]; Kaleb Creason [redacted]; Forwardsgf <Forwardsgf@springfieldmo.gov>

Article 6

Again, 95% of the property is built out already. Our current ordinance requires perimeter landscaping and has building setbacks instead of built to lines. So developing any tracts which by chance might be vacant or a teardown and rebuild under these standards will create an odd development where a building might be right up to the front property line with parking behind and adjacent properties have 10' greenspace and landscaping then parking and then the building.

Access widths. I think PW standards call for minimum driveway widths to be 26' with larger widths allowed depending on the street type and speed. A 20' driveway requires a much slower turn thereby slowing traffic on the street. Did anyone talk to the PW traffic engineers? It is so aggravating for people slowing down a lot to make a turn into the property particularly if it has someone leaving that driveway. Why are the access widths so tight? Then there are trucks that require a larger turn radius.

Access spacing - the running joke is that a traffic engineer's idea of a perfect street is one with no access points on it. It starts at the City limits and goes through town with no way to get on or off. But seriously, limiting access to 200' spacing on Frontage A when it is likely that the lot might only be 100' wide could be a problem. Every property has a right to access the public ROW and you cannot force adjacent property owners to provide them access to their driveway. It is fine if you have a plat which has the necessary cross access easements and stipulates where access is required or restricted.

I have the same reservations on Articles 6.04. This is dictating design with no consideration of neighborhood context. Delete it.

Geoffrey H. Butler AIA
Architect

Outlook

Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)

From Geoffrey Butler [redacted]
Date Wed 12/4/2024 2:17 PM
To Whitman, Randall <rwhitman@springfieldmo.gov>
Cc Lauren Shantz [redacted]; John Griesemer [redacted]>; Kaleb Creason [redacted]; Forwardsgf <Forwardsgf@springfieldmo.gov>

Article 5

95% of the community is already developed. There are few areas left to develop. Article 5.04 seems overly complex and would be of benefit if there were green fields to develop. It is heavily focused on dictating design. I looked at how my house which I designed and built 16 years ago would meet these guidelines and it cannot. Just this one item is a problem:

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 3 stories or more.

My house is all white and two stories and is oriented to the side with a 24' driveway which comes in between the house, detached garage and tennis court. I do not have a front porch facing the street. I do have a nice breezeway between the garage (on the front of the lot) and the main house with a large porch along the side of the house overlooking the pool. So this house would not be possible.

We really do not want planners reviewing design elements on houses. Furthermore the extent of plans required to review for compliance is quite large. Most builders get basic plans and a lot of these decisions are deferred to later in the construction process. So this requires more extensive plans with decisions made early in the process. Custom Built homes tend to have Owners who can not make these decisions early and prefer to make decisions during construction.

Delete Article 5.04 entirely. Article 5.05 has some good ideas if there were any green fields to develop.

In every community I have worked in where they have adopted design standards, it has been a nightmare. Plan reviewers tend to have set opinions on design (which might not be good) and also tend to interpret the design standards differently which triggers lots of appeals and costly delays.

Keep it simple guys!

Geoffrey H. Butler AIA
Architect
[redacted]

On Mon, Dec 2, 2024 at 11:27 AM Geoffrey Butler [redacted] wrote:

> Table 4.3 needs work. A few thoughts:
>
> There are a lot of uses not addressed specifically and that would leave the determination of what is allowed and where up to the discretion of Staff. Not a good idea.
>
> Apparently, a BucEEs is only permitted in Heavy Manufacturing or under a conditional use permit in General Commercial. I do not understand why a conditional permit is required in Commercial district.
>
> New and Used Car Sales and service is not addressed. Keep in mind that dealerships like Thompsons or Corwin have well over 24 service bays. In the past they had to be in HC zones which are now part of GC district.
>
> What is the reason that we have multiple size limits for uses? Typically the size of the tract limits the size of the facility. What is the difference between a small, medium and large Grocery store in so far as impact on adjacent properties?
>
> Looking for floor area ratios, green space, bulk planes or other means of controlling density
>
> This Article is not ready to go and needs more work.
>
> **Geoffrey H. Butler AIA**
> Architect
> [redacted]

Outlook

Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)

From Geoffrey Butler [redacted]
Date Thu 12/5/2024 5:36 PM
To Whitman, Randall <rwhitman@springfieldmo.gov>
Cc Lauren Shantz [redacted]; John Griesemer [redacted]; Kaleb Creason [redacted]; Forwardsgf <Forwardsgf@springfieldmo.gov>

Article 8 - Landscape and site design

While an effort to enhance the community with more landscaping is desirable, in Springfield we are in a renovation and adaptive reuse mode. Very few green field sites which can address the desires of this Article.

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Geoffrey H. Butler AIA
Architect
[redacted]

On Thu, Dec 5, 2024 at 8:41 AM Geoffrey Butler [redacted] wrote:

Article 7 The Civil Engineer Full Employment Act

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Outlook

Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)

From Geoffrey Butler [redacted]
Date Thu 12/5/2024 8:41 AM
To Whitman, Randall <rwhitman@springfieldmo.gov>
Cc Lauren Shantz [redacted]; John Griesemer [redacted]; Kaleb Creason [redacted]; Forwardsgf <Forwardsgf@springfieldmo.gov>

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Figure 7 1 which shows a hypothetical site design does not show the required internal sidewalks required by earlier scetions of the Article. It also shows a Frontage B layout. The 6' perimeter buffer on the sides and back further erodes the efficiny of the parking lot.

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Loading areas need to add a section providing for an exemption to the loading areas if commercial or industrial facilities have a loading dock.

Generally, I think that this Access and Parking Article adds more restrictions, too much design direction, reduces the lot efficiency and erodes the land values as they exist now.

Geoffrey H. Butler AIA
Architect
[redacted]

On Wed, Dec 4, 2024 at 3:01 PM Geoffrey Butler [redacted] wrote:

> Article 6

From:	Geoffrey Butler
To:	Whitman, Randall
Cc:	Lauren Shantz; John Griesemer; Kaleb Creason; Forwardsgf
Subject:	Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)
Date:	Friday, December 6, 2024 3:19:20 PM
Attachments:	image001.png image.png image.png image.png image.png image.png image.png

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I am wore out. That is a lot of work to review all of the articles. Here is my overall review:

This is not anywhere near ready to take to Planning or Council. Each Article has issues relating to requirements. It is clear that the articles have not been reviewed by users (property owners, developers, architects or engineers).

As it stands, there should be a fiscal note determined if it was passed. How many added staff at the Planning Department must be added? Landscaping Nazi? Sign Nazi? Plan Reviewers? What fees will need to be created? What current fees will need to be increased? How much? This cannot be implemented with the current staffing level. The public is not interested in more fees and delays in the development process.

As an architect I strongly object to all the design direction mandates. Don't tell me where to put the front door, where to put the parking, how to design the exterior, etc.

This is set up for communities with lots of green fields left to develop. Springfield does not have that. We have a lot here and a lot there. If the lots have not been built on they likely have issues that have made it not desirable and the requirements of this Ordinance make it even more undesirable. Springfield is going to be doing redevelopment mostly going forward.

So, where do we go from here? It is time for the planners who developed this to commit time to meet with the users and work to clean this up. We need to make it simpler and less demanding. Or just leave what we have alone.....

Geoffrey H. Butler AIA
Architect
[redacted]

On Fri, Dec 6, 2024 at 10:56 AM Geoffrey Butler [redacted] wrote:

> Article 9 Signs
>
> Signs tend to be a hot button for commercial properties. Everyone wants a good sign to

identify their business. The bigger the better. This Article seems to be a little more restrictive than what we have now. Even the exempt signs have restrictions.

Property Address signs are limited to 2 sf each and no more than 2 signs. These signs are a life safety issue as first responders need them to respond ot emergencies.
The building code requires they be a minimum of 6" tall letters but most projects use 12" letters. The recently completed Legacy Bank has 12" letters on the street side and the 2750 address violates this new code. Why do you want to make them small?

I did not see any development signage allowed. For example Deerfield Office Park has a Development Sign at the intersection of Battlefield and Ingram Mill which identifies the development. It is on a property that is also a Bank but should not use the signage rights for the lot that it is on. That needs to be addressed.

Flags have always been exempt. But now we have limits. The height of the flagpole is limited to the district height limits and has to be setback from the PL a distance equal to the height of the pole. The number of flags is also limited. A commercial property may have up to five flags but the total flag area is limited to 200 sf. The flags at PFI/Cavenders violate this section. There are twenty flags 20' tall plus a 50' tall flag all within 10' of the PL. This section needs to be changed. US flags of any size, height and quantity should be exempt. Flags which depict a business, sports team, political entity or message should be limited

Window signs - this is new. Other sections of the Ordinance mandates windows on street frontage and this limits signage on the windows to 33% of the area of all first floor windows. The Metropolitan Grill is in a strip center and has most of the windows covered with photos and signage (this is a means of limiting headlights shining into the restaurant). Mandating 33% to be clear creates problems for that business. Eliminate the limits and restrictions.

Construction Signs - Good luck trying to manage this. Every contractor, subcontractor, supplier, architect, engineer, bank and realtor involved in a construction project has a sign they want to post at the site. Most construction projects have security fencing around the project to try to limit risk and theft. All those entities post their signs on that fencing. You cannot enforce this limit. Just grin and bear it. It is temporary.

Interior signs - if a building is 90 feet from the PL a sign with 3" tall letters is visible from the PL it is considered legible and not exempt. How do you manage this? The sign inside can be installed without a permit. Who is going to run around town to make sure no one has interior signage that can be seen from the street?

Table 9-1 Residential Sign Allowance - Ground signs can be 25' tall but need to be 25' from the PL, yet the "build to" line on many residential districts is as low as 6'? Get rid of the setback. I do not know what a Pedestrian sign or Incidental sign is? Need a graphic to show what they might be.

Table 9-2 Non Residential Sign Allowance - Ground signs - Why are you setting a 25' setback from the PL? I do not know what a Pedestrian sign or Incidental sign is? Get rid of setbacks. The only location restriction should be no overhanging of PL and no obstruction of line of sight at driveways.

Why can't we place ground signs in the lawn? Why do we have to have a landscaped bed surrounding the signs? WE already have buttloads of landscaping required in other sections.

Then there is this:

4. Ground signs shall be accompanied by a landscape plan that integrates the sign area into the overall site, softens the visibility of the structural elements, and improves the appearance of the sign and property from the streetscape subject to the standards and criterial of Article 8.

Who will be deciding the compliance on this?

These two sections need work. I can't figure out what they mean

b. Property with frontage on Glenstone Avenue between the norther right-of-way of Kerning Street and 100 feet north of northern right-of-way of McClarnon Street, and property within an 1,800 feet of the center of Interstate 44 and Glenstone Avenue.

c. Property in the southwest quadrant and within 1,800 square feet of the center of Interstate 44 and Schoolcraft Freeway (U.S. Highway 65.

This needs work:

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. what 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.

This is troublesome:

2. 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.

WE typically have parapet walls which extend above the roof to screen mechanical units (required by other sections of the Ordinance). Just strike this one.

Off premise signs - I think these are billboards but as far as I know, all the billboards possible in this community already exist. They are much larger than this section allows. So, are they all now non conforming? Is it the intent of this code to gradually eliminate them? Can a current billboard be upgraded and replaced with a newer billboard?

Drive through service signs - This is drilling down too deep. Some fast food facilities have multiple menu board signs to allow customers to decide what they want before they get to the menu board where they place their order. We do not need this section.

Digital Signage - this is way too complex. This looks like calculus:

No digital or electronic display shall exceed a brightness level of 0.3. foot-candles above ambient light measured at a distance equal to the square root of the sign copy area times 100 feet.

I wonder if we would be better off to not allow digital signs in residential districts

Design Guidelines - who gets to be the person who deals with these subjective guidelines? While I like to actually do the signage design on my projects, I often do not get to do that. The best I can do is design the building with areas that are suitable for signage but the Owner usually gets with a sign company who sells them the biggest gaudiest sign they can. (Betty and Bobby Allison Sportstown sign)

Bottom line - this adds an additional layer of regulation and limits on signage in the community. It will require additional staff to manage and will generate a lot of disputes regarding the interpretation of this section.

Geoffrey H. Butler AIA
Architect
[redacted]

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4449 East Valley Road
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Geoffrey H. Butler AIA
Architect
[redacted]

On Wed, Dec 4, 2024 at 3:01 PM Geoffrey Butler [redacted] wrote:

> Article 6
>
> Again, 95% of the property is built out already. Our current ordinance requires perimeter landscaping and has building setbacks instead of built to lines. So developing any tracts which by chance might be vacant or a teardown and rebuild under these standards will create an odd development where a building might be right up to the front property line with parking behind and adjacent properties have 10' greenspace and landscaping then parking and then the building.
>
> Access widths. I think PW standards call for minimum driveway widths to be 26' with larger widths allowed depending on the street type and speed. A 20' driveway requires a much slower turn thereby slowing traffic on the street. Did anyone talk to the PW traffic engineers? It is so aggravating for people slowing down a lot to make a turn into the property particularly if it has someone leaving

that driveway. Why are the access widths so tight? Then there are trucks that require a larger turn radius.

Access spacing - the running joke is that a traffic engineer's idea of a perfect street is one with no access points on it. It starts at the City limits and goes through town with no way to get on or off. But seriously, limiting access to 200' spacing on Frontage A when it is likely that the lot might only be 100' wide could be a problem. Every property has a right to access the public ROW and you cannot force adjacent property owners to provide them access to their driveway. It is fine if you have a plat which has the necessary cross access easements and stipulates where access is required or restricted.

I have the same reservations on Articles 6.04. This is dictating design with no consideration of neighborhood context. Delete it.

Geoffrey H. Butler AIA
Architect
[redacted]

On Wed, Dec 4, 2024 at 2:16 PM Geoffrey Butler [redacted] wrote:

Article 5

95% of the community is already developed. There are few areas left to develop. Article 5.04 seems overly complex and would be of benefit if there were green fields to develop. It is heavily focused on dictating design. I looked at how my house which I designed and built 16 years ago would meet these guidelines and it cannot. Just this one item is a problem:

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 3 stories or more.

My house is all white and two stories and is oriented to the side with a 24' driveway which comes in between the house, detached garage and tennis court. I do not have a front porch facing the street. I do have a nice breezeway between the garage (on the front of the lot) and the main house with a large porch along the side of the house overlooking the pool. So this house would not be possible.

We really do not want planners reviewing design elements on houses. Furthermore the extent of plans required to review for compliance is quite large. Most builders get basic plans and a lot of these decisions are deferred to later in the construction process. So this requires more extensive plans with decisions made early in the process. Custom Built homes tend to have Owners who can not make these decisions early and prefer to make decisions during construction.

Delete Article 5.04 entirely. Article 5.05 has some good ideas if there were any green fields to develop.

In every community I have worked in where they have adopted design standards, it has been a nightmare. Plan reviewers tend to have set opinions on design (which might not be good) and also tend to interpret the design standards differently which triggers lots of appeals and costly delays.

Keep it simple guys!

Geoffrey H. Butler AIA
Architect
[redacted]

On Mon, Dec 2, 2024 at 11:27 AM Geoffrey Butler [redacted] wrote:

> Table 4.3 needs work. A few thoughts:
>
> There are a lot of uses not addressed specifically and that would leave the determination of what is allowed and where up to the discretion of Staff. Not a good idea.
>
> Apparently, a BucEEs is only permitted in Heavy Manufacturing or under a conditional use permit in General Commercial. I do not understand why a conditional permit is required in Commercial district.
>
> New and Used Car Sales and service is not addressed. Keep in mind that dealerships like Thompsons or Corwin have well over 24 service bays. In the past they had to be in HC zones which are now part of GC district.
>
> What is the reason that we have multiple size limits for uses? Typically the size of the tract limits the size of the facility. What is the difference between a small, medium and large Grocery store in so far as impact on adjacent properties?
>
> Looking for floor area ratios, green space, bulk planes or other means of controlling density
>
> This Article is not ready to go and needs more work.
>
> **Geoffrey H. Butler AIA**
> Architect

[redacted]

On Mon, Dec 2, 2024 at 9:37 AM Geoffrey Butler [redacted] wrote:

> Article 3 is good but it does not apply to 99% of the community. We have no green fields to develop. All the streetscapes are cool but do not apply here and cannot realistically be accomplished.
>
> As you know, the City does not build streets, the developers do when they develop green field sites. The city does not have funds to rebuild streets and barely can afford to maintain them. All new development goes on in the County. Springfield is in the donut hole with a whole bunch of five and ten acre estates surrounding it. Urban services have a hard time getting outside that donut and those estates do not want to be in the City limits. So annexation opportunities are limited.
>
> I'll move on to Article 4
>
> **Geoffrey H. Butler AIA**
> Architect
> [redacted]
>
> On Thu, Nov 14, 2024 at 11:20 AM Whitman, Randall <rwhitman@springfieldmo.gov> wrote:
>
> > Thank you for your email. I'm going to share this with a larger city audience via a group email ForwardSGF@Springfieldmo.gov where others can see and respond.
> >
> > However, you asked several pointed questions and each are deserve a straight answer…some I can't give. With respect to the timeline and review schedule, I can share with you that we expect to take at least 5-months to consider community feedback and test the code against real, past and new, cases. Edits to the code will be managed during that same time period and if more time is warranted, we will make the case to our leadership group, but we're aiming for a June implementation.
> >
> > And yes, we are open to hosting as many community meetings as possible to discuss issues. We are going to work through the Place Teams and possibly ULI. Any other suggestions you have would be welcomed, along with one-on-one meetings.

With respect to the remapping…I encourage you to hold that question until our Open House on December 4th, as we have a strategy and the answer might be too involved for an email.

Randall Whitman

Principal Planner

417-864-2027 (office)

rwhitman@springfieldmo.gov

www.springfieldmo.gov

From: Geoffrey Butler [redacted]
Sent: Thursday, November 14, 2024 9:07 AM
To: Lauren Shantz [redacted]
Cc: John Griesemer [redacted] Kaleb Creason [redacted]; Whitman, Randall <rwhitman@springfieldmo.gov>; Childers, Steve <steve.childers@springfieldmo.gov>
Subject: Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)

I was able to download all the draft sections. This was the first chance I have had to see them. Thinking back to 1994, it is at this point in that process that a group of 30 design professionals, realtors and other interested parties began a year-long review of the proposed zoning ordinance. We had meetings about every month and evaluated each article of the proposed ordinance. We were able to identify onerous provisions and fix them.

In as much as that effort took a year, why are we planning on doing such a short unstructured review period by constituents and adopt it early next year? What is the hurry? I would prefer to have a structured

review process where we can drill down into the individual articles. Remember, the devil is in the details.

I will start my own review of each section but am uncertain when we will get to discuss issues? The reality is that this will impact the overall development of the community and there needs to be consideration of how this impacts potential sales of properties.

The first thing I am going to look at is the remapping process. When and how will that occur? We found that the hurried remapping back the last time resulted in some properties being remapped incorrectly and many property owners had to go through a rezoning to regain uses they previously had before the remapping.

Geoffrey H. Butler AIA

Architect

[redacted]

On Wed, Nov 13, 2024 at 3:07 PM Lauren Shantz [redacted] wrote:

> *Good afternoon, Growth and Development Advisory Council-*

Some of you may have already received this update but wanted to share the most recent information and next steps provided by the City of Springfield on the Community Development Code Update, ***namely the link to all working draft articles****. Let us know if you have any questions!*

Thanks,

Lauren

We are nearing a milestone in the process of developing a new Community Development Code (CDC) for the City of Springfield. Attached is a "*Place Team Letter*" which includes background information, past Place Team feedback, instructions on returning review comments to staff, and a proposed schedule for adoption and implementation.

We are also sharing a **LINK** to the "Working Draft" along with a list of Frequently Asked Questions (FAQ). Past presentations, supporting studies, and recommendations from Forward SGF can also be accessed from the "Top 10 Initiatives" tab on this page as well.

A Public open house (5:30 – 7:00pm) will be held at the DoubleTree Hotel - Glendalough Convention Center, 2431 North Glenstone Avenue.

Please contact directly if you have specific questions. Thank you again for your participation and look forward to seeing you on December 4th.

Randall Whitman

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Article 1. General Provisions

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

1.01 Title

The official title of this chapter (Chapter 36) is the "Springfiel Land Development Code." Re erences to this shall be considered a reference to the Springfield Lan Development ode.

1.02 Purposes

The Springfield Land Development Code is ad ted romote the pu health, safety, and general welfare for the City of Springfield and its residen and bu ses. Speci cally, the regulations have the following purposes:

A. Implement the comprehen lan, and ot r lans and programs authorized under the guidance of the compre ensive an, and in rticular the different contexts for planning, design, and development of e city.

B. Ensure long-term alue and th h i al social and economic well-being of residents and businesses through ordin ed public a ivate investment in development and infrastructure.

C. Promote l ning and c munity design that emphasizes distinct places and unique chara eristics ughout ringfield.

D. cure proper arrang ment and design of streets to form efficient development patterns, plement multimoda etworks, coordinate with existing and planned streets, improve mobility an ccess, and provi the safe, reliable, and efficient movement of people, goods and services.

E. Provide rks, trails atural areas, and civic spaces and organize development around systems of connec ope spaces in a variety of design contexts.

F. Divide the city into zone 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 zone district to create compatibility within districts and transitions between complimentary 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.

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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.

1.03 Applicability

A. **Authority.** The land development code is adopted through the powe granted in the Springfield City Charter and in accordance with the general purposes and auth i ranted by the Revised Statutes of Missouri, Title VII, Chapter 89, Zoning & Planning.

B. **Jurisdiction.** The land development code applies to all bu ings, structures, d, and uses within the corporate limits of the City of Springfield.

C. **General Applicability.**

1. *New Activity.* It shall be unlawful to conduct y dev opment or change or initiate any use of land until all specified development revie ocesses have been followed, all applicable standards have been fulfilled, and all re ired approvals, permits or other authorizations have been issu d

2. *Specific Applications.* Articles, s tions, and sections of this chapter may establish more direct and specific applicab y of pa cular dards and procedures.

3. *Existing Situatio* tandard in chapter shall require any change to existing uses, buildings, stru ures, or d that wa awfully initiated and properly approved under prior laws, excep where this apter speci ally limits the continuation of nonconformances or establish a lapse in p r approvals.

4. *Continuation f En cement.* Any violations of a previously valid and applicable regulation that tinue after adoption of this chapter may be enforced under the ment prov ons of this chapter. The city may, in its discretion, enforce either the previous lid and a licable regulation or the standards of this chapter.

D. **ansition Provision** The following rules determine the transition from previous regulations to t chapter:

1. *Applications* Any official application submitted prior to the effective date, and determined a omplet pplication by the Planning and Development (PD Director, shall be reviewed and ro ssed according to the prior standards and procedures. An application subm ed 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. Any application reviewed and approved under the prior land development code and not completed by a permit

2. *Prior Approvals.* All permits, site plans, 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.

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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 Permit.* Any use operating under a conditional us permit use permit or other approval that may be limited to a specific duration or condi ns under prior regulations may continue for that specified duration or accordi g to the conditions. Any changes or subsequent approvals of these uses upon expi of that period shall be processed according to this chapter. An existing use n o lim d but which requires a special use permit under this chapter shall be considered to have b n issued the approval according to this chapter limited to the ext nt of the existing erations.

5. *Planned Developments.* All Planned Develop ents (PDs) approved under e previous zoning regulations shall remain in effects. A plicants may propose changes to the standards of prior approved planned deve ments thro gh a rezoning application and site plan according the terms of this chapter

E. **Severability.** The several provisions of this chapter are s arable, based on the following rules:
   1. If any court of competent juris n shall adjudge a provision of this chapter to be unconstitutional, invalid, or illeg l, th dgement shall affect any other provisions of this chapter.

   2. If any court of competent jurisdicti sha adjudge the application of any provisions of this chapter to a p lar property ding, structure, or use to be unconstitutional, invalid, or illeg the jud ment sha ot affect the application of the provision to any other prope , building, ucture.

1.04 Administration

A. **Staff.** T wing city ff positions are responsible for administering specific aspects of this cha r.

Director of P nning & Development. The Director of Planning & Development (PD Director) is re onsible for administration of this chapter and interpretation and enforcement o cial of these regulations. The PD Director may consult with any other department o elevant outside agencies to coordinate any plans, policies, and programs he city t at impact the comprehensive plan. The PD Director shall specifically:
   a. epare 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 zoning 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.

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f. Approve the use of other resources, guides, and industry standards used in interpretation and administering this chapter.
g. Make all final interpretations and any final administrative decision referred to the PD Director under the procedures and standards of these regulations.
h. Initiate enforcement actions.

2. ***Director of Building Development Services***. The Director of Building Development Services (BDS Director) is responsible for 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 enforcem issues, and shall coordinate with the PW Director on all public facility interpreta n and enforcement issues.

3 ***Director of Public Works***. The Director of Public Works (PW Dire r) is responsible for interpretation and administration of all public improv ment standards d specifications, and the coordination of private improvements wit public improvements he PW Director shall coordinate with the PD Director all zoning, subdivision, an ite design interpretation and enforcement issues, and all coordinate with the BDS Director on all building code interpretation and enforcem issues.

4. ***Administrative Review Committee.*** The PD or may assemble the Administrative Review Committee for any applications that the P Director determines require more coordinated referral, review, a mment from any other departments or external agencies. The committee inclu es th D Director, BD Director, PW Director, and may include other representatives in n advisory acity from parks, public safety (police / fire), public health, environmenta ervices ity u s or other relevant departments or agencies on a project-specific bas

B. **Planning & Zoning C mmissi** The Plan ng and Zoning Commission (Planning Commission) is the pointed bo of the city sponsible for long-range and comprehensive planning, as well review, recommendations, nd decisions on implementation of the comprehensive p The Pla d Zoning Commission is established according to Article XI., Section 11.1 of Spri gfield City Ch er and in compliance with RSMo 89.320. In addition to all other general pla g authority granted by statute, the charter, local ordinance, or bylaws, the Plan d Zoning mmission shall have the specific review responsibilities and authority gran d to it und the proc ures and standards of these regulations.

1. *ocedure.* All meetin s of the commission shall be open to the public except as otherwise p vided by law. The mmission shall keep minutes of its proceedings, showing the vote of each me er upon each qu stion, or, if absent or failing to vote, indicating such fact, and shall keep record f its examin ons and other official actions. Every recommendation or decision of the commiss shall b in writing and shall contain the findings of the commission in each case, which shall i mediately filed in the office of the commission and shall be a public record.

2. *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:

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i. 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;
ii. Reports, memoranda and other materials prepared by the director of planning and development, director of building development services, director of public works, other employees of the City of Springfield or consultants in connection with the application and made a part of the record at the time of hearing;
iii. Inspections of the site;
iv. The Springfield Comprehensive Plan and adopted goals jectives and policies related to community development; and
v. The knowledge of matters of fact held by members e commission, provided any such factual matters shall be made a part of e re d at the time of the hearing; and any party to the hearing.

c. The commission shall adopt, and may from time to me amend, such dditional procedural rules as it may deem necessary or de able for the efficient d orderly conduct of its business. Copies of such rules all be available in the office f the director of planning and development.

C. **Board of Adjustment.** The Board of Adjustment (Boar established by Section 11.4, Title XI of the Springfield City Charter and in compliance with RSM 89.080, according to the following provisions.

1. *Membership.* The Board shall c sist of fiv mbers and up to three alternates, nominated by the City Manager a d appoi ed by City Council.
   a. Members shall serve with t co pensation.
   b. Alternate erve in the sence of or upon the disqualification of any regular memb .
   c. Me bers and al nates shal erve 5-year terms.
   d. T e PD Directo hall be an ex fficio member without the power of vote, and s ll act as th for the Board.

2. *Procedure.* M ngs of the Board shall be held at the call of the chairman and at other meeting t es established by the Board.
   a. meeting hall be open to the public, except as provided by law.
   b. Th oard sh keep minutes of the meetings, showing the vote of each member upon ach question, and keep records of its examinations and all other official action
   c. Every nal decision of the board on an application shall be in writing and contain a rec d of the findings for the case, which shall be filed in the office of the Board an be a public record.
   d. T e 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 of Board decisions.

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 2.10, Appeals of Administrative Decisions.
   b. To grant variances from the strict application of the terms of this chapter according to the procedures and criteria in Section 2.09, Variances.
   c. To hear any other matters specifically delegated to the Board by ordinance.

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D. **Landmarks Board.** There is hereby created a Landmarks Board of Springfield. The Landmarks Board is the successor to the historical site board and historic district review board.

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 i architecture, or a state license to practice architecture.
   c. At least one member shall be a licensed real estate a nt.
   d. At least one member shall be a historian or archite historian.
   e. At least one representative shall be a resident, m chan roperty owner from each historic district – mid-town historic district, Walnut Str historic district, and Commercial Street historic district, or e ployed full time an architect, real estate agent, or historian or architectural storian within the dis t The historic district representatives may also satis one of the other mandatory ember requirements.
   f. If more than three historic districts e establish d by the City Council, one member for each additional district s ll be a ded to the original nine members.
   g. Members shall serve 3-year terms, and be reappointed; however, no person shall be appointed for more than two con utive three-year terms. Members may be appointed to fi remainder of va t terms.

2. *Powers, Duties, and Responsib ies.* The dmarks Board shall have the following powers, duties, and responsibiliti

   a. Adopt its les of proc e;
   b. Establi h advis committe as it deems necessary, from both within and outs e its mem rship;
   c. S vey and iden y historically nd architecturally significant properties as d cribed in S ti 0 02 XY.
   d. Re mmen plans and p es with regard to historic preservation;
   e. Prepa itten recommendations to the council regarding designation of historica architectural resources;
   f. commen o the council the adoption of ordinances designating historic lan marks an istoric districts;
   g. Keep register of all properties and structures which have been designated as histor sites, historic landmarks or historic districts, including all information requir for each designation. This register shall be known as the Springfield Histo Register;
   Pr are, keep current and publish a map or maps showing the locations and act boundaries of both proposed and designated historic sites, historic andmarks 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 council;
   j. Recommend the promulgation of standards for architectural review in addition to those cited in Section 10.02.XY.

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k. Consider applications for and to approve or disapprove certificates of appropriateness pursuant to Section 10.02.XY.and to prepare written reasons pursuant to that action;

l. Consider applications for and issue or deny certificates of economic hardship pursuant to Section 10.02.XY.and to 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 further, by placing monuments and markers at historic sites, historic l ndmarks and historic districts designated under this article;

n. Advise and assist owners of historic sites, historic lan marks and properties or structures within historic districts on physical and fi al aspects of preservation, renovation, rehabilitation and reus and o rocedures for inclusion on the National Register of Historic Places;

o. Review, evaluate and comment on propos d zoning amendm ts, applications for special use permits or applications fo oning variances that ect proposed or designated historic landmarks and toric districts. The PD Dire r shall send such applications for use permits, r onings or zoning variances to the landmarks board for comment pri o the date hearing by the planning and zoning commission or board of adju ent;

p. Evaluate, comment and make recomm ions concerning actions undertaken by other non-city public agencies with resp ct to the effect of such actions upon historical and architec l resources, includ but not limited to, reviewing applications for demol on p its for structure 50 years or older, or having historic significance as termined he landma ks board;

q. Evaluate, comment, and ake rec mme ions concerning actions undertaken by other city agencies with esp t to the effect of such actions upon historical and archit l resources luding, but not limited to, reviewing applications for dem lition p mits (prior issuance) for structures 50 years or older, or havi g historic s nificance a etermined by the landmarks board;

r. M ke recomme dations to the uncil concerning grants from federal and state a ncies, priv and individuals and the utilization of budget app priati s to promote e preservation of historic and architectural resou

Make re mmendations to the council concerning the acquisition by gift, chase, g nt, bequest, devise, lease or otherwise the fee, any lesser interest, de opment ht, easement, including scenic easement, covenant or other cont tual right, including conveyance on conditions or with limitations or revisi s, in any property in the city;

t. Inves ate complaints, conduct hearings and recommend the commencement of actio to enforce the provisions of this article; and

Ca out any other action or activity necessary or appropriate to the i plementation of this article or which may be specified by council.

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 dictionary meaning using the Marriam 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, it shall be rounded up to t e nearest whole number if the standard is expressed as a minimum requirement d rounded down to the nearest whole number if the standard is expressed as a maxi m allowance.
7. "Shall," or "must" is mandatory; "should" or "may" is permis ut a recommended method to best meet the standard or achieve the intent he st dard.
8 A reference to an administrative official shall refer to that official, or eir designee, and all references to specific city officials may also include ny other designe f the City Manager.
9. Any reference to other official local, state, or f eral government rules or r lations shall include the current versions of those regula ns except where any official adoption or reference indicates a specific version.
10. References to a person includes individuals, rtner ps, agencies, corporations or other legal entities and the owner and any othe l, contractual, authorized representatives of any legal entity.
11. The day of the act that comme a time period sh not be counted and the last day of the time period shall be includ un it is a Saturday Sunday or legal city holiday, in which case the next working da shall end time period. In all other cases Saturday, Sunday or legal city holidays cou in the ti e p d

B. **Conflicts.** All provisions i chapter sha considered the minimum requirements to promote the public hea h, safety and welfar In case of a conflict between these regulations and any other adopt d and appli ble rule, re lation, standard, or limitation, the higher standard shall apply. In de ding of which tandard is hi er, the PD Director may consider which is more specific; which is ore consist he comprehensive plan; which is more consistent with the purposes, intent, an desig objectives of se regulations; and which best promotes the public health, safety and wel

1. *City Code* Other city codes apply in conjunction with these regulations and the higher s dard sha ontrol.
2 *Other Stat Federa egulations.* State and Federal regulations may apply independent these regulations, provided they remain binding on the city. In the case where they ar non-binding or otherwise can be interpreted in conjunction with these regulations, th may apply provided they support the purposes, intent, and design objectives of ese regulations.
3. *ivate Re ctions*. These regulations shall not impair or interfere with any private re tio placed on property by deed, covenant, or other private agreement; however, no pr te 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 or other rights of way or 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.

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3. Boundaries approximately following city limits shall be interpreted as following the actual city limits.
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 he zoning boundary. Where any resulting lots have significant discrepancies with map ed zoning boundaries, rezoning may be required.

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

E. **Resources, Guides & Industry Standards.** Reso ces, guides and industry standards that are recognized as a reputable authority in the planning developme and urban design professions, may be used to supplement interpretation of this cha r. Th shall be subject to the approval of the PD Director upon a determination that the content i sistent with the policies of the comprehensive plan and the purposes, intent, and design jectives of these regulations. Any resource, guide, or industry standard a p ved by the PD Di tor shall be listed in Appendix A, and at least one copy shall be kept on e wi e Planning an evelopment Department. These guides shall only be used to aid i erpretatio d applicat on of the standards, and shall not be used to otherwise modify or confli with any pec tandard in these regulations.

1.06 Nonconformities

A. **Intent.** The city rmits existin uses, building and lots that were created legally and in conformance with n-appli nts, but which do not conform to the current applicable requireme of ese regulations, to continue to be put to productive use. The intent of this section is to:
1. g many asp ts of these nonconformities into compliance with current regulations as is rea ably pra al.
2 Recognize ferent deg es of nonconformity have different impacts, both in terms of the type and the tent of deviation from the standards.
3 Balance the in rests of property owners in past investments and the community or adjacent prop y owners' interest in investment consistent with the comprehensive plan nd these re lations.
4. D ourag or prohibit investment that expands, reinforces, or unnecessarily extends non n ming 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:

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a. The expansion is part of routine or ordinary business operation rather than an investment in a change or increase 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 peri d of one year, the use shall not be reestablished, and all subsequent uses shall be conformance with the provisions of this chapter.
   a. Intent to resume active and continuous uses shall unt towards reestablishing the use. Evidence of a continuou busin license is not sufficient to maintain use for this purpose. A business use ust be operational to be considered active.
   b. A nonconforming home occupation shall e considered abando d if the occupants of the dwelling who were c ducting the use discontinu ither their occupancy of the dwelling or the no onforming home occupation.
   c. Continuation of an accessory use sent the op ation of a principal nonconforming use shall not avoid a aban nment period.
   d. A change of operator or sale of use sh be considered discontinued, provided that neither the previous or curr business or owner combined to cease operation for on ar or more.

3. Any change of use shall be to a onforming and at that time the nonconforming use shall be abandoned. The PD Dir tor may ons nd authorize a change to a lessor nonconforming use considering th exte , intensity, or operations of the use, provided it does not otherwis de investm that extend the period that the property is not conforming to t s chap

4. Any struc e in which a onconformin use is carried out that is damaged to the extent of more t n 50% of th t replacement value shall not be restored to support the nonconform g use with the excep n of detached houses and duplexes, which may be replaced at its size as evidenced by records of the county assessor or other official

5 Any new a ity that t gers specific site design standards shall require full compliance with that site sign standard for the nonconforming use to continue, and the presence of a nonconform g use shall not be used to justify not meeting other applicable standards.

C. **Nonc forming Stru tures.** Structures other than signs that were legally constructed prior to the adop n or am dment of this chapter, but which could not be constructed under the current terms of th ha er, 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 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 replacement value of the structure shall be permitted.

2. If damaged by 50% or less of its total replacement cost, 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.

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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 ircumstances surrounding the variance have not substantially changed.

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

1. Any change of use or expansion of use shall r quire compliance with the c ent development standards up to the maximum xtent possible, considering the level of investment needed to support the new us nd the exte of area being impacted by work to support the new use.

2. Any site development activity on a portion of a sit hall require compliance with the new standards up to the proportion is subject to the elopment activity. For example, a site that is not compliant with t lan pe standards st meet the landscape standards prorated to the portio of the sit ere development activity occurs, but the remainder of the site may remain onconfo ming

3. Any change of us ding, or site ign element that triggers a screening requirement shall require 10 % com ance with screening standards applicable to the site.

4. Where an investment i greater than % of the current replacement value of the site or can reas ably be int s impacting more than 50% of any one component of the site, the site r that mponent sh be brought into full compliance with these standards.

5. T e conditio nd proposed continued use does not present any other apparent risks to the p c health, fety or welfare

E. **onconforming Lot** Any lots platted legally prior to the adoption or amendment of this pter, but which cou not be platted under the current requirements of this chapter, may con ue to exist and b used for the uses permitted in the current zoning district, provided devel ment can me other development standards, or any other criteria for relief from those standard ncluded this chapter.

F. **Nonconform g 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.

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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 towards compliance with these regulations. 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 towards compliance with these regulations.
7. When there is a zone change initiated by the business or property owner.

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

G. **Burden of Proof.** The burden shall be on the applicant to esta lish that th onconformity was established lawfully and the entitlement to continuation of n conforming situ ns or completion of nonconforming projects according to this section. Ow s of nonconformities y request a "certificate of legal nonconforming status" by filing an plication with the PD Direc

1.07 Enforcement

A. **Violations.** It shall be unlawful for any building, structure, e element, use of land or building, or development of land to be constructe a ed maintained, o therwise initiated in violation of these regulations. It shall be unlawful any p on to:
1. Do or cause any act or thing pro bited by t regulations;
2. Omit or materially misrepresent a y act or ing r ed by these regulations;
3. Neglect any review process, perm or her authorization required by these regulations prior to the use o r buildings, nitiation of development; or
4. Interfere in an manner h persons performance of a right or duty granted by this chapter to i erpret, app and enforc hese regulations.

B. **Notice.** Whenev he PD Di other authorized agent of the city determines there are reasonable grounds beli e a violation of this chapter exists, the PD Director shall give notice of the alleged violation he owner or agent of the property, including:
1. stateme of the alleged violation.
2. State wh action is quired, set a reasonable time limit for required action or code compliance nd what medies the city may pursue if the action is not taken in the required time
3 Indicate that t owner may be responsible for all costs and penalties associated with the violation throu fines against the owner or agent, or through assessments against the roperty.
4. ve the tice upon the owner or agent by either delivering it to them personally, sen g by registered mail to the last known address, or posting it in a conspicuous place the building or on the property affected by the action.

C. **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:
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; and/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.

D. **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 ju ment to deter a continuation of the violation. Each day that a violation continues, after rvice of notice or filing of charges in municipal court shall be deemed a separate offense. No hall not be required in order to prosecute a person for a violation of any provision of thi hapte xcept notice shall be required to prosecute a person for failure to comply with an ord r. Howeve e city shall attempt to give notice when the violation does not pose an imminen danger, and the ner has not previously been notified either orally or in writing regardi a violation of this arti

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Article 2 Procedures

2.01 General – All Applications
2.02 Plats
2.03 Site Plan
2.04 Conditional Use Permit
2.05 Rezoning
2.06 Planned Zoning
2.07 Variance
2.08 Appeals of Administrative Decision
2.09 Text Amendments

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Table 2-1: Summary of Procedures

Application	Eligible Applicant				Notice			Pre-development		Review & Decision				
	Owner	Staff	P&Z	CC	Pub	Mail	Post	Staff Meeting	N'hood Meeting	Staff	P&Z	CC	BOA	Protest
Administrative Subdivision (2.02.B)	✓							○		D	A			
Major Subdivision – Preliminary Plat (2.02.C)	✓				■				□	R	R/PH	Ac / A		
Major Subdivision – Final Plat (2.02.D)	✓							○		D	A			
Site Plan – Administrative (2.03)	✓									D	A			
Conditional Use Permit (2.04)	✓				■	■	■	■	■	R	D/PH	A		
Rezoning (Map Amendment) (2.05)	✓		✓	✓	■	■	■	■	■	R	R/PH	D/PH		x
Planned Zoning + Regulating Plan (2.06)	✓		✓	✓	■	■	■	■	■	R	R/PH	D/PH		x
Variance (2.07)	✓						■	○					PH/D	
Appeal of Administrative Decision (2.08)	✓	✓	✓	✓		■	■						PH/D	
Text Amendment (2.09)			✓	✓	■					R	R/PH	D/PH		

✓ = Eligible to initi ppli on

■ = Requ
○ = Applicant's option
□ = Optional at PD Director's Discretion

R = Review and recommendation
D = Decision
A = Appeal of Prior Decision
Ac = Acceptance of Improvements / Dedications
PH = Public Hearing

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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 Departme . The PD Director is authorized to establish application forms and submittal requirem nts to ensure all applications can be evaluated for conformance with this cha . The PD Director may waive the requirement for any information on standard for a e time of application, due to the routine nature of the application or due to th ontext o particular application making the information inapplicable for review against the criteria.

2. *Fees.* Applications shall be accompanied by a n-refundable fee establ ed by the city's current Fee Schedule. Any application t at does not include the requir d fee shall be returned to the applicant as incomplete ees shall n be required with applications initiated by the staff on behalf of the Planni and Zoni g Commission or City Council.

3. *Eligible Applicants.* Table 2-1: Summary of Pro ures indicates applicants eligible for each particular application under this chapter, whic may include the following:
   a. *Owner.* The record o ne f property that is subject of the application or that owner's agent authoriz d by w permission the owner.
   b. *Planning and Zoning Co mission.* Planning and Zoning Commission, acting on its own initiative or thr gh rec mmend ns brought to it by city staff.
   c. *City Council* The City Co cil cting on its own initiative or through recomm da s brought by city staff.

B. **Concurrent Appli tions**. Whe a project re ires approvals under more than one type of application, the P Director ma determine tha ach application may run concurrently based on the following:
   1. The informa re ired for each type of application is similar or can be easily coordinated be en each application.
   2. e, timing rocedures, meetings, and review bodies required for each application are simila r can be sily coordinated between each application.
   3 The ability o he staff a d review bodies to make effective decisions under the review criteria when viewing the applications concurrently.

In ses where the PD irector determines applications may run concurrently, the application sha e reviewed acc ding to the highest review level of any associated application, and approv may be co ditioned on the final decision of the highest concurrent application. No decision ll be c sidered final until the last of the required decisions has been made.

C. **Pre-development Meeting.** Pre-development discussions are informational and non-binding to assist applicants with due diligence prior to formal application requirements.

   1. *Applicability.* In addition to the requirements in Table 2-1, pre-development meetings are required for any residential development of five or more units, and any new non-residential construction or additions (commercial, mixed-use, or industrial building) parking lots) and rezoning applications. A required pre-development 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. Pre-development meetings are recommended where they are not required by Table 2-1 and may be requested by the applicant for any application.

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2. *Content.* Applicants shall confer with the PD Director and other city staff or officials designated by the PD Director, to discuss the general nature of 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 tes and public spaces.
   d. How the project will contribute to the area and furthe e intent of the applicable or proposed zone district.
   e. Infrastructure capacity, demands, and impacts existin r planned facilities.
   f. Development review processes and review criteria.
   g. Opportunities to improve designs or coordi ate the preliminary oncepts with other private or public investments in th area.

3. *Duration.* A pre-development meeting is v d for one yea after the meeting date.

D. **Neighborhood Meeting.** A neighborhood meeting s l be quired as indicated in Table 2-1: Summary of Procedures, and any specific uses where i condition of a site plan or permit for that use. Neighborhood meetings shall meet the following

1. *Scheduling*. The applicant sha propo time and loc on of the meeting, which shall be approved by the PD Director rior to the e of the meeting. The meeting shall meet the following:
   a. Occur at least 21 days be e th public review meeting. Generally, the timing shall giv nt time for y potential outcomes to be incorporated into an amen d applic on and pr erly reviewed by the city, but have sufficient details on e proposed cope, scale nd characteristics of the project.
   b. B held at a loc ion as near to e project as possible and be in a publicly a ssible bu is not possible the PD Director may consider alte tive cations and accommodations.
   c. Be sch led at a time and date where it is most likely to allow attendance by intereste arties. Generally, weekday meetings in the late afternoon or early ning are propriate.
   d. Th D Direct may approve a meeting scheduled different from this where the natur or context of the project warrant.

2. *Notice.* The n ghborhood meeting shall require notice in addition to notice required for he public re w meeting by Section 2.01.F.3, and shall include the following additional e ments s ecific to the neighborhood meeting:
   a. otice shall be sent at least 10 days prior to the meeting to all record owners of real property withing 500 feet of the project, and to the president or other officers of any neighborhood association on file with the Planning and Development Department and within this area.
   b. The city shall mail the notice; however, the applicant shall supply the letter, envelopes, and postage.
   c. The notice materials are due to the city at least one business day prior to the mailing deadline.

3. *Content.* The applicant is responsible for all content of the meeting, which at a minimum shall include:
   a. The general nature and scope of the proposed project;

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b. A summary of the proposed land use, including planned or all potential future uses under the request;
c. The most recent plans and submittals available for the project, depicting the scale, location, and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
d. Identify and explain the subsequent formal review steps with the city and note that official and formal review by the city may result in changes from the initial concepts.

4. *Summary.* The applicant shall prepare summary minutes of t meeting including evidence of the notice, record of attendance, content, disc s summary, and outcomes of the meeting including any specific changes the ap ication. This information shall be submitted as a supplement to the formal applic n at least 10 days prior to the public review meeting. Failure to subm he summary sha make the application incomplete, and the PD Director may able the application un ompleted.

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

1. *Determination of Complete Application.* If an a ation is determined incomplete, the PD Director or their designee shall notify the appli t of the specific ways in which the application is deficient. No fu rocessing of the plication shall occur until the deficiencies are corrected. If a eficie pplication is n corrected within 30 days of the notice, the PD Director may det mine that complete application is withdrawn. If an application is complete, it shall b rocess d for f l review.

2. *Staff Review.*
a. The P Directo hall coordi te review by the Planning and Development De tment afte complete plication, and consult with Building and D velopment S vices, Public orks, and other appropriate departments the PD D ctor dete be impacted by the application.
b. The D Di ctor may requir review by the Administrative Review Committee (ARC) established in Section 1.04, Administration.
The PD D ctor may determine if other referral agencies are appropriate based the appl ion and has discretion to add any other relevant or applicable ag y to the The following agencies may be requested to review and comm nt:
(1) Adjacent County and municipal governments;
(2) State of Missouri department offices;
(3) Gas and electric utilities;
(4) Telecommunications and cable providers;
) Public safety agencies (police, fire, EMS, health);
(6) School district(s);
(7) Water and sewer utilities; 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

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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 l alstaff 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 th application or address any comments or recommended changes.
   c. If the applicant chooses not to address any comment recommended change, a written statement shall be included with the resubm ta hat demonstrates a good faith effort to address the issue and provide rea nable r onale why the comment cannot be addressed. The applicant may reques schedule the application for official review based on this tionale.
   d. If the applicant fails to submit revisions otherwise address any mments from the PD Director in writing for more th 120 days, the PD Director y:
      (1) Postpone the application b ed on the ap licant's request and any reasonable justification fo delay in a ressing comments; or
      (2) Determine the application wi drawn nd the review terminated. Any further action will require a new lication and fees.

4. *Scheduling.* Applications that a completed staff r iew and addressed any comments or recommended changes, sha be s duled for furth eview or processing according to these regulations.

5. *Staff Report.* The PD Director or t ir d ignee shall prepare a staff report for applications that q review and cisions by other review bodies. The report shall identify the ap opriate p icies, plan regulations, and review criteria, and identify relevant fac of the app ation. The P Director or their designee shall publish or otherwis make the rep t available to e applicant and public prior to the review body meeting, associatio blic meeting agenda and packet.

F. **Notice.** Notice shall rovided for each application as indicated in Table 2.01: Summary of Proced ich shall p vide the date, time, place of the meeting, and general information on the plication i uding th ocation, type of application, and where additional details may be fo nd.

Published. W re published notice is required, notice shall be published in an official newspaper or newspaper of general circulation in the City of Springfield at least 15 days prior to e public hearing or meeting.

2. *Po d* Where posted notice is required, notice shall be posted by the applicant on the prope 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.

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3. *Mailed.* Where mailed notice is required, the city shall mail notice at least 10 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 applicati .
   b. The name of the property owner, if different from the plicant. If there are multiple owners, only three names shall be listed d full list shall be on file with the application.
   c. The street address or common description of the property i lved. Published notice shall also include a legal description f the property.
   d. A concise and accurate description of th nature of the request.
   e. The date, time, and place of the publi hearing or meeting, and wh er it includes the right to testify (i.e. pub hearing).
   f. The place at which further informa n on the a lication may be obtained and examined.

5. *Failure of Notice.* Any failure of published, posted, mailed notice shall not invalidate any subsequent process or decisi n the PD Director s iscretion. In making this decision, the PD Director shall consider hethe
   a. Good faith efforts were ade to co with notice, and the failure of notice was beyond the applicant's or ity's co ol;
   b. Technical errors in the no e w e made, but constructive and actual notice was available terested p s; or
   c. The f ure of n ce is not herwise influential to the proceedings, criteria, or rec d establish for the dec on.

G. **Public Hearings** Where pub are required by Table 2-1: Summary of Procedures, the following procedure pply
   1. The hearing sh be conducted, and a record of the proceedings shall be preserved.
   2. rested pe on or party may appear and be heard in person or by agent, and the review b y may re ire that this testimony and any evidence or exhibits be under oath or by affirm on.
      The review b y may request testimony or a report on the application from any government o ial or agency, experts, or any other person with information pertinent to the application
   4. A public hea g for which proper notice was given may be continued to a later date out ag requiring notice provided in this section if the specific date, time, and place of t c inued hearing is announced at the original hearing.
   5. If the view 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: Summary of Procedures. 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.

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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.

I. **Appeals.** Where no appeal process is designated in Table 2-1: Summary f Procedures, the decision shall be final and only appealed as authorized by law. Any fina ecision made under this chapter by an administrative official may be appealed according t Section 2.08, Appeal of Administrative Decisions. Where a review body is designated as th a ellate body in Table 2-1, the following appeal procedures apply:

1. Appeals shall be filed with the PD Director within 15 days of the fina decision by a public review body or 30 days of the final decision by any dministrative offic
2. Appeals shall identify the exact provisions in dis te and whether it is in rect due to one or more of the following:
   a. It was against specific standards o his developm nt code;
   b. It was an unreasonable interpreta or applic on of the standards or review criteria;
   c. It was erroneous, based on the record acts reviewed by the decision-making body; or
   d. It was otherwise clear trary to law.
3. The following persons and enti s sh ve standing ppeal the action of the review body:
   a. The applicant;
   b. The City Manager, on beh f of ny public official, department, or public body; and
   c. Any o er perso who was a rieved and materially affected by the decision, and oth wise has a ht to appe by law.
4. Prior to f warding any peal to the ap ropriate appellate body, the Administrative Review C mittee sh secondary review of the application and issue a final administrati deci n. Based on t e final administrative decision the applicant may either withdraw appeal or continue with the appeal before the applicable appellate
5. The app te body all consider the application based on the established record, within 60 days of iled appe It shall give deference to the previous review body but may take any acti authorized by the decision-making body under this chapter if it determines th a clear error was made.
6. The procedur and required notice for any appeal that advances to the appellate body hall be the s me for the appeal as required of the original application.

J. **Technical udi s.** The PD Director, on behalf of any public official, department, or agency, the Planning and ning 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. 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.

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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.

L. **Successive Applications.** When the review body takes final action to de an application, the same or a similar application shall not be refiled for one year from date denial. The PD Director may permit a refiling of the application sooner than one year hen it is determined that significant physical, economic, or land use changes have taken pla hin the immediate vicinity, or where a significant text amendment to this chapter ha been a pted that may affect the outcome of the action on the application. There shall be no time limitati on an application that the PD Director determines is substantially different fro a previously den d application, when considering the proposed use, scale, or intensity o development, and the p ential impacts on adjacent property.

2.02 Plats

A. **Applicability.**

1. *General Applicability*. Plat ap c s are required t
   a. Design and coordinate reets, n spaces an ther civic places with developable lots and bu ings;
   b. Establish or alter the lega bound es of p erty in coordination development patterns, infrastructure, an se ces; and
   c. Account p c infrastru e, access, and services; community facilities; devel ment pa rns; or oth long-range growth and development co derations p or to potenti fracturing of ownership and as individual velopment p jects occur.

2. *Specific App abil* . Plat applications may be initiated by the property owner, and specifically sha pply to:
   Any divisi of land into more than one lot or parcel;
   b. A adjustm t that alters the legal boundaries or potential ownership patterns of leg y establis d parcels or previously platted lots, except those by operation of law, quisition by a public entity, or by court order; and
   c. Any d elopment on previously unplatted property where access or connections to pub infrastructure or public streets will be required, where public or private eas ents will be required to build infrastructure; or where the development is oth rwise determined to increase the impact on public infrastructure or mmunity facilities.

3. *Types of Plats and Applications.* Plat applications are classified and processed as one of two types:
   a. *Administrative Plats.* Administrative plats 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, rights-of-way, or public infrastructure or community facilities, which typically require a comprehensive review through preliminary plat and final plat procedures.

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B. **Administrative Plat.** Administrative plats shall be processed according to the following criteria and procedures.

1. *Eligibility.* The following situations are eligible for administrative plat processes:
   a. *Administrative Property Line Adjustment*. A certified survey to confirm the alteration of legal boundaries of previously platted lots or legally established tracts of record prior to March 26, 1956. Only for encroach ents.
   b. *Administrative Lot Combination.* A certified survey to c irm the combination of previously platted lots or legally established tracts of cord prior to March 26, 1956 into fewer lots.
   c. *Administrative Subdivision*. A certified survey t onfirm e alteration or the division of one or more un-platted parcels or tracts into no m re than five additional lots.
   d. Administrative Replat. A certified surve o confirm the alteratio r the division of legally established tracts of recor rior to March 26, 1956, or p viously platted lots.
   e. *Administrative Condominium Plat*. ertified urvey to confirm the legal boundaries of a unit or structure on a p tte lot of record that could only be determined post-construction, such as fo uplexes, row houses, or for residential or non-resid ntial condominium here the units and lots are individually owned, an the perty is on a lo f record in common ownership.
   f. *Administrative Plat Cor ction.* rtified surve or other legal instrument acceptable to record tha onfirms r arcel, or lot was legally established and corrects an error or o ission om prior egal instruments that results in no observable i pacts on the ev opment pattern or potential development.
   g. *Admini ative act Certific on.* A certified survey or other legal instrument acce able to re rd that cor cts that confirms a tract or parcel as legally es blished in th present con uration prior to annexation into the city, under a or code at th time of its reco ding, or prior to March 26, 1956 (the date of ad tion of t origin ision regulations).

2. *R iew Criteria.* n administrative plat may be approved by the PD Director if the PD Direct etermine hat all of the following are met.
   a. E lot mee the standards of this chapter and can meet the design and dev pment st ndards of the applicable zone district.
   b. No ne streets or public dedications are needed for the application, except that dedic ons of additional rights of way or easements may be included provided they a e formally accepted by the City Council.
      Eac ot is already served by public sewer and public water and only extensions o acilities 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.
   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. The lot patterns are compatible with the surrounding area and any previously approved development plans for the subject property. Compatibility shall be based on the size, dimensions, layout, and design of existing subdivisions and rights of way, transitions to adjacent property, and degree of deviation for existing conditions.

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g. 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.

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

3. *Review Procedures.* In addition to the general requirements Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, t owing requirements apply to administrative plat applications.
   a. If the PD Director determines at any point in the process th he application is not eligible for an administrative plat or is erwise trying to e de the major subdivision process, the PD Director ma deny the application a require the applicant submit a new application as major subdivision.
   b. The PD Director shall make the fin decision on dministrative plats, and the decision may be appealed to the P nning and oning Commission.
   c. Any administrative plat that includes ht-of ay or other public dedication shall be approved by the Planning and Zonin mmission and the dedication accepted by City Council.
   d. The PD Director shall m the applicant of decision in writing within 30 days of the determination of comp application.
   e. The applicant may appe a final de n by the PD Director to the Planning and Zoning Commission after secon ry re by the Administrative Review Committee.

4. *Effect of Deci n.*
   a. Th pplicant sh submit the pproved administrative plat and all other required cuments and ertificates in t proper format to the City for execution of s atures.
   b. The plic t shall record the administrative plat and executed documents with the Gr e County Recorder of Deeds.
   The adm trative plat shall become effective after recording, and the applicant y procee with building permits and all other applicable permits consistent wit he appro d plat.
   d. An a inistrative plat not recorded within one year shall expire and any further action hall require a new application.

C. **Major ubdivision – reliminary Plat.** Any subdivision not eligible as an administrative plat is a major su ivision th t shall require approval of a preliminary plat. A preliminary plat shall be processed o ng 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 application is in accordance with the comprehensive plan, and in particular, the development patterns for Place Types in the plan.

b. 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.

c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations and are coordinated with existing or potential development on adjacent property.

d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district, includin ot and development standards, frontage design standards, and access stan ds.

e. The application demonstrates a preliminary likelihoo f being able to meet the design, construction, performance, and maintenan uirements for all required improvements.

f. Any phasing is clearly indicated and demonstrates a logica d coordinated approach to development, and the timing l ation, and const tion of amenities is consistent throughout phases.

g. Any impacts identified by specific stu s or technical reports, inclu g a review of storm water, traffic impacts, and ccess mana ment are mitigated with generally accepted and sound pla ng, engin ing, and urban design solutions that reflect long-term solutions and s nd fis l investments.

h. The design does not impede the constr n of anticipated or planned future public infrastructure or other development thin the area.

i. The recommendation o ofessional staff o ny other public entity or review agencies asked to offic lly re the prelimina plat.

3. *Review Procedure.* In addition to he gen al req ents in Table 2-1: Summary of Procedures and Section 2.01, Gen ral All Applications, the following requirements apply to prelimin p application

a At the e-devel ment mee g, and based on the size, scope and impact of any fut e developm t, the PD D ctor shall determine whether a neighborhood eting should e required ac rding to Section 2.01.D.

b An pplicat n may dinated with a Rezoning in Section 2.05 or a Plan d Z ning in Section 2.06.

c The PD rector shall schedule complete applications for a public hearing before e Plannin and Zoning Commission.

d. Th Planning d Zoning Commission shall review the preliminary plat, and a preli nary plat that conforms with the standards of this chapter and criteria of this s ion shall be forwarded to the City Council for a recommendation to accep ny dedicated land or improvements. A preliminary plat that does not meet e standards or criteria may be denied by the Planning and Zoning Co mission.

(Any street or public facility included in a major street plan approved by the Planning and Zoning Commission or other specific design plan or public facility plan, regardless of local, state, of federal status, shall not be accepted or constructed unless it is first approved 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

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

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

g. 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 cons u n acceptance of the subdivision but authorizes preparation of the fin plat an design and construction of improvements in conformance with the prel nary plat.

b. An approved preliminary plat shall be effe e for two years, ept that any complete submittal of final plat for any p ses indicated on a pre inary plat shall stay the two-year period, and on pproval of a final plat a new o-year period may begin for remaining po ns of the pr liminary plat.

c. The Planning and Zoning Commis n may gra a one-year extension on a preliminary plat if the applicant demo trate ubstantial progress towards the design and engineering requirements n sary to submit a final plat or other circumstances beyond their control that m e the delay reasonable, and if based on finding that no sub a l changes in the ea will affect the originally approved application.

d. If a final plat is not subm ed within e parameters, the preliminary plat shall expire, and any further a vity sha requi ew preliminary plat

D. **Final Plat.** After approval preliminary t, the applicant may submit a final plat for all or for portions of the prelimin y plat a a subject t a phasing plan approved with the preliminary plat. A final plat shall be ocessed ac ording to th following specific procedures.

1. *Review C eria.* A fin l be reviewed according to the following criteria, as well as all criteri ppli ble to the preliminary plat review.

a. The lay and design of the final plat substantially conforms with the approved prelimina plat considering:

The umber and size of lots and tracts;

(2) The b k layout, street designs and access;

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

(4) The location and capacity infrastructure systems; and

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

b Th construction plans for any public infrastructure meet all technical ecifications.

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;

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(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, buildin , or sizes of blocks and open spaces by more than 10 percent; and

(6) If technical studies were required with the pr minary plat, the author of the study shall submit an amendment noti t the change does not impact any findings of the study.

f. Any other changes to the preliminary plat, including signific changes in the phasing or dedication of public lands and r hts-of-way, may r uire approval by the Planning and Zoning Commission a acceptance of the City ouncil.

2. *Review Procedure.* In addition to the gene requiremen in Table 2-1 and Section 2.01, the following requirements apply to f l plat appli tions.

a. The applicant shall identify all impro ments be constructed, either according to the required improvements listed in t hapter or by a specific agreement for the project approved as part of the prelimi ry plat. The applicant shall submit final plans and specifi a s for these impro ments and ensure construction of these improvements o inanc uarantees as ovided in Section 3.04.

b. The staff shall review th final plat nformance with the planning and design elements, and the engine ring sp ficati and a final plat that meets these criteria shall be approved.

c. A final pl does not m these review criteria may require reprocessing as a revi d prelim ry plat.

d. Th D Director hall make th final decision on final plats, and the decision may b appealed to e Planning an Zoning Commission after a secondary review b he Admin iew Committee. The Planning and Zoning Commission dec n m be appealed to the City Council.

3. *f Decision*

a. applica shall submit the approved final plat and all other required do ments an ertificates on proper forms to the city for execution. Approval may conditioned upon payment of all other applicable fees and execution of all ap cable agreements prior to recording.

b. The a licant shall record the approved final plat and executed documents with the G eene County Recorder of Deeds.
Th inal plat shall become effective after recording, and the applicant may oceed 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 3.04, Required Improvements. 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.

2.03 Site Plan

A. Applicability. The 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. Site plan applications may be initiated by the property owner.

The 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 3 or more buildi s are proposed.
3. Expansion or alterations to an existing multi-family or nonreside al building that change the footprint by more than 10% or significantly alter the form he building envelope or character of exterior elevations on more than 25% of the e r
4. Any site development activity that adds impervious surf es grea than 5% of the lot.
5. A change of use that is potentially more intense than the existing u or that could otherwise trigger associated site development activ y, such as parking ccess, traffic circulation or intensity, landscape, or screening
6. Any other changes to existing buildings or sit hat significantly alter the ex or appearance, or that impact access, circulat n, or abuttin streetscape designs. This excludes ordinary maintenance to any exi g building tructure, or site design element.

B. **Review Criteria.** Any site plan in compliance with all re ments of this chapter shall be approved. The following criteria shall be considered when luating site plans and determining compliance with the standards of this a r and in exercisi any discretionary approvals or interpretations associated with the site an:

1. *Generally.*
   a. The plan meets all applica e st ndards and meets the criteria for any performa ndard, guid es, exceptions, or modification permitted in this chapt
   b. The lan is cons ent with an onditions on prior approvals by the Planning and Z ning Commis on or City Co cil associated with the property.
   c. T applicati nably be assumed capable of meeting the criteria for all sub uen ermits and authorizations needed to build the project as proposed.
   d. The pl oes not undermine the goals or objectives of the comprehensive plan that are a licable to the area of the project or interfere with future development djacent operty that would be in accordance with the plan.
   e. Th lan does t present any other apparent risks to the public health, safety, or welfa based on other relevant codes, specifications, or industry standards.

2. *Site Design a Engineering.*
   The an provides safe access and internal circulation and appropriately ba nces vehicle, bicycle, and pedestrian needs based on the context and street pe.
   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 runoff, and addresses stormwater issues at the largest scale practical.
   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.*

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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 th u ing creates appropriate relationships to the streetscape and to adjacent operti
b. The selection and application of materials will promote prop maintenance and quality appearances over time.
c. The building reinforces the character of e area and reflects a c patible architectural relationship to adjacent b ldings. Specifically, if there any prevailing consistency or common y in the scal forms and features, and materials of buildings in the vicinity hey inform hoices on the proposed building.

C. **Modifications.** The PD Director or Planning and Zoning C mission may consider modifications when applying standards to a specific o that the best d gn solution may be applied to a particular context or site. The applicant hall i ify in the appl tion or on a plan where a modification is requested, propose a jus cation an rnative that meets the criteria, and a decision on each proposed modification s all be cl arly in ted on the plans or by written decision associated with the application. e P Director (minor modification) or Planning and Zoning Commission (maj fication) sh use the following criteria to make decisions on a proposed modification
1. Conditions the site ma e strict com ance with the standard impractical or ineffective.
2. A propos d alternative qually or bette meets the intent and design objectives of the applicabl tandard.
3. The modific n is e minimum ne essary to address the conditions and is within any other limitation tablished for the applicable standards.
4. dification es not undermine or conflict with other applicable site or building standard r result egative impacts on adjacent sites.
5 The modifi ion is no rictly for the convenience of a specific project, but is justified under any of e following broader community benefits:
a. Aesth c considerations that permit better coordination of the lot and building with th established character of the immediate area;
Impr ed environmental performance, considering stormwater, energy use, bu ing performance, landscape design, or operational impacts of the use;
c. creased 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 (i.e. setback reduction considered in association with greater building height limitations; etc.)
7. The modification is limited in degree as specified in Table 2-2.

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Table 2-2: Site Plan Modifications		
Site Design Element	***Minor Modifications (Staff Discretion)***	***Major Modification (Planning & Zoning Commission Discretion)***
Article 5 & 6: Development & Dimension Standards (5.03 Residential; 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	3 up to 1 story max
Article 5: Residential Design Standards (Section 5.04)		
Frontage Design, Building Design, Open Space Design	Based on general cri a in this section and specific criterial in ction 5.04.	
Article 6: Nonresidential ign Standar (Section 6.04)		
Frontage Design, Building Design, Open Space Design	Based on general criter section and specific criterial in Section 6.04.	
Article 7: Access & Parking		
Vehicle Access	D ende Public Works Direc appr l and acce agement polic an uidelines o A lan	Any non-compliant access for nonresidential uses on major collector or higher class street.
Sidewalks	5%	25%
Requi	10%	25%
Par g Landscape	10%	15%
king Dimension	5%	N/A
Lo g Requirem	25%	50%
Article 8: Lan p Site Design		
Required dscape	15%	25%
Buffers Dim ion	5%	10%
uffer Planti	10%	15%
F es & Walls	10%	15%
Plant ecifications	Dependent on American Standards for Nursery Stock and PD Director approval	N/A
utdoor Lighting	5%	15%
Art 9 igns		
Size & Height	n/a	5%
Location	n/a	10%
Quantity	n/a	n/a

. D. **Review Procedures**. In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following requirements apply to site plan applications.

1. Site plan applications shall be accompanied by and access plan demonstrating compliance with Section 7.03, Access of this Chapter and Chapter 98.

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2. 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 the planning and zoning review with other required permits.
4. Any site plan proposing a major modification shall require review and a decision by the Planning and Zoning Commission. The PD Director or their designee shall forward the application to the Commission with a review and analysis of the pl subject to the approval criteria, and analysis of the modification criteria.
5. Site plan may be required to accompany applications that req e review by other review bodies, such as conditional use permits, rezoning, or varia e
6. Except for applications requiring review by other review dies, t PD Director shall make the final decision within 45 days of a complete application an ay condition the decision on meeting the requirements of other dep ments subject to e standards and specifications of all required permits.
7. The PD Director or their designee shall notify t applicant of a decision in w ing, either by returning a set of plans stamped "appro d" or otherwi e indicating other conditions for a decision or reasons for a denial.
8. The applicant may appeal a final decision by PD rector to the Planning and Zoning Commission after a secondary review by the Ad strative Review Committee.

E. **Effect of Decision.** Approval of a sit shall be valid for months and authorize the applicant to proceed with building perm s and ther applicab permits consistent with the approved plan. The PD Director may gr t one ext n for up to one additional year if justified by reasons beyond the applicant's contro nd wh surr ding conditions or applicable standards have not changed

2.04 Conditional Use ermit

A. **Applicability.** A ditional p ides flexibility for different uses within a zone district and allows the poten l fo dditional uses subject to specific conditions. These uses are not generally appropriate th ghout the district, but due to the specific design, operational chara r context the application, the use may be appropriate based on a case-specific dis tionary revi Conditi al use permits may be initiated by the property owner for uses i ntified as conditi l uses in e zone district, according to the Use Table in Section 4.02, ermitted Uses.

B. **Rev w Criteria.** Con tional use permits shall be reviewed according to the following criteria:
1. ll criteria fo ite plan review in Section 2.03 are met, including any conditions or a itional quirements identified in this chapter for the specific use.
2. The p ation furthers the intent of the proposed zone district and is consistent with the compr hensive 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 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 Summary of Procedures and Section 2.01, General – All Applications, the followin equirements apply to conditional use permit applications.

1. Applications shall be accompanied by site plan where it neces y to review conformance with standards of this chapter and any design or perfo ance criteria for the particular use. Where the proposed use does not volve proposed de opment or changes to the site, a plot plan of existing cond ons may be submitted.
2. The PD Director shall schedule complete ap cations for a public hearing before the Planning and Zoning Commission.
3. The applicant shall hold a neighborhood me g at l st 21 days prior to the Planning and Zoning Commission public hearing and sup ment the application with results from that meeting at least 10 days prior to the hearing.
4, The Planning and Zoning Commis shall hold a pu hearing and make a final decision at or within 15 days of e close he public he ing.
5. The applicant may appeal a final ecision b th nning and Zoning Commission to the City Council.

D. **Effect of Decision.**

1. Approval a a condition use permi hall authorize the applicant to proceed with building p mits, use lic ses, and oth applicable development or construction permits.
2. Approval a conditio mit shall be valid for 18 months, and the PD Director may grant o exte ion for up to o e additional year if justified by reasons beyond the applicant's con and where surrounding conditions or applicable standards have not d Any ap cation not acted upon through issuance of a building permit or occupan permit a rding to the approval and conditions within this period shall be void.

   A conditional se permit may be revoked or modified with additional conditions by the city through the sa e procedures approving the permit, upon a finding that the conditions of approval have ot been met, or that the use has otherwise violated the provisions of this hapter.
4. or chan es to an approved conditional use permit may be approved by the PD Dir or mited 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 site plan provided it meets the criteria in Section 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

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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 be filed by the property owner, the City Council, or the Planning and Zoning Commission, or by Staff on behalf of these city e ties.

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

1. The proposed district is consistent with the goals and ob ctives he comprehensive plan and any other plan, policy or guidance adopted pursuant to tha lan.
2. Whether the area has changed since the existing ning has been in p e or is it changing to a degree that it is in the public inter t to rezone the property
3. The proposed district will enable developmen n character with existing or a icipated development in the area considering:
   a. The design of streets, civic spaces d other en space;
   b. The mix, density, or intensity of poten l us
   c. The pattern, scale, and format of buildin and sites enabled by district standards; and
   d. The compatibility with n nsition to other tricts, development, or uses in the vicinity; and
   e. Any reasonably anticipa d negativ cts can be mitigated by applicable development standards o should anning sign, and engineering practices applicable to the site.
   f. Any rez ng lication as ciated with a proposed conceptual development plan site plan ay be eva ted based on that plan; otherwise, the entirety of wh may be en led by the z ing district shall be considered with the above eria.
4. The city o ther age ide services, facilities, and infrastructure that may be necessary fo nti ated uses in the proposed district, including capacity of the surrounding str network and access on specific street frontages.
5. ble viabl conomic use of the subject property will be precluded if the proposed rezoning denied.
6 The recomm ndations any professional staff or advisory review bodies, and any additional tes mony or evidence on the record.
7 Any relevant i ormation submitted or presented at the public hearing.

C. **Revie Procedure** addition to the general requirements in Table 2-1: Summary of Procedur and S tion 2.01, General – All Applications, the following procedures shall apply to rezoning app ons.

1. Applic tions may be accompanied by a non-binding site plan, to review conformance with the comprehensive plan. The PD Director may require that applications for rezoning be associated with a non-binding 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

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c. The rezoning criteria in Section 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 binding site plan for a specific development application.
   a. In this case, the site plan shall be evaluated according to the criteria in Section 2.03, Site Plan.
   b. The Planning and Zoning Commission may recommen and the City Council may approve the request based on any specific elem ts, conditions, or limitations proposed in that plan, including uses, ale, d intensity of development.
   c. Any such rezoning shall be designated by a "-C" on the zonin map with a numeric and/or date reference to the sp ic ordinance and bin g site plan included.
3. Based on the extent of proposed developm nt or degree f change in the proposed application a specific and alternative engag ment pro s beyond the neighborhood meeting and public hearings may be agreed t y th PD Director and applicant.
4. The PD Director or their designee shall schedule mplete applications for a public hearing before the Planning an Zoning Commissio
5. Unless an alternative engagem nt p ss is used, the pplicant shall hold a neighborhood meeting at least 2 days prio he Planning and Zoning Commission public hearing and supplement th applica on with ults from that meeting at least 10 days prior to the hearing.
6, The Planning a Zon Commissi shall hold a public hearing and make a recommend on at or w n 15 days f the close of the public hearing and forward its recomme ation to the ty Council.
7. The City uncil may d the application be returned to Planning and Zoning Commission r fu er study, additional information, or reconsideration of the recommendatio r conditions. Failure by the Commission to consider or revise its ecom ndation in 60 calendar days shall be considered a resubmission of its original re mmenda n Alternatively, based on the information provided at the public hearing the y Council may choose to modify or override the Planning and Zoning Commission r ommendation or any specific condition.
8. In case of a v d protest against a proposed change, approval shall require a favorable ote by two-t ds of all members of City Council. A valid protest shall:
   a B led with the City Clerk at least 24 hours prior to the Council regular meeting r 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 rights-of-way and alleys.
9. Approval of a rezoning shall be by ordinance approved by the City Council.

D. **Effect of Decision**. Upon approval of a rezoning, the City Clerk shall record a copy of the ordinance approving the zone change with the Greene County Recorder of Deeds. The applicant shall pay all required recording fees. The PD Director or their designee shall make the change on the official map by an actual change or other record identifying the ordinance and affected

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

2.06 Planned Zoning

A. **Applicability.**

1. *General Applicability.* Planned zoning applications are integrat plans and codes to implement projects based on development and design plans a specific area. The plans establish more refined distribution and relationships la uses, more specific arrangement of building types and development intensit or mor etailed application of design and development standards than otherwise provided by the mprehensive plan and this code. The process enables flexibility in th otherwise applica development and design standards based on the plans, but o rs predictability for city partments, community stakeholders, and private entities ngaged in development and redevelopment activities. Planned zoning i a type of rez ing initiated by the City Council, Planning and Zoning Commission r property wners, provided that property owner initiation requires the participation and tho ation of all property owners in the plan.

2. *Specific Applicability*. Planne o g shall require a fficient area to implement planning and design concepts at gen broader co unity or public benefits, and not simply to facilitate individual ojects or mit adjustments or deviations on a site-specific basis. The development an sha genera nclude at least 5 acres; however, the PD Director may permit smalle pp cations based on any of the following circumstances:
   a. The a plication an addition o a previously approved planned development and is ectively an tension of t se areas or projects;
   b. T e application ffects a small area of potential development, but the context, pl and de f a larger study area meet the intent and applicability for p ne zoning; or
   c The ar s completely unique and distinct from the surrounding areas, and the riteria an roader benefits from planned zoning are only applicable to the s ller area

B. **rea Plan Content**. anned zoning shall require preparation and adoption of an area plan that in des following gen al components, which may be created in unison or in coordinated stages:

1. *Existing Con tions.* A summary evaluation of the current state of the area potentially in uding l d uses, structures, infrastructure, circulation pathways, public spaces, and nat l atures, currently anticipated improvements, and relative potential for desirable redev opment.

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.

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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 2.02, Plats, 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 regu ions for the area. The regulating plan shall be a supporting overlay on the existing b e zone district(s) or propose any associated changes to the base zoning distri . e regulating plan shall address the following land use and development standa s, part larly where deviations from the base district standards apply:
   a. Specific land uses, and any limitations or c ditions associate with any use,
   b. Building types, lot standards, and devel ment standards for elig le building types or lots applied on a block or lot sis.
   c. Landscape and open space design ncluding stre tscapes, frontages, open space and site standards coordina g with the ublic Space Plan.
   d. Other site development or performan stan rds affecting parking, access, screening, building design.
   e. Any specific development review process applicable to implementing future development accordin he plans and reg tions.

   Absent any specified deviation addi or subtractio in the regulating plan, the base district standards shall app

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

1. The plans a ply the goa and policie f the comprehensive plan and the intent and design ob ctives of this hapter to the ea in more specific detail.
2. The regu ng plan m nt modify, or waive standards to allow the project to better meet exc d the intent sta ements of the applicable or proposed base zoning district(s) and gn objectives of any specific standards.
3. efits from ny flexibility in the proposed plans and regulations promote the general p lic healt afety and welfare of the community and surrounding areas, and the propos flexibility not strictly to benefit the applicant or a single project. Specifically, flexibility should serve one or more of the following:
   a. Adjus ents based on existing conditions of the area that are desirable to maint and incorporate into the development and design plan;
   Esta sh better transitions to adjacent development with additional limitations, co itions, or enhanced site design requirements;
   c. tter 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.

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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. The plans meet all of the review criteria for a rezoning in Section 2.05.B.

D. **Review Procedure.** In addition to the general procedures in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following specific procedures shall apply to planned zoning applications.

1. The planned development application is a type of rezoning and all follow the procedures in Section 2.05.C,
2. The planned development process involves at least two st s e development plan establishing the zoning and any necessary deviations (E sting C ditions, Vision and Development Plan, Public Space Plan, and Regulating lan); and p ting and site plans for development of specific components of the dev pment plan.
3. Based on the complexity of projects and extent advanced planning an rban design necessary to support the development, the PD Director may require, or the plicant may elect, breaking the review of the elements a developme t plan in subsection B. into more than two steps to review concepts an preliminar designs prior to approval of the full development plan and proposal of regula adj ments.
4. In cases where new development is proposed, may need to be subdivided, or streets and public lands dedicated in order to carry ut a development plan. The platting process is a separate process ay run concurren with the planned development process, as specified in Sectio 2.01.
5. All development in planned dist ts shall re site plan review according to Section 2.03, Site Plans. The Planning a d Zonin Comm n may recommend, and the City Council may approve Regulating P ns at require site plan applicability and review processes differe what woul herwise apply.

E. **Effect of Decision** Approval of planned zo ng shall have the same effect as rezoning property; howeve approval of i dividual comp ent plans or where the plans are approved in steps, will have th ffects sp

1. *Vision & Deve ment Plan.* Approval of the vision and development plan and existing ns withou ny other plans shall only mean that the basic concepts are agreed to in princip as confo ing to the intent of the comprehensive pan and any other plans or policies cre d under e guidance of that plan. In association with approval of the other plans, appro d vision and development plans serve as a more specific representation of the intent and olicy objectives for the area.

2. *Public Space lan.* Approval of a public space plan shall only mean that the basic elopme patterns and community design and infrastructure concepts are agreed to in prin ple s conforming to the intent of the comprehensive plan and any other plans or polici 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 2.02, Plats, 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 2.05. Sites governed by an approved regulating plan shall be designated on the Official Zoning Map with 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-TF

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and the LB base zoning districts, the zoning of each area of an approved regulating plan shall be R-SF-P, R-TH-P, and LB-P respectively.)

4. *Final Development.* Prior to applying for permits for final development, any project included as part of a planned zoning shall first require approval of a final plat and a site plan (administrative or discretionary) as provided in these regulations. In addition to all other information and criteria required for those applications, submittals under an approved planned zoning shall include all necessary information t demonstrate that all applicable standards, requirements, and conditions of the devel ment plan have been met.

2.07 Variance

A. **Applicability.** A variance provides relief from a strict in pretation of the zoning d site design and development standards of this chapter, which wh n applied to a particular prop ty and in a specific context limits all reasonable use of the pro rty. This ap ication shall only apply to the design, dimension, and other site development sta rds of thi chapter and shall not be used to authorize a use that is prohibited by the applicable zo g di ict. Variances may be initiated by the property owner.

B. **Review Criteria.** A variance shall be v d and approved ly on the finding that all of the following conditions are met:
1. Unique physical conditions not o dinarily fou the same zoning district and that are not created by the property creat ractic difficul in meeting the standard;
2. The strict application of the regula ns onstitutes an unnecessary hardship upon reasonable use he perty. Ec omic considerations alone shall not constitute unnecessary rdship if reasonabl se for the property exists under the standards of this chapte
3. The vari ce will not ad ersely affect th public safety or general welfare;
4. The varian will not purpose the ordinance, the intent of the zone district or standards r a other required professional design standard or specification;
5. The variance w ot adversely affect the rights of adjacent property owners or residents;
6. The varia e is the m imum necessary to relieve the conditions and permit reasonable use of the p perty.

C. **R iew Procedures.** addition to the general requirements in Table 2-1: Summary of Pro dures and Secti 2.01, General – All Applications, the following requirements are specific to vari e applicati s.
1. T Board f Zoning Adjustment shall hold a hearing at its next regularly scheduled me g 8 days after the PD Director determination of a complete variance application.
2. The B ard 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 variance.

D. **Effect of Decision.**

1. An approved variance shall become effective when recorded with the Greene County Recorder of Deeds. The applicant shall record the written approval, and upon recording 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 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 app the decision to the district court within 30 days of the Board's vote on the final d sion.

2.08 Appeal of Administrative Decision

A. **Applicability.** The appeal of administrative decisions is process to determine if re was an error in order, requirement, decision, or determinatio made by an administrative off ial in the interpretation, administration, or enforcement of th chapter. Ap als may be filed by any aggrieved person, or by any officer, department, bo d or age y of the city affected by any final decision by an administrative official.

B. **Filing.** Appeals shall be filed with the ecretary of the Boa of Adjustment and with the official who made the decision within 30 days f t final decision.
1. The appeal shall be on forms p vided b e PD Direct and include all information required by the PD Director and ny additio rmation relevant to the decision and criteria for appeals.
2. Prior to forwarding any appeal to th B ard, the Administrative Review Committee shall perform a secon ary r ew of the a lication and issue a final administrative decision.
3. Based on the nal admin rative dec on the applicant may either withdraw the appeal or continu with the app l before the oard.
4. The offi from whom e appeal is ta n shall forward all relevant information regarding the decisio o the B d.

C. **Effect of Filing.** An app stays all proceedings in furtherance of the action appealed from unles e off from wh the appeal is taken certifies to the Board of Adjustment after the not of appeal th a stay c ld cause imminent peril to life or property. In such case, p ceedings shall n e stayed ther than by a restraining order, which may be granted by the oard of Adjustment by a court of record.

D. **Acti and Review C teria**. The Board of Zoning Adjustment shall hold a hearing at its next regular cheduled eeting 28 days beyond the filing of an appeal.
1. T appel nt and official shall be notified in writing of the date, time, and place of the hea
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.

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.

2.09 Text Amendment

A. **Applicability.** Amendments to the text of these regulations may b nit ed by the City Council or the Planning and Zoning Commission, or by Staff on behalf of th se entit

B. **Review Criteria**. A text amendment shall be reviewed acc ding to the followin criteria:
1. It is consistent with the comprehensive plan.
2. It furthers the purposes of these regulations i Section 1.02. and has been nsidered for both its long-range effects as well as imm ate impacts
3. Whether it is necessitated by a change in c ditions in e zoning district or specific areas impacted by the change.
4. The amendment improves the effectiveness and ciency of administering the Land Development Code.
5. Any relevant information subm te presented at th ublic hearing.

C. **Review Procedures.** In addition to the neral req ents in Table 2-1: Summary of Procedures and Section 2.01 General – A Applic ions, th ollowing requirements shall apply to text amendment application
1. Applications m be ac mpanied b a related comprehensive plan amendment, or a more specifi plan, provi d that ame dment or plan has met all of the legal and policy requirem ts for plan ap rovals indepe dent of the proposed text amendment.
2. The City uncil may d the application be returned to the Planning and Zoning Commission fu er study or additional information at its next regular meeting. Failure by the Planning d Zoning Commission to consider or revise its recommendation shall be con red a re bmission of its original recommendation.

D. **fect of Decision.** mendments to the text of these regulations shall be approved by the City C ncil in the form of ordinance and be effective after the date specified in the ordinance. The PD ector shall inco orate approved amendments into this chapter by reference to the specific amend ordinance nd indicate the newly applicable provisions and the replaced provisions, or by recodif tion he official code that incorporates the approved amendment.

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Outlook

Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)

From Geoffrey Butler [redacted]
Date Thu 11/14/2024 12:37 PM
To Whitman, Randall <rwhitman@springfieldmo.gov>
Cc Lauren Shantz [redacted] John Griesemer [redacted]; Kaleb Creason [redacted] Forwardsgf <Forwardsgf@springfieldmo.gov>

So far we haven't had opportunity to review and discuss. It has all been presentations. Need the chance to do deep dive into Articles. One at a time.

Geoffrey H. Butler
Architect

[redacted]

On Nov 14, 2024, at 11:20 AM, Whitman, Randall <rwhitman@springfieldmo.gov> wrote:

Thank you for your email. I'm going to share this with a larger city audience via a group email ForwardSGF@Springfieldmo.gov where others can see and respond.

However, you asked several pointed questions and each are deserve a straight answer…some I can't give. With respect to the timeline and review schedule, I can share with you that we expect to take at least 5-months to consider community feedback and test the code against real, past and new, cases. Edits to the code will be managed during that same time period and if more time is warranted, we will make the case to our leadership group, but we're aiming for a June implementation.

And yes, we are open to hosting as many community meetings as possible to discuss issues. We are going to work through the Place Teams and possibly ULI. Any other suggestions you have would be welcomed, along with one-on-one meetings.

With respect to the remapping…I encourage you to hold that question until our Open House on December 4th, as we have a strategy and the answer might be too involved for an email.

Randall Whitman
Principal Planner
417 864 2027 (office)
rwhitman@springfieldmo.gov
www.springfieldmo.gov

From: Geoffrey Butler [redacted] November 14, 2024 9:07 AM
To: Lauren Shantz [redacted]
Cc: John Griesemer [redacted] Kaleb Creason [redacted]; Whitman, Randall <rwhitman@springfieldmo.gov>; Childers, Steve <steve.childers@springfieldmo.gov>
Subject: Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)

I was able to download all the draft sections. This was the first chance I have had to see them. Thinking back to 1994, it is at this point in that process that a group of 30 design professionals, realtors and other interested parties began a year-long review of the proposed zoning ordinance. We had meetings about every month and evaluated each article of the proposed ordinance. We were able to identify onerous provisions and fix them.

In as much as that effort took a year, why are we planning on doing such a short unstructured review period by constituents and adopt it early next year? What is the hurry? I would prefer to have a structured review process where we can drill down into the individual articles. Remember, the devil is in the details.

I will start my own review of each section but am uncertain when we will get to discuss issues? The reality is that this will impact the overall development of the community and there needs to be consideration of how this impacts potential sales of properties.

The first thing I am going to look at is the remapping process. When and how will that occur? We found that the hurried remapping back the last time resulted in some properties being remapped incorrectly and many property owners had to go through a rezoning to regain uses they previously had before the remapping.

Geoffrey H. Butler AIA
Architect
[redacted]

On Wed, Nov 13, 2024 at 3:07 PM Lauren Shantz [redacted] wrote:

> *Good afternoon, Growth and Development Advisory Council-*
>
> *Some of you may have already received this update but wanted to share the most recent information and next steps provided by the City of Springfield on the Community Development Code Update, **namely the link to all working draft articles**. Let us know if you have any questions!*
>
> *Thanks,*
> *Lauren*

We are nearing a milestone in the process of developing a new Community Development Code (CDC) for the City of Springfield. Attached is a "*Place Team Letter*" which includes background information, past Place Team feedback, instructions on returning review comments to staff, and a proposed schedule for adoption and implementation.

We are also sharing a **LINK** to the "Working Draft" along with a list of Frequently Asked Questions (FAQ). Past presentations, supporting studies, and recommendations from Forward SGF can also be accessed from the "Top 10 Initiatives" tab on this page as well.

A Public open house (5:30 – 7:00pm) will be held at the DoubleTree Hotel - Glendalough Convention Center, 2431 North Glenstone Avenue.

Please contact directly if you have specific questions. Thank you again for your participation and look forward to seeing you on December 4th.

<image001.png>

Randall Whitman

Principal Planner City of Springfield

Planning and Development Department

840 Boonville Avenue

Springfield, MO 65802

417 864 2027 (office)

ForwardSGF.com

From:	Whitman, Randall
To:	Childers, Steve; Hosmer, Bob; Owen, Alana; Vales, Laura; Knopf, Hanna; Crighton, Justin; Graham Smith; Chris Brewster
Subject:	FW: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)
Date:	Monday, December 2, 2024 6:41:00 AM
Attachments:	image001.png Art-1_GeneralProvisions_11.12.24-1.pdf Art-2_Procedures_11.12.24-1.pdf

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Initial feedback on Articles I and II from Geoff Butler.

Randall Whitman
Principal Planner
417-864-2027 (office)
rwhitman@springfieldmo.gov
www.springfieldmo.gov

From: Geoffrey Butler [redacted]
Sent: Sunday, December 1, 2024 5:12 PM
To: Whitman, Randall <rwhitman@springfieldmo.gov>
Cc: Lauren Shantz [redacted]; John Griesemer [redacted]; Kaleb Creason [redacted]; Forwardsgf <Forwardsgf@springfieldmo.gov>
Subject: Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)

I have only gotten through these two sections. I am struggling with all these new concepts and terms. It appears that you are still proposing a "use" based ordinance but jumbling them up with fewer zones.

I have been battling the automobile sales and service use which was not allowed in GR and had to be in HC zones. It is not addressed in Table 4.3. Where is that allowed? what about truck sales and service? I would suggest that Table 4.3 is way too abbreviated.

Why do you care about the physical size of a personal service business or office development? Same with Lodging, Medical services, retail grocery stores, etc. That chart needs a lot of

work.....

I am going to continue my review section by section but won't get it done by the meeting Wednesday. I'll keep dribbling my thoughts out as I get them. I might be retired but I don't have a lot of spare time.

Geoffrey H. Butler AIA
Architect
[redacted]

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