



## City of Springfield

### Agenda

#### City Council

**Ken McClure, Mayor**

#### **Zone Councilmembers**

Monica Horton, Zone 1  
Abe McGull, Zone 2  
Brandon Jenson, Zone 3  
Matthew Simpson, Zone 4

#### **General Councilmembers**

Heather Hardinger, General A  
Craig Hosmer, General B  
Callie Carroll, General C  
Derek Lee, General D

**March 24, 2025**

**6:30 PM**

**Regional Police-Fire Training Center  
2620 West Battlefield Road  
Room 101, 102, and 103**

#### [Rules and procedures.](#)

#### **1. ROLL CALL.**

#### **2. APPROVAL OF MINUTES.**

2.1. Approval of Minutes. March 10, 2025, City Council Meeting, and March 11, 2025, March 12, 2025, and March 18, 2025, Special City Council Meetings.

#### **3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS.**

CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.

#### **4. CEREMONIAL MATTERS.**

#### **5. CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.**

#### **6. SECOND READING AND FINAL PASSAGE.**

Citizens Have Spoken. May Be Voted On.

##### **6.1. Council Bill 2025-044 (Horton)**

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' and Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones,' for the purpose of annexing approximately 429.04 acres of City-owned property generally located at 3825 West Farm Road 146; 1103 and 1108 South Icicle Lane; 1210 South Farm Road 123; 3521 North Farm Road 115; 5703 West Farm Road 104; property north of the 5500 through 5800 blocks of West Farm Road 104; the n/s 5900 block of West Farm Road 104; 3007 South Kauffman Road; 2815 South State Highway FF; the s/s 4400 block of West Brookline Road; and portions of right-of-way for Farm Road 104 and Farm Road 115 into the City of Springfield as Annexation A-1-2025.

6.2. Council Bill 2025-045 (Carroll)

A general ordinance amending Chapter 36 of the Springfield City Code, "Land Development Code," by deleting Article I, "Administration and Enforcement of Codes," Article IV, "Building Trades Examination and Certification Board," Article V, "Building Code," Article VI, "Electrical Code," Article VII, "International Property Maintenance Code," Article VIII, "Plumbing Code," Article IX, "Mechanical Code," Article X, "Uniform Enforcement Procedures," Article XI, "Child Day Care," Article XII, "Preservation of Structures in Certain Areas of the City," Article XIII, "International Residential Code," Article XIV, "Fuel Gas Code," Article XV, "Private Sewage Disposal Code," Article XVI, "Existing Building Code," Article XVII, "Floodplain Management," Article XVIII, "Swimming Pool and Spa Code," and Article XIX, "2018 International Energy Conservation Code"; and enacting a new Chapter 38, "Building Development Codes," Article I, "Administration and Enforcement of Codes," Article II, "Building Trades examination and Certification Board," Article III, "Building Code," Article IV, "Electrical Code," Article V, "International Property Maintenance Code," Article VI, "Plumbing Code," Article VII, "Mechanical Code," Article VIII, "Uniform Enforcement Procedures," Article IX, "Child Day Care," Article X, "Preservation of Structures in Certain Areas of the City," Article XI, "International Residential Code," Article XII, "Fuel Gas Code," Article XIII, "Private Sewage Disposal Code," Article XIV, "Existing Building Code," Article XV, "Floodplain Management," Article XVI, "Swimming Pool and Spa Code," and Article XVII, "2018 International Energy Conservation Code."

6.3. Council Bill 2025-046 (Hosmer)

A general ordinance amending Chapter 36 of the Springfield City Code, "Land Development Code," by deleting Article II "Subdivision Regulations" and Article III "Zoning Regulations," and enacting a new Chapter 36, "Land Development Code," Article 1, "General Provisions," Article 2, "Procedures," Article 3, "Subdivision & Community Design," Article 4, "District & uses," Article 5, "Residential Development & Design," Article 6, "Nonresidential Development & Design," Article 7, "Access & Parking," Article 8, "Landscape & Site Design," Article 9, "Signs," Article 10, "Supplemental Districts & Standards," and Article 11, "Definitions," in lieu thereof.

6.4. Council Bill 2025-048 (McClure, Hosmer)

A general ordinance amending the Springfield City Code, Chapter 106, Traffic and Vehicles, Article V, Operation, Division 1, Generally, Section 106-190, Passing Other Vehicles Traveling in the Same Direction, for the purpose of prohibiting the practice of lane splitting or lane filtering by motorcycles, bicycles, and micromobility devices.

6.5. Council Bill 2025-049 (Carroll)

A special ordinance amending the Fiscal Year 2024-2025 budget for the Department of Environmental Services in the amount of \$352,000 to appropriate retained earnings from the Clean Water Fund for the design of the Southwest Wastewater Treatment Plant Process Enhancements Project.

6.6. Council Bill 2025-050 (Hosmer)

A special ordinance amending the Fiscal Year 2024-2025 budget for the Department of Environmental Services in the amount of \$990,000 to appropriate retained earnings



from the Clean Water Fund for the design of the Southwest Wastewater Treatment Plant Centrifuge Replacement Project.

6.7. Council Bill 2025-051 (Hardinger)

A special ordinance amending the Fiscal Year 2024-2025 budget for the Department of Environmental Services in the amount of \$707,000 to appropriate retained earnings from the Clean Water Fund for the design of the Northwest Wastewater Treatment Plant Foam Fractionation Project.

6.8. Council Bill 2025-052 (Hardinger)

A general ordinance amending the Springfield City Code, Section 2-92, known as the "Salary Ordinance," relating to salary grades for various job titles within the City service as contained in the Classifications of the Professional, Administrative and Technical Non-Union Schedule by adding two new job titles; and the Classifications of the Crafts, Trades, and Labor Union Schedule by adding one new job title; and amending the Fiscal Year 2024-2025 budget of Parks to reallocate one Full-Time Equivalent position; and the budget of the Airport to add two new Full-Time Equivalent positions and to appropriate \$39,377.86 in funds for such Airport positions.

6.9. Council Bill 2025-053 (Hardinger)

A special ordinance authorizing the General Manager of City Utilities of Springfield, Missouri ("City Utilities") or designee, on behalf of City Utilities, to enter into a change order agreement with Forvis Mazars LLP, in the amount of \$100,000, to provide professional auditing services to City Utilities for fiscal year 2025.

6.10. Council Bill 2025-054 (Carroll)

A general ordinance adopting revisions to the City Utilities Service Rules and Regulations which provide for the terms and conditions by which customers accept service from City Utilities.

6.11. Council Bill 2025-055 (Hosmer)

A special ordinance authorizing and directing the issuance, sale and delivery by the City of Springfield, Missouri, of Public Utility Refunding Revenue Bonds, Series 2025; prescribing the form and details of said Public Utility Refunding Revenue Bonds and the covenants and agreements made by the City to facilitate and protect the payment and security thereof; authorizing and approving certain documents in connection with the issuance of the Bonds; authorizing certain other documents and actions in connection therewith; and declaring an emergency pursuant to Section 2.12(3) of the City Charter.

6.12. Council Bill 2025-056 (Carroll)

A special ordinance authorizing the City Manager, or designee, to accept Business Services grant funding from the Missouri Department of Higher Education and Workforce Development in the amount of \$80,000; and amending the Fiscal Year 2024-2025 budget of the Department of Economic Vitality and Workforce Development in the amount of \$80,000.

6.13. Council Bill 2025-057 (Simpson)

A general ordinance amending the Springfield City Code, Chapter 2, "Administration," Article VI, "Finances," Division 4, "Police Officers' and Fire Fighters' Retirement System," by amending Section 2-461(c) and enacting a new Section 2-485, "Permissive Service Credit."

6.14. Council Bill 2025-062 (Lee)

A special ordinance authorizing the City Manager, or designee, to accept a donation in the amount of \$4,600 from Kingdom Krafters, LLC to purchase ballistic vests for police service canines.

**7. RESOLUTIONS.**

Citizens May Speak. May Be Voted On.

7.1. Council Bill 2025-063 (Committee of the Whole)

A resolution appointing the Citizens' Advisory Board for the 3/4-cent sales tax approved by the qualified voters of the City of Springfield, Missouri, on November 5, 2024, and providing direction in the discharge of its duties.

7.2. Council Bill 2025-064 (Hardinger, Horton, McClure)

A resolution encouraging development in food deserts to improve community health and accessibility.

**8. EMERGENCY BILLS.**

**9. PUBLIC IMPROVEMENTS.**

**10. GRANTS.**

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2025-065 (Horton)

A special ordinance authorizing the City Manager, or designee, to enter into a Transportation Enhancements Funds Supplemental Agreement #2 with the Missouri Highways and Transportation Commission for the purpose of constructing the Mt. Vernon and Miller Sidewalks Project; amending the Fiscal Year 2024-2025 budget in the amount of \$841,236 to appropriate the federal Transportation Alternatives Program funds; and declaring that this Ordinance qualifies for approval in one reading pursuant to City Charter Section 2.16(25).

10.2. Council Bill 2025-066 (Simpson)

A special ordinance authorizing the City Manager, or designee, to enter into a Transportation Enhancements Funds Supplemental Agreement with the Missouri Highways and Transportation Commission for the purpose of constructing the South Creek Greenway (Fremont to Glenstone) Project; amending the Fiscal Year 2024-2025 budget in the amount of \$644,270 to appropriate the federal Carbon Reduction Program funds; and declaring that this Ordinance qualifies for approval in one reading pursuant to City Charter Section 2.16(25).

**11. AMENDED BILLS.**

**12. COUNCIL BILLS FOR PUBLIC HEARING.**

**13. FIRST READING BILLS. Requiring One Reading.**

**14. FIRST READING BILLS. Requiring Two Readings.**

Citizens May Speak. Not Anticipated To Be Voted On.

**14.1. Council Bill 2025-067 (Carroll)**

A special ordinance authorizing the City Manager, or designee, to accept funding from the Missouri Department of Higher Education and Workforce Development's Missouri Strategies for Training and Apprentice Readiness grant in the amount of \$150,000, to be utilized for the creation and support of pre-apprenticeship programs; enter into necessary agreements to carry out the purpose of the grant funds; and amending the Fiscal Year 2024-2025 budget of the Department of Economic Vitality and Workforce Development in the amount of \$150,000.

**14.2. Council Bill 2025-068 (Hosmer, McClure)**

A general ordinance amending Chapter 70 of the Springfield City Code, 'Licenses, Permits and Miscellaneous Business Regulations,' Article II, "Business and Occupational Licenses in General," Division 1, 'Generally,' Sections 70-36, 'Application for license,' and 70-44, 'Payment of other taxes and special charges prerequisite to issuance of license,' for the purpose of requiring proof of payment of all personal property taxes as a prerequisite of obtaining an occupational license.

**15. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.**

15.1. Paul Choate wishes to address City Council.

**16. NEW BUSINESS.**

16.1. As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

16.2. The Public Involvement Committee recommends the following reappointments to the Citizen's Advisory Committee for Community Development: O'Brien Daniels, Brennan Pratt, and Mackenzey Teleki, with terms to expire May 1, 2028.

16.3. The Public Involvement Committee recommends the following reappointment to the Citizens' Tax Oversight Committee: Daniel Furtak with term to expire May 1, 2028.

- 16.4. The Public Involvement Committee recommends the following reappointments to the Personnel Board: David Coonis and Amanda Cooper, with terms to expire March 1, 2028.
- 16.5. The Public Involvement Committee recommends the following appointment to the Personnel Board: Jade Callaway with term to expire March 1, 2028.
- 16.6. The Public Involvement Committee recommends the following reappointments to the Police Officers' and Fire Fighters' Retirement System Board of Trustees: Jonathan Winn and Ann Young, with terms to expire April 30, 2028.
- 16.7. The Mayor recommends the following appointment to the Public Housing Authority: Isabelle Jimenez Walker, with term to expire April 11, 2029.

**17. UNFINISHED BUSINESS.**

**18. MISCELLANEOUS.**

**19. CONSENT AGENDA – FIRST READING BILLS. See Item #3.**

19.1. Council Bill 2025-069 (Horton)

A special ordinance authorizing the sale of a portion of certain real property owned by the City of Springfield, Missouri, commonly known as 2937 North Campbell Avenue, to R.A.L. Property Management, LLC, for the sum of \$20,000; authorizing the Mayor to execute a special warranty deed for said property; and authorizing the Mayor to accept a sanitary sewer easement.

**20. CONSENT AGENDA – ONE READING BILLS.**

**21. CONSENT AGENDA – SECOND READING BILLS. See Item #3.**

21.1. Council Bill 2025-059 (Horton)

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Broadway Cottage Courtyard, generally located at 737, 745, 751, 761, and 801 North Broadway Avenue and 732 and 742 North Weaver Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (By: Drew Lewis Foundation, Inc.; 737, 745, 751, 761, and 801 North Broadway Avenue and 732 and 742 North Weaver Avenue; Preliminary Plat of Broadway Cottage Courtyard).

21.2. Council Bill 2025-060 (McGull)

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Elevate Subdivision, generally located at 1103 East Smith Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (By: Elevate Investments Group, LLC; 1103 East Smith Street; Preliminary Plat of Elevate Subdivision).

21.3. Council Bill 2025-061 (McGull)

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of McClernon Springs 1<sup>st</sup> Addition, generally located at 3156 North National Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (By: Gerst Properties, LLC; 3156 North National Avenue; Preliminary Plat of McClernon Springs 1st Addition).

**22. END OF CONSENT AGENDA.**

**23. ADJOURN.**



## City of Springfield

### Minutes

#### City Council Meeting

**Ken McClure, Mayor**

##### **Zone Councilmembers**

Monica Horton, Zone 1  
Abe McGull, Zone 2  
Brandon Jenson, Zone 3  
Matthew Simpson, Zone 4

##### **General Councilmembers**

Heather Hardinger, General A  
Craig Hosmer, General B  
Callie Carroll, General C  
Derek Lee, General D

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**March 10, 2025**

**6:30 PM**

**Regional Police-Fire  
Training Center  
2620 West Battlefield Road  
Room 101, 102, and 103**

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#### **1. ROLL CALL.**

Present: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Absent: Councilmember Hosmer\*.

\*Councilmember Hosmer arrived at 7:25 p.m.

#### **2. APPROVAL OF MINUTES.**

- 2.1. Approval of Minutes. February 10, 2025, City Council Meeting, February 11, 2025, Special City Council Meeting, February 20, 2025, Special City Council Meeting, February 24, 2025, City Council Meeting, and February 28, 2025, Special City Council Meeting.

Mayor Pro Tem Simpson moved to approve the minutes of the February 10, 2025, City Council Meeting, February 11, 2025, Special City Council Meeting, February 20, 2025, Special City Council Meeting, February 24, 2025, City Council Meeting, and February 28, 2025, Special City Council Meeting as presented. Councilmember Jenson seconded the motion, and it was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Hosmer. Abstain: None.

#### **3. FINALIZATION AND APPROVAL OF CONSENT AGENDAS.**

CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.

The Consent Agenda was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Hosmer. Abstain: None.

**4. CEREMONIAL MATTERS.**

**5. CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.**

Collin Quigley, Interim City Manager, noted the City would host a public outdoor groundbreaking ceremony for the Renew Jordan Creek project at 2:00 p.m. on March 14 at the project site. Renew Jordan Creek was a transformative project to restore the historic Jordan Creek as it flows through the heart of downtown Springfield. The project's primary objectives were to reduce flood damage to property and infrastructure from recurrent flooding, renew the area of downtown for enhanced economic development, and improve water quality in Jordan Creek.

Mr. Quigley noted the Clean Green Springfield initiative was celebrating five years of community cleanups and connectedness. He added what began as a community litter and beautification initiative in 2021 continued this spring with a series of city-wide cleanup activities focused around the months of April and May. Mr. Quigley further noted the initiative would kick off on St. Patrick's Day Monday, March 17 with an announcement by the Mayor during the first volunteer opportunity of the season, C-Street Mulch Madness, from 8:00 a.m. to noon.

Mr. Quigley noted the Springfield Police Department would begin enforcement on March 26 of City Ordinance 6913, allowing officers to tow vehicles displaying missing, invalid, or expired plates and registration tabs. He further noted, although the ordinance was currently in effect, the City of Springfield was offering a 30-day public education period to raise awareness about the new requirements. During this time, residents were encouraged to ensure their vehicle registrations were up to date.

Mayor McClure noted the upcoming Jordan Creek celebration served two purposes: as an amenity and to help with stormwater.

**6. SECOND READING AND FINAL PASSAGE.**

Citizens Have Spoken. May Be Voted On.

**6.1. Council Bill 2025-037 (Simpson, Hardinger, Horton, Jenson)**

A general ordinance amending the Fee Schedule for certain City services as provided in the Springfield City Code Section 2-425, by making such adjustments as provided in the attached "Evaluation of Charges for Municipal Services"; and adopting new fees for certain City Services.

Ordinance 6914. Council Bill 2025-037 (Simpson, Hardinger, Horton, Jenson) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Hosmer. Abstain: None.

6.2. Council Bill 2025-038 (Hosmer)

A special ordinance amending the budget of the City of Springfield for Fiscal Year 2024-2025, in the amount of \$782,150, to appropriate unused funds originally budgeted for Police Department salaries to address unfunded Police Department equipment needs.

Ordinance 28112. Council Bill 2025-038 (Hosmer) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Hosmer. Abstain: None.

**7. RESOLUTIONS.**

Citizens May Speak. May Be Voted On.

7.1. Council Bill 2025-041 (Hosmer)

A resolution authorizing the City Manager, or designee, to apply for up to \$500,000 in grant funds from the Department of Labor's Veterans' Employment and Training Service's Homeless Veterans' Reintegration Program, Incarcerated Veterans Transition Program, and Homeless Women Veterans and Homeless Veterans with Children Reintegration Grant Program.

Ericka Schmeeckle, Assistant Director of Workforce Development, provided a brief overview of the proposed. Ms. Schmeeckle noted the department requested permission to apply for the Homeless Veterans Reintegration Program grant Project Bravo for the amount of up to \$500,000. She further noted the program would address the critical service gap for homeless or at-risk veterans in the area. Ms. Schmeeckle added Project Bravo would provide comprehensive employment services to 17 veterans annually through personalized case management skills training, job placement, and barrier removal, utilizing the current infrastructure at the Ozark Region Job Center, and partnerships within the community. She noted the initiative would create sustainable employment pathways and long-term self-sufficiency for veterans.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

Resolution 10815. Council Bill 2025-041 (Hosmer) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Hosmer. Abstain: None.



7.2. Council Bill 2025-042 (Lee)

A resolution authorizing the City Manager, or designee, to apply for up to \$4,000,000 in grant funds from the United States Department of Labor Employment and Training Administration's Pathway Home 6 grant program to provide eligible incarcerated individuals in state correctional facilities or local or county jails with workforce services both prior to and after release.

Ericka Schmееckle, Assistant Director of Workforce Development, provided a brief overview of the proposed. Ms. Schmееckle noted the department requested permission to apply for a Department of Labor Pathway Home Six Grant in the amount of up to \$4 million. She further noted the grant would fund a program aimed at providing crucial workforce services to justice involved individuals both pre- and post-release to facilitate successful reentry into the community and reduce recidivism. Ms. Schmееckle added the program would focus on skills-based employment and seamless transition, eliminating the gap between release and enrollment, and workforce development programs. She added the grant had served over 400 individuals in the area and maintained a low recidivism rate of 9.8 percent as compared to the State rate of over 40 percent.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

Councilmember Horton noted returning citizens were another essential demographic of the City's hidden workforce. She added City staff tended to exhibit a high degree of cultural competence related to labor engagement with underserved populations in the community. Councilmember Horton expressed her belief that services that occurred prior to an individual being released from the penal system were best practice.

Resolution 28113. Council Bill 2025-042 (Lee) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Hosmer. Abstain: None.

**8. EMERGENCY BILLS.**

**9. PUBLIC IMPROVEMENTS.**

**10. GRANTS.**

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2025-043 (Lee)

A special ordinance authorizing the City Manager, or designee, to accept the Motor Carrier Safety Assistance Grant from the Missouri Department of Transportation in the amount of \$61,967; amending the budget for the Police Department in the amount of \$61,967; and declaring that this Ordinance qualifies for approval in one reading pursuant to City Charter Section 2.16(25).

Paul Williams, Police Chief, provided a brief overview of the proposed. Chief Williams noted the grant would provide training and equipment for traffic officers to conduct inspections of drivers and vehicles and enhance traffic enforcement on commercial motor vehicles. He further noted this could decrease crashes involving commercial vehicles.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

Ordinance 28113. Council Bill 2025-043 (Lee) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Hosmer. Abstain: None.

## **11. AMENDED BILLS.**

## **12. COUNCIL BILLS FOR PUBLIC HEARING.**

Citizens May Speak. Not Anticipated To Be Voted On.

### **12.1. Council Bill 2025-044 (Horton)**

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' and Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones,' for the purpose of annexing approximately 429.04 acres of City-owned property generally located at 3825 West Farm Road 146; 1103 and 1108 South Icicle Lane; 1210 South Farm Road 123; 3521 North Farm Road 115; 5703 West Farm Road 104; property north of the 5500 through 5800 blocks of West Farm Road 104; the n/s 5900 block of West Farm Road 104; 3007 South Kauffman Road; 2815 South State Highway FF; the s/s 4400 block of West Brookline Road; and portions of right-of-way for Farm Road 104 and Farm Road 115 into the City of Springfield as Annexation A-1-2025.

Alana Owen, Principal City Planner, provided a brief overview of the proposed. Ms. Owen noted the proposed would allow annexation of approximately 429 acres of City-owned property into the city. Ms. Owen further noted there were three areas on the western edge of town to be annexed. She added the areas were some of the Southwest Wastewater Treatment Plant buffer properties, Rutledge Wilson Farm, and an area just north of the Springfield-Branson National Airport. Ms. Owen noted the annexation was in line with the recommendations of Forward SGF. She added the properties were within the urban service area and were compact and contiguous.

Councilmember Jenson asked if there had been any discussions regarding a master plan for the Rutledge Wilson Farm property. Ms. Owen responded the proposed would annex the park into the City, and she was not aware of any other plans.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

#### 12.2. Council Bill 2025-045 (Carroll)

A general ordinance amending Chapter 36 of the Springfield City Code, "Land Development Code," by deleting Article I, "Administration and Enforcement of Codes," Article IV, "Building Trades Examination and Certification Board," Article V, "Building Code," Article VI, "Electrical Code," Article VII, "International Property Maintenance Code," Article VIII, "Plumbing Code," Article IX, "Mechanical Code," Article X, "Uniform Enforcement Procedures," Article XI, "Child Day Care," Article XII, "Preservation of Structures in Certain Areas of the City," Article XIII, "International Residential Code," Article XIV, "Fuel Gas Code," Article XV, "Private Sewage Disposal Code," Article XVI, "Existing Building Code," Article XVII, "Floodplain Management," Article XVIII, "Swimming Pool and Spa Code," and Article XIX, "2018 International Energy Conservation Code"; and enacting a new Chapter 38, "Building Development Codes," Article I, "Administration and Enforcement of Codes," Article II, "Building Trades examination and Certification Board," Article III, "Building Code," Article IV, "Electrical Code," Article V, "International Property Maintenance Code," Article VI, "Plumbing Code," Article VII, "Mechanical Code," Article VIII, "Uniform Enforcement Procedures," Article IX, "Child Day Care," Article X, "Preservation of Structures in Certain Areas of the City," Article XI, "International Residential Code," Article XII, "Fuel Gas Code," Article XIII, "Private Sewage Disposal Code," Article XIV, "Existing Building Code," Article XV, "Floodplain Management," Article XVI, "Swimming Pool and Spa Code," and Article XVII, "2018 International Energy Conservation Code."

Anita Cotter, City Clerk, read Council Bills 2025-045 and 2025-046 together. The summary for the two bills can be found under Council Bill 2025-046.

#### 12.3. Council Bill 2025-046 (Hosmer)

A general ordinance amending Chapter 36 of the Springfield City Code, "Land Development Code," by deleting Article II "Subdivision Regulations" and Article III "Zoning Regulations," and enacting a new Chapter 36, "Land Development Code," Article 1, "General Provisions," Article 2, "Procedures," Article 3, "Subdivision & Community Design," Article 4, "District & uses," Article 5, "Residential Development & Design," Article 6, "Nonresidential Development & Design," Article 7, "Access & Parking," Article 8, "Landscape & Site Design," Article 9, "Signs," Article 10, "Supplemental Districts & Standards," and Article 11, "Definitions," in lieu thereof.

Anita Cotter, City Clerk, read Council Bills 2025-045 and 2025-046 together.

Steve Childers, Director of Planning and Development, provided a brief overview of the proposed. Mr. Childers noted one of the top ten priorities in the Comprehensive Plan was to update the Community Land Development Code, which was a regulatory document that specifically explained the rules, processes, and procedures for the use of land inside the city limits. Mr. Childers further noted the Planning and Zoning Commission voted unanimously in support of the new code updates. Mr. Childers introduced Chris Brewster, a representative of Multistudio, to provide a report.

Mr. Brewster noted the code was dated 1995 and did not reflect Forward SGF or current best practices. Mr. Brewster further noted the main development policies were neighborhood revitalization, place-based development, infill and redevelopment, corridor redevelopment, connection to nature, and general planning for planned, sustainable, and responsible growth. Mr. Brewster added there were things in Forward SGF that were not a direct impact on the development code, but were some main themes such as neighborhood design, sense of place, walkable streets, and diverse housing types. Mr. Brewster noted the major point of the plan was quality of place. He further noted this informed most decisions or ideas that were considered in the update.

Mr. Brewster noted the first shift in the plan was to add more place types. He added the plan acknowledged street types and public space differently, taking design elements into consideration. Mr. Brewster further noted the plan would be more focused on use and more flexible and lenient with land uses with more specificity on form and design. Mr. Brewster added the process of developing the code included analyzing the code, plan, and development conditions. He further noted a development analysis was conducted, and the discussion phase was entered into in October 2023. Mr. Brewster noted stakeholder interviews were conducted which led to a drafting process. Strategic points included reorganization, simplification of procedures, flexible approach to uses, improving development and design standards, and providing flexibility within the reorganization.

Mr. Brewster noted the Zoning and Subdivision section was arranged in terms of chronological order and scale of development. He expressed his belief this was a logical framework. Mr. Brewster further noted the Building Code was separated from the Zoning and Subdivision sections. He further noted all Building Codes would reside in Chapter 38. He added the Planning and Development Department would be responsible for interpretation of Chapter 36, and Chapter 38 would be the responsibility of Building Development Services. Mr. Brewster noted having the procedures in one place allowed for efficiency and clarity through organization. Mr. Brewster noted the plan was more flexible to allow adaptability over time, and was more accepting to infill and rehabilitation, and adaptive use in certain areas.

Mr. Brewster noted the focus on Development and Design was on five main elements: street types, open and civic spaces, frontage types, and how lots and buildings engage with the street, and building types. Mr. Brewster further noted each district was analyzed, and it was determined where, and how different building types should mix. He added this accounted for much of the missing middle housing types. He added there were smaller interventions for accessory dwelling units or for allowing courtyard patterns. Mr. Brewster noted parking flexibility for optimal amount and landscape elements for connecting better with nature were included. He added a provision for a tree protection plan was included. Mr. Brewster further noted there were no significant substantive changes to signs. He added there was a method of raising the bar on the standard, with parameters on the degree which staff could deviate, with guardrails. Mr. Brewster noted the target effective date was January 2026.

Councilmember Horton asked if the Planning and Development Department would be responsible for Chapter 36, and Chapter 38 would be under the care of Building Development

Services. Mr. Brewster responded affirmatively. Councilmember Horton asked Mr. Brewster to address the value of the fiscal impact analysis. Mr. Brewster responded there were three main advantages to thinking about development in the way Forward SGF had. He noted these as some compact mixed-use areas yielded quite high returns on investment, prioritizing a return on underutilized investment such as creating new opportunities for housing, and the idea of investing in higher quality design with a longer-term investment. Mr. Brewster noted there was a deliverable coming at the end with a fiscal impact model which would give staff a tool to evaluate and track projects.

Councilmember Horton expressed her belief the fiscal impact analysis was a key part of why this was being done. She added it would make things more streamlined and improve the processes. Councilmember Horton asked for examples of R, MX, 1, 2, and 3. Mr. Brewster responded RSF was the type of development which included detached single-family homes. He added there were options for accessory units added with lessened restrictions, and further noted there was an opportunity to arrange those single-family in different patterns. He further noted MX included a mix of residential types, such as townhomes and fourplexes. Councilmember Horton expressed her belief there was an assumption that nothing would change concerning public hearings and neighborhood meetings and asked for clarity. Mr. Brewster responded those were required by statute and would not change. He added they did want to set better expectations for neighborhood meetings as to why and when in the process so better information was exchanged up front.

Councilmember Horton noted she understood conditional use permits would end with the Planning and Zoning Commission, which meant there would not be an additional public hearing. Mr. Brewster responded they looked at streamlining the conditional use permit process as these were often highly site-specific issues, and this would prevent going through the same process twice.

Councilmember Jenson noted the separation of responsibility between the Planning and Development Department and Building Development Services would require Planning and Development staff to do inspections and engage in development review. He asked if staffing was able to handle the increase. Mr. Brewster responded no new standards were added. Mr. Childers noted the department was working on the budget request and some additional staff would most likely be needed for enforcement of certain guidelines. Councilmember Jenson asked the plan for rolling out neighborhood plans once the process was finished. Mr. Childers responded neighborhood plans were in process. He added the department reorganized and the Planning and Neighborhood Division was focusing more on what those neighborhoods needed.

Councilmember Jenson asked how City Council would be informed as both sets of Codes were applied. Mr. Childers responded the department was working on Text Amendment One that would consist of needed adjustments as a result of meetings with the development community and neighborhoods. He noted these could be brought to City Council through work sessions. Mr. Childers further noted they want to make sure the efficiency and effectiveness of the department could be improved. He added actual action and implementation would be key. Councilmember Jenson asked how land use mapping would be approached. Mr. Childers responded Community Rezoning would have to occur before full implementation of the Code. He added this was triggered by the rezoning map. He added Planning and Development staff was working with the Neighborhood Advisory Council (NAC) to determine how to efficiently conduct neighborhood meetings. Mr. Childers further noted all property owners would need to be notified whether their property was rezoned or not.

An opportunity was given for citizens to express their views.

Jared Davis, a representative of the Growth and Development Advisory Committee, thanked all involved for their work. Mr. Davis expressed his belief it was important for developers and neighborhoods to work together to make Springfield a better place. He expressed appreciation for the open dialogue.

Richard Ollis, Board Chair of Restore SGF, expressed his support for the proposed. Mr. Ollis advocated for missing middle housing. He noted 150 building permits were issued last year for single-family housing. He further noted the housing study showed the city was 14,000 units short on housing. Mr. Ollis added with the current process in place it would take 92 years to satisfy the housing shortage. Mr. Ollis noted he was in support of the proposed and in support of Text Amendment One including the missing middle component.

Councilmember Lee expressed his concern about missing middle housing. He further expressed his belief the design-based approach led to significantly fewer houses being built in the city. He noted the ramifications of structures looking better added costs that raised rents. He expressed his belief the actual cost and price per unit should be considered. Mr. Ollis responded the Executive Director, Brendan Griesemer, would be happy to work with the City to develop common-sense regulations that were both efficient and effective.

Becky Volz, Chair of the Neighborhood Advisory Council, expressed her support for missing middle housing. Ms. Volz expressed her concern for the wait time for text amendments to be completed and considered. She noted there was land available and ready for housing.

Councilmember Jenson thanked Ms. Volz for attending. He expressed his belief mapping exercises were of importance. Councilmember Jenson encouraged Ms. Volz to actively encourage neighborhood leaders to identify all areas where density could be tolerated. Ms. Volz responded they were currently working with the Planning and Neighborhoods Division to bring the maps to individual neighborhoods for review.

With no further appearances, the public hearing was declared closed.

### **13. FIRST READING BILLS. Requiring One Reading.**

Citizens May Speak. May Be Voted On.

#### **13.1. Council Bill 2025-047 (McGull)**

A special ordinance approving the plans and specifications for the Eastgate Avenue Roadway Improvements – Division Street to LeCompte Road project; accepting the bid of Hartman and Company, Inc. for construction of the project in the amount of \$3,378,613.40; authorizing the City Manager, or designee, to enter into a contract with such bidder; and declaring that this Ordinance qualifies for approval in one reading pursuant to Section 2.16(25) of the City Charter.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith noted the proposed was a bid on the Eastgate project, which was an extension of Eastgate

from Division Street north, tying to LeCompte Road as part of a cost share agreement with the Erland Group. Mr. Smith further noted there were five bidders with a bid well under the engineer's estimate. He added the qualified bidder, Hartman and Company, had a bid of \$3,378,000, and the engineer's estimate was approximately \$4.8 million.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

Ordinance 28114. Council Bill 2025-047 (McGull) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: None. Abstain: None.

#### **14. FIRST READING BILLS. Requiring Two Readings.**

Citizens May Speak. Not Anticipated To Be Voted On.

##### **14.1. Council Bill 2025-048 (McClure, Hosmer)**

A general ordinance amending the Springfield City Code, Chapter 106, Traffic and Vehicles, Article V, Operation, Division 1, Generally, Section 106-190, Passing Other Vehicles Traveling in the Same Direction, for the purpose of prohibiting the practice of lane splitting or lane filtering by motorcycles, bicycles, and micromobility devices.

Paul Williams, Police Chief, provided a brief overview of the proposed. Chief Williams noted the practice of lane splitting, where a motorcycle, bicycle, or micro-mobility device splits the line in traffic, would be illegal under the proposed.

Councilmember Jenson asked what the enforcement approach would be. Chief Williams responded the officer would need to observe the violation and could then make a traffic stop and issue a citation.

Councilmember Hosmer asked if this also applied to scooters. Chief Williams responded affirmatively.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

##### **14.2. Council Bill 2025-049 (Carroll)**

A special ordinance amending the Fiscal Year 2024-2025 budget for the Department of Environmental Services in the amount of \$352,000 to appropriate retained earnings from the Clean Water Fund for the design of the Southwest Wastewater Treatment Plant Process Enhancements Project.

Anita Cotter, City Clerk, read Council Bills 2025-049 and 2025-050 together. The summary of both Council Bills was entered under Council Bill 2025-050.

##### **14.3. Council Bill 2025-050 (Hosmer)**

A special ordinance amending the Fiscal Year 2024-2025 budget for the Department of Environmental Services in the amount of \$990,000 to appropriate retained earnings from the Clean Water Fund for the design of the Southwest Wastewater Treatment Plant Centrifuge Replacement Project.

Allen Busick, Professional Engineer, provided a brief overview of the proposed. Mr. Busick noted both bills would approve a budget adjustment to amend fiscal year 2024-2025 for the Department of Environmental Services. He further noted each bill would allow engineering design on two projects located at the Southwest Wastewater Treatment Plant. Mr. Busick noted the first project would appropriate \$352,000 for process enhancements at the plant to allow enhancements and improve treatment, plant efficiency, and promote resiliency of the treatment process. Mr. Busick further noted the second bill would appropriate \$990,000 for the engineering design to replace aging biosalts handling equipment. He added the replacement was needed to ensure continuity of operations at the plant.

Mayor Pro Tem Simpson thanked Mr. Busick for a good job explaining the proposed.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

#### 14.4. Council Bill 2025-051 (Hardinger)

A special ordinance amending the Fiscal Year 2024-2025 budget for the Department of Environmental Services in the amount of \$707,000 to appropriate retained earnings from the Clean Water Fund for the design of the Northwest Wastewater Treatment Plant Foam Fractionation Project.

Brian Wirth, Superintendent of Clean Water Services, provided a brief overview of the proposed. Mr. Wirth noted the proposed would appropriate \$707,000 in retained earnings of the Clean Water Fund for the pilot testing and design of a foam Fractionation system to remove PFAS compounds from the City's landfill leachate. He further noted before leachate was sent to the Northwest Wastewater Treatment Plant, the City anticipated receiving an emerging contaminants grant from the Missouri Department of Natural Resources to fund the foam Fractionation system, including the engineering. He added the grant would not be available until the procurement of equipment and construction. Mr. Wirth noted the proposed would allow the department to begin the project with pilot testing and design. He added the importance of the project was for the potential protection of community health. Mr. Wirth noted the PFAS chemical was a focus of regulatory activity and, although not currently under regulations, they anticipated this to change in the near future.

Councilmember Hosmer asked how trapped PFAS was handled. Mr. Wirth responded destruction technologies were not economically viable. Currently, PFAS was either stockpiled or put back into the landfill. He added removal from watersheds was step one.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

#### 14.5. Council Bill 2025-052 (Hardinger)

A general ordinance amending the Springfield City Code, Section 2-92, known as the "Salary Ordinance," relating to salary grades for various job titles within the City service as contained in the Classifications of the Professional, Administrative and Technical Non-Union Schedule by adding two new job titles; and the Classifications of the Crafts, Trades, and Labor Union Schedule by adding one new job title; and amending the



Fiscal Year 2024-2025 budget of Parks to reallocate one Full-Time Equivalent position; and the budget of the Airport to add two new Full-Time Equivalent positions and to appropriate \$39,377.86 in funds for such Airport positions.

Darla Morrison, Director of Human Resources, provided a brief overview of the proposed. Ms. Morrison noted the proposed would allow the addition of two new job titles for the Airport, and one new job title for the Parks Department. Ms. Morrison further noted the Airport proposed the establishment of two new job titles to add to their IT infrastructure management. The two job titles were Airport Technology Manager and Inventory and Asset Accounting Technician. She added these would be accompanied by a budget adjustment. Ms. Morrison noted the job title addition for the Parks Department was a Field Conservationist position.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

14.6. Council Bill 2025-053 (Hardinger)

A special ordinance authorizing the General Manager of City Utilities of Springfield, Missouri ("City Utilities") or designee, on behalf of City Utilities, to enter into a change order agreement with Forvis Mazars LLP, in the amount of \$100,000, to provide professional auditing services to City Utilities for fiscal year 2025.

Duane Fulk, City Utilities President/CEO, provided a brief overview. Mr. Fulk noted over the past four months in his new role, he had met with over 500 employees to discuss each other's jobs and how they measure success. Mr. Fulk further noted the top themes were stability, customer service, and community. He added the three proposed City Utilities Council Bills were in alignment with those themes. Mr. Fulk noted he was available for any questions regarding the City Utilities Council Bills.

Aaron Fortson, City Utilities Director of Financial Reporting and Comptroller, provided a brief overview of the proposed. Mr. Fortson noted the City Charter required City Utilities to undergo a complete audit on an annual basis. He further noted they were requesting City Council's authorization to enter into a one-year extension of the contract with Forvis Mazars for fiscal year 2025. Mr. Fortson added the extension would ensure continuity with the current auditors in the event they would need to perform any procedures for interim financial reporting.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

14.7. Council Bill 2025-054 (Carroll)

A general ordinance adopting revisions to the City Utilities Service Rules and Regulations which provide for the terms and conditions by which customers accept service from City Utilities.

Drew Hilpert, City Utilities Interim Vice President/Chief Legal Officer, provided a brief overview of the proposed. Mr. Hilpert noted the service rules and regulations were one of a few policies that required both Board and City Council approval. Mr. Hilpert further noted there had not been a comprehensive review of the entire service rules for some time. He added City Utilities started a project to go through all policies to make updates, recommendations, and revisions. Mr. Hilpert noted the proposed was a result of this effort. Mr. Hilpert further noted the four

categories of changes were standard formatting, grammatical or term changes, removal of construction specifications, and new additions. He added none of the changes were substantially significant. Mr. Hilpert highlighted some changes. He noted City Utilities requested confidentiality of records. He further noted there was a change in Sunshine Law, and City Utilities thought it was best practice to add confidentiality to the service rules. Mr. Hilpert added trimming of vegetation for safety of utility lines was extended to include fiber. He noted an opt out provision was added for customers regarding non-marketing calls. Mr. Hilpert further noted a provision for money owed was added.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

#### 14.8. Council Bill 2025-055 (Hosmer)

A special ordinance authorizing and directing the issuance, sale and delivery by the City of Springfield, Missouri, of Public Utility Refunding Revenue Bonds, Series 2025; prescribing the form and details of said Public Utility Refunding Revenue Bonds and the covenants and agreements made by the City to facilitate and protect the payment and security thereof; authorizing and approving certain documents in connection with the issuance of the Bonds; authorizing certain other documents and actions in connection therewith; and declaring an emergency pursuant to Section 2.12(3) of the City Charter.

Jeff Parkinson, City Utilities Director of Treasury, and Financial Planning and Analysis, provided a brief overview of the proposed. Mr. Parkinson noted the proposed would allow the City to issue, sell, and deliver Series 2025 Public Utility Refunding Bonds. He further noted the bonds were issued to construct the Southwest Power Station Unit Number Two in 2006. Mr. Parkinson noted \$615 million in bonds were issued in 2015. He added City Council approved refunding. Mr. Parkinson further noted refunding allowed reissue or issue of new bonds to replace the existing bonds. He added the outstanding amount today was \$363 million. Mr. Parkinson noted the current interest environment was favorable to allow saving due to lowering the total interest cost on the remaining 11 years of the bonds.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

#### 14.9. Council Bill 2025-056 (Carroll)

A special ordinance authorizing the City Manager, or designee, to accept Business Services grant funding from the Missouri Department of Higher Education and Workforce Development in the amount of \$80,000; and amending the Fiscal Year 2024-2025 budget of the Department of Economic Vitality and Workforce Development in the amount of \$80,000.

Ericka Schmeeckle, Assistant Director of Workforce Development, provided a brief overview of the proposed. Ms. Schmeeckle noted the department requested approval to accept \$80,000 in Business Services Funds from the Missouri Department of Higher Education and Workforce Development. She added the award was a non-competitive award given throughout the United States to enhance business services to local employers. Ms. Schmeeckle further noted the department would use the funds to increase services, identify skill gaps, and direct employers and jobseekers to workforce services such as on-the-job

training opportunities, incumbent worker services, and registered apprenticeships.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

#### 14.10. Council Bill 2025-057 (Simpson)

A general ordinance amending the Springfield City Code, Chapter 2, "Administration," Article VI, "Finances," Division 4, "Police Officers' and Fire Fighters' Retirement System," by amending Section 2-461(c) and enacting a new Section 2-485, "Permissive Service Credit."

Tony Kelley, Administrative Director of the Springfield Police Officers' and Firefighters' Retirement System Board, provided a brief overview of the proposed. Mr. Kelley noted the proposed would allow the ability to buy service time for individuals who did not serve in the military or have prior Police or Fire employment. Mr. Kelley further noted Milliman conducted an analysis in December and determined the proposed had no impact on the fund. He added the cost was born by the participant to buy the time. He added the Board ultimately decided not to place a risk premium on the issue. Mr. Kelley noted there were approximately 63 members remaining on the plan.

Mayor McClure noted the LAGERS fund also experienced higher-than-expected increases while remaining a solid fund. Mr. Kelley responded affirmatively.

Mayor Pro Tem Simpson thanked Mr. Kelley for his work. He noted it was timely to get ahead of the pay increases and this also helped reduce uncertainty. Mayor Pro Tem Simpson noted it provided an additional incentive to use the rehire program so individuals could purchase service time and still spend several years under LAGERS. He added this could help with retention challenges.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

#### 14.11. Council Bill 2025-058 (Horton)

A special ordinance authorizing the City Manager, or designee, to enter into an agreement with BNSF Railway Company ("BNSF") for the purpose of accepting \$2,000,000 from BNSF for the purpose of raising the height of the Jefferson Avenue Footbridge; and approving a budget adjustment amending the Fiscal Year 2024-2025 budget of the Department of Public Works in the amount of \$2,000,000 to appropriate said funds for this purpose.

Nicholas Edelman, Professional Engineer, provided a brief overview of the proposed. Mr. Edelman noted the proposed would allow the acceptance of \$2 million from BNSF for the purpose of raising the Jefferson Avenue Footbridge by approximately three feet.

Mayor McClure noted the City would be accepting \$2 million from BNSF and asked what the impact would be on the timeline. Mr. Edelman noted the project would be extended by approximately three months to change out the elevators.

Councilmember Horton asked about the \$225,000 allotted to the project. Mr. Smith noted this was previously budgeted for the project and would be covered under contingency funds.

Councilmember Lee thanked Mr. Edelman and expressed his belief it was a solid plan.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was declared closed.

Mayor McClure noted City Council would vote on Council Bill 2025-058 at a Special City Council meeting on March 18, 2025.

**15. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.**

**16. NEW BUSINESS.**

16.1. As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

16.2. Refer to the Plans and Policies Committee consideration of Updated Policies which address Utility Growth Areas surrounding the City of Springfield. Referred.

**17. UNFINISHED BUSINESS.**

**18. MISCELLANEOUS.**

**19. CONSENT AGENDA – FIRST READING BILLS. See Item #3.**

19.1. Council Bill 2025-059 (Horton)

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Broadway Cottage Courtyard, generally located at 737, 745, 751, 761, and 801 North Broadway Avenue and 732 and 742 North Weaver Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (By: Drew Lewis Foundation, Inc.; 737, 745, 751, 761, and 801 North Broadway Avenue and 732 and 742 North Weaver Avenue; Preliminary Plat of Broadway Cottage Courtyard).

19.2. Council Bill 2025-060 (McGull)

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Elevate Subdivision, generally located at 1103 East Smith Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (By: Elevate Investments Group, LLC; 1103 East Smith Street; Preliminary Plat of Elevate Subdivision).

19.3. Council Bill 2025-061 (McGull)

A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of McClernon Springs 1<sup>st</sup> Addition, generally located at 3156 North National Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (By: Gerst Properties, LLC; 3156 North National Avenue; Preliminary Plat of McClernon Springs 1st Addition).

19.4. Council Bill 2025-062 (Lee)

A special ordinance authorizing the City Manager, or designee, to accept a donation in the amount of \$4,600 from Kingdom Krafters, LLC to purchase ballistic vests for police service canines.

**20. CONSENT AGENDA – ONE READING BILLS.**

**21. CONSENT AGENDA – SECOND READING BILLS. See Item #3.**

21.1. Council Bill 2025-039 (Lee)

A special ordinance authorizing the City Manager, or designee, to enter into a License Agreement to Use Public Right-of-Way with Hickory Village 55 Plus, LLC, for the purpose of allowing an encroachment onto City rights-of-way for the maintenance of two existing stone monuments, under the same terms and conditions as encroachments are permitted on City rights-of-way under Chapter 98, Article VII of the Springfield City Code.

Ordinance 28115. Council Bill 2025-039 (Lee) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: None. Absent: Councilmember Hosmer. Abstain: None.

21.2. Confirm the following appointment to the Public Housing Authority: Karla Edwards with term to expire April 11, 2029. Confirmed.

**22. END OF CONSENT AGENDA.**

**23. ADJOURN.**

Mayor Pro Tem Simpson moved to adjourn. Councilmember Jenson seconded the motion, and it was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, and Mayor McClure. Nays: Councilmember Hosmer. Absent: None. Abstain: None.

**March 11, 2025  
Springfield, Missouri**

The City Council met in special session on March 11, 2025, in the Councilman Denny Wayne Conference Room on the 4th Floor of the Busch Municipal Building. The meeting was called to order by Mayor McClure.

**Roll Call**

Present: Craig Hosmer, Heather Hardinger, Callie Carroll, Derek Lee, Brandon Jenson, Monica Horton, Abe McGull, Matthew Simpson, and Ken McClure.  
Absent: None.

**Closed Session**

Councilmember Hosmer moved City Council hold a closed meeting to discuss hiring, firing, disciplining, or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded pursuant to Section 610.021(3) RSMo.; and this meeting, record, and vote shall be closed, and the City Council shall stand adjourned at the end of the closed session.

Councilmember Carroll seconded the motion, and it was approved by the following vote: Ayes: Hardinger, Carroll, Lee, Jenson, Horton, McGull, Simpson, Hosmer, and McClure. Abstain: None. Absent: None.

Prepared by  
Michelle Kaasa

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Anita J. Cotter, CMC/MRCC  
City Clerk

**March 12, 2025  
Springfield, Missouri**

The City Council met in special session on March 12, 2025, in the Councilman Denny Wayne Conference Room on the 4th Floor of the Busch Municipal Building. The meeting was called to order by Mayor McClure.

**Roll Call**

Present: Matthew Simpson, Craig Hosmer, Heather Hardinger, Callie Carroll, Derek Lee, Brandon Jenson, Abe McGull, and Ken McClure. Absent: Monica Horton.

**Closed Session**

Mayor Pro Tem Simpson moved City Council hold a closed meeting to discuss hiring, firing, disciplining, or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded pursuant to Section 610.021(3) RSMo.; and this meeting, record, and vote shall be closed, and the City Council shall stand adjourned at the end of the closed session.

Councilmember Hardinger seconded the motion, and it was approved by the following vote: Ayes: Hosmer, Hardinger, Carroll, Lee, Jenson, McGull, Simpson, and McClure. Abstain: None. Absent: Horton.

Prepared by  
Michelle Kaasa

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Anita J. Cotter, CMC/MRCC  
City Clerk

**March 18, 2025  
Springfield, Missouri**

The City Council met in special session on March 18, 2025, in the Councilman Denny Whayne Conference Room on the 4th Floor of the Busch Municipal Building. The meeting was called to order by Mayor McClure.

**Roll Call**

Present: Craig Hosmer, Heather Hardinger, Callie Carroll, Monica Horton, Abe McGull, Matthew Simpson, and Ken McClure. Absent: Brandon Jenson and Derek Lee.

**Second Reading:  
Council Bill  
2025-058**

Council Bill 2025-058 (Horton)

A special ordinance authorizing the City Manager, or designee, to enter into an agreement with BNSF Railway Company (“BNSF”) for the purpose of accepting \$2,000,000 from BNSF for the purpose of raising the height of the Jefferson Avenue Footbridge; and approving a budget adjustment amending the Fiscal Year 2024-2025 budget of the Department of Public Works in the amount of \$2,000,000 to appropriate said funds for this purpose.

Mayor McClure noted the Council Bill was first read at the March 10, 2025, City Council meeting. He further noted it was being second read at this meeting to move the process forward as quickly as possible.

Collin Quigley, Interim City Manager, noted the City was under contract with the construction company and the proposed would allow the City to enter into agreement with BNSF for the \$2 million funding to raise the bridge. Mr. Quigley further noted the additional \$235,000 budgeted was part of the funding and contingency

Councilmember Horton thanked Brett Foster, Assistant Director of Public Works, Dan Smith, Director of Public Works, and Nicholas Edelman, Professional Engineer, for their communication regarding the proposed.

Ordinance 28116. Council Bill 2025-058 (Horton) was approved by the following vote: Ayes: Councilmember Hardinger, Councilmember Carroll, Councilmember Horton, Councilmember McGull, Mayor Pro Tem Simpson, Councilmember Hosmer, and Mayor McClure. Nays: None. Absent: Councilmember Jenson and Councilmember Lee. Abstain: None.



**Closed Session**

Councilmember Hosmer moved City Council hold a closed meeting to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys pursuant to Section 610.021(1), RSMo.; and this meeting, record, and vote shall be closed, and the City Council shall stand adjourned at the end of the closed session.

Mayor Pro Tem Simpson seconded the motion, and it was approved by the following vote: Ayes: Hardinger, Carroll, Horton, McGull, Simpson, Hosmer, and McClure. Abstain: None. Absent: Jenson and Lee.

Prepared by  
Michelle Kaasa

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Anita J. Cotter, CMC/MRCC  
City Clerk



## **EXPLANATION TO COUNCIL BILL 2025-044 (HORTON)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Planning and Development

**TITLE:** A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' and Section 46-1 of the Springfield City Code, 'Boundaries of wards, precincts and council zones,' for the purpose of annexing approximately 429.04 acres of City-owned property generally located at 3825 West Farm Road 146; 1103 and 1108 South Icicle Lane; 1210 South Farm Road 123; 3521 North Farm Road 115; 5703 West Farm Road 104; property north of the 5500 through 5800 blocks of West Farm Road 104; the n/s 5900 block of West Farm Road 104; 3007 South Kauffman Road; 2815 South State Highway FF; the s/s 4400 block of West Brookline Road; and portions of right-of-way for Farm Road 104 and Farm Road 115 into the City of Springfield as Annexation A-1-2025.

**PURPOSE:** To adopt an ordinance to annex approximately 429.04 acres of City-owned property generally located at 3825 W Farm Road 146; 1103 and 1108 S Icicle Lane; 1210 S Farm Road 123; 3521 N Farm Road 115; 5703 W Farm Road 104; property north of the 5500–5800 blocks W Farm Road 104; n/s 5900 block W Farm Road 104; 3007 S Kauffman Road; 2815 S State Highway FF; s/s 4400 block W Brookline Road and a portion of right-of-way for Farm Road 104 and Farm Road 115 into the City of Springfield as Annexation A-1-2025. (Staff recommends approval.)

### **BACKGROUND INFORMATION:**

All these properties are City-owned properties that are currently outside the city limits. Chapter 6, Growth Areas and Annexation, of the Forward SGF Comprehensive Plan states that the City should prioritize the annexation of City, City Utilities, Park Board, and Ozark Greenways-owned properties. These properties are contiguous and compact to the existing city limits and are located within a Priority One strategic annexation in Forward SGF.

The properties include undeveloped buffer land north of the Southwest Wastewater Treatment Plant, the Rutledge Wilson Farm Park and buffer area north of the Springfield-Branson National Airport. The subject properties will be rezoned to city zoning in a separate process following annexation.

Proper notice was published on February 26, 2025, in compliance with state law.

City Council is required to hold a public hearing to determine whether the annexation is reasonable and necessary for the proper development of the city and whether the city can furnish normal city services within a reasonable period. If no written objection is filed within fourteen (14) days of the public hearing, the City may annex the property by



ordinance without further action.

**REMARKS:** The area to be annexed is contiguous to the City of Springfield. See “Exhibit B” for the location of the private property to be annexed.

**RECOMMENDATIONS:**

1. The area to be annexed is within the City’s Urban Service Area and is consistent with its policies.
2. The area to be annexed is contiguous and compact to the City of Springfield.
3. The Forward SGF Comprehensive Plan supports this annexation request.
4. All City services can be provided to the property.

This request is consistent with the recommendations of Chapter 6, Growth Areas and Annexation, of the Forward SGF Comprehensive Plan that the City should prioritize the annexation of City, City Utilities, Park Board, and Ozark Greenways-owned properties.

**Submitted By:** Alana Owen, Senior City Planner

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

- Attachments:**
1. A-1-2025 -Ord
  2. A-1-2025\_ExhA
  3. A-1-2025\_ExhB

One-rdg. \_\_\_\_\_  
P. Hrngs.   X    
Pgs.   22    
Filed:   03-04-25  

Sponsored by:   Horton  

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

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

COUNCIL BILL   2025-044  

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

AN ORDINANCE

1   AMENDING   Section 1-9 of the Springfield City Code, 'City Limits,' and Section 46-1  
2                   of the Springfield City Code, 'Boundaries of wards, precincts and  
3                   council zones,' for the purpose of annexing approximately 429.04 acres  
4                   of City-owned property generally located at 3825 West Farm Road 146;  
5                   1103 and 1108 South Icicle Lane; 1210 South Farm Road 123; 3521  
6                   North Farm Road 115; 5703 West Farm Road 104; property north of the  
7                   5500 through 5800 blocks of West Farm Road 104; the n/s 5900 block  
8                   of West Farm Road 104; 3007 South Kauffman Road; 2815 South State  
9                   Highway FF; the s/s 4400 block of West Brookline Road; and portions  
10                  of right-of-way for Farm Road 104 and Farm Road 115 into the City of  
11                  Springfield as Annexation A-1-2025.  
12                   \_\_\_\_\_

13  
14                WHEREAS, the properties generally located at 3825 West Farm Road 146; 1103  
15                and 1108 South Icicle Lane; 1210 South Farm Road 123; 3521 North Farm Road 115;  
16                5703 West Farm Road 104; property north of the 5500 through 5800 blocks of West  
17                Farm Road 104; n/s 5900 block of West Farm Road 104; 3007 South Kauffman Road;  
18                2815 South State Highway FF; and the s/s 4400 block of West Brookline Road are all  
19                City-owned properties currently outside city limits; hereafter referenced as 'Properties';  
20                and

21  
22                WHEREAS, portions of right-of-way for Farm Road 104 and Farm Road 115 run  
23                through portions of the Properties; and

24  
25                WHEREAS, the subject Properties are located within priority areas identified for  
26                strategic annexation into the City pursuant to the City's comprehensive plan, Forward  
27                SGF; and

28  
29                WHEREAS, the subject Properties are within the City of Springfield's Urban  
30                Service Area and are compact and contiguous to the City, as shown in "Exhibit B,"  
31                attached hereto and incorporated herein by this reference; and

32  
33                WHEREAS, proper notice was published at least seven (7) days prior to the  
34                public hearing; and

35  
36 WHEREAS, City Council does find and determine that: (1) said annexation is  
37 reasonable and necessary to the proper development of the City; (2) the City either  
38 already furnishes normal municipal services to the Properties, or is able to furnish such  
39 services within a reasonable time after annexation; and (3) the areas annexed herein  
40 are contiguous and compact to the existing corporate boundaries of the City.

41  
42 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
43 SPRINGFIELD, MISSOURI, as follows, that:

44  
45 Section 1 – City Council, after holding a public hearing, hereby determines that  
46 annexation of the Properties described in "Exhibit A," which is attached hereto and  
47 incorporated herein by this reference, is reasonable and necessary to the proper  
48 development of the City; the City either already furnishes normal municipal services to  
49 the areas annexed, or is able to furnish such services within a reasonable time after  
50 annexation; and the Properties' areas are contiguous and compact to the existing  
51 boundaries of the City as shown in "Exhibit B."

52  
53 Section 2 – Pursuant to the provisions of Section 71.012 RSMo., the Properties  
54 described in "Exhibit A" are hereby annexed into the City of Springfield, Missouri.

55  
56 Section 3 – Section 1-9 of the Springfield City Code, 'City Limits,' is hereby  
57 amended by adding thereto the land described in "Exhibit A."

58  
59 Section 4 – Section 46-1 of the Springfield City Code, 'Boundaries of wards,  
60 precincts and council zones,' is hereby amended by placing the Properties described in  
61 "Exhibit A" into the appropriate ward and precinct as determined by the County Clerk in  
62 accordance with the provisions of State law.

63  
64 Section 5 – The City Clerk is directed to: (1) file certified copies of this  
65 Annexation Ordinance with the Clerk of Greene County; (2) file certified copies of this  
66 Annexation Ordinance with the Assessor of Greene County; and (3) forward to the  
67 Missouri Director of Revenue, by certified mail, certified copies of this Ordinance, and  
68 any other information that the Director of Revenue may require. The City Clerk is further  
69 authorized and empowered to perform any other administrative acts which are  
70 consistent with the intent of this Ordinance.

71  
72 Section 6 – This Ordinance shall be in full force and effect from and after  
73 passage.

74  
75 Passed at meeting: \_\_\_\_\_

76  
77 \_\_\_\_\_  
78 Mayor

79  
80 Attest: \_\_\_\_\_, City Clerk

81  
82  
83  
84  
85  
86  
87  
88

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

Approved as to form: Laura Vales, Assistant City Attorney

Approved for Council action: Colin Sykes, Interim City Manager

## EXHIBIT A

### A-01-2025 Legal Description

#### SWWTP Buffer Property

Commencing at the Northeast corner of Section 6, Township 28 North, Range 22 West, in Greene County, Missouri; Thence along the north line of the Northeast Quarter of said Section 6, N88°38'54"W a distance of 660.90 feet to the Northwest corner of the East Half of the East Half of Lot 2 of the Northeast Quarter of Section 6; Thence along the west line of the said East Half of the East Half of Lot 2, S02°35'28"W a distance of 40.74 feet to the south right of way of Farm Road 156 and the True Point of Beginning; Thence continuing, S02°35'28"W a distance of 447.65 feet; Thence leaving the said west line, N67°49'35"E a distance of 619.68 feet; Thence N02°07'59"E a distance of 220.88 feet to the south right of way of Farm Road 156; Thence along said south right of way with the following courses, N88°41'11"W a distance of 88.70 feet; Thence S80°00'14"W a distance of 50.99 feet; Thence N88°41'11"W a distance of 220.00 feet; Thence S57°37'25"W a distance of 36.06 feet; Thence N88°41'11"W a distance of 100.00 feet; Thence N81°05'21"W a distance of 73.46 feet to the Point of Beginning. Tract contains 4.26 acres and is subject to easements of record. Bearings used in this description are based on the Missouri Coordinate System of 1983, Central Zone.

And also the following;

THE WEST HALF OF LOT 1 OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, IN SECTION FIVE, ALSO THE EAST HALF OF THE EAST HALF OF LOT 1 OF THE NORTHEAST QUARTER, IN SECTION SIX, ALL IN TOWNSHIP TWENTY-EIGHT NORTH, RANGE TWENTY-TWO WEST, IN GREENE COUNTY, MISSOURI, EXCEPTING ROADS OF RECORD.

ALSO EXCEPTING THE FOLLOWING DESCRIBED TRACT:

A TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 28 NORTH, RANGE 22 WEST, GREENE COUNTY, MISSOURI WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AN EXISTING RAILROAD SPIKE AT THE SOUTHEAST CORNER OF THE SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE ALONG THE SOUTH LINE OF THE SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, N88°32'02"W A DISTANCE OF 33.31 FEET TO THE WEST RIGHT OF WAY OF KAUFFMAN ROAD AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N88°32'02"W A DISTANCE OF 1314.01 FEET TO AN EXISTING IRON PIN CAPPED LS-267D AT THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE ALONG THE WEST LINE OF THE SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, N02°7'35"E A DISTANCE OF 760.05 FEET; THENCE LEAVING SAID WEST LINE, S88°32'02"E A DISTANCE OF 1298.95 FEET TO THE WEST RIGHT OF WAY OF KAUFFMAN ROAD; THENCE ALONG THE SAID WEST RIGHT OF WAY, S00°28'58"W A DISTANCE OF 535.30 FEET TO AN EXISTING ½" IRON PIN; THENCE CONTINUING ALONG SAID RIGHT OF WAY, S02°12'11"W A DISTANCE OF 224.79 FEET TO

THE POINT OF BEGINNING. BEARINGS USED IN THIS DESCRIPTION ARE BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. TRACT CONTAINS AN AREA OF 994,731.7 SQUARE FEET (22.84 ACRES), MORE OR LESS.

And also the following;

Rutledge Wilson Farm Park

A parcel of land located in the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) Section Twenty-nine (29), Township Twenty-nine (29) North, Range Twenty-two (22) West, more particularly described as follows:

Beginning at a point South 02° 28' 17" West, 939.50 feet from the Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-nine (29), Township Twenty-nine (29) North, Range Twenty-two (22) West; thence South 02° 28' 17" West, 927.50 feet; thence North 52° 00' 00" West, 306.35 feet to the East edge of a stone wall as it now exists; thence South 46° 59' 41" West and along the East edge of said stone wall, 25.19 feet; thence South 36° 45' 11" West and continuing along the stone wall, 130.54 feet; thence South 39° 36' 47" West and along the stone wall, 95.86 feet; thence South 35° 24' 15" West along said stone wall, 79.33 feet; thence South 33° 29' 49" West and continuing along the stone wall, 107.94 feet; thence South 34° 04' 38" West along said stone wall, 93.64 feet; thence South 30° 32' 21" West along the stone wall, 72.09 feet; thence South 17° 26' 27" West and along the East edge of said stone wall, 121.71 feet; thence South 17° 27' 20" West and continuing along the stone wall, 89.68 feet; thence South 15° 46' 35" West, 272.29 feet to a point at the center of a stone wall running West; thence North 87° 52' 51" West along said stone wall, 77.46 feet; thence South 89° 59' 55" West and continuing along the stone wall, 111.01 feet; thence South 47° 28' 59" West along said stone wall, 20.93 feet to an iron pin set said point being on the East right-of-way line of Farm Road #123 as it now exists; thence North 01° 29' 54" West along the said East right-of-way line, 281.25 feet to an iron pin set; thence North 02° 11' 07" East and along said East right-of-way line, 150.02 feet to an iron pin set; thence North 02° 28' 33" East and continuing along the said East right-of-way line of Farm Road #123, 1290.51 feet to an iron pin set; thence South 88° 54' 57" East, 921.00 feet to the point of beginning, all being in Greene County, Missouri, except any part taken, deeded or used for road or highway purposes.

Subject to easements, restrictions, reservations, and covenants of record, if any.

And also the following;

TRACT I:

The Southwest Quarter of the Northeast Quarter of Section 29, the South half of the Northwest Quarter of the Northeast Quarter of Section 29, the Southeast Quarter of the Northwest Quarter of Section 29, the North half of the Northeast Quarter of the Southwest Quarter of Section 29 and a tract of land described as beginning at a point 40 poles East of the Quarter Corner dividing Section 29 and Section 30; thence South 40 poles; thence East 40 poles; thence North 94 poles; thence North 52° West



to the East end of a stone fence; thence Southwest with the course of said fence to a point due North of and 22 poles distance from the beginning point; thence South to the place of beginning, all in Township 29 North, Range 22 West of the Fifth Principal Meridian.

And also the following;

A tract of land described as beginning 40 rods west of the northeast corner of the northwest Quarter of the southwest quarter of Section 29; thence west to the east line of the public road as now established; thence in a southerly and easterly direction along the east line of said public road as now established to a point 40 rods west and 40 rods south of the northeast corner of the northwest quarter of the southwest quarter of Section 29; thence north 40 rods to the point of beginning, all in Township 29 North, Range 22 West of the fifth principal meridian, it being intended to convey hereby all of that part of the northwest quarter of the southwest quarter of Said Section 29 lying north and east of the public road as had been established in 1953, and west of the west line of the land then owned by John G Wilson and Lona Wilson, husband and wife, in the northwest quarter of the southwest quarter of said section 29.

And also the following;

A part of Lot One (1), in Timber Creek 1st Addition - Final Plat, a Planned Unit Development, a subdivision in Greene County, Missouri, being more particularly described as follows: Beginning at an existing iron pin capped LS 241-D, at the Southeast corner of said Lot 1; thence S 85°46'09" W, along the South line of said Lot 1, a distance of 90.59 feet to the Southwest corner of said Lot 1, said point also being the Southwest corner of said Timber Creek 1st Addition; thence N 04°15'56" W (Plat, N 04°13'51" W measured), along the West line of said Lot 1, a distance of 13.19 feet to an existing barbed wire fence; thence N 89°01'05" E, along said fence, a distance of 21.61 feet to an angle point in said fence; thence N 87°24'50" E, along said fence, a distance of 69.85 feet to a point on the East line of said Lot 1; thence S 00°28'01" E (Plat, S 00°25'56" measured), along said East line, a distance of 9.98 feet to the point of beginning, except any part taken, deeded or used for road or highway purposes.

And also the following;

A part of the North One-half (N½) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Twenty-nine (29), Township Twenty-nine (29) North, Range Twenty-two (22) West, being more particularly described as follows: Beginning at the Southwest corner of the N½ of said NE¼ of the NW¼ of Section 29; thence N 01°58'15.7" W, a distance of 56.03 feet to an existing barbed wire fence; thence S 75°48'01" E, along said fence line, a distance of 92.04 feet to an angle point in said fence; thence S 83°38'15.11" E, along said fence, a distance of 28.43 feet to an angle point in said fence; thence N 89°30'46.11" E, along said fence, a distance of 129.79 feet to a point on the West line of Lot 1 of Timber Creek 1st Addition-Final Plat, a Planned Unit Development; thence S 04°15'56" E (Plat, S 04°13'51" E, measured), along said West line,

a distance of 13.19 feet to the Southwest corner of said Lot, said corner also being the Southwest corner of said Timber Creek 1st Addition; thence S 85°46'09" W, along the South line of said N½ of the NE¼ of the NW¼ of said Section 29, a distance of 246.99 feet to the point of beginning, except any part taken, deeded or used for road or highway purposes.

And also the following;

The South Half (S½) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Twenty-nine(29), Township Twenty nine (29), Range Twenty-two (22), Greene County, Missouri, except any part taken, deeded or used for road, street or highway purposes.

And also the following;

Beginning 310.06 feet West of the Northeast corner of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Twenty-nine (29), Township Twenty-nine (29), Range Twenty-two (22); thence South 614.5 feet for a new point of beginning; thence East 310.06 feet; thence South 322.5 feet; thence West 921 feet; thence North 322.5 feet; thence East 610.04 feet to the new point of beginning, all being in Greene County, Missouri, except any part taken, deeded or used for road or highway purposes.

And also the following;

#### Airport

A PART OF THE EAST ONE-HALF OF LOT 4 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 2, TOWNSHIP 29 NORTH, RANGE 23 WEST, FIFTH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 4; THENCE NORTH 89 DEGREES 07 MINUTES 36 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 761.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 07 MINUTES 36 SECONDS WEST, ALONG SAID SOUTH LINE, TO THE SOUTHWEST CORNER OF SAID EAST ONE-HALF OF LOT 4; THENCE NORTH, ALONG THE WEST LINE OF SAID EAST HALF, A DISTANCE OF 327.34 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 36 SECONDS EAST TO A POINT LYING 327.34 FEET NORTH 00 DEGREES 01 MINUTES 29 SECONDS EAST OF THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 01 MINUTES 29 SECONDS WEST, A DISTANCE OF 327.34 FEET TO THE POINT OF BEGINNING.

And also the following;

ALL THAT PART OF THE EAST HALF(E½) OF LOT FIVE(5) OF THE NORTHEAST QUARTER (NE¼) OF SECTIONS ONE(I), TOWNSHIP TWENTY-NINE(29), RANGE TWENTY-THREE(23) LYING AND SITUATE SOUTH AND WEST OF THE RAILROAD RIGHT-OF-WAY ACROSS SAID EAST HALF (E½) OF SAID LOT FIVE(S); AND THE EAST HALF(E½) OF LOT FOUR(4) OF THE NORTHEAST QUARTER (NE¼) OF SECTION ONE(I), TOWNSHIP

TWENTY-NINE(29), RANGE TWENTY-THREE(23), AND THE EAST QUARTER(E1/4) OF THE WEST HALF (W1/2) OF LOT FOUR(4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION ONE(I), TOWNSHIP TWENTY-NINE (29), RANGE TWENTY-THREE (23), IN GREENE COUNTY, MISSOURI EXCEPT ANY PART THEREOF TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.

And also the following;

TRACT 9:

A TRACT OF LAND LYING IN LOT 5 OF THE NORTHWEST QUARTER (NW 1/4) IN SECTION 1 TOWNSHIP 29 RANGE 23 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, NW 1/4; THENCE N 87°55'49" E, ALONG THE SOUTH LINE OF LOT 5, NW 1/4, 2307.99 FEET FOR THE POINT OF BEGINNING; THENCE N 00°32'12" W, 1330.95 FEET TO A IRON PIN ON THE NORTH LINE OF LOT 5 NW 1/4; THENCE N 87°52'29" E, ALONG SAID NORTH LINE. 325.94 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, NW 1/4; THENCE S 00°42'53" E, ALONG THE EAST LINE OF SAID LOT 5 NW 1/4 1331.16 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5 NW 1/4; THENCE S 87°55'49" W, ALONG THE SOUTH LINE OF SAID LOT 5 NW 1/4. 330.07 FEET TO THE POINT OF BEGINNING; ALL OF WHICH LYING IN GREENE COUNTY MISSOURI.

TRACT 10:

A TRACT OF LAND LYING IN LOT 5 OF THE NORTHWEST QUARTER (NW 1/4) IN SECTION 1 TOWNSHIP 29 RANGE 23 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, NW 1/4; THENCE N 87°55'49" E, ALONG THE SOUTH LINE OF LOT 5, NW 1/4, 1975.80 FEET FOR THE POINT OF BEGINNING, THENCE N 00°32'12" W, 1330.63 FEET TO A IRON PIN ON THE NORTH LINE OF LOT 5 NW 1/4; THENCE N 87°52'29" E, ALONG SAID NORTH LINE. 332.20 FEET; THENCE S 00°32'12" E, 1330.95 FEET TO THE SOUTH LINE OF SAID LOT 5 NW 1/4; THENCE S 87°55'49" W, ALONG SAID SOUTH LINE, 332.19 FEET TO THE POINT OF BEGINNING: ALL OF WHICH LYING IN GREENE COUNTY MISSOURI.

TRACT 11:

A TRACT OF LAND LYING IN LOT 5 OF THE NORTHWEST QUARTER (NW 1/4) IN SECTION 1 TOWNSHIP 29 RANGE 23 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, NW 1/4; THENCE N 87°55'49" E, ALONG THE SOUTH LINE OF LOT 5, NW 1/4, 1643.53 FEET FOR THE POINT OF BEGINNING; THENCE N 00° 32'12" W, 1330.31 FEET TO A IRON PIN ON THE NORTH LINE OF LOT 5 NW 1/4; THENCE N 87°52'29" E, ALONG SAID NORTH LINE, 332.28 FEET; THENCE S 00°32'12" E, 1330.63 FEET TO THE SOUTH LINE OF SAID LOT 5 NW 1/4; THENCE S 87°55'49" W, ALONG SAID SOUTH LINE, 332.27 FEET TO THE POINT OF BEGINNING; ALL OF WHICH LYING IN GREENE COUNTY MISSOURI.

TRACT 12:

A TRACT OF LAND LYING IN LOT 5 OF THE NORTHWEST QUARTER (NW 1/4) IN SECTION 1 TOWNSHIP 29 RANGE 23 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, NW 1/4; THENCE N 87°55'49" E ALONG THE SOUTH LINE OF LOT 5, NW 1/4, 1311.18 FEET FOR THE POINT OF BEGINNING; THENCE N 00°32'12" W, 1329.99 FEET TO A IRON PIN SET ON THE NORTH LINE OF LOT 5 NW 1/4; THENCE N 87°52'29" E, ALONG SAID NORTH LINE, 332.36 FEET; THENCE S 00°32'12" E, 1330.31 FEET TO THE-SOUTH LINE OF SAID LOT 5 NW 1/4; THENCE S 87°35'49" W, ALONG SAID SOUTH LINE, 332.35 FEET TO THE POINT OF BEGINNING; ALL OF WHICH LYING IN GREENE COUNTY MISSOURI.

TRACT 13:

A TRACT OF LAND LYING IN LOT 5 OF THE NORTHWEST QUARTER (NW 1/4) IN SECTION 1 TOWNSHIP 29 RANGE 23 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, NW 1/4; THENCE N 87°55'49" E, ALONG THE SOUTH LINE OF LOT 5, NW 1/4, 983.50 FEET FOR THE POINT OF BEGINNING; THENCE N 00°32'12" W, 1329.67 FEET TO A IRON PIN ON THE NORTH LINE OF LOT 5 NW 1/4; THENCE N 87°52'29" E, ALONG SAID NORTH LINE, 327.69 FEET; THENCE S 00°32'12" E, 1329.99 FEET TO THE SOUTH LINE OF SAID LOT 5 NW 1/4; THENCE S 87°55'49" W, ALONG SAID SOUTH LINE, 327.68 FEET TO THE POINT OF BEGINNING; HAVING RIGHTS TO A 30.00 FOOT INGRESS AND EGRESS BASEMENT; SAID BASEMENT BEING MORE PARTICULARLY DESCRIBED AS BEING 30.00 FEET WEST OF THE FOLLOWING DESCRIBED LINE; COMMENCING AT THE SOUTHWEST CORNER OF THE FOLLOWING DESCRIBED TRACT 13; THENCE N 00°32'12" W, 25.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING N 00°32'12" W, 520.53 FEET FOR THE POINT OF TERMINUS; ALL OF WHICH LYING IN GREENE COUNTY MISSOURI.

TRACT 14:

A TRACT OF LAND LYING IN LOT 5 OF THE NORTHWEST QUARTER (NW 1/4) IN SECTION 1 TOWNSHIP 29 RANGE 23 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, NW 1/4; THENCE N 87°55'49" E ALONG THE SOUTH LINE OF LOT 5, NW 1/4, 655.74 FEET FOR THE POINT OF BEGINNING; THENCE N 00°32'12" W, 1329.35 FEET TO A IRON PIN SET ON THE NORTH LINE OF LOT 5 NW 1/4; THENCE N 87°52'29" E, ALONG SAID NORTH LINE, 327.77 FEET; THENCE S 00°32'12" E, 1329.67 FEET TO THE SOUTH LINE OF SAID LOT 5 NW 1/4; THENCE S 87°55'49" W, ALONG SAID SOUTH LINE, 327.76 FEET TO THE POINT OF BEGINNING; ALL OF WHICH LYING IN GREENE COUNTY MISSOURI.

TRACT 15:

A TRACT OF LAND LYING IN LOT 5 OF THE NORTHWEST QUARTER (NW 1/4) IN SECTION 1 TOWNSHIP 29 RANGE 23 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, NW 1/4; THENCE N 87°55'49" E, ALONG THE SOUTH LINE OF LOT 5, NW 1/4 327.91 FEET FOR THE POINT OF BEGINNING; THENCE N 00°32'12" W, 1329.04 FEET TO A IRON PIN ON THE NORTH LINE OF LOT 5 NW 1/4; THENCE N 87°52'29" E, ALONG SAID NORTH LINE, 327.84 FEET; THENCE S 00°32'12" E, 1329.35 FEET TO THE SOUTH LINE OF SAID LOT 5 NW 1/4; THENCE S 87°55'49" W, ALONG SAID SOUTH LINE, 327.83 FEET TO THE POINT OF BEGINNING; ALL OF WHICH LYING IN GREENE COUNTY MISSOURI.

And also the following;

A TRACT OF LAND LYING IN LOT 4 OF THE NORTHWEST QUARTER (NW1/4) IN SECTION 1 TOWNSHIP 29 RANGE 23 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4, NORTHWEST QUARTER (NW1/4); THENCE NORTH 87 DEGREES 59 MINUTES 08 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 4, NORTHWEST QUARTER (NW1/4), 1311.16 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 32 MINUTES 12 SECONDS WEST, 1329.98 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 4, NORTHWEST QUARTER (NW1/4); THENCE NORTH 87 DEGREES 55 MINUTES 49 SECONDS EAST, ALONG SAID NORTH LINE OF SAID LOT 4, NORTHWEST QUARTER (NW1/4), 332.35 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 12 SECONDS EAST, 1330.30 FEET TO THE SOUTH LINE OF SAID LOT 4 NORTHWEST QUARTER (NW1/4); THENCE SOUTH 87 DEGREES 59 MINUTES 08 SECONDS WEST, ALONG SAID SOUTH LINE, 332.34 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND ALL OF WHICH LYING IN GREENE COUNTY, MISSOURI.

And also the following;

Farm Road 104 right-of-way

A PART OF THE GREENE COUNTY FARM ROAD 104 RIGHT-OF-WAY IN LOTS 3 AND 4 OF THE NORTHEAST FRACTIONAL QUARTER AND LOTS 3 AND 4 OF THE NORTHWEST FRACTIONAL QUARTER IN SECTION 1 TOWNSHIP 29 NORTH RANGE 23 WEST, AND ALSO IN LOTS 3 AND 4 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 2 TOWNSHIP 29 NORTH RANGE 23 WEST, IN GREENE COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SAID LOT 4 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 2; THENCE NORTH, ALONG THE WEST LINE OF SAID LOT 4, TO THE NORTH RIGHT-OF-WAY LINE OF FARM ROAD 104; THENCE EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, TO THE EAST LINE OF SAID LOT 4 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 1; THENCE SOUTH,

ALONG SAID EAST LINE AND ALONG THE EAST LINE OF SAID LOT 3 OF THE NORTHWEST QUARTER OF SECTION 1, TO THE SOUTH RIGHT-OF-WAY LINE OF FARM ROAD 104; THENCE WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, TO THE WEST LINE OF THE EAST ONE-HALF OF SAID LOT 3 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 2; THENCE NORTH TO THE POINT OF BEGINNING. ALSO, COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 4 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 1; THENCE WEST, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 660 FEET TO THE POINT OF BEGINNING; THENCE SOUTH, TO THE SOUTH RIGHT-OF-WAY LINE OF FARM ROAD 104; THENCE WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1007.02 FEET TO THE WEST LINE OF THE EAST ONE-HALF OF SAID LOT 3 OF THE NORTHEAST QUARTER OF SECTION 1; THENCE NORTH, ALONG SAID WEST LINE, AND ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID LOT 4 OF THE NORTHEAST QUARTER OF SECTION 1, TO THE NORTH RIGHT-OF-WAY LINE OF FARM ROAD 104; THENCE EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, TO A POINT 660 FEET WEST OF THE EAST LINE OF SAID LOT 4 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 1; THENCE SOUTH TO THE POINT OF BEGINNING.  
CONTAINING 4.6 ACRES, MORE OR LESS, OF FARM ROAD 104 RIGHT-OF-WAY.

And also the following;

Farm Road 115 right-of-way

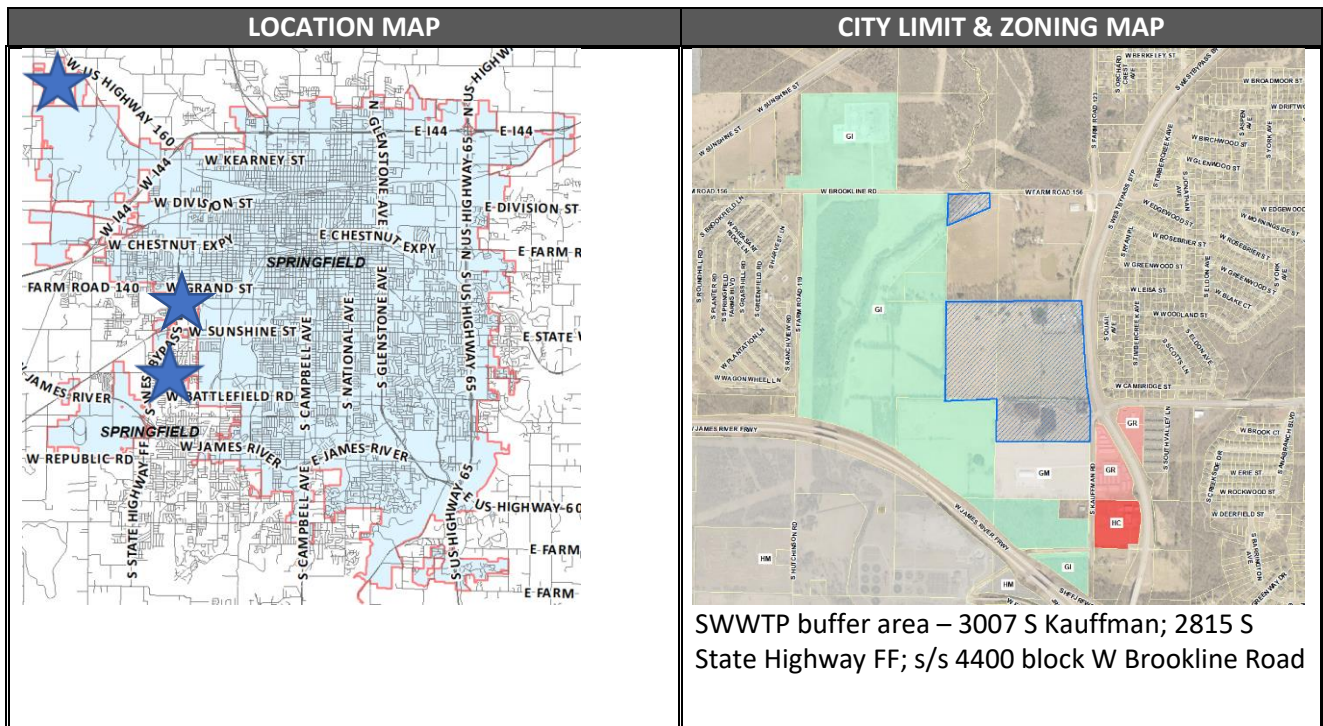
A PART OF THE EXISTING FARM ROAD 115 RIGHT-OF-WAY IN LOT 4 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP 29 NORTH, RANGE 22 WEST, AND IN PART OF LOT 4 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 1, TOWNSHIP 29 NORTH, RANGE 23 WEST, IN GREENE COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 4 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 6; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOT 4, TO THE EAST RIGHT-OF-WAY LINE OF FARM ROAD 115; THENCE NORTH, ALONG SAID EAST RIGHT-OF-WAY LINE, TO THE SOUTHWEST RIGHT-OF-WAY LINE OF WILLARD ROAD; THENCE NORTHWEST, ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE, TO THE WEST RIGHT-OF-WAY LINE OF FARM ROAD 115; THENCE SOUTH, ALONG SAID WEST RIGHT-OF-WAY LINE, TO THE SOUTH LINE OF SAID LOT 4 OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 1; THENCE EAST, ALONG SAID SOUTH LINE, TO THE EAST LINE OF SAID SECTION 1; THENCE NORTH, ALONG SAID EAST LINE, TO THE POINT OF BEGINNING.

## DEVELOPMENT REVIEW STAFF REPORT

| PROJECT INFORMATION          |                                                                                                                                                                                                                                                                                                                                          |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Number:</b>          | A-1-2025                                                                                                                                                                                                                                                                                                                                 |
| <b>Location:</b>             | 3825 W Farm Road 146; 1103 and 1108 S Icicle Lane; 1210 S Farm Road 123; 3521 N Farm Road 115; 5703 W Farm Road 104; property north of the 5500-5800 blocks W Farm Road 104; n/s 5900 block W Farm Road 104; 3007 S Kauffman Road; 2815 S State Highway FF; s/s 4400 block W Brookline Road and right-of-way for Farm Roads 104 and 115. |
| <b>Total Acres:</b>          | Approximately 429.04 acres                                                                                                                                                                                                                                                                                                               |
| <b>Applicant:</b>            | City of Springfield                                                                                                                                                                                                                                                                                                                      |
| <b>Existing Land Use:</b>    | SWWTP buffer area; Rutledge Wilson Farm Park; Airport                                                                                                                                                                                                                                                                                    |
| <b>City Council:</b>         | March 10, 2025                                                                                                                                                                                                                                                                                                                           |
| <b>Public Notification:</b>  | legal in Daily Events                                                                                                                                                                                                                                                                                                                    |
| <b>Staff:</b>                | Alana Owen, AICP, Principal Planner                                                                                                                                                                                                                                                                                                      |
| <b>Staff recommendation:</b> | Staff recommends approval                                                                                                                                                                                                                                                                                                                |

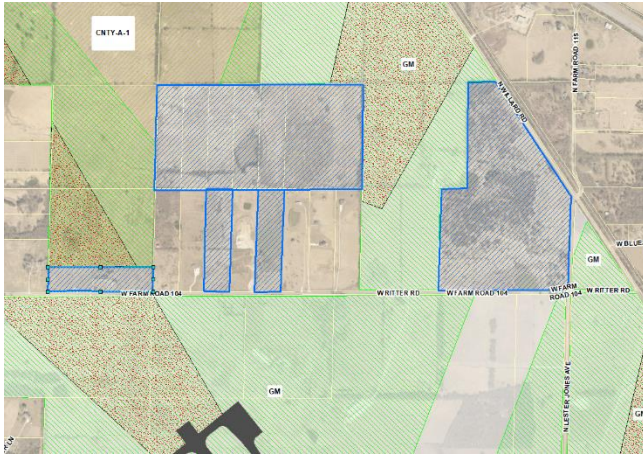
### PROJECT SUMMARY:

Request to annex approximately 429.04 acres of city-owned property into the city limits of Springfield that is generally located at 3825 W Farm Road 146; 1103 and 1108 S Icicle Lane; 1210 S Farm Road 123; 3521 N Farm Road 115; 5703 W Farm Road 104; property north of the 5500-5800 blocks W Farm Road 104; n/s 5900 block W Farm Road 104; 3007 S Kauffman Road; 2815 S State Highway FF; s/s 4400 block W Brookline Road and right-of-way for Farm Road 104 and Farm Road 115.

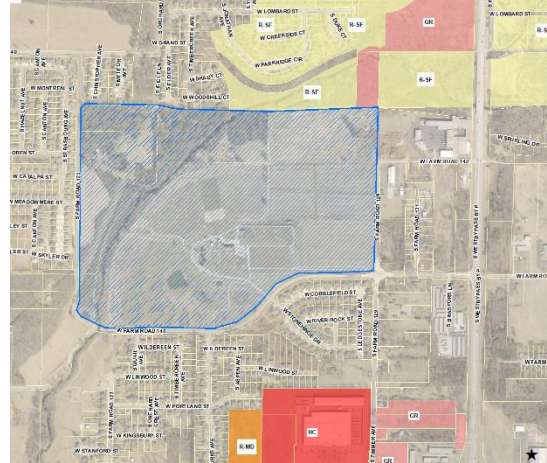




## DEVELOPMENT REVIEW STAFF REPORT



Airport buffer area – 3521 N Farm Road 115; 5703 W Farm Road 104; property north of the 5500-5800 blocks W Farm Road 104; n/s 4400 block W Farm Road 104



Rutledge Wilson Farm Park – 3825 W Farm Road 146; 1103 and 1108 S Icicle Lane; 1210 S Farm Road 123

### GOOGLE MAPS

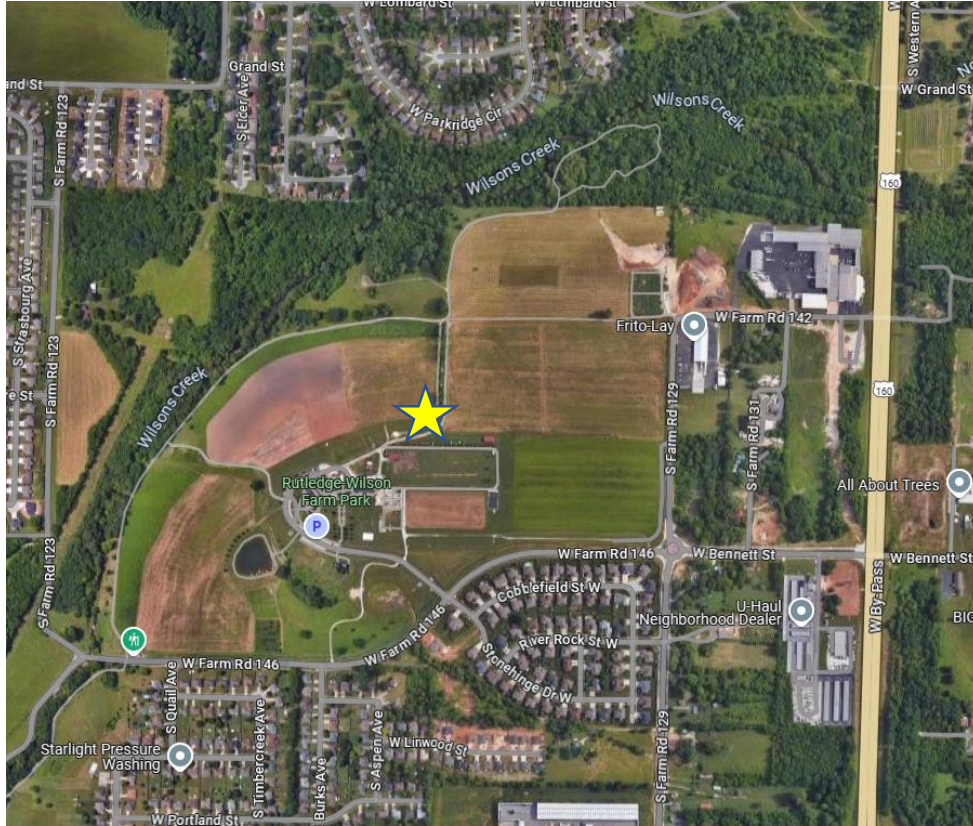
#### SWWTP buffer land





## DEVELOPMENT REVIEW STAFF REPORT

### Rutledge Wilson Farm Park



### Airport buffer area



## DEVELOPMENT REVIEW STAFF REPORT

### PROPERTY HISTORY:

The subject properties are city-owned properties that are outside the city limits in unincorporated Greene County. The properties include undeveloped buffer land north of the Southwest Wastewater Treatment Plant, the Rutledge Wilson Farm Park and buffer area north of the Springfield-Branson National Airport. The subject properties will be rezoned to city zoning in a separate process following annexation.

### COMPATIBILITY WITH COMPREHENSIVE PLAN:

All these properties are city-owned properties that are currently outside the city limits. Chapter 6, *Growth Areas and Annexation*, of the Forward SGF Comprehensive Plan states that the City should prioritize the annexation of City, City Utilities, Park Board, and Ozark Greenways-owned properties. These properties are contiguous and compact to the existing city limits and are located within a Priority One strategic annexation in Forward SGF.

### Annexation Considerations

The following strategies help to further guide the prioritization of annexations:

1. The City should prioritize annexation of City, City Utilities, Park Board, and Ozark Greenways-owned properties.
2. The City should prioritize annexation of properties with an “Irrevocable Petition and Consent to Annexation Agreement” that are revenue-generating and located along major corridors and areas of potential economic activity.
3. The City should evaluate annexation proposals on a property-by-property or case-by-case basis but work to coordinate annexation of multiple properties simultaneously, when possible, to maximize the time and cost efficiency involved in processing.
4. The City should engage with area Fire Protection Districts in evaluation of potential impact resulting from annexation of property by the City.
5. The City should be conscious of impractical boundary configurations created when annexing properties on only one side of a street, skipping over properties, or creating islands of unincorporated properties.
6. The City should weigh the anticipated impact of annexation on the ability to provide timely and professional emergency services, including personnel requirements, capital requirements, necessary and available infrastructure, call volume, and standards of cover.
7. The City should evaluate the age and condition of existing infrastructure in areas desired for annexation, as well as future maintenance costs.
8. The City should weigh the comprehensive advantages of both long-term revenue growth and population growth, including a variety of demographic considerations associated with providing services to new residents and property owners.
9. The City should weigh the fiscal impacts of annexation against the opportunity to grow the population base, increase resident participation in city elections, tax referendums, and expand the reach of citizens to serve on city advisory boards and committees.

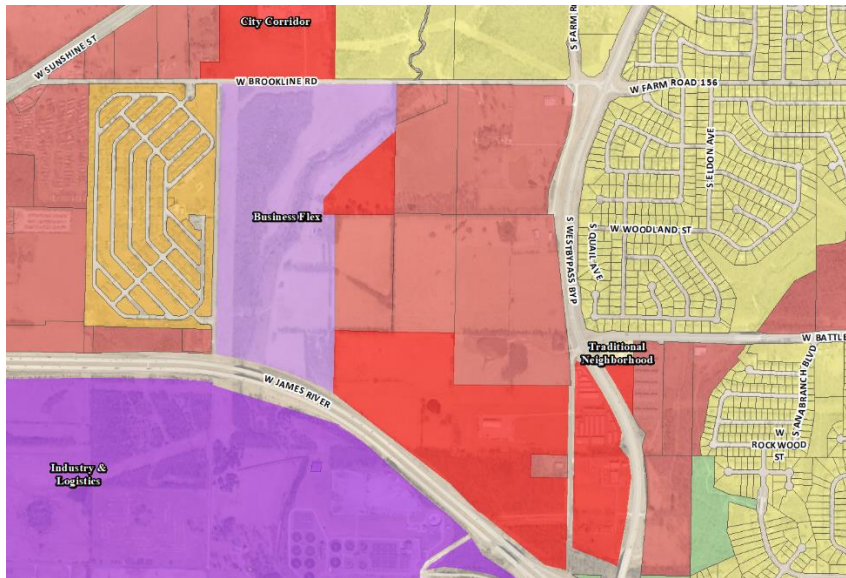


## DEVELOPMENT REVIEW STAFF REPORT

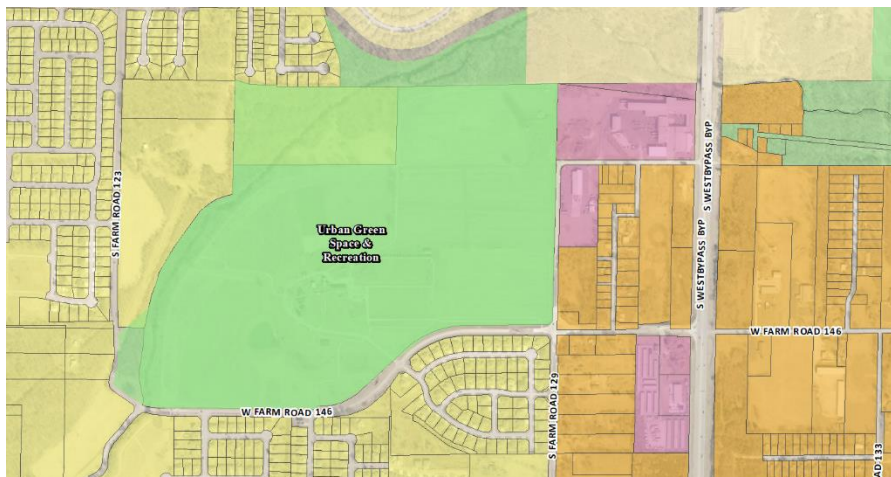
10. The City should weigh the strategic value of incorporating geographic areas that facilitate growth in new areas.

### FUTURE PLACETYPE MAP:

SWWTP buffer area

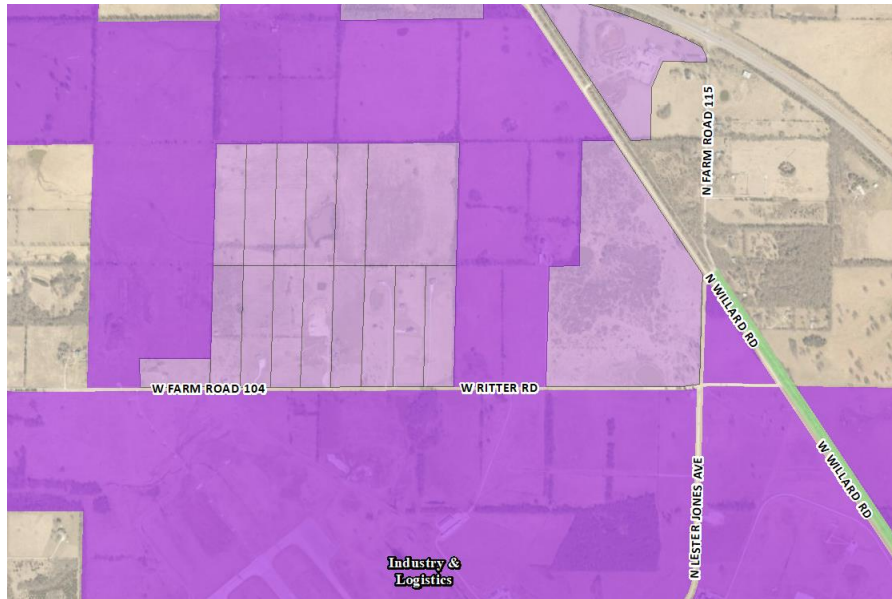


Rutledge Wilson Farm Park



## DEVELOPMENT REVIEW STAFF REPORT

Airport buffer area



### DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:  
No comments.
2. CITY UTILITIES:  
No issues with proposed annexation. Utilities are already available at the Rutledge-Wilson Farm Park and the properties near West Bypass & FR 156. CU has no utilities along FR 104/Ritter Rd north of the airport, so those properties won't have services until utilities are extended, if needed for future development.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES CLEAN WATER SERVICES DIVISION:  
No objection to any of the annexations however some of the properties do not have public sewer available to them. See below for details;
  1. Rutledge Wilson: The three properties along FR123 do not have sewer available to them. This could be solved by combining the properties with the large main tract. None of these properties are in a sewer district although a sewer permit was issued to 3825 in 2006.
  2. SWTPB land; The two southern tracts do not have access to public sewer. None of the properties are in a sewer district.

## DEVELOPMENT REVIEW STAFF REPORT

3. Gravity sewer is not available for any of these parcels and they are not in a sewer district.
4. EMERGENCY 911:  
No comments.
5. GREENE COUNTY HIGHWAY DEPARTMENT:  
No comments.
6. POLICE DEPARTMENT:  
No comments.
7. FIRE DEPARTMENT:  
No comments.
8. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

### **SITE DESCRIPTION & DRAINAGE PATTERN**

#### **Rutledge Wilson Farm - 3825 W Farm Road 146**

No PW-Stormwater Requirements are triggered with the annexation of this property.

The property is in the Wilsons Creek drainage basin.

The property is 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 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 impact

Please note that development of the property will be subject to the following conditions at the time of development.

#### **2815 S State Highway FF**

No PW-Stormwater Requirements are triggered with the annexation of this property.

The property is in the Wilsons Creek drainage basin.

The property is located in a FEMA designated floodplain.

Staff is not aware of flooding problems in the local or downstream area.

The city is aware of a sinkhole or other Karst feature at this location.

The property does 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.

## DEVELOPMENT REVIEW STAFF REPORT

### **3521 N Farm Road 115**

No PW-Stormwater Requirements are triggered with the annexation of this property.

The property is in the Rainer Branch drainage basin.

The property is located in a FEMA designated floodplain.

Staff is not aware of flooding problems in the local or downstream area.

The city is 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.

### 9. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

No comments.

### STAFF ANALYSIS AND RECOMMENDATION:

1. In conformance with the recommendations of Forward SGF, the City is moving forward on the annexation of these city-owned properties that are contiguous to the existing city limits.
2. The total area of annexation for the city-owned property is 429.04 acres as well as right-of-way for Farm Road 104 and Farm Road 115 adjacent to the Airport buffer property. Staff will process a rezoning request to rezone the annexed property to City zoning following the annexation.
3. The *Growth Areas & Annexation* chapter of the *Comprehensive Plan* supports the annexation because it meets the objective to prioritize the annexation of city-owned properties and the annexation of properties within a Priority One area for annexation as identified in Forward SGF.
4. The area to be annexed is within the City's Urban Service Area and is consistent with its policies.
5. The area to be annexed is contiguous and compact to the City of Springfield.

### STAFF RECOMMENDATION:

1. Staff recommends approval of the annexation request based on its compatibility with the *Comprehensive Plan's* Annexation policies.

**DEVELOPMENT REVIEW STAFF REPORT**

ATTACHMENT 1  
Annexation Schedule

ANNEXATION:

City Council first reading and public hearing ..... March 10, 2025

City Council second reading and vote ..... March 24, 2025

## EXPLANATION TO COUNCIL BILL 2025-045 (CARROLL)

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Planning and Development

**TITLE:** A general ordinance amending Chapter 36 of the Springfield City Code, “Land Development Code,” by deleting Article I, “Administration and Enforcement of Codes,” Article IV, “Building Trades Examination and Certification Board,” Article V, “Building Code,” Article VI, “Electrical Code,” Article VII, “International Property Maintenance Code,” Article VIII, “Plumbing Code,” Article IX, “Mechanical Code,” Article X, “Uniform Enforcement Procedures,” Article XI, “Child Day Care,” Article XII, “Preservation of Structures in Certain Areas of the City,” Article XIII, “International Residential Code,” Article XIV, “Fuel Gas Code,” Article XV, “Private Sewage Disposal Code,” Article XVI, “Existing Building Code,” Article XVII, “Floodplain Management,” Article XVIII, “Swimming Pool and Spa Code,” and Article XIX, “2018 International Energy Conservation Code”; and enacting a new Chapter 38, “Building Development Codes,” Article I, “Administration and Enforcement of Codes,” Article II, “Building Trades examination and Certification Board,” Article III, “Building Code,” Article IV, “Electrical Code,” Article V, “International Property Maintenance Code,” Article VI, “Plumbing Code,” Article VII, “Mechanical Code,” Article VIII, “Uniform Enforcement Procedures,” Article IX, “Child Day Care,” Article X, “Preservation of Structures in Certain Areas of the City,” Article XI, “International Residential Code,” Article XII, “Fuel Gas Code,” Article XIII, “Private Sewage Disposal Code,” Article XIV, “Existing Building Code,” Article XV, “Floodplain Management,” Article XVI, “Swimming Pool and Spa Code,” and Article XVII, “2018 International Energy Conservation Code.”

**PURPOSE:** To amend Chapter 36 of the Springfield City Code to repeal Articles I, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, and XIX; and enacting Articles I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, and XVII of Chapter 38.

**BACKGROUND INFORMATION:** Chapter 36 of the Springfield City Code, currently entitled the “Land Development Code,” is currently administered by the Director of Building Development Services, as outlined in Article I. In addition to the zoning and subdivision regulations, this chapter also contains the following codes and regulations pertaining to departments outside of Planning and Development:

- Article IV - Building Trades Examination and Certification Board
- Article V - Building Code
- Article VI - Electrical Code
- Article VII - International Property Maintenance Code



- Article VIII - Plumbing Code
- Article IX - Mechanical Code
- Article X - Uniform Enforcement Procedures
- Article XI - Child Day Care
- Article XII - Preservation of Structures in Certain Areas of the City
- Article XIII - International Residential Code
- Article XIV - Fuel Gas Code
- Article XV - Private Sewage Disposal Code
- Article XVI - Existing Building Code
- Article XVII - Floodplain Management
- Article XVIII - Swimming Pool and Spa Code
- Article XIX - 2018 International Energy Conservation Code

For user clarity, and in conjunction with the upcoming code update and associated shift in enforcement of the zoning and subdivision regulations, the articles listed above will be repealed and enacted in the same form as Articles I through XVII of Chapter 38, with associated renumbering, as shown in "Exhibit A."

**Submitted By:** Justin Crighton, Assistant Director of Planning and Development

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. Chapter 38 Text Amendment \_Ord
2. Exhibit A - Amended Articles

One-rdg. \_\_\_\_\_  
P. Hrngs.   X    
Pgs.   394    
Filed:   03-04-25  

Sponsored by:   Carroll  

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

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

COUNCIL BILL   2025-045  

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

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, "Land Development Code,"  
2 by deleting Article I, "Administration and Enforcement of Codes,"  
3 Article IV, "Building Trades Examination and Certification Board,"  
4 Article V, "Building Code," Article VI, "Electrical Code," Article VII,  
5 "International Property Maintenance Code," Article VIII, "Plumbing  
6 Code," Article IX, "Mechanical Code," Article X, "Uniform  
7 Enforcement Procedures," Article XI, "Child Day Care," Article XII,  
8 "Preservation of Structures in Certain Areas of the City," Article XIII,  
9 "International Residential Code," Article XIV, "Fuel Gas Code,"  
10 Article XV, "Private Sewage Disposal Code," Article XVI, "Existing  
11 Building Code," Article XVII, "Floodplain Management," Article  
12 XVIII, "Swimming Pool and Spa Code," and Article XIX, "2018  
13 International Energy Conservation Code"; and enacting a new  
14 Chapter 38, "Building Development Codes," Article I,  
15 "Administration and Enforcement of Codes," Article II, "Building  
16 Trades examination and Certification Board," Article III, "Building  
17 Code," Article IV, "Electrical Code," Article V, "International Property  
18 Maintenance Code," Article VI, "Plumbing Code," Article VII,  
19 "Mechanical Code," Article VIII, "Uniform Enforcement Procedures,"  
20 Article IX, "Child Day Care," Article X, "Preservation of Structures in  
21 Certain Areas of the City," Article XI, "International Residential  
22 Code," Article XII, "Fuel Gas Code," Article XIII, "Private Sewage  
23 Disposal Code," Article XIV, "Existing Building Code," Article XV,  
24 "Floodplain Management," Article XVI, "Swimming Pool and Spa  
25 Code," and Article XVII, "2018 International Energy Conservation  
26 Code."  
27 \_\_\_\_\_  
28

29 WHEREAS, Chapter 36 of the Springfield City Code, currently entitled the "Land  
30 Development Code," is administered in its entirety by the Director of Building  
31 Development Services ("BDS"), as outlined in Article I of said chapter; and  
32

33 WHEREAS, Chapter 36 contains the zoning and subdivision regulations; and  
34

35 WHEREAS, the zoning and subdivision regulations are currently being updated,  
36 with the intent to shift administration of such regulations to the Director of Planning and  
37 Development; and  
38

39 WHEREAS, in addition to the zoning and subdivision regulations, Chapter 36  
40 also contains numerous codes, generally building codes, pertaining to departments  
41 outside of Planning and Development, which will remain under the administration of the  
42 Director of BDS; and  
43

44 WHEREAS, The City desires to enact a new Chapter 38, "Building Development  
45 Codes," for the purpose of housing such codes.  
46

47 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
48 SPRINGFIELD, MISSOURI, as follows, that:  
49

50 Section 1 – Chapter 36 of the Springfield City Code is hereby amended by  
51 deleting Article I, "Administration and Enforcement of Codes," Article IV, "Building  
52 Trades Examination and Certification Board," Article V, "Building Code," Article VI,  
53 "Electrical Code," Article VII, "International Property Maintenance Code," Article VIII,  
54 "Plumbing Code," Article IX, "Mechanical Code," Article X, "Uniform Enforcement  
55 Procedures," Article XI, "Child Day Care," Article XII, "Preservation of Structures in  
56 Certain Areas of the City," Article XIII, "International Residential Code," Article XIV,  
57 "Fuel Gas Code," Article XV, "Private Sewage Disposal Code," Article XVI, "Existing  
58 Building Code," Article XVII, "Floodplain Management," Article XVIII, "Swimming Pool  
59 and Spa Code," and Article XIX, "2018 International Energy Conservation Code," in their  
60 entirety.  
61

62 Section 2 – Chapter 38, "Building Development Codes," Articles Article I,  
63 "Administration and Enforcement of Codes," Article II, "Building Trades examination and  
64 Certification Board," Article III, "Building Code," Article IV, "Electrical Code," Article V,  
65 "International Property Maintenance Code," Article VI, "Plumbing Code," Article VII,  
66 "Mechanical Code," Article VIII, "Uniform Enforcement Procedures," Article IX, "Child  
67 Day Care," Article X, "Preservation of Structures in Certain Areas of the City," Article XI,  
68 "International Residential Code," Article XII, "Fuel Gas Code," Article XIII, "Private  
69 Sewage Disposal Code," Article XIV, "Existing Building Code," Article XV, "Floodplain  
70 Management," Article XVI, "Swimming Pool and Spa Code," and Article XVII, "2018  
71 International Energy Conservation Code," is hereby enacted as set forth in "Exhibit A,"  
72 attached hereto and incorporated herein by this reference.  
73

74 Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to  
75 affect any suit or proceeding now pending in any court, or any rights acquired, or liability  
76 incurred, nor any cause or causes of action accrued or existing, under any act or  
77 ordinance repealed hereby, nor shall any right or remedy of any character be lost,  
78 impaired, or affected by this Ordinance.  
79

80 Section 4 – Severability Clause. If any section, subsection, sentence, clause, or  
81 phrase of this Ordinance is for any reason held to be invalid, such decision shall not

82 affect the validity of the remaining portions of this Ordinance. City Council hereby  
83 declares that it would have adopted the Ordinance and each section, subsection,  
84 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
85 sections, subsections, sentences, clauses, or phrases be declared invalid.

86  
87 Section 5 – This Ordinance shall be in full force and effect from and after  
88 passage.

89  
90 Passed at meeting: \_\_\_\_\_

91  
92 \_\_\_\_\_  
93 Mayor

94  
95 Attest: \_\_\_\_\_, City Clerk

96  
97 Filed as Ordinance: \_\_\_\_\_

98  
99 Approved as to form: Laura Vales, Assistant City Attorney

100  
101  
102 Approved for Council action: Colin Sykes, Interim City Manager  
103

## ARTICLE I. ADMINISTRATION AND ENFORCEMENT OF CODES

### ***DIVISION 1. APPLICABILITY AND SCOPE***

#### **Sec. 368-100. Purpose.**

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

#### **Sec. 368-101. Scope.**

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

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

Exception:

- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
  - b. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
- (2) *Scope of International Fuel Gas Code.* The provisions of the International Fuel Gas Code shall apply to the installation, use, and maintenance of fuel gas piping systems, fuel gas appliances, gaseous hydrogen systems, and related accessories as follows:
    - a. Coverage of piping systems shall extend from the point of delivery to the connection point of the appliance.
    - b. Systems with an operating pressure of 125 psig (862 kPa gauge) or less. Piping systems for gas-air mixtures within the flammable range with an operating pressure of ten psig (69 kPa gauge). LP-Gas piping systems with an operating pressure of 20 psig (140 kPa gauge) or less except as provided for in the code.
    - c. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.

- 
- d. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air, venting, and connections to piping systems.

Exception:

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

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

- a. Portable LP-Gas appliances and equipment of all types that are not connected to a fixed fuel piping system.
- b. Installation of farm appliances and equipment such as brooders, dehydrators, dryers, and irrigation equipment.
- c. Raw material (feedstock) applications except for piping to special atmosphere generators.
- d. Oxygen-fuel gas cutting and welding systems.
- e. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen, and nitrogen.
- f. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms, and natural gas processing plants.
- g. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.
- h. LP-Gas installations at utility gas plants.
- i. Liquefied natural gas (LNG) installations.
- j. Fuel gas piping in power and atomic energy plants.
- k. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors, and calorimeters.
- l. LP-Gas equipment for vaporization, gas mixing, and gas manufacturing.
- m. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.
- n. Installation of LP-Gas systems for railroad switch heating.
- o. Installation of LP-Gas and compressed natural gas (CNG) systems on vehicles.
- p. Except as provided in Section 401.1.1 of the International Fuel Gas Code gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-Gas.
- q. Building design and construction, except as specified herein.
- r. Piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than ten psig.

- 
- s. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.
- (3) *Scope of International Mechanical Code.* The provisions of the International Mechanical Code shall regulate the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within a building. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code.
- Exception:
- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
- b. Mechanical systems in existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
- (4) *Scope of International Plumbing Code.* The provisions of the International Plumbing Code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems, and sanitary and condensate vacuum collection systems. The installation of fuel-gas-fired water heaters and water heating venting systems shall be regulated by the adopted International Fuel Gas Code.
- Exceptions:
- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
- b. Plumbing systems in existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.
- (5) *Scope of International Residential Building Code.* The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.
- Exceptions: Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
- (6) *Scope of International Private Sewage Disposal Code.* Septic tank and effluent absorption systems or other treatment tank and effluent disposal systems shall be permitted where a public sewer is not available to the property served. Unless specifically approved, the private sewage disposal system of each building shall be entirely separate from and independent of any other building. The use of a common system or a system on a parcel other than the parcel where the structure is located shall be subject to the full requirements of this code as for systems serving public buildings.
- (7) *Scope of NFPA 70, National Electric Code.* The NFPA 70, National Electric Code shall regulate the design, construction, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems and equipment.
- Exceptions:

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- a. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
  - b. Electrical systems in existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the International Existing Building Code.
- (8) *Scope of International Existing Building Code.* The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings.
- (9) *Scope of International Property Maintenance Code.* The provisions of the International Property Maintenance Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance.
- (10) *Scope of International Swimming Pool and Spa Code.* The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. Flotation tank systems intended for sensory deprivation therapy shall not be considered to be included in the scope of this code.
- (11) *Scope of International Energy Conservation Code (IECC).* The provisions of this code shall apply to commercial buildings and sites not governed by the International Residential Code, and associated systems and equipment. Where a building includes both residential and commercial occupancies, each occupancy shall be separately considered and meet the applicable provisions of IECC—Commercial Provisions or IECC—Residential Provisions. Residential buildings not governed by the residential code shall meet the provisions of IECC—Residential provisions. Commercial buildings shall meet the provisions of International Energy Conservation Code—Commercial Provisions.

Exceptions:

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



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

### **Sec. 368-102. Intent.**

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

### **Sec. 368-103. Exemptions.**

A building or structure shall not be constructed, extended, repaired, removed, maintained, or altered in violation of this article, except for repairs as provided in section 368-116. The raising, lowering, or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted, provided that the building or structure is not otherwise altered or its use or occupancy changed.

### **Sec. 368-104. Matters not provided for.**

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

### **Sec. 368-105. Workmanship.**

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

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**Sec. 368-106. Continuation of unlawful use.**

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

**Sec. 368-107. Most restrictive regulations apply.**

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

**Sec. 368-108. Referenced codes and standards.**

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

Exception:

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

**Sec. 368-109. Validity.**

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

**Sec. 368-109.1. Partial invalidity.**

In the event that any part or provision of these codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof.

**Sec. 368-109.2. Segregation of invalid provisions.**

Any invalidated part of these codes shall be segregated from the remainder of the code and the remainder shall remain effective.

**Sec. 368-109.3. Decisions involving existing structures.**

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

**Sec. 368-110. Approvals.**

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

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- (b) *Used materials and equipment.* Used materials, equipment, and devices shall not be reused unless they have been reconditioned, tested by an approved agency, placed in good and proper working condition, and approved for use by the building official.
  - (c) *Alternative materials and equipment.* The provisions of these codes are not intended to prevent the use of any material, method of construction, or equipment not specifically prescribed by these codes, provided that any such alternative has been approved in writing by the building official. An alternative material, method of construction, or equipment shall be approved when the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of these codes, and that the material and method of work offered is for the purpose intended, and at least the equivalent of that prescribed in these codes in quality, strength, effectiveness, fire resistance, durability, and safety.
  - (d) *Research and investigations.* The building official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the building official shall approve the use of such alternative subject to the requirements of these codes. The costs of all tests, reports, and investigations required under these provisions shall be paid for by the applicant.

## ***DIVISION 2. EXISTING STRUCTURES AND SYSTEMS***

### **Sec. 368-111. Applicability.**

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

### **Sec. 368-112. Continuation of existing use.**

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

### **Sec. 368-113. Change in use.**

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

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section International Energy Conservation Code C405.5. Any non-conditioned space that is altered to become conditioned space shall be required to be brought into full compliance with the International Energy Conservation Code.

### **Sec. 368-114. Additions, alterations, or repairs.**

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

### **Sec. 368-115. Historic buildings.**

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

### **Sec. 368-116. Repairs and maintenance.**

- (a) *Repairs to building or structure.* Application or notice to the building official is not required for ordinary repairs to buildings or structures, but such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any egress requirements.
- (b) *Repairs to systems.* Minor repairs or replacement of any existing system shall be permitted in the same manner and arrangement as in the existing system. It shall not include the addition to, alteration of, replacement or relocation of any system or system appliances or other work affecting public health or general safety.
- (c) *Permits.* The building official is authorized to require permits for any repairs regardless of value or extent if he deems the permit is necessary.
- (d) *Maintenance.* All buildings, structures, and systems and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition. All service equipment, means of egress, devices, systems, and safeguards which are required by these codes in a building or structure, or which were required by a previous statute in a building or structure, when erected, altered, or repaired, shall be maintained in good working order in accordance with the standards in effect on the date of said erection, alteration or repair. Systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices, or safeguards which are

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required by the code, shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for the maintenance of systems. To determine compliance with this provision the building official shall have the authority to require a system to be re-inspected.

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

### **Sec. 368-117. Demolition of structures.**

When a structure is demolished the following criteria shall apply.

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

### **Sec. 368-118. Moved structures—Compliance required.**

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

## ***DIVISION 3. BUILDING OFFICIAL***

### **Sec. 368-119. Building official defined.**

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

### **Sec. 368-120. Building official—Duties and powers.**

The building official shall enforce all of the provisions and shall act on any question relative to the use and enforcement of these codes except as otherwise specifically provided for by statutory requirements. The building

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official shall be permitted to approve specific software, worksheets, compliance manuals and other materials that meet the intent of the International Energy Conservation Code.

(Gen. Ord. 6553, § 1, 11-18-19)

### **Sec. 368-121. Applications and permits.**

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

### **Sec. 368-122. Building notices and orders.**

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

### **Sec. 368-123. Inspections.**

The building official shall make all of the required inspections, or the building official may accept reports of inspection by approved agencies or licensed professional. All reports of such inspections shall be in writing and certified by a responsible professional of such approved agency or by the licensed professional. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

### **Sec. 368-124. Identification.**

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

### **Sec. 368-125. Rule-making authority.**

- (a) *Building official.* The building official shall have the power as necessary in the interest of public health, safety, and general welfare, to adopt and promulgate rules, regulations, policies, and procedures, to interpret and implement the provisions of these codes to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules, regulations, policies, or procedures shall not have the effect of waiving requirements specifically provided for in these codes or of violating accepted engineering practice involving public safety. Such rules and regulations shall be effective upon conspicuous posting of the same in the offices of the Department of Building Development Services located at 840 Boonville Avenue, Springfield, Missouri and after having been filed in the office of the city clerk for two weeks.
- (b) *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application by the owner or owner's representative. The building official shall first find that a special individual reason makes the strict letter of this code impractical. Such modifications must be in compliance with the intent and purpose of the code. Such modifications must not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building development services.

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### **Sec. 368-126. Department records.**

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

### **Sec. 368-127. Revocation of permits and utilities.**

Whenever the building official has ordered a person to correct any violation and when such violations have not been corrected within the time specified by such order, the code official may institute an administrative action to revoke any and all permits issued by the city under which the activity is conducted. This may include business licenses, occupancy permits, and the privilege of receiving utilities for the activity or structure wherein the activity is being conducted. The filing of a notice of institution of a contested case before an administrative hearing officer in accordance with article X of this Code will be required.

## ***DIVISION 4. PERMITS AND FEES***

### **Sec. 368-128. When permit is required.**

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

Exception:

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

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

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- (3) *Work exempt from permit.* Exemptions from permit requirements of these codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of these codes or any other laws or ordinances of this jurisdiction. Work not listed herein shall be assumed to require a permit unless indicated otherwise in writing by the building official or his or her duly authorized representative. Permits shall not be required for the following:

a. *Building:*

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

b. *Electrical:*

1. Listed cord and plug connected temporary decorative lighting such as holiday lighting or temporary construction lighting.
2. Repair or replacement of branch circuit over current devices of the required capacity in the same location.
3. Temporary wiring for experimental purposes in suitable experimental laboratories.
4. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy on projects governed by the International Residential Code.



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5. Replacement of bulbs and the ballast associated with the luminaries, not including the branch circuit supplying the luminaries.
  6. The repair or replacement of existing receptacles, devices and fixtures, provided the load on the circuit is not increased. Installation of new branch circuits requires a permit.
  7. The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus.
  8. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- c. *Gas:*
1. Portable heating appliance.
  2. The connecting or replacement of residential gas-fired appliances, except gas hot water heaters, supplemental space heaters, furnaces, or gas logs.
  3. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
  4. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- d. *Mechanical:*
1. Portable heating appliance.
  2. Portable ventilation appliances and equipment.
  3. Portable cooling unit.
  4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
  5. Replacement of any part which does not alter its approval or make it unsafe.
  6. Portable evaporative cooler.
  7. Self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and that are actuated by motors of 1.0 horsepower (746 W) or less.
  8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
  9. Residential single-family duct additions, extensions, or diffuser relocation.
- e. *Plumbing:*
1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace more than 24 inches of pipe with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
  2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, or the removal and replacement of a like fixture, provide such repairs and replacement does not involve or require the rearrangement of service valves or associated piping.

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**Sec. 368-129. Application for permit.**

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

**Sec. 368-130. By whom application is made.**

- (a) *Building permit.* Application for a building permit shall be made by the owner or lessee of the building or structure, or authorized agent, or by the building contractor or registered design professional employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit from the owner in fee or the authorized applicant or a signed statement of the qualified applicant witnessed by the building official or his designee to the effect that the proposed work is authorized by the owner in fee and the applicant is authorized to make such application.
- (b) *Commercial buildings and one- and two-family dwellings plumbing, mechanical, fuel gas, private sewage disposal, and electrical permits.* Application for a permit shall be made by qualified trade persons to install all or part of any plumbing, mechanical, fuel gas, or electrical system. Qualified trade persons are defined as those meeting the standards established in article IV, building trades, appeals, and licensing.
- (c) *Homeowner in residence permit.* The homeowner may apply for and obtain the following permits provided that the owner permanently resides in the residence at the time of the permit application and continues to reside at the permit address without the loss of a defined habitable space during the course of the work being done.
  - (1) Electrical permits may be issued to homeowners to perform their own work for branch circuit wiring or repair of general wiring of their residence or accessory structure. Installation of service equipment must be done by a certified electrical contractor.
  - (2) Plumbing permits may be issued to homeowners to perform their own work for plumbing work located within the interior of their residence or accessory structure.
  - (3) Mechanical permits may be issued to homeowners for mechanical work located within the interior of their residence or accessory structure.
  - (4) The homeowner shall not be permitted to perform furnace or water heater replacement, gas piping or related venting, sewer lateral or water service work.
  - (5) If in the opinion of the building official or his representative, the project is deemed to be beyond the capabilities of the owner, a permit will not be issued to the owner. The homeowner will be advised to secure the services of a qualified trade person as defined in article IV, building trades, appeals, and licensing.

**Sec. 368-131. Time limitation of application.**

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

**Sec. 368-132. Time limit of permit.**

Permits shall automatically become invalid if the authorized work is not commenced within 180 calendar days, or if the authorized work is suspended or abandoned for a period of 180 calendar days. Permits for water

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

### **Sec. 368-133. Suspension or revocation of permit.**

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

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

### **Sec. 368-134. Submittal documents.**

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

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

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

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**Sec. 368-135. Information on construction documents.**

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

**Sec. 368-136. Action on application.**

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

**Sec. 368-137. Previous approvals.**

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

**Sec. 368-138. Signature to permit.**

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

**Sec. 368-139. Examination and approval of construction documents.**

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

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

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### **Sec. 368-140. Deferred submittals.**

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

### **Sec. 368-141. Phased approval.**

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

### **Sec. 368-142. Amended construction documents.**

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

### **Sec. 368-143. Posting of permit.**

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

### **Sec. 368-144. Requirements of street prior to issuance of permit.**

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

### **Sec. 368-145. Condition of permit.**

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

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however, does this grant authority to violate these codes whether or not code violations were found during the review of the construction documents.

- (d) *Compliance with site plan.* All new work shall be located strictly in accordance with the approved site plan.

### **Sec. 368-146. Fees.**

- (a) *General.* A building, plumbing, mechanical, fuel gas, or electrical permit shall not be issued until the fees prescribed in this section shall have been paid to the department of building development services or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee has been paid.
- (b) *Special fees.* The payment of fees to this department for permits shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance both within and without the jurisdiction of the department of building development services.
- (c) *Fees.* The fees for permits, plan review, and inspections shall be as prescribed in subsection (d) of this section, and the building official is authorized to establish by approved rules a schedule of unit rates for building and structures of all use groups and types of construction as classified and defined in the building code.
- (d) *Fee schedule.* A fee for each permit, plan review, and inspection shall be paid in full in accordance with fees as adopted by the City of Springfield and on file with the city clerk prior to a permit being issued, plan reviewed, or inspection made.
- (e) *Accounting.* The building official shall keep an accurate account of all fees collected and disposed of as required by law.
- (f) *Refunds.* Refunds will not be made of any fee collected for plan review on any project that has been reviewed. If requested, permit fees that are abandoned before being started or inspected shall be made at 50 percent of the total fee paid excluding plan review fees, but in no case shall any refund be made after a period of 180 calendar days from the date of issuance of the permit.
- (g) *Overtime fees.* All fees for overtime inspections, when requested by the permit holder, shall be as set forth in chapter 2 of the Springfield City Code.
- (h) *Re-inspection fees.* When it becomes necessary to make more than one re-inspection on the same violation because it was not corrected after the first inspection, then the permit holder shall pay an additional re-inspection fee as set forth in chapter 2 of the Springfield City Code. All refunds shall be made in accordance with the fee-refund policies prescribed by the City of Springfield.

## ***DIVISION 5. INSPECTION***

### **Sec. 368-147. Preliminary.**

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

### **Sec. 368-148. Required inspections and testing.**

Construction or work for which a permit is required shall be subject to the following inspections by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the

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provisions of these codes or of other ordinances of the jurisdiction. No inspection, nor any interpretation of such inspection, may authorize the violation, or cancellation of, the provisions of these codes or of other ordinances of the city. It shall be the duty of the person or contractor to whom a permit has been issued to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- (1) *Footing or foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete, after poles or piers are set, or trenches or basement areas are excavated and any required reinforcing steel is in place. Prior to placement of any concrete, for concrete foundations, any required forms shall be in place prior to inspection. The footing/foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment, and special requirements for wood foundations. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
- (2) *Concrete slab or under-floor inspection.* Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel excluding floor wire mesh reinforcement and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place and approved, but before any concrete is placed or floor sheathing installed, including the sub-floor.
- (3) *Lowest floor elevation.* In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required by the currently adopted building and residential codes, shall be submitted to the code official. The lowest floor elevation shall be as required in General Ordinance No. 5907 of the City of Springfield.
- (4) *Stem wall inspection.* A stem wall inspection shall be required at such time as all forms are set and reinforcement is in place. Stem wall forms shall be marked in such a manner as to denote the "top of wall." Concrete masonry unit foundation walls shall be inspected at such time as the top course has been installed and prior to any further vertical construction has taken place.
- (5) *Floor framing inspection.* Where framed floors are constructed over crawl spaces without a minimum vertical clearance of 32 inches from the bottom of floor joists to bottom surface of the crawlspace, and without a minimum vertical clearance of 18 inches from bottom of girders to bottom surface of crawlspace, a floor framing inspection shall be required before the floor framing is completely covered by subflooring and flooring. Until the floor framing is inspected and approved the subflooring and flooring shall remain uninstalled at each of the following and at two separate locations of each condition to allow access and inspection:
  - a. Corner foundation anchor bolts;
  - b. Girder to pier shim conditions;
  - c. Girder to foundation pocket;
  - d. Minimum of eight linear running length of foundation wall with typical anchor bolt installation.
- (6) *Blocking and sheathing inspection.* Blocking and sheathing shall be inspected prior to installation of any material that will conceal blocking or sheathing from view, and prior to frame and masonry inspection.
- (7) *Frame and masonry inspection.* Framing and masonry inspections shall be made after the roof deck or sheathings, masonry, all framing, fire-blocking, fire-stopping, draft-stopping, and bracing are in place and pipes, chimneys, and vents to be concealed are complete and after the rough-in inspections are approved for the area inspected.
- (8) *Building envelope insulation and sealing inspection.* Insulation and sealing of the building envelope shall be inspected on projects governed by the adopted International Residential Code before installation of finishes or any element that will cover the sealing and insulation work and prevent

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inspection. If building construction fails to meet the requirements of the approved drawings and codes and the contractor does not correct the deficiencies the building inspector has the authority to require building envelope and duct leakage testing.

- (9) *Fire- and smoke-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (10) *Fire-resistance-rated construction inspection.* Where fire-resistance-rated construction is required, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.
- (11) *Inspections and testing of systems.* Systems shall include, but are not necessarily limited to, mechanical, electrical, plumbing, fire suppression, and fuel gas systems. The building official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.
  - a. *Service utilities.*
    - 1. *Connection of service utilities.* No person shall make connections from a utility, source of energy, or a fuel or power source to any building or system that is regulated by this code for which a permit is required, or until released by the building official.
    - 2. *Temporary connection.* The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, or fuel or power source.
  - b. *Underground and sub-slab system inspection.* Underground and sub-slab system inspections shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
  - c. *Rough-in system inspection.* Rough-in inspection shall be made after the roof, framing, fire-blocking, and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
  - d. *Final system inspection.* Final inspection shall be made upon completion of the system.

Exception:

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

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



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- f. *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building development services.

### **Sec. 368-149. Testing.**

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

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

### **Sec. 368-150. Special inspections.**

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

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

### **Sec. 368-151. Prefabricated assemblies evaluation and follow-up inspection services.**

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

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- (1) *Evaluation service.* The building official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.
  - (2) *Follow-up inspection.* Except where ready access is provided to mechanical, plumbing, fuel gas, electrical, and private sewage disposal systems, service equipment, and accessories for complete inspection at the site without disassembly or dismantling, the building official may conduct the in-plant inspections as frequently as necessary to ensure conformance to the adopted codes and ordinance. The inspection agency shall furnish the building official with the follow-up inspection manual and a report of inspections upon request, and the mechanical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.
  - (3) *Test and inspection records.* Required test and inspection records shall be available to the building official at all times.

### **Sec. 368-152. Right of entry.**

- (a) *Access.* Whenever necessary for the purpose of enforcing the provisions of these codes, or whenever the building official has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe or dangerous, the code official shall have the right, at all reasonable times, to inspect the same or to perform any duty imposed upon the building official by these codes. If such structures or premises are occupied, posted for "no trespassing" or locked or otherwise secured, the code official shall first present proper identification and request entry, except for emergencies to save lives or property. Notwithstanding such provisions, entry may be had by the building official into all public or commercial places, building or structures in those spaces or areas that are open and accessible to the public. If an inspection is required under these codes, then refusal to provide access for such inspection shall constitute cause to issue a stop work order, revoke, or refuse to issue the permit, license, or utilities under this code. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.
- (b) *Probable cause.* If an official who has a duty to perform under these codes has been refused access to a building, structure, or property or any part thereof, and if such official has probable cause to believe that there may be a violation of these codes, or unsafe or dangerous condition, or that there is a need to inspect as part of a routine inspection program of the city designed to protect the overall public health, safety and welfare of the community, then upon application by the city attorney to the municipal court judge and a showing of the above, the municipal court judge of the city shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours and only by an official of the department in the company of a uniformed police officer of the city.

### **Sec. 368-153. Coordination of inspection.**

Whenever in the enforcement of these codes or another code or ordinance, where the responsibility of more than one inspector of the jurisdiction is involved it shall be the duty of the inspectors involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the finding to the building official having jurisdiction.

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**Sec. 368-154. Stop work order.**

- (a) *Notice to owner.* Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of these codes or in an unsafe and dangerous manner, or in conflict with approved construction documents, such work shall be stopped.
- (b) *Form and content.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work and shall state the conditions under which work will be permitted to resume.
- (c) *Unlawful continuance.* Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be punished as provided for in division 8 of this article.

***DIVISION 6. CERTIFICATE OF USE AND OCCUPANCY*****Sec. 368-155. New buildings.**

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

**Sec. 368-156. Buildings hereafter altered.**

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

**Sec. 368-157. Existing buildings.**

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

**Sec. 368-158. Changes in use and occupancy.**

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

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## **Sec. 368-159. Temporary occupancy.**

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

## **Sec. 368-160. Certificate required.**

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

- (1) *Certificate of occupancy.* After the building official inspects the structure, addition or remodel and finds no violations of the provisions of this code or other laws that are enforced by the department of building development services, for which a building permit has been issued, the building official shall issue a certificate of occupancy that shall contain the following:
  - a. The project number.
  - b. The address of the structure.
  - c. The name and address of the owner and or tenant.
  - d. A description of that portion of the structure for which the certificate is issued.
  - e. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
  - f. The name of the building official.
  - g. The edition of the code under which the certificate of occupancy was issued.

Exception: When the code edition for the structure cannot be determined or the specific code criteria cannot be verified the certificate of occupancy shall state, "This structure has been inspected and found acceptable for the proposed use."
  - h. The use and occupancy, in accordance with the applicable code.
  - i. The type of construction as defined in the applicable code.

Exception: When the code edition for the structure cannot be determined or the specific type of construction cannot be verified the certificate of occupancy shall state, "This structure has been inspected and found acceptable for the proposed use."
  - j. The occupant load, if other than a one- and two-family structure.
  - k. Sprinkler system provided.
  - l. Any special stipulations and conditions of the building permit.
- (2) *Existing structures of use Group A.* All buildings, classified as use Group A that change in ownership or tenant shall require a new certificate of occupancy. A design professional shall establish the allowed occupancy load for review by the code official if the design occupancy criteria is not on file with the city or the occupancy design criteria was established more than two years before the adoption of this ordinance.

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(3) *Floor and roof design loads.*

- a. *Live loads posted.* In commercial or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

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

- b. *Issuance of certificate of occupancy.* A certificate of occupancy shall not be issued until the floor-load signs have been installed.
- c. *Restrictions on loading.* It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this Code.

## ***DIVISION 7. UNSAFE STRUCTURES—EMERGENCY MEASURES—POSTING STRUCTURES—APPEALS***

### **Sec. 368-161. Unsafe structures and systems.**

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

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

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

- a. The failure to accept sewage discharges and backup of sewage into the structure served by the private sewage disposal system.
- b. The discharge of sewage to the surface of the ground or to a drain tile.
- c. The discharge of sewage to any surface or ground waters.
- d. The introduction of sewage into saturation zones adversely affecting the operation of a private sewage disposal system.
- (3) *Examination and record of damaged structure.* The building official shall examine every building, structure, or system reported as dangerous, unsafe structurally, unsanitary, or constituting a fire

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hazard, and shall cause the report to be filed in a docket of unsafe structures and premises; the report shall state the use of the structure and the nature of the damages, if any, caused by collapse or failure.

- (4) *Termination of utilities.* When it is found, after a hearing conducted as prescribed under article III of chapter 26 of the City Code, that a structure is dangerous, the building official shall notify the utility company to disconnect all utilities to the structure. Such utilities will not be reconnected again until the structure is safe and the owner or his agent shall bear all costs of reconnection.
- (5) *Restoration of unsafe structure.* A building or structure identified by the building official as unsafe is permitted to be restored to a safe condition except that if the damage or cost of reconstruction or restoration is in excess of 50 percent of its replacement value, exclusive of foundations, such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.

### **Sec. 368-162. Emergency measures.**

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

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

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

- (b) *Temporary safeguards.* When, in the opinion of the building official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the building official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been instituted.
- (c) *Closing streets.* When necessary for the public safety, the building official shall temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structures, and prohibit the same from being used.
- (d) *Emergency repairs.* For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (e) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the city as certified by the building official. The city attorney shall institute appropriate action against the owner of the premises where the unsafe building or structure is or was located for the recovery of such costs.

### **Sec. 368-163. Service utilities.**

- (a) *Connection of service utilities.* No person shall make connections from a utility, source of energy, or a fuel or power source to any building or system that is regulated by this code for which a permit is required, or until released by the building official.
- (b) *Temporary connection.* The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, or fuel or power source.
- (c) *Authority to disconnect service utilities.* The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes

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referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and/or occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner and occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

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

### **Sec. 368-164. Means of appeal—Application.**

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

## ***DIVISION 8. VIOLATIONS***

### **Sec. 368-165. Unlawful acts.**

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

### **Sec. 368-166. Notice of violation.**

With a "violation notice," the building official shall notify the person responsible for the erection, construction, alteration, extension, repair, removal, demolition, moving, use, or occupancy of a building, structure, or system in violation of a permit or certificate issued under the provisions of these codes. The violation notice shall direct the discontinuance of the illegal action or condition and the abatement of the violation and shall not be required to prosecute a person for violation of any provision of these codes, except in cases such violation notice shall be required to prosecute a person for failure to comply with any order. A violation notice delivery may be by:

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

### **Sec. 368-167. Remedies.**

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

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**Sec. 368-168. Prosecution of violation.**

Any person violating any of the provisions of these codes, or this article, or failing to comply with any order issued pursuant to any section thereof; or who shall erect, construct, alter or repair a building, structure or system in violation of an approved plan or directive of the building official or of a permit or certificate issued under the provisions of these codes shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided for in section 1-7 of the City Code. Each day that a violation continues, after a service of notice as provided for in these codes, shall be deemed a separate offense. Notice as set forth in section 368-166 shall not be required in order to prosecute a person for a violation of any provision of this article or these codes, except such notice shall be required to prosecute a person for failure to comply with an order.

**Sec. 368-169. Abatement of violation.**

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

**Sec. 368-170. Responsibility.**

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

**Sec. 368-171. Penalty clause.**

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 368-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

## **ARTICLE IV. BUILDING TRADES EXAMINATION AND CERTIFICATION BOARD**

### ***DIVISION 1. SCOPE AND PURPOSE***

**Sec. 368-500. Scope.**

This article IV regulates the examination and certification of trades conducted within Springfield city limits, except to the extent superseded by state law.

**Sec. 368-501. Purpose.**

The purpose of this article is to:



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- (a) Establish the building trades examination and certification board, define its jurisdiction, and authorize it to certify and register members of various building crafts or trades;
  - (b) Provide certification and registration guidelines and fees; and
  - (c) Provide uniform administrative procedure.

## ***DIVISION 2. BOARD AND JURISDICTION***

### **Sec. 368-502. Building trades examination and certification board.**

There is hereby established a building trades examination and certification board, which will consist of 11 members. The membership of the board shall include at least:

- (a) Two persons certified or licensed in the electrical field;
- (b) Two persons certified or licensed in the gas fitting trades;
- (c) Two persons certified or licensed in the mechanical field;
- (d) Two persons certified or licensed in the plumbing field;
- (e) Two building contractors (one from the residential field and one from the commercial field); and
- (f) One person not associated directly or indirectly with the building trades or its industry.

The city manager will nominate, and the city council will appoint, board members.

Members' terms will be three years, but members may serve until their successors are appointed. Members will serve staggered terms so that one third of the board is appointed each year. Initial appointments will be such that one-third of the members serve one year, one-third two years, and one-third three years. Members may not serve more than two successive terms and may be reappointed after a lapse of more than one year. The board will elect a chairman and a vice-chairman from among its members. The board may establish member-conduct rules.

### **Sec. 368-503. Jurisdiction of the building trades examination and certification board.**

The building trades examination and certification board (the board), has jurisdiction over:

- (a) Examinations and examination procedures for all examinations this article requires. The board may use a testing agency to perform, in whole or in part, the examinations described in this article.
- (b) Whether an applicant for certification possesses the necessary work experience, educational experience, or both, to qualify to take a written examination towards certification, or grant approval of a license based on section 368-506 of this Code. Any applicant who submits false or misleading information will be disqualified from examination and any further certification process.
- (c) Disciplinary actions to be taken against persons certified or registered under this article. The director of building development services may institute disciplinary actions by filing charges with the board. The board may suspend, revoke, or refuse to renew any certification or registration granted pursuant to this article if the director of building development services proves the truth of the charges to be more probable than not.
- (d) Granting temporary certificates as provided in section 36-507.

### ***DIVISION 3. MEETINGS AND RECORDS, PROCEDURES, EXPERIENCE STANDARDS, AND TEMPORARY CERTIFICATES***

#### **Sec. 368-504. Meetings and records.**

Board meetings and records may be closed as authorized by law.

#### **Sec. 368-505. Procedures before the board of building trades examination and certification board.**

- (a) *Meetings.* The board will have at least one regularly scheduled meeting per month to consider all matters filed with the board. In the absence of any business, regular meetings may be canceled. The chairman, in accordance with rules adopted by the board, may call special meetings.
- (b) *Quorum.* A quorum is six members in attendance. When a quorum is lacking for any meeting, the chairman, vice-chairman, or those present may adjourn to a specified time and invite the attendance of other members.
- (c) *Public hearings.* All meetings and access to records shall be subject to Chapter 610, RSMo, as amended. Interested parties may present evidence informally.
- (d) *Evidentiary matters.* The board will determine facts and apply law to the facts. The board will not follow formal rules of evidence, but will receive testimony under oath, and base all decisions on substantial and competent evidence.
- (e) *Evidentiary burden.* The applicant for certification shall have the burden of producing evidence and demonstrating by clear and convincing proof that the applicant has the minimum qualifications for such certification.
- (f) *Decisions.* The board may grant, revoke, or impose conditions on a certification. A decision to revoke or impose conditions requires seven affirmative votes or a majority of all members present, whichever is greater, and shall be in writing.
- (g) *Enforcement of decisions.* The director of building development services will enforce board decisions.

#### **Sec. 368-506. Standards for judging experience.**

The board will apply the following standards to determine whether an applicant may proceed to the written-examination stage of the certification process.

- (a) Masters for electrical, mechanical, and plumbing certification shall have at least four years of satisfactory experience as a journeyman in the building trade for which certification is sought. If the applicant does not hold a valid journeyman card and he wishes to take the masters examination, he shall have at least ten years of satisfactory experience in the building trade for which certification is sought.
- (b) Journeymen applying for electrical, mechanical, and plumbing certification shall have at least four years of performing work in the building trade for which certification is sought under supervision of a master. If the applicant is not under the supervision of a certified master and he wishes to take the

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journeyman examination, he shall have at least six years of satisfactory experience in the building trade for which certification is sought.

- (c) Masters for gas certification, who currently hold a master plumbing or master mechanical certification, shall have at least four years of satisfactory experience as a master plumber or mechanical master and at least two years as a gas journeyman. Masters for gas, who currently hold a journeyman gas certification, shall have at least four years of satisfactory experience.
- (d) Journeyman certification for gas shall have at least four years of performing work in the plumbing or mechanical trade under the supervision of a certified master or be a certified plumbing or mechanical master. If the applicant is not under the supervision of a certified master and he wishes to take the journeyman examination, he shall have at least six years of satisfactory experience in the plumbing or mechanical trade.
- (e) The board has discretion to accept an appropriate mix of practical and education experience.
- (f) Upon approval for testing by the board, an applicant may sit for the next regularly-scheduled examination. If the applicant fails a first examination, such applicant may sit for re-examination at the next, or subsequent, regular examination session upon paying the required testing fees to the testing agency up to one year from the date of approval by the board. If the applicant fails to pass the required examination within this time, he may reapply to the board for consideration to take the required examination.
- (g) The board may certify an applicant once such applicant meets the requirements of this section and has passed the examination required by the city. The passing test score must meet or exceed the minimum score required by the city at the time the application is received.

#### **Sec. 368-507. Temporary certificates.**

The board may issue a temporary certificate (except for masters) when an applicant has:

- (a) Previously exhibited skills and acceptable qualifications to an examining board of another political subdivision of this state or any other state;
- (b) Submitted the original or properly-certified copy of a currently-valid certificate of qualification for the classification for which a temporary certificate is made; and
- (c) Filed an affidavit stating the maximum period he intends to perform work in the city is 90 days. The board will exercise its sound discretion in accepting proof of qualifications to issue a temporary certificate. If accepted, the board will issue a temporary certificate valid for no more than 90 days.

#### **Secs. 368-508—368-520. Reserved.**

### ***DIVISION 4. DIRECTOR OF BUILDING DEVELOPMENT SERVICES***

#### **Sec. 368-521. Responsibilities.**

The director of building development services has responsibility to:

- (a) Establish procedures and forms for making applications for certification;
- (b) Accept applications for certification;
- (c) Issue and renew certifications and to accept all fees pursuant thereto;

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- (d) Enforce the provisions pertaining to certification; and
  - (e) Bring charges before the board against those who:
    - (1) Violate the provisions of this article; or
    - (2) Commit an offense so detrimental to the public health, safety, and welfare that it requires immediate action.

**Sec. 368-522. Technical assistance.**

The director of building development services will serve the board as executive secretary. A clerk from the department will record board proceedings. The clerk will keep a detailed record of all proceedings on file in the department.

**Sec. 368-523. Minimum procedures for administration and testing.**

Upon receiving an application, the director of building development services will distribute a copy of the rules governing application, testing, and certification to the submitting applicant. The director of building development services will select a testing agency to examine such applicant's knowledge of a specific subject matter.

**Sec. 368-524. Registration required.**

The director of building development services will require persons engaged in building trades to register annually on forms the director provides. Apprentices and electrical, gas fitting, plumbing, and mechanical contractors must register.

**Sec. 368-525. Miscellaneous powers.**

- (a) The director of building development services may require additional information in application forms. Masters must notify the director within 30 days of a change in employment status.
- (b) From time to time, the director of building development services may promulgate written rules and regulations to implement the provisions of this article. Once the board approves such rules and regulations, they shall be effective when conspicuously posted in the department of building development services and filed in the city clerk's office for two weeks.

**Sec. 368-526. Authority of director of building development services.**

Upon reasonable cause to believe that a person has failed to register, the director of building development services may bring charges before the board to suspend, revoke, or refuse to renew a certificate, registration, or license. Conviction of an offense under this chapter does not preclude other remedies.

**Secs. 368-527—368-530. Reserved.**

***DIVISION 5. CERTIFICATION HOLDERS, REGISTRANTS, AND LICENSEES***

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### **Sec. 368-531. Responsibilities.**

Under the following conditions, the director of building development services will issue qualification certificates and registration cards according to this article and the Springfield City Code. Certificate holders, registrants, and licensees must comply with these conditions:

- (a) Obtain a permit when required.
- (b) Present his or her permit, certificate, registration card, or license upon request from building development services personnel or have the registration card visibly present on the person for verification.
- (c) Follow permit conditions and approved drawings and specifications, unless building development services personnel approve variations in writing.
- (d) Notify and obtain inspection services when required by this Code.
- (e) Pay any lawful fee assessed under code authority.
- (f) Obey any lawful order issued under code authority.
- (g) Maintain satisfactory levels of competence, workmanship, and recognized practice, as established in city ordinances.

### **Sec. 368-532. Certification required.**

- (a) It is unlawful to labor at the following trades without certification as required by this article:
  - (1) Master or journeyman plumber;
  - (2) Master or journeyman electrician;
  - (3) Master or journeyman gas fitter; or,
  - (4) Master or journeyman of mechanical systems.
- (b) Unless specifically exempt, it is unlawful for any person to perform or engage in electrical work, gas fitting, plumbing, or mechanical work, as defined by the codes, without first securing required licenses or permits.

### **Sec. 368-533. Definitions.**

*Journeyman of mechanical systems* means a person who is qualified to install, maintain, repair, fabricate, alter, or extend central air conditioning, refrigeration, heating, and ventilating, including duct work and all appurtenances, apparatuses, piping vessels, ducts, and insulation used in connection therewith while employed and supervised by a master of mechanical systems.

*Maintenance of existing mechanical systems* includes only the work necessary to maintain an existing system in operation. The term does not include adding new systems, replacing existing heating and cooling appliances with new appliances, or any work requiring a permit. A person may maintain an existing mechanical system without being certified or licensed. Maintenance work may be performed in all types of buildings.

*Master of mechanical systems* means a person qualified to install, maintain, repair, fabricate, alter, or extend air conditioning, refrigeration, heating, or ventilation, unlimited in horsepower or tons, including all duct systems, boiler and unfired pressure vessel systems, solar heating and cooling systems, and all appurtenances, apparatuses, or equipment used in connection therewith, as well as piping, duct work, insulation of pipes, vessels, and ducts.

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*Mechanical systems* include heating systems, ventilating systems, cooling systems, steam and hot water heating systems, process piping, boilers and pressure vessels, appliances utilizing gas, liquid or solid fuel, chimneys and vents, mechanical refrigeration systems, duct work, crematories, and air pollution systems.

*Refrigeration journeyman* means a person qualified to install, maintain, repair, or alter any system of refrigeration intended to be used for food and product preservation while employed or supervised by a master of mechanical systems.

*Sheet metal journeyman* means a person qualified to fabricate, install, repair, alter, or extend sheet metal work while employed or supervised by a master of mechanical systems.

### **Sec. 368-534. Apprentices.**

Before a person not certified to perform electrical, plumbing, gas fitting, or mechanical work may be permitted to aid in such work, such person shall register by name, age and address, name of present employer, past employment record, and name of supervisory employee. Upon registration and issuance of a registration card, such person shall be entitled to engage in, and work at, the appropriate building trade as an apprentice in the employ of a master of an electrical, gas fitting, plumbing, or mechanical contracting firm and shall be supervised at the job site at all times during which they are engaged in work by a certified journeyman or master working for the employer who is physically present at the job site, except that such supervisor may for good reason leave the job site during such work for two periods each day, not to exceed 30 minutes each, once during the morning and once during the afternoon.

### **Sec. 368-535. Electrical, gas fitting, plumbing, and mechanical contractors.**

- (a) A person, before performing electrical, gas fitting, plumbing, or mechanical work, must register by business name, officers' names, and address. Such person must also designate the name of the certified master authorized to apply for permits, accept service of process, and designate the names of other certified personnel responsible for work crews.
- (b) Electrical, plumbing, mechanical, and gas fitting contractors must be licensed and work under the supervision of a master plumber, master of mechanical systems, master electrician, or master gas fitter holding a certificate of qualification. An applicant for a license may qualify in the following ways:
  - (1) If an individual, by personal certification or by certification of a responsible managing employee.
  - (2) If a co-partnership or limited partnership, by certification of a general partner or a responsible managing employee.
  - (3) If a corporation or other business organization, by the certification of the responsible managing officer or the responsible managing employee.
- (c) The certified master plumber, master electrician, master of mechanical systems, or master gas fitter, qualifying on behalf of an individual or firm, must directly supervise and control of his employer's or principal's construction operations and effect full compliance with the provisions of the various codes, ordinances, rules, and regulations of the city applicable to their trade or work.
- (d) The license shall be valid only if the registered supervisor remains in the employ of the licensee in an active, full-time capacity.

### **Sec. 368-536. Mechanical contractor—Duties.**

Any person registered as a mechanical contractor may install and service mechanical systems in any building within the corporate limits of the city. To install plumbing and/or gas in a mechanical system, a mechanical

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contractor must be a certified master plumber and/or a certified gas fitter or have both in his employment to perform such installation. The master of mechanical systems employed or acting as the mechanical contractor is responsible for the work of journeymen of mechanical systems, refrigeration journeymen, sheet metal journeymen, and apprentices on his job, whether in his employment or under his supervision.

### **Sec. 368-537. Gas fitters.**

- (a) Any person who is presently certified as a gas fitter by the director of building development services shall henceforth automatically be certified as a master gas fitter, except that any such person who has previously passed only the written examination for journeyman gas fitter shall be certified by the director of building development services hereafter as a journeyman gas fitter until such person shall pass the master gas fitter examination.
- (b) Certified journeyman gas fitters may perform gas work on projects which have a plumbing and/or mechanical permit stating that gas work is a part of the permitted project under the supervision of a master plumber or master of mechanical systems. Only certified master gas fitters may apply for, and be issued, separate permits for gas work on projects for which gas work is not included in the plumbing or mechanical permit. Only employment of a certified master gas fitter shall qualify a gas contractor to perform separate gas fitting services as described above.

### **Sec. 368-538. Bonding and insurance.**

Prior to issuing or authorizing the issuance of any plumbing, electrical, mechanical, or gas fitting contractor license, the director of building development services shall require a surety bond, evidence of an escrow, or evidence of deposit with the director of finance a \$5,000.00 cash reserve bond for restoration of any street, sidewalk, and other public property and for the incurring of other expenses or charges by the city (such as removal of construction wastes, cleanup of streets and sidewalks, etc.) in the event the applicant fails to restore such item with the same materials, in the same manner, and to its original condition. In addition, the contractor shall submit a policy of general liability and property damage insurance naming both the holder of the certificate, registration card, or license and the city and its officers, agents, and employees as insured, or, in the director's discretion, a certificate of insurance evidencing same. Said policy shall be for coverage of at least \$100,000.00/\$300,000.00 for general liability and \$50,000.00 property damage. Said policy shall also not be capable of cancellation without provision of ten days' written notice to the city. Submission of the policy or certificate naming the city as an insured may be waived by the director of building development services should he determine that the city has in force a blanket general liability and property policy to protect the city and its officers, agents, and employees from liability insurance from negligent inspections and from the failure to inspect or that the Missouri law protects the city from liability from negligent inspection or failure to inspect.

### **Sec. 368-539. Lapse of registration.**

The registration required by section 368-535 shall lapse whenever a person no longer has the designated certified master in his active employ and does not replace said master in accordance with the following:

- (a) If the individual qualifying for the license ceases, for any reason, to be connected with the individual or firm to whom the license is issued, the licensee and the registered officer, employee, or supervisor qualifying for such license, or the owner of the business, shall notify the department of building development services within 30 days from the cessation of such association. If notice is given, the license shall remain in force until another supervisor is qualified, but not to exceed 60 days from such notice.
- (b) If the licensee or his registered employee or managing officer qualifying for the license fails to notify the department of building development services in writing within the 30-day period, at the end of the

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period the license shall be automatically suspended. The license shall be reinstated only upon the qualification of a registered supervisor in place of the one who has ceased to be connected with the licensee.

**Sec. 368-540. Reserved.**

***DIVISION 6. FEES AND LICENSES***

**Sec. 368-541. Permits required.**

Any individuals performing any craft trades covered by this article, in and around any building within the corporate limits of the city, must obtain a permit from the department of building development services before commencing the work.

**Sec. 368-542. Permits for electrical, plumbing, mechanical, and gas fitting work—Eligibility.**

No permit for electrical, plumbing, mechanical, or gas fitting regulated by this chapter, except for annual maintenance permits, shall be issued to any person other than a person holding a valid, unexpired master certificate serving as the master for a duly licensed contractor, or his duly authorized agent, as set forth in this article and chapter 20 of the Springfield City Code, unless the permit is applied for by the owner of a single-family residential dwelling used exclusively for dwelling purposes, including the usual accessory buildings and quarters, and furthermore, that the owner resides in the dwelling at the time of application and that the owner continues to live there during the work covered under the permit and that the owner shall personally purchase all material and perform all labor in connection with the purpose for which permit application is made.

**Sec. 368-543. Utility connections.**

Mechanical contractors may, when replacing an existing heating or cooling appliance with a new one, connect the new appliance back to the existing gas, water, and/or electric lines at the same points where the existing appliance was removed. Certified craftsmen in applicable trades must install any new gas, water, or electrical lines. In new construction, all utility connections must be made by certified craftsmen in the utility trades. Any utility installation necessary for equipment or units to function may be installed only with a permit.

**Sec. 368-544. Certification, registration, and license fees.**

- (a) *Fees for issuance.* The director of building development services shall not issue, or authorize the issuance of, any certificate or registration card regulated by this article, unless and until, the applicant has tendered the fee for it in accordance with the schedule of fees adopted by ordinance from time to time. Fees in this section are those required by the department of building development services and are required in addition to occupational license fees administered by the department of finance.
- (b) *Renewal of master, journeyman certifications and/or apprentice registrations.* Trade Certification renewals for Journeymen & Masters, and Apprentice registrations, are due on an annual basis beginning on January 1 for the calendar year issued. The renewal period is January 1 to March 13 of that calendar year.



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**Sec. 368-545. Effects of failure to renew trade certificate or registration.**

- (a) Any certificate holder or registrant, who fails to renew his certificate or registration annually and allows same to remain unrenewed after March 31 must submit an original application to the board. The board may require the candidate to re-test or may approve the candidate to be reinstated.
- (b) In addition, the dissolution of a partnership or failure to maintain the legal status of a corporation shall terminate a license and no individual partner or officer or owner of a corporation may continue to operate under the business license. A person shall not operate the business under any other name other than the name shown on the business license.

**Secs. 368-546—368-550. Reserved.**

***DIVISION 7. VIOLATIONS***

**Sec. 368-551. Unlawful use of certificate.**

No person certified under this article shall allow his certificate to be used by any other person. No certified master shall obtain permits in his name for any other person other than the one contractor by whom he is actively employed and designated as the full-time supervisory master. If the primary work requires the employment of a specialized trade and is a subcontract of the primary system contractor, the master of the primary system obtaining the permit shall have oversight of the subcontractor's work and shall be responsible for the same. For the purposes of this section, "specialized trade" is defined as a subspecialty of construction trade work, including, but not limited to, the specialized trade work of HVAC controls. Conviction of a violation of this section in municipal court shall constitute an automatic revocation of said person's certification and said person shall not again be entitled to a certificate for a minimum period of one year.

**Sec. 368-552. Revocation of certificates for those not taking examinations.**

Certificates for a master or journeyman of mechanical systems, refrigeration journeyman, or sheet metal journeyman issued without examination as in section 368-532 will remain valid as long as the holder of the certificate has not been notified three or more times in any calendar year for violations of the codes or ordinances governing mechanical work within the city. Upon issuance of the notice, the director of building development services is hereby authorized to bring charges for revocation of the certificate before the building trades examination and certification board. If the board finds the violations cited to be justified, the certificate shall be revoked. Nothing in this section shall prevent a person from again applying for certification and testing.

**Secs. 368-553—368-559. Reserved.**

***DIVISION 8. APPEALS***

**Sec. 368-560. Review of a decision.**

Any party aggrieved by a decision of the board may seek review of said decision in a court of law pursuant to Chapter 536, RSMo., and Rules of the Missouri Supreme Court adopted thereto.

## ARTICLE ~~VIII~~. BUILDING CODE

### Sec. ~~368~~-601. Adoption of 2018 Building Code.

City council hereby adopts the 2018 International Building Code as published by the International Code Council and all referenced standards as if spelled out herein, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article ~~VIII~~, building code, of chapter ~~368~~, article ~~V~~ of the Springfield City Code, ~~known as the land development code~~. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

### Sec. ~~368~~-602. Deletions, modifications, amendments, and additions.

The 2018 International Building Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter ~~368~~, ~~Land Development Code~~, Article I, Administration and Enforcement of Codes and Article ~~XVIII~~, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Building Code.

[(d)] *[Amendments, additions, and deletions.]*

*502.1 Address identification.* New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. The assigned address number shall be clearly posted on the site immediately after the date of issuance of the permit and shall remain in place until the building is removed from that site. Letters or numbers shall be in conformance with Chapter 26, Section 26-3, Numbering of businesses and dwellings units, of the Springfield City Code. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

*503.1.5 Clearance Requirements.* All buildings and structures are required to meet clearance requirements from all wires, conductors, cables, and rigid live parts as stipulated in the National Electric Safety Code (NESC), latest edition, or as dictated by the utility service provider. In case of a conflict between the two agencies, the more stringent shall apply.

*903.6 Post Indicating Valves:* Post Indicating Valves may be omitted when a fire service connection to the public water supply main is provided and controlled by the utility purveyor.

*912.4.1 Locking fire department connection caps.* All fire department connections shall be provided with KNOX FDC Caps.

*1004.9 Posting of occupant load.* Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access

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doorway from the room or space for the intended configurations. At the main entrance to the building, the occupant load for the entire assembly use group shall be posted in a conspicuous place. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or the owner's authorized agent.

*1010.1.9.2 Hardware height.* Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches (864 mm) minimum and 48 inches (1219 mm) maximum above the finished floor.

*1301.1.1 Criteria.* Buildings shall be designed and constructed in accordance with the 2012 International Energy Conservation Code.

#### *Section 1603 Construction Documents*

8. Design base shear(s) for new structures and structure additions. (Note: All other items listed shall remain as written.)

*1608.1 General.* Design snow loads shall be determined in accordance with Chapter 7 of ASCE 7, but not less than 20 psf and the design roof load shall not be less than that determined by Section 1607. A reduction in snow loads shall not be permitted.

Subsection 1608.2, ground snow loads, is repealed in its entirety and replaced with:

*1608.2 Ground Snow Load.* The ground snow load to be used in determining the design snow loads for roofs shall not be less than 20 psf.

Subsection 1612.3 Establishment of flood hazard areas, is repealed in its entirety replaced with:

*1612.3 Establishment of flood hazard areas.* Flood hazard areas shall be as stipulated in Chapter 368, Article VII, of the Springfield City Code.

#### *Section 1704. Special Inspections and Tests, Contractor Responsibility and Structural Observation*

*1704.2.4 Report requirement.* Approved agencies shall keep records of special inspections and tests. The approved agency shall submit reports of special inspections and tests to the building official. Reports of special inspections and tests associated with a discrepancy shall be submitted to the building official within a week of performance of the special inspection or test and until correction of the discrepancy has been confirmed in writing on a special inspection report or by other written correspondence, except as provided below. Reports of special inspections and tests shall be submitted to the building official or the building official's duly authorized representative upon request. Reports of special inspections and tests shall be submitted to the building official by uploading to the project file using the e-Plans or ProjectDox system, unless otherwise approved by the building official, and to the registered design professional in responsible charge. Reports shall indicate that work inspected or tested was or was not completed in conformance to approved construction documents. Unless approved otherwise in writing by the building official, approved construction documents are those approved in writing or electronically by the building official. Discrepancies shall be brought to the immediate attention of the contractor for correction. If they are not corrected, the discrepancies shall be brought to the attention of the building official and to the registered design professional in responsible charge prior to the completion of that phase of the work. A final report documenting required special inspections and tests, and correction of any discrepancies noted in the inspections or tests, shall be submitted prior to issuance of a Certificate of Occupancy.

Exception: The approved special inspection agencies procedures for documenting special inspection results and tracking discrepancy resolution may be allowed in lieu of the above procedure, subject to review and approval by the building official.

*1705.17 Fire-resistant penetrations and joints.* In high-rise buildings or in buildings assigned to Risk Category III or IV, special inspections for through-penetrations, membrane penetration firestops, fire-

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resistant joint systems and perimeter fire barrier systems that are tested and listed in accordance with Sections 714.4.1.2, 714.5.1.2, 715.3 and 715.4 shall be in accordance with Section 1705.17.1 or 1705.17.2.

**1809.5 Frost Protection.** Except where otherwise protected from frost, foundation walls, piers, and other permanent supports or buildings and structures shall be protected from frost by one of the following methods:

1. Extending below the frost line, established at 24 inches for the City of Springfield, Missouri;
2. Constructing in accordance with ASCE-32;
3. Erecting on solid rock.

Exceptions: Freestanding buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I;
2. Area of 600 square feet (56 sq. meters) or less for light-frame construction or 400 square feet (37 sq. meters) or less for other than light-frame construction; or
3. Eave height of 10 feet (3048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

**3103.1.2 Permit required.** Temporary structures that cover an area in excess of 100 square feet (9.3 square meters), including connecting areas or spaces with a common means of egress or entrance that are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the fire official.

**3107.1 General.** Signs shall be designed, constructed, and maintained in accordance with all applicable sections of this code and Chapter 36, ~~Article III~~, of the Springfield City Code. In the event of a conflict, the stricter provisions shall apply.

**3201.1 Scope.** The provisions of this ~~Chapter 36~~, **this chapter**, and Chapter 98 and the Land Development Code of the Springfield City Code, and other provisions of this code, shall govern the encroachment of structures into the public right-of-way. In case of a conflict, the stricter provisions shall apply.

All cross references to the International Zoning Code shall instead cross refer to the appropriate section of ~~Article III – Zoning Regulations~~ of Chapter 36 of the Springfield City Code, known as the Land Development Code.

The NFPA 520 Standard on Subterranean Spaces, latest edition, is hereby incorporated into the International Building Code Referenced Standards.

## **Sec. 368-603. Adoption of appendices.**

By adoption of the 2018 International Private Sewage Disposal Code, the following appendices are part of this Code:

- Appendix C: Group U - Agricultural Buildings
- Appendix E: Supplementary Accessibility Requirements
- Appendix H: Signs (with the amendments set forth below)
- Appendix I: Patio Covers

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Appendix H is amended as follows:

*Section H101 General*

Subsection H101.2 Signs exempt from permits is repealed in its entirety and replaced with:

*H101.2 Signs exempt from permits.* Signs exempt from permits are listed in the Land Development Code of the City of Springfield.

Section H102 Definitions is repealed in its entirety and replaced with:

*Section H102 Definitions*

*H102.1 General.* Sign definitions applicable to this code are in the "Signs" section of the Land Development Code of the City of Springfield and in Chapter 2 of the 2018 International Building Code.

*H103.2 Clearance requirements.* All signs and sign structures are required to meet all clearance requirements from all wires, conductors, cables, and rigid live parts as stipulated in the National Electric Safety Code (NESC), latest edition, or as dictated by the utility service provider. In case of a conflict between the two agencies, the more stringent shall apply.

*H105.2 Permits, drawings, and specifications.* Where a permit is required, as provided in the Land Development Code, ~~Article III~~, construction documents shall be required. These documents shall show the dimensions, materials, and required details of construction, including loads, stresses, and anchors. In cases where the permit application is for construction of signs of insignificant size, weight or form, the Code Official may waive the required submittal of construction documents.

*H109.1 Height restrictions.* The structural frame of ground signs shall be erected of non-combustible materials if the height of the sign is more than 20 feet (6 096 mm) above the ground.

Subsections H109.2 Required clearance and H109.3 Wood anchors and supports are repealed in their entirety.

If there is any conflict between Appendix H and the "Signs" section of the Springfield Land Development Code, the "Signs" section shall govern.

**Sec. 368-604. Penalty clause.**

Any person convicted of: violating this ordinance [article]; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 368-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

**ARTICLE IV. ELECTRICAL CODE**

**Sec. 368-611. Adoption of 2018 Electrical Code.**

City council hereby adopts the National Fire Protection Association ("NFPA") 70, 2017 National Electrical Code, along with all errata that may be produced and published by the NFPA, and all referenced standards therein as if spelled out in this Ordinance, except such portions thereof as are hereinafter deleted, modified, or amended.

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This code shall be designated as "article IV~~4~~, electrical code," of chapter 36~~8~~, of the Springfield City Code. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

## **Sec. 36~~8~~-612. Deletions, modifications, amendments, and additions.**

The National Fire Protection Association ("NFPA") 70, National Electrical Code, 2017 (hereinafter referred to as the "NEC"), as adopted, is hereby amended as follows:

Section 90.4 Enforcement is repealed in its entirety and replaced with:

*Section 90.4 Enforcement.* It shall be unlawful for any person to install, or permit the installation of, any electrical wiring, equipment, or apparatus within the corporate limits of the City of Springfield, unless the same shall be installed to conform with the standards and provisions of the 2017 NEC, the latest approved edition of the Electrical Service Standards of City Utilities of Springfield, and all other applicable City codes and ordinances. In the event of a conflict between these documents the most stringent or restrictive shall govern, or an administrative interpretation may be made by the Director of Building Development Services to resolve such conflicts.

### *Article 100 Definitions*

*Service Repair.* The repair or replacement of a device or element of the service with a new device or element of the service, provided the repair or replacement material is of the same size or ampacity as the original.

*Service Upgrade.* Any service work that cannot be defined as a service repair.

### *Article 110.24 Available Fault Current*

#### (B) Modifications:

##### Exceptions:

1. The field-marking requirements in 110.24(A) and 110.24(B) shall not be required in industrial installations where conditions of maintenance and supervision ensure that only qualified persons service the equipment.
2. Field-marking requirements and calculations shall not be required on single-phase aerial or underground electrical installations when the service ampacity does not exceed 200 amps.

### *210.8 Ground-Fault Circuit-Interrupter Protection for Personnel*

(A) *Dwelling Units.* All 125-volt, single-phase, 15- or 20-ampere receptacles installed in locations specified in 210.8(A)(1) through (10) shall have ground-fault circuit-interrupter protection for personnel.

- (2) Garages and accessory buildings that have a floor located at or below grade level and are:
- a. not intended as habitable rooms; and,
  - b. limited to storage areas, work areas, and areas of similar use

Exception to (2): A single receptacle installed solely for electrical supply of a garage door opener.

### *210.12 Arc-Fault Circuit-Interrupter Protection*

(A) *Dwelling Units.* All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit bedrooms, shall be protected by any of the means described in 210.12(A)(1) through (6).

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*210.52 Dwelling Unit Receptacle Outlets.*

(G) *Basements, Garages, and Accessory Buildings.*

- (3) Basements. In each separate, unfinished portion of a basement, framed, interior walls for separate rooms constitute finished areas and, therefore, must have branch circuits as required by Article 210, and any required smoke detectors. All wiring must be protected from physical damage by the wall framing or the wall must be covered with sheetrock applied to at least one side of the wall.

*230.11. Residential service upgrades and repairs.*

(A) In all structures used for residential purposes, a service upgrade or modification must include:

- (1) GFI receptacles in kitchen(s) and bathroom(s), if outlets are in existence at the time of the service upgrade;
- (2) Approved hard-wired, dual-powered, interconnected smoke alarms installed and located per the adopted building code;
- (3) A minimum of two (2) 20 amp grounded small appliance branch circuits in kitchens;
- (4) Carbon monoxide detectors installed according to R315.1 where the structure has an attached garage or fuel-fired appliances; and,
- (5) Corrections to all apparent hazards.

(B) Damage repair. If a fire or other similar incident damages any part of the electrical system within a residential structure, the system, in addition to all damaged systems, must be completely repaired and:

- (1) All apparent hazards within the structure must be corrected.
- (2) Hard-wired, dual-powered, interconnected smoke detectors and carbon-monoxide detectors must be installed and located per the adopted building codes.
- (3) A total or partial upgrade of the electrical system may be required if, in the opinion of an electrical expert in the Department of Building Development Services, the condition of the existing electrical system constitutes a potential threat to the safety and welfare of current or future occupants.

*230.70 General.*

(A) Location.

- (1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance to the service conductors. The maximum length of conduit between the meter back and service disconnect shall not exceed 36 inches, unless otherwise authorized by the Department of Building Development Services.

*230.72 Grouping of Disconnects.*

- (A) General. The two to six disconnects as permitted in 230.71 shall be grouped. The term "grouped" as used in this sub-article is defined as being within two feet of each other, on the same wall, with no intervening obstructions exceeding eight inches in depth from the wall surface, unless otherwise authorized by the Department of Building Development Services prior to installation. Each disconnect shall be marked to indicate the load served.

*406.2 Definitions.*

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*Child Care Facility.* A building or structure, or portion thereof, for educational, supervisory, or personal-care services for children 7 years old or less.

**406.12 Tamper-Resistant Receptacles.** All 15- and 20-ampere, 125- and 250-volt nonlocking-type receptacles in the areas specified in 406.12(1) through (3) shall be listed tamper-resistant receptacles.

- (1) Dwelling units in all areas specified in 210.52 as amended and 550.13.
- (2) Child care facilities as amended.
- (3) Preschools and elementary education facilities.

Exception to (1), (2), and (3): Receptacles in the following locations shall not be required to be tamper resistant:

- (1) Receptacles located more than 1.7 m (5½ft) above the floor
- (2) Receptacles that are part of a luminaire or appliance
- (3) A single receptacle or a duplex receptacle for two appliances located within the dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-an-plug-connected in accordance with 400.10(A)(6), (A)(7); or (A)(8).
- (4) Nongrounding receptacles used for replacements as permitted in 404.4(D)(2)(a).

### **Sec. 368-613. Penalty clause.**

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 368-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

### **Sec. 368-314. Administrative enforcement.**

The administrative-enforcement provisions of chapter 368 of the Springfield City Code, ~~known as the land development code~~, are applicable to the enforcement of the National Electrical Code.

## **ARTICLE VII. INTERNATIONAL PROPERTY MAINTENANCE CODE**

### **Sec. 368-615. Adoption of the 2018 International Property Maintenance Code.**

City council hereby adopts the 2018 International Property Maintenance Code as published by the International Code Council and all referenced standards therein as if spelled out in this article, save and except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as Article VII, "International Property Maintenance Code," of Chapter 368 the Springfield City Code, ~~known as the "Land Development Code."~~ A copy of the International Property Maintenance Code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

### **Sec. 368-616. Deletions, modifications, amendments and additions.**

The 2018 International Property Maintenance Code, as adopted is hereby amended and changed as follows:



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- A. Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter ~~368, Land Development Code~~, Article I, Administration and Enforcement of Codes and Article ~~XVIII~~, Uniform Enforcement Procedures.
  - B. Because Chapter is repealed in its entirety, any cross reference to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
  - C. All adopted chapters and appendices shall include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Property Maintenance Code.

NOTE: Language to be added is underlined and language or sections to be deleted is stricken.

#### Section 202 Definitions

VACANT STRUCTURE. A structure not continuously and lawfully occupied by any person or persons.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause or contribute to, area blight or adversely affect the public health or safety.

Section 301.4 Discharge of solids, liquids, or gases. No solid, liquid, or gas may be discharged onto or from property in a manner that creates a nuisance on the property of origin or adjacent public or private property.

Subsections 302.4 Weeds and 302.8 Motor Vehicles are deleted in their entirety.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

#### 304.2.1 Exterior finish.

All exterior finishes, including cladding and siding, must be well maintained. There shall be no exposed substrate, building wrap, or insulation.

Section 304.3 Premises identification is deleted in its entirety.

Section 304.14 Insect screens. During the period from April 1 to November 1, each year, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved, tightly-fitting screens of minimum 16 mesh per inch (16 mesh per 25mm), and every screen door for insect control shall have a self-closing device in good working condition.

#### Section 305 Interior Structure

305.3 Interior surfaces. Interior surfaces, including Windows and doors, shall be maintained in a functional, clean, and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

#### Section 306 Component Serviceability

306.1.2 Use of Cellar or Basement as Habitable Room.

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1. No cellar or basement space shall be used as a habitable room and no basement space may be used as a dwelling unit unless:

1.1 The floor and walls are impervious to leakage of underground and surface runoff water and are fully insulated against moisture intrusion and dampness;

1.2 The total window area in each room is equal to at least the minimum window area size as required in Section 402;

1.3 Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and

1.4 The total operable-window area in each room is equal to at least the minimum as required under Section 403, except where there is supplied some other device affording adequate ventilation, which is approved by the director of the Department of Building Development Services in writing.

2. Notwithstanding the provisions of this section, any basement or cellar space may be used for living, eating, cooking, or sleeping if, for each such use, there are other facilities complying with this article available within the same dwelling for the occupants thereof. The intent of this subsection is to allow any basement or cellar space to be used as a habitable room if it is supplemental to, or in addition to, a dwelling unit or habitable room complying with this article.

Section 308.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish and the owner of the premises shall be responsible for the removal of rubbish and garbage. Rubbish and garbage shall be removed from the premises at least every fourteen days.

#### Section 602 Heating Facilities

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, shall furnish a heat source permitted by City Code to the occupants thereof during the period from October 1 to April 30 each year capable of maintaining a minimum temperature of 68 degrees F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Section 606 Elevators, Escalators and Dumbwaiters is deleted in its entirety.

### **Sec. ~~368~~-617. Penalty clause.**

Any person convicted of: Violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of any approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section ~~368~~-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

### **Secs. ~~368~~-618—~~368~~-620. Reserved.**

## **ARTICLE VIII. PLUMBING CODE**

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## Sec. 368-621. Adoption of 2018 Plumbing Code.

City council hereby adopts the 2018 International Plumbing Code as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended, as "article VIII, plumbing code," of chapter 368 of the Springfield City Code, known as the land development code. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

## Sec. 368-622. Deletions, modifications, amendments and additions.

The 2018 International Plumbing Code as adopted is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 368, Land Development Code, Article I, Administration and Enforcement of Codes and Article XVIII, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Plumbing Code.

[(d)] *[Amendments, additions and deletions.]*

*305.4.1 Sewer depth.* Building sewers that connect to private-sewage-disposal systems shall be installed a minimum of 18 inches below finished grade at the point of septic-tank connection. Building sewers shall be installed not less than 12 inches below grade.

*312.1 Required tests.* The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The code official, or the code official's duly authorized representative, may witness or require verification of these tests. The equipment, material, power, and labor necessary for the inspection and test shall be furnished by the permit holder and he or she shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. Plumbing-system piping shall be tested with either water or, for piping systems other than plastic, by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts, if necessary, to ascertain whether the pressure has reached all parts of the system.

*403.2 Separate facilities.* Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

- 1. Except for mercantile uses, occupancies which do not serve food or beverages to be consumed within the structure or tenant space, do not require separate facilities when the total occupant load, including both employees and customers, does not exceed 49.

*410.4 Substitution.*

Exception: In all use groups except Use Group A, where the occupant load is less than 49, a bottled water dispenser or water cooler with a minimum 2-gallon capacity may be substituted for the required drinking fountain.

*Section 504.7 Required pan*

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Exceptions:

1. A pan will not be required if the floor is concrete and a floor drain is adjacent to the device or the floor is a slab-on-grade, concrete floor.
2. A pan will not be required on a water heater changeout if the pre-existing conditions did not contain a pan.

**604.8 Water pressure-reducing valve or regulator.** An approved water-pressure-reducing valve conforming to ASSE 1003 with strainer shall be installed to reduce the pressure in the building water distribution piping to 80 psi (552 kPa) static or less.

**606.3 Access to valves.** Ready access shall be provided to all required full-open valves and shutoff valves.

**608.1 General.** A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable and public water supply through cross connections or any other piping connections to the system. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.17.10, and Missouri Department of Natural Resources regulations for backflow prevention in effect at the time of installation; where requirements differ the requirement that provides the highest level of protection shall govern. Installation of a backflow preventer is required as a condition for new systems not governed by the residential code and for permitted modifications to an existing system not governed by the residential code where more than four drainage fixture units, as defined in Table 709.1, are installed; the drainage fixture unit valve for a pot sink or three compartment sink shall be defined as three fixture units. This backflow preventer shall be installed as close as possible to the point where the potable water service enters the building or as approved by the water purveyor. No branch lines or taps will be allowed between the water meter and the backflow preventer. Backflow preventers shall be tested and tagged prior to final plumbing inspection.

**608.17.4**

Exceptions:

Delete subsection 2.

**608.17.4.2 Location.** All required automatic fire sprinkler and standpipe system backflow preventers shall be located in accordance with the requirements of the water purveyor. Location of backflow preventers shall be such that ready access for service and testing is achieved.

**Section 608.18 Protection of individual water supplies.** An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with standards established by the Springfield-Greene County Health Department, the water purveyor, and/or the Missouri Department of Natural Resources, for all site requirements related to protection of individual, water-supply systems. The more restrictive provisions specified for health, safety, and welfare shall apply whenever a conflict exists.

Subsections 608.18.1 through 608.18.8 are repealed in their entirety.

**802.1.7 Food utensils, dishes, pots-and-pans sinks.** Sinks, in other than dwelling units, used for the washing, rinsing, or sanitizing of utensils, dishes, pots, or pans; or, service ware, used in the preparation, serving, or eating of food, shall discharge indirectly through an air gap or an air break to the drainage system. The drainage system includes the grease interceptor.

**903.1 Roof extension.** Open vent pipes that extend through a roof shall be terminated not less than 12 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck,

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sunbathing deck, or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.

*918.3 Where permitted.* Individual, branch, and circuit vents shall be permitted to terminate with a connection to an individual or branch-type-air-admittance valve in accordance with Section 918.3.1 only with approval from the code official or the code official's duly authorized representative, prior to design or installation. Stack vents and vent stacks shall be permitted to terminate to stack-type-air-admittance valves in accordance with Section 918.3.2 only with approval from the code official or the code official's duly authorized representative prior to design or installation. The use of air-admittance valves shall be permitted only in the remodel of existing buildings and shall not be permitted in new structures and building additions, except for island fixtures, unless otherwise approved by the code official or the code official's duly authorized representative, prior to design or installation. Requests for approval shall be submitted separately in writing.

*1003.3 Grease interceptors.* Grease interceptors shall comply with the requirements of Sections 1003.3.1 through 1003.3.8 and the requirements and guidelines of the City of Springfield Fats, Oils, and Grease ("FOG") Management Plan, based on the anticipated conditions of use, and shall be subject to the approval of Clean Water Services.

*1003.3.1 Grease interceptors and automatic grease removal devices required.* A grease interceptor or an automatic, grease-removal device shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias, daycare centers, and clubs. Fixtures and equipment shall include: mop sinks; kitchen floor drains and sinks; culinary sinks; hand sinks; pot sinks; prerinse sinks; soup kettles or similar devices; wok stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers without prerinse sinks. Grease interceptors and automatic grease removal devices shall receive waste only from fixtures and equipment that allow fats, oils, or grease to be discharged. Where the lack of space or other constraints prevent the installation or replacement of a grease interceptor, one or more grease interceptors shall be permitted to be installed on or above the floor and upstream of an existing grease interceptor.

*1003.3.2 Food waste disposers restriction.* A food-waste disposer shall discharge to a grease interceptor through a solids separator.

*1003.3.3 Additives to grease interceptors.* Dispensing systems that dispense interceptor performance additives to a grease interceptor shall not be installed. Systems that discharge emulsifiers, chemicals or enzymes to grease interceptors are prohibited.

*1003.3.7 Gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems.* The required capacity of gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems shall be determined by multiplying the peak drain flow into the interceptor in gallons per minute by a retention time of 30 minutes. Gravity grease interceptors shall be designed and tested in accordance with IAPMO/ANSI Z1001. Gravity grease interceptors with fats, oils, and greases disposal systems shall be designed and tested in accordance with ASME A112.14.6 and IAPMO/ANSI Z1001. Gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems shall be installed in accordance with manufacturer's instructions. Where manufacturer's instructions are not provided, gravity grease interceptors and gravity grease interceptors with fats, oils, and greases disposal systems shall be installed in compliance with ASME A112.14.6 and IAPMO/ANSI Z1001. Concrete grease interceptors are prohibited.

*1003.11 Sampling manhole.* A sampling manhole shall be installed for all required interceptors in accordance with City of Springfield Public Works standard details to monitor the entire building, or to monitor individual tenant space as determined by Clean Water Services.

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1202.2 The installation and inspection of all medical gases must be performed by a person who carries a National Inspection Testing & Certification Corporation ("NITC") 6010 Medical Gas Installer Certification or an equivalent certification as approved by the code official.

1202.3 The final inspection of a medical-gas system shall be performed as a special inspection by a person who carries a National Inspection Testing & Certification Corporation ("NITC") 6020 Medical Gas Inspector Certification or an equivalent certification as approved by the code official. This final special inspection must be submitted to the plumbing inspector for approval before the final plumbing inspection can be performed.

All language referring to flood-hazard areas is repealed and replaced with:

All structures located within a designated flood hazard area shall comply with Chapter 368, Article XVII of the Springfield City Code.

### **Sec. 368-623. Adoption of appendices.**

By adoption of the 2018 International Plumbing Code, the following appendices are part of this Code.

Appendix B: Rates of Rainfall for Various Cities

Appendix C: Structural Safety

Appendix D: Degree Day and Design Temperatures

Appendix E: Sizing of Water Piping System

### **Sec. 368-624. Penalty clause.**

Any person convicted of: violating this Ordinance; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 368-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

## **ARTICLE ~~IX~~XVII. MECHANICAL CODE**

### **Sec. 368-631. Adoption of 2018 Mechanical Code.**

City council hereby adopts the 2018 International Mechanical Code, as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended. This code is designated as article ~~IX~~XVII, mechanical code, of chapter 368 of the Springfield City Code, ~~known as the land development code~~. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

### **Sec. 368-632. Deletions, modifications, amendments, and additions.**

The 2018 International Mechanical Code, as adopted, is hereby amended and changed as follows:

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- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter ~~368, Land Development Code~~, Article I, Administration and Enforcement of Codes and Article ~~XVIII~~, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Mechanical Code.
- [(d)] *[Amendments, additions, and deletions.]*

*301.19 Work materials and equipment in a regulated floodplain.* All work materials and equipment performed or installed within a regulated floodplain shall comply with requirements stipulated in Chapter ~~368~~, Article XVII Floodplain Management. Equipment and material subject to damage by floodwater within a regulated floodplain shall be elevated not less than two feet above the base flood elevation. All other provisions in this code that refer to work, materials or equipment in a floodplain are repealed and shall be disregarded.

#### *304.11 Guards*

Exception: Guards are not required on small, walk in-coolers or freezers that are:

1. factory-built;
2. assembled on site;
3. used only by employees;
4. not continuously occupied; and,
5. no greater than 500 square feet in size.

*307.2.1 Condensate disposal.* Condensate from all cooling coils and evaporators shall be conveyed from the drain-pan outlet to an approved place of disposal. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1 percent slope). Condensate shall not discharge into a street, alley, crawl space, or other areas to cause a nuisance.

#### *502.14 Motor vehicle operation.*

Exception: 4. If it can be shown, subject to the approval of the code official having jurisdiction, that the area of motor vehicle operation in an existing building was previously used as a motor vehicle operation area, a properly listed and labeled exhaust hose not greater than eight (8) feet in length may be used, provided it is connected to the vehicle while in operation and securely attached to a permanent opening through the exterior surface of the building.

*506.3.2.5 Grease duct test.* Prior to the use or concealment of any portion of a grease-duct system, a leakage test shall be performed. Ducts shall be considered to be concealed where installed in shafts or covered by coating or wraps that prevent the ductwork from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease-duct-leakage test. The grease duct shall be tested by drawing a vacuum on or pressurizing the installed, in place, grease duct to a minimum of 4 inches water column (995 pa, 0.144 psi). The test shall be witnessed by the code official or the code official's duly authorized agent. The grease duct will pass inspection if the pressure or vacuum applied holds for 15 minutes with zero leakage. Measurement shall be made with a digital manometer or pressure gauge with an accuracy of 0.5 percent. The measurement device shall be connected to the test cover of the hood and duct connection and shall be readily accessible for reading.

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*509.2 Domestic Uses.* Cooking appliances required by section 505.6 to have a domestic, cooking-exhaust system shall be provided with a UL 300 A listed fire suppression system.

(Gen. Ord. 6558, § 1, 11-18-19)

### **Sec. 368-633. Adoption of appendix.**

By adoption of the 2018 International Mechanical Code, Appendix A, Chimney Connector Pass-Throughs is part of this code.

### **Sec. 368-634. Penalty clause.**

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 368-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

## **ARTICLE XVIII. UNIFORM ENFORCEMENT PROCEDURES**

### ***DIVISION 1. ADMINISTRATIVE ENFORCEMENT***

#### **Sec. 368-1001. Purpose.**

The purpose of this article is to establish uniform procedures for administrative enforcement of the International Code Series, which includes the International Building Code, the International Fire Gas Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code, the International Private Sewage Disposal Code, the International Existing Building Code, the International Fire Code, the International Property Maintenance Code, and the National Electrical Code. The purpose of this article is to provide for administrative action with respect to the correction of code violations, thereby providing for civil remedies in addition to criminal penalties to correct or abate violations of the applicable code.

#### **Sec. 368-1002. Definitions.**

Definitions set forth in RSMo 536.010 apply to this article as well as the following definitions: An "administrative hearing officer" means that person designated in writing by the city manager, in which the designation shall be on file in the city clerk's office and the office of the department or agency charged with administration of the applicable code. Such person may be an administrative official in the department who has responsibility for administration of the applicable code or an attorney. An "administrative official" means that person designated in the applicable code as having duties to perform hereunder with respect to the code.

#### **Sec. 368-1003. Institution of a contested case.**

A contested case may be commenced by the administrative official charged with the enforcement of the applicable code's filing with the secretary of the director of building development services, Busch Municipal Building, 840 Boonville, Springfield, Missouri, a complaint in accordance with RSMo 536.063. The complaint shall



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request that the administrative hearing officer make a decision after opportunity for hearing and presentation of evidence concerning an order or decision of the administrative official. The complaint shall state the relief that is being sought or proposed and the reasons for granting it. The complaint shall state that the administrative official has given notification of the violation of the applicable code and has ordered compliance with the code and that there has not been compliance with the code within the required time. In the event necessary parties cannot be located for the purpose of providing notification, then the administrative official may provide notification by publication in accordance with rules established by the hearing officer.

#### **Sec. 368-1004. Notice of a contested case.**

In any contested case, the administrative official acting for the agency shall promptly mail notice of institution of the case to all necessary parties as set forth in RSMo 536.067. Such notice shall contain the information required by RSMo 536.067 and shall be mailed in accordance with provisions set forth therein, provided notice may be had by publication when authorized by the hearing officer. The notice shall give a reasonable time before the hearing which shall not be less than ten days, except in cases where the public morals, health, safety, or interest may make a shorter time reasonable.

#### **Sec. 368-1005. Evidence.**

All matters involving evidence, witnesses, objections, judicial notice, and affidavits of evidence and the preparation of the transcript shall be in accordance with provisions of RSMo 536.070. The hearing officer shall have authority to conduct the hearings in accordance with procedures set forth in RSMo 536.070. The hearing officer shall have authority to promulgate rules of procedure for the filing of complaints, the conducting of hearings, and the giving of notice, provided such rules are consistent with RSMo Chapter 536, which shall be on file with the city clerk at least ten days before such rules become effective. The parties to such proceedings may take depositions in accordance with RSMo 536.073 and may cause witnesses or documents to be subpoenaed in accordance with RSMo 536.077. The hearing officer shall have authority to issue subpoenas and subpoenas duces tecum for the hearing. The parties may file briefs, present oral arguments and, upon presentation of the evidence and arguments by the parties, the hearing officer shall render a decision in accordance with RSMo 536.090, which the decision shall be subject to appeal in accordance with [RSMo] Chapter 536. The hearing officer shall have authority to stay the enforcement of the order or may temporarily grant or extend relief, or deny or withhold relief while the matter is being appealed.

#### **Sec. 368-1006. Remedies.**

The hearing officer shall have the authority to order that all permits issued by the city including, business licenses, occupancy permits, and utilities, may be withheld, suspended, or revoked for all or part of any premise, structure, or building in which the violation of the code is occurring and may issue an order to the general manager of city utilities or the public works director directing that all or part of the utilities for the premises shall be withheld, withdrawn, suspended, or revoked until the code violation is corrected or otherwise abated. The hearing officer shall have the power to assess costs against any person who is found to have violated the applicable code and who has refused to comply with a prior order of the administrative official concerning such violation. The order may provide that no person shall be entitled to reconnection of disconnected utilities unless such person has paid for all costs of disconnecting and reconnecting the utilities. Reconnection of utilities may occur after the administrative official or the hearing officer has certified compliance or ordered reconnection. It shall be unlawful for any person to refuse to obey such an order, and such order may provide for entry into the property involved for purposes of abating the violation by disconnecting the utilities or causing utilities to the property to be disconnected in whole or in part in order to correct or abate the violation.

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**Sec. 368-1007. Other applicable provisions.**

All other provisions of RSMo Chapter 536 applicable to contested cases shall apply to actions instituted under this article.

**ARTICLE IX. CHILD DAY CARE**

***DIVISION 1. DEFINITIONS***

**Sec. 368-1100. Definitions.**

The following terms are defined:

*Child day care* means the care of a child away from his own home on either a commercial or noncommercial basis for custodial, educational, religious, or other purposes for any part of a 24-hour day.

*Day care center* means a facility other than the provider's permanent residence where child day care is provided.

*Day care home* means a family home, occupied as a permanent residence by the child day care provider, in which care is given to no more than ten children not related to the day care provider for any part of a 24-hour day. For purposes of this article, the day care home is further classified as follows:

1. Family day care home means a day care home providing day care to no more than six children at any one time.
2. Group day care home means a day care home providing day care to not more than ten children nor less than seven children at any one time.

*Existing structures* means those structures containing operational day care facilities on December 12, 1983, the date of passage of the ordinance codified in this section and remaining in continuous operation thereafter. Any facility which ceases day care operation for a period of six continuous months shall not be considered in continuous operation.

*Hourly care center* means a facility providing child day care services on an irregular, intermittent basis.

*Infant and toddler day care* means child day care provided for children 24 months of age or less or who may otherwise have physical or mental handicaps that hinder mobility or impair their capacity to respond to evacuation instructions.

*New structures* means those structures that are constructed or converted to use as a day care facility, after December 12, 1983, the date of the passage of the ordinance codified in this section.

*Preschool, nursery school, or kindergarten center* means a facility where educational services are provided for children not otherwise a part of a school system. For purposes of this article, such educational services and facilities shall be considered as child day care centers.

*Referral services* means establishments engaged in the placing of children in child day care facilities.

*School system* means a public or private school which provides education in at least the first through the sixth grades.

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*Smoke detector system, automatic* means smoke detectors that are interconnected so as to sound an alarm if there is a fire in another part of the building.

## ***DIVISION 2. GENERAL REQUIREMENTS***

### **Sec. 368-1101. General requirements.**

The provisions prescribed by this section shall apply to all child day care services and facilities irrespective of their classification or zoning district. These provisions shall apply equally to new and existing child day care services and facilities.

- (a) *Exemptions.* The following child day care services and facilities shall be exempt from the provisions of this article relating to child day care:
- (1) Child day care services and facilities serving no more than four children at any one time.
  - (2) Preschools, nursery schools, and kindergartens that are part of a school system.
  - (3) Child day care provided by an institution or business establishment as an accessory service to its patrons or customers (but not its employees) while they are present on the premises.

The director of building development services may require written certification of exemption from the Missouri State Division of Family Services.

- (b) *State license required.* No person shall operate a child day care service or facility not otherwise exempt under subsection (a) of this section without a permit from the city. All child day care services and facilities not otherwise exempt under subsection (a) of this section shall comply with RSMo. 210.201 through 210.245, as amended, pertaining to the licensing of child day care services and facilities.
- (c) *Minimum space per child required.*
- (1) The area designated for child day care shall encompass a minimum of 35 square feet of usable floor area per child. Kitchens, hallways, bathrooms, closets, the staff lounge, office space, floor space occupied by furniture or shelving not used by children, or floor space permanently occupied by sleeping equipment shall not be considered as usable floor space. Floor space shall be measured wall-to-wall from the inside walls of areas used for children's activities.
  - (2) For purposes of computing the maximum number of children in a family day care home or group home, children who fall within the provisions of the regulations adopted by the State of Missouri, a copy of which is attached to the ordinance codified in this section as "Exhibit A," shall not be counted. For purposes of computing the maximum number of children in a family day care center or an infant or toddler care facility, the children who fall within the provisions of the regulations adopted by the State of Missouri, a copy of which is attached to the ordinance codified in this section as "Exhibit B," shall not be counted.

### **Sec. 368-1102. Electrical system.**

In existing child-care facilities, the electrical system shall be safe and adequate to accommodate the use. Extension cords shall not be used as permanent wiring for appliances or equipment and shall not be run under floor coverings, in concealed spaces, across doorways and windows, or be fastened to the structure in any manner. Protective receptacle covers shall be installed in all areas occupied by children.

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**Sec. 368-1103. Heating equipment.**

The child day care facility shall be dry, heated, and well ventilated. Heating equipment shall be capable of maintaining an indoor temperature of 68 degrees Fahrenheit with an outdoor temperature of zero degrees Fahrenheit. Heating elements such as space heaters, fireplaces, wood stoves, radiators, or floor furnaces in spaces occupied by children shall require a guard or be protected by partitions, screens, or other means to prevent children from falling against a hot surface or flame as required by the fire officials. Space heaters shall be installed with permanent connections that are properly vented. Unvented gas or oil room heaters are prohibited. All heating equipment will be equipped with a thermostatic control. All furnace rooms shall be properly vented. In the event that the facility cares for more than 30 children, a hood and duct system shall be required over cooking ranges. If the cooking range is of a commercial type, then the hood and duct system shall comply with the adopted mechanical code of the City of Springfield, and no fire extinguishing system shall be required except as otherwise provided for herein. If the cooking range is an ordinary residential-type range, a residential-type hood and duct system will be permitted and no fire extinguishing system shall be required except as provided for herein. If the city fire marshal determines that a fire hazard exists because food preparation is creating sufficient grease accumulations to present a fire hazard, a fire extinguishing hood and duct system complying with the adopted mechanical code of the city shall be required provided the operator of the facility shall have received at least one previous warning from the fire marshal about excessive grease accumulations within the 12-month period prior to the determination that a fire extinguishing hood and duct system is required.

**Sec. 368-1104. Hot water heaters.**

Hot water heaters shall have a pressure and temperature relief valve, be properly vented, and equipped with thermostatic controls in compliance with the applicable codes. Hot water heaters and furnaces having an open flame shall not be located in garages unless such equipment or appliances are enclosed in a one-hour fire-resistant assembly with burners to be located at least 18 inches above the garage floor.

**Sec. 368-1105. Smoke detectors required.**

Smoke detectors shall be required at locations as now required by the adopted building codes. Existing facilities may use either a battery-operated type or electrically wired smoke detector unless this article otherwise requires an electrically wired system. The portable fire extinguisher(s) of Class ABC type with a minimum of 2A rating with gauge shall be installed at a location required by the adopted building codes. Detectors are not required in fully automatic sprinkler buildings.

**Sec. 368-1106. Interior finish.**

Interior finish in all existing child-care facilities shall be no more hazardous than in the use group specified in the adopted building codes. In the event the city inspector has reason to believe that the interior finish in the existing structure is more hazardous than the use group specification, then the city official shall request information from the property owner or person occupying the premises concerning the nature of the interior finish. In the event such information is not reasonably available to the property owner or occupant, the city official may take a sample of the material and submit it to an appropriate agency for a determination concerning the flame spread rating characteristics. If, however, flame spread rating characteristics are not readily available or materials are not reasonably practicable to secure for appropriate testing, then the city official may require that the material in question be removed or that an acceptably rated fire retardant material be applied to cover the existing questionable surface. Lead-based paint shall not be used in areas occupied by children.

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**Sec. 368-1107. Walls, ceilings, and floors.**

Walls, ceilings, and floors shall be finished so as to be easily cleaned. They shall be free from splinters, cracks, and chipping paint. Lead-free paint shall be used for all painted surfaces. Concrete floors in areas designated as child-care space shall be covered with an approved resilient floor covering.

**Sec. 368-1108. Windows, doors, and stairways.**

All closet doors accessible to children shall be equipped with a latch or lock such that children can open the door from inside the closet. Handrails shall be constructed on stairways intended for children's use. If children occupy a second floor with access to stairs, a gate or guard shall be provided to prevent children from falling. Windows and doors having glass lower than 20 inches from the floor shall be protected with barriers designed to keep children from falling against the glass. Clear glass, sliding doors, and glassed areas having safety glass shall be marked at varying heights to avoid impact. Except for day care homes and group day care homes, locks shall not be used on bathroom doors accessible to children.

**Sec. 368-1109. Lighting.**

Artificial or natural lighting shall provide at least ten-foot candles of light throughout each room designated for child-care.

**Sec. 368-1110. Bathroom facilities.**

There shall be toilet and hand washing facilities in working order accessible to the child-care space.

**Sec. 368-1111. Swimming and wading pools.**

Swimming and wading pools shall be constructed, maintained, and used in such a manner as to safeguard the lives and health of the children.

- (a) Swimming pools or wading pools shall be fenced to prevent access by children. The fence shall be at least four feet high and shall have a locked gate.
- (b) Swimming and wading pools used by the day care facility shall be constructed in accordance with the adopted building codes. The water in the pool shall be treated, cleaned, and maintained in accordance with health practices and rules determined by the health official.

**Sec. 368-1112. General operational provisions.**

The following apply to all child day care services and facilities unless otherwise exempt under subsection 368-1101(a):

- (a) There shall be a telephone in working order. The emergency number (911) of the fire department, police department, and ambulance shall be visibly posted near the telephone at all times.
- (b) The house or building number shall be plainly visible from the street.
- (c) Fire and evacuation drills shall be conducted at least once each month.
- (d) First aid supplies are required and shall be maintained in a marked box or kit that is portable and readily accessible to the staff. The director of building development services may obtain a list of required supplies.

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- (e) Stairways, walks, ramps, porches, entrances, and exits shall be kept free of obstructions and hazardous items.
  - (f) Children shall have no access from the approved child-care area to other areas of the building. All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, weapons, or other hazardous items shall be stored so as to be inaccessible to children.
  - (g) The storage, collection, and disposal of garbage and trash shall conform to chapters 16 and 24 of the Springfield City Code. Trash collection receptacles shall be separated from child play areas.
  - (h) The facility shall be clean at all times, free from dirt and any evidence of vermin, e.g., insects, rodents, etc.

**Sec. 368-1113. Referral services.**

A placement service shall refer persons only to those child-care facilities that are in compliance with this article. The responsibility of maintaining current lists of complying facilities shall be that of the placement service.

***DIVISION 3. FAMILY DAY CARE HOMES***

**Sec. 368-1114. Family day care homes—General requirements.**

Family day care home shall, in addition to the general requirements prescribed in division 2 of this article, satisfy the requirements prescribed in this section.

- (a) *Zoning.* Family day care homes shall be permitted in R-1, R-2, R-3, R-4, O, C-1, C-2, and C-3 zoning districts provided the requirements of this article are otherwise satisfied. Family day care homes shall be permitted in legal nonconforming residential structures located in M-1 and M-2 zoning districts provided the requirements of this article are otherwise satisfied.
- (b) *Building code classification.* Family day care homes shall for building code purposes be housed within structures designed in accordance with use group R-3 standards or use group R-4 standards as appropriate.
- (c) *Provisions pertaining to existing structures.* Existing dwelling units may accommodate family day care homes under the following conditions:
  - (1) Each room used for child day care purposes with the exception of bathrooms shall have at least two means of egress. For the purposes of this article, a marked approved, operable window will be considered as one means of egress. At least one means of egress shall be a door or stairway no less than 28 inches in width and provides unobstructed travel.
  - (2) Under no circumstances shall space for child day care be provided above the second floor.
  - (3) No room or space shall be occupied for a child day care purpose that is accessible only by a ladder, folding stair, or through a trap door.
  - (4) Where children are located on a floor below the floor of exit discharge, i.e., a basement, at least one approved means of egress with at least a five-square foot opening shall be provided directly to the outside at ground level. No child day care area shall be located more than one story below the ground.
  - (5) In all bathrooms accessible to children, door locks shall be designed to permit the opening of the locked door from the outside, provided, however, door locks above the height that children can normally reach do not have to be designed to permit the opening of the door from the outside.

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**Sec. 368-1115. Off-street parking.**

Family day care homes shall satisfy the following provisions relating to off-street parking:

- (a) In addition to the off-street parking requirements of the residence, one off-street parking space shall be provided for each staff member.
- (b) Additional required parking spaces and additional spaces as may be provided for patrons shall be located behind the front building setback line.

**Sec. 368-1116. Outdoor play yards.**

There shall be a fenced outdoor play area on or adjoining the child day care facility so located that it is convenient and children can reach it without hazard. There shall be a minimum of 75 square feet per child of outdoor play area. A fence shall enclose all outdoor play areas unless said area falls within the provisions of state regulations that do not require a fence, or if the facility is not governed by state regulations but similar conditions exist. Such fence shall be at least three feet high and be maintained at all times in a safe condition free from broken glass, debris, trash, metal cans, and other hazardous items. In "R" zoning districts, outdoor play areas shall not be permitted in any required front yard, nor shall outdoor play activities be permitted between the hours of 8:00 p.m. and 8:00 a.m.

**Sec. 368-1117. Signs.**

A family day care home may display one unlighted identification sign, not exceeding one square foot in area, attached to and parallel with the exterior wall. No part of the sign may extend into the required setback area of the structure.

## ***DIVISION 4. GROUP DAY CARE HOMES***

**Sec. 368-1118. Group day care homes—General requirements.**

Group day care homes shall, in addition to the general requirements prescribed in division 2 of this article, satisfy the requirements prescribed in this section.

- (a) *Zoning.* Group day care homes shall be permitted in R-3, R-4, O, C-1, C-2, and C-3 zoning districts, provided the requirements of this article are otherwise satisfied. Group day care homes shall be permitted in legal nonconforming residential structures located in M-1 and M-2 zoning districts provided the requirements of this article are otherwise satisfied.
- (b) *Building code classification.* Group day care homes shall, for building code purposes, be housed within structures designed in accordance with use group R-3 standards or use group R-4 standards as appropriate.
- (c) *Provisions pertaining to existing structures.* Existing dwelling units may accommodate group day care homes under the following conditions:
  - (1) Each room used for child day care purposes with the exception of bathrooms shall have at least two means of egress. For the purposes of this section, a marked approved, operable window will be considered as one means of egress. At least one means of egress shall be a door or stairway no less than 28 inches in width and providing unobstructed travel.
  - (2) Under no circumstances shall space for child day care be provided above the second floor.

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- (3) No room or space shall be occupied for child day care purposes that are accessible only by a ladder, folding stair, or through a trap door.
  - (4) Where children are located on a floor below the floor of exit discharge, i.e., a basement, at least one approved means of egress with at least a five-square foot opening shall be provided directly to the outside at ground level. No child day care area shall be located more than one story below the ground.
  - (5) In all bathrooms accessible to children, door locks shall be designed to permit the opening of the locked door from the outside, provided, however, door locks above the height that children can normally reach do not have to be designed to permit the opening of the door from the outside.

#### **Sec. 368-1119. Off-street parking.**

Group day care homes shall satisfy the following provisions relating to off-street parking:

- (a) In addition to the off-street parking requirements of the residence, one off-street parking space shall be provided for each staff member.
- (b) Additional required parking spaces and additional spaces as may be provided for patrons shall be located behind the front building setback line.

#### **Sec. 368-1120. Outdoor play yards.**

There shall be a fenced outdoor play area on or adjoining the child day care facility so located that it is convenient and children can reach it without hazard. There shall be a minimum of 75 square feet per child of outdoor play area. A fence shall enclose all outdoor play areas unless said area falls within the provisions of state regulation that do not require a fence, or if the facility is not governed by state regulations but similar conditions exist. Such fence shall be at least three feet high and be maintained at all times in a safe condition free from broken glass, debris, trash, metal cans, and other hazardous items. In "R" zoning districts, outdoor play areas shall not be permitted in any required front yard nor shall outdoor play activities be permitted between the hours of 8:00 p.m. and 8:00 a.m.

#### **Sec. 368-1121. Signs.**

A group day care home may display one unlighted identification sign, not exceeding one square foot in area, attached to and parallel with the exterior wall. No part of any sign may extend into the required setback area of the structure.

### ***DIVISION 5. DAY CARE CENTERS, HOURLY CARE CENTERS, PRESCHOOLS, NURSERY SCHOOLS, AND KINDERGARTENS***

#### **Sec. 368-1122. Day care centers, hourly care centers, preschools, nursery schools, and kindergartens—General requirements.**

Day care centers, hourly care centers, preschools, nursery schools, and kindergartens shall, in addition to the general requirements prescribed in division 2 of this article, satisfy the requirements prescribed in this section.

- (a) *Zoning.* The zoning provisions prescribed in this section shall apply to day care centers, hourly care centers, preschools, nursery schools, and kindergartens.



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- (1) *Permitted as provisional use.* Day care centers, preschools, nursery schools, and kindergartens shall be permitted as a provisional use in O, C-1, C-2, C-3, M-1, and M-2 zoning districts provided the requirements of this article are otherwise satisfied. Hourly care centers are permitted as a provisional use in C-1, C-2, C-3, M-1, and M-2 zoning districts.
  - (2) *Conditional use permit required.* Day care centers, preschools, nursery schools, and kindergartens shall be permitted in R-LD, R-MD, and R-HD zoning districts subject to the issuance of a conditional use permit pursuant to chapter 36, article III, section 36-363, provided the provisions of this article are otherwise satisfied. Hourly care centers are not permitted in residential districts or office districts.
  - (3) *Permitted as ancillary or accessory use.* Day care centers, hourly care centers, preschools, nursery schools, and kindergartens ancillary or accessory to churches or schools shall be permitted in any zoning district allowing the principal use provided (a) the requirements of this article are otherwise satisfied, and (b) the child day care facility is located on the same tract of record as the principal use.
  - (4) *Building code classification.* Day care centers, hourly care centers, preschools, nursery schools, and kindergartens shall, for building code purposes, be housed within structures designed in accordance with use group A-4 standards, except for day care facilities less than 2,000 square feet in area, serving no more than 30 children, provided the building is not more than two stories in height and that there is not more than 50 feet in distance from the most remote point in the building to the exit way outside. The exit way must comply with use group B.

**Sec. 368-1123. Day care centers, hourly care centers, nursery schools, and kindergartens located in a church.**

Day care centers, hourly care centers, nursery, schools and kindergartens licensed or in existence and located within a church at the time of adoption of the ordinance codified in this article but not complying with the use group A-4 building code standard may operate in accordance with the following requirements:

- (a) *Non-fire-proof construction.* For facilities housed in other than fire-proof (Type 1) construction with habitable or occupiable stories or basement below grade, the floor-ceiling assemblies and supports below the grade floor shall be protected by one of the following methods:
  - (1) Fire resistance rating of not less than one hour; or
  - (2) Heavy mill (Type 3A) construction; or
  - (3) Automatic fire suppression; or
  - (4) Installation of an electrically wired smoke detection system with emergency power backup, or a battery-operated smoke detection system supplemented by at least one additional battery-operated smoke detector wired into the system and located in the basement or other areas designated by the director of building development services or his representative. A system is defined to mean smoke detectors that are interconnected so as to sound an alarm in all areas that are occupied or used for child-care if there is a fire in another part of the building.
- (b) *Exit provisions.* All facilities shall comply with all exit provisions of the building codes set forth in articles ~~VIII~~, ~~XIII~~, and ~~XV~~~~XIV~~, provided, however, a manual fire alarm system shall not be required in a building that is less than 1,500 square feet and one story in height, as required by section 1717.3.2 of the building code.
- (c) *Occupancy of above or below grade floors.* No child day care activity shall be conducted above or below the ground level floor unless the existing structure complies with the height and area requirements

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specified in of the adopted building code as set forth in article ~~VIII~~, provided, however, if the building has an automatic fire suppression system (sprinkler) in accordance with the building code, one additional floor may be used as part of the day care facility. Structures not complying with the adopted building code as set forth in article V may continue in existence on the first floor providing a complete automatic fire alarm system is installed throughout all parts of the building, whether occupied or unoccupied. Buildings or portions thereof equipped with an automatic fire suppression system are not required to be equipped with an automatic fire alarm system but are required to be equipped with a manual fire alarm system conforming to the adopted building code.

#### **Sec. 368-1124. Off-street parking.**

One off-street space shall be provided for each required staff member plus one additional space for each 350 square feet of floor area used for child day care.

#### **Sec. 368-1125. Outdoor play yards.**

There shall be a fenced outdoor play area on or adjoining the child day care facility so located that it is convenient and children can reach it without hazard. There shall be a minimum of 75 square feet per child of outdoor play area at time of use, with sufficient area available to accommodate one-third the licensed capacity at one time. All outdoor play areas shall be enclosed by a fence unless the area falls within the provisions of state regulations which do not require a fence, or if the facility is located such that it could provide a supervised outdoor play area located at least 400 feet from any public street, to be used only with prior approval of the administrative review committee, or if the facility is not governed by state regulations but similar conditions exist. Such fence shall be at least three feet high and be maintained at all times in a safe condition free from broken glass, debris, trash, metal cans, and other hazardous items. In "R" zoning districts, outdoor play areas shall not be permitted in any required front yard, nor shall outdoor play activity be permitted between the hours of 8:00 p.m. and 8:00 a.m. Hourly care centers and preschools which provide no outside activity time and which are in session with any specific group of children less than four hours per 24-hour day are not required to have fenced outdoor play yards.

#### **Sec. 368-1126. Signs.**

Day care centers, hourly care centers, preschools, and kindergartens may display signs in accordance with chapter 36, ~~article III, division 18~~ of the City Code.

### ***DIVISION 6. INFANT AND TODDLER DAY CARE***

#### **Sec. 368-1126.5. Infant and toddler day care.**

For purposes of this article, infant and toddler day care shall be permitted in day care homes, day care centers, hourly care centers, preschools, nursery schools, and kindergartens, provided the general requirements prescribed in division 2 of this article and the requirements of this section are satisfied.

- (a) *Classification of infant and toddler day care.* Infant and toddler day care shall be classified as a family day care home, group day home, day care center, hourly care center, preschool, nursery school, or kindergarten in accordance with the definitions prescribed by the ordinance codified in this article.
- (b) *Infant and toddler day care in family day care homes.* Infant and toddler day care shall be permitted under the family day care home classification without effect upon the requirements and standards pertaining thereto.

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- (c) *Infant and toddler day care in group day care homes.* Infant and toddler day care shall be permitted under the group day care home classification without effect upon the requirements and standards pertaining thereto.
  - (d) *Infant and toddler day care in day care centers, preschools, nursery schools, and kindergartens.* Infant and toddler day care services shall be permitted under the day care center, hourly care center, preschool, nursery school, and kindergarten classifications subject to all requirements and standards pertaining thereto except that:
    - (1) Infant and toddler day care services shall, for building code purposes, be housed within structures designed in accordance with use group I-2 standards, except no sprinkler system shall be required when the facility meets the following requirements:
      - a. Is located in a licensed facility or church that was in operation and taking care of toddlers on December 12, 1983;
      - b. Does not have more than 12 toddlers at any one time;
      - c. Maintains a ratio of one adult supervisor or employee for every four toddlers;
      - d. Provides an electrically wired smoke detection system with emergency power backup or a battery-operated smoke detection system supplemented by additional battery-operated smoke detectors wired into the system located in the basement area and all other areas as designated by the fire marshal provided such system is approved by the director of building development services. A system is defined to mean smoke detectors that are interconnected so as to sound an alarm in all areas that are occupied or used for child-care if there is a fire in another part of the building.
    - (2) All facilities housing infant and toddler day care services shall comply with the requirements of the building code without regard to the prior issuance of licenses and permits.

## ***DIVISION 7. NONCONFORMITIES***

### **Sec. 368-1127. Nonconformities.**

Existing child day care facilities that are legally licensed by the State of Missouri Division of Family Services, pursuant to RSMo 210.201 through 210.245, as amended, and operating under a valid permit issued by the city at the time of adoption of the ordinance codified in this article, but which are rendered nonconforming under the provisions of the ordinance, shall be permitted to continue in operation provided the conditions of this division are satisfied.

### **Sec. 368-1128. Zoning nonconformities.**

Nonconformities created by the ordinance codified in this article with regard to use, intensity of use on a lot, density, area, height and bulk requirements, setbacks, off-street parking, and signs shall be permitted to continue in accordance with chapter 36, ~~article III, division 19~~ of the Springfield City Code.

### **Sec. 368-1129. Existing structures.**

- (a) Except as excluded in section 368-1101 of this article, all existing family day care homes, group day care homes, hourly care centers, day care centers, preschools, and kindergartens shall be brought into full compliance with this article within the times specified below:

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| Type of Provision              | Time for Compliance<br>after Notice of Conference |
|--------------------------------|---------------------------------------------------|
| Smoke detection system         | 90 days                                           |
| Fire protection                | 180 days                                          |
| Exits/structural modifications | 365 days                                          |

- (b) Notice of conference shall be in the form of a letter from the director of building development services to each day care operator indicating a conference time between the operator and the director of building development services to determine requirements for the day care facility. Such letter shall be sent by mail to the address of the facility. The day care operator must schedule a conference with the director within 45 days of the date the letter was mailed out.
- (c) Child day care services and facilities may continue in operation during the prescribed compliance period. Services and facilities not in compliance with this article within the times specified shall cease occupancy until full compliance with this article is achieved.
- (d) Except as excluded in section ~~368~~-1101 of this article, all existing infant/toddler day care centers shall be brought into full compliance with this article within 180 days after notice of conference is mailed by the director of building development services. All facilities housing infant and toddler care services shall comply with the requirements of the building code without regard to the prior issuance of licenses and permits.

## ***DIVISION 8. ADMINISTRATION AND ENFORCEMENT***

### **Sec. ~~368~~-1130. Administration and enforcement authority.**

The director of building development services shall administer the provisions of this article. In the discharge of this responsibility, the director of building development services shall coordinate the review of the fire department, health department, planning department, and other departments, but shall not supplant their authority.

### **Sec. ~~368~~-1131. Procedure.**

The following procedure is established:

- (a) Applications for a child day care permit shall be on forms furnished by the director of building development services and shall include all information prescribed by the director as necessary to determine compliance with this article. No application shall be accepted without evidence of application for licensing by the State of Missouri, or a certificate of exemption from State of Missouri licensing requirements.
- (b) Upon receipt of a complete application for a child day care permit, the director of building development services, along with the fire official and health official or their designated representatives, shall conduct a preliminary investigation. The results of this investigation, including a list of modifications necessary for compliance, shall be returned to the applicant in writing.
- (c) Upon satisfaction of the provisions of this article, the director of building development services shall issue a child day care permit. Such permit shall list all conditions pertinent thereto.

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**Sec. 368-1132. Existing facilities.**

- (a) All day care facilities in operation as of December 12, 1983, the date of passage of the ordinance codified in this article, shall provide proof of such existence to the director of building development services in the form of an application for certificate of occupancy as a day care facility. The director of building development services or his designee shall determine whether or not the facility was in existence on December 12, 1983, and may require the applicant to submit an affidavit to the director concerning the facts supporting the application. In the event the director of building development services determines that a day care facility was not in existence on December 12, 1983, then he will immediately notify the operator of his determination by mail in writing. The operator shall have the right to an appeal of said decision by filing a request for a hearing with the director of building development services within 30 days after the director's decision. The appeal shall be before an administrative hearing officer in accordance with article ~~XVIII~~ of this chapter.
- (b) The application for certificate of occupancy must be filed with the director of building development services on or before December 30, 1984, together with affidavits of proof of use, or such claim of existence shall be considered untimely, thereby resulting in forfeiture of the operator's right to claim that the operator was in existence on December 12, 1983. Persons failing to file such application shall lose their right to claim that they were in existence on December 12, 1983.

**Sec. 368-1133. Valid child day care permit required.**

Each child day care service or facility must have a valid child day care permit to lawfully operate.

**Sec. 368-1134. Right of entry.**

- (a) Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the director of building development services has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises in violation of this code, the director or his/her representative may enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by this code; provided that if such structure or premises is occupied, posted for "no trespassing," or is locked or otherwise secured, the director or his representative shall first present proper credentials and request entry, except for emergencies to save lives or property. Notwithstanding such provisions, the director of building development services or his representative in all-public or commercial places, buildings, or structures in those spaces or areas that are open and accessible to the public may have entry. If an inspection is required under this code as a condition for the issuance or the renewal of a permit or license, then refusal to provide access for such inspection shall constitute cause to issue a stop work order or revoke or refuse to issue the permit or license under this code. If such entry is refused, the director of building development services shall have recourse to every remedy provided by law to secure entry.
- (b) If an official who has a duty to perform under this code has been refused access to a building, structure, or property or any part thereof, and if the official has probable cause to believe that there may be a violation of this code or that there is a need to inspect as part of a routine inspection program of the city designed to protect the overall public health, safety, and welfare of the community, then upon application by the city attorney to the municipal court judge and a showing of the above, the municipal court judge of the city shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours and only by an official of the department in the company of a uniformed police officer of the city.

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**Sec. 368-1135. Enforcement.**

Upon a determination of a violation of the conditions of the child day care permit, the director of building development services shall serve notice of violation or order on the person(s) responsible for the violation and such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**Sec. 368-1136. Revocation of permits, utilities, and city licenses.**

Whenever the director of building development services has ordered a person to correct a violation and when such violation has not been corrected within the time specified by such order, thereafter, the director may institute an administrative action to revoke any and all permits issued by the city under which the activity is conducted, including the day care center city licenses, occupancy permits, and the right to receive utilities for the activity of the building or structure wherein the activity is conducted by filing a notice of institution of a contested case before the administrative hearing officer in accordance with article ~~XVIII~~ of this chapter.

**Sec. 368-1137. Violation—Legal proceedings.**

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

**Sec. 368-1138. Prosecution of violation.**

Any person violating any of the provisions of the adopted building codes, or this article, or failing to comply with any order issued pursuant to any section thereof, or who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the director of building development services or of a permit or certificate issued under the provisions of this code shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided in section 1-7 of the Springfield City Code, except the minimum fine shall be \$50.00 plus court costs for a first offense; \$100.00 plus court costs for a second offense; \$300.00 plus court costs for a third offense; and \$500.00 plus court costs for each offense thereafter. Each day that a violation continues, after a service of notice as provided for in this code, shall be deemed a separate offense. Notice as set forth in section 368-1135 shall not be required in order to prosecute a person for a violation of any provision of this article, except such notice shall be required to prosecute a person for failure to comply with an order.

**Sec. 368-1139. Abatement of violation.**

The imposition of the penalties herein prescribed shall not prevent the city attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise, or to stop an illegal act, conduct, business, or use of a building or structure in or about any premises, in violation of this article.

**Sec. 368-1140. Responsibility for compliance.**

Any person, who shall occupy the licensed day care premises as lessee or licensed operator, shall be jointly and severally responsible for compliance with the provisions of this article in the same manner as the owner.

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**Sec. 368-1141. Interpretation of provisions.**

The director of building development services may refer questions of interpretation of the ordinance codified in this article to the administrative review committee. With respect to sections 368-1100, 368-1101, and 368-1125, it is determined by the city council that the city ordinance shall be consistent with state regulations thereon; therefore, in the event state regulations are changed, then state regulations shall control to the extent that the city ordinance is inconsistent therewith. Such city ordinance sections set forth herein shall be interpreted and applied consistent with state regulations.

**Secs. 368-1142—368-1199. Reserved.****ARTICLE XII. PRESERVATION OF STRUCTURES IN CERTAIN AREAS OF THE CITY****Sec. 368-1200. Intent.**

This article is intended to provide special regulations for the control, preservation, and rehabilitation of structures in Springfield's older business sections. This article applies to the area described in "Exhibit A," plus property adjoining Boonville Avenue connecting the two other areas. (Exhibit A, is located immediately before the table of history.)

This area is unique in that it contains the older business sections of Springfield with businesses which are congested and in close proximity. The area contains a mixture of commercial, manufacturing, residential, and industrial uses, which were built under older building codes. These characteristics make it difficult to maintain the same level of fire protection as in newer parts of the city and difficult to get emergency vehicles into the area.

These structures pose special maintenance problems. In addition, these areas include historic buildings, which need to be preserved and should not be allowed to deteriorate.

This article is intended to promote the preservation of buildings and structures located in the older business areas of Springfield, Missouri. This article sets forth standards to deter deterioration of structures, promote public health and welfare, and preserve our building stock for future rehabilitation, thereby increasing surrounding property values and encouraging redevelopment to occur in our older business areas.

**Sec. 368-1201. Definitions.**

For the purposes of this article, the following words shall have the following meanings:

*Director or director of building development services* shall mean the director of building development services or his designee(s).

**Sec. 368-1202. General exterior of structures.**

The exterior of a structure shall be maintained in good repair and in a structurally sound, sanitary, and weather-tight condition so as not to pose a threat to the health, safety, or welfare of the occupants or the general public, and so as to protect the occupants and the structure itself from the adverse effects of the environment or the elements.

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**Sec. 368-1203. Exterior surfaces.**

Every exterior surface, including, but not limited to, the foundation, exterior walls, and roof(s), shall be maintained in a structurally sound and weather-tight condition, and shall be kept in such condition as to exclude access to the interior of the structure by the elements, insects, birds, rodents, or other vermin or trespassers.

**Sec. 368-1204. Foundation walls.**

Every foundation wall shall be maintained so as to safely carry design and operating, dead and live loads, and shall be maintained plumb and free from open cracks and breaks or other evidence of structural defect or failure, so as not to be detrimental to public safety, health, and welfare, or accessible by the elements, insects, birds, rodents, or other vermin or trespassers.

**Sec. 368-1205. Exterior walls.**

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit the elements, insects, birds, rodents, or other vermin or trespassers to the interior portions of the walls or to the interior portions of the structure. All exterior surface materials, including but not limited to, wood, brick, composition, and metal siding, shall be maintained in a weather-tight condition and shall be properly surface coated or treated when required, to prevent deterioration.

**Sec. 368-1206. Roofs and drainage.**

Every roof structure shall be structurally sound, adequately supported, and weather-tight. Roof drainage shall be adequate to prevent water or the elements from accessing the interior of the structure, causing dampness and/or deterioration in the walls, ceilings, or other interior portions of the structure. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises, or that creates a public nuisance.

**Sec. 368-1207. Decorative features.**

All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar exterior decorative features shall be maintained weather-tight and in good repair with proper anchorage and support, if needed, so as not to pose a threat to the safety of occupants of the structure or the general public.

**Sec. 368-1208. Signs, marquees, and awnings.**

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatments.

**Sec. 368-1209. Chimneys.**

All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by the periodic application of weather-coating materials such as paint or other protective treatments.



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**Sec. 368-1210. Doors, windows, and frames.**

Every window and exterior door shall be fitted properly in its frame and shall be weather-tight. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude access by the elements, insects, birds, rodents, or other vermin or trespassers.

**Sec. 368-1211. Windows; glazing.**

In occupied structures or occupied floors of structures, every window-sash shall be with approved glazing materials which are without open cracks and holes.

**Sec. 368-1212. Boarding up unoccupied structures or floors of structures.**

Unoccupied structures or unoccupied floors of structures shall be made weather-tight by maintaining proper glazing or by "boarding up" the window and door areas in accordance with the following criteria:

- (1) Any owner or authorized agent who intends to board a structure or individual floor(s) of a structure shall first make application to the department of building development services for a boarded building permit.
- (2) A boarded building permit shall be issued for the purpose of authorizing a building owner to board their structure or individual floor(s) of their structure. A boarded building permit shall not be issued until an inspection of the entire structure is performed by a city inspector to confirm compliance with all applicable provisions of this article and section 26-84. If any provisions of this article should conflict with section 26-84, the provisions of this article shall prevail.
- (3) The manner of boarding shall prevent entry by insects, birds, rodents, or other vermin or trespassers and prevent exposure of the interior to the elements. To qualify for a boarding permit, a building must be free from accumulated trash and debris or other fire hazards and be structurally sound and safe for entry by emergency personnel. In addition, in the situation where the owner of a structure desires to board one or more individual floors of a structure, all utilities to those floors of the structure being boarded must be rendered unusable and safe in the determination of the director of the department of building development services.
- (4) The permit applicant must complete the boarding of the structure or the individual floor(s) of the structure within 30 calendar days after the permit is issued.
- (5) The cost of a boarded building permit shall be \$400.00, in which the fee shall be adjusted annually, if necessary, to reflect the cost of the city's program to board up structures or the individual floor(s) of a structure under this section. A single permit shall be issued per structure, regardless of whether the entire structure is boarded or individual floors of the structure are boarded. However, all relevant floors of the structure must be boarded in compliance with this article and section 26-84 before the boarding will be considered completed under (4) above. The boarded building permit shall be valid for no more than 180 calendar days from the date of issuance. At the expiration of the permit, a new permit must be obtained from the department of building development services in compliance with this article and section 26-84 within 30 days of the expiration of the previous permit.
- (6) If a structure is without a valid boarded building permit for more than 30 days, the structure shall be declared a public nuisance under section 26-62 of the Springfield City Code.

Exception: The exception to the above-referenced board up requirements and section 26-84 shall be that windows on the street level of any structure cannot be boarded.

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**Sec. 368-1213. Door hardware and locks.**

Every exterior door and its hardware shall be maintained in good and working condition. Door locks on all doors' entering structures shall be in good repair and working condition and shall be capable of tightly securing the door to prevent entry by the elements, insects, birds, rodents, or other vermin or trespassers.

**Sec. 368-1214. Basement hatchways.**

Every basement hatchway shall be so constructed and maintained as to prevent the entrance of the elements, insects, birds, rodents, or other vermin or trespassers.

**Sec. 368-1215. Violation of building code.**

Failure to comply with any provision set out in this article shall result in the structure being used in violation of the building code of the City of Springfield.

**Sec. 368-1216. Guards for basement windows.**

Every basement window which is operable shall be supplied with rat-proof shields, storm windows, or other material affording protection against the entry of rats.

**Sec. 368-1217. Inspection authority.**

The director of building development services is authorized to make inspections to determine whether property subject to this section conforms to the requirements herein. For the purpose of making such inspections, the director is authorized to enter, examine, and survey at all reasonable times, all such premises, not less than once every 12 months, beginning six months after the building is vacated. The owner, authorized agent, or lessee shall give the director free access thereto, at all reasonable times, for the purpose of such inspection, examination, and survey. In the event the owner, authorized agent, or lessee shall refuse access to any such premises, the director shall have authority to seek an administrative search warrant pursuant to the provisions of section 368-152 of the Springfield City Code.

**Sec. 368-1218. Enforcement.**

- (1) *Notice.* Upon a determination of a violation of the provisions of this article, the director of building development services shall serve a notice to abate the violation on the person(s) responsible for the violation or the owner, authorized agent, lessee, mortgagee, or occupant of the structure, or any other persons having an interest in the structure as shown by the land records of the Greene County Recorder of Deeds, and such notice shall direct the abatement of the violation(s). Such notices shall contain such information as is provided in sections 26-62 and 26-84 of the Springfield City Code and shall be provided as set forth in those sections.
- (2) *Compliance.* A reasonable time shall be given to begin and complete all work required to abate the violations. After a notice shall have been given as provided in (1) above, work to abate the violation(s) shall be completed within the time frame provided in the notice.
- (3) *Failure to comply with notice to abate.* Whenever the director of building development services has issued a notice to abate a violation or violations and when such violation(s) have not been abated within the time specified by such notice, thereafter the director of building development services shall institute an administrative action as provided in sections 26-61 through 26-64 of the Springfield City Code. In addition to

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the abatement remedies set forth in section 26-70 of the Springfield City Code, the director of building development services may revoke any and all permits issued by the city under which the activity is conducted, any and all occupancy permits, and the right to receive utilities for the structure wherein the activity is conducted.

- (4) *Injunctive relief.* Notwithstanding the abatement options available as a result of the administrative proceeding provided for in this article, such actions shall not prevent the city attorney from instituting appropriate action to prevent unlawful construction; or to restrain, correct, or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct, business, or use of a structure or individual floor(s) of a structure in violation of this article.
- (5) *Responsibility.* Any person who shall have an interest in the structure as an occupant or lessee shall be jointly and severally responsible for compliance with the provisions of this article in the same manner as the owner.
- (6) *City abatement.* If, as a result of an administrative proceeding held for violation(s) of this article, the owner or other responsible party does not correct the violation(s) as specified in the order of abatement issued under sections 26-69 and 26-70 [of the Springfield City Code], the city may abate the violation(s) as provided in section 26-70 [of the Springfield City Code], and the costs for the work shall be billed as a special tax bill against the lot, as provided by section 26-71 [of the Springfield City Code], and shall also be a personal debt of the owner. Said special tax bills shall be issued and enforced in accordance with sections 26-71 and 26-72 [of the Springfield City Code], and shall include attorney's fees and costs for collection.

#### **Sec. 368-1219. Summary abatement where immediate danger exists.**

In all cases where it reasonably appears that an immediate danger to the health, safety, or welfare of any person exists, the director of building development services may take emergency measures to vacate, repair, or demolish a structure which is a public nuisance under the provisions of this article and/or sections 26-61 through 26-84 of the Springfield City Code.

#### **Sec. 368-1220. Appeals.**

Any owner, occupant, lessee, mortgagee, agent, or other person having an interest in the structure may appeal from the order and determination of the director of building development services made under the provisions of this section. The appeal shall be made to the Circuit Court of the County in the manner set forth in RSMo Chapter 536. In any appeal provided for in this section, any person who owns or occupies property located within 1,200 feet of the perimeter of the structure, which is the subject of the appeal, shall be allowed to present evidence on behalf of the city in accordance with RSMo 67.430.2.

#### **Sec. 368-1221. Penalty for failure to comply with administrative hearing order.**

It shall be unlawful for the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in a structure to not comply with the order of the director of building development services issued pursuant to this section. Any person who violates the order of the director shall be subject to a fine and penalty under section 1-7 of the Springfield City Code for each day that he fails to comply with such order, but such fine shall be not less than \$50.00 per day for each day of violation, each day constituting a separate offense. Nothing contained in this article shall limit the liability of any person with respect to any special tax bill issued under this article.

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**Sec. 368-1222. Penalty for failure to vacate.**

If the occupant of any structure shall fail to vacate such structure within the time specified by a notice issued under this article, he shall be punished upon conviction thereof as provided by section 1-7 of the Springfield City Code.

**Sec. 368-1223. Liability of city agents and employees; services by city agents and employees to be for benefit of city.**

No officer, agent, or employee of the city shall be personally liable for any damage that may occur to any persons or property as a result of any act required of him/her or permitted to be taken by him/her under the terms of this article. Any suit brought against any such officer, agent, or employee of the city as a result of any such acts required or permitted shall be defended by the city attorney until the final determination of the proceedings, and if judgment shall be obtained, it shall be paid by the city. It is hereby further declared that no officer, agent or employee of the city owes any duty under the provisions of this article to any citizen or other individual, but that the duties prescribed in this article and imposed upon officers, agents, or employees of the city are duties to be performed for the government of the city.

**Sec. 368-1224. Emergency procedures.**

The city council hereby finds and declares that unoccupied structures or unoccupied floors of structures, which are open at door and/or window, wall, or roof, constitute a potential danger and/or a public nuisance and constitute an emergency under this article. The director of building development services, upon his determination that a building or particular floor(s) of a structure is unoccupied and open at door and/or window, wall, or roof, may temporarily close such structure or floor of a structure by proceeding as follows:

- (1) The director shall post the property with a notice pursuant to this article, pertaining to the notice of public nuisance, for not less than 24 hours.
- (2) After the property has been posted for not less than 24 hours, the director shall hold a hearing to give the owner and any interested parties an opportunity to respond.
- (3) The director is authorized to employ a contractor for the purpose of securing the structure or particular floor of the structure pursuant to the City Purchasing Manual, Chapter 3, "Exceptions to Normal Purchasing Procedures," sections A, B, C, and D, pertaining to emergency purchases.
- (4) Whenever the city shall have caused the work to be done as provided for in this article, the director of building development services shall certify the cost of the work to the city clerk, who shall cause to be prepared a special tax bill assessment therefor, pursuant to the terms and conditions set forth in sections 26-71 and 26-72 [of the Springfield City Code], pertaining to the manner of payment of tax bills for work. Such bills shall include costs and any attorneys' fees incurred for collection.
- (5) If a floor of a structure is in violation of only RSMo 3410.13 and the city has temporarily boarded the structure under the emergency procedures set forth above, the director of building development services shall issue a notice pursuant to this article to the property owner to abate the nuisance by removing any temporary boarding materials and to repair or restore the opening(s) back to their original material, design, function, and/or intent, or to apply for a boarded building permit in accordance with this article.

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**Sec. 368-1225. Unlawful to board an unoccupied structure or floor(s) without permit.**

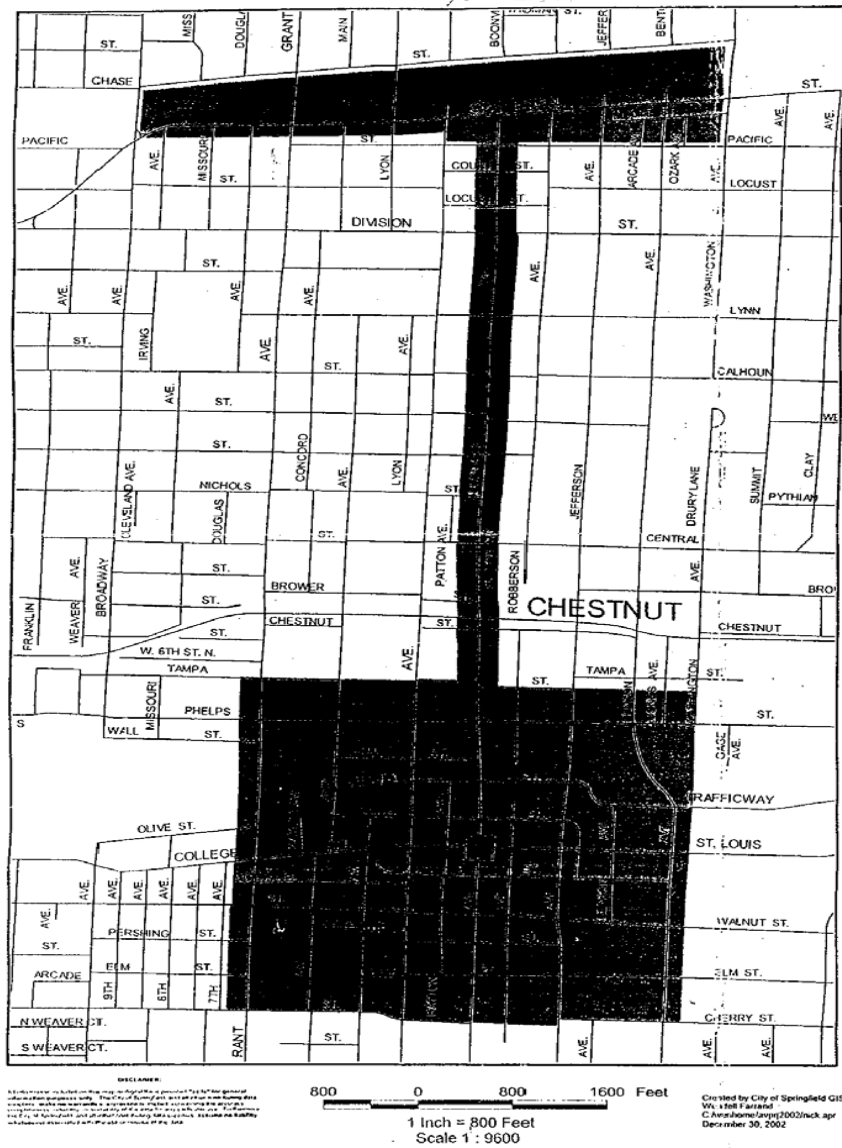
It shall be unlawful for the owner of any unoccupied structure or floor(s) of a structure to board, or to keep boarded, such structure or floor(s) of a structure at the door, window, wall, or roof, except with a valid boarded building permit issued by the department of building development services.

In the case of any structure or floor(s) of a structure which has been boarded prior to the effective date of this article, a boarded building permit must be obtained by the owner within 180 days after the effective date of this article or the structure or floor(s) of the structure will be deemed to violate this article.

**Sec. 368-1226. Use of insurance proceeds for reimbursement of city's costs.**

If there are any proceeds of any insurance policy on a covered claim payment for damage or loss and the covered claim payment exceeds 50 percent of the face value of the policy covering such structure, then the insurer shall pay to the department of finance a sum equal to 25 percent of the covered claim within 30 days of the determination of coverage, to be held by the city in an interest-bearing account. The proceeds shall be used to reimburse the city for its costs in securing or removing such structure, if necessary, and shall be handled as provided in section 26-78 of the Springfield City Code.

## Exhibit A



**Secs. 368-1227—368-1300. Reserved.**

## ARTICLE XIII. INTERNATIONAL RESIDENTIAL CODE

### Sec. 368-1301. Adoption of 2018 International Residential Code.

City council hereby adopts the 2018 International Residential Code, as published by the International Code Council, and all referenced standards therein as if spelled out in this ordinance [article], except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article XIII,

International Residential Code of Chapter 368, known as the land development code. One copy of said code is on file in the office of the City Clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

**Sec. 368-1302. Deletions, modifications, amendments, and additions.**

The 2018 International Residential Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 368, Land Development Code, Article I, Administration and Enforcement of Codes and Article XVIII, Uniform Enforcement.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Residential Code.
- (d) All language referring to flood-hazard areas is repealed and replaced with:

All structures located within a designated flood-hazard area shall comply with Chapter 368 Land Development Code, Article XVII Floodplain Management.

The following table is adopted in lieu of the table with the same number and name in the International Residential Code.

| TABLE R301.2(1)<br>CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA |                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ground Snow Load                                           | 20 PSF                                                                                                                                                                                                                                                                                      |
| Wind Speed (mph)                                           | 115 MPH                                                                                                                                                                                                                                                                                     |
| Seismic Design Category                                    | B                                                                                                                                                                                                                                                                                           |
| Weathering                                                 | Severe                                                                                                                                                                                                                                                                                      |
| Frost Line Depth                                           | 24 inches                                                                                                                                                                                                                                                                                   |
| Termite                                                    | Moderate to Heavy                                                                                                                                                                                                                                                                           |
| Decay                                                      | Slight to Moderate                                                                                                                                                                                                                                                                          |
| Ice Shield Underlayment Required                           | No                                                                                                                                                                                                                                                                                          |
| Flood Hazard                                               | In accordance with Springfield MO City Code Chapter 368 Article XVII<br><a href="https://library.municode.com/mo/springfield/codes/code%20of%20ordinances">https://library.municode.com/mo/springfield/codes/code of ordinances</a><br>Entry into National Flood Insurance Program 5/8/1989 |
| Air Freezing Index                                         | 659                                                                                                                                                                                                                                                                                         |
| Winter Design Temp                                         | 9° F                                                                                                                                                                                                                                                                                        |
| Air Freezing Index                                         | 1,500 or less                                                                                                                                                                                                                                                                               |
| Mean Annual Temp                                           | 56° F                                                                                                                                                                                                                                                                                       |
| Elevation                                                  | 1,270 feet                                                                                                                                                                                                                                                                                  |
| Latitude                                                   | 37° N                                                                                                                                                                                                                                                                                       |
| Winter Heating                                             | 11° F                                                                                                                                                                                                                                                                                       |
| Summer Cooling                                             | 92° F                                                                                                                                                                                                                                                                                       |
| Altitude Correction Factor                                 | 0.96                                                                                                                                                                                                                                                                                        |
| Indoor Design Temperature                                  | 70° F                                                                                                                                                                                                                                                                                       |
| Wind Velocity Heating                                      | 15 mph if site specific speed unknown                                                                                                                                                                                                                                                       |
| Wind Velocity Cooling                                      | 15 mph if site specific speed unknown                                                                                                                                                                                                                                                       |

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|                     |       |
|---------------------|-------|
| Coincident Wet Bulb | 74° F |
| Daily Range         | M     |

*Section R313 Automatic Fire Sprinkler Systems* is deleted in its entirety and replaced with: A builder of five (5) or more connected units shall comply with the design and installation requirements of the 2018 International Residential Code Section P2904. The builder of four (4) or less connected units shall comply with fire suppressant separation as provided in Section R317 of the 2006 International Residential Code or Section P2904 of the 2018 International Residential Code at the builder or purchaser's cost and option.

The following table is adopted in lieu of the table with the same number and name in the International Residential Code:

| TABLE N1102.1.2 (R402.1.2)<br>INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT |                         |
|-------------------------------------------------------------------------------------|-------------------------|
| FENESTRATION U-FACTOR <sup>b</sup>                                                  | 0.32                    |
| SKYLIGHT <sup>b</sup> U-FACTOR                                                      | 0.55                    |
| GLAZED FENESTRATION SHGC <sup>b, e</sup>                                            | 0.40                    |
| CEILING R-VALUE                                                                     | 49                      |
| WOOD FRAME WALL R-VALUE                                                             | 20 or 13+5 <sup>h</sup> |
| MASS WALL R-VALUE <sup>i</sup>                                                      | 8/13                    |
| FLOOR R-VALUE                                                                       | Not Required            |
| BASEMENT <sup>c</sup> WALL R-VALUE                                                  | 10/13 <sup>f</sup>      |
| SLAB <sup>d</sup> R-VALUE & DEPTH                                                   | 10, 2 ft                |
| CRAWL SPACE <sup>c</sup> R- VALUE                                                   | 10/13                   |

The following table is adopted in lieu of the table with the same number and name in the International Residential Code:

| TABLE N1102.1.4 (R402.1.4) EQUIVALENT U-FACTORS |              |
|-------------------------------------------------|--------------|
| FENESTRATION U-FACTOR                           | 0.32         |
| SKYLIGHT U-FACTOR                               | 0.55         |
| CEILING U-FACTOR                                | 0.026        |
| FRAME WALL U-FACTOR                             | 0.060        |
| MASS WALL U-FACTOR <sup>b</sup>                 | 0.098        |
| FLOOR U-FACTOR                                  | Not Required |
| BASEMENT WALL U-FACTOR                          | 0.059        |
| CRAWL SPACE U-FACTOR                            | 0.065        |

*N1102.4.1.2 (R402.4.1.2) Testing.*

The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding five air changes per hour in Climate Zones 1 and 2, and five air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2-inch w.g. (50 Pascals). Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official.

Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

*Table N1105.5.2(1) Air exchange rate Climate Zones 3 through 8: 5 air changes per hour.*



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*P3302.2 Subsoil drains discharge.* Subsoil drains, sumps and pumps shall not be discharged to the building drain or sewer.

*E3902.2 Garage and accessory building receptacles.* 125-volt, single-phase, 15- or 20- ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel. [210.8(A)(2)]

Exception: A single receptacle installed solely for electrical supply of a garage door opener.

*E3902.16 Arc-fault circuit-interrupter protection.* Branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms, and similar rooms or areas shall be protected by any of the following: [210.12(A)]

*E4002.14 Tamper-resistant receptacles.* In bedrooms, 15- and 20-ampere, 125- and 250-volt nonlocking-type receptacles shall be listed tamper-resistant receptacles. [406.12(A)]

## **Sec. ~~368~~-1303. Adoption of appendices.**

*Adoption of appendices.* Only the following appendices, listed among others in the 2018 International Residential Code, are adopted:

Appendix A: Sizing and Capacities of Gas Piping

Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category-I Appliances, and Appliances Listed for use with Type B Vents Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems Appendix D: Recommended Procedure for Safety Inspection of an Existing

Appliance Installation

Appendix E: Manufactured Housing used as Dwellings

Appendix G: Piping Standards for Various Applications

Appendix I: Private Sewage Disposal

Appendix J: Existing Building and Structures

Appendix P: Sizing of Water Piping System

Appendix Q: Tiny Houses

## **Sec. ~~368~~-1304. Penalty clause.**

Punishment, as provided in section 1-7 of city Code, may be imposed on any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section ~~368~~-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

## **ARTICLE XIIV. FUEL GAS CODE**

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## Sec. 368-1401. Adoption of 2018 Fuel Gas Code.

City council hereby adopts the 2018 International Fuel Gas Code as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article XIV, fuel gas code, of chapter 368, of the Springfield City Code, ~~known as the land development code~~. One copy of said code, which shall remain on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

## Sec. 368-1402. Deletions, modifications, amendments, and additions.

The 2018 International Fuel Gas Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 368, ~~Land Development Code~~, Article I, Administration and Enforcement of Codes and Article XVIII, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Fuel Gas Code.
- [(d)] *[Amendments, additions, and deletions.]*

### Section 301 (IFGC) General

*301.11 Flood hazard.* For structures located in flood-hazard areas, the appliance, equipment, and system installations regulated by this Code shall comply with Chapter 368, Article XVII, Floodplain Management, of the City Code.

### Section 401 (IFGC) General

*401.5 Identification.* All gas piping shall be identified by a yellow background marked "Gas" in black letters. Identification shall be in the form of a tag, stencil, or other permanent marking. Such identification shall be clearly and easily readable from the floor of the room of its location. Spacing on black steel pipe shall be at intervals of not more than 15 feet in concealed locations, 25 feet in exposed locations, and not less than once in any room space. Spacing for all other piping materials shall be at intervals not exceeding 5 feet and not less than once in any room space.

### Section 402 (IFGC) Pipe sizing

Subsection 402.7 is repealed and replace with:

*402.7 Operating pressure.* The standard operating pressure for piping systems located inside buildings shall be 0.25 psig. Design operating pressures other than 0.25 psig shall only be allowed in areas where the gas supplier has sufficient main-line delivery pressure to assure adequate supply. The installer shall be responsible for verifying the availability of elevated pressure with the gas supplier.

*402.7.1 Operating pressures of 2 psig or less.* For operating pressures of 2 psig or less, the piping material shall be in conformance with Section 403 of the 2018 International Fuel Gas Code, as amended herein.

*402.7.2 Pressures above 2 psig.* Operating pressures above 2 psig shall only be allowed if all the following conditions are met:

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1. Adequate pressure is available from the fuel-gas supplier; and,
  2. The piping system is in an area zoned to allow commercial, industrial, or heavy manufacturing uses;
  3. The connected load is 1000 CFH or greater and the facility has connected equipment that requires higher pressures for proper operation;
  4. The installation is approved by the code official and the fuel-gas supplier;
  5. The piping system is welded steel pipe;
  6. All connected equipment is provided with regulators rated for the pressure provided.

*402.7.3 Liquefied petroleum gas systems.* The operating pressure for undiluted LP-gas systems shall not exceed 20 psig (140 kPa gauge). Buildings having systems designed to operate below -5°F (-21°C) or with butane or a propane-butane mix shall be designed to either accommodate liquid LP-gas or prevent LP-gas vapor from condensing into a liquid.

These subsections are repealed in their entirety:

- a. 403.4.3 Copper and copper alloy.
- b. 403.5.3 Copper and copper alloy tubing.

*404.2 CSST.* CSST piping systems shall be installed in accordance with the terms of their approval, the conditions of listing, the manufacturer's instructions, requirements in administrative rulings, and this code.

*404.9.1 Gas meter set connection.* The gas-meter-set location and design shall be in accordance with the local gas operator's standards.

*404.11.2 Protection methods.* Underground piping shall comply with one or more of the following:

4. Buried steel piping shall be coated and insulated with insulating fittings or unions on both ends above grade outside the building within 6 inches to 18 inches above grade with a minimum of one-5lb magnesium anode installed for every 200 feet of buried pipe.

#### Section 406 (IFGC) Inspection, Testing, and Purging

*406.4.1 Test pressure and duration.* The test on all gas piping designed for 2 PSIG and less, shall be made by closing all openings and subjecting the pipes to a minimum of 20 PSIG with a 15-minute duration. The test on all gas piping designed for greater than 2 PSIG shall be a minimum of 20 PSIG with 120-minute duration. The measurement range of the test gauge shall be from 0 to no more than 30 PSIG and shall be readily visible for reading.

Subsection 406.4.2 Test duration is repealed in its entirety.

*409.1.4 Shutoff valve support.* All shutoff valves shall be supported in such a manner as to prevent movement of the valve body when the valve is operated. Connection of the valve to a section of iron pipe either immediately upstream or downstream of the valve shall be considered an acceptable support.

*410.3.2 Vent termination.* All regulator-relief vents terminating outdoors shall be provided with a manufactured termination fitting equipped with an internal stainless-steel screen. The termination point shall be a minimum of eighteen (18) inches above grade or roof surface.

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**411.1 Connecting appliances.** Except as required by Section 411.1.1, appliances shall be connected to the piping system by one of the following:

2. Corrugated stainless-steel tubing (CSST) where installed in accordance with the manufacturer's instructions and with approval prior to design or installation. Installations with prior approval are listed and installation requirements are itemized by administrative ruling.
3. Semirigid metallic tubing and metallic fittings with approval prior to design or installation. Installations with prior approval are listed and installation requirements in administrative rulings. Lengths shall not exceed the length required for the installation or a maximum of 6 feet (1829 mm) and shall be located entirely in the same room as the appliance. Semirigid metallic tubing shall not enter a motor-operated appliance through an unprotected knockout opening.
4. Listed and labeled appliance connectors in compliance with ANSI Z21.24/CGA 6.10 and installed in accordance with manufacturer's instructions and located entirely in the same room as the appliance and with approval prior to design or installation. Installations with prior approval are listed and installation requirements are itemized by administrative ruling.

### **Sec. 368-1403. Adoption of appendices.**

By adoption of the 2018 International Private Sewage Disposal Code, the following appendices are part of this Code.

Appendix A, Sizing and Capacities of Gas Piping

Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances listed for use and Type B Vents

Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

### **Sec. 368-1404. Penalty clause.**

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 368-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

## **ARTICLE XIIIV. PRIVATE SEWAGE DISPOSAL CODE**

### **Sec. 368-1501. Adoption of 2018 Private Sewage Disposal Code.**

City council hereby adopts the 2018 Private Sewage Disposal Code as published by the International Code Council, and all referenced standards therein as if spelled out herein, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article XVIII, private sewage disposal code, of chapter 368 of the Springfield City Code, ~~known as the land development code~~. One copy of said code

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shall remain on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

**Sec. ~~368~~-1502. Deletions, modifications, amendments and additions.**

The 2018 Private Sewage Disposal Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter ~~368~~, ~~Land Development Code~~, Article I, Administration and Enforcement of Codes and Article ~~XIII~~, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices shall include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Private Sewage Disposal Code.
- (d) Table 406.1 of Section 406, Site requirements, is repealed in its entirety. All references to Table 406.1 shall, instead, refer to standards established by the Springfield-Greene County Health Department and/or the Missouri Department of Natural Resources for all site requirements related to soil absorption systems of a private, sewage-disposal system.

**Sec. ~~368~~-1503. Adoption of appendices.**

By adoption of the 2018 International Private Sewage Disposal Code, the following appendices are part of this Code.

Appendix A System layout illustrations

Appendix B Tables for pressure distribution systems

**Sec. ~~368~~-1504. Penalty clause.**

Any person violating any of the provisions of this article, or failing to comply with any order issued pursuant to any section thereof, or who erects, constructs, alters, or repairs a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of these codes, shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided for in section 1-7 of the City Code. But any fine imposed shall not be less than \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Each day that a violation continues, after a service of notice as provided for in these codes, shall be deemed a separate offense. Notice as set forth in section ~~368~~-166, as a precursor to prosecution, shall not be required in order to prosecute a person for a violation of any provision of this article or these codes, but such notice shall be required to prosecute a person for failure to comply with an order under these codes.

**Secs. ~~368~~-1505—~~368~~-1600. Reserved.**

**ARTICLE ~~XIV~~. EXISTING BUILDING CODE**

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## **Sec. 368-1601. Adoption of 2018 International Existing Building Code.**

City council hereby adopts the 2018 International Existing Building Code as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as article XIV~~I~~, existing building code, of chapter 368 of the Springfield City Code, ~~known as the land development code~~. One copy of said code is on file in the office of the city clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

## **Sec. 368-1602. Deletions, modifications, amendments, and additions.**

The 2018 International Existing Building Code as adopted is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 368, ~~Land Development Code~~, Article I, Administration and Enforcement of Codes and Article ~~XVIII~~, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Existing Building Code.

### *Section 707 Energy Conservation*

Subsection 707.1 Minimum requirements is repealed in its entirety and replaced with:

*707.1 Minimum energy requirements.* Alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the adopted International Existing Building Code or International Residential Code. Only those portions of buildings or structures that are altered shall conform to the energy requirements of the adopted International Building Code or International Residential Code.

### *Section 810 Energy Conservation*

Subsection 810.1 Minimum requirements is repealed in its entirety and replaced with:

*810.1 Minimum energy requirements.* Alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the adopted International Existing Building Code or International Residential Code. Only those portions of buildings or structures that are altered shall conform to the energy requirements of the adopted International Building Code or International Residential Code.

### *Section 907 Energy Conservation*

Subsection 907.1 Minimum requirements is repealed in its entirety and replaced with:

*907.1 Minimum energy requirements.* Alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the adopted International Existing Building Code or International Residential Code. Only those portions of buildings or structures that are altered shall conform to the energy requirements of the adopted International Building Code or International Residential Code.

Language referring to flood-hazard areas in this code is repealed and replaced with:

All structures located within a designated flood-hazard area shall comply with Chapter 368, Article XV~~H~~ of the Springfield City Code.

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**Sec. 368-1603. Penalty clause.**

Any person violating any of the provisions of this article, failing to comply with any order issued pursuant to any section thereof, or who shall erect, construct, alter, or repair a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of these codes, shall be guilty of a violation of a municipal ordinance and, upon conviction thereof, shall be punished as provided in section 1-7 of the City Code, except that any fine imposed shall not be less than \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Each day that a violation continues, after a service of notice as provided in these codes, shall be deemed a separate offense. Notice, as a precursor to prosecution, is not required to prosecute a person for a violation of any provision of this article or these codes, except such notice is required to prosecute a person for failure to comply with an order under such codes.

## **ARTICLE XVII. FLOODPLAIN MANAGEMENT**

### ***DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES***

**Sec. 368-1700. Statutory authorization.**

The Legislature of the State of Missouri has in RSMo 80.020 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the city council of the City of Springfield, Missouri ordains as follows:

**Sec. 368-1701. Findings of fact.**

- (1) *Flood losses resulting from periodic inundation.* The special flood hazard areas of the City of Springfield, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- (2) *General causes of the flood losses.* These flood losses are caused by:
  - (a) The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
  - (b) The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- (3) *Methods used to analyze flood hazards.* The flood insurance study (FIS) that is the basis of this article uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
  - (a) Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this article is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this article. It is in the general order of a flood which could be expected to have a one-percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated December 17, 2010, as amended, and any future revisions thereto.

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- (b) Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
  - (c) Computation of a floodway required to convey this flood without increasing flood heights more than one foot at any point.
  - (d) Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
  - (e) Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

### **Sec. 368-1702. Statement of purpose.**

It is the purpose of this article to promote the public health, safety, and general welfare; to minimize those losses described in subsection 368-1701(2); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this article to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
- (2) Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- (3) Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

### **Secs. 368-1703—368-1709. Reserved.**

## ***DIVISION 2. GENERAL PROVISIONS***

### **Sec. 368-1710. Lands to which article applies.**

This article shall apply to all lands within the jurisdiction of the City of Springfield, Missouri, identified as numbered and unnumbered A zones and AE zones, on the flood insurance rate map (FIRM) for Greene County, Missouri on map panels 29077C0193E, 29077C0194E, 29077C0213E, 29077C0214E, 29077C0218E, 29077C0219E, 29077C0238E, 29077C0239E, 29077C0243E, 29077C0306E, 29077C0307E, 29077C0309E, 29077C0317E, 29077C0318E, 29077C0319E, 29077C0326E, 29077C0327E, 29077C0328E, 29077C0329E, 29077C0331E, 29077C0332E, 29077C0333E, 29077C0334E, 29077C0336E, 29077C0337E, 29077C0338E, 29077C0339E, 29077C0341E, 29077C0342E, 29077C0343E, 29077C0344E, 29077C0351E, 29077C0352E, 29077C0353E, 29077C0354E, 29077C0356E, 29077C0361E, 29077C0362E, 29077C0363E, 29077C0364E, 29077C0452E, 29077C0456E, 29077C0457E, 29077C0459E, 29077C0476E, 29077C0477E, and 29077C0478E dated December 17, 2010, as amended, and any future revisions thereto. In all areas covered by this article, no development shall be permitted except through the issuance of a floodplain development permit, granted by the city council or its duly designated representative under such safeguards and restrictions as the city council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in division 4.



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**Sec. 368-1711. Floodplain administrator.**

The director of building development services is hereby designated as the floodplain administrator under this article.

**Sec. 368-1712. Compliance.**

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

**Sec. 368-1713. Abrogation and greater restrictions.**

It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. All other ordinances inconsistent with this article are hereby repealed to the extent of the inconsistency only.

**Sec. 368-1714. Interpretation.**

In their interpretation and application, the provisions of this article shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

**Sec. 368-1715. Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This article shall not create a liability on the part of the City of Springfield, any officer or employee thereof, for any flood damages that may result from reliance on this article or any administrative decision lawfully made thereunder.

**Sec. 368-1716. Severability.**

If any section, clause, provision, or portion of this article is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this article shall not be affected thereby.

**Secs. 368-1716—368-1719. Reserved.*****DIVISION 3. ADMINISTRATION*****Sec. 368-1720. Floodplain development permit.**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in section 368-1710. No person, firm, corporation, or unit of government shall initiate any development or substantial improvement or cause the same

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to be done without first obtaining a separate floodplain development permit for each structure or other development.

**Sec. 368-1721. Designation of floodplain administrator.**

The director of building development services is hereby appointed to administer and implement the provisions of this article.

**Sec. 368-1722. Duties and responsibilities of floodplain administrator.**

Duties of the floodplain administrator shall include, but not be limited to:

- (1) Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this article have been satisfied;
- (2) Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required by federal, state, or local law;
- (3) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- (4) Issue floodplain development permits for all approved applications;
- (5) notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (6) assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
- (7) Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
- (8) Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved nonresidential structures have been floodproofed;
- (9) When floodproofing techniques are utilized for a particular nonresidential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.

**Sec. 368-1723. Application for floodplain development permit.**

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- (1) Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- (2) Identify and describe the work to be covered by the floodplain development permit;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Indicate the assessed value of the structure and the fair market value of the improvement;
- (5) Specify whether development is located in designated flood fringe or floodway;

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- (6) Identify the existing base flood elevation and the elevation of the proposed development;
  - (7) Give such other information as reasonably may be required by the floodplain administrator;
  - (8) Be accompanied by plans and specifications for proposed construction; and
  - (9) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

**Secs. 368-1724—368-1729. Reserved.**

## ***DIVISION 4. PROVISIONS FOR FLOOD HAZARD REDUCTION***

### **Sec. 368-1730. General standards.**

- (1) No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.
- (2) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this article. If flood insurance study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources.
- (3) Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (4) All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
  - (a) Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - (b) Construction with materials resistant to flood damage;
  - (c) Utilization of methods and practices that minimize flood damages;
  - (d) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - (e) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
  - (f) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    1. All such proposals are consistent with the need to minimize flood damage;

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2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  3. Adequate drainage is provided so as to reduce exposure to flood hazards; and
  4. All proposals for development, including proposals for manufactured home parks and subdivisions, of five acres or 50 lots, whichever is lesser, include within such proposals base flood elevation data.
- (5) Storage, material, and equipment. The storage and/or processing of materials, including equipment within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life must meet the additional requirements of this section.
- (a) Facilities established after the effective date of this article:
1. Storage or processing of materials, including equipment within the special flood hazard may be allowed if placed on fill above the base flood elevation. The placement of the fill must meet the requirements for fill in special flood hazard area.
- (b) Facilities established prior to the effective date of this article:
1. Existing facilities may continue to be used in the special flood hazard area. Any expansion of an existing facility must meet the requirements for a new storage lot.
  2. If an existing facility is abandoned for a period of more than 12 months, it cannot be re-established unless it meets the requirements for a new facility.
- (6) Agricultural structures. Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this article; and a floodplain development permit has been issued.
- (7) Accessory structures. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this article; and a floodplain development permit has been issued.

### **Sec. 368-1731. Specific standards.**

- (1) In all areas identified as numbered and unnumbered A zones and AE zones, where base flood elevation data have been provided, as set forth in subsection 368-1730(2), the following provisions are required:
- (a) *Residential construction.* New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two feet above base flood elevation.
- (b) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or other nonresidential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of

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this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in subsection 36-1722(9).

- (c) *[Other requirements.]* Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided or the use of "engineered vents" in accordance with their listing; and
  2. The bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### **Sec. 368-1732. Manufactured homes.**

- (1) All manufactured homes to be placed within all numbered and unnumbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (2) Require manufactured homes that are placed or substantially improved within numbered or unnumbered A zones and AE zones, on the community's FIRM on sites:
  - (a) Outside of a manufactured home park or subdivision;
  - (b) In a new manufactured home park or subdivision;
  - (c) In an expansion to an existing manufactured home park or subdivision; or
  - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood,be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (3) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of subsection 368-1732(2) of this article, be elevated so that either:
  - (a) The lowest floor of the manufactured home is at two feet above the base flood level; or
  - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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### **Sec. 368-1733. Floodway.**

Located within areas of special flood hazard established in section 368-1710 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

- (1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
- (2) The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (3) If subsection 368-1733(2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division 4.
- (4) In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in subsection 368-1730(2).

### **Sec. 368-1734. Recreational vehicles.**

Require that recreational vehicles placed on sites within all numbered and unnumbered A zones and AE zones on the community's FIRM either:

- (1) Be on the site for fewer than 180 consecutive days, or
- (2) Be fully licensed and ready for highway use\*, or
- (3) Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this article.

Note(s)—\* A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

### **Sec. 368-1735. Areas outside the FEMA designated special flood hazard area (SFHA).**

The director of public works shall have the authority to designate areas outside the FEMA designated SFHA which are either unsuitable for development or where the requirements of the SFHA apply. This allows for protection of structures adjacent to the SFHA or in floodprone areas outside the SFHA.

### **Secs. 368-1736—368-1739. Reserved.**

## ***DIVISION 5. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES***

### **Sec. 368-1740. Establishment of appeal board.**

The board of building and housing appeals as established by the City of Springfield shall hear and decide appeals and requests for variances from the floodplain management requirements of this article.

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### **Sec. 368-1741. Responsibility of appeal board.**

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the floodplain administrator, the applicant may apply for such floodplain development permit or variance directly to the board of building and housing appeals, as defined in section 368-1740.

The board of building and housing appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

### **Sec. 368-1742. Further appeals.**

Any person aggrieved by the decision of the board of building and housing appeals or any taxpayer may appeal such decision to the Circuit Court of Greene County as provided in RSMo chapter 536.

### **Sec. 368-1743. Floodplain management variance criteria.**

In passing upon such applications for variances, the board of building and housing appeals shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this article, and the following criteria:

- (1) The danger to life and property due to flood damage;
- (2) The danger that materials may be swept onto other lands to the injury of others;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flood damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

### **Sec. 368-1744. Conditions for approving floodplain management variances.**

- (1) Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2) through (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

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- (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
  - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (5) Variances shall only be issued upon:
    - (a) A showing of good and sufficient cause;
    - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (6) A community shall notify the applicant in writing over the signature of a community official that:
    - (a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
    - (b) Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by this article.

### **Sec. 368-1745. Conditions for approving variances for agricultural structures.**

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in sections 368-1743 and 368-1744 of this article.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed:

- (1) All agricultural structures considered for a variance from the floodplain management regulations of this article shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
- (2) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's flood insurance rate map (FIRM).
- (3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with subsection 368-1730(4)(b) of this article.
- (4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with subsection 368-1730(4)(a) of this article. All of the



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building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with subsection 368-1730(4)(d) of this article.
- (6) The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with subsection 368-1731(1)(c) of this article.
- (7) The agricultural structures must comply with the floodplain management floodway encroachment provisions of subsection 368-1733(2) of this article. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
- (8) Major equipment, machinery, or other contents must be protected from any flood damage.
- (9) No disaster relief assistance under any program administered by any federal agency shall be paid for any repair or restoration costs of the agricultural structures.
- (10) A community shall notify the applicant in writing over the signature of a community official that:
  - (a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
  - (b) Such construction below the base flood level increases risks to life and property.Such notification shall be maintained with the record of all variance actions as required by this article.
- (11) Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

#### **Sec. 368-1746. Conditions for approving variances for accessory structures.**

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in sections 368-1743 and 368-1744 of this article.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

- (1) Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's flood insurance rate map (FIRM).
- (2) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with subsection 368-1730(4)(b) of this article.
- (3) The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with subsection 368-1730(4)(a) of this article. All of the

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building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

- (4) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with subsection 368-1730(4)(d) of this article.
- (5) The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with subsection 368-1731(1)(c) of this article.
- (6) The accessory structures must comply with the floodplain management floodway encroachment provisions of subsection 368-1733(2) of this article. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
- (7) Equipment, machinery, or other contents must be protected from any flood damage.
- (8) No disaster relief assistance under any program administered by any federal agency shall be paid for any repair or restoration costs of the accessory structures.
- (9) A community shall notify the applicant in writing over the signature of a community official that:
  - (a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
  - (b) Such construction below the base flood level increases risks to life and property.Such notification shall be maintained with the record of all variance actions as required by this article.
- (10) Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

**Secs. 368-1747—368-1749. Reserved.**

## ***DIVISION 6. PENALTIES FOR VIOLATION***

### **Sec. 368-1750. Penalties for violation.**

Violation of the provisions of this article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Springfield or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

**Secs. 368-1751—368-1759. Reserved.**

## ***DIVISION 7. AMENDMENTS***

### **Sec. ~~368~~-1760. Amendments.**

The regulations, restrictions, and boundaries set forth in this article may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Springfield. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII Office of the Federal Emergency Management Agency (FEMA). The regulations of this article are in compliance with the National Flood Insurance Program (NFIP) regulations.

### **Secs. ~~368~~-1761—~~368~~-1769. Reserved.**

## ***DIVISION 8. DEFINITIONS***

### **Sec. ~~368~~-1770. Definitions.**

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning they have in common usage and to give this article its most reasonable application.

*100-year flood.* See "base flood."

*Accessory structure* means the same as "appurtenant structure."

*Actuarial rates.* See "risk premium rates."

*Administrator* means the Federal Insurance Administrator.

*Agency* means the Federal Emergency Management Agency (FEMA).

*Agricultural commodities* means agricultural products and livestock.

*Agricultural structure* means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

*Appeal* means a request for review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

*Appurtenant structure* means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

*Base flood* means the flood having a one-percent chance of being equaled or exceeded in any given year.

*Basement* means any area of the structure having its floor subgrade (below ground level) on all sides.

*Building.* See "structure."

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*Chief executive officer or chief elected official* means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

*Community* means any state or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

*Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

*Elevated building* means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*Eligible community or participating community* means a community for which the administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

*Existing construction* means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood boundary and floodway map (FBFM)* means an official map of a community on which the administrator has delineated both special flood hazard areas and the designated regulatory floodway.

*Flood elevation determination* means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one-percent or greater chance of occurrence in any given year.

*Flood elevation study* means an examination, evaluation and determination of flood hazards.

*Flood fringe* means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

*Flood insurance study (FIS)* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source. (See "flooding.")

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

*Floodway or regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floodway encroachment lines* means the lines marking the limits of floodways on federal, state and local floodplain maps.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

*Functionally dependent use* means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

*Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this article.

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*Manufactured home* means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Map* means the flood hazard boundary map (FHBM), flood insurance rate map (FIRM), or the flood boundary and floodway map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

*Market value or fair market value* means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

*Mean sea level* means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map (FIRM) are referenced.

*New construction* means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

*NFIP* means the National Flood Insurance Program (NFIP).

*Participating community also known as an "eligible community,"* means a community in which the administrator has authorized the sale of flood insurance.

*Person* includes any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state, and local governments and agencies.

*Principally above ground* means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

*Recreational vehicle* means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Remedy a violation* means to bring the structure or other development into compliance with federal, state, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

*Repetitive loss* means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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*Risk premium rates* means those rates established by the administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

*Special flood hazard area*: See "area of special flood hazard."

*Special hazard area* means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (numbered or unnumbered) A and AE.

*Start of construction* includes "substantial improvements", and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*State coordinating agency* means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

*Structure* means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes "repetitive loss" buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions, or
- (b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
- (c) Any improvement to a building.

*Substantial improvement* means any combination of reconstruction, alteration, or improvement to a building, taking place during a ten-year period, in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes

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structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done.

The term does not apply to:

- (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions, or
- (b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
- (c) Any building that has been damaged from any source or is categorized as repetitive loss.

*Substantially improved existing manufactured home parks or subdivisions* where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*Variance* means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

## ARTICLE XVIII. SWIMMING POOL AND SPA CODE

### Sec. 368-1801. Adoption of 2018 Swimming Pool and Spa Code.

City council hereby adopts the 2018 Swimming Pool and Spa Code, as published by the International Code Council, and all referenced standards therein as if spelled out in this article, except such portions thereof as are hereinafter deleted, modified, or amended. This Code shall be designated as Article XVIII, "2018 Swimming Pool and Spa Code," of chapter 368 of the Springfield City Code, ~~known as the land development code~~. One copy of said Code shall remain on file in the office of the City Clerk, Busch Municipal Building 840 Boonville Avenue, Springfield, Missouri.

### Sec. 368-1802. Deletions, modifications, amendments and additions.

The 2018 International Swimming Pool and Spa Code, as adopted, is hereby amended and changed as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 368, ~~Land Development Code~~, Article I, Administration and Enforcement of Codes and Article XVIII, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.



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- (c) All adopted chapters and appendices shall include all errata hereafter published by the International Code Council after the date of the first printing of the 2018 International Swimming Pool and Spa Code.

**Sec. 368-1803. Penalty clause.**

Any person convicted of: violating this article; failing to comply with any order issued under it; or, erecting, constructing, altering, or repairing a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under these codes shall be punished as provided in section 1-7 of the City Code. A fine must be at least \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Notice under section 368-166 is not necessary to prosecute a violation of any provision of this article or these codes, unless the violation involves failure to comply with an order. Each day a violation continues is a separate offense.

**ARTICLE XVIIX. 2018 INTERNATIONAL ENERGY CONSERVATION CODE**

**Sec. 368-1901. Adoption of the 2018 International Energy Conservation Code.**

City council hereby adopts the "2018 International Energy Conservation Code" as published by the International Code Council, except such portions thereof as are hereinafter deleted, modified, or amended. This code shall be designated as Article ~~XIX~~XVII, International Energy Conservation Code, of Chapter 368 of the Springfield City Code, ~~known as the land development code~~. One copy of said code is on file in the office of the City Clerk, Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri.

**Sec. 368-1902. Deletions, modifications, amendments, and additions.**

The "2018 International Energy Conservation Code," as adopted, is hereby amended as follows:

- (a) Chapter 1 is repealed in its entirety because code enforcement is covered in Springfield City Code Chapter 368, ~~Land Development Code~~, Article I, Administration and Enforcement of Codes and Article XVIII, Uniform Enforcement Procedures.
- (b) Because Chapter 1 is repealed in its entirety, any cross references to Chapter 1 in subsequent chapters are replaced by the provisions in Article I that correspond, in content, to such cross references.
- (c) All adopted chapters and appendices of the IECC shall be amended, from time to time, in accordance with all errata identified and published by the International Code Council after the date of the IECC's first printing.

*Section C402 Building Envelope Requirements*

*C402.1.1 Low Energy Buildings.*

The following low energy buildings, or portions thereof, separated from the remainder of the building by building-thermal-envelope assemblies complying with this section, shall be exempt from the building-thermal-envelope provisions of section C402:

- 1. Those with a peak design rate of energy usage, less than 3.4 15 Btu/h\*ft<sup>2</sup> (47.3 W/m<sup>2</sup>).
- 4. Storage Groups 'S-1/S-2'.
- 5. Utility and Miscellaneous Group 'U'.
- 6. Factory Group 'F-1/F-2'.

*Section C403 Building Mechanical Systems*

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*C403.7.7 Shutoff damper controls.*

Exceptions:

Gravity dampers shall be permitted for building of any height located in Climate Zones 1, 2, 3, and 4.

*C405 Electrical Power and Lighting Systems*

*C405.2 Lighting Controls (Non-Mandatory)*

*C405.4 Exterior lighting power Requirements (Non-Mandatory)*

*C408 MAINTENANCE INFORMATION AND SYSTEM COMMISSIONING (Non-Mandatory)*

*C503.1 Exceptions:*

7. Renovations to existing buildings where it is technically infeasible to conform to the IECC, as approved by the Building Official.

"IECC—RESIDENTIAL PROVISIONS," pp. R-1 through R-59 are deleted in their entirety.

### **Sec. 368-1903. Penalty clause.**

Any person who: violates this article; fails to comply with any order issued pursuant to any section thereof; or, erects, constructs, alters, or repairs a building, structure, or system in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of these codes, shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided in section 1-7 of the City Code. Any fine imposed shall not be less than \$200.00 for the first offense, \$400.00 for the second offense, and \$500.00 for every offense thereafter. Each day that a violation continues, after a service of notice as provided for in these codes, shall be deemed a separate offense. Notice as set forth in section ~~368~~-166 shall not be required to prosecute a person for a violation of any provision of this article or these codes, except such notice shall be required to prosecute a person for failure to comply with an order.

## EXPLANATION TO COUNCIL BILL 2025-046 (HOSMER)

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Planning and Development

**TITLE:** A general ordinance amending Chapter 36 of the Springfield City Code, “Land Development Code,” by deleting Article II “Subdivision Regulations” and Article III “Zoning Regulations,” and enacting a new Chapter 36, “Land Development Code,” Article 1, “General Provisions,” Article 2, “Procedures,” Article 3, “Subdivision & Community Design,” Article 4, “District & uses,” Article 5, “Residential Development & Design,” Article 6, “Nonresidential Development & Design,” Article 7, “Access & Parking,” Article 8, “Landscape & Site Design,” Article 9, “Signs,” Article 10, “Supplemental Districts & Standards,” and Article 11, “Definitions,” in lieu thereof.

**PURPOSE:** To amend the Springfield Land Development Code, Chapter 36, Articles II and III, Subdivision and Zoning Regulations. (Staff and Planning and Zoning Commission recommend approval.)

### **BACKGROUND INFORMATION:**

#### **TEXT AMENDMENTS – SUBDIVISION AND ZONING REGULATION AMENDMENTS**

1. This request is to amend Chapter 36, Sections 36-200 to 36-495 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.
2. The City of Springfield contracted with the urban planning firm, Multistudio, beginning 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.
3. 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.
4. 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>.

5. 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.
6. 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](mailto:forwardsgf@springfieldmo.gov) prior to City Council adoption process.
7. 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.
8. Public comments on the individual articles of the working draft continued into January 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 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.
9. Planning and zoning commission recommended the initiation of the text amendment contained in Attachment 1 at their, January 16, 2025, regular meeting.
10. The proposed amendments follow the guidance and recommended implementation measures identified in Forward SGF as necessary for enhancing, preserving, and creating quality of place.
11. 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.

12. 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 2026.
13. 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) Establishing three 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.

**FINDINGS FOR STAFF RECOMMENDATION:** Staff recommends approval of the text amendment based on its consistency with the *Comprehensive Plan*.

**REMARKS:** The Planning and Zoning Commission held a public hearing on February 13, 2025, and recommended approval, by a vote of 7 to 0 of the proposed amendments. The Planning and Development staff recommends the request be approved.

**Submitted By:** Justin Crighton, Assistant Director of Planning and Development

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. Chapter 36 Text Amendment\_Ord
2. Code Update TXT AMD\_exhA
3. Code Update TXT AMD\_exhB

One-rdg. \_\_\_\_\_  
P. Hrngs.   X    
Pgs.   394    
Filed:   03-04-25  

Sponsored by:   Hosmer  

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

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

COUNCIL BILL   2025-046  

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

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield City Code, "Land Development Code,"  
2 by deleting Article II "Subdivision Regulations" and Article III  
3 "Zoning Regulations," and enacting a new Chapter 36, "Land  
4 Development Code," Article 1, "General Provisions," Article 2,  
5 "Procedures," Article 3, "Subdivision & Community Design," Article  
6 4, "District & uses," Article 5, "Residential Development & Design,"  
7 Article 6, "Nonresidential Development & Design," Article 7,  
8 "Access & Parking," Article 8, "Landscape & Site Design," Article 9,  
9 "Signs," Article 10, "Supplemental Districts & Standards," and  
10 Article 11, "Definitions," in lieu thereof.  
11 \_\_\_\_\_  
12

13 WHEREAS, Chapter 36 of the Springfield City Code, currently entitled the "Land  
14 Development Code," was last updated in April 1993 by General Ordinance 4329; and  
15

16 WHEREAS, Articles II and III of Chapter 36 contain the subdivision and zoning  
17 regulations, respectively; and  
18

19 WHEREAS, the City Council adopted the City's Comprehensive Plan, "Forward  
20 SGF," in November 2022 by Resolution 10663; and  
21

22 WHEREAS, implementation of Forward SGF requires a comprehensive update  
23 to the subdivision and zoning regulations; and  
24

25 WHEREAS, City staff has worked with an urban planning firm, as well as the  
26 public, to revise the subdivision and zoning regulations to align with Forward SGF; and  
27

28 WHEREAS, the Planning and Zoning Commission held a public hearing on  
29 February 13, 2025, and recommended approval of this amendment by a vote of 7 to 0,  
30 a copy of said proceedings being attached hereto and incorporated herein by this  
31 reference as "Exhibit A."  
32

33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
34 SPRINGFIELD, MISSOURI, as follows, that:

35        Section 1 – Chapter 36 of the Springfield City Code, “Land Development Code,”  
36 is hereby amended by deleting Article II, “Subdivision Regulations,” and Article III,  
37 “Zoning Regulations,” in their entirety.  
38

39        Section 2 – Chapter 36 of the Springfield City Code, “Land Development Code,”  
40 is hereby amended by enacting in lieu thereof Article 1, “General Provisions,” Article 2,  
41 “Procedures,” Article 3, “Subdivision & Community Design,” Article 4, “District & uses,”  
42 Article 5, “Residential Development & Design,” Article 6, “Nonresidential Development &  
43 Design,” Article 7, “Access & Parking,” Article 8, “Landscape & Site Design,” Article 9,  
44 “Signs,” Article 10, “Supplemental Districts & Standards,” and Article 11, “Definitions,”  
45 as set forth in “Exhibit B,” attached hereto and incorporated herein by this reference. A  
46 copy of “Exhibit B” is on file in the office of the City Clerk.  
47

48        Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to  
49 affect any suit or proceeding now pending in any court, or any rights acquired, or liability  
50 incurred, nor any cause or causes of action accrued or existing, under any act or  
51 ordinance repealed hereby, nor shall any right or remedy of any character be lost,  
52 impaired, or affected by this Ordinance.  
53

54        Section 4 – Severability Clause. If any section, subsection, sentence, clause, or  
55 phrase of this Ordinance is for any reason held to be invalid, such decision shall not  
56 affect the validity of the remaining portions of this Ordinance. City Council hereby  
57 declares that it would have adopted the Ordinance and each section, subsection,  
58 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
59 sections, subsections, sentences, clauses, or phrases be declared invalid.  
60

61        Section 5 – This Ordinance shall not be effective until the City Council adopts a  
62 new zoning map for the entire City adjusting the boundaries of the zoning districts, and  
63 until the City Council declares that this condition has been satisfied.  
64

65 Passed at meeting: \_\_\_\_\_  
66

67 \_\_\_\_\_  
68 Mayor  
69

70 Attest: \_\_\_\_\_, City Clerk  
71

72 Filed as Ordinance: \_\_\_\_\_  
73

74 Approved as to form: Laura Vales, Assistant City Attorney  
75

76 Approved for Council action: Colin Sykes, Interim City Manager  
77  
78



**EXHIBIT A**  
**RECORD OF PROCEEDINGS**  
**Planning and Zoning Commission – February 13, 2025**

Code Amendment

Citywide

**Applicant:** City of Springfield

Mr. Justin Crighton stated that if the Commission recommends approval the next step will be a public hearing with City Council on March 10, 2025.

Mr. Doennig opened the public hearing.

Mr. Chris Brewster, Kansas City, with Multistudio and the consulting team. He went over the process and details. (Why update the LDC, Design based approach, Key changes to the code, Next steps and Discussion).

Mr. Scott asked if Multistudio feels that they met their guiding principles and Mr. Brewster believes that it has been a success, noting that they are working and heading in the right direction with being user friendly, streamlined and better organized, but still in coordination as they test the code.

Mr. Hosmer stated that the city will be accepting all comments and will go with the packet going to council and will have a series of text amendments.

Mr. Brendan Griesemer, 1409 W. Sunshine, executive director of Restore SGF and spoke about options to increase homeownership and this update starts that process to chip away with that deficit. He went over the middle missing from the community and asks for approval.

Mr. Mike Stevens, 806 S. Weller and with the Drew Lewis Foundation and will speak in support of the Code Amendment and believes it will take us into the future.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Planning and Zoning Commissioner Scott moved to approve Preliminary Plat of Broadway Cottages; Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck and Commissioner Knuckles. Abstain: None.



Bob Hosmer, AICP  
Planning Manager



## DEVELOPMENT REVIEW STAFF REPORT

### 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:

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- 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 lesser 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
  - 2.08 Appeals of Administrative Decision
  - 2.09 Text Amendments
-



**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 (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<br>○ = Applicant's option<br>□ = Optional at PD Director's Discretion |      |      |                 |                | R = Review and recommendation<br>D = Decision<br>A = Appeal of Prior Decision<br>Ac = Acceptance of Improvements / Dedications<br>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, or 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 or 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.

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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**

|                                                                                          | Minor Modifications (Staff Discretion)                                            | Major Modification (Planning & Zoning Commission Discretion) |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------|
| Site Design Element                                                                      |                                                                                   |                                                              |
| 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 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 plan and any other plans or policies created under the guidance of that plan. In association with approval of the other plans, approved vision and development plans serve as a more specific representation of the intent and policy objectives for the area.
  2. *Public Space Plan.* Approval of a public space plan shall only mean that the basic development patterns and community design and infrastructure concepts are agreed to in principle as conforming to the intent of the comprehensive plan and any other plans or policies created under the guidance of that plan. However, approval of a public space plan may have the same effect as approval of a preliminary plat as specified in Section 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.

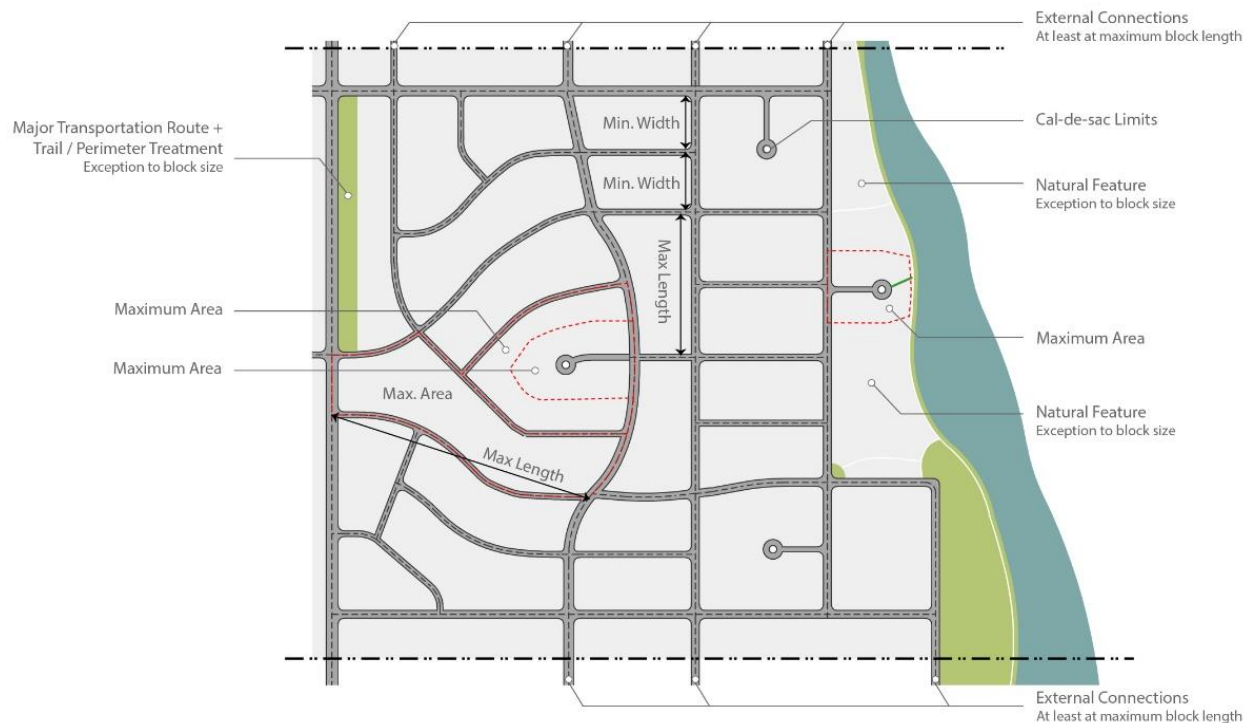
4. Build complete and multi-modal networks of well-connected streets, trails, and paths to improve the access, capacity, safety, and efficiency of transportation systems,
5. Use street design to enhance the community character in distinct places, and to better support development patterns and uses abutting 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         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------|
| <b>Compact, Walkable – High Connectivity</b><br><i>Downtown, near downtown areas, and walkable commercial and mixed-use areas, typically in the following placed types: Downtown; Mixed-Use; Mixed residential.</i>                                                                                                                                                                                                                                                               | 150’ min.<br>500’ max.<br>4 ac. max.    | Prohibited                       |
| <b>General Neighborhoods &amp; Corridors – Moderate Connectivity</b><br><i>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 &amp; Employment Center</i>                                                                                                        | 200’ min.<br>800’ max<br>7.5 ac. max    | 600’ per Exceptions in B.2 only. |
| <b>Campus, Rural, or Remote Areas – Low Connectivity</b><br><i>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 &amp; Employment Center, Business Flex, Industry &amp; Logistics, rural / undeveloped areas, or to account of large urban greenspace &amp; recreation.</i> | 250’ min.<br>1,320’ max.<br>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.

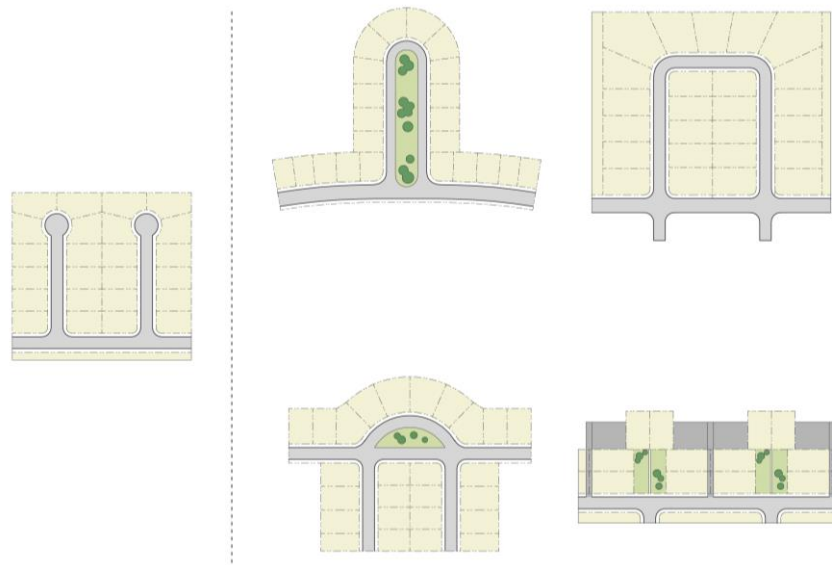
- d. *Oversized Parcels.* Where oversized parcels are platted for special land uses or development patterns that accommodate large-scale buildings, such as campuses, employment centers, or regional commercial areas, platted blocks may be larger provided private internal access lanes match the block structure 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 delayed to the time of development if all lots have frontage and access to public streets and alleys.
  - b. Subdivisions that are a portion of a larger development area or adjacent to potential future development shall require a mapped conceptual street network for the larger development area or adjacent property with a preliminary plat. The mapped conceptual street network shall address connection of major or connector streets, potential layout of local streets and blocks, and the position of external connections to the property.
5. **Intersections.** Intersections of streets, corner curb radii, and crosswalks shall be designed according to the Public Works Design Standards and Technical Specifications and any other formal guidance, plans, or manuals approved 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 Director shall determine the acceptable street alignments in accordance with governing documents.
  - d. Intersections of more than two streets at one point are not acceptable, except where alternative configurations better correspond to topography and natural features, implement traffic calming (such as roundabouts or other verified techniques), or create gateways and focal points in the network.
6. **Right-of-Way Widths.** The minimum right-of-way widths required shall be as follows:

| Table 3-2: Right-of-Way Widths                      |                |
|-----------------------------------------------------|----------------|
| Street Type                                         | Minimum Width* |
| <b>Expressways</b>                                  | 130'           |
| <b>Arterials</b>                                    | 100'           |
| <b>System Collectors</b>                            | 70'            |
| <b>Residential Collectors / Local High-Activity</b> | 60'            |
| <b>Local Low-Activity</b>                           | 50'            |
| <b>Alleys</b>                                       | 20'            |
| <b>Downtown Streets</b>                             | **             |

\* 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<br>Intersection of | <i>Expressway</i> | <i>Arterial</i> | <i>System<br/>Collector</i> | <i>Residential<br/>Collector /<br/>Local High-<br/>Activity</i> | <i>Local Low-<br/>Activity / Alley</i> |
|-------------------------|-------------------|-----------------|-----------------------------|-----------------------------------------------------------------|----------------------------------------|
| <i>Expressway</i>       | A                 | A               | A                           | B                                                               | B                                      |

|                                                    |   |   |   |   |   |
|----------------------------------------------------|---|---|---|---|---|
| <b>Arterial</b>                                    | A | A | A | B | B |
| <b>System Collector</b>                            | A | A | B | B | C |
| <b>Residential Collector / Local High-Activity</b> | B | B | B | C | C |
| <b>Local Low Activity</b>                          | 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**

| Street Design Type     | Classification |                  |                    |                |                 |                       |                       |                      |                       |                    |                     |
|------------------------|----------------|------------------|--------------------|----------------|-----------------|-----------------------|-----------------------|----------------------|-----------------------|--------------------|---------------------|
|                        | 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

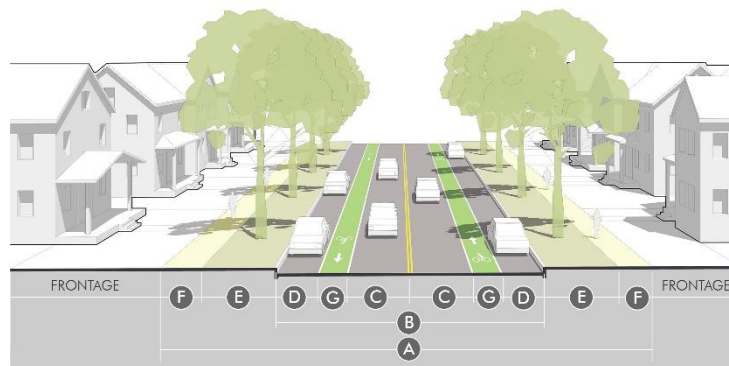
□ = Limited use in specific application, based on context and specific localized transportation plan

- 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.



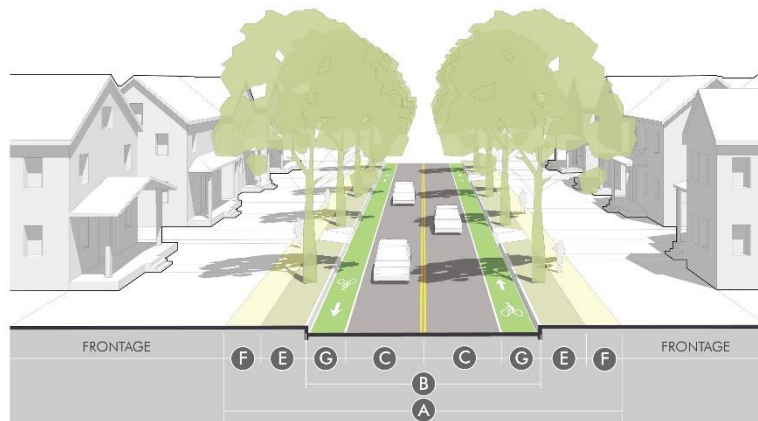
*Parkway / Bikeway*

- 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: Complete Street Guidelines**

|                       |                                          |                                                                                                                             | <b>Key:</b><br>■ Typically applied to this design type<br>O Optional; applied based on space allowances and specific priorities<br>L Limited; generally not applied but may be used to specific circumstances<br>- Generally avoid. |                   |              |                       |
|-----------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|-----------------------|
| Street Element        | Size                                     | Context & Application                                                                                                       | Pedestrian / Mixed Use                                                                                                                                                                                                              | Parkway / Bikeway | Neighborhood | Standard / Trafficway |
| <b>Travel Lanes</b>   | 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.      | -                                                                                                                                                                                                                                   | -                 | ■            | -                     |
| <b>Bicycle Lanes</b>  | 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            | ■                     |
| <b>Parking</b>        | 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                 | -            | -                     |
| <b>Landscape Area</b> | 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: Complete Street Guidelines

| <p><b>Key:</b><br/>           ■ Typically applied to this design type<br/>           O Optional; applied based on space allowances and specific priorities<br/>           L Limited; generally not applied but may be used to specific circumstances<br/>           - Generally avoid.</p> |                     |                                                                                                                                                                        |  |                        |                   |              |                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------|-------------------|--------------|-----------------------|
| 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                     |
| <b>Sidewalks</b>                                                                                                                                                                                                                                                                           | 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 Specifications]

| Table 3-6: Street Types & Cross-sections    |              |                     |              |         |                  |          |                      |                               |
|---------------------------------------------|--------------|---------------------|--------------|---------|------------------|----------|----------------------|-------------------------------|
| Functional Class +<br>Street Design Type    | ROW<br>Width | Street<br>Width [1] | Travel Lanes | Parking | Bicycle Facility | Sidewalk | Landscape<br>Amenity | Other Notes and Applicability |
| <b>Major Arterial - 120 / 80</b>            |              |                     |              |         |                  |          |                      |                               |
| Pedestrian Boulevard                        |              |                     |              |         |                  |          |                      |                               |
| Bicycle Boulevard                           |              |                     |              |         |                  |          |                      |                               |
| Parkway / Bikeway                           |              |                     |              |         |                  |          |                      |                               |
| Standard / Trafficway                       |              |                     |              |         |                  |          |                      |                               |
| <b>Minor Arterial – 100 / 70</b>            |              |                     |              |         |                  |          |                      |                               |
| Pedestrian Boulevard                        |              |                     |              |         |                  |          |                      |                               |
| Bikeway Boulevard                           |              |                     |              |         |                  |          |                      |                               |
| Parkway / Bikeway                           |              |                     |              |         |                  |          |                      |                               |
| Trafficway (Standard)                       |              |                     |              |         |                  |          |                      |                               |
| <b>Major Collector – 80/ 52</b>             |              |                     |              |         |                  |          |                      |                               |
| Neighborhood Connector                      |              |                     |              |         |                  |          |                      |                               |
| Pedestrian / Bikeway Street                 |              |                     |              |         |                  |          |                      |                               |
| Pedestrian Mixed-use Street                 |              |                     |              |         |                  |          |                      |                               |
| Parkway / Bikeway                           |              |                     |              |         |                  |          |                      |                               |
| Standard Street                             |              |                     |              |         |                  |          |                      |                               |
| <b>Minor Collector / Local – 60 / 32-36</b> |              |                     |              |         |                  |          |                      |                               |
| Neighborhood Connector                      |              |                     |              |         |                  |          |                      |                               |
| Pedestrian Street                           |              |                     |              |         |                  |          |                      |                               |
| Pedestrian Mixed-use Street                 |              |                     |              |         |                  |          |                      |                               |
| Bikeway                                     |              |                     |              |         |                  |          |                      |                               |
| Standard Street                             |              |                     |              |         |                  |          |                      |                               |
| <b>Local 54 / 28</b>                        |              |                     |              |         |                  |          |                      |                               |
| Neighborhood Street                         |              |                     |              |         |                  |          |                      |                               |

**Table 3-6: Street Types & Cross-sections**

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



- 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-of-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 |
| <b>Natural Open Space / Stream Buffer</b> | 3 acre min.;<br>100' min. width;<br>20+ acre optimal or significant continuity with adjacent areas | n/a                                       | ■           | ■      |
| <b>Park - Regional</b>                    | 20+ acres                                                                                          | w/in 3 miles                              | ■           |        |
| <b>Park - Community</b>                   | 8 – 20 acres                                                                                       | w/in 0.5 mile                             | ■           |        |
| <b>Park - Neighborhood</b>                | 3 – 8 acres                                                                                        | w/in 0.25 mile                            | ■           | ■      |
| <b>Park – Small</b>                       | 0.5 – 3 acres                                                                                      | w/in 0.25 mile                            |             | ■      |
| <b>Trail</b>                              | 20' wide, min. easement; 30' if integrated as a linear park;<br>8' – 16' trail                     | w/in 500' of trail or 1000' of trail head | ■           | ■      |
| <b>Community Garden</b>                   | 5K – 3 acres                                                                                       | w/in 0.25 miles                           |             | ■      |
| <b>Civic Space - Green</b>                | 1 – 3 acres                                                                                        | w/in 0.25 miles                           |             | ■      |
| <b>Civic Space - Square</b>               | 5K s.f. – 1 acre                                                                                   | w/in 500'                                 |             | ■      |
| <b>Civic Space – Plaza / Courtyard</b>    | 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:

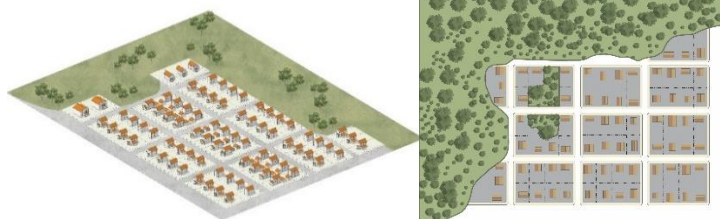
#### Natural Open Space / Stream Buffer

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 Control and Water Quality Protection Manual for specific requirements for Stream Buffers

**Size:** 3 contiguous acres (min.); 100' wide minimum; ideally, ability to connect 10 + acres of contiguous natural lands or agricultural lands.

**Service Area:**

n/a except where integrated with trails and linear parks, service areas are according to those types.



#### Design Elements & Guidelines

- Natural Open Space / Stream Buffer includes any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant and tree types. The goal is to protect the edges and to maximize intact and undisturbed spaces that provide valuable ecosystem services for the community, support preservation goals, or enhance the aesthetics and amenities of the area. Active recreation such as trails and paths can be a part of these areas provided, they do not disrupt the essential natural character and ecological functions.



## Park

### Variations: Size / Service Area

Regional – 20+ 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.

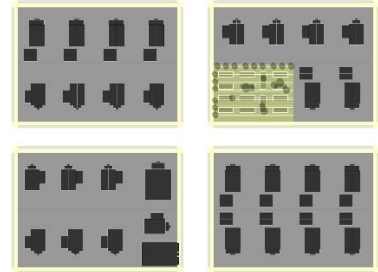
## Community Garden

### 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).

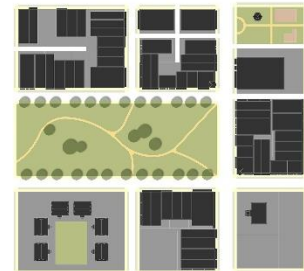
## Civic Space

### 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: Block 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);<br>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 pipes, 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 accepted by the PW Director prior to approval of a final plat or issuance of a building permit. The PW Director may provide formal guidance of all public improvement plan processes on the city 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**

| <i><b>District &amp; Intent</b></i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <i><b>Applicable Place Types</b></i>                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>R-SF - Single-Family Residential.</b> 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.                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>▪ Traditional Neighborhood</li> <li>▪ Center City Neighborhoods</li> <li>▪ Mixed Residential (Limited Applicability)</li> </ul>                                                                |
| <b>R-MX1 – Mixed-Density Neighborhood - Low.</b> 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.                                                                                                             | <ul style="list-style-type: none"> <li>▪ Traditional Neighborhood (Transition Areas)</li> <li>▪ Center City Neighborhood (Strategic Integration)</li> <li>▪ Mixed Residential</li> <li>▪ Mixed Use (Limited Applicability)</li> </ul> |
| <b>R-MX2 – Mixed-Density Neighborhood – Medium</b> 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.                                                                                 | <ul style="list-style-type: none"> <li>▪ Center City Neighborhood (Transition Areas)</li> <li>▪ Mixed Residential</li> <li>▪ Mixed Use (Limited Applicability)</li> <li>▪ City Corridors</li> </ul>                                   |
| <b>R-MX3 – Mixed-density Neighborhood - High.</b> The R-MX3 district provides residential living in high-density patterns in urban areas or larger-scale multi-family projects in suburban areas where there are appropriate transitions and buffers between neighborhoods and supporting uses along corridors. The character of these areas 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. | <ul style="list-style-type: none"> <li>▪ Traditional Neighborhood (Transition Areas)</li> <li>▪ City Corridors</li> <li>▪ Downtown (Strategic Integration)</li> </ul>                                                                 |

**Table 4-1: Zoning Districts & Intent**

| District & Intent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Applicable Place Types                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>R-MHC – Residential Manufactured and Small Format Housing Community.</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>Limited to planned applications in a variety of residential settings according to the development patterns and design criteria in Section 5.05.D</li> </ul>                                                                                                                     |
| <p><b>C-MX1 – Commercial Mixed-use Neighborhood.</b> 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.</p>                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Mixed Use</li> <li>City Corridors</li> <li>Business Flex (Limited Applicability)</li> <li>Institution &amp; Employment Center (Limited Applicability)</li> <li>Traditional Neighborhood (transition Areas)</li> <li>Center City Neighborhood (Strategic Integration)</li> </ul> |
| <p><b>C-MX2 – Commercial Mixed-use Community.</b> 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 by 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.</p> | <ul style="list-style-type: none"> <li>Mixed Use</li> <li>City Corridors</li> </ul>                                                                                                                                                                                                                                    |
| <p><b>CC – Center City.</b> 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 larger 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.</p>                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>Downtown</li> </ul>                                                                                                                                                                                                                                                             |
| <p><b>GC – General Commercial.</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>City Corridors</li> <li>Business Flex (limited)</li> <li>Institution &amp; Employment Center (limited)</li> </ul>                                                                                                                                                               |
| <p><b>GI- Government &amp; Institution.</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>Institutional &amp; Employment Center</li> <li>Downtown</li> </ul>                                                                                                                                                                                                              |
| <p><b>LIC – Light Industrial / Commercial.</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>Business Flex</li> <li>Institutional &amp; Employment Center</li> <li>Industry &amp; Logistics</li> </ul>                                                                                                                                                                       |
| <p><b>HM – Heavy Manufacturing.</b> The HM district provides primarily manufacturing uses at a scale, intensity, and format that could impact adjacent uses or where specific land resources, distribution</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>Industry &amp; Logistics</li> </ul>                                                                                                                                                                                                                                             |



**Table 4-1: Zoning Districts & Intent**

| <i>District &amp; Intent</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <i>Applicable Place Types</i>                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 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.) | <ul style="list-style-type: none"> <li>Specific planned applications’ special purpose districts</li> </ul> |

- 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**

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

| <b>Table 4-2: Zoning Districts Transitions</b>  |                                        |
|-------------------------------------------------|----------------------------------------|
| <b>Previous Code</b>                            | <b>This Code</b>                       |
| WC-1 - West College Mixed-use Sub-area          | C-MX2 – Commercial Mixed-use Community |
| GAP– Grant Avenue Parkway Sub-areas A, B, C & E |                                        |
| (new – unmapped upon initial adoption)          |                                        |
| 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<br>C = Conditional use permit                                        | R-SF                                   | R-MX1 | R-MX2 | R-MX3 | RMHC | C-MX1 | C-MX2 | CC | GC | GI | LIC | HM |
| <b>Use</b>                                                                             |                                        |       |       |       |      |       |       |    |    |    |     |    |
| <b>Residential Uses</b> [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  |     |    |
| <b>Civic Uses</b>                                                                      |                                        |       |       |       |      |       |       |    |    |    |     |    |
| 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**

| 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 |    |
| <b>Commercial Uses</b>                                                       |      |       |       |       |      |       |       |     |     |     |     |    |
| 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**

| 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**

| Use                                                                   | R-SF | R-MX1 | R-MX2 | R-MX3 | RMHC | C-MX1 | C-MX2 | CC | GC | GI | LIC | HM |
|-----------------------------------------------------------------------|------|-------|-------|-------|------|-------|-------|----|----|----|-----|----|
| P = Permitted use<br>C = Conditional use permit                       |      |       |       |       |      |       |       |    |    |    |     |    |
| 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   |    |
| <b>Industrial Uses</b>                                                |      |       |       |       |      |       |       |    |    |    |     |    |
| 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  |     |    |
| Waste Management – Recycling Center                                   |      |       |       |       |      |       |       |    |    |    |     | P  |
| Waste Management – Scrap and Salvage Yard                             |      |       |       |       |      |       |       |    |    |    |     | C  |
| Waste management – Sewage Treatment Plant                             |      |       |       |       |      |       |       |    |    | C  |     |    |
| <b>Urban Agriculture Uses</b>                                         |      |       |       |       |      |       |       |    |    |    |     |    |
| 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:
- 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.
  - 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



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- 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:

| <b>Table 4-4: ADU Allowances</b>                                                 |          |          |          |
|----------------------------------------------------------------------------------|----------|----------|----------|
| Planning Context                                                                 | Lot Size | ADU Type |          |
|                                                                                  |          | Attached | Detached |
| <i>Center City Neighborhoods</i><br><i>Mixed Residential</i><br><i>Mixed Use</i> | 6K +     | P        | P        |
|                                                                                  | > 6K     | C        | C        |
| <i>Traditional Neighborhoods</i>                                                 | 6K +     | P        | C        |
|                                                                                  | > 6K     | n/a      | n/a      |
| <i>Existing detached houses in non-residential districts</i>                     | 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.

| <b>Table 4-5: Accessory Renewable Energy Facilities</b> |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                            |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                         | <i>Accessory Use by Building Permit</i>                                                                                                                                                                                                                                                                                                        | <i>Accessory Use by Conditional Use Permit</i>                                                                                                             |
| <b>Solar</b>                                            |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                            |
| <i>Building Mounted</i>                                 | <ul style="list-style-type: none"> <li>▪ 8" max. off and parallel with pitched roof</li> <li>▪ 3' max. off a flat roof</li> <li>▪ 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.</li> </ul> | <ul style="list-style-type: none"> <li>▪ 6' max. off a roof or building wall</li> </ul>                                                                    |
| <i>Ground Mounted</i>                                   | <ul style="list-style-type: none"> <li>▪ 6' high max</li> <li>▪ 10' setback min.</li> <li>▪ Screened from adjacent property and ROW the same as all other mechanical equipment.</li> </ul>                                                                                                                                                     | <ul style="list-style-type: none"> <li>▪ 10' max high</li> </ul>                                                                                           |
| <b>Wind</b>                                             |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                            |
| <i>Building Mounted</i>                                 | <ul style="list-style-type: none"> <li>▪ 4' max. above roof (residential buildings)</li> <li>▪ 8' max. above roof (non-residential buildings)</li> </ul>                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>▪ 12' max. above roof (residential buildings)</li> <li>▪ 20' max. above roof (non-residential buildings)</li> </ul> |
| <i>Ground Mounted</i>                                   | <ul style="list-style-type: none"> <li>▪ 30' max. height (residential districts)</li> <li>▪ 45' max. height (nonresidential districts)</li> </ul>                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>▪ 45' max. height (residential districts)</li> <li>▪ 60' max. height (nonresidential districts)</li> </ul>          |

- 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 from adjacent property, including the visibility from building frontages along a streetscape;
    - (3) landscape buffers and open spaces; and
    - (4) any other easements and access needs.All locations are considered “at risk” by the applicant, and may be forced to relocate in response to any rights of access to easements or other problems associated with the location.
2. **Exemptions.** The standards in this section do not apply to:
  - a. Permitted outdoor storage uses as a principal use.
  - b. Permanent installations that meet the accessory building size, design, and location standards of the applicable zoning district.
  - c. Containers in the public or railroad right-of-way placed by the entity with control over the right-of-way.
  - 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**

|                                                                                                                                                                                                                     | <i>R-SF, R-MX1,<br/>R-MX2, R-MHC</i> | <i>R-MX3, C-<br/>MX1</i> | <i>GI, C-MX2</i> | <i>GC, CC, LIC</i> | <i>HM</i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------|------------------|--------------------|-----------|
| <b>Daytime Noise.</b> Noise levels during business hours (7AM-7PM). [1]                                                                                                                                             | 55 db                                | 65 db                    | 65 db            | 70 db              | 75 db     |
| <b>Evening Noise.</b> Noise levels outside general business hours (7PM – 12AM). [1]                                                                                                                                 | 50 db                                | 55 db                    | 65 db            | 70 db              | 75 db     |
| <b>Nighttime Noise.</b> Noise levels during quiet hours (12AM – 7AM). [1]                                                                                                                                           | 45 db                                | 45 db                    | 55 db            | 60 db              | 65 db     |
| <b>Impacts Outside the Building.</b> No odor, glare, vibration, smoke, or similar impacts shall be produced that is observable outside a building.                                                                  | ☑                                    | ☑                        | ☑                |                    |           |
| <b>Impacts Beyond the Property Line.</b> 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]. | ☑                                    | ☑                        | ☑                | ☑                  |           |
| <b>Impacts to Health or Property.</b> 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.



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## **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.

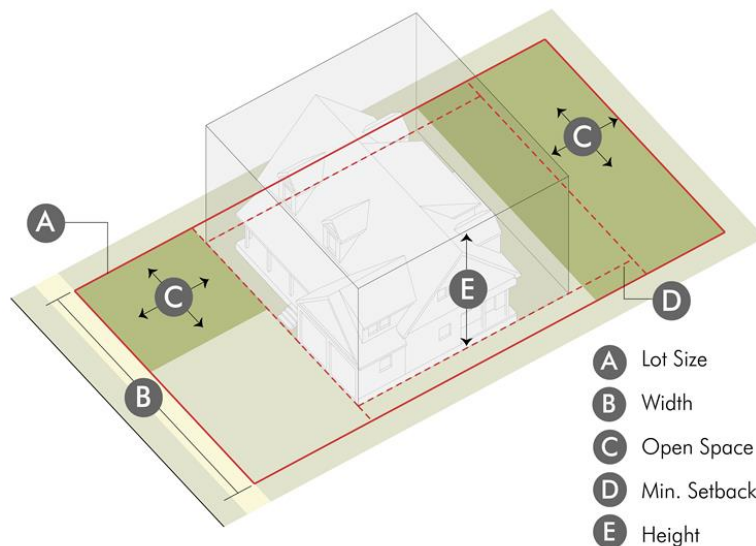
### **5.02 Applicability**

- 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 |       |       |       |       |
|--------------------------------------------------------------------|-------------------------------|------------------------------------|-----------------------------------|------------|-----------------------|-----------|-----|-----|------------------|-------|-------|-------|-------|
|                                                                    |                               | Area                               | Width                             | Open Space | Height <sup>[3]</sup> | Setbacks  |     |     | R-SF             | R-MX1 | R-MX2 | R-MX3 | R-MHC |
| Detached House – Standard Lot                                      | 1                             | 6K                                 | 50' +                             | 40%        | 32'<br>2.5 stories    | 25'       | 5'  | 30' | P                | P     |       |       |       |
| Detached House – Urban Lot                                         | 1                             | 4K                                 | 35' - 50' <sup>[1]</sup>          | 30%        | 32'<br>2.5 stories    | 25'       | 3'  | 30' |                  | P     | P     |       | P     |
| Detached House – Small Format                                      | 1                             | 2K                                 | 25' – 35' <sup>[1]</sup>          | 20%        | 25'<br>2 stories      | 25'       | 3'  | 20' | C                | C     | P     | P     | P     |
| Duplex / Multi-unit House                                          | 2 - 4                         | 6K<br>3K / unit min                | 50' + <sup>[1]</sup>              | 40%        | 32'<br>2.5 stories    | 25'       | 5'  | 20' |                  | P     | P     | P     |       |
| Townhouse – Large Lot                                              | 3 - 6                         | 2.4K / unit min.<br>20K total max. | 20' / unit min.<br>150' total max | 30%        | 40'<br>3 stories      | 15' - 25' | 5'  | 20' |                  | P     | P     | P     |       |
| Townhouse – Small Lot                                              | 3 - 8                         | 1.5K / unit min.<br>16K total max. | 14' / unit min<br>125' total max  | 20%        | 40'<br>3 stories      | 15' – 25' | 5'  | 20' |                  | C     | P     | P     |       |
| Apartment – Small Lot                                              | 3 - 12                        | 1.5K / unit min.<br>20K total max. | 50' – 150'                        | 20%        | 52'<br>4 stories      | 15' - 25' | 5'  | 20' |                  |       | P     | P     |       |
| Apartment – Medium Lot                                             | 13 - 40                       | 1.5K / unit min.<br>¼ block max.   | 100' – 200'                       | 20%        | 65'<br>5 stories      | 15' – 25' | 5'  | 20' |                  |       | P     | P     |       |
| Apartment – Large Lot                                              | 13 +                          | 1.1K / unit min.<br>½ block max.   | 100' – 300'                       | 20%        | n/a'                  | 15' – 25' | 5'  | 20' |                  |       |       | P     |       |
| Apartment - Complex                                                | 17.7 du/ac                    | 8.5K min/<br>2.45 K / unit min.    | 100' +                            | 30%        | 40'<br>3 stories      | 25'       | 5'  | 20' |                  |       |       | P     |       |
| Civic / Institutional Buildings<br>(permitted nonresidential uses) | n/a                           | 20K                                | 200'                              | 40%        | 40'<br>3 stories      | 25'       | 25' | 30' | P                | P     | P     | P     | P     |

<sup>[1]</sup> 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

<sup>[2]</sup> Front setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 5.04.B, Frontage Design.

<sup>[3]</sup> 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.

| <b>Table 5-2: Residential Accessory Structures</b>                                                           |                                                                                                 |                                                                                                    |                                                                                                          |                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Type</b>                                                                                                  | <b>Quantity</b>                                                                                 | <b>Size</b>                                                                                        | <b>Height</b>                                                                                            | <b>Setbacks</b>                                                                                                                                                                                                              |
| <i>Minor Structure (small shed, playhouse, and similar structures)</i>                                       | <ul style="list-style-type: none"> <li>1 / each 3k s.f. of lot</li> <li>Maximum of 4</li> </ul> | <ul style="list-style-type: none"> <li>200 s.f. max</li> </ul>                                     | <ul style="list-style-type: none"> <li>12' max</li> <li>16' if roof pitch is 4:12 or greater.</li> </ul> | <ul style="list-style-type: none"> <li>3' side and rear; except accessory structures that share a common wall or abut for their entire length on a lot line.</li> <li>Behind the front of the principal structure</li> </ul> |
| <i>Secondary Building (detached accessory building, guest house, and similar structures)</i>                 | <ul style="list-style-type: none"> <li>1 / principal building</li> </ul>                        | <ul style="list-style-type: none"> <li>No more than 1/2 of principal building footprint</li> </ul> | <ul style="list-style-type: none"> <li>22' max, but no higher than principal structure.</li> </ul>       | <ul style="list-style-type: none"> <li>3' from side and rear;</li> <li>Behind the front of building line of the principal structure</li> </ul>                                                                               |
| Any building over 16' high or more than 200 square feet shall meet the design standards in Section 5.03.B.5. |                                                                                                 |                                                                                                    |                                                                                                          |                                                                                                                                                                                                                              |

- 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.
  - Accessory buildings shall be clearly incidental and subordinate to the principal building or use in terms of scale, location, and orientation.
  - 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.
  - 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.
  - 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:
    - 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.
    - 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.
    - The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.
    - 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.
  - 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.
- Lot and Building Configurations.*
    - 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.

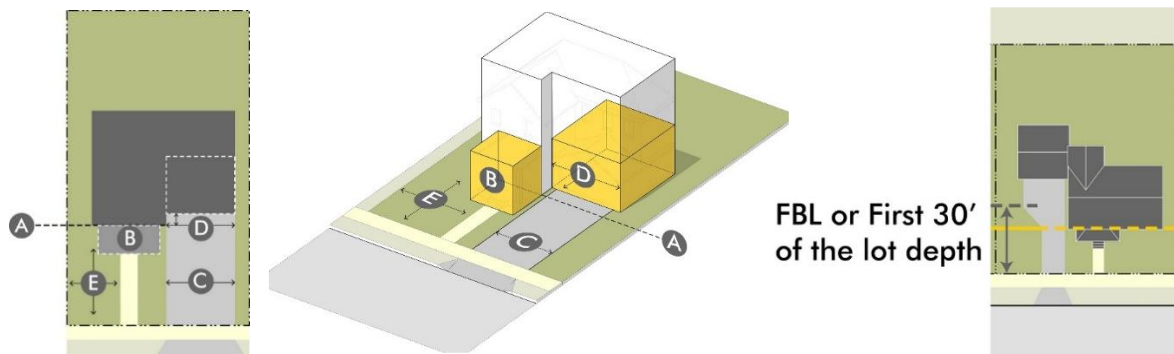
## 5.04 Neighborhood Design

- 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.



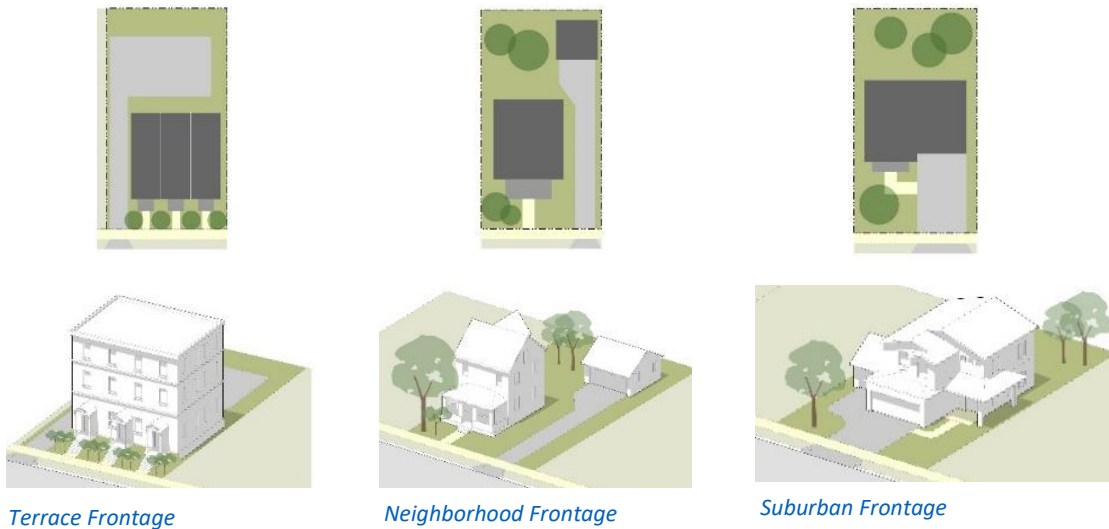
**Figure 5-3 Frontage Design Standards**

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.

| <b>Table 5-3: Residential Frontage Types &amp; Design Standards</b> |              |                                                                                                      |                                                                                                      |                                                                                                         |
|---------------------------------------------------------------------|--------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Frontage Element</b>                                             |              | <b>Terrace Frontage</b>                                                                              | <b>Neighborhood Frontage</b>                                                                         | <b>Suburban Frontage</b>                                                                                |
| <i>Front Building Line</i>                                          |              | 10' – 25'                                                                                            | 25' – 50'                                                                                            | 25' +                                                                                                   |
| <i>Front Entry Feature</i>                                          |              | Required, See Section 5.04.B.2                                                                       | Required, See Section 5.04.B.2                                                                       | Optional                                                                                                |
| <i>Driveway Width (max)</i>                                         |              | 15% of lot width, up to 22'                                                                          | 20% of lot width, up to 22'                                                                          | 40% of lot width, up to 22'                                                                             |
| <i>Garage Limitations</i>                                           |              | <ul style="list-style-type: none"> <li>▪ 20% of facade;</li> <li>▪ 35% if 12'+ behind FBL</li> </ul> | <ul style="list-style-type: none"> <li>▪ 30% of facade;</li> <li>▪ 45% if 12'+ behind FBL</li> </ul> | <ul style="list-style-type: none"> <li>▪ 50% of facade;</li> <li>▪ No limit if 50' + setback</li> </ul> |
| <i>Frontage Landscape</i>                                           |              | 75% minimum                                                                                          | 60% minimum I                                                                                        | 45% minimum                                                                                             |
| <i>Application</i>                                                  | <i>R-SF</i>  | □                                                                                                    | ■                                                                                                    | □                                                                                                       |
|                                                                     | <i>R-M1</i>  | □                                                                                                    | ■                                                                                                    |                                                                                                         |
|                                                                     | <i>R-M2</i>  | ■                                                                                                    | □                                                                                                    |                                                                                                         |
|                                                                     | <i>R-M3</i>  | ■                                                                                                    | □                                                                                                    | □                                                                                                       |
|                                                                     | <i>R-MHC</i> |                                                                                                      | ■                                                                                                    | □                                                                                                       |

■ Permitted default standard.

□ Alternative standard to be applied based on context through Minor Modification.  
Blank is only applicable through a Major Modification



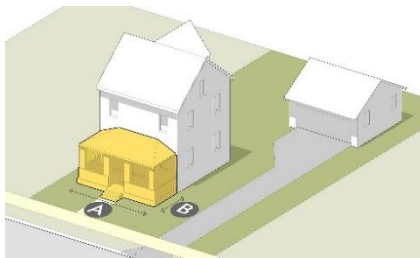
1. **Front Building Line.** Front building lines create a consistent pattern along a block framing streetscapes. Front building lines shall be established within the front building line ranges and applicable frontage types in Table 5-3 with the following exceptions:
  - a. Front building lines may be 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**

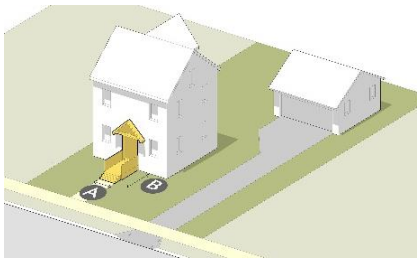
| Type        | Width (Min.)                                 | Depth (Min.) | Area (Min.) |
|-------------|----------------------------------------------|--------------|-------------|
| Porch       | 10', but at least 25% of front elevation     | 6'           | 80 s.f.     |
| Stoop       | 8'                                           | 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



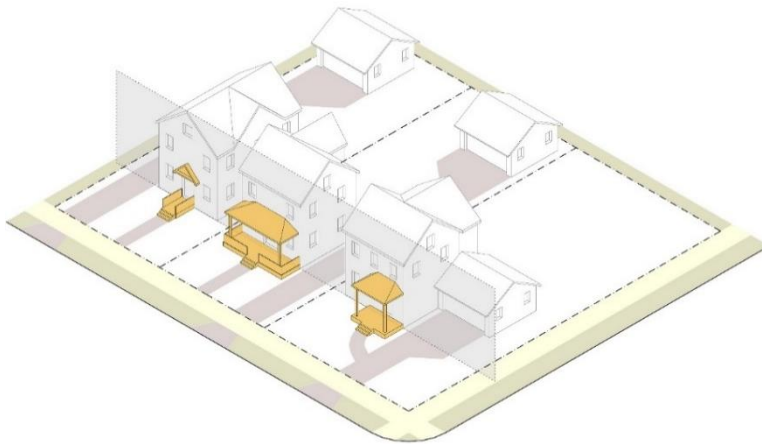
Stoop



Entry Court

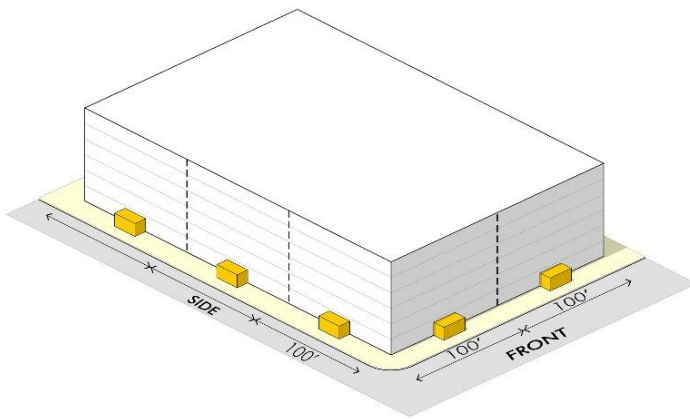
**Figure 5-4 Front Entry Features - Types**

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**

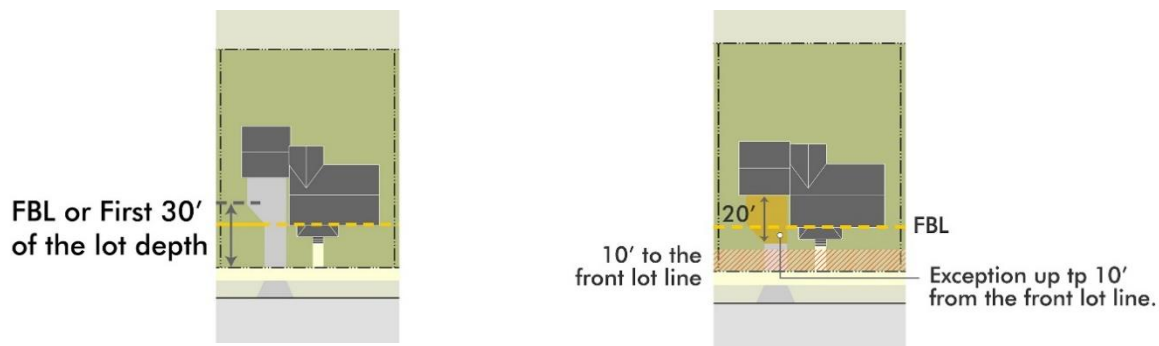
Front entry features meeting the standards of this section create social spaces that help activate streetscapes, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along blocks. (Table 5-4)



**Figure 5-6 Primary Entry Feature - Large Buildings**

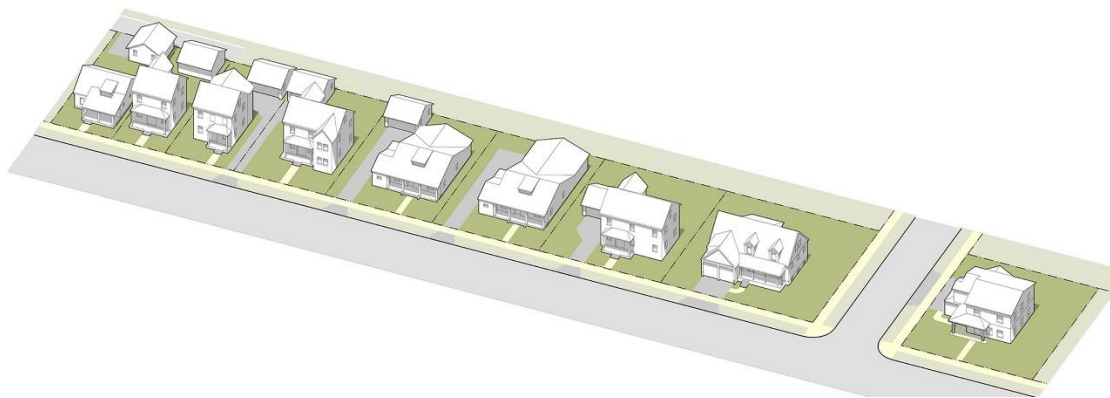
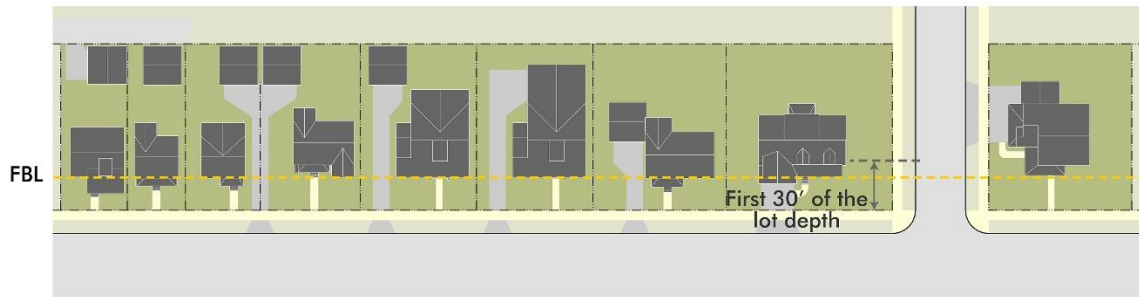
Front entry features should be more frequently located on larger buildings with wall planes in close proximity to the street. This breaks up the building massing and activates the streetscape. (Table 5-4)

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**

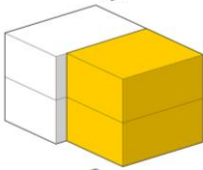
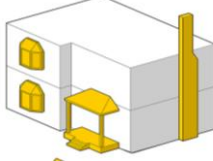
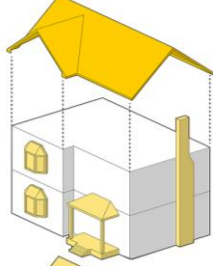
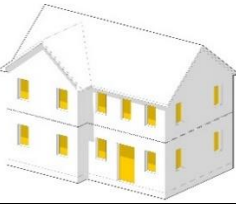
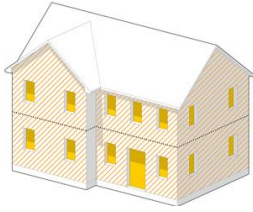
Driveway limits shall apply to the first 30' or up to the Front Building line, whichever is less; except any front-loaded garage meeting these standards may have a driveway expanded to the width of the entry 20 feet in front of the entry, provided the expanded area is no closer than 10' from the front 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                                                                                                         |
| Rooftop 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<br><br>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;<br>15% on all non-street-facing facades.                                                            |                                                                                                                                            | 30% on all street-facing facades;<br>20% on all non-street facing facades<br>50% on first story if ground floor is non-residential |
| Materials                                                                                                      |  | Primary Material – at least 55%<br>Secondary Material -20% - 30% (limit 2)<br>Accent Material - 5% - 15%<br>Limit – 3 materials total |                                                                                                                                            | Primary – 55 – 80%<br>Secondary – 20 - 30%<br>Accent - 5 – 15%<br>Limit – 3 materials total                                        |
|                                                                                                                |                                                                                     | Detached house and Duplex see 5.04.C..4.a<br>Multi-unit House, Row House – same as apartments                                         |                                                                                                                                            |                                                                                                                                    |

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-foot setback. This is encouraged to provide a strong sense of enclosure. Buildings can exceed the street wall height by introducing step backs.
2. *Blank Wall Limits.* 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.

| <b>Table 5-6: Open Space Design</b>                                           |                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Permitted Open Space</i></b>                                            | <b><i>Design</i></b>                                                                                                                                                                                                                                                             |
| <i>Frontages</i>                                                              | <ul style="list-style-type: none"> <li>Designed according to 16-5-4.B,</li> <li>Excludes any permitted for driveways or parking area</li> </ul>                                                                                                                                  |
| <i>Yards</i>                                                                  | <ul style="list-style-type: none"> <li>Minimum 15' in all directions</li> <li>Minimum 400 s.f. of area</li> </ul>                                                                                                                                                                |
| <i>Open &amp; Uncovered Decks or Patios</i>                                   | <ul style="list-style-type: none"> <li>Minimum 12' in all directions</li> <li>Minimum 200 s.f.</li> <li>Must be at or below first floor elevation</li> <li>Limited to 25% of required open space</li> </ul>                                                                      |
| <i>Private Balconies or Patios<br/>(Apartment / Mixed-use Buildings only)</i> | <ul style="list-style-type: none"> <li>Minimum 6' in all directions; 15' if common area shared by multiple dwelling units</li> <li>Minimum 80 square feet (individual); 300 s.f. if shared by multiple dwelling units.</li> <li>Limited to 25% of required open space</li> </ul> |
| <i>Common Courtyard</i>                                                       | <ul style="list-style-type: none"> <li>Designed according to Section 5.05.D.</li> </ul>                                                                                                                                                                                          |
| <i>Public or Common Open Space</i>                                            | <ul style="list-style-type: none"> <li>Designed according to Section 3.02</li> </ul>                                                                                                                                                                                             |

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.

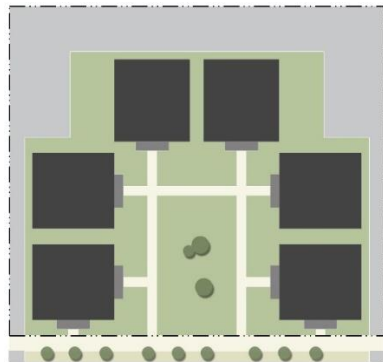
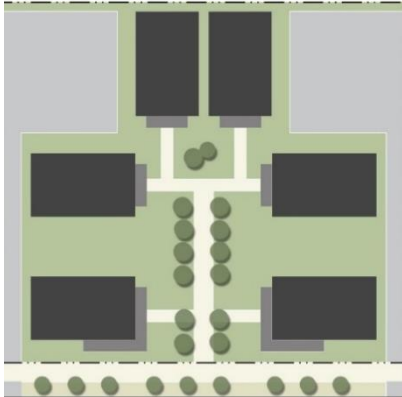
- The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.
- An alternative design allows the building, garage, and access to be sited in a way that preserves topography or other natural features on the site.
- The requirement is not consistent with the architectural style selected for the building based on reputable resources documenting the style.
- 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.
- Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.
- 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.
- 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                  | Project Size | Example Using R-SF Base Zoning |                  |                          |
|--------------------|-------------------------------------------------|--------------|--------------------------------|------------------|--------------------------|
|                    |                                                 |              | 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 3.02 for Natural Open Space, Trail, or include prime farmland or other existing and productive agriculture lands designed to be a focal point and community amenity. All lots shall have access to the public or common open space preserved as part of the plan within 1,000 feet, measured along pedestrian or trail routes.



*Conventional Pattern*



*Cluster Pattern*

**Figure 5-10 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**

|                           |                                                                                                                                   |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <i>Project Size</i>       | <ul style="list-style-type: none"> <li>▪ 3 acres minimum;</li> <li>▪ 150' minimum frontage on an arterial or collector</li> </ul> |
| <i>Project Intensity</i>  | <ul style="list-style-type: none"> <li>▪ 15 units per acre, maximum</li> </ul>                                                    |
| <i>Useable Open Space</i> | <ul style="list-style-type: none"> <li>▪ 20% of project areas</li> </ul>                                                          |

**Table 5-8: Small Format Housing Community Plan**

|                                     |                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Lot &amp; Building Standards</i> | <ul style="list-style-type: none"> <li>▪ Detached house – small format standards in Table 5-1 apply</li> <li>▪ All home sites shall front on a public street, common internal street, or common open space with street or alley access to the rear.</li> </ul>                                                                                    |
| <i>Perimeter Setbacks</i>           | <ul style="list-style-type: none"> <li>▪ 25 feet minimum from any public street boundary or property perimeter</li> </ul>                                                                                                                                                                                                                         |
| <i>Exception</i>                    | <p>If the common usable open space is increased to 25% the following exceptions may be granted:</p> <ul style="list-style-type: none"> <li>▪ <i>Project Size:</i> 1 acre minimum, 100' frontage on arterial</li> <li>▪ <i>Project Intensity:</i> 20 units per acre maximum</li> <li>▪ <i>Home Sites:</i> 1.2K s.f.; 20' width minimums</li> </ul> |

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.
- 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.
  - 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.
  - 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] |                     |
| <i>C-MX1 – Commercial Mixed-use Neighborhood</i> | 30K s.f. max          | 25' – 150'     | 20%        | 25'              | n/a               | 15'             | 20'      | 40' / 3 stories     |
| <i>C-MX2 – Commercial Mixed-use Community</i>    | 60K or ½ block max.   | 25' – 150'     | 10%        | 0' - 15'         | n/a               | 0' - 15'        | n/a      | 65' / 5 stories     |
| <i>CC – City Center</i>                          | 60K or ½ block max    | 25' – 300'     | n/a        | 0' -15'          | n/a               | 0' - 15'        | n/a      | n/a                 |
| <i>GC – General Commercial</i>                   | n/a                   | 50' +          | 20%        | 25'              | n/a               | 25'             | n/a      | n/a                 |
| <i>GI – Government &amp; Institution</i>         | n/a                   | 50' +          | 20%        | 25'              | n/a               | 25'             | n/a      | n/a                 |
| <i>LIC – Light Industrial Commercial</i>         | n/a                   | 50' +          | 15%        | 25'              | 10'               | 25'             | 10'      | 40'                 |
| <i>HM - Heavy Manufacturing</i>                  | 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.

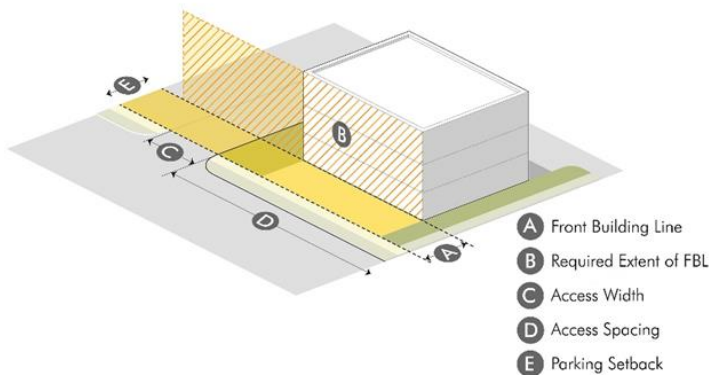
- B. Frontage Design.** Nonresidential lot and building frontages shall be designed according to the types in Table 6-2 and be applied based on the context of the district and corridor. Frontage design determines the relationship between private development and the public realm and affects the character 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.

| <b>Table 6-2: Nonresidential Frontage Design</b> |                                                                                    |                            |                               |                                |
|--------------------------------------------------|------------------------------------------------------------------------------------|----------------------------|-------------------------------|--------------------------------|
|                                                  | <b>Frontage A</b>                                                                  | <b>Frontage B</b>          | <b>Frontage C</b>             | <b>Frontage D</b>              |
| <i>Front Building Line (build-to range)</i>      | 0' – 15'                                                                           | 0' – 30'                   | 30' – 90'                     | 90' +                          |
| <i>Required Front Building Line</i>              | 80% +                                                                              | 60% +                      | 40% +                         | n/a                            |
| <i>Access Width (max.)</i>                       | 26'                                                                                | 26'                        | 32'                           | 40'                            |
| <i>Access Spacing</i>                            | Frontage designs and access shall be coordinated with requirements of Section 7.03 |                            |                               |                                |
| <i>Parking Setback (min.)</i>                    | Behind rear of building                                                            | Behind front building line | 6' min.<br>See Section 7.05.B | 20' min.                       |
| <i>Extent of Parking Frontage (max.)</i>         | 0%                                                                                 | 35%                        | n/a                           | n/a                            |
| <i>Extent of Garage Bays</i>                     | Prohibited                                                                         | 10% of facade              | 25% of facade                 | Limited only by screening 8.04 |
| <i>Landscape</i>                                 | See Sections 3.01 and 3.02                                                         |                            | See Section 8.03              |                                |
| <i>Applicability</i>                             | <i>CC, C-MX2</i>                                                                   | ■                          | □                             |                                |
|                                                  | <i>C-MX1</i>                                                                       | □                          | ■                             | □                              |
|                                                  | <i>GC, GI, LIC</i>                                                                 |                            | ■                             | □                              |
|                                                  | <i>HM</i>                                                                          |                            | □                             | ■                              |

■ Permitted default standard.

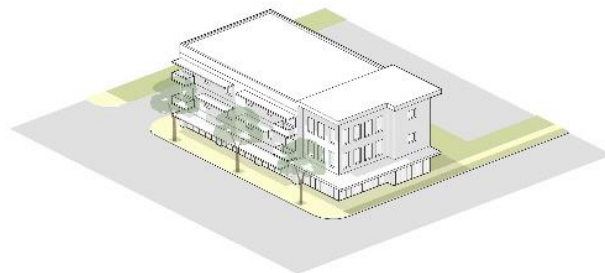
□ Alternative standard to be applied based on context through Minor Modification.

Blank is only allowed through Major Modification.

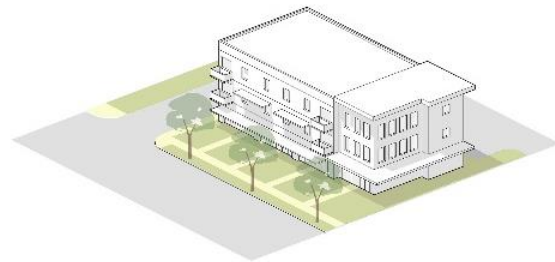


**Figure 6-1 Frontage Design**

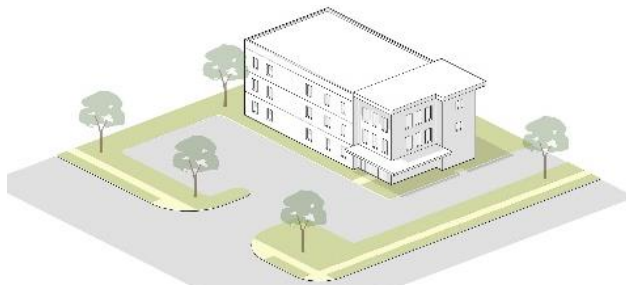
Frontage types are differentiated based on the location of the front building line (FBL), the extent of the front building line occupied by the building (Required FBL), access widths, and parking location and extent along frontage. Coordinating frontage design of multiple buildings and sites along a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



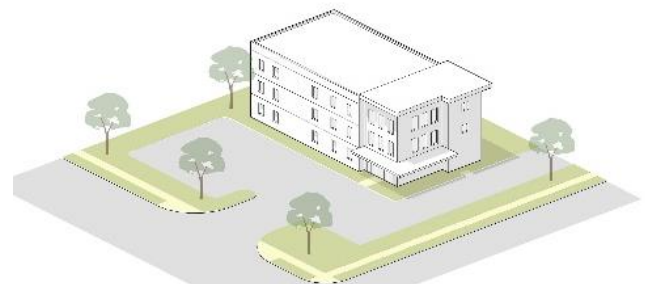
**Frontage A**



**Frontage B**



**Frontage C**

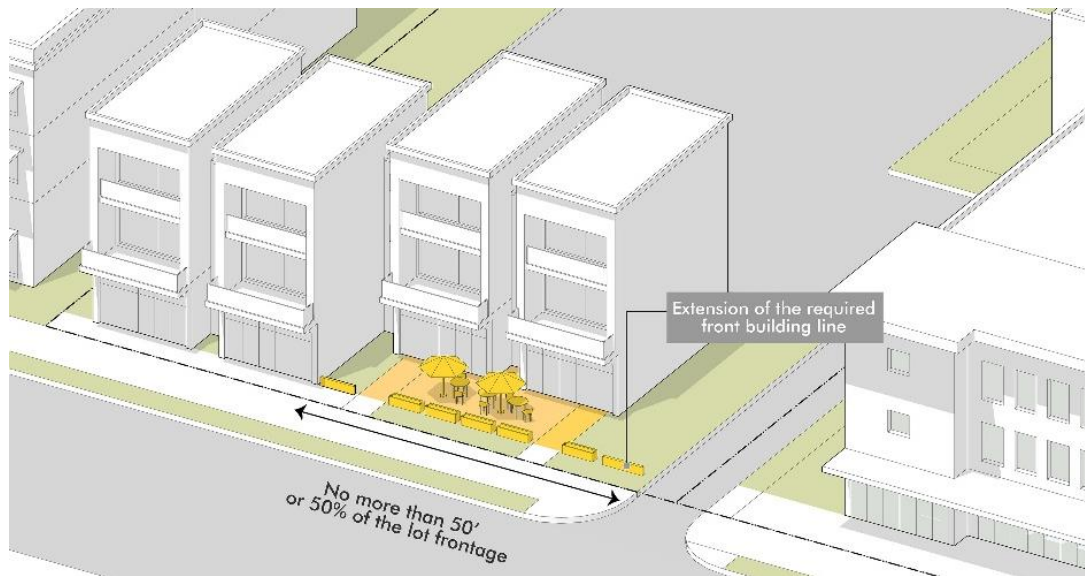


**Frontage D**

**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.

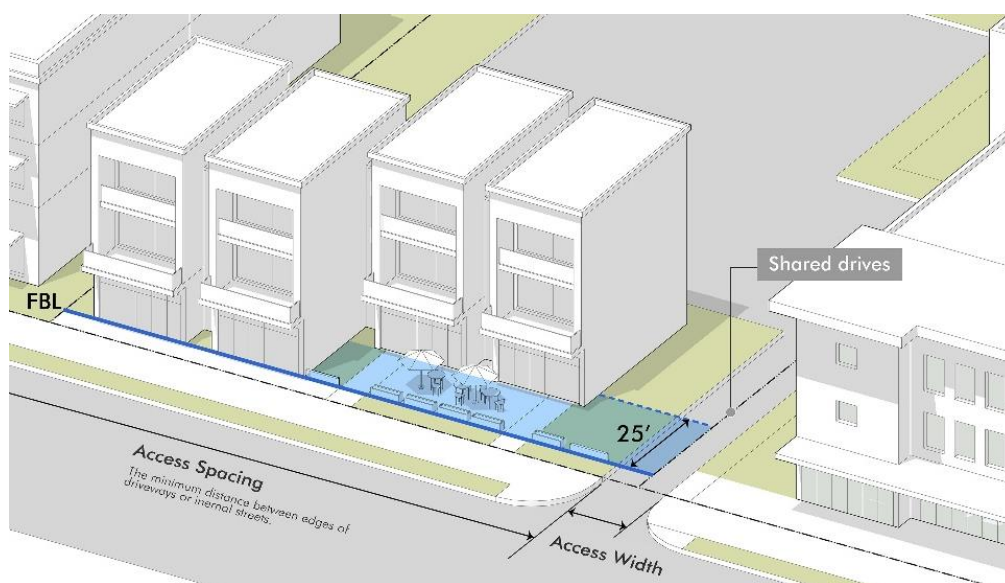
1. **Front building Line.** Front building lines create a consistent pattern along a block framing streetscapes. All buildings shall establish a front building line within the range specified in Table 6-2 based on the applicable frontage types and context of the site.
  - a. The required front building 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                                     |
| <i>Massing &amp; Modulation</i>           | 50' / 500 s.f. | 100' / 1,000 s.f. | 150' / 2,000 s.f.                              | 200' / 4,000 s.f.                              |
| <i>Entry Feature Spacing</i>              | 50' max.       | 75' max           | 150' max<br>1 per 100' avg                     | 1 per building                                 |
| <i>Minimum First Story Transparency</i>   | 60%            | 40%               | 40% w/in 50' of entry                          | 40% w/in 25' of entry                          |
| <i>Minimum Upper Story Transparency</i>   | 25%            | 20%               | 15%<br>n/a for industrial buildings in LIC, HM | 15%<br>n/a for industrial buildings in LIC, HM |
| <i>Applicability</i>                      | CC, C-MX2      | ■                 | □                                              |                                                |
|                                           | C-MX-1         | □                 | ■                                              | □                                              |
|                                           | GC, GI, LIC    |                   | ■                                              | □                                              |
|                                           | HM             |                   | □                                              | ■                                              |

■ Permitted default standard

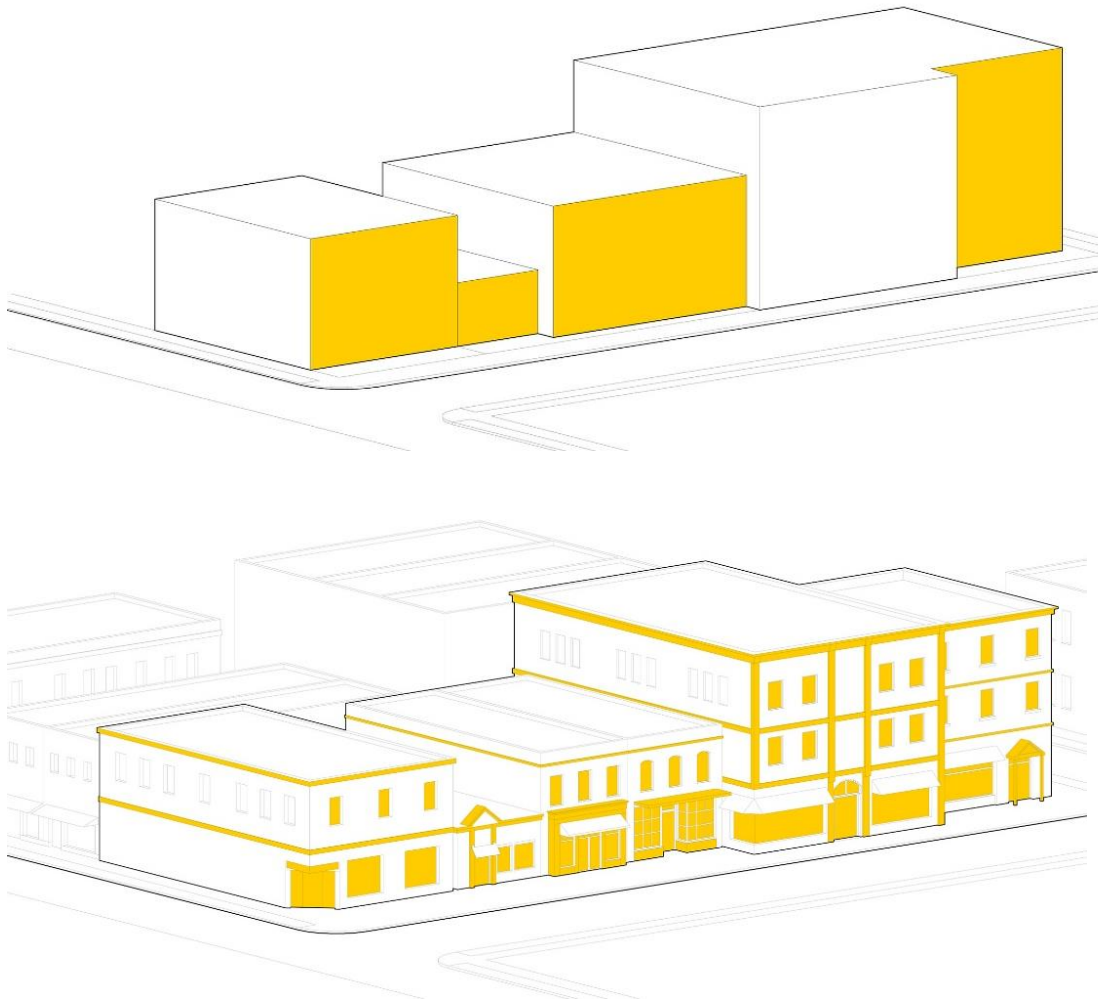
□ Alternative standard to be applied based on context through Minor Modifications

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 lesser 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.

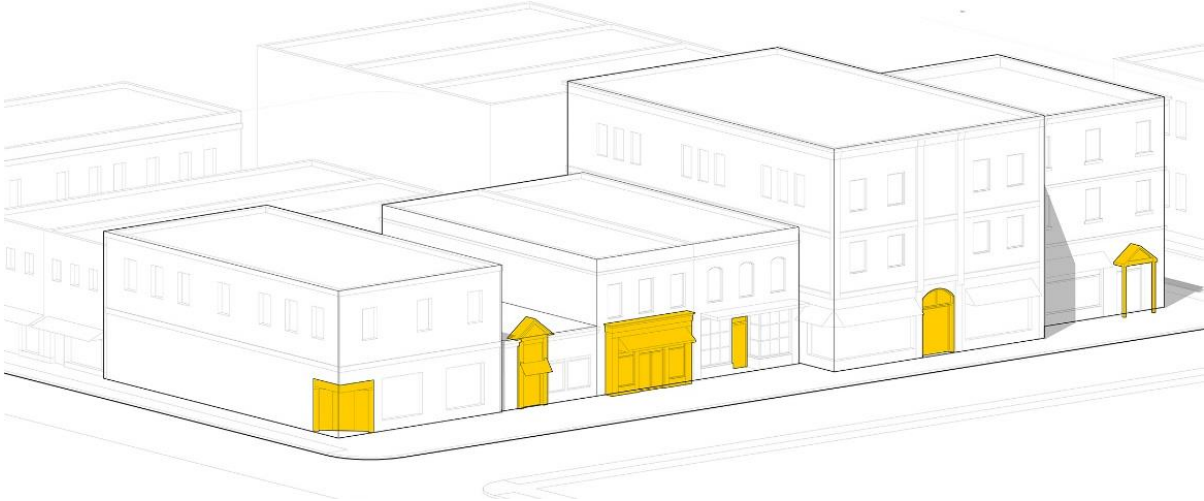


**Figure 6-5 Massing & Modulation**

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.

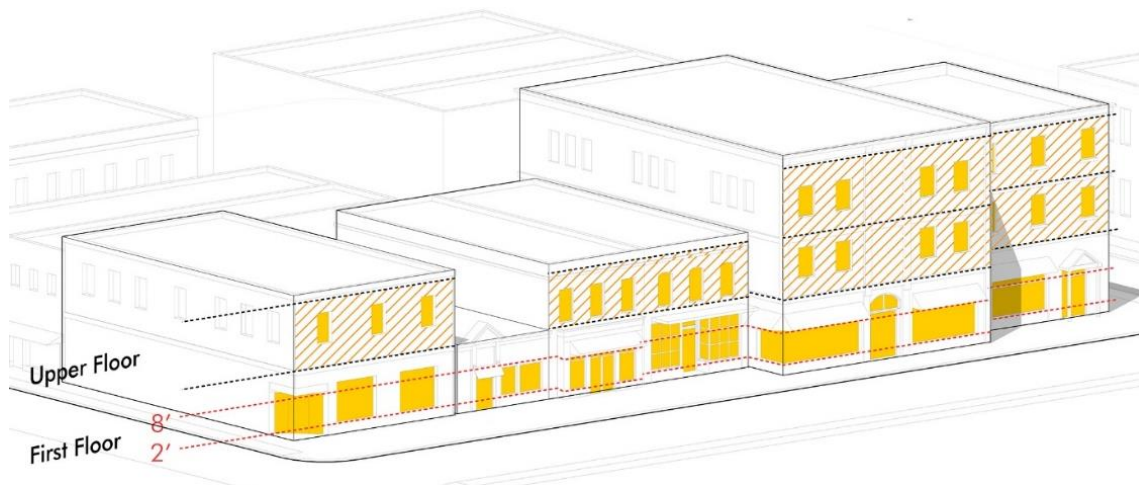


**Figure 6-6 Primary Entry Features.**

*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 conjunction 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              |
|----------------------------------------------------|-----------------------------|
| <b>Expressway / High-Type Arterial</b>             | 150 peak hour / 1,500 daily |
| <b>Medium-Type Arterial / Low-Type Arterial</b>    | 100 peak hour / 1,000 daily |
| <b>System Collector</b>                            | 90 peak hour / 900 daily    |
| <b>Subdivision Collector / Local-High Activity</b> | 85 peak hour / 850 daily    |
| <b>Local-Low Activity</b>                          | 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<br>▪ 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<br>▪ 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.

| <b>Table 7-3: Required Parking</b>                                              |                                                                                       |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <b>Use Category / Specific Use</b>                                              | <b>Required Parking</b>                                                               |
| <b>Residential</b>                                                              |                                                                                       |
| <i>Dwellings (detached house, duplex, townhouse)</i>                            | 2 per unit                                                                            |
| <i>Multiple-unit Dwellings</i>                                                  | 1 / unit (micro-efficiency or studio unit)                                            |
|                                                                                 | 1.5 / unit (1 bedroom unit)                                                           |
|                                                                                 | 2 / unit (2+ bedroom unit)                                                            |
| <i>Dwellings (detached, manufactured)</i>                                       | 2 / unit                                                                              |
| <i>Group Living (residence hall, senior living, group home)</i>                 | 2 per each 3 occupants (non-staffed)                                                  |
|                                                                                 | 1 per each 2 beds + 1 per employee (staffed)                                          |
| <b>Public / Civic</b>                                                           |                                                                                       |
| <i>Assembly</i>                                                                 | 1 / 4 seats                                                                           |
| <i>Library</i>                                                                  | 1 / 350 s.f.                                                                          |
| <i>Museum</i>                                                                   | 1 / 1,000 s.f. + accessory uses at applicable rates (i.e. restaurant, assembly, etc.) |
| <i>Parks, playgrounds, and athletic fields</i>                                  | 1 / 5,000 s.f. or 1 / 4 seats for assembly areas, whichever is greater                |
| <i>School – Elementary &amp; Junior High</i>                                    | 2 / class or 1 / 5 seats of largest assembly, whichever is greater                    |
| <i>School – High School</i>                                                     | 2 / class or 1 / 5 seats of largest assembly, whichever is greater + 1 / 8 students   |
| <i>School – College / Vocational</i>                                            | 1 per employee + 2 per each 3 students                                                |
| <b>Commercial</b>                                                               |                                                                                       |
| <i>Retail – Small (under 3K)</i>                                                | 1 / 500 s.f.                                                                          |
| <i>Retail – General (3K+)</i>                                                   | 1 / 250 s.f.                                                                          |
| <i>Retail Bulk or Outdoor (i.e. furniture store, car dealer, nursery, etc.)</i> | 1 / 500 s.f. + 1 per 3,000 s.f. open sales lot                                        |
| <i>Service - Generally</i>                                                      | 1 / 350 s.f. (See Section ### for any drive-up service requirements)                  |
| <i>Service – barber, hair/nail salon</i>                                        | 1 / 100 s.f.                                                                          |
| <i>Service – medical - outpatient</i>                                           | 1 / 250 s.f.                                                                          |
| <i>Service – medical – in-patient</i>                                           | 1 per bed + 1 per employee                                                            |

**Table 7-3: Required Parking**

| <i>Use Category / Specific Use</i>                     | <i>Required Parking</i>                                                                                  |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <i>Service – automobile service stations or repair</i> | 1 / 250 s.f. + 2 per service bay                                                                         |
| <i>Lodging</i>                                         | < 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.)                                   |
| <i>Office</i>                                          | 1 / 350 s.f.                                                                                             |
| <i>Restaurant, bar or night club</i>                   | 1 / 100 s.f. – general                                                                                   |
|                                                        | 1 / 75 s.f. – fast food (See Section #.## for any drive-through queuing areas)                           |
| <i>Health and Fitness Center</i>                       | 1 / 200 s.f. workout areas                                                                               |
|                                                        | 1 / 500 s.f. open court areas                                                                            |
|                                                        | 1 / 350 s.f. general service facilities                                                                  |
| <i>Recreation and Entertainment</i>                    | 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.)                                   |
| <b>Industrial</b>                                      |                                                                                                          |
| <i>General Manufacturing and Warehousing</i>           | 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. |
|                                                        |                                                                                                          |
| <i>Self storage</i>                                    | 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 Manual.
  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**

| 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 |
| 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)                        | <ul style="list-style-type: none"> <li>1 space per 1 dwelling units; 2 spaces per dwelling units with 3 bedrooms or more</li> <li>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.</li> </ul>            |
| 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.

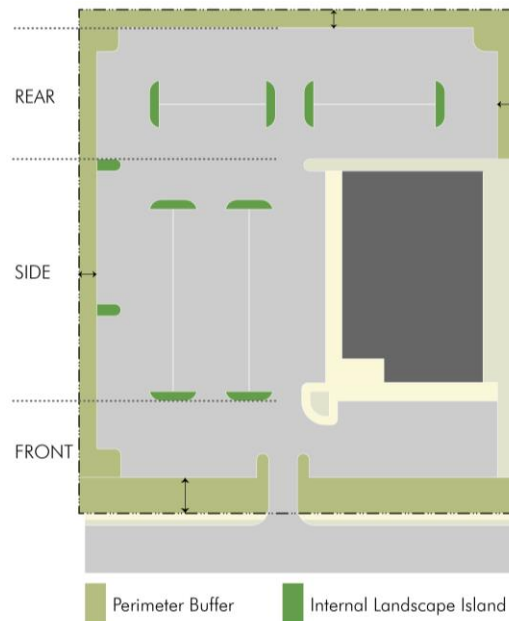
2. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, support a bike at two points of contact to prevent damage to wheels or frames.
3. Bicycle parking spaces or areas shall be separated from vehicle parking or circulation areas by a physical barrier such 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                      | <ul style="list-style-type: none"> <li>Prohibited – must be broken into smaller parking blocks</li> </ul>                            | <ul style="list-style-type: none"> <li>10' perimeter buffer; and</li> <li>8% internal islands</li> </ul> |
| 101 or 200                       | <ul style="list-style-type: none"> <li>20' front setback buffer</li> <li>10' perimeter buffer</li> <li>8% internal island</li> </ul> | <ul style="list-style-type: none"> <li>6' perimeter buffer</li> <li>5% internal islands</li> </ul>       |
| 30-100                           | <ul style="list-style-type: none"> <li>10' front setback buffer</li> <li>6' perimeter buffer</li> <li>5% internal islands</li> </ul> | <ul style="list-style-type: none"> <li>6' perimeter buffer</li> </ul>                                    |
| Under 30                         | <ul style="list-style-type: none"> <li>6' front setback buffer</li> <li>6' perimeter buffer</li> </ul>                               | <ul style="list-style-type: none"> <li>6' perimeter buffer, except where abutting an alley</li> </ul>    |

[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.

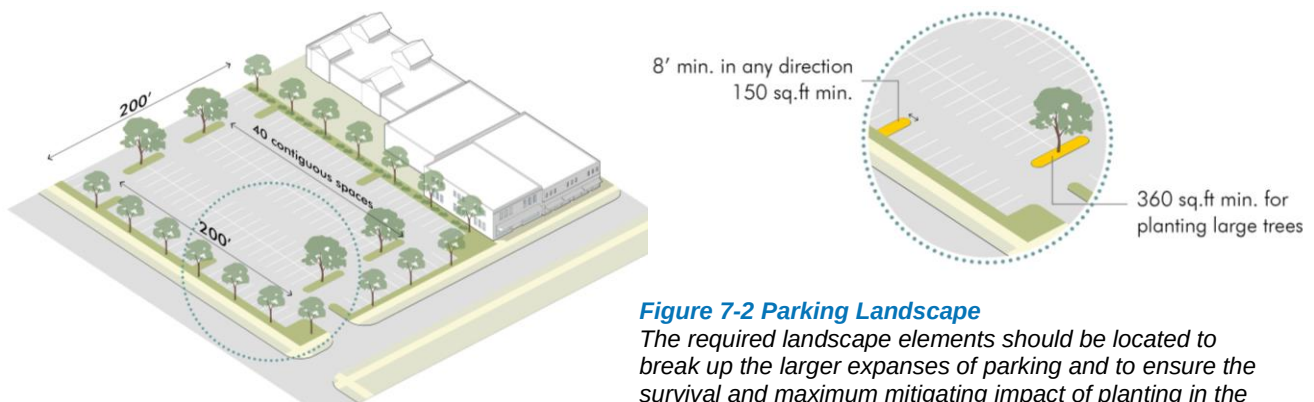


**Figure 7-1 Parking Design**

*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**

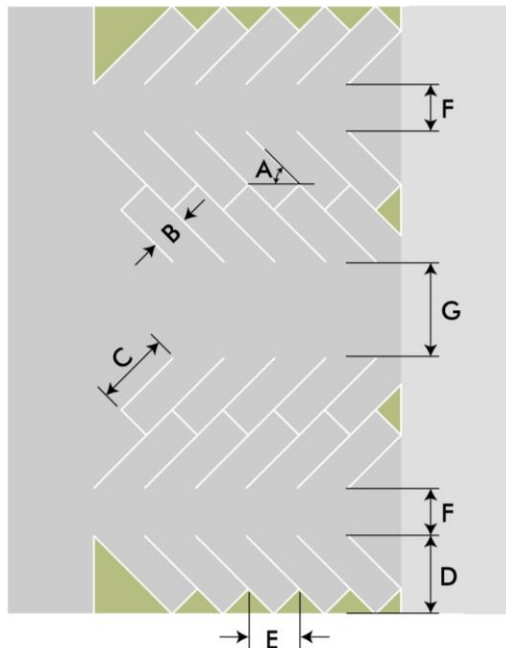
*The required landscape elements should be located to break up the larger expanses of parking and to ensure the survival and maximum mitigating impact of planting in the landscape areas.*



- 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<br>Width (A)    | Width (B) | Length<br>(C) | Depth to<br>Curb (D) | Curb<br>Width (E) | Aisle Width<br>-- One-way<br>(F) | Aisle Width<br>-- Two-way<br>(G) | Bumper<br>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.

- A: Parking Angle  
B: Width  
C: Length  
D: Depth to Curb  
E: Curb Width  
F: Aisle Width -- One-way  
G: Aisle Width -- Two-way

- 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.

| <b>Table 7-8: Loading Areas</b> |                                                                                                            |
|---------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Gross Floor Area</b>         | <b>Required Loading Area and Size</b>                                                                      |
| <i>Under 10,000 s.f</i>         | N/A, or may be shared per 7.04.F.5                                                                         |
| <i>10,001 – 25,000 s.f</i>      | 1 space; 10' x 25'                                                                                         |
| <i>25,001 – 50,000 s.f.</i>     | 2 spaces; at least one of which is increased to 10' x 50'                                                  |
| <i>50,001 or more s.f.</i>      | 3 spaces, plus 1 for every 50,000 s.f. over 100,000; at least two of which shall be increased to 10' x 50' |

## 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

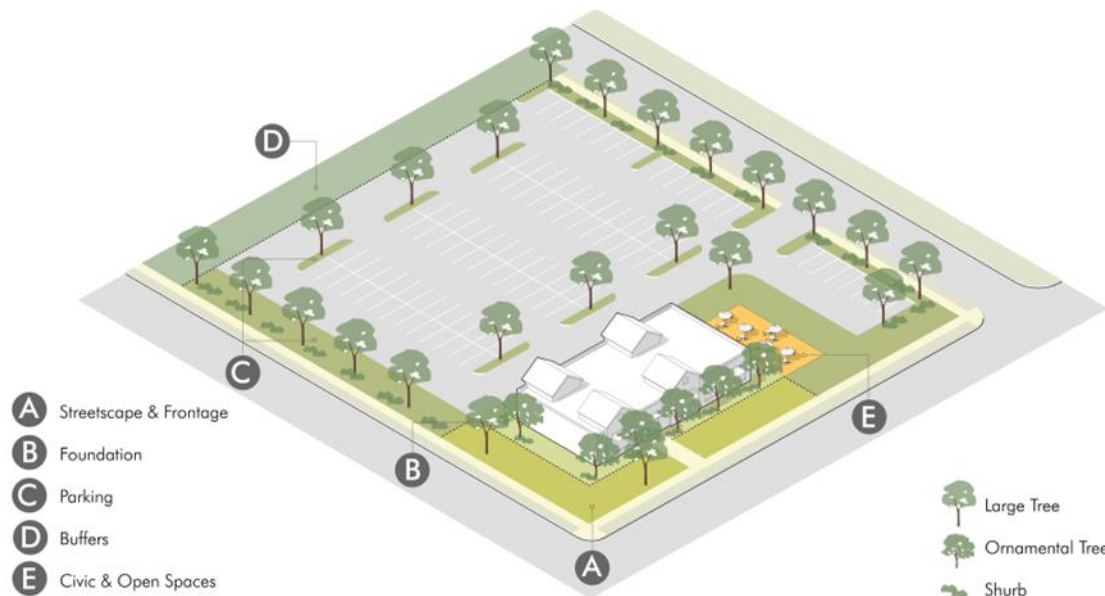
- A. **Design Objectives.** Landscape plans shall meet the following design objectives:
1. Frame important streets and emphasize gateways with thoughtfully placed street trees, massed plantings, and vertical elements that enhance the character of each district or corridor.
  2. Provide comfort, spatial 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 |
| <b>Streetscape:</b> 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                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>line immediately abutting the right of way.</i>                                                                                          | Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement.<br>Constrained right-of-way or streetscapes may substitute 1 understory tree per 20.'                                                                                                                                                                                                                                                                                                               |                                                                                                                                                           |                                                                                                                                                                                           |
| <b>Frontage &amp; Foundation.</b> <i>The area between the building line and ROW along a street, including street sides of corner lots.</i>  | 1 understory tree per 40' of lot frontage for buildings set back more than 10' from the front lot line;<br>AND<br>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.<br><br>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                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                           |                                                                                                                                                                                           |
| <b>Parking.</b> <i>Landscape areas on the perimeter or interior of parking.</i>                                                             | 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]<br><br>Type I buffer for any parking area within 30' of a street or internal access street. (See Section 8.04.)                                         |
|                                                                                                                                             | Understory trees may be substituted for overstory trees at a rate of 2 for 1 up to 50% of the requirement                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                           | 3 ornamental grasses may be substituted for 1 shrub up to 50% of the requirement.                                                                                                         |
| <b>Buffers.</b> <i>Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.</i> | See Section 8.03                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                           |                                                                                                                                                                                           |
| <b>Civic and Open Spaces.</b> <i>Areas of the site designed as part of a broader system of formal and natural open spaces.</i>              | See Section 3.02                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                           |                                                                                                                                                                                           |
| <b>Other.</b>                                                                                                                               | 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.<br><br>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

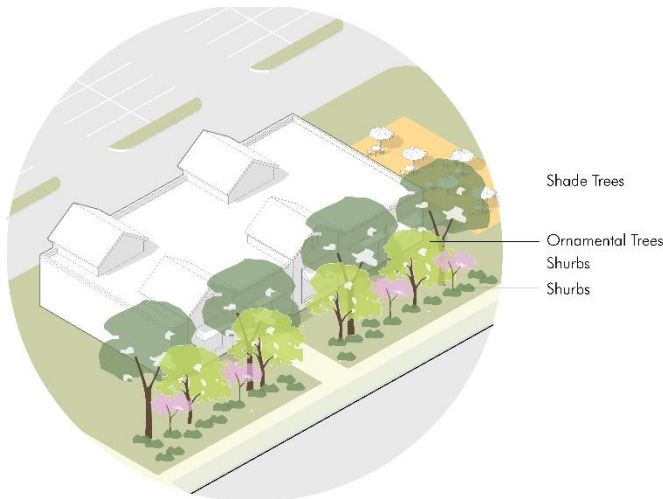
- the tree canopy. In the absence of a clearly established line along the block, trees may be planted in the following locations in order of priority:
- a. Centered between the sidewalk and curb where at least 6 feet of landscape area exists;
  - b. In tree wells that are at least 4 feet in all directions 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.



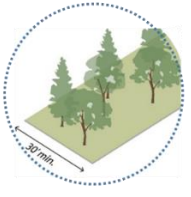
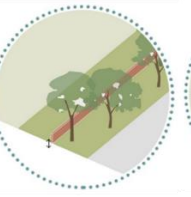
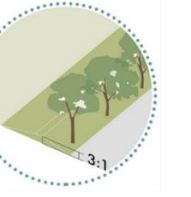
**Figure 8-2 Buffer Layers**

*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.

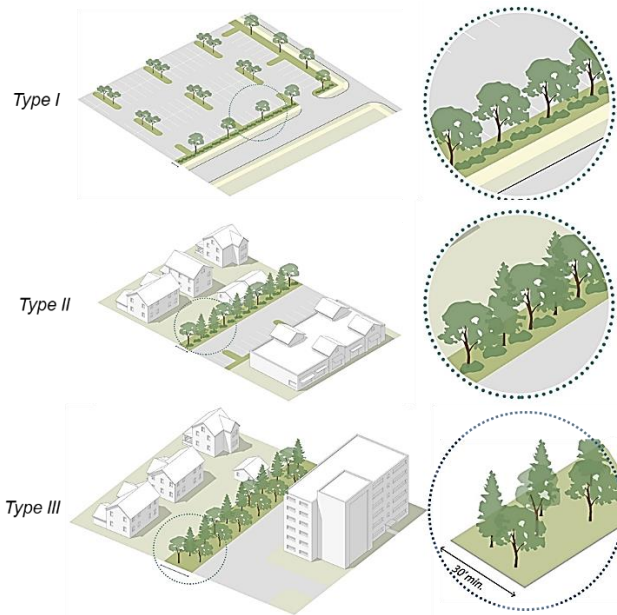


**Table 8-2 Buffer Planting Requirements**

| Type and Applicability                                                                                                                                                                                                                       | Buffer Planting Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Type I</b> – A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian oriented streetscapes.</p>                                 | <p>Width: 6' min.</p> <p>Planting: 1 overstory tree per 40' or 1 understory per 20'; and 1 shrub per 5'</p> <p>Variation: the shrub rate may be reduced by 50% in combination with the following:</p> <ul style="list-style-type: none"> <li>▪ A 2.5' to 4' decorative wall or fence in constrained areas or along the streetscape; or</li> <li>▪ 3' berm in areas that are at least 10' wide.</li> <li>▪ 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.</li> </ul> |    <p>Dense shrubs      Decorative fence or wall      Berm</p>        |
| <p><b>Type II</b> – 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.</p> | <p>Width: 10' min.</p> <p>Planting: 1 overstory tree per 40'; 1 understory or evergreen tree per 25'; and 1 shrub per 10'; and</p> <p>Variation: The shrub and understory/evergreen tree rate may be reduced by 50% and the width reduced to 5' with the following:</p> <ul style="list-style-type: none"> <li>▪ 4' to 6' high fence with at least 50% opacity</li> </ul>                                                                                                                                                                                                                                                                                                                                           |   <p>Shrubs and evergreens      6' fence or wall</p>                                                                                                     |
| <p><b>Type III</b> – 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.</p>             | <p>Width: 20' min.</p> <p>Planting: 1 overstory tree per 40'; and 1 understory per 25'; and 1 evergreen tree per 25'; and 1 shrub per 10'</p> <p>Variation: The shrub and evergreen tree rate may be reduced by 50% in combination with the following:</p> <ul style="list-style-type: none"> <li>▪ A 6' solid wall or fence; or</li> <li>▪ A 3' high berm and 4' high fence with 50% opacity.</li> </ul>                                                                                                                                                                                                                                                                                                           |    <p>Separation + Planting      6'-7' fence or wall      Berm</p> |

**Table 8-2 Buffer Planting Requirements**

| Type and Applicability                                                                                              | Buffer Planting Requirement                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Type IV</b> - A densely planted area intended to separate incompatible situations or high-intensity uses.</p> | <p><b>Width:</b> 40' min.</p> <p><b>Planting:</b> 1 overstory tree per 40'; and<br/>1 understory tree per 25'; and<br/>1 evergreen per 15'</p> <p><b>Variation:</b> The evergreen and understory tree requirement may be reduced by 50% where a combination of berms, fences, and/or shrubs accommodate the understory screening. The width may be decreased to 20' with a 25% increase in the plant rates.</p> |



**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.

| <b>Table 8-3: Buffer Application</b> |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |                  |
|--------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------|
| <b>Intensity of Adjacent Site</b>    | <b>Intensity of Proposed Development</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |                  |
|                                      | <b>Low</b>                               | <b>Medium</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>High</b> | <b>Very High</b> |
| <b>Low</b>                           | --                                       | Type II                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Type III    | Type IV          |
| <b>Medium</b>                        | Type II                                  | --                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Type II     | Type III         |
| <b>High</b>                          | Type III                                 | Type II                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | --          | Type II          |
| <b>Very High</b>                     | Type IV                                  | Type III                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Type II     | --               |
| <b>Use Intensity</b>                 | <b>Low</b>                               | <ul style="list-style-type: none"> <li>Residential: detached house; multi-unit house; row house; and small-lot apartment types</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |             |                  |
|                                      | <b>Medium</b>                            | <ul style="list-style-type: none"> <li>Residential: medium- and large-lot apartment; or apartment complexes</li> <li>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</li> </ul>                                                                                                                                                                                                                                        |             |                  |
|                                      | <b>High</b>                              | <ul style="list-style-type: none"> <li>Nonresidential: general commercial uses that may be larger scale (over 5K); light manufacturing; or other higher intensity uses that operate beyond 10PM</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                        |             |                  |
|                                      | <b>Very High</b>                         | <ul style="list-style-type: none"> <li>Nonresidential: heavy commercial uses (over 150K s.f.); uses with significant outside activity or storage; or heavy industrial and manufacturing uses</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                           |             |                  |
| <b>Other Applications</b>            |                                          | <ul style="list-style-type: none"> <li>Parking areas within 20 feet of any public street or internal access street shall have a Type I buffer</li> <li>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.)</li> <li>Any lots adjacent to a highway or expressway shall require a Type IV buffer for residential and Type III buffer for nonresidential</li> </ul> |             |                  |

- 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.

| <b>Table 8-4: Fence &amp; Wall Standards</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                 |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
|                                              | <b>Residential</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Commercial &amp; Industrial</b>                                                              |
| <i>Front</i>                                 | <ul style="list-style-type: none"> <li>3.5' high</li> <li>4.5' high if at least 50% open</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>3' high</li> <li>4' high if at least 50% open</li> </ul> |
| <i>Side &amp; Rear</i>                       | <ul style="list-style-type: none"> <li>6' if behind the front building line</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>8' if behind the front building line</li> </ul>          |
| <i>Setbacks</i>                              | <ul style="list-style-type: none"> <li>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.</li> </ul>                                                                                                                                                                                                                                                                                           |                                                                                                 |
| <i>Generally</i>                             | <ul style="list-style-type: none"> <li>Ornamental enhancements such as a trellis or an arch associated with an entry or gateway may be up to 8' high.</li> <li>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.</li> <li>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.</li> </ul> |                                                                                                 |

1. **Materials.** All fences and walls shall be made of the following:
  - a. Masonry, including brick, stone, integrally colored concrete, textured concrete, smooth or textured concrete masonry unit (CMU), stucco, or other similar material.
  - b. Decorative metal, such as cast or wrought iron or other decorative metal.
  - c. Chain link – steel, aluminum, or vinyl clad except 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     | <ul style="list-style-type: none"> <li>At least 2 genus</li> <li>No more than 50% of any one species</li> </ul>                                  |
| 11 - 20    | <ul style="list-style-type: none"> <li>At least 3 genus; and</li> <li>At least 4 species</li> <li>No more than 40% of any one species</li> </ul> |
| 21 or more | <ul style="list-style-type: none"> <li>At least 3 genus; and</li> <li>At least 5 species</li> <li>No more than 33% of any one species</li> </ul> |

\* 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:

- 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 plant growth.
- 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.
- 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.
- 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.
- 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:

- To preserve the city's character by preventing indiscriminate removal or destruction of trees.
- To improve property values through implementation and management of street trees, and through maintaining an acceptable tree canopy over all property.
- 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.
- To enhance compatibility of different projects with established buffers that mitigate impacts of development or other natural ambient conditions.
- To retain high priority trees and limit unnecessary tree removal on redeveloped or undeveloped sites.

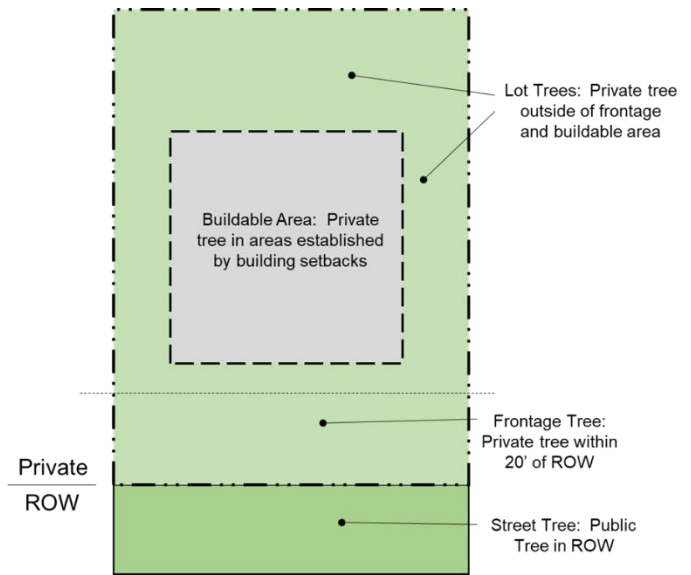


6. To establish tree protection measures during development and reward tree protection efforts with flexible development standards.
  7. To preserve exceptional trees that are unique, native, possess exceptional aesthetic value, or are otherwise considered a valuable community resource.
- B. **Applicability.** 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.

| <b>Table 8—7: Protected Trees</b>   |                       |                              |                                  |                                                                                                                                 |
|-------------------------------------|-----------------------|------------------------------|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>Location</b>                     | <b>Protected Tree</b> | <b>Mitigation If Removed</b> | <b>Priority Trees [1]</b>        | <b>Mitigation If Removed</b>                                                                                                    |
| <i>Area 1: Street Trees</i>         | --                    | --                           | All trees                        | <ul style="list-style-type: none"> <li>▪ 1 Tree for every 6" caliper removed</li> <li>▪ Maximum 4 to 1 replacement.</li> </ul>  |
| <i>Area 2: Frontage Trees</i>       | 2" – 6"               | 1 to 1 replacement           | > 6"                             | <ul style="list-style-type: none"> <li>▪ 1 Tree for every 6" caliper removed</li> <li>▪ Maximum 3 to 1 replacement.</li> </ul>  |
| <i>Area 3: Lot Trees</i>            | 4" – 20"              | 1 to 1 replacement           | > 20"                            | <ul style="list-style-type: none"> <li>▪ 1 Tree for every 12" caliper removed</li> <li>▪ Maximum 3 to 1 replacement.</li> </ul> |
| <i>Area 4: Buildable Area Trees</i> | 6" – 30"              | 1 to 1 replacement           | > 30"                            | <ul style="list-style-type: none"> <li>▪ 1 Tree for every 12" caliper removed</li> <li>▪ Maximum 2 to 1 replacement.</li> </ul> |
| <i>Any Area</i>                     | --                    | --                           | Any Missouri State Champion Tree | <ul style="list-style-type: none"> <li>▪ 1 Tree for every 6" caliper removed</li> <li>▪ Maximum 4 to 1 replacement.</li> </ul>  |

[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 from 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                                                     | <ul style="list-style-type: none"> <li>▪ 20' in residential districts;</li> <li>▪ 25' within 100' of a residential use or residentially zoned property or within 25' of any street..</li> <li>▪ 35' in all other districts or situations.</li> <li>▪ The maximum permitted average lumination of all parking lots is 5 footcandles</li> </ul> |
| Pedestrian Walkways, Plazas or Courtyards, and Pedestrian-oriented Streetscapes | <ul style="list-style-type: none"> <li>▪ 16'</li> </ul>                                                                                                                                                                                                                                                                                       |
| Facade Lights                                                                   | <ul style="list-style-type: none"> <li>▪ Below the eave or cornice line, provided the light is directed downward or otherwise designed and located to limit up lighting beyond the facade.</li> </ul>                                                                                                                                         |
| Other Site Lighting                                                             | <ul style="list-style-type: none"> <li>▪ 12' nonresidential;</li> <li>▪ 7' residential</li> </ul>                                                                                                                                                                                                                                             |

**Table 8-9: Maximum Light Mounting Height**

|                                         |                                                                                                                                                                                                                                              |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Building Mounted Security Lights</i> | <ul style="list-style-type: none"> <li>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.</li> </ul> |
| <i>General</i>                          | <ul style="list-style-type: none"> <li>Light poles shall be setback from adjacent property at least 1/3 of the height.</li> </ul>                                                                                                            |

- 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**

| <i>Wattage or Mounting Height</i>                                   | <i>Shield Type</i>              |                            |                                 |
|---------------------------------------------------------------------|---------------------------------|----------------------------|---------------------------------|
|                                                                     | <i>Full Cutoff <sup>a</sup></i> | <i>Cutoff <sup>b</sup></i> | <i>Semi-cutoff <sup>c</sup></i> |
| <i>Lights mounted above 25'; or<br/>Lights above 5,000 lumens</i>   | Required                        | Prohibited                 | Prohibited                      |
| <i>Lights between 2,400 and 5,000 lumens and mounted below 25'.</i> | Permitted                       | Required                   | Prohibited                      |
| <i>Lights below 2,400 lumens and mounted between 12' and 25'</i>    | All shielding types permitted   |                            |                                 |
| <i>Lights below 2,400 lumens and mounted less than 12'</i>          | No shielding required           |                            |                                 |
| <i>Decorative lighting below 200 lumens at any height</i>           | 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:
- Light locations, illumination levels, and fixtures shall be designed to minimize backlighting, uplighting, and glare.
  - Light levels at the perimeter of property shall not exceed:
    - 0.3 footcandle in or abutting residential zoning districts for lights less than 15 feet high
    - 0.5 footcandle in or abutting residential zoning districts for all other lights.
    - 1.0 footcandle along any other property boundary.
  - All outdoor lighting shall have a correlated color temperature (CCT) of no more than 3,000K to minimize blue light emission glare.
  - The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site and building.
  - 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.
  - No lighting shall be permitted in required buffer in Section 8.04, except if the buffer yard includes a publicly accessible sidewalk or trail.
  - Lighting plans shall demonstrate compliance with industry standards and guidelines for environmental and energy performance, including the fixture types, light source, and energy source.
  - 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

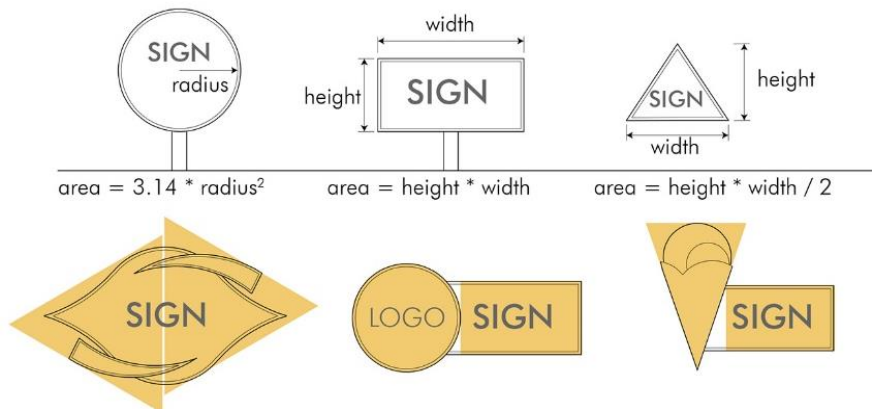
- A. **Permits Required.** A permit is required for all new signs or changes to existing signs, except:
  - 1 Signs exempt from the permit under Section 9.03, Exempt Signs, subject to the limits and qualifications of each exemption.
  - 2 Modifications of nonconforming signs subject to the provisions 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



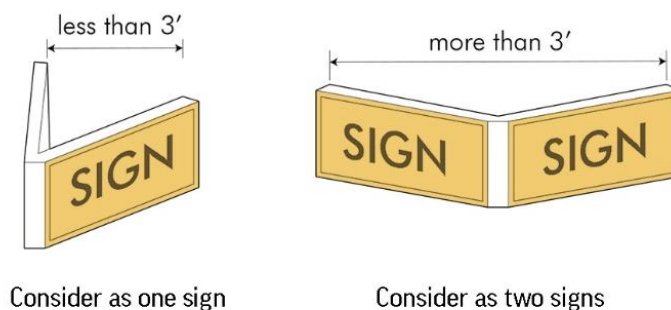
part of a freeway or expressway. For purposes of determining the sign height the elevation of the right-of-way line nearest the sign shall be used.

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

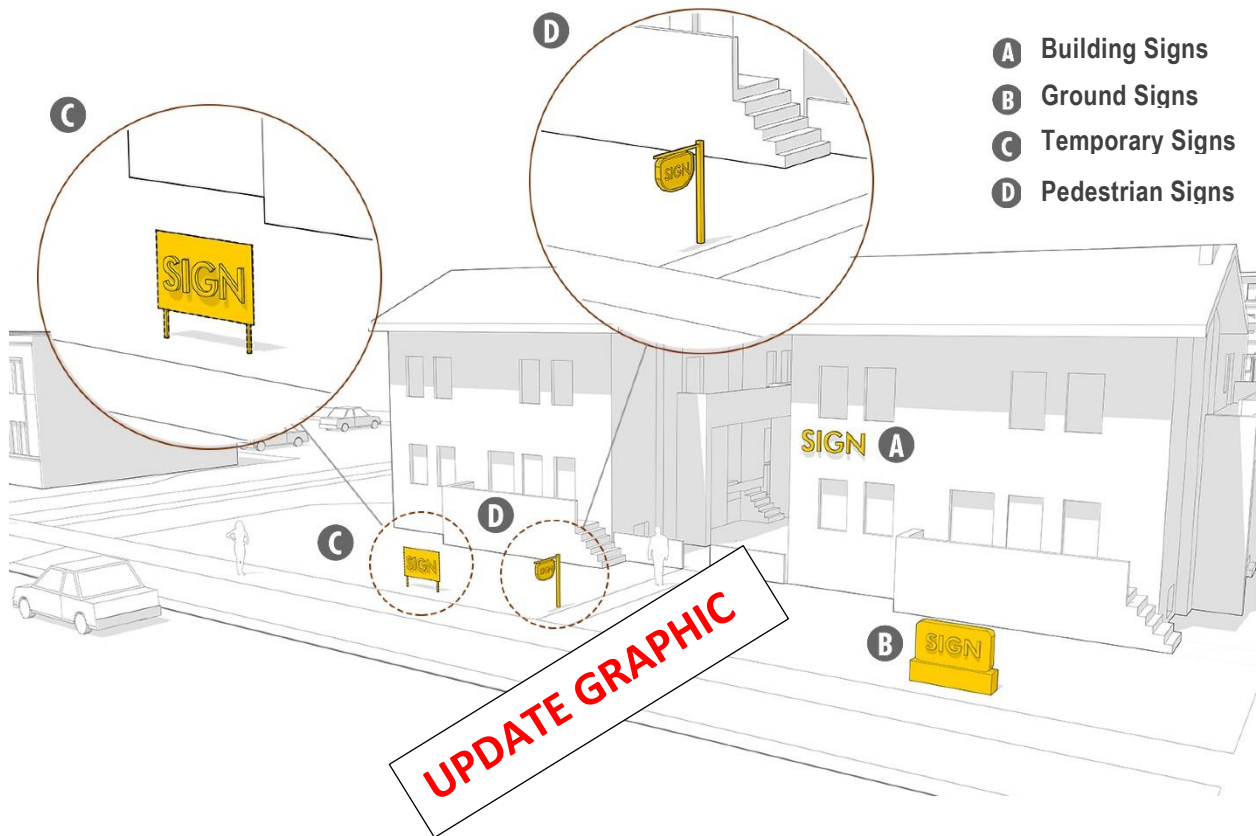


building codes or other construction specifications. The sign shall be considered legible if the sign content exceeds one inch per 30 feet of distance from the right-of-way, adjacent area, or publicly accessible common space.

- 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.



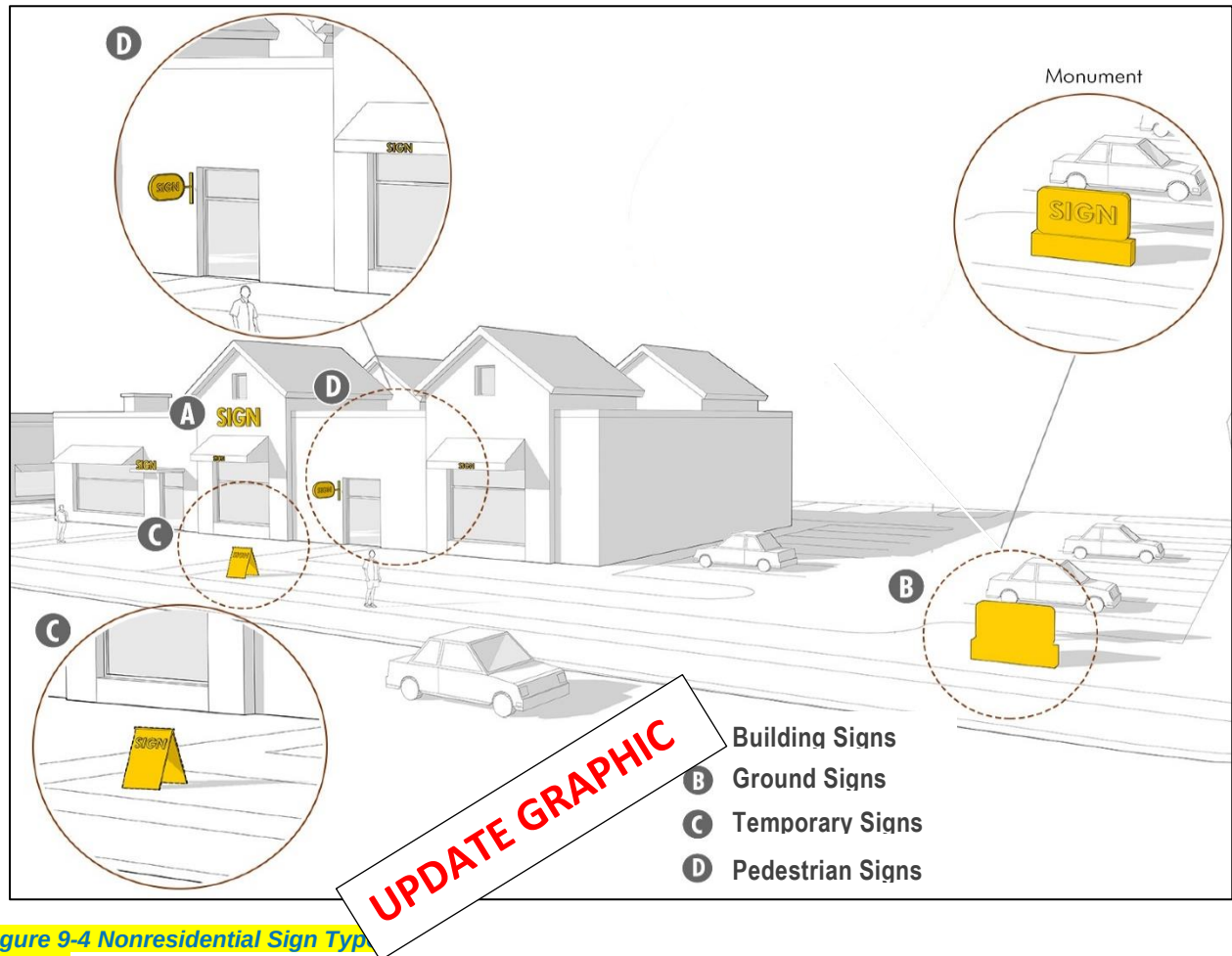
**Figure 9-3 Residential Sign Types**  
???????

| Table 9-1: Residential Sign Allowance |                                                                                                                                                                                                                   |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ground Signs                          |                                                                                                                                                                                                                   |
| Total Allowance                       | <ul style="list-style-type: none"> <li>Permitted for principal non-residential or multi-unit residential buildings</li> <li>1 s.f. per lineal foot of street frontage.</li> </ul>                                 |
| Maximum Size                          | <ul style="list-style-type: none"> <li>100 s.f. on local and collector streets</li> <li>200 s.f. on secondary arterial streets</li> <li>250 s.f. on primary arterial streets, freeways, or expressways</li> </ul> |
| Quantity                              | 1 per lot, but lots with more than 425' of frontage may have 2                                                                                                                                                    |
| Maximum Height                        | 25';                                                                                                                                                                                                              |
| Location                              | <ul style="list-style-type: none"> <li>25' setback from all property lines</li> <li>300' separation from another ground signs</li> </ul>                                                                          |
| 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**

|                         |                                                                                                                                                                                                                                                                                                |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Total Allowance</i>  | <ul style="list-style-type: none"> <li>Permitted for principal non-residential or multi-unit residential buildings</li> <li>1 s.f. per lineal foot of wall along the street frontage.</li> <li>2 s.f. per lineal foot of wall along the street frontage if site has no ground sign.</li> </ul> |
| <i>Maximum Size</i>     | N/a – subject to overall allowance                                                                                                                                                                                                                                                             |
| <i>Quantity</i>         | 1 per street-facing wall or other wall facing internal common areas                                                                                                                                                                                                                            |
| <i>Height</i>           | <ul style="list-style-type: none"> <li>At least 1 foot below the top of the wall it is mounted on for flat roof buildings</li> <li>At least 1 foot below roof deck or eave line for pitched roof buildings.</li> </ul>                                                                         |
| <i>Other Standards</i>  | See Section 9.05.B                                                                                                                                                                                                                                                                             |
| <b>Pedestrian Signs</b> |                                                                                                                                                                                                                                                                                                |
| <i>Total Allowance</i>  | <ul style="list-style-type: none"> <li>Permitted for principal non-residential or multi-unit residential buildings</li> <li>1 sign for each public building entrance</li> </ul>                                                                                                                |
| <i>Maximum Size</i>     | 10 square feet                                                                                                                                                                                                                                                                                 |
| <i>Height</i>           | <ul style="list-style-type: none"> <li>14' if mounted on a wall</li> <li>6' if mounted on the ground</li> </ul>                                                                                                                                                                                |
| <i>Other Standards</i>  | See Section 9.05.C.                                                                                                                                                                                                                                                                            |
| <b>Incidental Signs</b> |                                                                                                                                                                                                                                                                                                |
| <i>Total Allowance</i>  | <ul style="list-style-type: none"> <li>Permitted for principal non-residential or multi-unit residential buildings</li> <li>12 s.f. per lot; or 25 s.f. per acre, whichever is greater</li> </ul>                                                                                              |
| <i>Maximum Size</i>     | 6 s.f. or 12 s.f. for lots more than 1 acre and if setback at least 50' from property line                                                                                                                                                                                                     |
| <i>Maximum Height</i>   | <ul style="list-style-type: none"> <li>14' high if mounted on a building</li> <li>4' high if ground mounted, or 8' high if setback at least 50' from property line.</li> </ul>                                                                                                                 |
| <i>Location</i>         | Signs shall be setback at least 6' from any front lot line, and 10' from any other property line.                                                                                                                                                                                              |
| <b>Temporary Signs</b>  |                                                                                                                                                                                                                                                                                                |
| <i>Total Allowance</i>  | 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.                                                                                                                                                                 |
| <i>Quantity</i>         | N/a; subject to total allowance and duration limits in Section 9.05.D..                                                                                                                                                                                                                        |
| <i>Maximum Size</i>     | <ul style="list-style-type: none"> <li>6 s.f. on local or collector streets</li> <li>12 s.f. on secondary arterial streets</li> <li>24 s.f. on primary arterial, expressway, or freeway</li> </ul>                                                                                             |
| <i>Height</i>           | <ul style="list-style-type: none"> <li>20' or below the top of the wall plane, whichever is less if mounted on a wall</li> <li>4' if mounted on the ground</li> </ul>                                                                                                                          |
| <i>Other Standards</i>  | See Section 9.05.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 Types**  
???????

| Table 9-2: Nonresidential Sign Allowances |                                                                                                                                                                                                                                                                           |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ground Signs                              |                                                                                                                                                                                                                                                                           |
| Total Allowance                           | <ul style="list-style-type: none"> <li>1 s.f per 1 lineal foot of street frontage on local, collector, or secondary arterial street.</li> <li>2 s.f. per 1 lineal foot of street frontage on primary arterial, expressway, or freeway.</li> </ul>                         |
| Maximum Size                              | <ul style="list-style-type: none"> <li>250 s.f. for lots fronting on a local, collector, or secondary arterial; or any lot that contains a state licensed off-premises sign.</li> <li>400 s.f. for lots fronting on primary arterial, expressway, or freeway..</li> </ul> |
| Quantity                                  | <ul style="list-style-type: none"> <li>1 per lot,</li> </ul>                                                                                                                                                                                                              |

| <b>Table 9-2: Nonresidential Sign Allowances</b> |                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                  | <ul style="list-style-type: none"> <li>Plus 1 additional sign per each 425' of lot frontage on a primary arterial, expressway or freeway.</li> </ul>                                                                                                                                                                                                                                                               |
| <i>Maximum Height</i>                            | 25'; 60' if located in areas near interstates noted in Section 9.05.A.5                                                                                                                                                                                                                                                                                                                                            |
| <i>Location</i>                                  | <ul style="list-style-type: none"> <li>25' setback from all property lines</li> <li>300' separation from any other ground sign; 100' separation from and state permitted off-premises sign.</li> <li>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.</li> </ul> |
| <i>Other Standards</i>                           | See Section 9.05.A                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Building Signs</b>                            |                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i>Total Allowance</i>                           | 2 s.f. per 1 lineal foot of wall length                                                                                                                                                                                                                                                                                                                                                                            |
| <i>Maximum Size</i>                              | N/a – limited by total wall allowance for each wall                                                                                                                                                                                                                                                                                                                                                                |
| <i>Quantity</i>                                  | N/a – limited by total wall allowance for each wall                                                                                                                                                                                                                                                                                                                                                                |
| <i>Height</i>                                    | <ul style="list-style-type: none"> <li>At least 1 foot below the top of the wall it is mounted on for flat roof buildings</li> <li>At least 1 foot below roof deck or eave line for pitched roof buildings.</li> </ul>                                                                                                                                                                                             |
| <i>Other Standards</i>                           | See Section 9.05.B                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Pedestrian Signs</b>                          |                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i>Quantity</i>                                  | <ul style="list-style-type: none"> <li>1 sign per each 50' of building frontage</li> <li>Plus, one sign for each public building entrance</li> </ul>                                                                                                                                                                                                                                                               |
| <i>Maximum Size</i>                              | <ul style="list-style-type: none"> <li>6 square feet</li> <li>10 square feet if associated with the primary building entrance on each elevation.</li> </ul>                                                                                                                                                                                                                                                        |
| <i>Maximum Height</i>                            | <ul style="list-style-type: none"> <li>14' if mounted on a wall</li> <li>5' if mounted on the ground</li> </ul>                                                                                                                                                                                                                                                                                                    |
| <i>Other Standards</i>                           | See Section 9.05.C.                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Incidental Signs</b>                          |                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i>Total Allowance</i>                           | 16 s.f. per lot; or 40 s.f. per acre, whichever is greater                                                                                                                                                                                                                                                                                                                                                         |
| <i>Maximum Size</i>                              | 8 s.f. or 16 s.f. for lots more than 1 acre and if setback at least 50' from property line                                                                                                                                                                                                                                                                                                                         |
| <i>Maximum Height</i>                            | <ul style="list-style-type: none"> <li>14' high if mounted on a building</li> <li>4' high if ground mounted, or 8' high if setback at least 50' from property line.</li> </ul>                                                                                                                                                                                                                                     |
| <i>Location</i>                                  | Signs shall be setback at least 6' from any front lot line, and 10' from any other property line.                                                                                                                                                                                                                                                                                                                  |
| <b>Temporary Signs</b>                           |                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i>Total Allowance</i>                           | 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.                                                                                                                                                                                                                                                                                    |
| <i>Quantity</i>                                  | N/a; subject to total allowance and duration limits in Section 9.05.D                                                                                                                                                                                                                                                                                                                                              |
| <i>Maximum Size</i>                              | <ul style="list-style-type: none"> <li>12 s.f. on local or collector streets</li> <li>24 s.f. on secondary arterial streets</li> <li>48 s.f. on primary arterial, expressway, or freeway</li> </ul>                                                                                                                                                                                                                |
| <i>Height</i>                                    | <ul style="list-style-type: none"> <li>20' or below the top of the wall plane, whichever is less if mounted on a wall</li> <li>5' if mounted on the ground</li> </ul>                                                                                                                                                                                                                                              |
| <i>Other Standards</i>                           | 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 criterion 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) Interstate 44 and Mulroy Road
    - b. Property with frontage on Glenstone Avenue between the northern right-of-way of Kearney Street and 100 feet north of 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                                    | <ul style="list-style-type: none"> <li>▪ Up to 2 per entrance from a collector or arterial street</li> <li>▪ 25 s.f. per entrances on a collector street (may be allocated between 2 signs)</li> <li>▪ 50 s.f. for entrances on an arterial street (may be allocated between 2 signs)</li> </ul> |
| Location                                     | <ul style="list-style-type: none"> <li>▪ 6' setback from all property lines</li> </ul>                                                                                                                                                                                                           |
| Maximum Height                               | <ul style="list-style-type: none"> <li>▪ 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.</li> </ul>                                                                       |
| Other Standards                              | <ul style="list-style-type: none"> <li>▪ 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.</li> </ul>                                                           |

- 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**

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Total Allowance</i> | <ul style="list-style-type: none"> <li>▪ Off premises signs shall be limited by the applicable ground sign allowance unless otherwise authorized by state permit.</li> <li>▪ Detached signs otherwise permitted by Table 9-2: Nonresidential Sign Allowances shall be further restricted on any site with an off-premises sign to               <ul style="list-style-type: none"> <li>○ 1 additional detached sign;</li> <li>○ 250 s.f. maximum area or applicable property allowances, whichever is less;</li> <li>○ 25' maximum height.</li> <li>○ 100' separation from any other detached sign.</li> </ul> </li> </ul> |
| <i>Location</i>        | <ul style="list-style-type: none"> <li>▪ 25' setback from all rights-of-way or other property lines.</li> <li>▪ 125' setback from any property residential zoning district.</li> <li>▪ 1,500' separation from any other off-premises sign, except on I-44 where the required separation shall be 2,500'.</li> <li>▪ 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.</li> </ul>                                                                                          |
| <i>Maximum Height</i>  | <ul style="list-style-type: none"> <li>▪ 25'</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i>Other Standards</i> | <ul style="list-style-type: none"> <li>▪ Applicants for off-premises signs shall obtain a state permit prior to submitting an application to the city.</li> <li>▪ Signs with a valid state-issued permit may contain off-premises or on-premises information</li> </ul>                                                                                                                                                                                                                                                                                                                                                    |

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

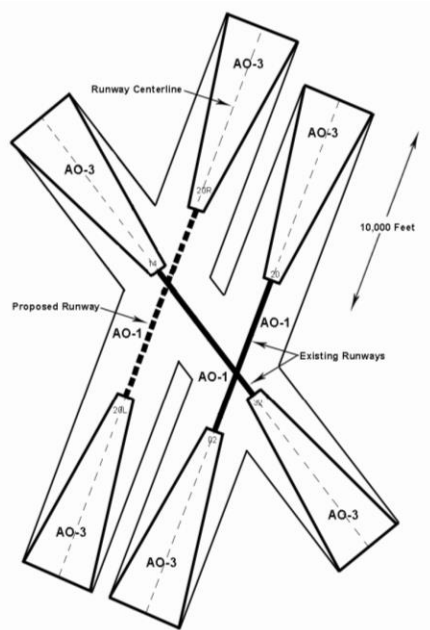
|       |                                                                         |
|-------|-------------------------------------------------------------------------|
| 10.01 | Airport Overlay                                                         |
| 10.02 | Historic Designations                                                   |
| 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                                                   |

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### 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 AO-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**

|                                                                         | <i>Historic Site</i>                                                                                                                                                                                                                                                                                                                                                            | <i>Landmark or District</i>                                                                                                                                                                                                           |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Nomination</i>                                                       | <ul style="list-style-type: none"> <li>By resolution of LB, PC, or CC; or [1]</li> <li>By owner</li> </ul>                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>By resolution of LB, PC, or CC;</li> <li>By owner; or</li> <li>By verified petition (district only) [2]</li> </ul>                                                                             |
| <i>Notice</i>                                                           | 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.                                                                                                                                   |                                                                                                                                                                                                                                       |
| <i>Landmarks Board Hearing and Recommendations</i>                      | <ul style="list-style-type: none"> <li>Public hearing 2.01.G</li> <li>Action according to 2.01.H at or within 28 days of hearing</li> <li>Recommendations to designate forwarded to City Council (see B.1 below)</li> <li>Failure to recommend designation is only forwarded to City Council on applicant's initiative and within 10 days of Landmarks Board action.</li> </ul> |                                                                                                                                                                                                                                       |
| <i>City Council Declaration of Intent to Designate</i>                  | n/a                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>Considered at its next regularly scheduled meeting</li> <li>Action according to 2.01.H (See B.2 below for effect of decision)</li> </ul>                                                       |
| <i>Planning &amp; Zoning Commission Public Hearing / Recommendation</i> | n/a                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>Considered at its next regularly scheduled meeting; public hearing according to 2.01.G</li> <li>Action according to 2.01.H</li> <li>A protest may be filed according to 2.05.C</li> </ul>      |
| <i>City Council Decisions</i>                                           | <ul style="list-style-type: none"> <li>Considered at its next regularly scheduled meeting; public hearing according to 2.01.G.</li> <li>Action according to 2.01.H (see B.3 below for effect of decisions)</li> <li>A protest may be filed according to 2.05.C.8.</li> </ul>                                                                                                    |                                                                                                                                                                                                                                       |
| <i>Notification of Designation</i>                                      | n/a                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>Registered letter to all owners</li> <li>Notice to landmarks board and city departments.</li> <li>City clerk shall file certified notification with Greene County Recorder of Deeds</li> </ul> |

[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, gazebos, 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, siting, 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                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Tier I</i>   | Wireless facilities and antennas mounted on buildings or other structures, including existing towers, public buildings and structures, school buildings and structures, and churches.                                                                                                                                                                                                                                         |
| <i>Tier II</i>  | 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.                                                                                                                        |
| <i>Tier III</i> | Cell tower of a monopole or stealth design that are < 100' in height.                                                                                                                                                                                                                                                                                                                                                         |
| <i>Tier IV</i>  | Cell towers of a stealth or monopole design that are 100' + in height.                                                                                                                                                                                                                                                                                                                                                        |
| <i>Tier V</i>   | Cell towers that are: <ul style="list-style-type: none"> <li>a. Not of a stealth or monopole design; or</li> <li>b. 100' + in height and not setback from any residential district at least two feet for every one foot of height; or</li> <li>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' +.</li> </ul> |

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% of 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        |                                   |                              |                                 |
|---------------------------------------|--------------------------------|-----------------------------------|------------------------------|---------------------------------|
|                                       | <i>Lattice or Guyed 150' +</i> | <i>Lattice or Guyed &lt; 150'</i> | <i>Monopole Towers 75' +</i> | <i>Monopole Towers &lt; 75'</i> |
| <i>Lattice</i>                        | 3,000'                         | 2,500'                            | 1,500'                       | 750'                            |
| <i>Guyed</i>                          | 3,000'                         | 2,500'                            | 1,500'                       | 750'                            |
| <i>Monopole 75'+</i>                  | 1,500'                         | 1,500'                            | 1,500'                       | 750'                            |
| <i>Monopole &lt; 75 ft. in height</i> | 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 Adjustment<sup>A</sup> 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. **Variations & 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    | L/C   | HM    |
|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|----|-------|-------|-------|-------|
| Medical, comprehensive, or microbusiness dispensary facility                                          | 1,000' from elementary or secondary school or place of worship.<br>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.<br>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, CO<sub>2</sub>, 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, CO<sub>2</sub>, 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 vegetative 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, CO<sub>2</sub>, 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, CO<sub>2</sub>, 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.

| <b>Zoning Classification</b>                                     | <b>Easement <sup>(1)</sup></b> | <b>ROW</b> |
|------------------------------------------------------------------|--------------------------------|------------|
| 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

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### 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 shown 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 or 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 severe economic and housing disruptions disproportionately affect residents within the City. During such calamity individuals, agencies, or churches meeting building, safety, and health codes may establish temporary facilities to provide food and lodging to those who are without permanent housing. These facilities are not considered “shelters” and are exempt from the general building, zoning, health, and fire codes herein.

*Economic and Housing Access Calamity Shelter.* A shelter available during a declared economic and housing access calamity and operating under a certificate of occupancy which provides only lodging, or lodging and meals, but does not provide other services.

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

*Land Use.* The occupation or use of land or water area for any human activity or any purpose.

*Legacy District.* A previously established regulatory district whose specific provisions will continue to be enforced.

*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.* The line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than 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.

*Motor-Vehicle Oriented Business.* Any commercial business which, by design, type of operation, or nature of business, has as one of its functions, the provision of services to a number of motor vehicles or its occupants in a short time span, or the provision of services to the occupants of motor vehicles while they remain in a vehicle. Businesses included in this category shall have one or more of the following facilities: One or more pump islands for retail sale of gasoline; or, one or more drive-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 signs 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 12<sup>th</sup> 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, larger 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 than 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 than 100% 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 dyeing 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 palettes;
  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.

## DEVELOPMENT REVIEW STAFF REPORT

### 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](https://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.

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**FW: Proposed New Land Development Code - Center City Parking**

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**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](mailto:hanna.knopf@springfieldmo.gov)



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**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](mailto:rwhitman@springfieldmo.gov)

[www.springfieldmo.gov](http://www.springfieldmo.gov)

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**From:** Bruce Adib-Yazdi [REDACTED]

**Sent:** Sunday, December 15, 2024 7:49 AM

**To:** Whitman, Randall <[rwhitman@springfieldmo.gov](mailto: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



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**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

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## Feedback for Code Development Update

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**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 land 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.





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## Feedback

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**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



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## Feedback

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**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



### **Officers**

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**Chairman**

Dick Scott  
**Secretary/Treasurer**

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Craig Wagoner  
Andrew Wells  
Bruce Adib-Yazdi

**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.

Page 2

**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

A handwritten signature in black ink, appearing to read "Jeff Schrag". The signature is stylized with a large, looping initial "J" and a cursive "Schrag".

Jeff Schrag, Chairman  
Visionary Parking Committee of the Downtown Springfield CID



Outlook

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## Community Development Code, Parking Requirements

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**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.

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## 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](mailto:batchley@springfieldmo.gov)



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## Community Development Code Question

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**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](mailto:akrug@springfieldmo.gov)



Please consider the environment before printing this e-mail.



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**From:** Dan Scott [REDACTED]  
**Sent:** Tuesday, December 10, 2024 3:52 PM  
**To:** Werland, Amy <[awerland@springfieldmo.gov](mailto: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](mailto:rwhitman@springfieldmo.gov)>; White, Judy <[jwhite@springfieldmo.gov](mailto:jwhite@springfieldmo.gov)>; Hosmer, Bob <[bhosmer@springfieldmo.gov](mailto: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](mailto: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](#)

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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](mailto:rwhitman@springfieldmo.gov)  
[www.ForwardSGF.com](http://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](mailto:tim.rosenbury@springfieldmo.gov)>  
**Sent:** Tuesday, December 3, 2024 2:29:14 PM  
**To:** Whitman, Randall <[rwhitman@springfieldmo.gov](mailto:rwhitman@springfieldmo.gov)>; Crighton, Justin <[justin.crighton@springfieldmo.gov](mailto:justin.crighton@springfieldmo.gov)>; Tegeler, Ben <[ben.tegeler@springfieldmo.gov](mailto: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

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**From:** Jared Rasmussen [REDACTED]  
**Sent:** Tuesday, December 3, 2024 1:09 PM  
**To:** Rosenbury, Tim <[tim.rosenbury@springfieldmo.gov](mailto: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



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[View Legal Disclaimer](#)

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**FW: Code Update Question**

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**From** Knopf, Hanna <[hanna.knopf@springfieldmo.gov](mailto:hanna.knopf@springfieldmo.gov)>

**Date** Wed 12/18/2024 8:27 AM

**To** Forwardsgf <[Forwardsgf@springfieldmo.gov](mailto:Forwardsgf@springfieldmo.gov)>

**Hanna Knopf**

Senior Planner

Planning & Neighborhoods

417-864-1188

[hanna.knopf@springfieldmo.gov](mailto:hanna.knopf@springfieldmo.gov)



---

**From:** Whitman, Randall <[rwhitman@springfieldmo.gov](mailto:rwhitman@springfieldmo.gov)>

**Sent:** Tuesday, December 17, 2024 10:39 AM

**To:** Tegeler, Ben <[ben.tegeler@springfieldmo.gov](mailto:ben.tegeler@springfieldmo.gov)>; Duran, Angela <[angela.duran@springfieldmo.gov](mailto:angela.duran@springfieldmo.gov)>; Knopf, Hanna <[hanna.knopf@springfieldmo.gov](mailto:hanna.knopf@springfieldmo.gov)>; Hession, Tyler <[tyler.hession@springfieldmo.gov](mailto:tyler.hession@springfieldmo.gov)>; Stinson, Corey <[corey.stinson@springfieldmo.gov](mailto:corey.stinson@springfieldmo.gov)>; Crighton, Justin <[justin.crighton@springfieldmo.gov](mailto: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

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[www.ForwardSGF.com](http://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](mailto:jmooney@springfieldmo.gov)>

**Sent:** Tuesday, December 17, 2024 8:29:28 AM

**To:** Whitman, Randall <[rwhitman@springfieldmo.gov](mailto:rwhitman@springfieldmo.gov)>

**Cc:** Knopf, Hanna <[hanna.knopf@springfieldmo.gov](mailto: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](http://Health.springfieldmo.gov) | [Facebook.com/SGCHD](https://www.facebook.com/SGCHD) | [Twitter.com/SGCHD](https://twitter.com/SGCHD)

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## Code Update Initiative

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**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:** [Forwardsqf](#)  
**Subject:** Feedback on code council lunch suggestions  
**Date:** Wednesday, December 11, 2024 10:00:18 AM  
**Attachments:** [image001.png](#)

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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



Lauren Shantz  
Vice President, Public Affairs  
Springfield Area Chamber of Commerce  
[REDACTED]  
[www.springfieldchamber.com](http://www.springfieldchamber.com)



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## Feedback

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**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



**Lauren Shantz**  
Vice President, Public Affairs  
Springfield Area Chamber of  
Commerce

[REDACTED]  
[www.springfieldchamber.com](http://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 2-1**What 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”

## ZONING

# 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 my 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 all subdivision plat notes, deed restrictions, and/or restrictive covenants as information which may apply to this property.

\_\_\_\_\_  
*(Applicant's signature)*

*(Date)*



January 21, 2025

Collin Quigley, Interim City Manager  
City of Springfield  
840 Boonville Avenue, 4<sup>th</sup> 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.**

Community Partnership of the Ozarks, Inc. • 330 N. Jefferson • Springfield, MO 65806  
(417) 888-2020 • (417) 888-2322 fax • [www.cpoarks.org](http://www.cpoarks.org)

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.

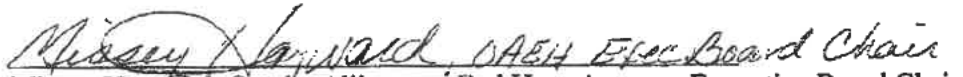
We acknowledge the complexity of balancing the needs of an entire community in these efforts and greatly appreciate the time that has gone into these proposed updates. We likewise appreciate consideration of the needs of those agencies and entities that serve the most vulnerable members of our community with the attainable goal of reducing and ultimately eliminating homelessness locally. These efforts are made possible through the combined investment of time and resources

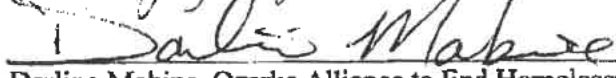


by all parties, benefiting not only those at risk of experiencing homelessness, but also the broader Springfield community.

Thank you for your consideration of these comments and requests.

Sincerely,

  
Missey Hayward, Ozarks Alliance to End Homelessness Executive Board Chair

  
Darline Mabins, Ozarks Alliance to End Homelessness Executive Board Vice Chair



**From:** [About Faces Photo](#)  
**To:** [Forwardsgf](#)  
**Subject:** Tree protection and diversity in the new code  
**Date:** Thursday, January 16, 2025 7:28:58 PM

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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 exercise 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:** [Forwardsqf](#)  
**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]



COMMUNITY  
FOUNDATION  
*of the* OZARKS





# 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](http://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



### 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                                  |                                                                                             |
| 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>.

| Functional Class + Street Design Type | ROW Width | Street Width [1] | Travel Lanes                   | Parking                            | Bicycle Facility                     | Sidewalk | Landscape Amenity                       | Other Notes and Applicability |
|---------------------------------------|-----------|------------------|--------------------------------|------------------------------------|--------------------------------------|----------|-----------------------------------------|-------------------------------|
| <b>Major Arterial - 120 / 80</b>      |           |                  |                                |                                    |                                      |          |                                         |                               |
| Pedestrian Boulevard                  | 120'      | 80'              | 4 @ 11'                        | 8'                                 | N/A – slow speed                     | 12'      | 8' amenity zone<br>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<br>20' center median     | 30 – 40 MPH                   |
| Standard / Trafficway                 | 120'      | 80'              | 6 @ 11'                        | n/a                                | n/a<br>off-street or alternat route  | 8'       | 12' + tree strip<br>14' + center median | 35 – 45 PH                    |
| <b>Minor Arterial – 100 / 70</b>      |           |                  |                                |                                    |                                      |          |                                         |                               |
| Pedestrian Boulevard                  | 100'      | 70'              | 4 @ 11'                        | 8'                                 | n/a – slow speed                     | 10'      | 5' amenity zone<br>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<br>10' center median      | 25 – 35 MPH                   |
| Trafficway (Standard)                 | 100'      | 70'              | 6 @ 11'<br>2' outside shoulder | n/a                                | n/a<br>off-street or alternate route | 5'       | 10' tree strip                          | 35 – 45 MPH                   |
| <b>Major Collector – 80 / 52</b>      |           |                  |                                |                                    |                                      |          |                                         |                               |
| 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)<br>22' angled (1 side) | n/a – slow speed                     | 10'      | 4' amenity zone                         | 20 – 25 MPH                   |

| 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<br>16' center median    | 25 – 35 MPH                                                                                                   |
| Standard Street                             | 80'       | 52'              | 4 @ 10'<br>12' center turn lane | n/a                                                 | n/a                   | 6'                                    | 8' tree strip                         | 30 – 40 MPH                                                                                                   |
| <b>Minor Collector / Local – 60 / 32-36</b> |           |                  |                                 |                                                     |                       |                                       |                                       |                                                                                                               |
| 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'<br>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                                                                                                   |
| <b>Local 54 / 28</b>                        |           |                  |                                 |                                                     |                       |                                       |                                       |                                                                                                               |
| 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                                                                                                   |
| <b>Local Lane 44 / 24</b>                   |           |                  |                                 |                                                     |                       |                                       |                                       |                                                                                                               |
| 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)<br>14' – 18' angled | n/a                   | 8' – 12' one side – building frontage | 5' – 10' one side (b/t street & lane) | < 15 MPH<br>One-way side street or "slip lane" to tame suburban arterials and promote fronting development... |
| Rural Lane                                  | 44'       | 24'              | 2 @ 10'<br>2' outside shoulder  | n/a                                                 | n/a                   | n/a                                   | 10' rural buffer                      | 20 – 25 MPH                                                                                                   |
| <b>Access Alley 20 / 12-18 [2]</b>          |           |                  |                                 |                                                     |                       |                                       |                                       |                                                                                                               |
| Residential Alley                           | 20'       | 12' – 16'        | 12'-16' yield lane              | n/a                                                 | n/a                   | n/a                                   | 2' – 4' buffer                        | < 10 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 |
|---------------------------------------|-----------|------------------|--------------|---------|------------------|----------|--------------------------|-------------------------------|
| 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

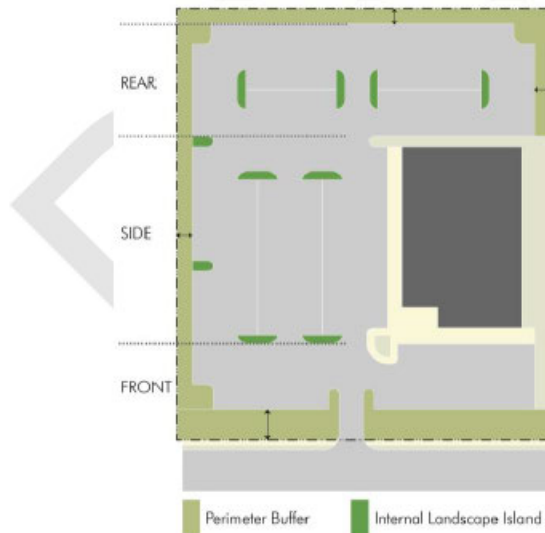
In table 3-5 in Article 3 on pages 3-12 through 3-14 Landscape Amenity widths are indicated. It would be helpful to include the type/size of vegetation would be appropriate for the specified width. For trees, widths of 4 feet to 6 feet are appropriate for Ornamental Trees as defined in Article 11 and 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              | <ul style="list-style-type: none"> <li>Prohibited – must be broken into smaller parking blocks</li> </ul>                            | <ul style="list-style-type: none"> <li>10' perimeter buffer, and</li> <li>8% internal islands</li> </ul> |
| 101 or 200               | <ul style="list-style-type: none"> <li>20' front setback buffer</li> <li>10' perimeter buffer</li> <li>8% internal island</li> </ul> | <ul style="list-style-type: none"> <li>6' perimeter buffer</li> <li>5% internal islands</li> </ul>       |
| 30-100                   | <ul style="list-style-type: none"> <li>10' front setback buffer</li> <li>6' perimeter buffer</li> <li>5% internal islands</li> </ul> | <ul style="list-style-type: none"> <li>6' perimeter buffer</li> </ul>                                    |
| Under 30                 | <ul style="list-style-type: none"> <li>6' front setback buffer</li> <li>6' perimeter buffer</li> </ul>                               | <ul style="list-style-type: none"> <li>6' perimeter buffer, except where abutting an alley</li> </ul>    |

[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.

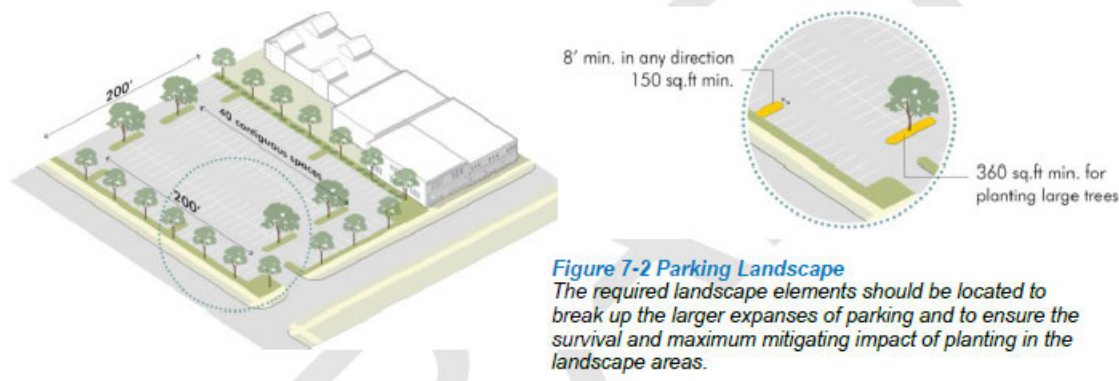


**Figure 7-1 Parking Design**  
Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-7 is based on larger parking areas and parking in the frontage area requiring greater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

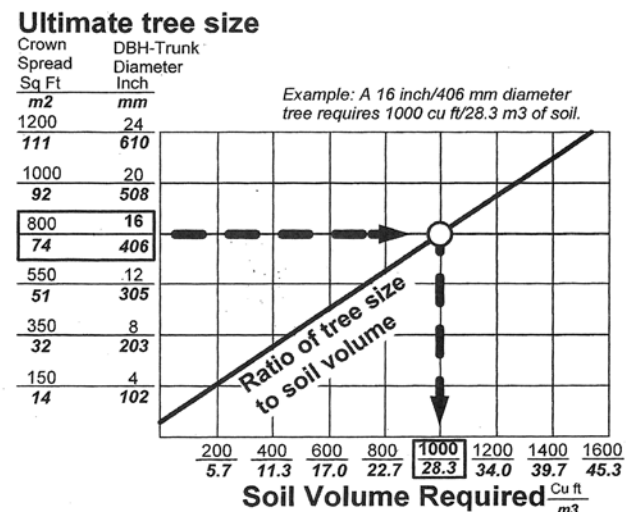
2. Perimeter landscape and internal islands shall be designed at regular intervals to break up larger expanses of pavement with green space, impervious surfaces, and shade trees.
3. Interior landscape islands shall be either:
  - a. A peninsula extending from the perimeter landscape area at least 9 feet 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.



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                                                                                                                                                                                    |
| <b>Streetscape:</b> 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.<br>Constrained right-of-way or streetscapes may substitute 1 ornamental tree per 20.'                        |                                                                                                                                                           |                                                                                                                                                                                           |
| <b>Frontage &amp; Foundation.</b> 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;<br>AND<br>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.<br><br>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                                                                                                               |                                                                                                                                                           |                                                                                                                                                                                           |
| <b>Parking.</b> 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]                                                                                                                                                         |
|                                                                                                                                     | 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](http://www.isa-arbor.com);  
Society of American Foresters – [www.eforester.org](http://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://www.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.

- c. parking areas and not in parking islands or streetscape or front buffers.  
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 tree |
| 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 |
| 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. | <b>Planting &amp; Maintenance.</b> 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 plant 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



[www.watershedcommittee.org](http://www.watershedcommittee.org)



**From:** [Robert Kipfer](#)  
**To:** [Forwardsqf](#)  
**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



Springfield Plateau Chapter, Missouri Master Naturalists  
Blog at [Springfieldmn.blogspot.com](http://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]

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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://ladfoundation.org>)  
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, and 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](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 21<sup>st</sup> 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](http://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:** [Forwardsqf](#)  
**Subject:** Tree protection and diversity in the new code  
**Date:** Thursday, January 16, 2025 1:11:56 PM

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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

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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

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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.

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**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:** [Forwardsqf](#)  
**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

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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 exercise 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



## 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

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**Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)**

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**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

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**Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)**

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**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



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





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**Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)**

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**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.

Looking at the applicability, it is possible that a project site could be 95% impervious (building and paving). They might want to add to the building but do not need to increase parking. The building area could increase by 30% but the impervious area increase could be zero. Delete the building size increase and go with a net increase in impervious area of more than 20%.

While this does give some discretion to the Director after the landscaping hammer has been triggered. I suspect that many projects will get killed early in the process and the properties will not be improved as the cost to provide the mandated landscaping cannot be justified.

I guess the first question has to do with the Streetscape - 1 large tree per 40'! Who has to do that? Does this require the property owner to provide plantings in the public ROW? Can you legally do that? To do any work in the public ROW all sorts of insurance and other requirements established by PW must be met. Some Landscapers do not meet those requirements and would force them out of the job. Possible increase in cost.

I noticed that the image provided in Figure 8-1 does not show any internal sidewalks required in Article 7. LOL

The design direction called out in 8.03.D is far too restrictive. It limits design creativity and precludes good design.

I have never been a fan of Buffer yards. They do not necessarily do what they are intended to do and add lots of cost to a project and wastes land. Changing the types and planting requirements makes it hard to compare since the current ones have plantings per 100' and it seems to be different.

Table 8 3 is confusing The "Intensity of Adjacent Site" is pretty broad. For example a warehouse of 200,000 sf might have six dock doors and ten employees but it would be considered a "very high" intensity? Not. Or Battlefield Mall way over 150,000 sf but in reality not very intense at all.

8.04 D Screening. Items 5, 6 & 7 add unnecessary screening and if the Director decides it isn't enough he can add more requirements.

Tree Protection I have battled this for years. If I understand this, every tree in the community, which is not a trash tree, is protected and a person cannot go out on his vacant lot (or even a lot that is developed) and cut down a tree without permission. This will trigger the need for a tree survey where all existing trees need to be shown on a survey showing location, size, health and type. Right off the bat you are spending money just for the survey. Then you need to go through a process with the City to get permission to remove the tree. It looks like replacements for that tree needs to also happen. Of course the City will need to hire an arborist to be the Tree Nazi who controls the tree protection process. In most projects, the stormwater management, building and site improvements design affects the grades in such a manner that existing trees and vegetation cannot remain as the grades changed. There are often a few trees around the perimeter which can be protected and saved. Most property owners will work to save them with the heavy hand of the City demanding they be saved. But, they do not want to spend \$5000 for a survey and report outlining the fact that the ones which are in conflict with the trees have to go. They also do not want to spend a lot of time figuring out how the design might be changed to save the trees. I honestly think you are better off offering the carrot instead of the stick. Give them some benefit if they protect trees. One existing tree can be used in place of two new required trees. Otherwise do not include tree protection in this ordinance. It also looks like it mandates irrigation systems unless they will accept the manual water by a guy with a hose weekly...

Outdoor lighting. Light poles shall be setback from adjacent property 1/3 of the height. So, a 25' tall light pole on a commercial property will have to be 8'4" from the adjacent property but if the perimeter landscaping is 6' then the pole is 2'4" into the parking space and will not illuminate the entire parking space.

WE have typically called for a minimum 4000K CCT not 3000K on outdoor lighting which is too yellow. That will affect the overall design of the project....Don't go there.

**Geoffrey H. Butler AIA**

Architect



On Thu, Dec 5, 2024 at 8:41 AM Geoffrey Butler [REDACTED] wrote:

#### Article 7 The Civil Engineer Full Employment Act

This Article calls for lots of studies, reports and engineered plans. It is full of requirements that don't make sense. Again, 95% of the City is developed so any development (or most development) is going to be redevelopment of existing tracts. Many access points exist already. Technically, if I have a parcel which has one or two existing driveway, if I do not modify it, I should be able to keep it and the City cannot take it away. That is an asset of the property. The spacing requirements for access is not possible to meet unless you have control of the platting.

While I support the use of cross access using easements and shared access, it cannot be required as the adjacent property owners do not have to comply if they do not want to.

Internal sidewalks? Really? A 12' wide sidewalk along the front or to the primary entrance of a nonresidential building? Holy cow! I have been doing commercial projects since 1980 and never had a 12' sidewalk in front of the shops. Galleria has 10' with 24" columns at 30' on center. This community is a car centric place. No one walks anywhere. Trying to apply these design standards to the already developed properties is not possible.

Requiring "through access drives" takes more land out of the tract that can't be used for parking.

Parking Rates Many of the required parking rates are fine, even generous. However some are nuts. General Manufacturing/warehousing 1/1000 sf? SRC has new warehouse facilities of 100,000 sf +. There will be a dozen employees in the facility but 100 spaces are required. This should change to 1 space per employee.

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**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>

## Article 7 - The Civil Engineer Full Employment Act

This Article calls for lots of studies, reports and engineered plans. It is full of requirements that don't make sense. Again, 95% of the City is developed so any development (or most development) is going to be redevelopment of existing tracts. Many access points exist already. Technically, if I have a parcel which has one or two existing driveway, if I do not modify it, I should be able to keep it and the City cannot take it away. That is an asset of the property. The spacing requirements for access is not possible to meet unless you have control of the platting.

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Requiring "through access drives" takes more land out of the tract that can't be used for parking.

Parking Rates - Many of the required parking rates are fine, even generous. However some are nuts. General Manufacturing/warehousing - 1/1000 sf? SRC has new warehouse facilities of 100,000 sf +. There will be a dozen employees in the facility but 100 spaces are required. This should change to 1 space per employee. Restaurant/Bar - 1/100 sf? This should be based on seating, not on area. Many of these rates need more study.

The landscape areas is very difficult. it adds green space to the lot and thereby reduces the number of parking spaces (which is required by this Article and thereby reduces the buildable area possible. (This does not even factor in the lost land due to the Stormwater Management requirements in other sections of the City Ordinances).  
Bottom line the cost of the land per sf of building goes up compared to current ordinance.

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.

Peninsulas and islands required by Table 7 6 are too small for large trees. 8' or 9' width does not allow for the trees to grow. Typically you need an area to be wide enough for the drip line of the three. A canopy tree can have a 15' radius drip line basically requiring a 30' width.

Table 7.7 is bad. A lot with 7' width parking spaces in any spot is too shallow. 0 degrees is basically parallel parking and darned difficult to get close to the curb to fit in the 7' dimension. All parking spaces should be 9' x 18' irrespective of angle of layout. Cars need at least 8.5' width to park and pickup trucks really need 9'5' Parallel parking should be 9' x 25'.

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



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](#); [Forwardsqf](#)  
**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



On Fri, Dec 6, 2024 at 10:56 AM Geoffrey Butler  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 to 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 criteria 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 northern 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



On Thu, Dec 5, 2024 at 5:24 PM Geoffrey Butler [REDACTED] > wrote:  
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.

Looking at the applicability, it is possible that a project site could be 95% impervious (building and paving). They might want to add to the building but do not need to increase parking. The building area could increase by 30% but the impervious area increase could be zero. Delete the building size increase and go with a net increase in impervious area of more than 20%.

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I guess the first question has to do with the Streetscape - 1 large tree per 40'! Who has to do that? Does this require the property owner to provide plantings in the public ROW? Can you legally do that? To do any work in the public ROW all sorts of insurance and other requirements established by PW must be met. Some Landscapers do not meet those requirements and would force them out of the job. Possible increase in cost.

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Table 8-3 is confusing - The "Intensity of Adjacent Site" is pretty broad. For example a warehouse of 200,000 sf might have six dock doors and ten employees but it would be considered a "very high" intensity? Not. Or Battlefield Mall - way over 150,000 sf but in reality not very intense at all.

8.04 D Screening. Items 5, 6 & 7 add unnecessary screening and if the Director decides it isn't enough he can add more requirements.

Tree Protection - I have battled this for years. If I understand this, every tree in the community, which is not a trash tree, is protected and a person cannot go out on his vacant lot (or even a lot that is developed) and cut down a tree without permission. This will trigger the need for a tree survey where all existing trees need to be shown on a survey showing location, size, health and type. Right off the bat you are spending money just for the survey. Then you need to go through a process with the City to get permission to remove the tree. It looks like replacements for that tree needs to also happen. Of course the City will need to hire an arborist to be the Tree Nazi who controls the tree protection process. In most projects, the stormwater management, building and site improvements design affects the grades in such a manner that existing trees and vegetation cannot remain as the grades changed. There are often a few trees around the perimeter which can be protected and saved. Most property owners will work to save them with the heavy hand of the City demanding they be saved. But, they do not want to spend \$5000 for a survey and report outlining the fact that the ones which are in conflict with the trees have to go. They also do not want to spend a lot of time figuring out how the design might be changed to save the trees. I honestly think you are better off offering the carrot instead of the stick. Give them some benefit if they protect trees. One existing tree can be used in place of two new required trees. Otherwise do not include tree protection in this ordinance. It also looks like it mandates irrigation systems unless they will accept the manual water by a guy with a hose weekly...

Outdoor lighting. Light poles shall be setback from adjacent property 1/3 of the height. So, a 25' tall light pole on a commercial property will have to be 8'4" from the adjacent property but if the perimeter landscaping is 6' then the pole is 2'4" into the parking space and will not illuminate the entire parking space.

WE have typically called for a minimum 4000K CCT not 3000K on outdoor lighting which is too yellow. That will affect the overall design of the project....Don't go there.

**Geoffrey H. Butler AIA**

Architect

4449 East Valley Road



On Thu, Dec 5, 2024 at 8:41 AM Geoffrey Butler [REDACTED] wrote:  
Article 7 - The Civil Engineer Full Employment Act

This Article calls for lots of studies, reports and engineered plans. It is full of requirements that don't make sense. Again, 95% of the City is developed so any development (or most development) is going to be redevelopment of existing tracts. Many access points exist already. Technically, if I have a parcel which has one or two existing driveway, if I do not modify it, I should be able to keep it and the City cannot take it away. That is an asset of the property. The spacing requirements for access is not possible to meet unless you have control of the platting.

While I support the use of cross access using easements and shared access, it cannot be required as the adjacent property owners do not have to comply if they do not want to.

Internal sidewalks? Really? A 12' wide sidewalk along the front or to the primary entrance of a nonresidential building? Holy cow! I have been doing commercial projects since 1980 and never had a 12' sidewalk in front of the shops. Galleria has 10' with 24" columns at 30' on center. This community is a car centric place. No one walks anywhere. Trying to apply these design standards to the already developed properties is not possible.

Requiring "through access drives" takes more land out of the tract that can't be used for parking.

Parking Rates - Many of the required parking rates are fine, even generous. However some are nuts. General Manufacturing/warehousing - 1/1000 sf? SRC has new warehouse facilities of 100,000 sf+. There will be a dozen employees in the facility but 100 spaces are required. This should change to 1 space per employee. Restaurant/Bar - 1/100 sf? This should be based on seating, not on area. Many of these rates need more study.

The landscape areas is very difficult. it adds green space to the lot and thereby reduces the number of parking spaces (which is required by this Article and thereby reduces the buildable area possible. (This does not even factor in the lost land due to the Stormwater Management requirements in other sections of the City Ordinances). Bottom line - the cost of the land per sf of building goes up compared to current ordinance.

Figure 7-1 which shows a hypothetical site design does not show the required internal sidewalks required by earlier sections of the Article. It also shows a Frontage B layout. The 6' perimeter buffer on the sides and back further erodes the efficiency of the parking lot.

Peninsulas and islands required by Table 7-6 are too small for large trees. 8' or 9' width does not allow for the trees to grow. Typically you need an area to be wide enough for the drip line of the tree. A canopy tree can have a 15' radius drip line basically requiring a 30' width.

Table 7.7 is bad. A lot with 7' width parking spaces in any spot is too shallow. 0 degrees is basically parallel parking and darned difficult to get close to the curb to fit in the 7' dimension. All parking spaces should be 9' x 18' irrespective of angle of layout. Cars need at least 8.5' width to park and pickup trucks really need 9'5'. Parallel parking should be 9' x 25'.

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



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



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



On Mon, Dec 2, 2024 at 11:27 AM Geoffrey Butler  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](mailto: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](mailto: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 4<sup>th</sup>, as we have a strategy and the answer might be too involved for an email.

**Randall Whitman**

Principal Planner

417-864-2027 (office)

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[www.springfieldmo.gov](http://www.springfieldmo.gov)

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**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](mailto:rwhitman@springfieldmo.gov)>; Childers, Steve  
<[steve.childers@springfieldmo.gov](mailto: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]  
[REDACTED]  
[REDACTED]  
[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 4<sup>th</sup>.



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**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 “Springfield Land Development Code.” References to this 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. Ensure 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 the 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 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 complementary districts, uses, and buildings.
- H. Secure adequate provisions for water, storm drainage, wastewater, utilities, communication facilities, streets, and other public improvements based upon local, state, and federal requirements and specifications.

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

These purposes are further defined by the intent or design objectives associated with specific articles, sections, or subsections of this chapter.

### 1.03 Applicability

- A. **Authority.** The land development code is adopted through the power 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, 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 Situation.** A 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 permit 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 most stringent 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 Provision.** 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. 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.

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 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 limited but which requires a special 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 planned developments through a rezoning application and site plan according to the terms of this chapter.
- E. **Severability.** The several provisions of this chapter are severable, based on the following rules:
1. If any court of competent jurisdiction shall adjudge a provision of this chapter to be unconstitutional, invalid, or illegal, the judgment 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 judgment shall not affect the application of the provision to any other property, building, or structure.

## 1.04 Administration

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

**Director of Planning & Development.** The Director of Planning & Development (PD Director) is responsible for administration of this chapter and interpretation and enforcement of these regulations. The PD Director may consult with any other department or relevant outside agencies to coordinate any plans, policies, and programs 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 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, utility 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:

- 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, objectives and policies related to community development; and
      - v. 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) 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 consist of five members and up to three alternates, nominated by the City Manager and appointed by City Council.
    - a. Members shall serve without compensation.
    - b. Alternate shall 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 of 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 meeting times established by the Board.
    - a. 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 action.
    - 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 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 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 architect-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 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 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; 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 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 organizations and individuals and the utilization of budget appropriations to promote the preservation of historic and architectural resources.  
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 action to enforce the provisions of this article; and  
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 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 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, partners, agencies, corporations or other legal entities and the owner and any other individual, 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 determining 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.
1. **City Code.** 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 Regulations.** These regulations shall not impair or interfere with any private regulation 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 regulations, 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. Group 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 be demonstrated 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 without the operation of a principal nonconforming use shall not avoid an 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 lesser nonconforming use considering the extent, intensity, or operations of the use, provided it does not otherwise devalue 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 total 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 original size as evidenced by records of the county assessor or other official.
5. Any new activity that triggers specific site design standards shall require full compliance with that site design standard 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 shall 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 screening standards applicable to the site.
  4. Where an 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 condition and proposed continued use does not present any other apparent risks to the public health, safety or welfare.
- E. **Nonconforming Lot.** 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 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 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 shall be unlawful for any building, structure, or 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 these regulations;
  2. Omit or materially misrepresent any act or thing required by these regulations;
  3. Neglect any review process, permit or other authorization required by these regulations prior to the use of any buildings, initiation of development; or
  4. Interfere in any manner with persons' performance of a right or duty granted by this chapter to interpret, apply and enforce these regulations.
- B. **Notice.** Whenever the PD Director or 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 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. Give 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 on 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. No person 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 person 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
  - 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 initiate application          |                    |       |     |    | ■ = Required<br>○ = Applicant's option<br>□ = Optional at PD Director's Discretion |      |      |                 |                | R = Review and recommendation<br>D = Decision<br>A = Appeal of Prior Decision<br>Ac = Acceptance of Improvements / Dedications<br>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 form 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.** 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 schedule, timing, procedures, meetings, and review bodies required for each application are similar and 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 approval 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 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.

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 streets and public spaces.
    - d. How the project will contribute to the area and further the intent of the applicable or proposed zone 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.** A pre-development meeting is valid for one year after the meeting date.
- D. **Neighborhood Meeting.** A neighborhood meeting shall be required as indicated in Table 2-1: Summary of Procedures, and any specific uses where it is a condition of a site plan or permit for that use. Neighborhood meetings shall meet the following:
1. **Scheduling.** The applicant shall propose the time and location of the meeting, which shall be approved by the PD Director prior to the date of the meeting. The meeting shall meet the following:
    - a. Occur at least 21 days before the public review meeting. Generally, the timing shall give sufficient time for any potential outcomes to be incorporated into an amended application and properly reviewed by the city, but have sufficient details on the proposed scope, scale and characteristics of the project.
    - b. Be held at a location as near to the project as possible and be in a publicly accessible building. If it is not possible the PD Director may consider alternative locations and accommodations.
    - c. Be scheduled at a time and date where it is most likely to allow attendance by interested parties. Generally, weekday meetings in the late afternoon or early evening are appropriate.
    - d. The PD Director may approve a meeting scheduled different from this where the nature or context of the project warrant.
  2. **Notice.** The neighborhood meeting shall require notice in addition to notice required for the public review meeting by Section 2.01.F.3, and shall include the following additional elements specific to the neighborhood meeting:
    - a. Notice shall be sent at least 10 days prior to the meeting to all record owners of real property within 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;

- 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 the meeting including evidence of the notice, record of attendance, content, discussion summary, and outcomes of the meeting including any specific changes to the application. This information shall be submitted as a supplement to the formal application at least 10 days prior to the public review meeting. Failure to submit the summary shall make the application incomplete, and the PD Director may withdraw the application until completed.
- E. **Staff Review.** Upon receipt of an application or resubmittal, the PD Director, or their designee shall take the following steps:
  1. **Determination of Complete Application.** If an application is determined incomplete, the PD Director or their designee 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 complete application, and consult with Building and Development Services, Public Works, and other appropriate departments the PD Director determine to be impacted by the application.
    - b. The PD Director may require review by the Administrative Review Committee (ARC) established in Section 1.04, Administration.  
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 committee. 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 all 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 resubmission 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 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 are 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 or their designee shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the appropriate policies, plan regulations, and review criteria, and identify relevant facts of the application. The PD Director or their designee shall publish or otherwise make the report available to the applicant and public prior to the review body meeting, association, or 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.
- Published.** Where 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 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 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 at 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 interested persons; 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 procedure shall apply:
1. The hearing shall be conducted, and a record of the proceedings shall be preserved.
  2. 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.  
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 in direct 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 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 conduct 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 the 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 procedures 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. 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.
- L. **Successive Applications.** When the review body takes final action to deny an application, the same or a similar application shall not be refiled for one year from date of denial. The PD Director may permit a refile of the application sooner than one year when it is determined that significant physical, economic, or land use changes have taken place within the immediate vicinity, or where a significant text amendment to this chapter has been adopted that may affect the outcome of the action on the application. There shall be no time limitation on an application that the PD Director determines is substantially different from a previously denied application, when considering the proposed use, scale, or intensity of development, and the potential impacts on adjacent property.

## 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 with 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 division of land into more than one lot or parcel;
  - b. An 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 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.

- 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 encroachments.
    - 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 Subdivision.** A certified survey to confirm the alteration or the division of one or more un-platted parcels or tracts into no more than five additional lots.
    - d. **Administrative Replat.** A certified survey to confirm the alteration or the division of legally established tracts of record prior to March 26, 1956, or previously platted lots.
    - e. **Administrative Condominium Plat.** A certified survey to confirm the legal boundaries of a unit or structure on a plat lot of record that could only be determined post-construction, such as for duplexes, row houses, or for residential or non-residential condominium where the units and lots are individually owned, and the property is on a lot of record in common ownership.
    - f. **Administrative Plat Correction.** A certified survey or other legal instrument acceptable to record that confirms a tract or 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.
    - g. **Administrative Plat 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 code or code at the time of its recording, or prior to March 26, 1956 (the date of adoption of the zoning division regulations).
  2. **Review Criteria.** An administrative plat 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 zone 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 Council.
    - 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 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 or other public dedication 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 the decision in writing within 30 days of the determination of the complete application.
  - e. The applicant may appeal a final decision by the PD Director to the Planning and Zoning Commission after a second 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 Gratiot County Recorder of Deeds.  
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 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, including lot and development standards, frontage design standards, and access standards.
  - e. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
  - f. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing of construction, and construction of amenities is consistent throughout phases.
  - g. 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.
  - h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
  - i. The recommendation of professional staff of 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 application
- a. At the pre-development meeting, and based on the size, scope and impact of any future development, the PD Director shall determine whether a neighborhood meeting should be required according to Section 2.01.D.
  - b. An application may be coordinated with a Rezoning in Section 2.05 or a Planned Zoning in Section 2.06.
  - c. The PD Director shall schedule complete applications for a public hearing before the Planning and Zoning Commission.
  - d. 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 or improvements. 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 design plan or public facility plan, regardless of local, state, or 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 or public facility
  - e. The applicant may appeal a denial of a preliminary plat by the Planning and Zoning Commission to the City Council.



- 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 constitute 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 purposes 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 demonstrate 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 the parameters, the preliminary plat shall expire, and any further activity shall require a new preliminary plat.
- D. **Final Plat.** After approval of preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat and a 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 construction plans for any public infrastructure meet all technical specifications.
    - 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, building, 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 notifying 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 on 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 Planning and Zoning Commission 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. **Final 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. 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 shall 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 applicant may 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 of 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.*

- 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 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.*

- 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 lot 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 on 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 limitation 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                                                               | 3 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 criteria 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 criteria in Section 6.04. |                                                                                             |
| Article 7: Access & Parking                                                              |                                                                                  |                                                                                             |
| Vehicle Access                                                                           | Dependent on application and access guidelines of Public Works Department        | Any non-compliant access for nonresidential uses on major collector or higher class street. |
| Sidewalks                                                                                | 5%                                                                               | 25%                                                                                         |
| Required                                                                                 | 10%                                                                              | 25%                                                                                         |
| Parking Landscape                                                                        | 10%                                                                              | 15%                                                                                         |
| Parking Dimension                                                                        | 5%                                                                               | N/A                                                                                         |
| Loading Requirement                                                                      | 25%                                                                              | 50%                                                                                         |
| Article 8: Landscaping 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       |                                                                                             |
| 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 and 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 or their designee 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 variance.
  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 or their designee 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 12 months and authorize the applicant to proceed with building permits and 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 when existing 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 zone 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 zone 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 zone district and is consistent with the comprehensive plan.
  3. Compatibility with the area and other allowed uses considering characteristics such as hours of operation, visible and audible impacts, traffic patterns and parking demands, scale and intensity of buildings and activity on the site, and other potential impacts on adjacent property.
  4. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use and structures, the permanence of other uses and structures in the area, and any potential changes in character or uses occurring in the area.

5. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, reassess the use against changing conditions in the area, or require periodic reporting or review of the permit.
  6. The recommendations of professional staff or other technical reviews associated with the application.
  7. Whether any additional site- or use-specific conditions are necessary to meet these criteria.
- C. **Review Procedure.** In addition to the general requirements in Table 2 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 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.
- D. **Effect of Decision.**
1. Approval 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 an 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.  
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. 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 shall 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 a 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 zoning, sign, 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 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. Any potential 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 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



- 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 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 binding site plan included.
  3. Based on the extent of proposed development or degree of change in the proposed application a specific and alternative engagement process beyond the neighborhood meeting and public hearings may be agreed to by the PD Director and applicant.
  4. The PD Director or their designee shall schedule complete applications for a public hearing before the Planning and Zoning Commission.
  5. Unless an alternative engagement process is used, the applicant shall hold a neighborhood meeting at least 2 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.
  6. 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.
  7. The City Council may require 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 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.** 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



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 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 that allow for more specific arrangement of building types and development intensities 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 permit adjustments or deviations on a site-specific basis. The development 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 these areas or projects;
  - b. The application affects a small area of potential development, but the context, plan and design 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 the following general components, which may be created in unison or in coordinated stages:

1. *Existing Conditions.* A summary evaluation of the current state of the area potentially including land uses, structures, infrastructure, circulation pathways, public spaces, and natural features, currently anticipated improvements, and relative potential for desirable redevelopment.
2. *Vision & Development Plan.* A vision and development plan presents the design and development goals for the 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 the 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 zone district(s) or propose any associated changes to the base zoning district. 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 lots.
  - 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 process applicable to implementing future development according to the plans and regulations.

Absent any specified deviation addition or subtraction in the regulating plan, the base district standards shall apply.
  
- C. **Review Criteria.** Review, recommendation, 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 must not modify, or waive standards to allow the project to better meet except the intent statements of the applicable or proposed base zoning district(s) and design objectives of any specific standards.
  3. 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, 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; Establish better transitions to adjacent development with additional limitations, conditions, or enhanced site design requirements;
    - b. Better integrate multiple projects that could otherwise only be done in separate zoning districts;
    - c. 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;
    - d. Improve non-conventional accessibility, including pedestrian, bicycle, transit, or mobility impaired people;
    - e. Adaptive reuse, infill development, or development that preserves cultural assets or heritage resources;
    - f. Sustainable development and design strategies including low-impact site design, green buildings, or resource conservation;
    - g. 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 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 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 regulatory adjustments.
  4. In cases where new development is proposed, it 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 that may run concurrently with the planned development process, as specified in Section 2.01.
  5. All development in planned 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 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 following effects:
1. **Vision & Development Plan.** Approval of the vision and development plan and existing plans without any other plans shall only mean that the basic concepts are agreed to in principle as conforming to the intent of the comprehensive plan and any other plans or policies created under the guidance of that plan. In association with approval of the other plans, approved vision and development plans serve as a more specific representation of the intent and policy objectives for the area.
  2. **Public Space Plan.** Approval of a public space plan shall only mean that the basic development patterns and community design and infrastructure concepts are agreed to in principle as conforming to the intent of the comprehensive plan and any other plans or policies created under the guidance of that plan. However, approval of a public space plan may have the same effect as approval of a preliminary plat as specified in Section 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

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 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 difficulty 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 frustrate the purpose of the ordinance, the intent of the zoning district or standards or a higher required professional design standard or specification;
  5. The variance will not adversely affect the rights of adjacent property owners or residents;
  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 Zoning Adjustment shall hold a hearing at its next regularly scheduled meeting 8 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.
- 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 Zoning Adjustment shall hold a hearing at its next regular 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.

- 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 the City.
- 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 is 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 – A Applications, the following requirements shall apply to text amendment application
1. Applications must 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 require 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 re-submission 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 amendment ordinance and indicate the newly applicable provisions and the replaced provisions, or by recodification into the official code that incorporates the approved amendment.



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**Re: GDAC Update: City of Springfield Community Development Code Initiative (CDCI)**

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**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](mailto:ForwardSGF@Springfieldmo.gov) where others can see and respond.

However, you asked several pointed questions and each 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 4<sup>th</sup>, 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](mailto:rwhitman@springfieldmo.gov)  
[www.springfieldmo.gov](http://www.springfieldmo.gov)



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**From:** Geoffrey Butler [REDACTED]  
[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.

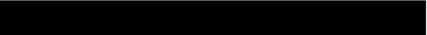
I will start my own review of each section but am uncertain when we will get to discuss issues? The reality is that this will impact the overall development of the community and there needs to be consideration of how this impacts potential sales of properties.

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



On Wed, Nov 13, 2024 at 3:07 PM Lauren Shantz  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 4<sup>th</sup>.

[<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](http://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  
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[www.springfieldmo.gov](http://www.springfieldmo.gov)

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**From:** Geoffrey Butler [REDACTED]  
**Sent:** Sunday, December 1, 2024 5:12 PM  
**To:** Whitman, Randall <[rwhitman@springfieldmo.gov](mailto:rwhitman@springfieldmo.gov)>  
**Cc:** Lauren Shantz [REDACTED]; John Griesemer [REDACTED]; Kaleb Creason [REDACTED]; Forwardsgf <[Forwardsgf@springfieldmo.gov](mailto: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



On Thu, Nov 14, 2024 at 11:20 AM Whitman, Randall <[rwhitman@springfieldmo.gov](mailto: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](mailto:ForwardSGF@Springfieldmo.gov) where others can see and respond.

However, you asked several pointed questions and each 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 4<sup>th</sup>, 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](mailto:rwhitman@springfieldmo.gov)  
[www.springfieldmo.gov](http://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](mailto:rwhitman@springfieldmo.gov)>; Childers, Steve <[steve.childers@springfieldmo.gov](mailto: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



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 4<sup>th</sup>.



Home   The Plan ▾   The Process ▾   Top 10 Initiatives ▾



## **Randall Whitman**

Principal Planner – City of Springfield

Planning and Development Department

840 Boonville Avenue

Springfield, MO 65802

417-864-2027 (office)

[ForwardSGF.com](http://ForwardSGF.com)



## **EXPLANATION TO COUNCIL BILL 2025-048 (MCCLURE, HOSMER)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Police

**TITLE:** A general ordinance amending the Springfield City Code, Chapter 106, Traffic and Vehicles, Article V, Operation, Division 1, Generally, Section 106-190, Passing Other Vehicles Traveling in the Same Direction, for the purpose of prohibiting the practice of lane splitting or lane filtering by motorcycles, bicycles, and micromobility devices.

**PURPOSE:** To amend Springfield City Code to prohibit the practice of lane splitting within the city limits of Springfield.

**BACKGROUND INFORMATION:** Safety concerns for the motoring public involving "lane splitting," the practice of motorcycles, bicycles, and micro-mobility devices riding between lanes of traffic, have led to the proposal of a lane-splitting ordinance. Other large cities have enacted similar ordinances to prevent lane splitting and increase safety for motorists and pedestrians. Motorists do not expect motorcycles, bicycles, and micro-mobility devices to pass between two vehicles in their designated lanes. This creates a hazard to drivers of the lane-splitting cars and the other motorists. This leads to crashes as the motor vehicles change lanes.

**Submitted By:** Eric Reece, Police Major

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:** 1. Lane Splitting Ord

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 4  
Filed: 03-04-25

Sponsored by: McClure, Hosmer

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

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

COUNCIL BILL 2025 - 048

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

### AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 106, Traffic and Vehicles, Article V,  
2 Operation, Division 1, Generally, Section 106-190, Passing Other Vehicles  
3 Traveling in the Same Direction, for the purpose of prohibiting the practice  
4 of lane splitting or lane filtering by motorcycles, bicycles, and micromobility  
5 devices.  
6 \_\_\_\_\_  
7

8 WHEREAS, the practice of motorcycles, bicycles, and micromobility devices  
9 riding between lanes of traffic, commonly known as lane splitting and lane filtering,  
10 poses a hazard to operators of those vehicles and other motor vehicles on the roadway;  
11 and  
12

13 WHEREAS, motorists often do not expect a motorcycle, bicycle, or micromobility  
14 device to pass between two vehicles; and  
15

16 WHEREAS, motorcycles, bicycles, and micromobility devices engaging in lane  
17 splitting or lane filtering are often hidden from the view of other motorists, especially  
18 those yielding to make a left turn; and  
19

20 WHEREAS, lane splitting or lane filtering poses a hazard to operators of  
21 motorcycles, bicycles, and micromobility devices, as it causes the motorcycle, bicycle,  
22 or micromobility device to be in the blind spots of multiple motor vehicles, which can  
23 lead to crashes as motor vehicles change lanes.  
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
26 SPRINGFIELD, MISSOURI, as follows, that:  
27

28 (NOTE: Underlined language is to be added. Language to be removed is  
29 stricken.)  
30

31 Section 1 – The City Council hereby amends the Springfield City Code, Chapter  
32 106, Traffic and Vehicles, Article V, Operation, Division 1, Generally, Section 106-190,

Passing Other Vehicles Traveling in the Same Direction, which section and subsections shall read as follows:

Sec. 106-190. – Passing other vehicles traveling in the same direction,

(a) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions stated in this section:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

(3) The driver of a motorcycle, bicycle, micromobility device, or motorized bicycle shall not overtake a vehicle in the same lane occupied by the vehicle being overtaken, or between the lanes of two vehicles being overtaken. This section 106-190(a)(3) shall not apply to motorcycles, bicycles, micromobility devices, or motorized bicycles operating two (2) abreast in a lane with the consent of both drivers.

(b) The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn.

(2) Upon a city street with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction.

(3) Upon a one-way street.

(c) Except when a roadway has been divided into three traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(d) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard if another vehicle might approach from the opposite direction.

(2) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel, or when approaching within 100 feet of or at any intersection or railroad grade crossing.

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

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

Section 4 – This ordinance shall be in full force and effect from and after passage.

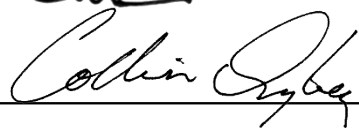
Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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

Approved as to form:  \_\_\_\_\_, Assistant City Attorney

Approved for Council action:  \_\_\_\_\_, Interim City Manager



## **EXPLANATION TO COUNCIL BILL 2025-049 (CARROLL)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Environmental Services

**TITLE:** A special ordinance amending the Fiscal Year 2024-2025 budget for the Department of Environmental Services in the amount of \$352,000 to appropriate retained earnings from the Clean Water Fund for the design of the Southwest Wastewater Treatment Plant Process Enhancements Project.

**PURPOSE:** To approve a budget adjustment to amend the Fiscal Year 2024-2025 Budget for the Department of Environmental Services in the amount of \$352,000 to appropriate retained earnings of the Clean Water Fund for the design of the Southwest Wastewater Treatment Plant ("SWTP") Process Enhancements Project.

**BACKGROUND INFORMATION:** Special Ordinance No. 26047, passed by City Council on May 7, 2012, authorized the City to enter into an Amended Consent Judgement ("ACJ") with the Missouri Department of Natural Resources ("MDNR") to address issues concerning the Clean Water Act ("CWA"). This ACJ was approved by the Greene County Circuit Court on May 15, 2012. A requirement of the ACJ was to submit, for MDNR approval, a long-term, Overflow Control Plan ("OCP") designed to address the City's aging sewer infrastructure. The City's proposed OCP was approved by MDNR on or about May 1, 2015.

The City successfully completed the first 5 years of the 10-year OCP plan. Results of the completed work were gathered and analyzed, and Integrated Planning concepts were utilized to review the remaining OCP obligations. The analysis allowed the City to see the efficacy of the work performed and the need to adjust their investment strategy for optimal results. Special Ordinance No. 27480, passed by City Council on April 5, 2021, authorized the City to enter into a 2nd ACJ with MDNR to extend the compliance schedule and meet its regulatory obligations, using an associated Supplemental Overflow Control Plan ("SOCP"), while providing a predictable sewer rate structure for the next 15 years.

The SWTP began developing a long-range plan in 2022. The plan identified treatment plant needs due to aging infrastructure, community growth, and regulatory drivers. To address certain identified needs, three near-term projects were recommended. The first project recommendation is to replace an aging clarifier mechanism with a more efficient clarifier technology. The current clarifier mechanism was constructed in the early 1990s and needs rehabilitation. This project allows for rehabilitation while also evaluating newer adaptive inlet clarifier technology. The second project increases treatment resiliency by improving overall biological performance, settling characteristics, and the promotion of enhanced biological phosphorus removal. The process improvements also

help prevent biomass loss and subsequent treatment plant disruptions, especially during wet weather scenarios. The third project reduces nutrient loading to the SWTP through pre-treatment of waste cooling water from the John Twitty Energy Center (“JTEC”) using constructed wetlands. Current regulations require the SWTP to limit effluent nitrogen by 2035. The constructed wetlands will help meet this requirement by limiting the nitrogen load to the SWTP. This project scope includes the design of these three near-term projects. This project scope follows the principles of adaptive management and includes treatment plant facility renewal which align with the goals of the SOCP.

Environmental Services is requesting funding approval for the design of the SWTP Process Enhancements project. The requested budget adjustment includes a 10% contingency to allow for unforeseen conditions during design and all unspent contingency funding will be returned to the Clean Water Fund upon project completion. This budget adjustment is necessary for Environmental Services to appropriate funding for the project within this fiscal year.

**REMARKS:** Plans, specifications, and cost estimates will be prepared by the consultant. Once designed, the project will be advertised through the City’s Division of Purchasing. Bids will be advertised, publicly opened, and awarded pending a review by the City’s evaluation committee. The requested budget adjustment of \$352,000 includes the design fee to develop the plans, specifications, and cost estimate.

**RECOMMENDATIONS:** The Department of Environmental Services recommends approval of this Council bill and budget adjustment.

**Submitted By:** Ron Petering, Assistant Director of Environmental Services

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. SWTP Process Enhancements Budget Adjustment \_ Ord
2. SWTP\_Process\_Enhancements\_BA\_ExhA



One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 03-04-25

Sponsored by: Carroll

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

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

COUNCIL BILL 2025-049

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AMENDING the Fiscal Year 2024-2025 budget for the Department of Environmental  
2 Services in the amount of \$352,000 to appropriate retained earnings from  
3 the Clean Water Fund for the design of the Southwest Wastewater  
4 Treatment Plant Process Enhancements Project.  
5 \_\_\_\_\_  
6

7 WHEREAS, the City of Springfield, Missouri, by and through the Department of  
8 Environmental Services (the "Department") entered into a 2nd Amended Consent  
9 Judgment ("ACJ") with the Missouri Department of Natural Resources ("MDNR"),  
10 pursuant to Special Ordinance 27480 passed by City Council on April 5, 2021, to  
11 address issues concerning the Clean Water Act ("CWA"); and  
12

13 WHEREAS, the approved 2<sup>nd</sup> ACJ authorized a Supplemental Overflow Control  
14 Plan ("SOCP"), which extended the City's compliance schedule to meet regulatory  
15 obligations while providing a predictable sewer rate structure for the next fifteen years;  
16 and  
17

18 WHEREAS, pursuant to the SOCP, in 2022 the Southwest Wastewater  
19 Treatment Plant ("SWTP") began developing a Long-Range Plan to identify treatment  
20 plant needs due to aging infrastructure, community growth, and regulatory drivers; and  
21

22 WHEREAS, three near-term projects needed at the SWTP were identified,  
23 hereafter the "Treatment Plant Process Enhancements Project", which include: 1)  
24 replacing an aging clarifier mechanism with a more efficient clarifier technology, 2)  
25 increasing treatment resiliency by improving overall biological performance, settling  
26 characteristics, and the promotion of enhanced biological phosphorus removal, and 3)  
27 constructing wetlands to reduce nutrient loading to the SWTP through pre-treatment of  
28 waste cooling water from the John Twitty Energy Center ("JTEC"); and  
29

30 WHEREAS, the requested budget adjustment of \$352,000 of retained earnings  
31 from the Clean Water Fund includes the design fee to develop the plans, specifications  
32 and cost estimate of the SWTP Centrifuge Replacement Project, plus a 10%

33 contingency to allow for unforeseen conditions during design. All unspent contingency  
34 funding will be returned to the Clean Water Fund upon Project completion.  
35

36 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
37 SPRINGFIELD, MISSOURI, as follows, that:  
38

39 Section 1 – The budget for the Fiscal Year 2024-2025 of the Department of  
40 Environmental Services of the City of Springfield is hereby amended in the accounts  
41 and in the amounts as shown on Budget Adjustment No. 055, a copy of which is  
42 attached hereto and incorporated herein by reference as “Exhibit A.”  
43

44 Section 2 – The City Council hereby finds that the budget adjustment made  
45 above has been recommended by the City Manager.  
46

47 Section 3 – The City Manager, or designee, is directed to cause the appropriate  
48 accounting entries to be made in the books and records of the City.  
49

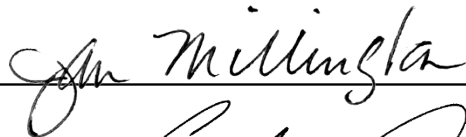
50 Section 4 – This Ordinance shall be in full force and effect from and after  
51 passage.  
52

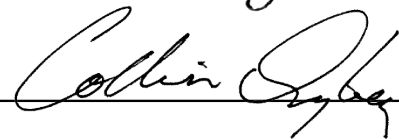
53 Passed at meeting: \_\_\_\_\_  
54

55 \_\_\_\_\_  
56 Mayor  
57

58 Attest: \_\_\_\_\_, City Clerk  
59

60 Filed as Ordinance: \_\_\_\_\_  
61

62  
63 Approved as to form: , Deputy City Attorney  
64

65  
66 Approved for Council action: , Interim City Manager

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment  
055

Revenues:

| Fund                   | Dept | Org | Account | P&G | Location | Amount | Description |
|------------------------|------|-----|---------|-----|----------|--------|-------------|
|                        |      |     |         |     |          |        |             |
| Net Revenue Adjustment |      |     |         |     |          | \$ -   |             |

Expenditures:

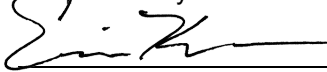
| Fund                       | Dept | Org   | Account | P&G    | Location | Amount    | Description                                                                                        |
|----------------------------|------|-------|---------|--------|----------|-----------|----------------------------------------------------------------------------------------------------|
| 53020                      | 08   | 33520 | 508530  | 000000 | 00000    | \$352,000 | Environmental Services Southwest Wastewater Treatment Plant Design of Process Enhancements Project |
| Net Expenditure Adjustment |      |       |         |        |          | \$352,000 |                                                                                                    |

Fund Balance Appropriation:

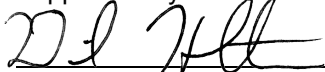
| Fund  | Title                         | Amount    |
|-------|-------------------------------|-----------|
| 53020 | Clean Water Capital Imp. Fund | (352,000) |

Explanation: To amend the FY2024-25 budget of the Department of Environmental Services by appropriating fund balance reserves totaling \$352,000 from the Clean Water Capital Improvement Enterprise Fund for the design of the Southwest Wastewater Treatment Plant Process Enhancements Project.

Requested By:

 03-04-2025  
Department Head Date

Approved By:

 03-04-2025  
Director of Finance Date

Authorization:

Council Bill No. 2025-049  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_

\_\_\_\_\_  
City Manager Date



## **EXPLANATION TO COUNCIL BILL 2025-050 (HOSMER)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Environmental Services

**TITLE:** A special ordinance amending the Fiscal Year 2024-2025 budget for the Department of Environmental Services in the amount of \$990,000 to appropriate retained earnings from the Clean Water Fund for the design of the Southwest Wastewater Treatment Plant Centrifuge Replacement Project.

**PURPOSE:** To approve a budget adjustment to amend the Fiscal Year 2024-2025 Budget for the Department of Environmental Services in the amount of \$990,000 to appropriate retained earnings of the Clean Water Fund for the design of the Southwest Wastewater Treatment Plant ("SWTP") Centrifuge Replacement Project.

**BACKGROUND INFORMATION:** Special Ordinance 26047, passed by City Council on May 7, 2012, authorized the City to enter into an Amended Consent Judgement ("ACJ") with the Missouri Department of Natural Resources ("MDNR") to address issues concerning the Clean Water Act ("CWA"). This ACJ was approved by the Greene County Circuit Court on May 15, 2012. A requirement of the ACJ was to submit, for MDNR approval, a long-term Overflow Control Plan ("OCP") designed to address the City's aging sewer infrastructure. The City's proposed OCP was approved by MDNR on or about May 1, 2015.

The City successfully completed the first 5 years of the 10-year OCP plan. Results of the completed work were gathered and analyzed and Integrated Planning concepts were utilized to review the remaining OCP obligations. The analysis allowed the City to see the efficacy of the work performed and the need to adjust their investment strategy for optimal results. Special Ordinance No. 27480, passed by City Council on April 5, 2021, authorized the City to enter into a 2nd ACJ with MDNR to extend the compliance schedule and meet its regulatory obligations, using an associated Supplemental Overflow Control Plan ("SOCP"), while providing a predictable sewer rate structure for the next 15 years.

The SWTP uses centrifuges to dewater biosolids after anaerobic digestion treatment. Dewatered biosolids are then land applied as a solid material. Dewatering biosolids reduces expenses associated with land application. The current centrifuges were installed in 1994. All three centrifuges need significant repairs due to age. It is recommended to replace these units with higher-efficiency centrifuges due to the condition of the current centrifuges. This project scope will include the replacement of the three centrifuges, replacement of other biosolids handling equipment, and installing minor digester improvements. This project scope includes treatment plant facility rehabilitation, which aligns with the goals of the SOCP.

Environmental Services is requesting funding approval for the design of the SWTP Centrifuge Replacement project. The requested budget adjustment includes a 10% contingency to allow for unforeseen conditions during design and all unspent contingency funding will be returned to the Clean Water Fund upon project completion. This budget adjustment is necessary for Environmental Services to appropriate funding for the project within this fiscal year.

**REMARKS:** Plans, specifications, and cost estimates will be prepared by the consultant. Once designed, the project will be advertised through the City's Division of Purchasing. Bids will be advertised, publicly opened, and awarded pending a review by the City's evaluation committee. The requested budget adjustment of \$990,000 includes the design fee to develop the plans, specifications, and cost estimate.

**RECOMMENDATIONS:** The Department of Environmental Services recommends approval of this Council bill and budget adjustment.

**Submitted By:** Ron Petering, Assistant Director of Environmental Services

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. SWTP Centrifuge Replacement Project Budget Adjustment \_  
Ord
2. SWTP\_Centrifuge\_Replacements\_BA\_ExhA

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 03-10-25

Sponsored by: Hosmer

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

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

COUNCIL BILL 2025-050

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AMENDING the Fiscal Year 2024-2025 budget for the Department of Environmental  
2 Services in the amount of \$990,000 to appropriate retained earnings from  
3 the Clean Water Fund for the design of the Southwest Wastewater  
4 Treatment Plant Centrifuge Replacement Project.  
5 \_\_\_\_\_  
6

7 WHEREAS, the City of Springfield, Missouri, by and through the Department of  
8 Environmental Services (the "Department") entered into a 2nd Amended Consent  
9 Judgment ("ACJ") with the Missouri Department of Natural Resources ("MDNR"),  
10 pursuant to Special Ordinance 27480 passed by City Council on April 5, 2021, to  
11 address issues concerning the Clean Water Act ("CWA"); and  
12

13 WHEREAS, the approved 2<sup>nd</sup> ACJ authorized a Supplemental Overflow Control  
14 Plan ("SOCP"), which extended the City's compliance schedule to meet regulatory  
15 obligations while providing a predictable sewer rate structure for the next fifteen years;  
16 and  
17

18 WHEREAS, pursuant to the SOCP, in 2022 the Southwest Wastewater  
19 Treatment Plant ("SWTP") began developing a Long-Range Plan to identify treatment  
20 plant needs due to aging infrastructure, community growth, and regulatory drivers; and  
21

22 WHEREAS, the SWTP uses centrifuges to dewater biosolids after anaerobic  
23 digestion treatment, and all three existing centrifuges are aging and need replacement,  
24 as well as replacement of other biosolids handling equipment and digester  
25 improvements (hereafter 'SWTP Centrifuge Replacement Project'); and  
26

27 WHEREAS, the requested budget adjustment of \$990,000 of retained earnings  
28 from the Clean Water Fund includes the design of the SWTP Centrifuge Replacement  
29 Project, to develop the plans, specifications and cost estimate of construction, plus a  
30 10% contingency to allow for unforeseen conditions during design. All unspent  
31 contingency funding will be returned to the Clean Water Fund upon Project completion.  
32

33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
34 SPRINGFIELD, MISSOURI, as follows, that:  
35

36 Section 1 – The budget for the Fiscal Year 2024-2025 of the Department of  
37 Environmental Services of the City of Springfield is hereby amended in the accounts  
38 and in the amounts as shown on Budget Adjustment No. 054, a copy of which is  
39 attached hereto and incorporated herein by reference as “Exhibit A.”  
40

41 Section 2 – The City Council hereby finds that the budget adjustment made  
42 above has been recommended by the City Manager.  
43

44 Section 3 – The City Manager, or designee, is directed to cause the appropriate  
45 accounting entries to be made in the books and records of the City.  
46

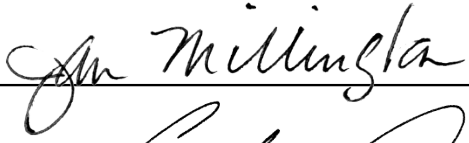
47 Section 4 – This Ordinance shall be in full force and effect from and after  
48 passage.  
49

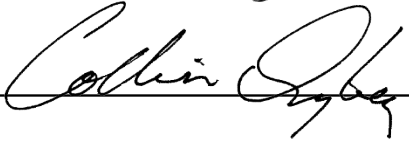
50 Passed at meeting: \_\_\_\_\_  
51

52 \_\_\_\_\_  
53 Mayor  
54

55 Attest: \_\_\_\_\_, City Clerk  
56

57 Filed as Ordinance: \_\_\_\_\_  
58

59  
60 Approved as to form: , Deputy City Attorney  
61

62  
63 Approved for Council action: , Interim City Manager



CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment  
054

Revenues:

| Fund                   | Dept | Org | Account | P&G | Location | Amount | Description |
|------------------------|------|-----|---------|-----|----------|--------|-------------|
|                        |      |     |         |     |          |        |             |
| Net Revenue Adjustment |      |     |         |     |          | \$ -   |             |

Expenditures:

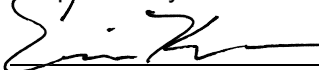
| Fund                       | Dept | Org   | Account | P&G    | Location | Amount    | Description                                                                                          |
|----------------------------|------|-------|---------|--------|----------|-----------|------------------------------------------------------------------------------------------------------|
| 53020                      | 08   | 33520 | 508530  | 000000 | 00000    | \$990,000 | Environmental Services Southwest Wastewater Treatment Plant Design of Centrifuge Replacement Project |
| Net Expenditure Adjustment |      |       |         |        |          | \$990,000 |                                                                                                      |

Fund Balance Appropriation:

| Fund  | Title                         | Amount    |
|-------|-------------------------------|-----------|
| 53020 | Clean Water Capital Imp. Fund | (990,000) |

Explanation: To amend the FY2024-25 budget of the Department of Environmental Services by appropriating fund balance reserves totaling \$990,000 from the Clean Water Capital Improvement Enterprise Fund for the design of the Southwest Wastewater Treatment Plant Centrifuge Replacement Project.

Requested By:

  
Department Head      03-04-2025  
Date

Approved By:

  
Director of Finance      03-04-2025  
Date

\_\_\_\_\_  
City Manager      Date

Authorization:

Council Bill No. 2025-050  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_



## EXPLANATION TO COUNCIL BILL 2025-051 (HARDINGER)

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Environmental Services

**TITLE:** A special ordinance amending the Fiscal Year 2024-2025 budget for the Department of Environmental Services in the amount of \$707,000 to appropriate retained earnings from the Clean Water Fund for the design of the Northwest Wastewater Treatment Plant Foam Fractionation Project.

**PURPOSE:** To approve a budget adjustment to amend the Fiscal Year 2024-2025 Budget for the Department of Environmental Services in the amount of \$707,000 to appropriate retained earnings of the Clean Water Fund for the design of the Northwest Wastewater Treatment Plant ("NWTP") Foam Fractionation project.

**BACKGROUND INFORMATION:** Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a family of man-made chemicals that are designed to be resistant to heat, water, and oil. Because these chemicals are designed to be extremely durable, they are slow to break down and persist in the environment and can accumulate in the human body. Some research indicates that significant or persistent exposure to certain PFAS chemicals may cause or contribute to adverse health outcomes. The City's wastewater treatment facilities and landfill receive PFAS chemicals when processing the community's waste streams.

Following guidance the Environmental Protection Agency (EPA) and the Water Environment Federation (WEF), the City has initiated steps to identify PFAS sources and understand risks to the wastewater treatment process. The City has started investigating PFAS sources through a sampling campaign and surveys to industrial partners. This investigation campaign has identified leachate from Noble Hill Landfill to be a source of PFAS at the NWTP. The City intends to control the amount of PFAS entering the NWTP by constructing a pre-treatment process called Foam Fractionation which removes PFAS from this leachate stream.

Environmental Services is requesting funding approval for the design of a PFAS pre-treatment process for the Noble Hill Landfill leachate. The requested budget adjustment includes a 20% contingency to allow for unforeseen conditions during design of this unique project and all unspent contingency funding will be returned to the Clean Water Fund upon project completion. This project has been included in the City's capital improvements program, Project Number 24-0056, since 2024. The City anticipates receiving a Clean Water State Revolving Fund Emerging Contaminants Grant in the amount of \$2,345,000.00 to offset construction and design costs for the Foam Fractionation process improvement. We anticipate that these funds may be accepted after project design and bidding at which time we will be reimbursed for some or all of



these design costs. This budget adjustment is necessary for Environmental Services to appropriate funding for the project within this fiscal year.

**REMARKS:** Plans, specifications, and cost estimates will be prepared by the consultant. Once designed, the project will be advertised through the City's Division of Purchasing. Bids will be advertised, publicly opened, and awarded pending a review by the City's evaluation committee. The requested budget adjustment of \$707,000 includes the design fee and contingency to develop the plans, specifications, and cost estimate.

**RECOMMENDATIONS:** The Department of Environmental Services recommends approval of this Council bill and budget adjustment.

**Submitted By:** Ron Petering, Assistant Director of Environmental Services

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. NWTP PFAS Removal Project Budget Adjustment \_ Ord
2. NWTP\_Foam\_Fractionation\_BA\_ExhA

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 03-04-25

Sponsored by: Hardinger

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

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

COUNCIL BILL 2025-051

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AMENDING the Fiscal Year 2024-2025 budget for the Department of Environmental  
2 Services in the amount of \$707,000 to appropriate retained earnings from  
3 the Clean Water Fund for the design of the Northwest Wastewater  
4 Treatment Plant Foam Fractionation Project.  
5 \_\_\_\_\_  
6

7 WHEREAS, the City's wastewater treatment facilities and landfill receive  
8 Perfluoroalkyl and polyfluoroalkyl substances ("PFAS") chemicals when processing the  
9 community's waste streams, which chemicals may pass through the current treatment  
10 processes into the environment; and  
11

12 WHEREAS, PFAS are a family of man-made chemicals resistant to heat, water,  
13 and oil which are slow to break down, persist in the environment, and may cause or  
14 contribute to adverse health outcomes with persistent exposure; and  
15

16 WHEREAS, pursuant to guidance from the Environmental Protection Agency  
17 ("EPA") and the Water Environment Federation ("WEF"), the City has initiated steps to  
18 identify PFAS sources and understand risks to the wastewater treatment process  
19 through a sampling campaign and surveys to industrial partners; and  
20

21 WHEREAS, the City intends to control the amount of PFAS entering the  
22 Northwest Wastewater Treatment Plant ("NWTP") by constructing a pre-treatment  
23 process called foam fractionation which removes PFAS from waste streams entering  
24 the NWTP, hereafter 'NWTP Foam Fractionation Project'; and  
25

26 WHEREAS, the requested budget adjustment of \$707,000 of retained earnings  
27 from the Clean Water Fund includes the design fee to develop the plans, specifications  
28 and cost estimate of construction for this unique project, plus a 20% contingency. Any  
29 unspent contingency funding will be returned to the Clean Water Fund upon completion  
30 of the design of the NWTP Foam Fractionation Project.  
31

32 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
33 SPRINGFIELD, MISSOURI, as follows, that:

34        Section 1 – The budget for the Fiscal Year 2024-2025 of the Department of  
35 Environmental Services of the City of Springfield is hereby amended in the accounts  
36 and in the amounts as shown on Budget Adjustment No. 053, a copy of which is  
37 attached hereto and incorporated herein by reference as “Exhibit A.”  
38

39        Section 2 – The City Council hereby finds that the budget adjustment made  
40 above has been recommended by the City Manager.  
41

42        Section 3 – The City Manager, or designee, is directed to cause the appropriate  
43 accounting entries to be made in the books and records of the City.  
44

45        Section 4 – This Ordinance shall be in full force and effect from and after  
46 passage.  
47

48 Passed at meeting: \_\_\_\_\_  
49

50 \_\_\_\_\_  
51 Mayor  
52

53 Attest: \_\_\_\_\_, City Clerk  
54

55 Filed as Ordinance: \_\_\_\_\_  
56

57 Approved as to form: Jan Millington, Deputy City Attorney  
58  
59

60 Approved for Council action: Collin Sykes, Interim City Manager  
61

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment  
053

Revenues:

| Fund                   | Dept | Org | Account | P&G | Location | Amount | Description |
|------------------------|------|-----|---------|-----|----------|--------|-------------|
|                        |      |     |         |     |          |        |             |
| Net Revenue Adjustment |      |     |         |     |          | \$ -   |             |

Expenditures:

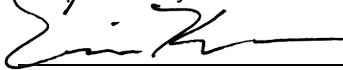
| Fund                       | Dept | Org   | Account | P&G    | Location | Amount    | Description                                                                                |
|----------------------------|------|-------|---------|--------|----------|-----------|--------------------------------------------------------------------------------------------|
| 53020                      | 08   | 33520 | 508530  | 000000 | 00000    | \$707,000 | Environmental Services Northwest Wastewater Treatment Plant Design of PFAS Removal Project |
| Net Expenditure Adjustment |      |       |         |        |          | \$707,000 |                                                                                            |

Fund Balance Appropriation:

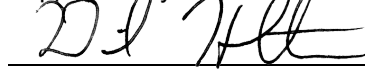
| Fund  | Title                         | Amount    |
|-------|-------------------------------|-----------|
| 53020 | Clean Water Capital Imp. Fund | (707,000) |

Explanation: To amend the FY2024-25 budget of the Department of Environmental Services by appropriating fund balance reserves totaling \$707,000 from the Clean Water Capital Improvement Enterprise Fund for the design of the Northwest Wastewater Treatment Plant PFAS Removal Project.

Requested By:

  
Department Head 03-04-2025  
Date

Approved By:

  
Director of Finance 03-04-2025  
Date

Authorization:

Council Bill No. 2025-051  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_

\_\_\_\_\_  
City Manager Date



## EXPLANATION TO COUNCIL BILL 2025-052 (HARDINGER)

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Human Resources

**TITLE:** A general ordinance amending the Springfield City Code, Section 2-92, known as the “Salary Ordinance,” relating to salary grades for various job titles within the City service as contained in the Classifications of the Professional, Administrative and Technical Non-Union Schedule by adding two new job titles; and the Classifications of the Crafts, Trades, and Labor Union Schedule by adding one new job title; and amending the Fiscal Year 2024-2025 budget of Parks to reallocate one Full-Time Equivalent position; and the budget of the Airport to add two new Full-Time Equivalent positions and to appropriate \$39,377.86 in funds for such Airport positions.

**PURPOSE:** To amend the Springfield City Code, Section 2.92, known as the Salary Ordinance, relating to salary grades for various job titles within the City service as contained in the Classifications of the Professional, Administrative, and Technical (“PAT”) Non-Union Schedule by adding two (2) new job titles; and adding one new job title in the Classifications of the Crafts, Trades, and Labor (“CTL”) Union Schedule; and to amend the Fiscal Year 2024-2025 budget to add and delete one Full-Time Equivalent position from the Parks budget and to add two (2) new Full Time Equivalent (“FTE”) positions to the Springfield-Branson National Airport budget and to appropriate \$39,377.86 in funds for such Airport positions.

**BACKGROUND INFORMATION:** This Council Bill contains recommendations related to job title additions due to department organizational changes and a budget adjustment for the addition of two (2) new FTE positions for the Springfield-Branson National Airport. Job title additions include Airport Technology Manager, PAT-11 and Inventory & Asset Accounting Technician, PAT-7. The addition of two (2) new FTE positions for the Springfield-Branson National Airport is also recommended in association with the new job titles and based on operational and service needs for existing and long-term services. The two (2) new FTE positions include one (1) Airport Technology Manager and one (1) Inventory & Asset Accounting Technician. The recommended budget adjustment allocates reserves from the Airport’s Fund for these new FTE positions.

This Council Bill also contains a new job title for the Springfield-Greene County Parks Department. The job title addition is Field Conservationist, CTL-7 Union and was already budgeted in the Fiscal Year 2025 budget for the Parks Department. The budget amendment merely removes the FTE that was assigned to the placeholder title in the 2025 budget and reassigns it to the new Field Conservationist title.

Human Resources worked with the Airport and Parks Department to complete job studies for each of the recommended job titles and salary grade assignments and





supports the recommendations contained herein.

**REMARKS:** The recommendations and explanations contained herein are consistent with Council's policies. The changes reflected are in the Airport Budget Adjustment for Fiscal Year 2025, attached to the Council Bill as "Exhibit A." Costs for the remainder of Fiscal Year 2025 for the two (2) new FTEs is approximately \$39,377.86; full-year, on-going costs for Fiscal Year 2026 for the two (2) new Airport FTEs is projected at \$169,593.29.

The new job title for the Parks Department is already associated with an FTE and funding that was approved by City Council in the current Fiscal Year 2025 Budget for the Parks Department.

It is respectfully requested that Council give consideration and approval to these changes.

**Submitted By:** Maryann Jennings, Executive Assistant

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. Sal Ord March 2025 Job Title Additions (1)
2. Ex A Sal Ord 057 BA\_2 New Airport FTE

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 03-04-25

Sponsored by: Hardinger

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

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

COUNCIL BILL 2025-052

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

AN ORDINANCE

AMENDING the Springfield City Code, Section 2-92, known as the “Salary Ordinance,” relating to salary grades for various job titles within the City service as contained in the Classifications of the Professional, Administrative and Technical Non-Union Schedule by adding two new job titles; and the Classifications of the Crafts, Trades, and Labor Union Schedule by adding one new job title; and amending the Fiscal Year 2024-2025 budget of Parks to reallocate one Full-Time Equivalent position; and the budget of the Airport to add two new Full-Time Equivalent positions and to appropriate \$39,377.86 in funds for such Airport positions.

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

NOTE: **Bold** language is being added and ~~stricken~~ language is being deleted.

Section 1 – Springfield City Code, Section 2-92, known as the “Salary Ordinance,” relating to various salary grades for various job titles within the City service as contained in the Classifications of the Professional, Administrative and Technical Non-Union Schedule is hereby amended by adding the following job titles:

Proposed Job Title and Salary Grade  
(Title to be Added)

Classification:

Salary Grade:

**Airport Technology Manager**  
**Inventory & Asset Accounting Technician**

**PAT-11**  
**PAT-7**

Section 2 – Springfield City Code, Section 2-92, known as the Salary Ordinance, relating to various salary grades for various job titles within the City service as contained

in the Classifications of the Crafts, Trades, and Labor Union Schedule is hereby amended by adding the following job title:

Proposed Job Title and Salary Grade  
(Title to be Added)

Classification:

Salary Grade:

**Field Conservationist**

**CTL U-7**

Section 3 – The Fiscal Year 2024-25 budget of the City is hereby amended by changing the number of authorized job positions for the following departments by adding the listed full-time equivalent positions and reallocating a previously assigned full-time equivalent position:

| <u>FTE</u>       | <u>Job Title</u>                                   | <u>Department</u> |
|------------------|----------------------------------------------------|-------------------|
| 1.0              | <b>Airport Technology Manager</b>                  | Airport           |
| 1.0              | <b>Inventory &amp; Asset Accounting Technician</b> | Airport           |
| 1.0              | <b>Field Conservationist</b>                       | Parks             |
| <del>1.0</del> 0 | Conservation Team Leader                           | Parks             |

Section 4 – The City’s Fiscal Year 2024-2025 budget regarding the Airport is hereby amended in the accounts and in the amounts as shown on Budget Adjustment 057, which is attached hereto and incorporated herein as “Exhibit A.”

Section 5 – City Council finds that the budget adjustment has been recommended by the City Manager and the City Manager is directed to cause the appropriate accounting entries to be made in the books and records of the City.

Section 6 – This Ordinance shall be in full force and effect from and after passage.

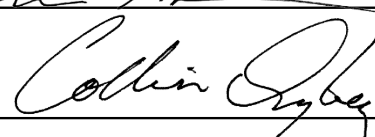
Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

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

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

Approved as to form: , Assistant City Attorney

Approved for Council action: , Interim City Manager

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment  
057

Revenues:

| Fund                   | Dept | Org | Account | P&G | Location | Amount | Description |
|------------------------|------|-----|---------|-----|----------|--------|-------------|
|                        |      |     |         |     |          |        |             |
| Net Revenue Adjustment |      |     |         |     |          | -      |             |

Expenditures:

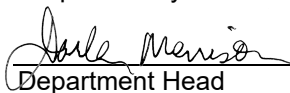
| Fund                       | Dept | Org   | Account | P&G    | Location | Amount    | Description                                                |
|----------------------------|------|-------|---------|--------|----------|-----------|------------------------------------------------------------|
| 51010                      | 01   | 46020 | 500110  | 000000 | 00000    | 17,689.34 | Base Salary - Airport Technology Manager                   |
| 51010                      | 01   | 46020 | 500210  | 000000 | 00000    | 3,024.88  | LAGERS - Airport Technology Manager                        |
| 51010                      | 01   | 46020 | 500250  | 000000 | 00000    | 1,353.23  | FICA - Airport Technology Manager                          |
| 51010                      | 01   | 46020 | 500260  | 000000 | 00000    | 1,566.25  | Health Insurance - Airport Technology Manager              |
| 51010                      | 01   | 46020 | 500280  | 000000 | 00000    | 366.17    | Workmens Comp - Airport Technology Manager                 |
| 51010                      | 01   | 46010 | 500110  | 000000 | 00000    | 11,023.82 | Base Salary - Inventory & Asset Accounting Technician      |
| 51010                      | 01   | 46010 | 500210  | 000000 | 00000    | 1,885.07  | LAGERS - Inventory & Asset Accounting Technician           |
| 51010                      | 01   | 46010 | 500250  | 000000 | 00000    | 843.32    | FICA - Inventory & Asset Accounting Technician             |
| 51010                      | 01   | 46010 | 500260  | 000000 | 00000    | 1,566.25  | Health Insurance - Inventory & Asset Accounting Technician |
| 51010                      | 01   | 46010 | 500280  | 000000 | 00000    | 59.53     | Workmens Comp - Inventory & Asset Accounting Technician    |
| Net Expenditure Adjustment |      |       |         |        |          | 39,377.86 |                                                            |

Fund Balance Appropriation:

| Fund  | Title      | Amount      |
|-------|------------|-------------|
| 51010 | 01 Airport | (39,377.86) |

Explanation: Amend the budget of the Airport Board in the amount of \$39,377.86 to add 2 additional full time positions to be available throughout fiscal year 2024-2025 to meet increased operational needs.

Requested By:

 3-04-2025  
Department Head Date

Approved By:

 3-04-2025  
Director of Finance Date

Authorization:

Council Bill No. 2025-052  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_

\_\_\_\_\_  
City Manager Date



## **EXPLANATION TO COUNCIL BILL 2025-053 (HARDINGER)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** City Utilities

**TITLE:** A special ordinance authorizing the General Manager of City Utilities of Springfield, Missouri ("City Utilities") or designee, on behalf of City Utilities, to enter into a change order agreement with Forvis Mazars LLP, in the amount of \$100,000, to provide professional auditing services to City Utilities for fiscal year 2025.

**PURPOSE:** To authorize the President-CEO of City Utilities of Springfield, Missouri ("City Utilities"), or designee, on behalf of City Utilities to enter into a contract extension with Forvis Mazars LLP to provide professional auditing services to City Utilities for fiscal year 2025.

**BACKGROUND INFORMATION:** Section 16.11 of the Springfield City Charter requires that City Council make or cause to be made a complete audit of the preceding year's operations of City Utilities at least annually. Appointment of an auditor was made through a Request for Proposal ("RFP") process.

**REMARKS:** In 2020 a five-member Audit Selection Committee composed of City Utilities and City staff issued an RFP to the top twenty national accounting firms, and four responses to the RFP were received. The Board of Public Utilities reviewed the Audit Selection Committee's evaluation and ranking according to the selection criteria outlined in the RFP and approved the selection of BKD, LLP to provide professional auditing services to City Utilities for fiscal years 2020-2024, which City Council subsequently approved and a contract was entered into.

City Utilities is currently involved in an effort to refund revenue bonds during calendar year 2025. Although the initial auditing work will likely be completed before the end of the current contract, continuity immediately following would avoid the need for staff potentially being required to prepare interim financials for review, a significant undertaking. In addition, a new auditor would be less familiar with the processes and financials of City Utilities potentially delaying the bond refunding.

We are recommending that City Council approve the selection of, and authorize entering into, a one-year extension of the existing contract with Forvis Mazars LLP for fiscal year 2025. A copy of the proposed contract is attached as "Exhibit 1." Appropriations will be provided in City Utilities' 2025 Annual Operating Budget.

**Submitted By:**

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. External Audit Contract Extension \_Ord
2. Exhibit 1 to Ordinance - External Audit Contract Extension

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 4  
Filed: 03-04-25

Sponsored by: Hardinger

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

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

COUNCIL BILL 2025-053

SPECIAL ORDINANCE \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the General Manager of City Utilities of Springfield, Missouri ("City  
2 Utilities") or designee, on behalf of City Utilities, to enter into a  
3 change order agreement with Forvis Mazars LLP, in the amount of  
4 \$100,000, to provide professional auditing services to City Utilities  
5 for fiscal year 2025.  
6 \_\_\_\_\_  
7

8 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
9 SPRINGFIELD, MISSOURI, as follows, that:

10  
11 Section 1 – The General Manager of City Utilities, or designee, on behalf of City  
12 Utilities, is hereby authorized to enter into a change order agreement with Forvis  
13 Mazars LLP, in the amount of \$100,000, to provide professional auditing services to City  
14 Utilities for fiscal year 2025, said agreement to be substantially in form and content as  
15 that document attached hereto and incorporated herein by reference as "Exhibit 1."  
16

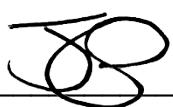
17 Section 2 – This Ordinance shall be in full force and effect from and after  
18 passage.  
19

20 Passed at meeting: \_\_\_\_\_  
21

22 \_\_\_\_\_  
23 Mayor  
24

25 Attest: \_\_\_\_\_, City Clerk  
26

27 Filed as Ordinance: \_\_\_\_\_  
28

29  
30 Approved as to form:  \_\_\_\_\_, City Attorney  
31

32  
33 Approved for council action:  \_\_\_\_\_, Interim City Manager

# Exhibit 1

## *City Utilities of Springfield, Missouri*

Contract Change No.: 2351

Contract Name: Independent Auditing Services

Contract: Forvis Mazars LLP f/k/a BKD, LLP

Description of Changes: Extend audit services for the period beginning July 1, 2025 through June 30, 2026

Reason for Changes: Extension of contract for professional auditing services for City Utilities of Springfield, Missouri.

1. Reimbursement shall be for actual hours worked with a not-to-exceed amount of [to be negotiated].

### **Contractor's Acceptance:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

City Utilities of Springfield, Missouri

By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved as to Form and Content:

By: \_\_\_\_\_ Date: \_\_\_\_\_





## EXPLANATION TO COUNCIL BILL 2025-054 (CARROLL)

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** City Utilities

**TITLE:** A general ordinance adopting revisions to the City Utilities Service Rules and Regulations which provide for the terms and conditions by which customers accept service from City Utilities.

**PURPOSE:** To revise the Service Rules and Regulations that pertain to the terms and conditions by which customers of City Utilities accept service.

**BACKGROUND INFORMATION:** The staff of City Utilities recently undertook a multiple-year effort to review and revise (if necessary) all existing policies. As a result of that review, Staff recommended a number of changes to the Service Rules which were subsequently approved by the Board of Public Utilities. A change to the Service Rules requires approval from both the Board and City Council.

The general changes include:

- Updates to formatting
- General clarifications and updates
- Removal of provisions that are in essence construction standards. Those will be combined with other such provisions into City Utilities publicly available Service Standards.

Some specific noteworthy provisions include:

- Codifying that City Utilities customers are requesting their records remain confidential to the extent allowed by law. This recommendation results from a change in the sunshine law several years ago.
- Provision creating a presumption for customer acceptance of non-marketing notifications to phones unless they opt out.
- Enacting more stringent backflow prevention for certain water lines pursuant to MDNR recommendations.

The Board approved Service Rules are now being submitted to City Council for approval.



**Submitted By:**

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. Revised Service Rules and Regulations\_ord
2. Item 4d - Resolution - Revised Service Rules and Regulations

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 37  
Filed: 03-04-25

Sponsored by: Carroll

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

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

COUNCIL BILL 2025-054

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

### AN ORDINANCE

ADOPTING revisions to the City Utilities Service Rules and Regulations which provide for the terms and conditions by which customers accept service from City Utilities.

WHEREAS, pursuant to Article XVI of the Charter of the City of Springfield, Missouri, the Board of Public Utilities of the City of Springfield, Missouri (the "Board"), which operates under the name City Utilities of Springfield, Missouri ("City Utilities"), is vested with the power and authority, and is charged with the duty and obligation, of managing, controlling and operating the public utilities owned by the City of Springfield, Missouri ("City"); and

WHEREAS, in the exercise of the powers and duties vested in and conferred upon it, the Board, on December 1, 1978, adopted certain terms and conditions pertaining to acceptance of City Utilities services and most recently revised the same on September 23, 2019, both of which were ratified by the City Council; and

WHEREAS, the Board did, on the 20th of February, 2025, by resolution adopt certain amendments to the terms and conditions pertaining to acceptance of City Utilities services referred to therein as "Service Rules and Regulations."

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

Section 1 – The current Service Rules and Regulations are hereby deleted and the revised Service Rules and Regulations, a copy of which is attached hereto and incorporated by reference as "Exhibit A," are hereby adopted.

Section 2 – This Ordinance shall be in full force and effect from and after passage.

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

\_\_\_\_\_  
Mayor

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

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

Approved as to form:  \_\_\_\_\_, City Attorney

Approved for Council action:  \_\_\_\_\_, Interim City Manager

|           |
|-----------|
| Exhibit A |
|-----------|

### RESOLUTION

WHEREAS, the Board of Public Utilities of the City of Springfield, Missouri (the "Board"), has the power and duty to take charge of and exercise control over all public utilities owned, operated or acquired by the City of Springfield, Missouri (the "City"), including the power to do all things needful for the successful operation of City Utilities of Springfield, Missouri ("City Utilities");

WHEREAS, the Strategic Plan adopted by the Board on May 27, 2021, states that City Utilities will maintain affordability by continually seeking opportunities to gain efficiencies and improve utilization of its resources;

WHEREAS, the Service Rules and Regulations found in City Utilities policy 5.47 (the "Service Rules"), approved by both the Board and the City Council of the City, contain important provisions, delegations of authority, and requirements to utilize service, which periodically need to be reviewed and updated;

WHEREAS, City Utilities' management has recommended adoption of certain revisions to City Utilities Service Rules in the form attached hereto as Exhibit A (the "Revised Service Rules"); and

WHEREAS, the Board has determined that adoption of the Revised Service Rules is in the public interest and in furtherance of the public purposes of City Utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, that adoption of the Revised Service Rules is hereby approved in the form attached hereto as Exhibit A;

BE IT FURTHER RESOLVED, that the Revised Service Rules should be submitted to City Council for its approval, and upon such approval the Revised Service Rules shall become effective on the day following approval by City Council; and

BE IT FURTHER RESOLVED, that City Utilities' President-CEO is hereby authorized and directed to file a copy of this Resolution with the City Clerk and to take such additional actions as are required or appropriate to obtain approval and enactment of the Revised Service Rules by City Council or to otherwise carry out the intent and purpose of this Resolution.

### CERTIFICATE

The undersigned duly qualified and acting Secretary of the Board of Public Utilities of the City of Springfield, Missouri, does hereby certify that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Board held on the date set forth below, and further that such resolution has been fully recorded in the Board's minutes and records.

Dated this 20<sup>th</sup> day of February, 2025.

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Alina Lehnert, Secretary



APPROVED BY: CITY COUNCIL

DATE ISSUED: 12/01/1978

DATE LAST REVIEWED: 09/23/2019

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TARGET REVIEW DATE: 12/01/2029

CONTACT: RATES AND FUELS

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### PURPOSE

A. The purpose of these Service Rules is to provide for the terms and conditions by which a customer of City Utilities accepts service.

### DEFINITIONS

B. For this policy, the following words shall have the definition which follow the word. All other words shall be given their ordinary meaning.

1. **Account Entry Fee** means a fee applicable to an applicant for permanent Service, said fee being in such amount as determined by the **Board**.

2. **Board** means the Board of Public Utilities of the City of Springfield, Missouri.

3. **City** means the City of Springfield, Missouri.

4. **City Council** means the City Council of the City of Springfield, Missouri.

5. **Credit Reconnect Fee** means that fee which is applicable to a **Customer** requesting reconnection of a **Service** which has been disconnected due to nonpayment of bills, said fee being in such amount(s) as determined by the **Board**.

6. **City Utilities** means the **City**; the **Board**; **City Utilities** of Springfield, Missouri; or a combination of one or more thereof, together with their respective council members, directors, officers, agents and employees.

7. **Cross Connection** means any actual or potential connection or plumbing arrangement between a potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which, or because of which, backflow can or may occur from the consumer's piping system into the potable water system are considered to be cross-connections.



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8. **Customer** or **Customer of Record** shall cover, include and refer to any person, persons, firm, agency or corporation who may be a Customer of or an applicant for **Service** from **City Utilities**; additionally, in the case of residential units, all tenants named in rental or lease agreements who maintain the served property as a residence shall be considered Customers. Multiple Customers at one location are jointly and severally responsible for **Services** rendered.

9. **Customer Service Pipe(s)** is that portion of the **Water Service Pipe** between the point of delivery and structures on the **Customer's Premise** to be supplied.

10. **Double Check Valve Assembly** is composed of two single, independently-acting, approved check valves, including tightly closing shut-off valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve.

11. **Dwelling Units** means a single room or group of rooms, occupied or intended for occupancy as separate living quarters, for which there is: (1) direct access from the outside or through a common hall, and (2) cooking, sleeping and sanitary facilities provided within for the exclusive use of the occupants.

12. **Economic Development** means the ongoing efforts of **City Utilities** to responsibly attract additional industry and commerce to its **Service Territory**, for the purpose of promoting utility operation at the highest practicable standards of efficiency while contributing to the overall improvement of area living standards.

13. **Electronic Signature** means an electronic sound, symbol or process attached to a contract or other record which is executed or adopted by a person with the intent to sign the record.

14. **Extension Reimbursement Fee** means that fee which is applicable to an applicant for a new **Service Connection** as a contribution toward the cost of the distribution facilities serving that **Customer**, said charge being in such amount(s) and subject to such terms and conditions as determined by the **Board**.

15. **Extra Charge(s)** means any amount in excess of the charges calculated based on the **Redistribution** of charges from **City Utilities** for rendering a **Service** to a **Multiple Tenancy Premise**.

16. **Fire Service(s)** is a pipe with appurtenances used to conduct water from a **Water Main** to the fire **Service** valve, or property line if no valve exists, for connection to a **Customer's** private fire protection system.

17. **Initial Service Connection Charge** means that charge which is applicable for a new **Service Connection**, or an application for an enlargement of an existing **Service Connection**, said charge being in such amount(s) as determined by the **Board**.





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18. **Master Meter(ing)(ed)** means a **City Utilities Meter** used to measure, for billing purposes, the total amount of electricity, natural gas, or water usage at a **Multiple Tenancy Premise**, including the combined use from all individually leased or owned units and all common areas.

19. **Meter(s)** means a device or devices to measure and record the quantity of electricity, natural gas or water supplied to a **Customer**.

20. **Meter Installation(s)** means the facility and related equipment located and arranged to accommodate a given **Meter** size in accordance with standards approved by the **President-CEO**.

21. **Multiple Tenancy Premise** means **Dwelling Units** or establishments consisting of buildings or groups of buildings with more than one tenant under one ownership, such as apartments, condominiums, mobile home parks, shopping centers, business villages, or institutions.

22. **Natural Gas Service Pipe(s)** is a pipe with appurtenances used to conduct natural gas from the natural gas main to the **Meter**.

23. **Notice to City Utilities** when in writing means written notice addressed to: **President-CEO, City Utilities**, P.O. Box 551, 301 E. Central Street, Springfield, Missouri, 65801, and deposited in the United States Mail, postage paid.

24. **Permanent Service** means a **Service** provided by facilities other than **Temporary Service Facilities**. Permanent **Service** may be either seasonal, standby or continuous in nature.

25. **President-CEO** means the President-CEO of City Utilities appointed by the **Board**.

26. **Premise** means a building or a group of buildings on a parcel of land under a single ownership.

27. **Redistribution** means a calculation which reallocates **City Utilities'** charges for rendering a **Service** to a **Multiple Tenancy Premise** to its tenants. The calculation methodology must be approved by written agreement between the owner (i.e., **Customer**) and **City Utilities** in accordance with these **Service Rules** and agreed to by each such tenant in writing.

28. **Seasonal** means a **Service** used by a **Customer** for a particular time period each year which is to be subsequently disconnected and where the facilities are not to be removed.

29. **Service** means the supplying by **City Utilities** of electricity, natural gas, water, public communications, transit or a combination thereof.

30. **Service Connection(s)** means that portion of the distribution system installed for the particular use of any **Customer**, to-wit, from the existing distribution system extending to the point of delivery



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31. **Special Services** means miscellaneous **Services** provided beyond those required by standard practices of **City Utilities**.

32. **Standby** means a **Permanent Service** used by a **Customer** for emergencies or breakdown situations.

33. **Submeter(ing)(ed)** means a **Meter** owned, installed, read and maintained by a party other than **City Utilities** for the purpose of their own measuring of electricity, natural gas, or water usage in subsections of a **Multiple Tenancy Premise**.

34. **Temporary Service** means a Service provided by Temporary Service Facilities.

35. **Temporary Service Charge** means a charge applicable to an applicant for **Temporary Service**, said charge being in such amount(s) as determined by the **Board**.

36. **Temporary Service Facilities** means facilities to provide a **Service** for a limited period of time and where the facilities are to be removed at the termination of such **Service**.

37. **Water Lateral(s)** is that portion of a **Water Service Pipe** running from the **Water Main** across the street to supply water to two adjacent **Meter** locations.

38. **Water Main** is a pipe with appurtenances, located in public rights-of-way or utility easements, used to conduct water to one or more **Water Laterals** and/or **Service Connections**.

39. **Water Service Pipe(s)** is a pipe with appurtenances used to conduct water from the Water Main to the water Meter and from the water Meter to the Customer's point of delivery a



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## II. POLICY

### PART 1 – GENERAL

A. General. All applicants, customers, or users of City Utilities services shall be subject to the provisions found in this policy and all applicable ordinances or provisions adopted by the City Council, all of which may be now or hereafter in force.

1. The **Board** may enact such rules and regulations for the provisions of the services provided by **City Utilities** that are reasonable and necessary and are not inconsistent with this policy.

2. Nothing in these Service Rules shall be construed to impose or place upon **City Utilities** any obligation, responsibility or duty to inspect, maintain or repair any wiring, piping, apparatus, appliance or equipment (excepting only such facilities, if any, owned by **City Utilities** as may be installed on a **Customer's Premise**) on the **Customer's** side of the point of delivery.

3. No agent, employee or representative of **City Utilities** shall have any right or authority to make any promise, commitment or agreement for any **Service** not authorized by these Service Rules.

4. **Customer** shall be deemed to consent to the location of any equipment or facilities owned by **City Utilities** which are required to be located on **Customer's** property by these Service Rules. Should **Customer** refuse to allow such location, **City Utilities** shall remove its facilities and equipment and terminate electrical service.

5. **City Utilities** shall prepare and submit bills to **Customers** using information and terms that the Board believes most accurately reflects the usage by **Customer** and charges issued for that usage.

6. Trimming of Trees and Obstructions. **City Utilities** shall have the right, privilege and authority to trim trees, overhanging branches, hedges, shrubs or other obstructions which might endanger the safety or interfere with the construction, operation or maintenance of any cross-arm, wires, conductors, insulators, pad mounted equipment, fiber, telecommunications equipment, or other electrical, natural gas, water, or fiber fixtures, devices or apparatus of **City Utilities**. By acceptance of electric **Service** from **City Utilities**, each **Customer** shall be deemed conclusively to have granted such right, privilege and authority to **City Utilities**; and, if any such **Customer** thereafter should challenge or object to exercise of such right, privilege and authority by **City Utilities**, **Service** to the **Customer** may be refused or discontinued for that reason alone.

7. City Utilities will assume that the customer requests that their customer information be considered private to the extent allowed by law.



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8. City Utilities is authorized to amend titles of employees and any formatting changes without approval of the City Council, except that any such changes shall be noted in the footnotes of this policy, and to correct grammatical or scrivener's errors that do not change meaning of the word or phrase.

### B. Applications and Contracts

1. All applicants for any new **Service** shall execute in advance of connection such form of **Service** contract as may be acceptable to **City Utilities** which shall incorporate these **Service** Rules. An **Electronic Signature** on the **Service** contract is an acceptable method of contract execution. Applications for **Service** may be executed by phone, email, in person, or by **City Utilities'** online **Customer** portal. Should any customer accept **Service** without having executed a **Service** contract for any reason, such **Customer** shall be deemed to have signed the **Service** contract that was in force at the time services began.

2. Acceptance of **Service** shall be deemed consent to non-marketing notifications by texting or automated calls regarding the customer's **Service** so long as City Utilities has an option for customers to opt out of such notifications.

3. City Utilities will not supply any Permanent **Service** until:

- a) The **Customer's** application for such **Service** has been approved by **City Utilities**;
- b) All necessary permits have been obtained by the **Customer**;
- c) An inspection has been approved as hereinafter set forth;
- d) **City Utilities** has found it practicable, at City Utilities sole discretion to render such **Service**; and
- e) The **Customer** has agreed to these **Service** Rules.

4. All **Customers** desiring **Service** shall make application for such **Service** and enter into such contracts or requirements for the **Service**, including these **Service** Rules, as may from time to time be required by **City Utilities**. All applications for **Service** shall be made in the true name of the **Customer(s)** to receive and use such **Service**, unless otherwise permitted by **City Utilities**, and the use of a fictitious name by the prospective **Customer** shall be sufficient reason for refusal or termination of **Service**. The **Customer** shall be the person(s) or legal entity(ies) responsible for payment for the **Service**, except as otherwise permitted by **City Utilities**.

5. **City Utilities** may refuse to commence any **Service** to an applicant for failure to comply with the requirements for such **Service**, including these **Service** Rules including individuals who have an outstanding debt with City Utilities. Any change in the identity of the **Customer of Record** at the **Premise** shall require a new application for the **Service** and **City Utilities** may discontinue the **Service** until such new application has been made and accepted by **City Utilities**.



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6. Each application for **Permanent Service** shall be subject to the payment of the **Account Entry Fee**. The **Account Entry Fee** shall not apply to the first connection of newly constructed **Permanent Services**.

7. When it may appear to **City Utilities**, in the opinion of the President-CEO, that any requested **Service** will be temporary, **City Utilities** may, at its option, either furnish or decline to furnish such **Service**. If **City Utilities** elects to furnish any **Temporary Service**, the applicant for such **Service** shall pay to **City Utilities**, in advance, the **Temporary Service Charge**. If **City Utilities** elects to furnish any **Service** which is **Seasonal** or **Standby** in nature, the applicant shall pay the estimated cost of furnishing such **Service**. If the service is temporarily discontinued for more than 24 hours and then reconnected prior to twelve months, each due to a customer's request, a reconnect charge of the monthly customer charge applicable for each billing month or part thereof that the disconnection is in effect during all billing months of that twelve month period shall be charged to such customer.

8. Each connection or reconnection of a **Seasonal Service** will be subject to the payment of the **Account Entry Fee**, which is in addition to a reconnect charge of the monthly **Customer** charge and monthly billing demand applicable for each billing month or part thereof that the disconnection is in effect in accordance with the applicable **City Utilities'** General Terms and Conditions Governing Electric, Natural Gas and Water Services.

### C. Economic Development

1. **City Utilities** is committed to the responsible use of **Economic Development** initiatives which attract additional industry and commerce to our **Service Territory**, for the purpose of promoting utility operation at the highest practicable standards of efficiency, while contributing to the overall improvement of area living standards. This commitment facilitates competitive utility rates and promotes the creation of employment opportunities. Additionally, **City Utilities** will extend (or permit the extension of) its distribution systems in accordance with these Service Rules and the Extension Policy adopted by the **Board**.

2. The Community Economic Development Electric Rate Rider (Rider D), approved by **City Council**, supports **Economic Development** for businesses that demonstrate the ability to meet specified load (kW) and load factor criteria. The maximum combined amount contributed by **City Utilities** for a distribution extension and/or **Economic Development** project shall not exceed the requirements provided for in the Community Economic Development Policy approved by the **Board**.



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3. The Community Economic Development Policy shall, consistent with Rider D and these Service Rules, coordinate **City Utilities' Economic Development** activities, define necessary parameters, establish criteria and limitations for **Economic Development** projects and incentives, and specify the ability of the President-CEO to waive specific provisions and establish which waivers require the approval of the **Board** or any committee thereof. The methodology and calculation of economic feasibility analysis shall be set forth in the Community Economic Development Policy and, therefore, shall be available to interested members of the public.

D. Permanently assigned house numbers, where appropriate, shall be obtained before application for any **Service** is accepted and shall be suitably displayed on the property in a visible location before the **Service** is installed or the **Meter** is set. The numbers to be displayed shall be assigned by the Building Regulations Department of the **City** and shall conform with the **City's** numbering system. If located outside the **City's** corporate city limits, each house shall be assigned by the jurisdiction having authority or as requested by City Utilities. If a house number or identification is changed for any reason, **City Utilities** shall be notified of such a change.

### E. Security

1. Before any **Service** is connected, or at any time thereafter, **City Utilities** may require of any **Customer** evidence satisfactory to itself that all bills for such **Service** rendered or to be rendered will be paid promptly; or in lieu thereof, **City Utilities** may require any such **Customer** to maintain with **City Utilities** a deposit or security in such amount(s) as determined by the **President-CEO**, with the deposit amount not to exceed three times the highest bill for one billing period for each **Service** or an equivalent amount as estimated by **City Utilities**. Deposits shall not receive interest. **City Utilities** may discontinue any **Service** to any **Customer** who may fail to make or maintain the deposit or security required by **City Utilities**. All or any portion of the deposit or security by a **Customer** may be applied by **City Utilities** at any time upon any delinquent or unpaid bill owed by such **Customer**.

2. Such deposits, as outlined above, shall be refunded at the termination of **Service** after all charges that may be due and payable by the **Customer** have been paid or at such earlier times as determined by the **President-CEO**.

3. A **Customer** who has made application for **Service** to a **Premise** shall be held liable for all such **Service** furnished to such **Premise** until such time as the **Customer** properly notifies **City Utilities** to discontinue the **Service** for the account.



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### F. Payment of Bills

1. All bills for any **Service** shall be due and payable when mailed or sent electronically. If any bill rendered by **City Utilities** for such **Service** is not paid within seventeen (17) calendar days after the date thereof, **City Utilities** shall have the right to discontinue the **Service** to such **Customer**. Additionally, any **Customer** who fails to pay before the delinquent date may be required to pay the gross bill instead of the net bill for the **Service** as set forth herein.
2. If payment for the bill of a **Customer** for any **Service** has been processed and posted to that **Customer's** account by the time the next regular bill for that **Customer** is rendered, that **Customer** shall only be charged the net bill, which is the bill actually sent for such **Service** on a current basis.
3. If payment for a bill of a **Customer** for any **Service** has not been processed and posted to that **Customer's** account by the time that **Customer's** next regular bill is rendered, then **City Utilities** shall have the right to require such **Customer** to pay the gross bill, which shall be the charges for such **Service** or other authorized charges during the applicable periods plus an amount not to exceed ten percent (10%) thereof, said percentage to be determined by the **Board**. This gross billing shall be reflected on such **Customer's** next regular bill. (See Customer Service Fees Policy). Gross billing computation includes a late payment percentage assessed on any outstanding balance at time of the next billing.
4. In the event a **Customer**, who has been charged a gross bill, fails to pay the additional amount referenced above, **City Utilities** shall have the right to disconnect all **Services** to such **Customer**.
5. When any **Service** is disconnected due to nonpayment of a bill or other violation of these **Service** Rules, the **Service** will not be reconnected until the situation requiring such action has been corrected to the satisfaction of **City Utilities**. When any **Service** is disconnected due to nonpayment of a bill or the gross bill for such **Service**, including the additional amount referenced above, or due to the failure of a **Customer** to post a required security deposit, a **Credit Reconnect Fee** will be assessed for such reconnection.
6. In addition to any other fees, charges or amounts due to **City Utilities**, an insufficient funds charge may be made against a **Customer** as a result of a payment being returned to **City Utilities** by the **Customer's** financial institution due to insufficient funds, the amount of the charge determined by the **Board**. In such instances, **City Utilities** may require payment in cash of all amounts due.





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7. Bills and notices to any **Customer** shall be deemed to have been presented and given when deposited in the United States mail addressed to the last known address of such **Customer** as shown on the records of **City Utilities** or sent electronically to a location provided by such **Customer**. **Notice to City Utilities** of address changes shall be given in writing, by electronic notification, or by contacting **City Utilities** by telephone.

8. A separate bill shall be rendered for each **Meter**, and **Service** furnished to the same **Customer** through separate **Meters** shall not be added or cumulated for billing purposes, irrespective of the location of the **Meters**, except when such separate **Meters** are installed on the same **Premise** for the convenience and at the request of **City Utilities**, as approved by the President-CEO.

9. Payment shall be made at such other locations or methods as designated by **City Utilities**.

10. **City Utilities** shall have the right to manually or electronically read **Meters** and render bills either monthly, bi-monthly or quarterly, or for such other period as may be deemed practicable by **City Utilities** and to issue bills based upon estimated readings, and such bills shall be due and payable as provided in these **Service Rules**.

### G. Billing Corrections

1. **City Utilities** will correct any bills rendered in error or under mistake of fact as to the quantity and nature of any **Service** rendered, and the **Customer** shall pay the actual correct amount. No interest will be charged by **City Utilities** or paid by **City Utilities** for any such correction. For all billing errors, **City Utilities** will determine from all related and available information the probable period during which the condition causing the errors existed and shall make billing adjustments for that period as follows:

- a) In the event of an overcharge, an adjustment shall be made for the entire period that the overcharge can be shown to have existed and in which **City Utilities** has records to verify the amount of the overcharge.
- b) In the event of an undercharge, an adjustment shall be made for the entire period that the undercharge can be shown to have existed. The adjustment shall not exceed twelve (12) monthly billing periods for residential accounts and sixty (60) monthly billing periods for all other accounts, which will be calculated from the date of discovery, inquiry or actual **Notice to City Utilities** in writing, whichever first occurs.





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- c) In the event of an undercharge, **City Utilities** shall offer the **Customer** the option to pay the adjusted bill over a period, at a minimum, equal to the period covered by the adjusted bill.
- d) If evidence of tampering is found, or if the **Customer** has made any misrepresentation of the use of any **Service**, **City Utilities** shall calculate the billing adjustment period in accordance with the applicable statute of limitations for the prosecution of such claim after determining the probable period during which such condition existed from all related and available information. In addition, a **Customer** may be billed for an unauthorized connection, which shall include unbilled usage and any fees associated with **Meter** tampering.
- e) In the event of an overcharge, **City Utilities** shall not pay the **Customer** interest on the adjustment. Likewise, **City Utilities** will not charge interest in the event of an undercharge. In any event, no billing adjustment will be made where the full amount of the adjustment is less than one dollar (\$1.00), and no interest shall be paid or collected on any billing adjustment provided herein.

### H. Continuity of **Service**

1. **City Utilities** shall have the right to discontinue, interrupt or curtail **Service** to any **Customer** or refuse **Service** to any **Customer**, whether theretofore served or not, for any reason provided in these **Service** Rules, or in accordance with any policies adopted by the **Board**.
2. **City Utilities** does not guarantee any **Service** to be constant, sufficient or continuous. By acceptance of a **Service**, each **Customer** shall be deemed thereby to have agreed that **City Utilities** may interrupt, curtail, limit or suspend such **Service** at any time for any reason deemed necessary by **City Utilities**. **City Utilities** shall not be required to pay for any loss or damage suffered by a customer due to failure to provide constant, sufficient or continuous service.
3. **City Utilities** will discontinue a **Service** entirely or terminate such **Service** to any installation, facility, appliance or device when, in the judgment of **City Utilities**, continuation of the **Service** constitutes a safety or health hazard.

### I. Discontinuance of **Service** at **Customer's** Request

1. Any **Service** will be temporarily disconnected on verbal or written **Notice to City Utilities** by the **Customer**, or the **Customer's** agent, for a period of 24 hours or less for repairs or alterations without in any way affecting the existing contract. If temporary disconnection of such **Service** is desired for more than 24 hours, **City Utilities** may require written Notice. In the event the **Service** is disconnected at the **Customer's** request, a charge, in such amount(s) as may be determined by the **Board**, may be assessed.



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2. Any **Service** will be permanently discontinued on written **Notice to City Utilities**. Upon receipt of such notice, **City Utilities** shall compute the charges for such **Service** rendered up to and including the time of permanent discontinuance and such charges shall become due and payable upon presentation of a final statement to the **Customer**.

J. Access to **Premise**. **City Utilities** shall have the right to enter the **Premise** of any **Customer** at any time for the purpose of reading **Meters**, inspecting, testing, changing or moving any equipment, **Meters** or apparatus of **City Utilities**, making a connected load count, measuring the **Customer's** maximum demand, to turn on, turn off or to disconnect a **Service** or **Meter**, or to inspect for **Cross-Connections**. If a **Customer** refuses **City Utilities** access to such **Premise** for any of the foregoing reasons, **City Utilities** shall have the right to disconnect any **Service** to such **Customer**.

### K. Limitation of Responsibility of **City Utilities**

1. **City Utilities** shall have no duty, obligation or responsibility with respect to fixtures, equipment or apparatus on the **Premise** of any **Customer**.

2. If, for the purpose of making repairs, extensions or connections, in the event of curtailment of any **Service** as herein provided or for reasons beyond the control of **City Utilities**, it becomes necessary to shut off any **Service**, **City Utilities** will not be responsible for any damage occasioned by such shut off, or any other cause which is not the result of negligence on the part of **City Utilities**.

3. Each **Customer** shall notify **City Utilities** in advance of any change or changes in connected load or in equipment of such **Customer's Premise**, which might affect any **Service** to the **Customer** or to any other **Customer**.

4. **City Utilities** shall not be liable for any injury, damage or loss resulting from the use of any **Service** on a **Customer's Premise**, or from the presence, location, maintenance or use of any fixtures or equipment on such **Premise**.

5. Nothing shall be attached or fastened to, or placed upon, any fixtures or equipment of **City Utilities** unless prior permission in writing shall have been given by **City Utilities**; and **City Utilities** shall not be liable for any injury, damage or loss arising out of or resulting from any such attachment to its fixtures or equipment.



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### L. **Customer** Responsibility

1. Each **Customer** shall pay **City Utilities** for all damage to, or destruction of, property of **City Utilities** located on or off such **Customer's Premise** where such damage or destruction is caused directly or indirectly by the **Customer** or the **Customer's** officers, agents or employees, excepting only that resulting from ordinary wear and tear, acts of God, and acts of employees of **City Utilities**.
2. Each **Customer** shall send **Notice to City Utilities** promptly in writing of any defect in equipment or apparatus of **City Utilities**, of any existing condition which might affect any **Service** to the **Customer** or which might be dangerous to person or property, and of all complaints concerning any **Service**. In cases of dangerous conditions **Customer** shall also immediately call City Utilities to report the issue.
3. If any **Customer** has on such **Customer's Premise** any connection, apparatus or device which prevents the **Meter(s)** on such **Premise** from registering or recording properly the metered commodity and/or demand, **City Utilities** shall have the right to discontinue any **Service** to the **Customer** and to terminate any contract or contracts with the **Customer**.
4. **City Utilities** shall have the right to refuse to restore any **Service** that has been discontinued until:
  - a) the **Customer** has paid in full for all **Service(s)** furnished by **City Utilities** to the **Customer's Premise** (including all **Service(s)** used by the **Customer** not registered or recorded properly by the **Meter(s)** on such **Premises**);
  - b) the **Customer** has paid for all damage to **Meters**, equipment, facilities or property of **City Utilities** caused by the **Customer**;
  - c) the **Customer** has made any required deposit or security with **City Utilities**;
  - d) the **Customer** has placed any required lines, piping or appliances in such condition as shall be acceptable to **City Utilities** at the **Customer's** sole risk, cost and expense;
  - e) the **Customer** has paid the appropriate **Credit Reconnect Fee** in such amount as determined by the **Board**; and
  - f) the **Customer** has paid all of the costs to **City Utilities** for discovering, investigating, and disconnecting such **Service** when unauthorized **Service** is involved.

### M. Testing of **Meters**

1. **City Utilities** may remove any **Meter** for routine tests, repairs and replacement.



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2. Whenever, upon test by **City Utilities**, any electric or natural gas **Meter** is found to have an average error of not more than two percent (2%) or any water **Meter** is found to have an average error of not more than four percent (4%), such **Meter** shall be considered to be accurate and correct, and no adjustment shall be made. If, upon test by **City Utilities**, any electric or natural gas **Meter** shall be found to have an average error of more than two percent (2%), or a water **Meter** has an average error of more than four percent (4%), or if any **Meter** has failed to register or has registered improperly, then such **Meter** shall be repaired or replaced at the option of **City Utilities**. The **Customer** served through such **Meter** shall be billed by **City Utilities** and shall pay for the **Service(s)** actually delivered during the period of time in which the **Meter** failed to register or registered improperly in accordance with the term limits for billing corrections stated in these **Service Rules**

3. The bill for such period of time shall be based on all available information pertaining to proper determination of the **Customer's** usage and load.

4. If it be found that, during any period of time, a **Meter** has failed to register, the **Customer** served through said **Meter** shall be billed by **City Utilities**, and shall pay to **City Utilities**, a charge for **Service(s)** delivered during such period of time which shall be estimated and calculated by **City Utilities** on the basis of all available information pertaining to proper determination of the **Customer's** usage and load.

N. Distribution System Extensions. **City Utilities** will extend (or permit the extension of) its distribution systems as provided for in the Extension Policy adopted by the **Board**. Deposits, in advance, by applicants toward the estimated cost of construction and refunds, if any, shall be made under such conditions and on the basis as provided for in said Extension Policy.

O. Relocation of **City Utilities** Facilities. If **City Utilities** is requested to move, relocate or rebuild any of its facilities for any reason which would be of no benefit to **City Utilities**, the cost of such moving, relocating or rebuilding shall be paid in full by the party requesting such moving, relocation or rebuilding, except as otherwise provided herein or by applicable licenses or easements. Before **City Utilities** will move, relocate or rebuild any facilities or other equipment, a cash deposit in such amount as may be fixed by **City Utilities**, which shall be adequate and sufficient to cover in full the estimated cost of such moving, relocating or rebuilding, may be required by **City Utilities**.



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### P. **Service Connections** – Existing Distribution System to point of delivery

1. Where a **Customer** makes application for a new **Service Connection**, or for a modification of an existing **Service Connection**, said application shall be subject to terms and conditions in accordance with policies established by the **Board**.

2. Upon approval of a contract signed in advance for a new **Service Connection**, or for an enlargement of an existing **Service Connection**, **City Utilities** will install (or permit to be installed) the **Service Connection** from the existing distribution system to the **Meter** at such expense to the **Customer** as allowed by the **Board**. The size, type of material, location and other specific requirements of the **Service Connection** shall be solely determined by **City Utilities**. Where there is more than one distribution facility available, **City Utilities** shall determine the one to which the **Service Connection** shall be connected. The **Customer** may be required to deposit, in advance of construction, any such amount required by the policy adopted by the **Board**.

3. Where, at the **Customer's** request, a **Service Connection** must be installed in frozen ground, at more than normal depth, under paved areas or under other adverse conditions, any additional costs caused by said adverse conditions which may be incurred by **City Utilities** may be charged to the **Customer** at actual cost or in such amount(s) as determined appropriate by the **Board**.

4. In the event any charge referenced above is not paid within fifteen (15) days from the date of billing, the charge may be transferred by **City Utilities** to any other active account that the **Customer** or applicant may have with **City Utilities**.

Q. Removal of Ground Cover. When the ground cover over an existing underground facility is removed to less than adequate levels by an outside party, then said outside party shall bear the full cost of providing protection for, lowering or relocating said facility subject to rules for use of the right-of-way enacted by the City or as may be required in applicable easements.

R. Public Forbidden to Operate or Tamper with Property of **City Utilities**. No person shall operate, alter, damage, deface, pollute, disconnect or remove any of **City Utilities'** equipment, facilities, reservoirs, inventory or property without the prior written consent of **City Utilities**. Any damages or costs to **City Utilities** as a result of any of the foregoing shall be paid for by the person causing the same.



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S. Severability Provisions. It is hereby declared that the sections, subsections, paragraphs, sentences, clauses and all other parts of these **Service** Rules, are severable and are not matters of mutually-essential inducement, it being the purpose of the **Board** to determine, approve and enact appropriate rules and regulations pertaining to and governing the operation of the **City Utilities** and the furnishing of **Services** to **Customers** in accordance with the Constitution and Statutes of the State of Missouri and the City Charter, and, if any one or more sections, subsections, paragraphs, sentences, clauses or other parts of these **Service** Rules shall be, for any reason, adjudged unconstitutional or invalid, such judgment shall not impair, invalidate or affect the remaining portions and the judgment shall be confined in its operation to the specific provision(s) so held to be unconstitutional or invalid.

### T. Construction Standards, **Service** Standards and Technical Specifications

1. As approved by the **President-CEO**, **City Utilities** may establish additional electric, natural gas and water **Service** standards, consistent with these **Service** Rules.

2. **City Utilities'** Construction Standards, **Service** Standards and Technical Specifications (latest revisions) are adopted as the primary standards for technical and construction standards for **City Utilities**. These documents will supersede any physical or technical specifications noted in these **Service** Rules, and all new updates of the **Service** Rules will contain all previous revisions of the **Service** Standards. This will allow **City Utilities** to conform to changing utility and building codes in a timely manner. **Customers** shall be responsible for charges and fees for providing **Service(s)** in accordance with these standards.

3. **City Utilities'** Construction Standards, **Service** Standards and Technical Specifications will be available to the public.

U. **Special Services**. As approved by the **President-CEO**, **City Utilities** may establish fees to be paid by a **Customer** or third party for any Special **Service**, including equipment costs, beyond those required by standard practices of **City Utilities**. Fees will be calculated based on the time commitment and applicable costs, including overheads, at the time of the **Service**, as well as the cost of equipment installed and use of **City Utilities'** equipment. Fees obtained by third parties for similar **Services** (for example, advertising) may be considered if calculation of actual costs is difficult to determine.



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### V. Hazardous Conditions

1. When a **City Utilities** employee is performing duties within the course and scope of employment and observes, on a **Customer's Premise**, a condition which causes any continued **Service** to be dangerous to person or property, the employee is authorized to place a red warning tag on the offending condition, appliance or equipment and, if possible, inform such **Customer** of the corrective action which should be taken and, at the same time, terminate the **Service** or isolate the affected equipment.

2. When a **Service** has been terminated as set forth above and the **Customer** advises **City Utilities** that the condition has been remedied, **City Utilities** will make an inspection of the **Customer's** facilities. If the dangerous condition has been corrected, the terminated **Service** will be reconnected and the red warning tag removed. If a building permit is required to remedy the situation, it is the **Customer's** responsibility to make appropriate arrangements with the applicable permitting authority.

3. **City Utilities** does not assume any duty or responsibility to inspect, repair or maintain any wiring, appliance, equipment or condition which exists or is located on the **Customer's** side of the point of delivery.

4. In the interest of the public, **City Utilities** shall have the right to inspect all equipment owned by the **Customer**, and may refuse or discontinue any **Service** until the provisions herein contained and in its **Service** Standards have been met. There is no obligation on the part of **City Utilities** to make such inspections, and **City Utilities** has no responsibility with regard to any equipment on the **Customer's** side of the point of delivery.

5. When a **City Utilities** employee is performing duties within the course and scope of employment and observes, on a **Customer's Premise**, a condition, appliance or piece of equipment not requiring the action noted in this section but which by deterioration or otherwise may become hazardous, the employee is authorized to inform such **Customer** of the corrective action needed. Such advice is for the **Customer's** convenience only and **City Utilities** assumes no liability for any failure to remedy the condition or for any damage which results from such failure.





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### Part II Landlords and Tenants

A. Landlords Obligations. It shall be the obligation of any customer who owns property (Landlord) and leases the property to another person (tenant) to advise the tenant of any boil water advisory issued by City Utilities.

#### B. Master Metering of a Multiple Tenancy Premise

1. **City Utilities** has adopted the Public Utility Regulatory Policy Act (PURPA) of 1978 standards (latest revision) regarding **Master Metering** of a **Multiple Tenancy Premise**. **Master Metering** of electric and natural gas **Service** shall be prohibited or restricted to the extent as defined in these **Service** Rules and as required by the Missouri Public **Service** Commission (PSC) Code of State Regulations 240-40.

2. **Master Metering** of electric and natural gas **Services** shall be prohibited for any new **Multiple Tenancy Premise** (i.e., separate electric and natural gas **Metering**, per unit, shall be required) if:

- a) There is more than one unit in such **Premise**; and
- b) The occupant of each such unit has control over a portion of the electric energy or natural gas used in such unit.

3. **Master Metering** of electric and natural gas **Services** may be allowed for a new **Multiple Tenancy Premise** (i.e., separate electric and natural gas **Metering**, per unit, are not required) where, in **City Utilities**' judgment, it is impractical for **City Utilities** to separately **Meter** and supply either or both of such **Services** to each tenant of the **Premise** as a **Customer** of **City Utilities**, such as:

- a) Those portions of transient multiple occupancy buildings normally used as temporary domiciles in such buildings as hotels, motels, dormitories, rooming houses, hospitals or residential care facilities;
- b) Common building areas such as hallways, elevators, reception areas and/or washrooms;
- c) Spaces, other than **Dwelling Units**, which are subject to alteration with change in tenants as evidenced by temporary, as distinguished from permanent, type of load bearing wall and floor construction separating the unit spaces.

4. **Master Metering** of electric and natural gas **Services** may become prohibited (i.e., **City Utilities** may require separate electric and natural gas **Metering** per unit) for an existing **Multiple Tenancy Premise** which undergo substantial renovations that make individual **Metering** practical in **City Utilities**' judgment.

5. **Master Metering** of water **Service** for a **Multiple Tenancy Premise** is permitted when the **Premise** is under one ownership and the owner, operator or manager is responsible for payment of the water bill.





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**6. Master Metering of Services** to multiple separate **Premises** shall be prohibited unless otherwise approved by the President-CEO.

### C. Submetering of a Master Metered Multiple Tenancy Premise

1. Each **Service** is furnished for the sole use of the **Customer** at the **Premise** described in the **Service** application, and there shall be no **Submetering** for the purpose of reselling such **Service** or redistributing the charges rendered for the **Service**, except as otherwise approved by separate written agreement with **City Utilities** as set forth in these **Service** Rules and agreed to by the **Customer's** tenant(s) at such **Premise** in a separate written agreement with the **Customer**.

2. **Customer** monitoring of any **Service** for purposes other than reselling such **Service** or redistributing the charges rendered for the **Service**, such as energy and resource management, is not prohibited or restricted.

#### 3. Waiver of **Submetering** Prohibition.

a) The restriction against **Submetering** as an alternative to individual **Metering** may be waived by **City Utilities** where the operation of certain types of **Multiple Tenancy Premises**, either in whole or in part, makes it impractical, in **City Utilities'** judgment, to separately **Meter** and supply a **Service** to each tenant at such **Premise** as a **Customer**.

b) Any **Submetering** restriction waiver shall be conditioned on the applicant complying with tenant billing, record keeping, dispute resolution, **Submeter** testing, and other requirements established herein and as included in such **Customer's** separate written agreement with **City Utilities**.

c) Where a **Multiple Tenancy Premise** previously received a waiver from **City Utilities** to allow **Submetering** but later undergoes a substantial building renovation that makes individual **Metering** practical in **City Utilities'** judgment, the **Premise** may no longer be eligible to **Submeter**. The **Customer** may reapply for a waiver of the **Submetering** restriction.

#### 4. Tenant Notification of **Submetering**.

a) All lease agreements between an approved **Submetering Customer** and such **Customer's** tenant(s) at the subject **Multiple Tenancy Premise** shall clearly state that the applicable unit is **Submetered**, that bills will be issued by the **Customer** thereon, and that any disputes relating to the computation of the tenant's bill and the accuracy of the **Submetering** device will be between the tenant and the **Customer**.

b) Each approved **Submetering Customer** shall provide each tenant at the subject **Multiple Tenancy Premise**, at the time the tenant's lease with such **Customer** is signed, a copy of these **Service** Rules or a narrative summary as approved by **City Utilities** to assure that such tenant is informed of its rights and the **Customer's** responsibilities under this policy.



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### 5. Location of **Submeters** and **Meter** Reading.

- a) **Service** switches or cut-off valves in conjunction with **Submeters** shall be installed in accordance with applicable industry standards and shall be readily accessible for reading, testing and inspection, with minimum interference and inconvenience to the tenant **Submetered** thereby.
- b) Each approved **Submetering Customer** shall be responsible for providing, installing and maintaining all **Submeters** necessary for the measurement of any **Submetered Service** to its tenant(s) at the subject **Multiple Tenancy Premise**.
- c) Each approved **Submetering Customer** shall be responsible for determining that the usage billed to each **Submetered** unit at the subject **Multiple Tenancy Premise** is for the **Submeter** associated with that unit and the **Submetered Service(s)** consumed therein.

### 6. **Submeter** Bill Calculation.

- a) A **Submeter** bill calculation methodology shall be approved by **City Utilities** during a **Customer's Submetering** restriction waiver application process. The methodology shall be approved by separate written agreement with **City Utilities** in accordance with the approved **Service** rates or policies established by the **Board**.
- b) Each **Submetered** tenant's **Submeter** bill shall be calculated in a fair and equitable method agreed to by such tenant in a separate written agreement with the applicable approved **Submetering Customer** and shall be as approved by **City Utilities**.
- c) The calculation referenced above shall be such that the approved **Submetering Customer** Redistributes to the tenant(s) at the subject **Multiple Tenancy Premise** the charges from **City Utilities** for rendering the **Submetered Service(s)** to such **Premise**. **Extra Charges** for which such **Customer** desires to invoice such tenant(s) in the related bill(s) shall be separately itemized and agreed to by each such tenant in a separate written agreement.
- d) Estimated bills for **Submetered Service(s)** shall not be rendered by an approved **Submetering Customer** unless the subject **Meter** has been tampered with or is out of order, and in such case shall be distinctly marked "estimated bill". Estimated bills shall not be rendered for more than three billing cycles without **City Utilities'** prior written approval.
- e) Bills for **Submetered Service(s)** shall be rendered for the same billing period as that of **City Utilities**, generally monthly, unless and to the extent a **Service** is rendered for less than that period. Bills for **Submetered Services** shall be rendered promptly following the reading of the subject **Submeters**.
- f) The billing units (e.g., kilowatt-hours, therms, hundred cubic feet) for **Submetered Service(s)** shall be the same as the billing units used by **City Utilities** in its related billing to the approved **Submetering Customer**.
- g) No approved **Submetering Customer** shall offer the option of level or average payment plans to the tenant(s) of the subject **Multiple Tenancy Premise**.



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### 7. Extra Charges

- a) **Extra Charges** are not permitted in bills for **Submetered Services** unless approved by **City Utilities** in writing and agreed to by the applicable **Submetered** tenant in a separate written agreement with the applicable approved **Submetering Customer**, which approval and agreement state the exact dollar amount, percentage, or calculation methodology of each such **Extra Charge**.
- b) **Extra Charges** approved and agreed as set forth herein shall be separately itemized on the applicable **Submetered** tenant's bill or in such tenant's lease with the applicable approved **Submetering Customer**.
- c) **Extra Charges** could include such items as a deposit, late penalty or reconnect fees.
- d) Only if agreed to by a **Submetered** tenant in a separate written agreement with the applicable approved **Submetering Customer** may a penalty be assessed on delinquent payments for **Submetered Service(s)**. If such a penalty is to be applied, the bill shall indicate the amount due if paid by the due date and the amount due if the late penalty is incurred. No late penalty may be applied unless previously agreed to by the delinquent tenant in a separate written agreement with the applicable approved **Submetering Customer** which states the exact dollar or percentage amount of the late penalty.

### 8. Submeter Bill Format.

- a) A separate bill for **Submetered Service(s)** must be issued by the applicable approved **Submetering Customer** or, if issued on a multi-item bill, **Submetered** billing information must be separate and distinct from any other charges on the bill and conform to information required in this policy. The **Submetered** bill must clearly state "**Submetered** electricity," "**Submetered** natural gas" and/or "**Submetered** water" as the case may be.
- b) Each bill for **Submetered Service(s)** shall show all of the following information:
  - 1) the date and reading of the related **Submeter(s)** at the beginning and at the end of the period for which the bill is rendered;
  - 2) the number of billing units metered;
  - 3) the computed rate per billing unit;
  - 4) the total amount due for **Submetered** electricity, natural gas and/or water used;
  - 5) a clear and unambiguous statement that the bill is not from **City Utilities**;
  - 6) the name and address of the tenant to whom the bill is applicable;
  - 7) the name of the **Customer** rendering the **Submetered** bill and the name, title, address and telephone number of the person(s) to be contacted in case of a billing dispute;
  - 8) the date by which such tenant must pay the bill; and
  - 9) the name, address and telephone number of the party to whom payment is to be made.

### 9. Disputed Bills and Billing Errors.

- a) In the event of a dispute between a **Submetered** tenant and the applicable approved **Submetering Customer** regarding any bill for **Submetered Service(s)**, such **Customer** shall promptly investigate and report the results to such tenant.



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b) An approved **Submetering Customer's** method for correcting billing and **Submeter** errors, including providing credits to and backbilling **Submetered** tenants, shall be agreed to by each such tenant in a separate written agreement with such **Customer**.

### 10. Records and Reports.

a) An approved **Submetering Customer** shall maintain and make available for inspection and copy by **Submetered** tenants at the subject **Multiple Tenancy Premise** the following records:

- 1) The bills from **City Utilities** to such **Customer** for **Submetered Service(s)** rendered to such **Premise** for the current month and the 12 preceding months;
- 2) All **Submeter** readings and tenant billings for the entire **Premise** for the current month and the 12 preceding months; and
- 3) All **Submeter** test results for the entire **Premise** for the current month and the 12 preceding months.

b) The records required above shall be made available at the **Customer's** office at the subject **Premise** during reasonable business hours or, if there is no such office, at each tenant's unit at the convenience of both the **Customer** and the tenant.

c) All records required above shall be made available to **City Utilities** upon its request.

### 11. Discontinuance of **Service**.

a) Only if agreed to by a **Submetered** tenant in a separate written agreement with the applicable approved **Submetering Customer** may **Submetered Service(s)** be disconnected for nonpayment of bills, in which case the agreement shall state the exact number of days after the date of bill issuance that the **Submetered Service(s)** may be disconnected if the bill is not paid.

b) When a **Submetered** tenant requests discountenance of any **Submetered Service** from the applicable approved **Submetering Customer**, such **Customer** shall compute the charges for such **Service** rendered up to and including the time of discontinuance.

### 12. Testing of **Submeters**.

a) An approved **Submetering Customer** shall, upon the request of a **Submetered** tenant at the subject **Multiple Tenancy Premise** and, if such tenant so desires, in the tenant's or the tenant's authorized representative's presence, make a test of the accuracy of the tenant's **Submeter**. **City Utilities** will not test **Submeters**. The test shall be performed by a qualified third party during reasonable business hours at a time convenient to the tenant desiring to observe the test. The results of such tests will be made available to **City Utilities** upon its request.



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### PART 3 - ELECTRIC SERVICES

A. All construction or modifications of Electric Service shall comply with City Utilities Electric Service Standards and these Service Rules.

B. Electric Inspection. All electric wiring and equipment on a **Customer's Premise** must be acceptable to **City Utilities** and no electrical **Service** either inside or outside the City's corporate city limits shall be furnished unless and until the wiring and equipment are inspected by a governmental authority having jurisdiction to verify that all applicable federal, state and local regulations have been met; provided, however, **City Utilities** shall not be deemed to have assumed hereby any duty or responsibility to inspect, repair or maintain any wiring or equipment on the **Customer's** side of the **Point of Delivery**.

C. Electric Point of Delivery and Service Entrance

1. Point of Delivery for electric services shall be the weatherhead for overhead services and the secondary transformer terminals or a City Utilities secondary junction cabinet or pedestal if supplied.

2. Where the distribution system is or is proposed to be installed underground, the **Customer** shall install an underground **Service** at the **Customer's** expense. When such underground **Service** is arranged for and installed by the **Customer**, the **Service** so installed shall be the property of the **Customer** and maintained by the **Customer**, and the point of beginning for said **Service** shall be determined by **City Utilities** and shall not be on a dedicated utility easement. In instances where **City Utilities** considers it desirable to install the underground **Service**, as in the case of a primary **Service**, it shall be done at the expense of the **Customer**. Where a contiguous group of **Customers** desires overhead distribution owned by **City Utilities** be replaced with underground distribution, they shall, as one of the requirements, also replace overhead **Services** with underground **Services** at their expense. In overhead distribution areas the **Customer** may install an underground **Service** provided the installation is done at the **Customer's** expense and said **Service** shall originate on facilities owned by the **Customer**.

3. The **Customer** shall pay the cost of any special installation, including equipment costs, necessary to meet particular requirements for **Service** other than standard voltages, or for the supply of closer voltage regulation or uninterrupted **Service** than required by standard practice of **City Utilities**.

D. Electric **Meter** Location Limitations

1. No **Meters** shall be removed or relocated, and no **Meter** seal shall be broken, other than by an authorized employee of **City Utilities**.

2. A **Meter** will not be installed on or in an unfinished portion of any building except under special arrangement with **City Utilities** for the purpose of furnishing **Temporary Service**.



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3. No installations of **Customer**-owned conduits, switches or other electrical devices will be permitted on **City Utilities'** poles.

4. This **Meter** location area must be accessible to all tenants or occupants of the **Premise**, and to **City Utilities'** employees for purposes of inspection and maintenance.

### E. Electric Service Connections

1. City Utilities shall own all aerial Service Connections.

2. . All underground **Services** which are installed by the **Customer** shall be at its sole risk, cost and expense.

F. Change in Electric **Customer's** Load. No **Customer** shall increase its connected electric load more than twenty percent (20%) within any one (1) calendar year without prior Notice to and consent by **City Utilities**, each in writing.

G. Transformer Installations and Transformer Vaults. Where a **Customer's** electrical load **cannot be served by existing facilities** and where adequate and suitable space for installation of transformers in an adjacent street or alley is not available, the **Customer** shall furnish and set apart, without charge, a space on the **Customer's Premise** which, in the opinion of **City Utilities**, shall be satisfactory and adequate for installation of the necessary transformers to serve such **Customer**.



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### PART 4 – NATURAL GAS

A. All construction or modification of natural gas **Service** shall comply with City Utilities Natural Gas Service Standards and these Service Rules.

B. The point of delivery for natural gas to a **Customer** shall be the point at the outlet of the gas **Meter**.

C. Gas Inspection. All natural gas piping and equipment on the **Customer's Premise** must be acceptable to **City Utilities** and no natural gas **Service** either inside or outside the City's corporate city limits shall be furnished unless and until the piping and equipment are inspected by a governmental authority having jurisdiction to verify that all applicable federal, state and local regulations have been met.

D. Maintenance or Alteration of **Natural Gas Service Pipe**. Any alteration, relocation, extension, enlargement, repair or connection to the existing **Natural Gas Service Pipe** shall be done by **City Utilities**. When such work is done for the convenience of the **Customer**, the **Customer** shall be charged the cost of such work.

E. Natural Gas Measurement. **City Utilities** shall provide and install at its own expense, and shall continue to own, maintain and operate the **Meter** necessary for the measurement of natural gas to **Point of Delivery** to the **Customer**. Such equipment shall remain the property of **City Utilities** and access to the same, at all times, shall be provided by the **Customer**.

#### F. **Customer's** Natural Gas Piping

1. Piping and connections owned by the **Customer** shall be of sufficient size to afford adequate **Service**; and shall be maintained in safe, efficient and proper operating condition by and at the expense of the **Customer**.

2. In the interest of the public, **City Utilities** shall have the right to inspect all piping and connections owned by the **Customer** and may refuse or discontinue **Service** until the provisions of these **Service** Rules have been complied with. There is no obligation on the part of **City Utilities** to make such inspections, and **City Utilities** has no responsibility with regard to any natural gas piping, appliances or equipment on the **Customer's** side of the **Point of Delivery**.





APPROVED BY: CITY COUNCIL

DATE ISSUED: 12/01/1978

DATE LAST REVIEWED: 09/23/2019

DATE REVISED: 09/23/2019

TARGET REVIEW DATE: 12/01/2029

CONTACT: RATES AND FUELS

### PART 5 – WATER

A. All construction or modification of Water Services shall comply with City Utilities Water Service Standards and these Service Rules.

B. **Point of Delivery** for Water is the outlet of the water **Meter**, unless otherwise provided for, and in all cases **City Utilities** shall determine said point.

C. Water Inspection. All water piping and equipment on the **Customer's Premise** must be acceptable to **City Utilities**; and, if required, no water **Service** either inside or outside the City's corporate city limits shall be furnished unless and until the piping and equipment are inspected by a governmental authority having jurisdiction to verify that all applicable federal, state and local regulations have been met. **City Utilities** shall not be deemed to have assumed hereby any duty or responsibility to inspect, repair or maintain any water piping or equipment on the **Customer's** side of the **Point of Delivery**.

#### D. Water Cross-Connections

1. All new nonresidential **Customers** shall install backflow prevention assemblies as required and approved by the Missouri Department of Natural Resources and City Utilities. City Utilities requires all new nonresidential water services to have Reduced Pressure Zone (RPZ) backflow protection. Alterations to existing nonresidential installations which require permitting by a permitting authority will require installation of an RPZ backflow prevention assembly on the water source. All irrigation systems shall install backflow prevention assemblies as required and approved by the Missouri Department of Natural Resources and City Utilities. City Utilities requires all irrigation systems to have either a Double-check backflow assembly or RPZ backflow assembly as outlined in DNR Rule 10 CSR 60-11.

2. **City Utilities** shall retain the right of periodic inspection of each **Customers'** piping systems for the determination of **Cross-Connections**. When an inspection reveals **Cross-Connections**, the **Customer** will be notified in writing of the conditions that do exist at which time the **Customer** shall take the necessary measures to eliminate the **Cross-Connection** within a set period of time. When corrections have been made to the **Customer's** system for the elimination of **Cross-Connections**, **City Utilities** must be notified and the piping system re-inspected for approval by **City Utilities**.

3. **City Utilities** will not allow its **Water Mains** or **Services** to be connected on any **Premise** with any **Customer's** piping which in turn is connected with any other source of water supply, unless the CU water system is isolated and protected by an RPZ backflow prevention assembly approved by City Utilities. This assembly shall be installed and maintained by the **Customer**, and made available for periodic testing by **City Utilities**.





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CONTACT: RATES AND FUELS

4. **City Utilities** will not allow its **Water Mains** or **Service** pipes to be in any way connected to any vat, tank or other apparatus, which contain or may contain undesirable substances or toxic materials; or to vessels subject to or operating at a pressure level above atmospheric pressure. When in the opinion of the **President-CEO** these conditions do or could exist, the **Customer** shall at their expense install and maintain an appropriate backflow prevention device as approved by **City Utilities**.

5. A backflow prevention assembly shall be installed in an accessible area to facilitate the testing operation. If the device is located more than five (5) feet from the floor, some suitable means of access to the device shall be provided which will comply with Occupational Safety and Health Administration requirements.

6. **City Utilities** will not provide **Service** to any potential **Customer**, and may terminate **Service** to any existing **Customer**, whose internal piping system has **Cross-Connections** until all **Cross-Connections** are eliminated.

7. All backflow prevention assemblies must pass an initial test and annual tests thereafter by a Missouri state certified tester and test results turned into City Utilities; failure to do so will result in disconnection of service per DNR rule 10 CSR 60-11. The Customer shall at their expense comply with all testing requirements. **City Utilities** will discontinue **Service** to any **Customer** found to have **Cross-Connections**, either actual or potential, in its internal piping system.

E. Water Liability. **City Utilities** will not be responsible for damages which may be occasioned by cleaning of pipes, reservoirs, or standpipes, or the opening or closing of any valves or hydrants, or any other cause which is not the result of negligence on the part of **City Utilities**. **City Utilities** shall not be responsible for damages which are the result of a failure by any **Customer** to timely report any problems to **City Utilities** which are known or should have been known by such **Customer**.

F. Change of Water **Meter** Location. Except for the convenience of **City Utilities**, any relocation of a water **Meter** shall be done upon receipt of the amount of the estimated cost of such work provided such relocation meets the approval of the **President-CEO**. No piping work on the **Customer's** side of the point of connection will be done by **City Utilities**, either before or after moving said **Meter**, except that a spool may be installed in place of the old **Meter** location or in the event that such work would be for the convenience of **City Utilities**.



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CONTACT: RATES AND FUELS

### G. Customer's Water Service Pipe – Property Line to Premises

1. The **Customer's Service** piping shall be owned, operated and maintained by the **Customer** per all applicable federal, state and local codes and regulations. **City Utilities** shall have the right to inspect **Customer Service Pipe** (which may, if necessary, include potholing) and may disconnect **Service** if such piping does not meet such codes and regulations. Pipe shall be of ample strength to withstand the water pressures at the point where located and will conform to the existing plumbing codes and the requirements of **City Utilities** in furnishing adequate and safe **Service**. The **Customer Service Pipe** shall include the connection to the **Water Service Pipe**, and all liability for such connection shall be the **Customer's**. If the **Customer Service Pipe** is installed prior to the installations of a **Water Service Pipe** by **City Utilities**, **City Utilities** will, at the **Customer's** request, make the physical connection between these pipes, but in so doing **City Utilities** assumes no liability for said connection.

2. **Customer Service Pipe** shall be laid to the property line, at a point designated by **City Utilities** before **City Utilities** will connect such **Service** pipe with the **Water Service Pipe**.

3. **Service** pipes in a building shall be located in the parts thereof best protected from frost. In buildings where there are no cellars, the pipe shall be carried up from the center or unexposed part of the building, or shall otherwise be installed in such a manner as is reasonable to protect said pipe from freezing.

4. The **Customer** shall make all changes in the **Customer Service Pipe** required due to changes of grade or other causes.

5. Any repairs or maintenance necessary on the **Customer Service Pipe** or in any pipe or fixture in or upon the **Customer's Premise** including the connections to the **Water Service Pipe**, shall be performed by the **Customer** at its expense and risk. Such pipe and fixtures shall be kept and maintained in good condition and free from all leaks, and for failure on part of **Customer** to do so the water supply may be discontinued.

6. All of a **Customer's Service** pipes must have placed thereon a cut-off immediately inside the building or foundation wall at the place of entry. When water is available at the **Meter**, **City Utilities** shall not be responsible for thawing frozen **Services**.

H. One **Water Lateral** for Two Water Street **Service Connections**. When a **Water Main** carrying adequate pressure and capacity is on the opposite side of the street from **Premise** to be served, **City Utilities** may run one **Water Lateral** across the street to serve two **Customers**.



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CONTACT: RATES AND FUELS

### I. Fire Services

1. It shall be expressly understood and agreed by and between the parties receiving **Fire Service** that **City Utilities** does not assume liability as an insurer of property or persons and that the agreement does not contemplate any Special **Service**, pressure capacity, or facility; and further all **Fire Service** furnished shall be subject to the ordinary and changing conditions of **City Utilities**, as the same exists from day to day.

2. Private **Fire Services** must conform to all applicable federal, state and local regulations. The entire cost and expense of installing and maintaining a private fire connection shall be borne by the **Customer**. Maintenance of the portion of the connection between the **Water Main** and the property line shall be borne by **City Utilities**. Said **Service** shall be used exclusively for the extinguishment of fires and no connection for residential or nonresidential use may be attached thereto.

3. Backflow protection assemblies shall be on all fire Services and private fire hydrants as required by Missouri Department of Natural Resources and City Utilities. All backflow protection assemblies must be installed on the customer's water system as close as possible to the point of service connection and prior to any other connection or branch line. If it is not possible to install the backflow assembly as described, the installation shall be at the approval of CU.

4. Fire loops and appurtenances for the benefit of the **Customer** shall be owned and maintained by the **Customer**.

5. All sprinkler pipes and other private fire connection pipes on presently installed **Services** shall be so placed as to be readily inspected, and if concealed or so arranged with other pipes so as to not be readily inspected, or if any unauthorized connections are in existence, a **Meter** shall be installed on such private fire connection at the expense of the **Customer**.

6. **Customers** desiring private **Fire Service** must consult, before installation, with **City Utilities** as to the availability of mains, pressure, etc. No private fire connection will be made on a **Water Main** of less than six (6) inches in diameter.

7. Upon request by **City Utilities**, unmetered water consumption associated with the **Customer's** testing and maintenance of their sprinkler pipes and other private fire connection pipes on the unmetered private **Fire Service** shall be estimated by the **Customer** and reported to **City Utilities**.



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CONTACT: RATES AND FUELS

J. Temporary, Standby and Special Service Connections. The entire cost of Temporary, **Standby** or Special **Water Service Pipe** shall be borne by the **Customer**. This cost shall be the actual cost but not less than the applicable **Initial Service Connection Charge** and shall include, if applicable, an **Extension Reimbursement Fee**. Title to such street **Service Connection** facilities shall remain with **City Utilities** in consideration of its upkeep and maintenance. The **Initial Service Connection Charge** shall not apply when water **Service** is rendered temporarily through a **Meter** placed on a fire hydrant.

K. Emergency **Service**. Water **Service** may be provided, subject to adequate water capacity being available, on a temporary basis to private or independent water systems provided that it has been determined by **City Utilities** that an emergency condition exists which would constitute a safety or health hazard for those served by said system.

#### L. Water Meters and Meter Installations

1. All water **Services** shall be **Metered** except private fire connections. For such unmetered private fire connections, upon the request by **City Utilities**, the **Customer** shall provide an estimate of unmetered water use for purposes of the **Customer's** testing and maintenance of its sprinkler pipes and other private fire connection pipes. In certain applications or at the request of a **Customer**, **City Utilities** shall provide a fire-rated **Meter** at no cost to the **Customer**. Such equipment shall remain the property of **City Utilities** and access to the same, at all times, shall be provided by the **Customer**.

2. All **Meters** shall be furnished, installed, maintained and removed by **City Utilities**, and shall remain its property, except when expressly permitted by the **President-CEO**.

3. When a **Meter** larger than the **Customer** requires is installed for the convenience of **City Utilities**, **City Utilities** may bill the **Customer** on the basis of the actual **Meter** requirements as determined by the **President-CEO**.

4. All **Meters** shall be maintained by **City Utilities** at its expense insofar as ordinary wear is concerned, but damage due to hot water, freezing or other external causes arising out of or caused by any actions of the **Customer** shall be paid for by the **Customer**. The **Meters** furnished by **City Utilities** shall remain its property and the applicable **Customer** shall be held responsible for their safekeeping and liable for any damage thereto resulting from the carelessness of said **Customer** or its agent(s) or tenant(s), and for failure to protect the same against freezing or damage by hot water, **City Utilities** may refuse to supply water until such damage is paid.

M. Pressure Regulators. Pressure regulation is the responsibility of the **Customer**. **City Utilities** will not install nor maintain pressure regulators, either for the purpose of regulating sustained high pressure or fluctuating pressure.



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CONTACT: RATES AND FUELS

N. Fire Hydrants. No unauthorized person shall, without the consent of the **President-CEO**, operate any fire hydrant except for the legitimate purpose of extinguishment of fire.

O. Water Measurement. **City Utilities** shall provide and install at its own expense, and shall continue to own, maintain and operate the **Meter** necessary for the measurement of water to **Point of Delivery** to the **Customer**. Such equipment shall remain the property of **City Utilities** and access to the same, at all times, shall be provided by the **Customer**.

### PART 6 - OTHER SERVICES

A. Public Communications **Services**. In 1991, **City Council** adopted its “Telecommunications Strategic Plan” (Resolution No. 7916). It was amended in 1996 (Resolution 8424) after the United States Congress passed the Telecommunications Act of 1996. In 1999, as provided for in amended Resolution 8424, **City Utilities** introduced SpringNet®, a competitively-focused public communications business unit of the **Board**. Contracts for SpringNet telecommunication **Services** shall be subject to applicable Public **Service** Commission (PSC) orders and tariffs governing SpringNet **Services**; policies adopted by the **Board**; applicable ordinances or provisions thereof of the City; and **City Utilities**’ Master **Service** Agreements and **Service** Descriptions. Such contracts shall be negotiated on an individual case basis.

B. Transit **Services**. **City Utilities** operates a fixed-route transit system and offers complementary paratransit and other related **Services**. Fares for the transportation of passengers are provided in the Schedule of Fares, approved by **City Council** and the **Board**. **Services** are subject to applicable rules and regulations adopted by the **Board**.



## **EXPLANATION TO COUNCIL BILL 2025-055 (HOSMER)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** City Utilities

**TITLE:** A special ordinance authorizing and directing the issuance, sale and delivery by the City of Springfield, Missouri, of Public Utility Refunding Revenue Bonds, Series 2025; prescribing the form and details of said Public Utility Refunding Revenue Bonds and the covenants and agreements made by the City to facilitate and protect the payment and security thereof; authorizing and approving certain documents in connection with the issuance of the Bonds; authorizing certain other documents and actions in connection therewith; and declaring an emergency pursuant to Section 2.12(3) of the City Charter.

**PURPOSE:** Authorize the issuance of Public Utility Refunding Revenue Bonds, Series 2025.

**BACKGROUND INFORMATION:** The City of Springfield, Missouri previously issued \$532,670,000 principal amount of Public Utility Refunding Revenue Bonds, Series 2015 (the "Series 2015 Bonds") of which \$363,400,000 remains outstanding. Current interest rates are below those of the Series 2015 bonds and interest savings can be achieved by refinancing these bonds.

**Submitted By:**

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:** 1. Revenue Bond Refunding

---

**ORDINANCE NO. \_\_\_\_\_**

**OF THE**

**CITY OF SPRINGFIELD, MISSOURI**

**PASSED**

**MARCH \_\_, 2025**

**AUTHORIZING NOT TO EXCEED**

**\$350,000,000**

**PUBLIC UTILITY REFUNDING REVENUE BONDS,**

**SERIES 2025**

**ORDINANCE NO. \_\_\_\_\_**

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One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 58  
Filed: 03-04-25

Sponsored by: Hosmer

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

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

COUNCIL BILL 2025-055

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1   AUTHORIZING       and directing the issuance, sale and delivery by the City of  
2                               Springfield, Missouri, of Public Utility Refunding Revenue Bonds,  
3                               Series 2025; prescribing the form and details of said Public Utility  
4                               Refunding Revenue Bonds and the covenants and agreements  
5                               made by the City to facilitate and protect the payment and security  
6                               thereof; authorizing and approving certain documents in connection  
7                               with the issuance of the Bonds; authorizing certain other  
8                               documents and actions in connection therewith; and declaring an  
9                               emergency pursuant to Section 2.12(3) of the City Charter.

10                               \_\_\_\_\_  
11  
12       WHEREAS, pursuant to the provisions of the Constitution and laws of the  
13       State of Missouri, including particularly the provisions of Section 27 of Article VI of  
14       the Constitution of Missouri, 1945, as amended, and the Charter of the City of  
15       Springfield, Missouri (collectively, the "Act"), the City has previously issued  
16       \$532,670,000 principal amount of Public Utility Refunding Revenue Bonds, Series  
17       2015 (the "Series 2015 Bonds") of which \$363,400,000 principal amount remains  
18       outstanding and unpaid; and

19  
20       WHEREAS, the Board of Public Utilities deems it desirable and in the best  
21       interests to refund all or a portion of the outstanding Series 2015 Bonds (defined  
22       herein as the "Refunded Bonds") to achieve interest cost savings; and

23  
24       WHEREAS, the City hereby finds and determines that it is necessary and  
25       desirable at this time to proceed with the issuance of its Public Utility Refunding  
26       Revenue Bonds, Series 2025 (the "Series 2025 Bonds"), for the purpose of providing  
27       funds to (i) refund all or a portion of the Refunded Bonds, (ii) pay certain costs of  
28       issuing the Series 2025 Bonds and (iii) if necessary, fund the Reserve Fund;

30 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
31 SPRINGFIELD, MISSOURI, AS FOLLOWS:  
32

## 33 34 ARTICLE I

### 35 36 DEFINITIONS

37  
38 **Section 101. Definitions.** In addition to the words, terms and phrases  
39 elsewhere defined in this Ordinance, the following words, terms and phrases as used  
40 herein shall have the following meanings, unless the context or use indicate another or  
41 different meaning or intent:  
42

43 **“Accountant’s Report”** means an opinion signed by a certified public  
44 accountant of recognized standing, selected by the City (which may be done by the  
45 Board of Public Utilities on the City’s behalf), who may be the accountant or firm of  
46 accountants who regularly examine the financial statements of the Public Utility System  
47 or the City.  
48

49 **“Accounting Practice”** means the application of generally accepted accounting  
50 principles appropriate to the public utility industry.  
51

52 **“Accrued Aggregate Debt Service”** means, as of any date of calculation, an  
53 amount equal to the sum of the amounts of accrued Debt Service with respect to all  
54 series of Outstanding Bonds, calculating the accrued Debt Service with respect to each  
55 series of Bonds at an amount equal to the sum of (i) interest on the Bonds of each  
56 series accrued and unpaid and to accrue to the end of the then current calendar month,  
57 and (ii) principal payments due (whether at Stated Maturity or by scheduled mandatory  
58 redemption) and unpaid and that portion of the principal payments for each series of  
59 Bonds next due (whether at Stated Maturity or by scheduled mandatory redemption)  
60 which would have accrued (if deemed to accrue in the manner set forth in the definition  
61 of Debt Service) to the end of such calendar month.  
62

63 **“Act”** means the Constitution and laws of the State of Missouri including  
64 particularly the provisions of Section 27 of Article VI of the Constitution of Missouri,  
65 1945, as amended, and the Charter of the City.  
66

67 **“Additional Bonds”** means any Bonds issued pursuant to **Section 204.**  
68

69 **“Aggregate Debt Service”** for any Fiscal Year means, as of any date of  
70 calculation, the sum of the amounts of Debt Service for such Fiscal Year with respect to  
71 all series of Outstanding Bonds.  
72

73 **“Annual Budget”** means the annual budget of the Public Utility System, as  
74 amended or supplemented, adopted or in effect for a particular Fiscal Year.  
75

76       **“Authorized Officer”** means the President - Chief Executive Officer or Sr. Vice  
77 President – Chief Financial & Supply Chain Officer of the “City Utilities of Springfield,  
78 Missouri” (as defined in the Charter of the City) or any officer of the “City Utilities of  
79 Springfield, Missouri” succeeding to the functions of said officers.

80  
81       **“Beneficial Owner”** means any person for which a Participant acquires an  
82 interest in any Bond.

83  
84       **“Board of Public Utilities”** means the governing body of the “City Utilities of  
85 Springfield, Missouri” established by the Charter of the City or any successor thereto.

86  
87       **“Bond”** or **“Bonds”** means the Series 2015 Bonds, the Series 2025 Bonds and  
88 any Additional Bonds.

89  
90       **“Bond Counsel”** means Gilmore & Bell, P.C., Kansas City, Missouri, or other  
91 attorney or firm of attorneys with a nationally recognized standing in the field of  
92 municipal bond financing selected by the Board of Public Utilities.

93  
94       **“Bond Fund”** means the Public Utility Bond Fund ratified by **Section 502**.

95  
96       **“Bond Payment Date”** means any date on which principal or interest on any  
97 Bond is payable at the Maturity thereof or on any Interest Payment Date.

98  
99       **“Bond Register”** means the books for the registration, transfer and exchange of  
100 Bonds kept at the office of the Paying Agent.

101  
102       **“Bondowner”** or **“Registered Owner”** when used with respect to any Bond  
103 means the Person in whose name such Bond is registered on the Bond Register.

104  
105       **“Business Day”** means a day other than a Saturday, Sunday or holiday on  
106 which the Paying Agent shall be scheduled in the normal course of its operations to be  
107 open to the public for conduct of its banking operations.

108  
109       **“Cede & Co.”** means Cede & Co., as nominee name of The Depository Trust  
110 Company, New York, New York.

111  
112       **“City”** means the City of Springfield, Missouri.

113  
114       **“Code”** means the Internal Revenue Code of 1986, as amended, and the  
115 applicable regulations of the Treasury Department proposed or promulgated  
116 thereunder.

117  
118       **“Consulting Engineers”** means an engineer or engineering firm or firms  
119 appointed from time to time and having a nationwide and favorable reputation for skill  
120 and experience at the time retained by the City or the Board of Public Utilities pursuant

to this Ordinance to perform the acts and carry out the duties provided for Consulting Engineers in this Ordinance.

**“Continuing Disclosure Undertaking”** means the Continuing Disclosure Undertaking executed by the Board of Public Utilities in connection with the issuance of the Series 2025 Bonds, as the same may be amended and supplemented in accordance with the provisions thereof.

**“Costs of Issuance”** means issuance costs with respect to the Series 2025 Bonds described in Section 147(g) of the Code, including the following:

(a) underwriter’s spread (whether realized directly or derived through purchase of Series 2025 Bonds at a discount below the price at which they are expected to be sold to the public);

(b) counsel fees (including bond counsel, underwriter’s counsel, counsel to the City, as well as any other specialized counsel fees incurred in connection with the borrowing);

(c) financial advisor fees of any financial advisor to the City incurred in connection with the issuance of the Series 2025 Bonds;

(d) rating agency fees;

(e) trustee, escrow agent and paying agent fees;

(f) accountant fees and other expenses related to the issuance of the Series 2025 Bonds;

(g) printing costs (for the Series 2025 Bonds and of the preliminary and final official statements relating to the Series 2025 Bonds); and

(h) fees and expenses of the City incurred in connection with the issuance of the Bonds.

**“Debt Service”** for any period means, as of any date of calculation and with respect to any series of Outstanding Bonds, an amount equal to the sum of (i) interest accruing during such period on such series of Outstanding Bonds except to the extent that such interest is to be paid from proceeds of such series of Bonds, and (ii) that portion of each principal payment (whether at Stated Maturity or by scheduled mandatory redemption) for such series of Outstanding Bonds which would accrue during such period if such principal payment were deemed to accrue daily (assuming that a year consists of 12 equivalent calendar months having 30 days each) in equal amounts from the next preceding principal payment due date (whether at Stated Maturity or by scheduled mandatory redemption) for such series of Outstanding Bonds (or, if there shall be no such preceding due date, from a date one year preceding the

next such due date), such interest and principal payment for such series of Outstanding Bonds shall be calculated on the assumption that no Bond of such series Outstanding at the date of calculation will cease to be Outstanding except by reason of the payment of each principal payment on the due date thereof (at Maturity or by scheduled mandatory redemption) and except that principal of a series of Bonds shall be excluded from the last principal maturity of that series to the extent moneys were initially deposited into the account for that series in the Reserve Fund and remain (or have been restored) therein and are required to be transferred to the account for that series in the Bond Fund when the amounts in that account in the Reserve Fund, together with the moneys in that account in the Bond Fund, are sufficient to fully pay all Outstanding Bonds of that series.

**“Debt Service Reserve Requirement”** means, with respect to any Bonds except as otherwise provided below, as of any date of calculation, an amount equal to the lesser of (i) the maximum annual Debt Service on those Bonds, (ii) 10% of the original principal amount of those Bonds, or (iii) 125% of the average annual Debt Service on those Bonds, or (iv) an amount sufficient for the aggregate of the Debt Service Reserve Requirements for all Bonds Outstanding to be equal to the maximum Aggregate Debt Service on all Bonds Outstanding. Notwithstanding the foregoing, any ordinance authorizing Additional Bonds may provide a different Debt Service Reserve Requirement if that ordinance contains provisions providing for a separate debt service reserve fund for those Additional Bonds that are not available to secure other Bonds subject to the foregoing Debt Service Reserve Requirement and providing that those Additional Bonds are not secured by the Reserve Fund securing those other Bonds. There is no Debt Service Reserve Requirement for the Series 2025 Bonds.

**“Defaulted Interest”** means interest on any Bond which is payable but not paid on any Interest Payment Date.

**“Defeasance Obligations”** means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

- (1) the obligations are (i) not subject to redemption prior to maturity, or
- (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

211 (2) the obligations are secured by cash or United States Government  
212 Obligations that may be applied only to principal of, premium, if, any, and interest  
213 payments on such obligations;  
214

215 (3) such cash and the principal of and interest on such United States  
216 Government Obligations (plus any cash in the escrow fund) are sufficient to meet  
217 the liabilities of the obligations;  
218

219 (4) such cash and United States Government Obligations serving as  
220 security for the obligations are held in an escrow fund by an escrow agent or a  
221 trustee irrevocably, in trust;  
222

223 (5) such cash and United States Government Obligations are not  
224 available to satisfy any other claims, including those against the trustee or  
225 escrow agent; and  
226

227 (6) such obligations are rated in a rating category by Moody's, S&P or  
228 Fitch that is no lower than the rating category then assigned by that Rating  
229 Agency to United States Government Obligations.  
230

231 **"Depository"** means any bank, or trust company selected by the City or by the  
232 Board of Public Utilities as a depository of moneys and securities held under the  
233 provisions of this Ordinance.  
234

235 **"Escrow Agent"** means U.S. Bank Trust Company, National Association, St.  
236 Louis, Missouri, as Escrow Agent under the Escrow Agreement.  
237

238 **"Escrow Agreement"** means the Escrow Agreement dated as of May 1, 2025,  
239 between the City and the Escrow Agent.  
240

241 **"Escrow Fund"** means the Escrow Fund created under the Escrow Agreement.  
242

243 **"Final Terms Committee"** means the Final Terms Committee established  
244 pursuant to **Section 202**.  
245

246 **"Fiscal Year"** means the 12-month period beginning October 1 and ending  
247 September 30, or such other period selected by the Board of Public Utilities as its fiscal  
248 year.  
249

250 **"Interest Payment Date"** means February 1 and August 1 of each year.  
251

252 **"Maturity"** when used with respect to any Bond means the date on which the  
253 principal of such Bond becomes due and payable as therein and herein provided,  
254 whether at the Stated Maturity thereof or by call for redemption, declaration of  
255 acceleration or otherwise.  
256



257       **“Net Revenues”** means all Revenues less all Operating Expenses as  
258 determined in accordance with accounting practice.

259  
260       **“Nominee”** means the nominee from time to time of the Securities Depository.

261  
262       **“Operating Expenses”** means the City’s expenses of operating the Public Utility  
263 System, including all costs due under any type of contractual arrangement in respect of  
264 power and power entitlements and supply, water and water supply, operation,  
265 maintenance, generation, production, transmission, distribution, repairs, replacements,  
266 engineering, transportation, administrative and general, audit, legal, financial, pension,  
267 retirement, health, hospitalization, insurance, taxes, and other expenses actually paid or  
268 accrued, including without limitation, any expenses of the City applicable to the Public  
269 Utility System, as recorded on its books pursuant to generally accepted accounting  
270 principles appropriate to the public utility industry, but excluding costs and expenses for  
271 new construction, charges for depreciation, payments in lieu of taxes and interest  
272 expenses.

273  
274       **“Operating Fund”** means the Public Utilities Operating Fund established  
275 pursuant to the City’s Special Ordinance No. 4854, passed October 24, 1944, as  
276 continued and confirmed by **Section 502**.

277  
278       **“Ordinance”** means this Ordinance as from time to time amended in accordance  
279 with the terms hereof.

280  
281       **“Outstanding”** when used with reference to the Bonds, means as of any date  
282 any such bonds theretofore or thereupon being authorized and delivered under this  
283 Ordinance except:

284  
285       (a) Any such Bonds cancelled at or prior to such date;

286  
287       (b) Such Bonds for whose payment or redemption moneys or obligations  
288 required under the respective issuing ordinances, or both, in the necessary amount  
289 have theretofore been deposited with the paying agents for such Bonds in trust for the  
290 Registered Owners of such Bonds (whether upon or prior to maturity or the redemption  
291 date of such Bonds), the principal of and the interest on such obligations, if any, when  
292 due, providing sufficient moneys to pay, with such other moneys so deposited with the  
293 paying agents for such Bonds, the principal and redemption premium of and the interest  
294 on such Bonds being paid or redeemed; and

295  
296       (c) Bonds in exchange for or in lieu of which other Bonds have been  
297 authenticated and delivered, pursuant to the ordinances authorizing such Bonds.

298  
299       **“Participants”** means those financial institutions for whom the Securities  
300 Depository effects book-entry transfers and pledges of securities deposited with the  
301 Securities Depository, as such listing of Participants exists at the time of such reference.

303       **“Paying Agent”** means U.S. Bank Trust Company, National Association, St.  
304       Louis, Missouri, and any successors and assigns.

305  
306       **“Permitted Investments”** means any of the following securities and obligations,  
307       if and to the extent the same are at the time legal for investment of the moneys held in  
308       the funds listed in **Section 502**:

309  
310       (a)     United States Government Obligations;

311  
312       (b)     Direct obligations of, or obligations the payment of which is directly  
313       guaranteed by, agencies of the United States government;

314  
315       (c)     certificates of deposit or time deposits, whether negotiable or  
316       nonnegotiable, issued by any bank or trust company organized under the laws of the  
317       United States or any state, provided that such certificates of deposit or time deposits  
318       shall be either (1) continuously and fully insured by the Federal Deposit Insurance  
319       Corporation, or (2) continuously and fully secured by United States Government  
320       Obligations which shall have a market value, exclusive of accrued interest, at all times  
321       at least equal to the principal amount of such certificates of deposit or time deposits;  
322       and

323  
324       (d)     any other securities or investments that are lawful for the investment of  
325       moneys held in such funds or accounts under the laws of the State of Missouri.

326  
327       **“Person”** means any natural person, corporation, partnership, firm, joint venture,  
328       association, joint-stock company, trust, unincorporated organization; or government or  
329       any agency or political subdivision thereof or other public body.

330  
331       **“Project”** means any renewal, replacement, expansion or improvement of the  
332       Public Utility System by the construction, acquisition or installation of facilities for the  
333       Public Utility System, including without limitation additional generating, pollution control,  
334       transmission or distribution facilities.

335  
336       **“Public Utility System”** means the properties and assets relating to the City’s  
337       wholly-owned enterprise commonly known as the “Public Utility” which includes its  
338       water, electric, natural gas, transit and telecommunications/broadband departments and  
339       other minor services, to which legal title is vested in the City and all properties and  
340       assets acquired by the City as renewals and replacements, additions, expansions and  
341       improvements thereto, as recorded in the books of the City pursuant to generally  
342       accepted accounting principles appropriate to the public utility industry, and all renewals  
343       and replacements, additions and expansions and improvements thereto acquired as the  
344       result of either assumption or donation, or paid for or financed in whole or in part from  
345       Revenues or from the proceeds of debt obligations.

346  
347       **“Qualified Financial Institution”** means a bank, trust company, national  
348       banking association, insurance company or other financial services company or entity,

whose unsecured long term debt obligations (in the case of a bank, trust company, national banking association or other financial services company or entity) or whose claims paying abilities (in the case of an insurance company) are rated in either of the two highest categories by a then nationally recognized rating agency.

**“Rebate Fund”** means the fund by that name ratified by **Section 502**.

**“Record Date”** for the interest payable on any interest payment date means the 15th day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date.

**“Redemption Date”** when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of this Ordinance.

**“Redemption Price”** when used with respect to any Bond to be redeemed means the price at which such Bond is to be redeemed pursuant to the terms of this Ordinance, including the applicable redemption premium, if any, but excluding any installment of interest with a Stated Maturity on or before the Redemption Date.

**“Refunded Bonds”** means that portion of the City’s Public Utility Refunding Revenue Bonds, Series 2015, identified on the Final Terms Sheet, issued and outstanding pursuant to the Series 2015 Bond Ordinance.

**“Replacement Bonds”** means Bonds issued to the beneficial owners of the Bonds in accordance with **Section 206(b)**.

**“Representation Letter”** means the DTC Blanket City Letter of Representations dated December 27, 2001, from the City to the Securities Depository.

**“Reserve Fund”** means the Public Utility Reserve Fund ratified herein pursuant to **Section 502**.

**“Revenues”** means all income and revenues derived from the operation of the Public Utility System including investment and rental income, net proceeds from business interruption insurance, and any amounts deposited in escrow in connection with the acquisition, construction, remodeling, renovation and equipping of facilities to be applied during the period of determination to pay lease payments or interest on revenue bonds, but excluding any profits or losses on the yearly extinguishment of debt or on the sale or other disposition, not in the ordinary course of business, of investments or fixed or capital assets, any unrealized gains on investments and other noncash revenues and including any realized gains on investments.

**“Revenues Available For Debt Service,”** for any Fiscal Year or other period of 12 consecutive calendar months means, after the amount of Operating Expenses for such year or period, all Revenues accrued by the City from the ownership and operation of the Public Utility System.

395  
396       **“Securities Depository”** means The Depository Trust Company, New York,  
397 New York, or any other successor Securities Depository appointed pursuant to **Section**  
398 **206**.

399  
400       **“Series 2015 Bond Ordinance”** means General Ordinance No. 26566 of the  
401 City passed by the City Council on May 11, 2015, authorizing the Series 2015 Bonds.  
402

403       **“Series 2015 Bonds”** mean the Public Utility Refunding Revenue Bonds, Series  
404 2015, of the City issued pursuant to the Series 2015 Bond Ordinance.  
405

406       **“Series 2025 Bonds”** mean the Public Utility Refunding Revenue Bonds, Series  
407 2025, of the City issued pursuant to this Ordinance.  
408

409       **“Series 2025 Costs of Issuance Fund”** means the Costs of Issuance Fund for  
410 Public Utility Refunding Revenue Bonds, Series 2025, established pursuant to the  
411 Escrow Agreement and referenced herein in **Section 502**.  
412

413       **“Special Record Date”** means the date fixed by the Paying Agent pursuant to  
414 **Section 205** for the payment of Defaulted Interest.  
415

416       **“Stated Maturity”** when used with respect to any Bond or any installment of  
417 interest thereon means the date specified in such Bond and this Ordinance as the fixed  
418 date on which the principal of such Bond or such installment of interest is due and  
419 payable.  
420

421       **“Tax Declaration”** means the Tax Declaration executed by the City and the  
422 Board of Public Utilities in connection with the issuance of the Series 2025 Bonds, as  
423 the same may be amended and supplemented in accordance with the provisions  
424 thereof.  
425

426       **“Underwriter”** means the underwriter or collectively, the underwriting group  
427 initially purchasing the Series 2025 Bonds or any Additional Bonds.  
428

429       **“United States Government Obligations”** means and includes any of the  
430 following securities:  
431

- 432       (a)     Direct obligations of the United States of America; and  
433  
434       (b)     Obligations the timely payment of the principal of and interest on which  
435 are fully and unconditionally guaranteed by the United States of America.  
436  
437

438 **ARTICLE II**

439 **AUTHORIZATION OF BONDS**

440  
441  
442 **Section 201. Authorization of Series 2025 Bonds.** There is hereby authorized  
443 and directed to be issued a series of bonds of the City, designated "Public Utility  
444 Refunding Revenue Bonds, Series 2025" (the "Series 2025 Bonds"), in the principal  
445 amount of not to exceed **\$350,000,000** for the purpose of providing funds to (a) refund  
446 the Refunded Bonds, (b) pay Costs of Issuance of the Series 2025 Bonds and (c) if  
447 necessary, fund the Reserve Fund.

448  
449 **Section 202. Description of Series 2025 Bonds.** The Series 2025 Bonds shall  
450 consist of fully registered bonds without coupons, numbered in a manner determined by  
451 the Paying Agent, in denominations of \$5,000 or any integral multiple thereof. The  
452 Series 2025 Bonds, as originally issued or issued upon transfer, exchange or  
453 substitution, shall be substantially in the form set forth in **Exhibit A** attached hereto, and  
454 shall be subject to registration, transfer and exchange as provided in **Section 205**. The  
455 Series 2025 Bonds shall be dated the date of their initial issuance and delivery.

456  
457 The Series 2025 Bonds shall be sold at a public sale conducted in accordance  
458 with the City's Charter. The Series 2025 Bonds shall be dated as of their date of  
459 issuance, shall bear interest at fixed interest rates not to exceed **5.00%** per annum with  
460 a true interest cost not exceeding **4.50%** per annum (computed on the basis of a  
461 360-day year of twelve 30-day months) from the date thereof or from the most recent  
462 interest payment date for the Series 2025 Bonds to which interest has been paid or duly  
463 provided for, payable semiannually on February 1 and August 1 in each year, beginning  
464 on February 1, 2026. The Series 2025 Bonds shall have such other terms to be  
465 determined in the manner described in the following paragraph.

466  
467 The City Council does hereby establish a Final Terms Committee for the Series  
468 2025 Bonds to consist of three members, being (1) the Mayor or Mayor Pro Tem, (2) the  
469 City Manager, and (3) the President - Chief Executive Officer or Sr. Vice President –  
470 Chief Financial & Supply Chain Officer of the Public Utility System. The Final Terms  
471 Committee acting unanimously is hereby authorized for and on behalf of the City to  
472 establish for the Series 2025 Bonds (a) the aggregate principal amount of the Series  
473 2025 Bonds, which shall not exceed **\$350,000,000** or such lesser amount as necessary  
474 to refund the Refunded Bonds and pay costs of issuing the Series 2025 Bonds; (b) the  
475 specific maturities and amounts of each such maturity of the Series 2015 Bonds to be  
476 refunded with proceeds of the Series 2025 Bonds; (c) the principal maturity dates of the  
477 Series 2025 Bonds and the aggregate principal amount thereof maturing on such dates,  
478 with a final maturity not later than the year **2036**; (d) the purchase price for the Series  
479 2025 Bonds shall not be less than **95%** of the principal amount; (e) the maximum  
480 annual Debt Service in any fiscal year shall not exceed **\$38,530,800.00**; (f) the interest  
481 rates to be borne by the Series 2025 Bonds, at fixed interest rates not to exceed **5.00%**  
482 per annum with a true interest cost not exceeding **4.50%** per annum; (g) the minimum  
483 net present value savings generated as a result of refunding the Refunded Bonds shall

be no less than **1.50%**; all to be established consistent with the following: On any date selected by the Final Terms Committee, the Committee shall determine the lowest and best interest rates and the most appropriate maturities, redemption terms, and final principal amount and purchase price (including any discount or premium) which, in the unanimous best judgment of the Final Terms Committee at that time, would produce the lowest true interest cost for the Series 2025 Bonds in the then bond market for the Series 2025 Bonds. The determination of the Final Terms Committee shall be conclusively evidenced by the execution by the members of the Certificate of Final Terms in substantially the form attached hereto as **Exhibit B**, setting forth the final terms of the Series 2025 Bonds, and the signatures of such officers of the City executing such Certificate of Final Terms shall constitute conclusive evidence of such officers' approval and the City's approval thereof. Immediately after execution of the Certificate of Final Terms, any member of the Final Terms Committee is hereby authorized to execute the bid form submitted by the successful bidder and any other documents necessary to collectively constitute a bond purchase agreement for the Series 2025 Bonds, upon such terms as set forth in the Certificate of Final Terms.

**Section 203. Designation of Paying Agent.** The City will at all times maintain a Paying Agent meeting the qualifications herein described for the performance of the duties hereunder. The City reserves the right to appoint a successor Paying Agent by (1) filing with the Paying Agent then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent and appointing a successor, and (2) causing notice to be given to each Bondowner. No resignation or removal of the Paying Agent shall become effective until a successor has been appointed and has accepted the duties of the Paying Agent.

Every Paying Agent appointed hereunder shall at all times be a commercial banking association or corporation or trust company located in the State of Missouri organized and doing business under the laws of the United States of America or of the State of Missouri and subject to supervision or examination by federal or state regulatory authority.

The Paying Agent shall be paid the usual fees for its services in connection therewith, which fees shall be paid as other Expenses are paid.

The City hereby designates U.S. Bank Trust Company, National Association, St. Louis, Missouri, as the Paying Agent for the Series 2025 Bonds.

**Section 204. Additional Bonds and Other Revenue Obligations.**

(a) The City will not issue any Additional Bonds or other obligations payable out of the Revenues of the Public Utility System, or any part thereof that are superior in line, claim, security or otherwise to the Bonds.

(b) The City will issue any Additional Bonds on a parity and equality with the Bonds only if:

(i) either

(A) the Revenues Available for Debt Service, adjusted as provided in **subsection (b)(i)(B)**, of any 12 consecutive calendar months out of the 24 calendar months next preceding the issuance of such proposed Additional Bonds, are not less than 100% of the maximum total Debt Service in any future Fiscal Year on all Bonds which will be outstanding immediately subsequent to the issuance of the proposed additional Bonds, or

(B) the estimated Revenues Available for Debt Service, adjusted as provided in **subsection (b)(i)(C)**, for the Fiscal Year immediately following the year in which the Project, the Cost of Construction of which is being financed by such Additional Bonds, is to be in commercial operation (or, if the Additional Bonds are issued to refund outstanding Bonds and not to finance a Project, for the Fiscal Year immediately following the issuance of such Additional Bonds), are not less than 100% of the maximum total Debt Service in any future Fiscal Year on all Bonds which will be outstanding immediately subsequent to the issuance of the proposed additional Bonds; or

(C) if the Additional Bonds are issued to refund outstanding Bonds, the maximum annual Debt Service in any future Fiscal Year (other than any Fiscal Year commencing after the last Stated Maturity of the Bonds Outstanding immediately before the issuance of such Additional Bonds) for all Bonds that will be outstanding immediately after the issuance of such Additional Bonds will be not greater than the maximum annual Debt Service in any Fiscal Year for all Bonds outstanding immediately before the issuance of such Additional Bonds.

(ii) Before the issuance of any Additional Bonds, the City shall obtain a certificate of an Authorized Officer of the City evidencing full compliance with the provisions of **subsection (b)(i)(A)** or **(C)**, or a certificate of the Consulting Engineer evidencing full compliance with the provisions of **subsection (b)(i)(B)**, as the case may be.

(iii) In determining the amount of Revenues Available for Debt Service for the purposes of **subsection (b)(i)(A)** or **(B)**, the Authorized Officer of the City may adjust the Revenues Available for Debt Service by adding thereto, in the event any adjustment of rates with respect to the Public Utility System shall have become effective subsequent to the beginning of the 12-month period selected pursuant to **subsection (b)(i)(A)**, an estimate made by an Authorized Officer of the City of such additional Revenues Available for Debt Service for such 12-

month period which would have resulted had such rate adjustment been in effect for the entire period.

(iv) In determining the amount of estimated Revenues Available for Debt Service for the purpose of **subsection (b)(i)(B)**, the Consulting Engineers may adjust the estimated Revenues Available for Debt Service by adding thereto any estimated increase in revenue resulting from any increase in user rates which, in the opinion of the Consulting Engineers, are economically feasible and reasonably considered necessary based on projected operations of the Public Utility System.

(v) Either of the certificates required by **subsection (ii)** shall be conclusive evidence and the only evidence required to show compliance with the provisions and requirements of **subsection (i)**.

(vi) Additional Bonds may be issued notwithstanding the restrictions upon the issuance of Additional Bonds set forth in **subsections (b)(i)** and **(ii)**, if necessary, in the opinion of the Consulting Engineer, to repair any damage or loss to the Public Utility System if the Public Utility System has been destroyed or damaged by disaster to such an extent that it cannot be operated or if it is necessary to keep the Public Utility System in good operating condition; provided, however, that the proceeds of any Additional Bonds issued for such purpose may only be used to return the Public Utility System to its former operating condition.

(vii) The City has passed an ordinance supplementing this Ordinance authorizing such Additional Bonds, certified by the City Clerk, which shall specify or provide the manner of determining: (a) the maximum authorized principal amount, designation and series of such Bonds; (b) the purposes for which such series of Bonds is being issued, which shall be to finance Costs of Construction of a Project or to refund outstanding Bonds or both; (c) the date and the Maturity Date or Dates of the Bonds of such series, provided that each maturity date shall fall upon an Interest Payment Date; (d) the interest rate or rates of the Bonds of such series, and the Interest Payment Dates therefor, provided that (i) the interest rate shall be identical for all such Bonds of like Maturity, and (ii) the Interest Payment Dates shall be February 1 and August 1 in each year and the first such Interest Payment Date shall be not more than nine months following the actual date of delivery of such Bonds; (e) the denominations of, and the manner of dating, numbering and lettering the Bonds of such series, provided that such Bonds shall be in denominations of \$5,000 or any multiple thereof as authorized by such ordinance supplementing this Ordinance; (f) the Paying Agent or Paying Agents; and the place or places of payment of the principal and Redemption Price, if any, of and interest on, the Bonds of such series; (g) the Redemption Price or Prices, if any, and, subject to **Article III**, the redemption terms for the Bonds of such series; (h) if so determined by the City, provisions for the sale of the Bonds of such series; (i) the forms of the Bonds of such series; and (j) the



amount, if any, to be deposited in the Reserve Fund or other accounts established herein or therein with respect to such series.

Such ordinance supplementing this Ordinance may provide that the City, by establishment of a final terms committee similar to the Final Terms Committee established pursuant to **Section 202** hereof or by a resolution adopted at the time of the award of the Bonds of such series to a purchaser, may (a) determine the interest rate on and principal amount of the Bonds of such series for each maturity and any scheduled mandatory redemption provisions for any of such Bonds, (b) determine the principal amount of such Bonds, provided, however, such amount shall not exceed the maximum authorized, and (c) provide for the award of such Bonds to the purchaser thereof.

(c) Nothing in this Section shall prohibit or restrict the right of the City to issue additional revenue bonds or other revenue obligations for the purpose of extending, improving, enlarging, repairing or altering the Public Utility System and to provide that the interest on said revenue bonds or obligations shall be payable out of the net revenues of the Public Utility System, provided:

(1) at the time of the issuance of such additional revenue obligations the City shall not be in default in the performance of any covenant or agreement herein contained, and

(2) said additional revenue bonds or obligations shall be junior and subordinate to the Bonds, so that if at any time the City shall be in default in paying either principal of or interest on the Bonds, or if the City shall be in default in making any payments required to be made by the provisions of this Ordinance, including the payments required to be made by **Section 503(a)** and **(b)**, the City shall make no payments of interest on or principal of said junior and subordinate obligations unless said default or defaults be cured and no default shall exist on the part of the City under the covenants, agreements and conditions contained in this Ordinance. In the event of the issuance of any such junior and subordinate revenue obligations, the City, subject to the provisions aforesaid, may make provision for paying the principal of and interest on said obligations from moneys in the Operating Fund.

**Section 205. Method and Place of Payment of Bonds.** The principal or Redemption Price of and interest on the Bonds shall be payable in any coin or currency of the United States of America that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal corporate trust office of the Paying Agent.

666 The interest payable on each Bond on any Interest Payment Date shall be paid  
667 to the Registered Owner of such Bond as shown on the Bond Register at the close of  
668 business on the Record Date for such interest (a) by check or draft mailed by the  
669 Paying Agent to such Registered Owner at the address shown on the Bond Register or  
670 (b) at such other address as is furnished to the Paying Agent in writing by such  
671 Registered Owner or (c) in the case of an interest payment to any Registered Owner of  
672 \$500,000 or more in aggregate principal amount of Bonds, by wire transfer to such  
673 Registered Owner upon written notice given to the Paying Agent by such Registered  
674 Owner, not less than 15 days prior to the Record Date for such interest, containing the  
675 wire transfer address (which shall be in the continental United States) to which such  
676 Registered Owner wishes to have such wire directed.

677  
678 Notwithstanding the foregoing provisions of this Section, any Defaulted Interest  
679 with respect to any Bond shall cease to be payable to the Registered Owner of such  
680 Bond on the relevant Record Date and shall be payable to the Registered Owner in  
681 whose name such Bond is registered at the close of business on the Special Record  
682 Date for the payment of such Defaulted Interest, which Special Record Date shall be  
683 fixed as hereinafter specified in this paragraph. The City shall notify the Paying Agent in  
684 writing of the amount of Defaulted Interest proposed to be paid on each Bond and the  
685 date of the proposed payment (which date shall be at least 30 days after receipt of such  
686 notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such  
687 notice an amount of money equal to the aggregate amount proposed to be paid in  
688 respect of such Defaulted Interest or shall make arrangements satisfactory to the  
689 Paying Agent for such deposit prior to the date of the proposed payment. Following  
690 receipt of such funds the Paying Agent shall fix a Special Record Date for the payment  
691 of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to  
692 the date of the proposed payment. The Paying Agent shall promptly notify the City of  
693 such Special Record Date and, in the name and at the expense of the City, shall cause  
694 notice of the proposed payment of such Defaulted Interest and the Special Record Date  
695 therefor to be mailed, by first class mail, postage prepaid, to each Registered Owner of  
696 a Bond entitled to such notice at the address of such Registered Owner as it appears on  
697 the Bond Register not less than 10 days prior to such Special Record Date.

698  
699 The Paying Agent shall keep a record of payment of principal and Redemption  
700 Price of and interest on all Bonds and shall at least annually forward a copy or summary  
701 of such records to the City.

## 702 703 **Section 206. Book-Entry Bonds; Securities Depository.**

704  
705 (a) The Bonds shall initially be registered to Cede & Co., the nominee for the  
706 Securities Depository, and no beneficial owner will receive certificates representing their  
707 respective interests in the Bonds, except in the event the Paying Agent issues  
708 Replacement Bonds as provided in **subsection (b)**. It is anticipated that during the  
709 term of the Bonds, the Securities Depository will make book-entry transfers among its  
710 Participants and receive and transmit payment of principal of, premium, if any, and  
711 interest on, the Bonds to the Participants until and unless the Paying Agent

712 authenticates and delivers Replacement Bonds to the beneficial owners as described in  
713 subsection (b).

714  
715 (b) (1) If the City determines (A) that the Securities Depository is unable to  
716 properly discharge its responsibilities, or (B) that the Securities Depository is no longer  
717 qualified to act as a securities depository and registered clearing agency under the  
718 Securities and Exchange Act of 1934, as amended, or (C) that the continuation of a  
719 book-entry system to the exclusion of any Bonds being issued to any Registered Owner  
720 other than Cede & Co. is no longer in the best interests of the beneficial owners of the  
721 Bonds, or (2) if the Paying Agent receives written notice from Participants having  
722 interests in not less than 50% of the Bonds outstanding, as shown on the records of the  
723 Securities Depository (and certified to such effect by the Securities Depository), that the  
724 continuation of a book-entry system to the exclusion of any Bonds being issued to any  
725 Registered Owner other than Cede & Co. is no longer in the best interests of the  
726 beneficial owners of the Bonds, then the Paying Agent shall notify the Registered  
727 Owners of such determination or such notice and of the availability of certificates to  
728 Registered Owners requesting the same, and the Paying Agent shall register in the  
729 name of and authenticate and deliver Replacement Bonds to the beneficial owners or  
730 their nominees in principal amounts representing the interest of each, making such  
731 adjustments as it may find necessary or appropriate as to accrued interest and previous  
732 calls for redemption; provided, that in the case of a determination under (1)(A) or (1)(B)  
733 of this **subsection (b)**, the City, with the consent of the Paying Agent, may select a  
734 successor securities depository in accordance with **subsection (c)** to effect book-entry  
735 transfers. In such event, all references to the Securities Depository herein shall relate  
736 to the period of time when the Securities Depository has possession of at least one  
737 Bond. Upon the issuance of Replacement Bonds, all references herein to obligations  
738 imposed upon or to be performed by the Securities Depository shall be deemed to be  
739 imposed upon and performed by the Paying Agent, to the extent applicable with respect  
740 to such Replacement Bonds. If the Securities Depository resigns and the City, the  
741 Paying Agent or Registered Owners are unable to locate a qualified successor of the  
742 Securities Depository in accordance with **subsection (c)**, then the Paying Agent shall  
743 authenticate and cause delivery of Replacement Bonds to Registered Owners, as  
744 provided herein. The Paying Agent may rely on information from the Securities  
745 Depository and its Participants as to the names of the beneficial owners of the Bonds,  
746 their addresses and principal amount held. The cost of printing, registration,  
747 authentication and delivery of Replacement Bonds shall be paid for by the City.

748  
749 (c) In the event the Securities Depository resigns, is unable to properly  
750 discharge its responsibilities, or is no longer qualified to act as a securities depository  
751 and registered clearing agency under the Securities and Exchange Act of 1934, as  
752 amended, the City may appoint a successor Securities Depository provided the Paying  
753 Agent and the City receive written evidence with respect to the ability of the successor  
754 Securities Depository to discharge its responsibilities. Any such successor Securities  
755 Depository shall be a securities depository which is a registered clearing agency under  
756 the Securities and Exchange Act of 1934, as amended, or other applicable statute or  
757 regulation that operates a securities depository upon reasonable and customary terms.

758 The Paying Agent upon its receipt of a Bond or Bonds for cancellation shall cause the  
759 delivery of Bonds to the successor Securities Depository in appropriate denominations  
760 and form as provided herein.

761  
762 (d) If (i) the City determines (A) that the Securities Depository is unable to  
763 properly discharge its responsibilities and no successor Securities Depository is  
764 appointed pursuant to **subsection (c)**, or (B) that the Securities Depository is no longer  
765 qualified to act as a securities depository and registered clearing agency under the  
766 Securities and Exchange Act of 1934, as amended, and no successor Securities  
767 Depository is appointed pursuant to **subsection (c)**, or (C) that the continuation of a  
768 book-entry system to the exclusion of any such Bonds being delivered to any  
769 Bondowner other than the Nominee is no longer in the best interests of the Beneficial  
770 Owners of any Bonds, or (ii) the Bond Registrar and authenticating agent receives (A)  
771 written notice from the Beneficial Owners owning interests aggregating not less than  
772 51% of the aggregating principal amounts of the Bonds at the time outstanding, as  
773 shown on the records of the Securities Depository and the Participants, that the  
774 continuation of a book-entry system to the exclusion of any Bonds being issued to any  
775 Bondowner other than the Nominee is no longer in the best interests of the Beneficial  
776 Owners of the Bonds and (B) indemnity satisfactory to the Bond Registrar and  
777 authenticating agent then the Bond Registrar or authenticating agent shall notify the  
778 Bondowners, the Participants and the Beneficial Owners of such determination or such  
779 notice; and the authenticating agent shall authenticate and deliver Replacement Bonds  
780 to the Beneficial Owners or their nominees in principal amounts representing their  
781 interests. In such event, all references to the Securities Depository herein shall relate to  
782 the period of time when the Securities Depository has possession of at least one Bond.  
783 Upon the issuance of Replacement Bonds, all references herein to obligations imposed  
784 upon or to be imposed upon and performed by the Bond Registrar or authenticating  
785 agent shall be applicable with respect to such Replacement Bonds. If the Securities  
786 Depository resigns and the City is unable to locate a qualified successor of the  
787 Securities Depository in accordance with **subsection (c)**, then the authenticating agent  
788 shall authenticate and deliver Replacement Bonds to the Participants for the benefit of  
789 Beneficial Owners as provided herein.

790  
791 **Section 207. Registration, Transfer and Exchange of Bonds.** The City  
792 covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond  
793 Register to be kept at the office of the Paying Agent for the registration, transfer and  
794 exchange of Bonds as herein provided. Each Bond when issued shall be registered in  
795 the name of the owner thereof on the Bond Register kept by the Paying Agent.

796  
797 Bonds may be transferred and exchanged only on the Bond Register as provided  
798 in this Section. Upon surrender of any Bond at the principal corporate trust office of the  
799 Paying Agent, the Paying Agent shall transfer or exchange such Bond for a new Bond  
800 or Bonds in any authorized denomination of the same Stated Maturity and in the same  
801 aggregate principal amount as the Bond that was presented for transfer or exchange.  
802 Bonds presented for transfer or exchange shall be accompanied by a written instrument  
803 or instruments of transfer or authorization for exchange, in a form and with guarantee of

signature satisfactory to the Paying Agent, duly executed by the Registered Owner thereof or by the Registered Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City, acting through its Board of Public Utilities, shall pay the fees and expenses of the Paying Agent for the registration, transfer and exchange of Bonds provided for by this Ordinance and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Paying Agent, are the responsibility of the Registered Owners of the Bonds.

The City and the Paying Agent shall not be required (a) to register the transfer or exchange of any Bond after notice calling such Bond or portion thereof for redemption has been mailed and during the period of fifteen days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the City of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to **Section 205**.

The City and the Paying Agent may deem and treat the Person in whose name any Bond shall be registered in the Bond Register as the absolute owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Registered Owner or upon the Registered Owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Paying Agent, the Bond Register may be inspected and copied by the Registered Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Registered Owners to be evidenced to the satisfaction of the Paying Agent.

**Section 208. Execution, Registration, Authentication and Delivery of Bonds.** Each of the Bonds, including any Bonds issued in exchange or as substitution for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the City Clerk, and shall have the official seal of the City affixed or imprinted thereon. In case any officer whose signature appears on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper

849 officers to sign such Bond although at the date of such Bond such persons may not  
850 have been such officers.

851  
852 The Mayor and City Clerk are hereby authorized and directed to prepare and  
853 execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to  
854 the Paying Agent for authentication.

855  
856 The Bonds shall have endorsed thereon a certificate of authentication  
857 substantially in the form set forth in **Exhibit A** attached hereto, which shall be manually  
858 executed by an authorized officer or employee of the Paying Agent, but it shall not be  
859 necessary that the same officer or employee sign the certificate of authentication on all  
860 of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled  
861 to any security or benefit under this Ordinance or be valid or obligatory for any purpose  
862 unless and until such certificate of authentication shall have been duly executed by the  
863 Paying Agent. Such executed certificate of authentication upon any Bond shall be  
864 conclusive evidence that such Bond has been duly authenticated and delivered under  
865 this Ordinance. Upon authentication, the Paying Agent shall deliver the Bonds to the  
866 Purchaser of the Bonds upon payment of the Purchase Price.

867  
868 **Section 209. Mutilated, Destroyed, Lost and Stolen Bonds.** If (a) any  
869 mutilated Bond is surrendered to the Paying Agent, or the City and the Paying Agent  
870 receive evidence to their satisfaction of the mutilation, destruction, loss or theft of any  
871 Bond, and (b) there is delivered to the City and the Paying Agent such security or  
872 indemnity as may be required by each of them, then, in the absence of notice to the City  
873 or the Paying Agent that such Bond has been acquired by a bona fide purchaser, the  
874 City shall execute and, upon the City's request, the Paying Agent shall authenticate and  
875 deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond,  
876 a new Bond of the same Stated Maturity and of like tenor and principal amount.

877  
878 If any such mutilated, destroyed, lost or stolen Bond has become or is about to  
879 become due and payable, the City, in its discretion may pay such Bond instead of  
880 issuing a new Bond.

881  
882 Upon the issuance of any new Bond under this Section, the City may require the  
883 payment by the Registered Owner of a sum sufficient to cover any tax or other  
884 governmental charge that may be imposed in relation thereto and any other expenses  
885 (including the fees and expenses of the Paying Agent) connected therewith.

886  
887 Every new Bond issued pursuant to this Section shall constitute a replacement of  
888 the prior obligation of the City, and shall be entitled to all the benefits of this Ordinance  
889 equally and ratably with all other Outstanding Bonds.

890  
891 **Section 210. Cancellation and Destruction of Bonds Upon Payment.** All  
892 Bonds that have been paid or redeemed or that otherwise have been surrendered to the  
893 Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent  
894 immediately upon the payment, redemption and surrender thereof to the Paying Agent

and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the City.

**Section 211. Notice of Bond Sale, Preliminary and Final Official Statement.**

The Notice of Bond Sale and the Preliminary Official Statement respecting the Series 2025 Bonds forms of which are attached hereto as **Exhibit C** are hereby authorized and approved, in substantially the forms submitted to the City Council with such changes thereto as are approved by the City Manager of the City, such approval to be conclusively evidenced by that official's execution of the final Official Statement. The final Official Statement respecting the Series 2025 Bonds is hereby authorized and approved, in substantially the form of the Preliminary Official Statement with such changes thereto as are approved by the City Manager of the City, such approval to be conclusively evidence by that official's execution of the final Official Statement. The City Manager of the City is hereby authorized to execute the final Official Statement, and the use and public distribution of the Official Statement by the Underwriter in connection with the reoffering of the Series 2025 Bonds is hereby authorized.

The City, acting through its Board of Public Utilities, agrees to provide to the Underwriter for the Series 2025 Bonds within seven business days of the date of the sale of the Series 2025 Bonds sufficient copies of the final Official Statement to enable the Underwriter to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

**Section 212. Escrow Agreement and Tax Declaration.** The Escrow Agreement and the Tax Declaration the forms of which are attached hereto as **Exhibit D** and **Exhibit E**, respectively, are hereby authorized and approved, in substantially the forms submitted to the City Council with such changes thereto as are approved by the City Manager of the City, such approval to be conclusively evidenced by that official's execution of such agreements.

### ARTICLE III

#### REDEMPTION OF BONDS

**Section 301. Optional Redemption of Bonds.**

(a) **Optional Redemption of Series 2025 Bonds.** At the option of the City, Series 2025 Bonds or portions thereof maturing on August 1, 2036 may be called for redemption and payment prior to their Stated Maturities on or after August 1, 2035, in whole or in part at any time in such order of maturities and in such amounts for each maturity as shall be determined by the City at the Redemption Price of 100% of the

principal amount of the Series 2025 Bonds, or portion thereof to be redeemed, together with accrued interest on, but not including the Redemption Date.

(b) **Additional Bonds.** Additional Bonds shall be subject to redemption as provided in the ordinance supplementing this Ordinance authorizing such Additional Bonds.

### **Section 302. Selection of Bonds to Be Redeemed.**

(a) The Paying Agent shall call Bonds for redemption and payment as herein provided upon receipt by the Paying Agent at least 45 days prior to the Redemption Date of a written request of the City specifying the principal amount, Stated Maturities and Redemption Prices of the Bonds to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in **Section 303** are met. The foregoing provisions of this paragraph shall not apply to the mandatory redemption of Bonds hereunder, and Bonds shall be called by the Paying Agent for redemption pursuant to such mandatory redemption requirements without the necessity of any action by the City and whether or not the Paying Agent shall hold in the Bond Fund moneys available and sufficient to effect the required redemption.

(b) Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. Bonds of less than a full Stated Maturity shall be selected by the Paying Agent in \$5,000 units of principal amount in such equitable manner as the Paying Agent may determine.

(c) In the case of a partial redemption of Bonds at the time Outstanding in denominations greater than \$5,000, each \$5,000 of face value shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of face value represented by any Bond are selected for redemption, then upon notice of intention to redeem such \$5,000 unit or units, the Registered Owner of such Bond or the Registered Owner's duly authorized agent shall present and surrender such Bond to the Paying Agent (1) for payment of the Redemption Price and interest to the Redemption Date of such \$5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the Registered Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Registered Owner of any such Bond shall fail to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the Redemption Date to the extent of the \$5,000 unit or units of face value called for redemption (and to that extent only).

**Section 303. Notice and Effect of Call for Redemption.** Unless waived by any Registered Owner of Bonds to be redeemed, official notice of any redemption shall be given by the Paying Agent on behalf of the City by mailing a copy of an official redemption notice by first class; registered or certified mail, as determined by the



Paying Agent, at least 30 days prior to the Redemption Date, to the Purchaser of the Bonds and each Registered Owner of the Bonds to be redeemed at the address shown on the Bond Register or at such other address furnished in writing by any such Registered Owner or Registered Owners to the Paying Agent.

All official notices of redemption shall be dated and shall contain the following information:

(a) the Redemption Date;

(b) the Redemption Price;

(c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal corporate trust office of the Paying Agent.

Any notice of redemption of any Bonds other than pursuant to scheduled mandatory redemption provisions may specify that the redemption is contingent upon the deposit of moneys with the Paying Agent in an amount sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on that date.

Official notice of redemption having been given as aforesaid (and the deposit of sufficient moneys with the Paying Agent to pay the redemption price thereof, if the redemption is contingent on that deposit), the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the City shall default in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been redeemed shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

For so long as the Securities Depository is effecting book-entry transfers of the Bonds, the Paying Agent shall provide the notices specified in this Section to the Securities Depository. It is expected that the Securities Depository shall, in turn, notify its Participants and that the Participants, in turn, will notify or cause to be notified the beneficial owners. Any failure on the part of the Securities Depository or a Participant, or failure on the part of a nominee of a beneficial owner of a Bond (having been mailed notice from the Paying Agent, the Securities Depository, a Participant or otherwise) to notify the beneficial owner of the Bond so affected, shall not affect the validity of the redemption of such Bond.

In addition to the foregoing notice, the Paying Agent is directed to give such additional notice and take such additional actions as are necessary to comply with any mandatory or voluntary standards then in effect for processing redemptions of municipal securities established by the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

## ARTICLE IV

### SECURITY FOR BONDS

**Section 401. Security for Bonds.** The Bonds shall be special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues of the Public Utility System, and the City hereby pledges said Net Revenues to the payment of the principal of and interest on the Bonds. The Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional or statutory provision, limitation or restriction, and the taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest.

The covenants and agreements of the City contained herein and in the Bonds shall be for the equal benefit, protection and security of the legal owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, Stated Maturity and right of redemption prior to Stated Maturity as provided in this Ordinance.

1070 **ARTICLE V**

1071  
1072 **CREATION AND RATIFICATION OF FUNDS;**  
1073 **DEPOSIT AND APPLICATION OF BOND PROCEEDS;**  
1074 **ALLOCATION OF MONEYS IN FUNDS**  
1075

1076 **Section 501. Disposition of Series 2025 Bond Proceeds and Other**  
1077 **Moneys.**  
1078

1079 (a) All accrued interest, if any, received from the sale of the Series 2025 Bonds  
1080 shall be deposited in the Series 2025 Account within the Bond Fund.  
1081

1082 (b) A portion of the proceeds derived from the sale of the Series 2025 Bonds  
1083 in the amount specified in the Certificate of Final Terms shall be transferred to the  
1084 Escrow Agent for deposit in the Series 2025 Costs of Issuance Fund.  
1085

1086 (c) A portion of the proceeds derived from the sale of the Series 2025 Bonds  
1087 and a portion of the moneys on deposit in the Series 2025 Account within the Bond  
1088 Fund attributable to Accrued Aggregate Debt Service on the Refunded Bonds, all in the  
1089 amounts specified in the Certificate of Final Terms, shall be transferred to the Escrow  
1090 Agent for deposit in the Escrow Fund to provide for payment of the Refunded Bonds.  
1091

1092 (d) A portion of the proceeds derived from the sale of the Series 2025 Bonds  
1093 in the amount (if any) specified in the Certificate of Final Terms, shall be deposited to  
1094 the Series 2025 Account within the Reserve Fund.  
1095

1096 **Section 502. Creation and Ratification of Funds.**  
1097

1098 (a) The Public Utilities Operating Fund previously created is hereby continued  
1099 and confirmed and shall be maintained so long as any of the Bonds remain  
1100 Outstanding.  
1101

1102 (b) The following funds previously created are hereby continued and  
1103 confirmed and shall be maintained so long as any of the Bonds remain Outstanding:  
1104

1105 (1) Public Utility Bond Fund (the "Bond Fund");  
1106

1107 (2) Public Utility Reserve Fund (the "Reserve Fund"); and  
1108

1109 (3) Rebate Fund for Public Utility Refunding Revenue Bonds (the  
1110 "Rebate Fund").  
1111

1112 Within the Bond Fund, the Reserve Fund and the Rebate Fund, the City shall  
1113 maintain separate accounts for each series of Bonds Outstanding.  
1114

(c) The Escrow Agreement establishes the following funds to be held and administered by the Escrow Agent in accordance with the provisions of the Escrow Agreement:

(1) Escrow Fund for the Refunded Bonds; and

(2) Costs of Issuance Fund for Public Utility Refunding Revenue Bonds, Series 2025 (the "Series 2025 Costs of Issuance Fund").

**Section 503. Allocation of Moneys in Funds.** All Revenues shall be set aside as collected and deposited in the Operating Fund. The sums so deposited shall be applied first to pay the Operating Expenses of the Public Utility System.

On the last Business Day of each month, as long as any of the Bonds are Outstanding, after paying Operating Expenses, the sums so deposited in the Operating Fund shall be applied as follows and in the following order:

(a) Into the Bond Fund there shall be deposited an amount which, when added to the balance in the Bond Fund, shall be equal to Accrued Aggregate Debt Service; provided that, for the purpose of computing the amount to be deposited in the Bond Fund, there shall be excluded the amount, if any, required to be deposited therein from any capitalized interest fund created pursuant to an ordinance supplementing this Ordinance to authorize Additional Bonds. The City, acting through the Board of Public Utilities, shall pay from amounts deposited in the Bond Fund to the respective Paying Agents (i) on or before each Interest Payment Date, the amount required for the interest payable on such date; (ii) on or before each principal due date (whether at Stated Maturity or upon scheduled mandatory redemption), the amount required for the principal payable on such due date (whether at Stated Maturity or upon scheduled mandatory redemption); and (iii) on or before the day preceding any redemption date for the Bonds, the amount required for the payment of interest on the Bonds then to be redeemed. Such amounts shall be applied by the Paying Agents on and after the due dates thereof.

(b) Into the Reserve Fund there shall be deposited an amount equal to one-sixtieth (1/60th) of the difference, if any, between the amount of the deposit in the Reserve Fund and the Debt Service Reserve Requirement on the last Business Day of the month until the amount in the Reserve Fund is equal to the Debt Service Reserve Requirement, if any. When and so long as the Debt Service Reserve Requirement is on deposit in the Reserve Fund, no further payments need be made, but should the Reserve Fund be reduced or depleted for any reason, additional deposits from the Operating Fund, after the payment of Operating Expenses and transfers to the Bond Fund have been made, shall be made thereafter in the amount of one-sixtieth (1/60th) of the deficiency in the Reserve Fund until the Debt Service Reserve Requirement is restored to the Reserve Fund. Any amount in the Reserve Fund in excess of the Debt Service Reserve Requirement, shall be transferred to the Operating Fund. Amounts in the Reserve Fund shall be used as follows:

(1) If on the last Business Day of any month the amount in the Bond Fund shall be less than the amount required to be on deposit in the Bond Fund pursuant to **subsection (a)** above, the City shall apply amounts from the Reserve Fund to the extent necessary to make good the deficiency.

(2) Whenever the amount in the account for a series of Bonds in the Reserve Fund, together with the amount in the account for that series of Bonds in the Bond Fund, is sufficient to fully pay all Outstanding Bonds of that series in accordance with their terms (including principal or premium, if any, and interest thereon), the funds on deposit in the account for that series of Bonds in the Reserve Fund shall be transferred to the account for that series of Bonds in the Bond Fund for that purpose.

(3) All interest earned from the investment of moneys in the Reserve Fund shall be paid into the Bond Fund, but only if the amount in the Reserve Fund is not less than the Debt Service Reserve Requirement.

The Debt Service Reserve Requirement may be satisfied by (i) assets in cash or Permitted Investments, or (ii) an insurance policy, a letter of credit or surety bond in form and substance acceptable to the Paying Agent, issued by a Qualified Financial Institution providing for payments into the Reserve Fund or (iii) by a combination of the foregoing.

(c) For making of "Payment-in-Lieu of Taxes" into the general revenue fund of the City. For purposes of this Ordinance, "Payment-in-Lieu of Taxes" shall mean (1) the payment made to the general revenue fund of the City in the amounts and at the times provided in the City's Charter for electric, natural gas and transportation or (2) by City ordinance for water, provided such payment for water shall not exceed four percent (4%) of gross water operating revenues and shall (i) require action by ordinance of the City Council within the limits and restrictions contained in this Ordinance and (ii) shall be preceded by a review of the sufficiency of water revenues including, if necessary, action by the Board of Public Utilities and the City Council to increase water revenues.

(d) For making transfers to other funds, if any, established from time to time by the Board of Public Utilities.

(e) Any amounts remaining after the foregoing transfers may be retained in the Operating Fund.

**Section 504. Payments Due on Saturdays, Sundays and Holidays.** In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

**Section 505. Nonpresentment of Bonds.** In the event any Bond shall not be presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond shall have been made available to the Paying Agent, all liability of the City to the Registered Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Registered Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance or on, or with respect to, said Bond. If any Bond shall not be presented for payment within one year following the date when such Bond becomes due at Maturity, the Paying Agent shall repay to the Board of Public Utilities the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Board of Public Utilities, and the Registered Owner thereof shall be entitled to look only to the Board of Public Utilities for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Board of Public Utilities shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

**Section 506. Application of Moneys in the Series 2025 Costs of Issuance Fund.** The Escrow Agent, on behalf of the City, shall pay Costs of Issuance for the Series 2025 Bonds from the Series 2025 Costs of Issuance Fund in accordance with the terms and provisions of the Escrow Agreement. Any moneys remaining in the Series 2025 Costs of Issuance Fund after payment of all Costs of Issuance shall be transferred to the Bond Fund.

**Section 507. Application of Moneys in the Rebate Fund.**

(a) There shall be deposited in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Tax Declaration. All money at any time deposited in the Rebate Fund shall be held in trust, to the extent required to satisfy the Rebate Amount (as defined in the Tax Declaration), for payment to the United States of America, and neither the City nor the Registered Owner of any Bond shall have any rights in or claim to such money. All amounts deposited into or on deposit in the Rebate Fund shall be governed by this Section and the Tax Declaration.

(b) The City, acting through the Board of Public Utilities, shall periodically determine the rebatable arbitrage under Section 148(f) of the Code in accordance with the Tax Declaration, and the City shall make payments to the United States Government at the times and in the amounts determined under the Tax Declaration. Any funds remaining in the Rebate Fund after redemption and payment of all of the Bonds and the interest thereon and payment and satisfaction of any Rebate Amount, or provision made therefor, shall be released to the City.

(c) Notwithstanding any other provision of this Ordinance, including in particular **Article X**, the obligation to pay rebatable arbitrage to the United States and to

1253 comply with all other requirements of this Section and the Tax Declaration shall survive  
1254 the defeasance or payment in full of the Bonds.  
1255

## 1256 1257 **ARTICLE VI**

### 1258 1259 **DEPOSIT AND INVESTMENT OF MONEYS**

1260  
1261 **Section 601. Investments.** Moneys held in funds and accounts pursuant to this  
1262 Ordinance shall be invested and reinvested by the City, acting through the Board of  
1263 Public Utilities, to the full extent practicable in Permitted Investments which mature at  
1264 such times as the City, acting through the Board of Public Utilities, shall prudently  
1265 determine and, in the case of the Bond Fund, which mature not later than such times as  
1266 shall be necessary to provide moneys when needed for payments to be made from the  
1267 Bond Fund. All moneys in each of the funds and accounts referred to in this Section  
1268 shall be deposited in one or more Depositaries. All moneys deposited under the  
1269 provisions of this Section with Depositaries shall be held and applied only in accordance  
1270 with the provisions of this Ordinance applicable thereto, and each of the funds and  
1271 accounts referred to in this Section shall be a trust fund for the purposes thereof. All  
1272 moneys held by the Depositaries under this Section may be placed in demand or time  
1273 deposits, if and as directed by the City, acting through the Board of Public Utilities,  
1274 provided that such deposits shall permit the moneys so held to be available for use  
1275 when needed. Any such deposit may be made, to the extent permitted by law, in the  
1276 commercial banking department of any bank or banks which are a member or members  
1277 of the Federal Deposit Insurance Corporation which may honor checks and drafts on  
1278 such deposit and at all times such funds shall be continuously secured as provided by  
1279 the laws of the State of Missouri for other funds of the City or, in the discretion of the  
1280 City, acting through the Board of Public Utilities, may be invested in Permitted  
1281 Investments maturing or being redeemable at or prior to the time when said funds may  
1282 be required for use under the terms of this Ordinance. Each Depositary shall allow and  
1283 credit on such moneys such interest, if any, as it customarily allows upon similar funds  
1284 of similar size and under similar conditions or as required by law. All moneys so  
1285 deposited by the City, acting through the Board of Public Utilities, shall be credited to  
1286 the particular fund to which such moneys belong. All investments made pursuant to this  
1287 Section shall be made in accordance with the Tax Declaration.  
1288

1289 Except as otherwise provided in this Ordinance, all interest and profits on any  
1290 investments held in any fund or account created by or referred to in this Ordinance shall  
1291 accrue to and become a part of such fund; provided, however, that if at the time of the  
1292 receipt of such interest or profits on investments held in the Reserve Fund, the amount  
1293 in the Reserve Fund is at least equal to the aggregate of the Debt Service Reserve  
1294 Requirements for all Bonds Outstanding, such interest or profits shall be paid and  
1295 credited to the Bond Fund. Any expenses incident to the investment of moneys in any  
1296 fund or account shall be charged to and paid from the fund or account to which the  
1297 income from such investment is paid. In determining the amount held in any fund  
1298 created by this Ordinance, Permitted Investments shall be valued at their market value

exclusive of accrued interest. Any moneys of the City, acting through the Board of Public Utilities, which are held in any account or fund created by, or maintained pursuant to, this Ordinance may be invested in common with moneys held in any other account or fund or other moneys of the City, acting through the Board of Public Utilities, provided, however, that the common investments with such other moneys comply with the applicable provisions of this Section.

## ARTICLE VII

### GENERAL COVENANTS AND PROVISIONS

**Section 701. Particular Covenants.** The City, for itself and for the Board of Public Utilities, covenants with each of the purchasers and owners of any of the Bonds, as follows:

(a) **Rates and Fees.** The City, through the Board of Public Utilities, shall charge and collect rates, fees and other charges for power, energy, natural gas, other utility commodities or services furnished by or through the Public Utility System as shall be required to provide revenues and income (including investment income) at least sufficient in each Fiscal Year for the payment of the sum of:

(1) Operating Expenses during such Fiscal Year, including reserves, if any, therefor provided for in the Annual Budget for such Fiscal Year;

(2) An amount equal to 100% of Aggregate Debt Service for such Fiscal Year;

(3) The amount, if any, to be paid during such Fiscal Year into the Reserve Fund;

(4) The amount to be provided as "Payment-in-Lieu of Taxes" pursuant to **Section 503(c)**;

(5) All lease payments and other charges or liens whatsoever payable out of Revenues during such Fiscal Year.

The collection of revenues and income (including investment income) in any Fiscal Year in an amount in excess of the aggregate payments specified in this part (A) for such Fiscal Year shall not be taken into account as a credit against such aggregate payments for any subsequent Fiscal Year or Fiscal Years.

On or before August 1 in each year the City, acting through the Board of Public Utilities, shall complete a review of its financial condition for the purpose of estimating whether the revenues and income (including investment income) from the operation of the Public Utility System will be sufficient to provide all of the payments and meet all



other requirements specified in this **subsection (a)**. If the City, acting through the Board of Public Utilities, determines that such revenues and income may not be sufficient to provide such payments and meet such other requirements, it shall forthwith make a study for the purpose of making a schedule of rates, fees and charges for the Public Utility System which will cause sufficient revenues and income to be collected in the following Fiscal Year as will provide funds for all the payments and other requirements specified in this **subsection (a)** for the following Fiscal Year and will cause additional revenues and income to be collected in such following and later Fiscal Years sufficient to restore the amount of such deficiency at the earliest practicable time. If, in any Fiscal Year, the revenues and income collected shall not have been sufficient to provide all of the payments and meet all other requirements specified in this **subsection (a)**, the City, acting through the Board of Public Utilities and the City Council, shall as promptly as permitted by law establish and place in effect a schedule of rates, fees and charges which will cause sufficient Revenues and income to be collected.

The failure in any Fiscal Year to comply with the covenant in this **subsection (a)** shall not constitute a default under this Ordinance, if the City, acting through the Board of Public Utilities and the City Council, shall comply with the preceding paragraph.

(b) **Free Service.** Except as provided by the Charter of the City, as now in effect or as hereinafter amended, or by other applicable law, the City, acting through the Board of Public Utilities, will not furnish or supply power, energy, water or any other service or commodity free of charge to any person, firm or corporation, public or private, and the City, acting through the Board of Public Utilities, will promptly enforce the payment of any and all accounts owing to the City, acting through the Board of Public Utilities, by reason of the ownership and operation of the Public Utility System, to the extent dictated by sound business practice.

(c) **Maintenance and Operation.** The City through the Board of Public Utilities will maintain the Public Utility System in good repair and working order and will operate the Public Utility System in an efficient manner and at reasonable cost.

(d) **Disposition of Property.** Subject to the City Charter and except as provided in the two immediately following paragraphs of this subsection, no part of the Public Utility System shall be sold, mortgaged, leased or otherwise disposed of or encumbered.

The City, acting through the Board of Public Utilities, may sell or exchange at any time and from time to time any property constituting part of the Public Utility System and not necessary, in its opinion, in the operation thereof may be sold or exchanged, and any proceeds of any such sale or exchange shall be deposited in the Operating Fund for the purpose of providing any real or personal property or assets for the Public Utility System.

The City, acting through the Board of Public Utilities, may lease or make contracts or grant licenses for the operation of, or grant easements or other rights with respect to, any part of the Public Utility System if such lease, contract, license, easement or right does not materially impede, unduly restrict or compete with the operation by the City of the Public Utility System.

**(e) Insurance; Damage or Destruction.**

(i) The City, acting through the Board of Public Utilities, shall provide protection for the Public Utility System in accordance with sound public utility practice which may consist of insurance, self-insurance and indemnities. Any insurance shall be in the form of policies or contracts for insurance with insurers of good standing, shall be payable to the City, acting through the Board of Public Utilities, as its interest may appear, and may provide for such deductibles, exclusions, limitations; restrictions and restrictive endorsements customary in policies for similar coverage issued to entities operating properties similar to the properties of the Public Utility System. Any self-insurance shall be in the amounts, manner and of the types provided by entities operating properties similar to the properties of the Public Utility System.

(ii) If any useful portion of the Public Utility System shall be damaged or destroyed, the City, acting through the Board of Public Utilities, shall, as expeditiously as possible, continuously and diligently prosecute the reconstruction or replacement thereof, unless the City, acting through the Board of Public Utilities, determines that such reconstruction and replacement is not in the interest of the City and the Registered Owners of the Bonds. The proceeds of any insurance, other than business interruption loss insurance, shall be paid on account of such damage or destruction, or shall be held by the City, acting through the Board of Public Utilities, in a construction account and made available for, and to the extent necessary be applied to, the cost of such reconstruction or replacement, or shall be applied to the construction or acquisition of any properties or assets of the Public Utility System. Pending such application, such proceeds may be invested by the City, acting through the Board of Public Utilities, in Permitted Investments which mature not later than such times as shall be necessary to provide moneys when needed to pay such cost of reconstruction or replacement or acquisition. Interest earned on such investments shall be deposited in that construction account. The proceeds of any such insurance not applied by the City to constructing or replacing damaged or destroyed property or in acquiring property or assets of the Public Utility System shall be deposited in the Bond Fund for the purpose of redeeming Bonds.

(iii) The proceeds of business interruption loss insurance, if any, shall be deemed Revenues.

1435 (f) **Accounts and Reports.**

1436  
1437 (i) (A) The City, acting through the Board of Public Utilities, shall  
1438 keep together with all contracts for the sale of power and energy, and water and  
1439 water services and all other books and papers of the City, acting through the  
1440 Board of Public Utilities, including insurance policies, relating to the Public Utility  
1441 System and such funds and accounts, in accordance with Accounting Practice,  
1442 proper books of record and account of its transactions relating to the Public Utility  
1443 System, which will, among other things, set out the amount of Revenues and the  
1444 application thereof and the accounts established by this Ordinance.

1445  
1446 (B) The City, acting through the Board of Public Utilities, shall annually,  
1447 within 180 days after the close of each Fiscal Year, file with the Underwriter, and  
1448 to the rating or financial service agencies, at their request, and otherwise as  
1449 provided by law, a copy of the annual report of the City relating to the Public  
1450 Utility System for such year, accompanied by an Accountant's Report; provided,  
1451 however, should the annual report not be completed within 180 days, such failure  
1452 to complete shall not constitute an event of default if the City, acting through the  
1453 Board of Public Utilities, is in the process of completing such annual report.  
1454 However, the City, acting through the Board of Public Utilities, upon written  
1455 request of the manager of the Underwriter, or other entitled party, shall provide  
1456 each such party or parties with a copy of the Accountant's Report if 180 days  
1457 have passed since the end of the last Fiscal Year and if the report of the City is  
1458 still not completed. In addition, the City, acting through the Board of Public  
1459 Utilities, will file with the Underwriter, and to the rating or financial service  
1460 agencies, at their request, to the extent not included in the annual report, a  
1461 statement, or statements; accompanied by an Accountant's Report, of each fund  
1462 established or continued under this Ordinance, summarizing the receipts therein  
1463 and disbursements therefrom during such year and the amounts held therein at  
1464 the end of each Fiscal Year.

1465  
1466 (ii) The City, acting through the Board of Public Utilities, shall file with  
1467 the manager of the Underwriter, and to the rating or financial service agencies, at  
1468 their request, (A) immediately upon becoming aware of any default in the  
1469 performance by the City of any covenant, agreement or condition contained in  
1470 this Ordinance, a certificate signed by an Authorized Officer of the City specifying  
1471 such default, and (B) within 180 days after the end of each Fiscal Year, a  
1472 certificate signed by an Authorized Officer of the City stating that, to the best of  
1473 his knowledge and belief, the City, acting through the Board of Public Utilities,  
1474 has kept, observed, performed and fulfilled each and every one of its covenants  
1475 and obligations contained in this Ordinance and there does not exist at date of  
1476 such certificate any default by the City under this Ordinance.

1477  
1478 (iii) The City, acting through the Board of Public Utilities, shall prepare  
1479 within 20 Business Days subsequent to the first Business Day of each calendar

month a report indicating compliance with the allocation of Revenues pursuant to the applicable provisions of **Section 503**.

(iv) The reports, statements and other documents required to be furnished pursuant to this **subsection (f)** shall be available for the inspection of the Bondowners and the public at the office of the City Clerk and the offices of the City Utilities and shall be mailed to each Bondowner who shall file a written request therefor.

(g) **Fidelity Bonds.** The City in operating the Public Utility System will itself or through the Board of Public Utilities secure adequate fidelity bonds (blanket or individual) of a bonding company indemnifying the City against defalcation of any person handling moneys of the Public Utility System or signing checks on any bank accounts of the Public Utility System kept by the Board of Public Utilities, except the paying agent or agents of the City's bonds. All moneys received by the City as a consequence of any defalcation covered by any fidelity bond shall be used to restore the fund or account depleted by the defalcation.

(h) **Inspection.** The Registered Owner of any Bond or that Registered Owner's duly authorized representative shall have the right at all reasonable times to inspect the Public Utility System and all records, accounts and data relating thereto, and any such Registered Owner shall be furnished by the City all such information concerning the Public Utility System which that Registered Owner may reasonably request.

(i) **Performance of Duties.** The City will punctually perform all duties with respect to the operation of the Public Utility System now or hereafter imposed upon the City by the Constitution and laws of the State of Missouri, by the Charter of the City and by the provisions of this Ordinance.

**Section 702. Tax Covenants.** The City covenants and agrees that (to the extent within its power and direction) it will not use or permit the use of any proceeds of Series 2025 Bonds or any other funds of the City nor take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on any of the Series 2025 Bonds for federal income tax purposes. The City will also adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Series 2025 Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the City. The City agrees that so long as any of the Series 2025 Bonds remain Outstanding, it will (to the extent within its power and direction) comply with the provisions of the Tax Declaration applicable to the City. Notwithstanding anything to the contrary contained herein, the Tax Declaration may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the

exclusion from gross income for federal income tax purposes of interest on the Series 2025 Bonds.

## ARTICLE VIII

### DEFAULT AND REMEDIES

**Section 801. Acceleration of Maturity Upon Default.** The City covenants and agrees that if it shall default in the payment of the principal of or interest on any of the Bonds as the same shall become due on any Bond Payment Date, or if the City or its Council or any of the officers, agents or employees thereof shall fail or refuse to comply with any of the provisions of this Ordinance or of the constitution or statutes of the State of Missouri, and such default shall continue for a period of 60 days after written notice specifying such default shall have been given to the City by the Registered Owner of any Bond then Outstanding, then, at any time thereafter and while such default shall continue, the Registered Owners of 25% in principal amount of the Bonds then Outstanding may, by written notice to the City filed in the office of the City Clerk or delivered in person to the Mayor or City Clerk, declare the principal of all Bonds then Outstanding to be due and payable immediately, and upon any such declaration given as aforesaid, all of said Bonds shall become and be immediately due and payable, anything in this Ordinance or in the Bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said Outstanding Bonds shall have been so declared to be due and payable, all arrears of interest upon all of said Bonds, except interest accrued but not yet due on such Bonds, and all arrears of principal upon all of said Bonds shall have been paid in full and all other defaults, if any, by the City under the provisions of this Ordinance and under the provisions of the statutes of the State of Missouri shall have been cured, then and in every such case the Registered Owners of a majority in principal amount of the Bonds then Outstanding, by written notice to the City given as hereinbefore specified, may rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any rights consequent thereon.

**Section 802. Other Remedies.** The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the Registered Owners of the Bonds, and the Registered Owner or Registered Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Registered Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Registered Owner or Registered Owners against the City, its Board of Public Utilities, and their officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance;

1571 (b) by suit, action or other proceedings in equity or at law to require the City,  
1572 its Board of Public Utilities, their officers, agents and employees to account as if they  
1573 were the trustees of an express trust; and  
1574

1575 (c) by suit, action or other proceedings in equity or at law to enjoin any acts or  
1576 things which may be unlawful or in violation of the rights of the Registered Owners of  
1577 the Bonds.  
1578

1579 **Section 803. Limitation on Rights of Bondowners.** No one or more  
1580 Bondowners secured hereby shall have any right in any manner whatever by his or their  
1581 action to affect, disturb or prejudice the security granted and provided for herein, or to  
1582 enforce any right hereunder, except in the manner herein provided, and all proceedings  
1583 at law or inequity shall be instituted, had and maintained for the equal benefit of all  
1584 Registered Owners of the Outstanding Bonds.  
1585

1586 **Section 804. Remedies Cumulative.** No remedy conferred herein upon the  
1587 Bondowners is intended to be exclusive of any other remedy, but each such remedy  
1588 shall be cumulative and in addition to every other remedy and may be exercised without  
1589 exhausting and without regard to any other remedy conferred herein. No waiver of any  
1590 default or breach of duty or contract by the Registered Owner of any Bond shall extend  
1591 to or affect any subsequent default or breach of duty or contract or shall impair any  
1592 rights or remedies consequent thereon. No delay or omission of any Bondowner to  
1593 exercise any right or power accruing upon any default shall impair any such right or  
1594 power or shall be construed to be a waiver of any such default or acquiescence therein.  
1595 Every substantive right and every remedy conferred upon the Registered Owners of the  
1596 Bonds by this Ordinance may be enforced and exercised from time to time and as often  
1597 as may be deemed expedient. In case any suit, action or proceedings taken by any  
1598 Bondowner on account of any default or to enforce any right or exercise any remedy  
1599 shall have been discontinued or abandoned for any reason, or shall have been  
1600 determined adversely to such Bondowner, then, and in every such case, the City and  
1601 the Registered Owners of the Bonds shall be restored to their former positions and  
1602 rights hereunder, respectively, and all rights, remedies, powers and duties of the  
1603 Bondowners shall continue as if no such suit, action or other proceedings had been  
1604 brought or taken.  
1605

1606 **Section 805. No Obligation to Levy Taxes.** Nothing contained in this  
1607 Ordinance shall be construed as imposing on the City any duty or obligation to levy any  
1608 taxes either to meet any obligation incurred herein or to pay the principal of or interest  
1609 on the Bonds.  
1610

1611 **Section 806. Exception for Continuing Disclosure.** This **Article VIII** shall not  
1612 apply to **Section 1003** regarding continuing disclosure requirements, and Bondowners  
1613 or Beneficial Owners of Bonds shall have no remedies for enforcement of **Section 1003**  
1614 other than the remedies provided in **Section 1003**.  
1615  
1616

1617 **ARTICLE IX**

1618  
1619 **DEFEASANCE**

1620  
1621 **Section 901. Defeasance.** When any or all of the Bonds or the interest  
1622 payments thereon shall have been paid and discharged, then the requirements  
1623 contained in this Ordinance and the pledge of Net Revenues made hereunder and all  
1624 other rights granted hereby shall terminate with respect to the Bonds or interest  
1625 payments so paid and discharged. Bonds or the interest payments thereon shall be  
1626 deemed to have been paid and discharged within the meaning of this Ordinance if there  
1627 shall have been deposited with the Paying Agent or other commercial bank or trust  
1628 company located in the State of Missouri and having full trust powers, at or prior to the  
1629 Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in  
1630 trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations  
1631 which, together with the interest to be earned on any such Defeasance Obligations, will  
1632 be sufficient for the payment of the principal, or Redemption Price of said Bonds, and/or  
1633 interest to accrue on such Bonds to the Stated Maturity or Redemption Date, as the  
1634 case may be, or if default in such payment shall have occurred on such date, then to the  
1635 date of the tender of such payments; provided, however, that if any such Bonds shall be  
1636 redeemed prior to the Stated Maturity thereof at the option of the City, (1) the City shall  
1637 have elected to redeem such Bonds, and (2) either notice of such redemption shall have  
1638 been given, or the City shall have given irrevocable instruction to the Paying Agent to  
1639 redeem such Bonds. Any money and Defeasance Obligations that at any time shall be  
1640 deposited with the Paying Agent or other commercial bank or trust company by or on  
1641 behalf of the City, for the purpose of paying and discharging any of the Bonds or the  
1642 interest payments thereon, shall be and are hereby assigned, transferred and set over  
1643 to the Paying Agent or other bank or trust company in trust for the respective Registered  
1644 Owners of the Bonds, and such moneys shall be and are hereby irrevocably  
1645 appropriated to the payment and discharge thereof. All moneys and Defeasance  
1646 Obligations deposited with the Paying Agent or other bank or trust company shall be  
1647 deemed to be deposited in accordance with and subject to all of the provisions  
1648 contained in this Ordinance.

1649  
1650  
1651 **ARTICLE X**

1652  
1653 **MISCELLANEOUS PROVISIONS**

1654  
1655 **Section 1001. Amendments.** The rights and duties of the City and the  
1656 Bondowners, and the terms and provisions of the Bonds or of this Ordinance, may be  
1657 amended or modified at any time in any respect by ordinance of the City with the written  
1658 consent of the Registered Owners of not less than a majority in principal amount of the  
1659 Bonds then Outstanding, such consent to be evidenced by an instrument or instruments  
1660 executed by such Registered Owners and duly acknowledged or proved in the manner  
1661 of a deed to be recorded, and such instrument or instruments shall be filed with the City  
1662 Clerk, but no such modification or alteration shall:

(a) extend the maturity of any payment of principal or interest due upon any Bond;

(b) effect a reduction in the amount which the City is required to pay by way of principal of or interest on any Bond;

(c) permit the creation of a lien on the Net Revenues of the Public Utility System prior or equal to the lien of the Bonds;

(d) permit preference or priority of any Bonds over any other Bonds; or

(e) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by ordinance duly passed by the Council of the City at any time in any respect with the written consent of the Registered Owners of all of the Bonds at the time Outstanding.

Without the consent of the Bondowners, the City may amend or supplement this Ordinance for the purpose of (i) curing any formal defect, omission, inconsistency or ambiguity therein or (ii) providing for any Additional Bonds upon compliance with **Section 204**, or (iii) in connection with any other change therein which is not materially adverse to the interests of the Bondowners.

Every amendment or modification of the provisions of the Bonds or of this Ordinance, to which the written consent of the Bondowners is given, as above provided, shall be expressed in an ordinance adopted by the Council of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the ordinance of the City herein provided for, duly certified, as well as proof of any required consent to such modification by the Registered Owners of the Bonds then Outstanding. A certified copy of such amendatory or supplemental proceedings and a certified copy of this Ordinance shall be made available for inspection by the Registered Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental proceedings or of this Ordinance will be sent by the City Clerk to any such Bondowner or prospective Bondowner. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The City shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Ordinance made hereunder, and no such amendment which affects the



duties or obligations of the Paying Agent under this Ordinance shall become effective until the Paying Agent shall have consented thereto.

The Continuing Disclosure Undertaking is exempt from the provisions of this Section and are subject to amendment and modification only as provided therein.

**Section 1002. Notices, Consents and Other Instruments by Bondowners.**

Any notice, consent, request, direction, approval, objection or other instrument required by this Ordinance to be signed and executed by the Bondowners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Bondowners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Ordinance, and shall be conclusive in favor of the City and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Registered Owners of the requisite principal amount of Bonds Outstanding have given any request, demand; authorization, direction, notice, consent or waiver under this Ordinance, Bonds owned by the City shall be disregarded and deemed not to be Outstanding under this Ordinance, except that, in determining whether the Bondowners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Bondowners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Bondowners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the City.

**Section 1003. Continuing Disclosure.**

(a) **Disclosure Requirements.** The City hereby covenants with the Beneficial Owners (as defined in the Continuing Disclosure Undertaking) to provide and disseminate such information as is required by the Continuing Disclosure Undertaking. This covenant shall be for the benefit of and enforceable by the Beneficial Owners.

(b) **Failure to Comply with Continuing Disclosure Requirements.** In the event the City fails to comply in a timely manner with its covenants contained in this

Section, the provisions of this Section shall be subject to specific enforcement or action in mandamus in a court of equity by any Beneficial Owner of the Bonds and shall not be subject to any other or additional remedies provided in **Article VIII**.

**Section 1004. Further Authority.** The officers of the City, including the Mayor, the City Manager, the Director of Finance, the City Attorney and City Clerk, and the officers of the Board of Public Utilities and its President - Chief Executive Officer or Sr. Vice President – Chief Financial & Supply Chain Officer, shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 1005. Severability.** If any part of this Ordinance, whether large or small, shall be held invalid for any reason, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

**Section 1006. Headings.** Any headings preceding the text of the several sections hereof, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

**Section 1007. Emergency Measure.** This Ordinance, an appropriation for the payment of current expenses of the city government, is an emergency within the meaning of Section 2.12(3) of the Home Rule Charter of the City of Springfield, Missouri, and shall be in full force and effect immediately from and after its passage and approval.

**Section 1008. Electronic Storage of Documents.** The City agrees that the transaction described herein may be conducted and related documents may be sent, received and stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

**Section 1009. Effective Date.** This Ordinance shall take effect and be in full force and effect after its passage.

PASSED by the Council of the City this \_\_\_ day of \_\_\_\_\_, 2025.

---

Mayor

1800 [SEAL]

1801

1802

1803

1804 ATTEST: \_\_\_\_\_, City Clerk

1805

1806

1807 Approved as to form:  \_\_\_\_\_, City Attorney

1808

1809

1810 Approved for Council action:  \_\_\_\_\_, Interim City Manager

1812 EXHIBIT A TO ORDINANCE

1813  
1814 (FORM OF BONDS)

1815  
1816 EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE  
1817 (DESCRIBED HEREIN), THIS GLOBAL BOND MAY BE  
1818 TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER  
1819 NOMINEE OF THE SECURITIES DEPOSITORY (DESCRIBED HEREIN)  
1820 OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A  
1821 NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.  
1822

1823 UNITED STATES OF AMERICA  
1824 STATE OF MISSOURI  
1825

1826 Registered  
1827 No. \_\_\_\_\_

Registered  
\$ \_\_\_\_\_

1828  
1829 THE CITY OF SPRINGFIELD, MISSOURI

1830  
1831 PUBLIC UTILITY REFUNDING REVENUE BOND  
1832 SERIES 2025  
1833

1834  
1835 Interest Rate                      Maturity Date                      Dated Date of Bonds                      CUSIP  
1836 Number

1837  
1838 \_\_\_\_%                      August 1, 20\_\_\_\_                      \_\_\_\_\_, 2025  
1839 \_\_\_\_\_  
1840

1841 REGISTERED OWNER: CEDE & CO.  
1842

1843 PRINCIPAL AMOUNT: \_\_\_\_\_  
1844  
1845

1846 THE CITY OF SPRINGFIELD, MISSOURI, a municipal corporation of the State  
1847 of Missouri (the "City"), for value received, hereby promises to pay to the Registered  
1848 Owner shown above, or registered assigns, but solely from the source and in the  
1849 manner herein specified, the Principal Amount shown above on the Maturity Date  
1850 shown above, unless called for redemption prior to said Maturity Date, and to pay  
1851 interest thereon, but solely from the source and in the manner herein specified, at the  
1852 Interest Rate per annum shown above (computed on the basis of a 360-day year of  
1853 twelve 30-day months) from the Dated Date of Bonds shown above or from the most  
1854 recent Interest Payment Date to which interest has been paid or duly provided for,  
1855 payable on February 1 and August 1 in each year, beginning on February 1, 2026, until  
1856 said Principal Amount has been paid.  
1857

The Principal Amount or Redemption Price of this Bond shall be paid at Maturity or upon earlier redemption to the Person in whose name this Bond is registered at the Maturity or Redemption Date thereof, upon presentation and surrender of this Bond at the principal corporate trust office of U.S. Bank Trust Company, National Association, St. Louis, Missouri (the "Paying Agent"). The interest payable on this Bond on any Interest Payment Date shall be paid to the Person in whose name this Bond is registered on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to such Registered Owner at the address shown on the Bond Register or (b) at such other address as is furnished to the Paying Agent in writing by such Registered Owner or (c) in the case of an interest payment to any Registered Owner of \$500,000 or more in aggregate principal amount of Bonds, by wire transfer to such Registered Owner upon written notice given to the Paying Agent by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the wire transfer address (which shall be in the continental United States) to which such Registered Owner wishes to have such wire directed. The principal or Redemption Price of and interest on the Bonds is payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts.

This Bond is one of a duly authorized issue of bonds of the City consisting of a series of Bonds designated "Public Utility Refunding Revenue Bonds, Series 2025, aggregating the principal amount of \$\_\_\_\_\_ (the "Bonds"), issued by the City for the purpose of providing funds, together with other funds, to (a) to refund the Refunded Bonds, (b) pay certain costs of issuing the Bonds and (c) if necessary, fund the Reserve Fund, under the authority of and in full compliance with the Constitution and laws of the State of Missouri, including particularly Section 27 of Article VI of the Constitution of the State of Missouri and the Charter of the City, and pursuant to an ordinance duly passed by the counsel of the City (herein called the "Ordinance"). Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the Ordinance.

At the option of the City, Series 2025 Bonds or portions thereof maturing on August 1, 2036, may be called for redemption and payment prior to their stated maturities on or after August 1, 2035, in whole or in part at any time in such order of maturities and in such amounts for each maturity as shall be determined by the City at the redemption price of 100% of the principal amount of the Series 2025 Bonds, or portion thereof to be redeemed, together with accrued interest on, but not including the redemption date.

Notice of redemption, unless waived, is to be given by the Paying Agent by mailing an official redemption notice by first class, registered or certified mail at least 30 days prior to the Redemption Date, to the original purchaser(s) of the Bonds and to the Registered Owners of the Bonds to be redeemed at the address shown on the Bond Register or at such other address furnished in writing by such registered owner to the Paying Agent. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall, on the Redemption Date, become due and

payable at the Redemption Price therein specified, and from and after such date (unless the City shall default in the payment of the Redemption Price) such Bonds or portions of Bonds shall cease to bear interest.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One Bond certificate with respect to each date on which the Bonds are stated to mature, registered in the nominee name of the Securities Depository, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's participants, beneficial ownership of the Bonds in authorized denominations being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants. The City and the Paying Agent will recognize the Securities Depository nominee, while the registered owner of this Bond, as the owner of this Bond for all purposes, including (i) payments of principal of, and redemption premium, if any, and interest on, this Bond, (ii) notices and (iii) voting. Transfers of principal, interest and any redemption premium payments to participants of the Securities Depository, and transfers of principal, interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The City and the Paying Agent will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository nominee, its participants or persons acting through such participants. While the Securities Depository nominee is the owner of this Bond, notwithstanding the provision hereinabove contained, payments of principal of and interest on this Bond shall be made in accordance with existing arrangements among the City, the Paying Agent and the Securities Depository.

**EXCEPT AS OTHERWISE PROVIDED IN THE ORDINANCE, THIS GLOBAL BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.**

The Bonds are special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the Net Revenues of the Public Utility System, and the taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest. The Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction. The Bonds stand on a parity and are equally and ratably secured with respect to the payment of principal and interest from the Net Revenues and in all other respects with any Additional Bonds hereafter issued in accordance with the Ordinance.

The City hereby covenants and agrees with the Registered Owner of this Bond that it will keep and perform all covenants and agreements contained in the Ordinance, and will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the Public Utility System as will produce Revenues sufficient to pay the costs of operation and maintenance of the Public Utility System, pay the principal of and interest on the Bonds as and when the same become due, and provide reasonable and adequate reserve funds. Reference is made to the Ordinance for a description of the covenants and agreements made by the City with respect to the collection, segregation and application of the Revenues of the Public Utility System, the nature and extent of the security of the Bonds, the rights, duties and obligations of the City with respect thereto, and the rights of the Registered Owners thereof.

This Bond may be transferred or exchanged, as provided in the Ordinance, only on the Bond Register kept for that purpose at the principal corporate trust office of the Paying Agent, upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Paying Agent duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination having the same Maturity Date and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided is the Ordinance and upon payment of the charges therein prescribed. The City and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the Certificate of Authentication hereon has been executed by the Paying Agent.

**IT IS HEREBY CERTIFIED AND DECLARED** that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by law, and that before the issuance of the Bonds, provision has been duly made for the collection and segregation of the Revenues of the Public Utility System and for the application of the same as provided in the Ordinance.

**IN WITNESS WHEREOF, THE CITY OF SPRINGFIELD, MISSOURI,** has executed this Bond by causing it to be signed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk and its official seal to be affixed hereto or imprinted hereon.

**CERTIFICATE OF AUTHENTICATION                      THE CITY OF SPRINGFIELD,  
MISSOURI**

1996 This Bond is one of the Bonds of the issue  
1997 described in the within-mentioned Ordinance By: \_\_\_\_\_  
1998 Mayor  
1999 Registration Date:  
2000  
2001 U.S. Bank Trust Company, National Association, [SEAL]  
2002 Paying Agent  
2003  
2004 ATTEST:  
2005  
2006 By: \_\_\_\_\_  
2007 Authorized Officer or Signatory \_\_\_\_\_ City Clerk  
2008  
2009  
2010  
2011 Approved as to form: \_\_\_\_\_  
2012 City Attorney



2013  
2014  
2015 **ASSIGNMENT**  
2016

2017 **FOR VALUE RECEIVED**, the undersigned hereby sells, assigns and transfers  
2018 unto  
2019

2020  
2021 \_\_\_\_\_  
2022 Print or Type Name, Address and Social Security Number  
2023 or other Taxpayer Identification Number of Transferee

2024 the within Bond and all rights thereunder, and hereby irrevocably constitutes and  
2025 appoints \_\_\_\_\_ agent to transfer the within Bond on the Bond Register kept  
2026 by the Paying Agent for the registration thereof, with full power of substitution in the  
2027 premises.  
2028

2029 Dated: \_\_\_\_\_

2030 \_\_\_\_\_  
2031 NOTICE: The signature to this  
2032 assignment must correspond with the  
2033 name of the Registered Owner as it  
2034 appears upon the face of the within  
2035 Bond in every particular.

2036 Signature Guaranteed By:  
2037  
2038

2039  
2040 \_\_\_\_\_  
2041 (Name of Eligible Guarantor Institution)  
2042

2043  
2044  
2045 By: \_\_\_\_\_  
2046 Title: \_\_\_\_\_  
2047  
2048  
2049 \_\_\_\_\_

2051 **EXHIBIT B TO ORDINANCE**

2052  
2053  
2054  
2055 **(FORM OF CERTIFICATE OF FINAL TERMS)**

2056  
2057 The undersigned members of the Final Terms Committee for the City of  
2058 Springfield, Missouri (the "City") Public Utility Refunding Revenue Bonds, Series 2025  
2059 (the "Series 2025 Bonds"), certify pursuant to **Section 202** of Special Ordinance No.  
2060 \_\_\_\_\_ (the "Bond Ordinance"):

2061  
2062 1. Principal Amount. The Series 2025 Bonds are issued in the principal  
2063 amount of \$\_\_\_\_\_.

2064  
2065 2. The Refunded Bonds. The Refunded Bonds shall consist of the following  
2066 Series 2015 Bonds:

| <u>Maturity Date</u><br><u>(August 1)</u> | <u>Principal</u><br><u>Amount</u> | <u>Interest</u><br><u>Rate</u> |
|-------------------------------------------|-----------------------------------|--------------------------------|
| 2025                                      | 24,135,000                        | 5.000                          |
| 2026                                      | 25,340,000                        | 5.000                          |
| 2027                                      | 26,605,000                        | 3.250                          |
| 2028                                      | 27,470,000                        | 3.500                          |
| 2029                                      | 28,430,000                        | 3.600                          |
| 2030                                      | 29,450,000                        | 3.375                          |
| 2031                                      | 30,450,000                        | 4.000                          |
| 2032                                      | 31,670,000                        | 4.000                          |
| 2023                                      | 32,935,000                        | 4.000                          |
| 2034                                      | 34,250,000                        | 4.000                          |
| 2035                                      | 35,620,000                        | 4.000                          |
| 2036                                      | 37,045,000                        | 4.000                          |

2067  
2068 3. Maturity Schedule. The Series 2025 Bonds will mature on the dates and  
2069 in the amounts and bear interest at the rates as follows:

| <u>Maturity</u><br><u>August 1</u> | <u>Principal</u><br><u>Amount</u> | <u>Interest</u><br><u>Rate</u> |
|------------------------------------|-----------------------------------|--------------------------------|
| _____                              | \$ _____                          | _____ %                        |
| _____†                             | _____                             | _____ %                        |

2074  
2075 † Term Bond

2076  
2077 4. Net Present Value Savings. The Net Present Value Savings associated  
2078 with refunding the Refunded Bonds is \_\_\_\_\_, as shown on **Schedule 1** to this  
2079 Certificate  
2080

5. Maximum Annual Debt Service. The maximum annual Debt Service in any fiscal year during the life of the Series 2025 Bonds is \$\_\_\_\_\_, as shown on **Schedule 2** to this Certificate.

6. True Interest Cost. The True Interest Cost of the Series 2025 Bonds is \_\_\_\_\_%, as shown on **Schedule 2** to this Certificate.

7. Purchase Price. The purchase price of the Series 2025 Bonds is \$\_\_\_\_\_, (representing the principal amount of \$\_\_\_\_\_, plus the premium of \$\_\_\_\_\_, less the underwriter's discount of \$\_\_\_\_\_), which purchase price is \_\_\_\_\_% of the principal amount.

8. Deposit of Series 2025 Bond Proceeds and Other Money. The net proceeds received from the sale of the Series 2025 Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

(a) All accrued interest, if any, received from the sale of the Series 2025 Bonds shall be deposited in the Series 2025 Account within the Bond Fund and applied in accordance with **Section 503(a)** of the Bond Ordinance.

(b) \$\_\_\_\_\_ received from the sale of the Series 2025 Bonds and \$\_\_\_\_\_ on deposit in the Series 2025 Account within the Bond Fund attributable to Accrued Aggregate Debt Service on the Refunded Bonds shall be deposited in the Escrow Fund and applied in accordance with **Section 502** of the Bond Ordinance and the Escrow Agreement.

(c) \$\_\_\_\_\_ shall be deposited in the Series 2025 Cost of Issuance Fund and applied in accordance with **Sections 502 and 506** of the Bond Ordinance and the Escrow Agreement.

The terms set forth in this Certificate of Final Terms are within the limitations of **Section 202** of the Bond Ordinance.

Delivered this \_\_\_\_ day of \_\_\_\_\_, 2025.

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Manager

2127  
2128  
2129  
2130  
2131  
2132  
2133  
2134  
2135

Approved as to form:

  
City Attorney

By:

\_\_\_\_\_  
President - Chief Executive  
Officer

2136  
2137  
2138  
2139  
2140

**EXHIBIT C TO ORDINANCE**

**(FORM OF NOTICE OF SALE AND PRELIMINARY OFFICIAL STATEMENT)**

2141  
2142  
2143  
2144  
2145

**EXHIBIT D TO ORDINANCE**  
  
**(FORM OF ESCROW AGREEMENT)**

2146  
2147  
2148  
2149  
2150

**EXHIBIT E TO ORDINANCE**  
  
**(FORM OF TAX DECLARATION)**



## **EXPLANATION TO COUNCIL BILL 2025-056 (CARROLL)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Workforce Development

**TITLE:** A special ordinance authorizing the City Manager, or designee, to accept Business Services grant funding from the Missouri Department of Higher Education and Workforce Development in the amount of \$80,000; and amending the Fiscal Year 2024-2025 budget of the Department of Economic Vitality and Workforce Development in the amount of \$80,000.

**PURPOSE:** Authorizing the City Manager, or designee, to accept Business Services grant funding from Missouri's Department of Higher Education and Workforce Development in the amount of \$80,000 to be utilized toward Business Services and to enter into necessary agreements to carry out the purpose of the grant funds; amending the Workforce and Economic Vitality Department's budget for the Fiscal Year 2024-2025 in the amount of \$80,000 ("Exhibit A").

### **BACKGROUND INFORMATION:**

Missouri's Department of Higher Education and Workforce Development has allocated funding to the designated Workforce Development regions in the state as a non-competitive opportunity to carry out the deliverables and outcomes established in the subaward for Business Services in each local region.

Deliverables and Outcomes of the Business Services Subaward include;

- Proactively develop relationships with employers of all sizes to identify trends and challenges, related to the needed skill sets and proactive layoff aversion.
- Directing potential employers and job candidates to the appropriate resources within the workforce system.
- Coordinating and supporting the localized delivery of employer services.
- Proactively assist employers by providing workforce services that include but are not limited to On-the-Job Training, Work Experience, Incumbent Worker Training, and Registered Apprenticeships.

The Ozark Region was allocated up to \$80,000.00 for the grant period of February 1, 2025 through January 31, 2026.

**Submitted By:** Ericka Schmeeckle, Assistant Director of Workforce Development

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**





**Attachments:**

1. BSR Budget Adjustment\_Ord
2. 059 WFD BSR Budget Adjustment\_exhA

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 03-04-25

Sponsored by: Carroll

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

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

COUNCIL BILL 2025-056

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to accept Business Services grant  
2 funding from the Missouri Department of Higher Education and  
3 Workforce Development in the amount of \$80,000; and amending the  
4 Fiscal Year 2024-2025 budget of the Department of Economic Vitality  
5 and Workforce Development in the amount of \$80,000.  
6 \_\_\_\_\_  
7

8 WHEREAS, the Missouri Department of Higher Education and Workforce  
9 Development has allocated funding to the designated Workforce Development regions  
10 across the state to carry out deliverables and outcomes established in the subaward for  
11 Business Services in each local region; and  
12

13 WHEREAS, the Ozark Region was allocated up to \$80,000 for the grant period of  
14 February 1, 2025, through January 31, 2026; and  
15

16 WHEREAS, an amendment to the budget of the Department of Economic Vitality  
17 and Workforce Development for Fiscal Year 2024-2025 in the amount of \$80,000 has  
18 been recommended by the City Manager.  
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
21 SPRINGFIELD, MISSOURI, as follows, that:  
22

23 Section 1 – The City Manager, or designee, is hereby authorized to accept  
24 Business Services grant funding from the Missouri Department of Higher Education and  
25 Workforce Development in the amount of \$80,000.  
26

27 Section 2 – The budget of the Department of Economic Vitality and Workforce  
28 Development for Fiscal Year 2024-2025 is hereby amended in the accounts and in the  
29 amounts as shown on the Budget Adjustment No. 059, a copy of which is attached  
30 hereto and incorporated herein by reference as “Exhibit A.”  
31

32 Section 3 – The City Manager, or designee, is directed to cause the appropriate  
33 accounting entries to be made in the books and records of the City.

34  
35       Section 4 – This Ordinance shall be in full force and effect from and after  
36 passage.

37  
38 Passed at meeting: \_\_\_\_\_

39  
40 \_\_\_\_\_  
41 Mayor

42  
43 Attest: \_\_\_\_\_, City Clerk

44  
45 Filed as Ordinance: \_\_\_\_\_

46  
47 *Laura Vales*  
48 Approved as to form: \_\_\_\_\_, Assistant City Attorney

49  
50 *Colin Sykes*  
51 Approved for Council action: \_\_\_\_\_, Interim City Manager

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment  
059

Revenues:

| Fund                   | Dept | Org   | Account | P&G    | Location | Amount    | Description                                |
|------------------------|------|-------|---------|--------|----------|-----------|--------------------------------------------|
| 24140                  | 21   | 28210 | 416010  | 000000 | 00000    | \$ 80,000 | PY24 WIOA Ozark Business Services Position |
| Net Revenue Adjustment |      |       |         |        |          | \$ 80,000 |                                            |

Expenditures:

| Fund                       | Dept | Org   | Account | P&G    | Location | Amount    | Description      |
|----------------------------|------|-------|---------|--------|----------|-----------|------------------|
| 24140                      | 21   | 28210 | 500110  | 000000 | 00000    | 59,616    | Salaries         |
| 24140                      | 21   | 28210 | 500210  | 000000 | 00000    | 9,843     | Lagers           |
| 24140                      | 21   | 28210 | 500250  | 000000 | 00000    | 4,559     | FICA             |
| 24140                      | 21   | 28210 | 500260  | 000000 | 00000    | 5,875     | Health Insurance |
| 24140                      | 21   | 28210 | 500280  | 000000 | 00000    | 107       | Workmens Comp    |
| Net Expenditure Adjustment |      |       |         |        |          | \$ 80,000 |                  |

Fund Balance Appropriation:

| Fund  | Title | Amount |
|-------|-------|--------|
| 24140 |       |        |

Explanation: To amend the FY2024-25 budget by appropriating funds from federal grant revenue to support the Department of Workforce & Economic Vitality's PY24 Ozark Business Services grant for FY 24-25.

Requested By:

 3-04-2025  
Department Head Date

Approved By:

 3-04-2025  
Director of Finance Date

\_\_\_\_\_  
City Manager Date

Authorization:

Council Bill No. 2025-056  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_



## **EXPLANATION TO COUNCIL BILL 2025-057 (SIMPSON)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Law

**TITLE:** A general ordinance amending the Springfield City Code, Chapter 2, "Administration," Article VI, "Finances," Division 4, "Police Officers' and Fire Fighters' Retirement System," by amending Section 2-461(c) and enacting a new Section 2-485, "Permissive Service Credit."

**PURPOSE:** To amend the Police Officers' and Fire Fighters' Retirement System by amending Section 2-461(c) and adding a new Section 2-485, "Purchase of Permissive Service Credit" which will allow employees contributing to the Retirement System to purchase up to four years of permissive service credit.

**BACKGROUND INFORMATION:** The Police Officers' and Fire Fighters' Retirement System currently allows participants to purchase a combined total of up to four years of service credit for prior military service, law enforcement service, or fire protection service. At its December 2024 meeting, the Board of Trustees for the Police Officers' and Fire Fighters' Retirement System voted to have the Retirement System's actuary perform an analysis of the potential impact to the Retirement System if the Retirement System was amended to allow for purchase of up to four years of service credit, without the need to show prior military, law enforcement, or fire protection service. The proposed change would utilize the same methodology to calculate the purchase amount as is currently set forth in Section 2-463 of the Code for the purchase of credit for prior law enforcement or fire protection services. Under the proposed change, eligible individuals would be able to purchase a maximum combined total of up to four years of service credit, including any credit under the already existing provisions that allow for purchase of credit for military, law enforcement, or fire protection services. This proposed change will only be available to employee participants who have not retired from the Retirement System; existing retirees will not be able to take advantage of this change.

The Retirement System's actuary provided an opinion to the Board of Trustees, which is attached hereto as Exhibit A. Ultimately, the actuary concluded that allowing the purchase of permissive service credits will not increase the expected cost of the system. This opinion is contingent upon the Retirement System's performance meeting or exceeding the Board's expected rate of return, and the Board's adopted salary increase and mortality assumptions being correct. The actuary notes that "it is important to consider that, once this service purchase occurs, the System assumes all the risk associated with this annuity (investment return, longevity, etc.) If adverse experience occurs, the System cannot go back to the member who purchased the service and ask for more money to make the System whole." The actuary states that the actuarial

present value for current service purchase calculations is based on the interest rate and mortality assumption adopted by the Board of Trustees.

The assumed interest rate that the Board has adopted is 6.00% per year. According to the actuary's assumptions, there is a 61% chance that the Retirement System's investment of the service credit purchase amount will meet the assumed 6.00% rate of return over the course of the next twenty years. In regard to the proposed change to the Retirement System, the actuary states it "would be prudent for the Board to incorporate a 'risk premium' to compensate the plan for taking on the additional risk and to protect the City and remaining members from paying more than expected in the future." The actuary notes that many public retirement systems have adopted a "risk premium" concept. It is the actuary's opinion that incorporating a risk premium (utilizing a lower assumed rate of return when calculating the service credit purchase amount) would increase the chances that the investment returns from the purchase would meet the target. Reducing the assumed rate of return by 1.00% to a 5.00% assumed rate of return will increase the chances of meeting the investment target from a 61% chance over twenty years to a 79% chance over twenty years. However, it will also increase the cost of purchasing the service credit. For reference, according to the Retirement System's consultant, the Retirement System's rate of return (net of fees) over the course of the past 10 years is 5.8% and the rate of return since inception is 5.3%.

The Board of Trustees voted to recommend that the Retirement System plan be changed and that no risk premium be imposed. The proposed ordinance does not include a risk premium. While collective bargaining is ongoing, it is anticipated that police and fire employees may receive pay increases that are greater than the historical average. The actuary was not asked to consider what impact on the Retirement System such increases will have.

Finally, the change to Section 2-461(c) is included to cover a situation that could arise if any individuals who have left the Retirement System, have not retired, and are later rehired want to exercise the option to purchase permissive service credit.

**Submitted By:**

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. Police and Fire Pension \_ Ord
2. Ex. A Pension Fund Permissive Service Purchase Analysis

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 9  
Filed: 03-04-25

Sponsored by: Simpson

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

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

COUNCIL BILL 2025-057

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

### AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 2, "Administration," Article VI,  
2 "Finances," Division 4, "Police Officers' and Fire Fighters'  
3 Retirement System," by amending Section 2-461(c) and enacting a  
4 new Section 2-485, "Permissive Service Credit."  
5 \_\_\_\_\_  
6

7 Whereas, the Police Officers' and Fire Fighters' Retirement Fund ("the Fund")  
8 currently allows participants, prior to retirement, to purchase up to four years of service  
9 credit for prior military service, law enforcement service, or fire protection service; and  
10

11 Whereas, employee members on the Board of Trustees of the Police Officers'  
12 and Fire Fighters' Retirement Fund ("the Board") requested that the Fund's actuary  
13 perform an analysis of the impact of allowing employee participants who are not eligible  
14 to purchase service credit for prior military, law enforcement, or fire protection services  
15 to purchase, prior to retirement, up to four years of service credit; and  
16

17 Whereas, the Fund's actuary provided an opinion that allowing for the purchase  
18 of such service time should not increase the expected cost of the Fund if the Fund  
19 performs to at least the Board expectations of 6% rate of return and the mortality table  
20 adopted by the Board is accurate; and  
21

22 Whereas, the Fund's actuary also provided an opinion that by allowing employee  
23 participants to purchase up to four years of service credit, prior to retirement, the Fund  
24 assumes all the risk associated with the annuity (investment return, longevity, etc.) and  
25 that if adverse experience occurs, the Fund cannot require the member who purchased  
26 the service credit to contribute additional funds; and  
27

28 Whereas, the Fund's actuary stated that if adverse experience occurs, then the  
29 residual cost of the service purchase falls to the City; and  
30

31 Whereas, in order to alleviate the risk involved in allowing for the purchase of the  
32 service credit, the actuary advised that it would be prudent to incorporate a risk  
33 premium to compensate the Fund for taking on the additional risk and to protect the City

and remaining members from having to pay more than expected in the future; and

Whereas, the Board voted to recommend that City Council amend the Fund to allow employee participants, prior to retirement, to purchase service credit, without incorporating a risk premium.

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

NOTE: **Bold** language is being added and ~~stricken~~ language is being deleted.

Section 1 – The Springfield City Code, Chapter 2, “Administration,” Article VI, “Finances,” Division 4, “Police Officers’ and Fire Fighters’ Retirement System,” Section 2-461, “Credit for previous service upon reentering service,” subpart (c) is hereby amended in the following manner:

(c). If such participant separating from employment as described in subsection (b) above originally commenced employment in the police or fire departments prior to June 1, 2006, and said participant's reemployment after separation commenced on or after June 1, 2006, but within the two (2) year window described above, said participant's retirement benefit and/or survivor benefit shall be a combined or blended benefit, with the benefit for the participant's years of service from the original commencement of employment to the date of separation to be calculated in the same manner as for participants commencing employment in the police or fire departments prior to June 1, 2006, and with the benefit for the years of service from the participant's date of reemployment to the end of the participant's employment to be calculated in the same manner as for participants commencing employment in the police or fire departments on or after June 1, 2006. Any prior service credit **or permissive service credit** purchased on or after June 1, 2006, pursuant to Sections **2-462, 2-463, or 2-485** ~~2-462 or 2-463~~ by such a participant shall also be calculated as years of service earned after June 1, 2006.

Section 2 – The Springfield City Code, Chapter 2, “Administration,” Article VI, “Finances,” Division 4, “Police Officers’ and Fire Fighters’ Retirement System,” is hereby amended by adding the following new Section 2-485, “Permissive Service Credit:”

#### **Section 2-485. – Permissive Service Credit**

- 1. Any employee participant may elect, prior to retirement, to purchase up to four years of permissive service credit. The total combined sum of military service credit under section 2-462, law enforcement and fire protection service credit under section 2-463, and permissive service credit under this section shall not exceed four years.**
- 2. The purchase of permissive service credit shall be initiated by the participant paying to the retirement system an amount equal to the present value, on the day of payment, of the amount of the additional**



retirement allowance that would be obtained by virtue of the purchase of the additional service credit, using the interest rate specified by the board and the applicable mortality table adopted by the board and assuming and utilizing the same salary escalation assumptions adopted by the board, and assuming continuous future service in the retirement system until, and retirement at, the age which is the minimum requirement of the retirement system for normal retirement or retirement with an allowance unreduced for retirement at any early age. The payment shall be made in a lump sum, and at the present value determined as of that date. No financial impact on the fund shall be allowed. The participant shall pay the present value so determined. For participants commencing employment in the police or fire departments prior to June 1, 2006, and for participants commencing employment in the police or fire departments on or after June 1, 2006, subject to the provisions contained in subsection 2-461(c) governing such participants, service time purchased shall be considered and calculated in the same manner for benefit purposes as other service time earned by such respective employees.

3. Payments made for such creditable prior service under this section shall be treated by the retirement system as would contributions made by the participant; provided that, notwithstanding any provisions in the ordinances governing this plan providing for the return or refund of participant contributions, such payments shall not be refundable or returnable to the participant or any survivor, beneficiary or other person or entity, but shall remain with the retirement system.

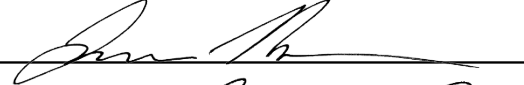
Section 3 – This Ordinance shall be in full force and effect from and after passage.

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

\_\_\_\_\_  
Mayor

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

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

Approved as to form: , Assistant City Attorney

Approved for Council action: , Interim City Manager



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Fax +1 314 231.0249

milliman.com

February 7, 2025

**Mr. Tony Kelley**

Administrative Director/Consultant  
City of Springfield Police Officers' and Fire Fighters' Retirement System  
P.O. Box 8368  
Springfield, MO 65801-8368 USA

**Re: Analysis of Air Time Service Purchases**

Dear Tony:

As requested, this letter will analyze the positives, negatives, and anticipated costs to the City of Springfield Police Officers' and Fire Fighters' Retirement System (the System) if the System language was changed to allow the purchase of up to four years of permissive service credit (or, "air time").

This letter is intended to provide the System with a cost statement that is required under the Missouri Revised Statute Section 105.665 in connection with the proposed plan changes.

**Current Service Purchases Allowed Under City Code**

Under certain circumstances, the System currently allows plan members to purchase up to four years of prior military service, prior law enforcement service, or prior fire protection service through Sections 2-462 and 2-463 of the Springfield City Code. Further, these Sections describe similar processes for calculating the "actuarial present value" purchase price the eligible member must pay to have the service added to their account.

Specifically, Section 2-463 describes the present value calculations as follows:

*The purchase shall be initiated by the participant's paying to the retirement system an amount equal to the present value, on the day of payment, of the amount of the additional retirement allowance that would be obtained by virtue of the purchase of the additional service credit, using the interest rate specified by the board and the applicable mortality table adopted by the board and assuming and utilizing the same salary escalation assumptions adopted by the board, and assuming continuous future service in the retirement system until, and retirement at, the age which is the minimum requirement of the retirement system for normal retirement or retirement with an allowance unreduced for retirement at any early age.*

It should also be noted that members are only eligible to purchase this service if "the member is not receiving and is not eligible to receive retirement credits or benefits from any other public or private retirement plan for the service to be purchased."

### Definition of Actuarial Present Value

The current service purchase opportunities for prior military service, prior law enforcement service, and prior fire protection service are available to applicable members if the member contributes the “actuarial present value” of the service purchase to the System.

When a member’s service increases, their liability in the plan can increase for two reasons: (1) the size of the member’s benefit increases due to the additional year(s) of service, and/or (2) the member may be able to retire at an earlier age. In this context, the “actuarial present value” of the service purchase is equal to the total increase in the plan liability resulting from the purchase of service.

**The “actuarial present value” for current service purchase calculations is based on the interest rate and mortality assumption adopted by the Board for the annual actuarial valuation. If the member pays the service purchase cost determined by this method then the unfunded liability would be unimpacted immediately following the purchase of service.**

### Increased Risk to the System

It is important to consider that, once this service purchase occurs, the System assumes all the risk associated with this annuity (investment return, longevity, etc.). If adverse experience occurs, the System cannot go back to the member who purchased the service and ask for more money to make the System whole. Further, if adverse experience occurs, the residual cost of the service purchase falls to the City and possibly the few remaining active plan members.

Actuarial valuation assumptions are often established at the “50/50 threshold”; that is, a point where there is a 50% chance that the expected result occurring and a 50% chance where the expected result does not occur. This is a reasonable approach when allocating the employer contributions over time. In the service purchase context, it means that there is a 50% chance under the current assumptions that the member did not pay enough to purchase the service and the City will have to make up the difference.

### Current Investment Return Assumption

The Board’s current investment return assumption for the actuarial valuation of the System is 6.00%. There was a concerted effort by the Board when the assumption was adopted to be somewhat conservative since there are no new members entering the plan and the overall mature nature of the System. According to Milliman’s Capital Market Assumptions as of June 30, 2024 and the System’s target asset allocation, there is a 61% chance that the System investments will meet or exceed 6.00% average returns over the next 20 years. The following table illustrates the likelihood of the System meeting certain investment return targets over different periods of time:

*Likelihood the Actual Investment Returns Meet or Exceed the Target Over the Stated Period*

| <b>Investment Return Target</b> | <b>10 Years</b> | <b>15 Years</b> | <b>20 Years</b> |
|---------------------------------|-----------------|-----------------|-----------------|
| 6.00%                           | 55%             | 58%             | 61%             |
| 5.00%                           | 68%             | 74%             | 79%             |
| 4.00%                           | 80%             | 86%             | 90%             |

### Proposal to Allow “Air Time” Service Purchases

There is a proposal to amend the Springfield City Code to allow members of the System to purchase up to four years of permissive (or, “air time”) service credit. Whereas, the current service purchases require a member to have prior military, law enforcement, or fire protection service to be eligible to purchase service, every member would be eligible to purchase “air time” service. Further, this would be a broadly available and completely voluntary option under the System.

### Concept of Risk Premium

For purposes of the proposed “air time” service purchases, it would be prudent for the Board to incorporate a “risk premium” to compensate the plan for taking on the additional risk and to protect the City and remaining members from paying more than expected in the future. Conceptually, this is very similar to how an insurance company establishes conservative assumptions to set premiums so that they are more likely to have enough money to pay all required claims.

Many public retirement systems have adopted the “risk premium” concept as part of their service purchase methodology. Often, this risk premium takes the form of a lower interest rate used to calculate the service purchase cost (e.g., anywhere from 50 basis points lower to 200 basis points lower).

Lowering the interest rate 100 basis points (to 5.00%) would establish a risk premium of 13-15% for 45- to 55-year-old members purchasing air time while increasing the likelihood that actual investment returns meet or exceed the target from 61% to 79% over the next 20 years. Similarly, lowering the interest rate 200 basis points (to 4.00%) would establish a premium of 29-34% for 45- to 55-year-old members purchasing air time while increasing the likelihood that actual investment returns meet or exceed the target from 61% to 90% over the next 20 years. These statements are summarized in the table below:

| <b>Interest Rate for Air Time Purchases</b>                | <b>6.00%</b> | <b>5.00%</b> | <b>4.00%</b> |
|------------------------------------------------------------|--------------|--------------|--------------|
| Decrease from Valuation Assumption                         | N/A          | 100 bps      | 200 bps      |
| Risk Premium for 45- to 55-year-old Members                | N/A          | 13-15%       | 29-34%       |
| Likelihood Actual Investment Returns Meet or Exceed Target | 61%          | 79%          | 90%          |

Adopting this risk premium approach would result in an increase in the service purchase cost. However, the cost would still likely be significantly less than what an insurance company would charge for the same annuity.

### Conclusion

The current service purchase procedures are an important component of the benefits provided by the System. The current procedures for calculating the “actuarial present value” are intended to have no impact on the expected cost of the System.

Allowing “air time” service purchases will not increase the expected cost of the System. Further, it would be prudent for the Board to incorporate a “risk premium” into the “air time” service purchase cost to protect the System against the possibilities of adverse experience from investment and longevity risks following the purchase.

### Disclosure

We have not explored any legal issues with respect to the proposed plan changes. We are not attorneys and cannot give legal advice on such issues.

This analysis is consistent with the assumptions and methods utilized for the June 30, 2024 actuarial valuation of the City of Springfield Police Officers' and Fire Fighters' Retirement System.

This report has been prepared for the internal use of and is only to be relied upon by the City; it is not for the use or benefit of any third party for any purpose. No portion of this report may be disclosed to any other party (other than Missouri State legislative and regulatory personnel) without Milliman's prior written consent. In the event such consent is given, the report must be provided in its entirety, unless prior written consent is obtained from Milliman. We recommend that any such party have its own actuary or other qualified professional review this report to ensure that the party understands the assumptions and uncertainties inherent in our estimates.

Sincerely,



Michael A. Sudduth, FSA, EA  
Consulting Actuary



R. Ryan Falls, FSA, EA  
Consulting Actuary



## **EXPLANATION TO COUNCIL BILL 2025-062 (LEE)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Police

**TITLE:** A special ordinance authorizing the City Manager, or designee, to accept a donation in the amount of \$4,600 from Kingdom Krafters, LLC to purchase ballistic vests for police service canines.

**PURPOSE:** Acceptance of donation of \$4,600 to purchase four K9 ballistic vests.

**BACKGROUND INFORMATION:** This council bill requests approval to accept a donation of \$4,600 from Kingdom Krafters, LLC, a local roofing company. The donation will purchase four (4) LOF Defence "Streetfighter" ballistics vests for current SPD patrol K9s. This vest is lighter and smaller, allowing the K9s to wear it as a regular patrol vest. Our current vests, purchased in 2013, are large and bulky, limiting movement.

**Submitted By:** Eric Reece, Police Major

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. Police K9 Vest Donation Ord
2. 058 FY2025 POL - Vest Donation

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 4  
Filed: 03-04-25

Sponsored by: Lee

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

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

COUNCIL BILL 2025 -062

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to accept a donation in the amount of  
2 \$4,600 from Kingdom Krafters, LLC to purchase ballistic vests for  
3 police service canines.  
4 \_\_\_\_\_

5  
6 WHEREAS, Kingdom Krafters, LLC, a local roofing company, recently  
7 approached the Police Department and offered a donation in support of police service  
8 canines; and  
9

10 WHEREAS, Kingdom Krafters, LLC has graciously offered to donate \$4,600 to  
11 purchase four ballistic vests to be worn by Police Department service canines.  
12

13 WHEREAS, City Council desires to accept and greatly appreciates the donation,  
14 and wishes to express its sincerest thanks to Kingdom Krafters, LLC for said donation.  
15

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

19 Section 1 – The City Manager, or designee, is hereby authorized to accept the  
20 donation of \$4,600 from Kingdom Krafters, LLC to purchase ballistic vests for police  
21 service canines.  
22

23 Section 2 – The budget for Fiscal Year 2024-2025 of the Springfield Police  
24 Department is hereby amended in the accounts and in the amounts as shown on  
25 Budget Adjustment No. 058, a copy of which is attached hereto and incorporated herein  
26 by reference as “Exhibit A.”  
27

28 Section 3 – City Council hereby finds that the budget adjustment made in Section  
29 2 has been recommended by the City Manager.  
30

31 Section 4 – The City Manager, or designee, is directed to cause the appropriate  
32 accounting entries to be made in the books and records of the City.  
33

34        Section 5 – This Ordinance shall be in full force and effect from and after  
35 passage.  
36

37  
38 Passed at meeting: \_\_\_\_\_  
39

40 \_\_\_\_\_  
41 Mayor  
42

43 Attest: \_\_\_\_\_, City Clerk  
44  
45

46 Filed as Ordinance: \_\_\_\_\_  
47

48 Approved as to form: , Assistant City Attorney  
49  
50

51 Approved for Council action: , Interim City Manager  
52



CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment  
058

Revenues:

| Fund                   | Dept | Org   | Account | P&G | Location | Amount   | Description                                           |
|------------------------|------|-------|---------|-----|----------|----------|-------------------------------------------------------|
| 25060                  | 18   | 90110 | 414070  |     |          | 4,600.00 | FY2025 DONATION FROM KINGDOM KRAFTERS<br>FOR PD VESTS |
| Net Revenue Adjustment |      |       |         |     |          | 4,600.00 |                                                       |

Expenditures:

| Fund                       | Dept | Org   | Account | P&G | Location | Amount   | Description                                           |
|----------------------------|------|-------|---------|-----|----------|----------|-------------------------------------------------------|
| 25060                      | 18   | 90110 | 501190  |     |          | 4,600.00 | FY2025 DONATION FROM KINGDOM KRAFTERS<br>FOR PD VESTS |
| Net Expenditure Adjustment |      |       |         |     |          | 4,600.00 |                                                       |

Fund Balance Appropriation:

| Fund | Title | Amount |
|------|-------|--------|
|      |       |        |

Explanation: To amend the FY2024-25 budget by appropriating \$4,600.00 of donation to Police department to purchase PD vests.

Requested By:

AMANDA LIVINGSTON 2/24/25

Department Head

Date

Approved By:

Director of Finance

Date

City Manager

Date

Authorization:

Council Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

1st Reading \_\_\_\_\_

2nd Reading \_\_\_\_\_

Journal Imp No. \_\_\_\_\_



## EXPLANATION TO COUNCIL BILL 2025-063 (COMMITTEE OF THE WHOLE)

**FILED:** 03/13/2025

**ORIGINATING DEPARTMENT:** Law

**TITLE:** A resolution appointing the Citizens' Advisory Board for the 3/4-cent sales tax approved by the qualified voters of the City of Springfield, Missouri, on November 5, 2024, and providing direction in the discharge of its duties.

**PURPOSE:** To appoint the Citizens' Advisory Board for the 3/4-cent sales tax approved by the qualified voters of the City of Springfield, Missouri, on November 5, 2024, and providing direction in the discharge of its duties.

**BACKGROUND INFORMATION:** Special Ordinance 28033 submitted to the qualified voters of the City of Springfield, Missouri, the question of whether to enact a city sales tax at the rate of three-quarters of one percent (3/4-cent), one-quarter for the purpose of funding public safety initiatives, to include funding the remaining obligation of the Springfield Police Officers' and Firefighters' Pension and increasing police officer and firefighter pay, with said one-quarter to not sunset, and two-quarters for the purpose of funding projects consistent with the City's comprehensive plan, to include capital improvements, community and neighborhood initiatives, and park projects, with said two-quarters to sunset after a period of ten years. The ballot question was approved by the qualified voters of the City on November 5, 2024.

Special Ordinance 28033 provides that, if approved by the qualified voters of the City, a citizens' advisory board shall be charged with providing a recommendation on projects to City Council concerning the use of any revenue dedicated to funding projects consistent with the City's comprehensive plan (1/2-cent). Special Ordinance 28033 further provides that, in providing a recommendation on such projects, the following criteria should be considered:

- Whether the project can be completed with no ongoing debt obligation.
- Whether the project is eligible for matching funds.
- Whether the project directly generates new sales tax or other revenue for City services and infrastructure.
- Whether the project creates jobs or increases economic growth.
- Whether the project is a catalyst that retains existing or attracts new City residents or businesses.
- Whether the project improves livability for City residents or workers.
- Whether the project is transformational and invests in the next generation.



- Whether the project is a continuation of an existing or previous project.

Resolution 10807 established the Citizens' Advisory Board. City Council, convened as the Committee of the Whole, met on March 4, 2025, and March 11, 2025, for the purpose of reviewing the applications of individuals interested in serving on the Citizens' Advisory Board and voted to recommend the appointment of the chair, vice-chair, and other members for the terms described in the attached resolution. Further, City Council expressed a desire to provide direction to the Citizens' Advisory Board in the discharge of its duties as described in the attached Resolution.

**Submitted By:** Jordan Paul, City Attorney

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

Collin Quigley, Interim City Manager 3/14/2025

**Attachments:** 1. \_0.75-cent sales tax citizens' advisory board - appts\_res

One-rdg.     X      
P. Hrngs.             
Pgs.         5          
Filed:     03-18-25    

Sponsored by: Committee of the Whole

COUNCIL BILL   2025-063   RESOLUTION                     

A RESOLUTION

1 APPOINTING the Citizens’ Advisory Board for the 3/4-cent sales tax approved by  
2 the qualified voters of the City of Springfield, Missouri, on  
3 November 5, 2024, and providing direction in the discharge of its  
4 duties.  
5 \_\_\_\_\_  
6

7 WHEREAS, Special Ordinance 28033 submitted to the qualified voters of the  
8 City of Springfield, Missouri, the question of whether to enact a city sales tax at the rate  
9 of three-quarters of one percent (3/4-cent), one-quarter for the purpose of funding public  
10 safety initiatives, to include funding the remaining obligation of the Springfield Police  
11 Officers’ and Firefighters’ Pension and increasing police officer and firefighter pay, with  
12 said one-quarter to not sunset, and two-quarters for the purpose of funding projects  
13 consistent with the City’s Comprehensive Plan, to include capital improvements,  
14 community and neighborhood initiatives, and park projects, with said two-quarters to  
15 sunset after a period of ten years;  
16

17 WHEREAS, said ballot question was approved by the qualified voters of the City  
18 on November 5, 2024; and  
19

20 WHEREAS, Special Ordinance 28033 provides that, if approved by the qualified  
21 voters of the City, a Citizens’ Advisory Board shall be charged with providing a  
22 recommendation on projects to City Council concerning the use of any revenue  
23 dedicated to funding projects consistent with the City’s comprehensive plan (1/2-cent);  
24 and  
25

26 WHEREAS, Special Ordinance 28033 further provides that, in providing a  
27 recommendation on such projects, the following criteria should be considered:  
28

- 29 A. Whether the project can be completed with no ongoing debt obligation.
- 30 B. Whether the project is eligible for matching funds.
- 31 C. Whether the project directly generates new sales tax or other revenue for  
32 City services and infrastructure
- 33 D. Whether the project creates jobs or increases economic growth.
- 34 E. Whether the project is a catalyst that retains existing or attracts new City  
35 residents or businesses.

- F. Whether the project improves livability for City residents or workers.  
G. Whether the project is transformational and invests in the next generation.  
H. Whether the project is a continuation of an existing or previous project.

WHEREAS, Resolution 10807 established the Citizens' Advisory Board; and

WHEREAS, City Council, convened as the Committee of the Whole, met on March 4, 2025 and March 11, 2025, for the purpose of reviewing the applications of individuals interested in serving on the Citizens' Advisory Board and voted to recommend the appointment of the chair, vice-chair, and other members for the terms described herein; and

WHEREAS, City Council expressed a desire to provide direction to the Citizens' Advisory Board in the discharge of its duties as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – City Council hereby appoints the following members to the Citizens' Advisory Board for the offices and terms so specified. The Chair and Vice-Chair shall hold office until their terms expire. In the event an office becomes vacant, it shall be filled by City Council.

| <b>Name</b>               | <b>Term Expires</b> |
|---------------------------|---------------------|
| Erin Danastasio – Chair   | May 1, 2028         |
| Rusty Worley – Vice-Chair | May 1, 2028         |
| Andy Peebles              | May 1, 2028         |
| Clifton Smart             | May 1, 2027         |
| Becky Volz                | May 1, 2027         |
| Leslie Forrester          | May 1, 2027         |
| Lauren Shantz             | May 1, 2026         |
| Christina Angle           | May 1, 2026         |

Section 2 – City Council hereby charges the Citizens' Advisory Board with following the "Completed as Promised" model for the communication, identification, input, and prioritization of projects.

Section 3 – City Council hereby charges the Citizens' Advisory Board with providing project recommendations and a report on the discharge of its duties no later than April 1 of each year; however, this requirement shall not apply to the year 2025.

Section 4 – City Council hereby establishes that any Council member shall have the right to submit one or more projects to the Citizens' Advisory Board for recommendation. The Citizens' Advisory Board shall make a recommendation on such a project within a reasonable time, as determined by City Council's sole discretion.

Section 5 – City Council hereby establishes a preference for projects that are administered by the City or through a partnership, rather than projects that act as a

84 grant mechanism.

85  
86 Section 6 – City Council hereby establishes that projects which request funding  
87 for ongoing operating expenses are disfavored.

88  
89 Section 7 – This Resolution shall be in effect from and after passage.

90  
91 Passed at meeting: \_\_\_\_\_

92  
93  
94 \_\_\_\_\_  
95 Mayor

96  
97 Attest: \_\_\_\_\_, City Clerk

98  
99 Filed as Resolution: \_\_\_\_\_

100  
101  \_\_\_\_\_, City Attorney

102  
103  
104  \_\_\_\_\_, Interim City Manager  
105



## **EXPLANATION TO COUNCIL BILL 2025-064 (HARDINGER, HORTON, MCCLURE)**

**FILED:** 03/17/2025

**ORIGINATING DEPARTMENT:** City Clerk

**TITLE:** A resolution encouraging development in food deserts to improve community health and accessibility.

**PURPOSE:** City Council acknowledges the negative impacts of food deserts on the health and economic well-being of its residents and commits to addressing these challenges.

**BACKGROUND INFORMATION:** A food desert is defined as an area in which residents have limited access to affordable and nutritious food, particularly fresh produce, whole grains, and protein sources, typically due to a lack of grocery stores, farmers' markets, or other healthy food providers. City Council acknowledges the harmful effects of food deserts—areas with limited access to affordable and nutritious food—on community health and economic well-being, particularly in low-income and marginalized communities. City Council acknowledges the link between food deserts and diet-related health issues and emphasizes the need for solutions that promote fresh food accessibility. The City Council of Springfield commits to addressing food deserts by encouraging grocery store development, farmers' markets, urban farming, and community gardens through evaluation of zoning incentives, grants, and partnerships. The City Council also encourages public awareness campaigns, policy reviews to reduce food access barriers, and collaboration with local stakeholders. As well as consideration of annual progress assessments to track improvements. City Council urges community-wide participation to ensure sustainable, equitable food access.

**Submitted By:** Anita Cotter, City Clerk

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

Collin Quigley, Interim City Manager    3/19/2025

**Attachments:**    1.    Food Desert Resolution

One-rdg.   X    
P. Hrngs.             
Pgs.       4        
Filed:   03-18-25  

Sponsored by: Hardinger, Horton, and McClure

COUNCIL BILL   2025-064   RESOLUTION                           

A RESOLUTION

1 ENCOURAGING development in food deserts to improve community health and  
2 accessibility.  
3  
4

5 WHEREAS, a food desert is defined as an area in which residents have limited  
6 access to affordable and nutritious food, particularly fresh produce, whole grains, and  
7 protein sources, typically due to a lack of grocery stores, farmers' markets, or other  
8 healthy food providers; and  
9

10 WHEREAS, food deserts disproportionately impact low-income communities,  
11 communities of color, and rural areas, exacerbating existing health disparities and  
12 limiting access to essential resources for residents; and  
13

14 WHEREAS, the absence of nutritious food options has been linked to a higher  
15 prevalence of diet-related health issues such as obesity, diabetes, cardiovascular  
16 disease, and other chronic conditions; and  
17

18 WHEREAS, studies have shown that residents of food deserts often rely on  
19 convenience stores and fast food establishments, which tend to offer processed and  
20 less healthy food options, further contributing to poor health outcomes; and  
21

22 WHEREAS, food deserts also negatively affect local economies by limiting  
23 opportunities for business development, job creation, and community engagement in  
24 the food system; and  
25

26 WHEREAS, addressing food deserts will improve the overall health and well-  
27 being of the community, reduce healthcare costs, and foster economic development  
28 through the creation of new food-related businesses, such as grocery stores, farmers'  
29 markets, and community-supported agriculture (CSA) programs; and  
30

31 WHEREAS, increasing awareness about food deserts is crucial for galvanizing  
32 public support for policies that encourage the development of sustainable food systems,  
33 equitable access to healthy food, and the long-term success of the community; and  
34

35 WHEREAS, partnerships between local government, businesses, non-profits,  
36 and residents can effectively support food access solutions, including but not limited to  
37 the establishment of grocery stores, urban farming initiatives, food delivery programs,  
38 and community gardens in underserved areas.



39 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
40 SPRINGFIELD, MISSOURI, as follows:

41  
42 Section 1 – City Council hereby acknowledges the negative impacts of food  
43 deserts on the health and economic well-being of its residents and commits to  
44 addressing these challenges through the following actions.

45  
46 Section 2 – City Council encourages City staff to explore ways to actively  
47 encourage the development of grocery stores, farmers' markets, community-supported  
48 agriculture, and other food access programs in neighborhoods identified as food  
49 deserts, through zoning incentives, grants, and partnerships with private and nonprofit  
50 stakeholders.

51  
52 Section 3 – City Council encourages City staff as often as possible to prioritize  
53 the establishment and expansion of urban farming programs, community gardens, and  
54 other initiatives that empower residents to grow their own fresh produce, reducing  
55 dependency on external food systems.

56  
57 Section 4 – City Council encourages City staff to implement an educational  
58 campaign to raise awareness about the issue of food deserts and their effects on  
59 health, economic development, and community well-being, including public forums,  
60 media outreach, and collaboration with local organizations.

61  
62 Section 5 – City Council encourages City staff to review and, where necessary  
63 and practical, recommend amendments to zoning, land use, and transportation policies  
64 to reduce barriers to food access in underserved areas, ensuring that they are  
65 supportive of new food-related businesses and services.

66  
67 Section 6 – City Council encourages City staff to engage with local businesses,  
68 non-profit organizations, and community leaders to create innovative solutions to food  
69 deserts, exploring partnerships, grants, and programs that address immediate food  
70 insecurity while promoting long-term food access sustainability.

71  
72 Section 7 – City Council encourages City staff to annually assess the progress of  
73 these initiatives and provide City Council with reports on improvements in food access,  
74 health outcomes, and community engagement.

75  
76 Section 8 – City Council urges all residents, businesses, and organizations to join  
77 in the effort to combat food deserts by supporting initiatives that improve access to  
78 healthy, affordable, and fresh food for all members of the community.

79  
80 Section 9 – This resolution shall be in effect immediately upon adoption.

81  
82  
83 Passed at meeting: \_\_\_\_\_

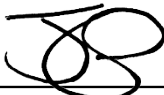
84  
85  
86 \_\_\_\_\_  
87 Mayor

88 Attest: \_\_\_\_\_, City Clerk  
89

90 Filed as Resolution: \_\_\_\_\_

91

92

93 Approved as to form:  \_\_\_\_\_, City Attorney

94

95

96 Approved for Council action:  \_\_\_\_\_, Interim City Manager



## EXPLANATION TO COUNCIL BILL 2025-065 (HORTON)

**FILED:** 02/26/2025

**ORIGINATING DEPARTMENT:** Public Works

**TITLE:** A special ordinance authorizing the City Manager, or designee, to enter into a Transportation Enhancements Funds Supplemental Agreement #2 with the Missouri Highways and Transportation Commission for the purpose of constructing the Mt. Vernon and Miller Sidewalks Project; amending the Fiscal Year 2024-2025 budget in the amount of \$841,236 to appropriate the federal Transportation Alternatives Program funds; and declaring that this Ordinance qualifies for approval in one reading pursuant to City Charter Section 2.16(25).

**PURPOSE:** Authorizing the City Manager, or designee, to enter into a Transportation Enhancements Funds Supplemental Agreement #2 ("Exhibit A") for the purpose of funding construction for the Mt. Vernon and Miller Sidewalks project; approving a budget adjustment amending the Fiscal Year 2025 budget of the Department of Public Works in the amount of \$841,236 to appropriate federal TAP funds; and declaring that this bill qualifies for approval in one reading.

**BACKGROUND INFORMATION:** This project includes pedestrian improvements along Mt. Vernon Street between Lulwood Avenue and Westgate Avenue and on Miller Avenue between Tarkio Street and Mt. Vernon Street ("Exhibit B"). Special Ordinance 27919 and 28076 approved reimbursements of up to \$158,385 for preliminary engineering and right of way acquisition. This agreement takes the project through construction, increasing the federal reimbursement by \$841,236. The supplemental agreement allows for a total reimbursement of up to 80% (\$999,621) of the preliminary engineering, right of way, and construction costs associated with the project. The City's 20% share, estimated at \$249,905, will be funded by the 1/8-cent Transportation Sales Tax and/or 1/4-cent Capital Improvements Sales Tax and is already budgeted.

As this Ordinance is for a state grant contract, we request that it be passed as a one-reading bill under City Charter Section 2.16(25).

Supports the following City Council Priorities:

- Quality of Place
- Fiscal Sustainability and Accountability
- Public Safety



REMARKS: Public Works recommends approval of this Council bill and budget adjustment.

**Submitted By:** Brett Foster, Assistant Director of Public Works

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**  
Maurice S. Jones, Deputy City Manager 3/18/2025

**Attachments:**

1. Mt Vernon and Miller Sidewalks\_ord
2. Mt Vernon and Miller\_Agree\_ExhA
3. Mt Vernon and Miller\_Map\_ExhB
4. Mt Vernon and Miller\_BA\_ExhC

One-rdg.       X        
P. Hrngs.                       
Pgs.       9        
Filed:       03-18-25      

Sponsored by:       Horton      

First Reading:                                     

Second Reading:                                     

COUNCIL BILL       2025-065      

SPECIAL ORDINANCE                                     

AN ORDINANCE

AUTHORIZING the City Manager, or designee, to enter into a Transportation Enhancements Funds Supplemental Agreement #2 with the Missouri Highways and Transportation Commission for the purpose of constructing the Mt. Vernon and Miller Sidewalks Project; amending the Fiscal Year 2024-2025 budget in the amount of \$841,236 to appropriate the federal Transportation Alternatives Program funds; and declaring that this Ordinance qualifies for approval in one reading pursuant to City Charter Section 2.16(25).

WHEREAS, the City and the Missouri Highways and Transportation Commission (“MHTC”) desire to construct the Mt. Vernon and Miller Sidewalks Project, which consists of pedestrian improvements along Mt. Vernon Street between Lulwood Avenue and Westgate Avenue and on Miller Avenue between Tarkio Street and Mt. Vernon Street, as depicted in “Exhibit B,” attached hereto and incorporated herein by reference; and

WHEREAS, total estimated construction costs for the project are \$1,249,525; and

WHEREAS, the Transportation Enhancement Program allows for reimbursement of up to 80 percent (\$999,621) of preliminary engineering, right-of-way, and construction costs associated with this project; and

WHEREAS, Special Ordinances 27925 and 28076 have already authorized acceptance of reimbursement of up to \$158,385 for preliminary engineering and right-of-way acquisition; and

WHEREAS, the required 20 percent local match (\$249,905) will be provided through the 1/8-cent Transportation Sales Tax and 1/4-cent Capital Improvement Sales Tax, and is already budgeted for the project.

33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
34 SPRINGFIELD, MISSOURI, as follows, that:

35  
36 Section 1 – The City Manager, or designee, is hereby authorized to accept  
37 Transportation Enhancement Program funds in the amount of \$841,236 from the  
38 Missouri Highways and Transportation Commission (“MHTC”) for the purpose of  
39 constructing the Mt. Vernon and Miller Sidewalks Project, and to do all things necessary  
40 to carry out the intent of this Ordinance, including execution of an agreement in  
41 substantially the same form as the document attached hereto and incorporated herein  
42 by reference as “Exhibit A.”

43  
44 Section 2 – The budget of the City of Springfield for Fiscal Year 2024-2025 is  
45 hereby amended in the accounts and in the amounts as shown on Budget Adjustment  
46 No. 061, a copy of which is attached hereto and incorporated herein by reference as  
47 “Exhibit C.”

48  
49 Section 3 – City Council hereby finds that the budget adjustment made above  
50 has been recommended by the City Manager.

51  
52 Section 4 – The City Manager, or designee, is directed to cause the appropriate  
53 accounting entries to be made in the books and records of the City.

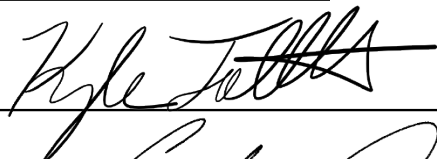
54  
55 Section 5 – City Council hereby finds and declares that this Ordinance may be  
56 passed as a one-reading ordinance under City Charter Section 2.16 (25) as it relates to  
57 a contract for the acceptance of grant funds from a state or federal agency. This  
58 Ordinance shall be in full force and effect from and after passage.

59  
60 Passed at meeting: \_\_\_\_\_

61  
62 \_\_\_\_\_  
63 Mayor

64  
65 Attest: \_\_\_\_\_, City Clerk

66  
67 Filed as Ordinance: \_\_\_\_\_

68  
69 Approved as to form:  \_\_\_\_\_, Assistant City Attorney

70  
71  
72 Approved for Council action:  \_\_\_\_\_, Interim City Manager  
73

CCO FORM: FS31

Approved: 11/15 (MWH)

Revised: 10/22 (MWH)

Modified:

Greene County

City of Springfield

Project TAP-5901829

CFDA Number: 20.205

CFDA Title: Highway Planning and Construction

Award name/number: TAP – 5901(829)

Award Year: SFY2025

Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
TRANSPORTATION ENHANCEMENTS FUNDS  
SUPPLEMENTAL AGREEMENT #2**

THIS SUPPLEMENTAL AGREEMENT #2 is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield (hereinafter, "City").

WITNESSETH:

WHEREAS, on December 19th, 2023, the Commission and the City previously entered into a Transportation Enhancements Funds Agreement **#2023-09-82021** as to public improvements designated as TAP-5901829, (hereinafter, "Original Agreement"); and on December 19th, 2024, the Commission and the City previously entered into a TAP Program Supplemental Agreement **#2024-07-84552**, for the construction of sidewalks along Mount Vernon Street and Miller Avenue, (hereinafter, "Supplemental Agreement #1"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) REVISION: Paragraph (16) REIMBURSEMENT of the Supplemental Agreement #1 is removed and replaced with the following:

(16) RIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the

Commission are **not** reimbursable costs. The federal share for the **Preliminary Engineering, Right of Way, and Construction Phases** of this project will be **80%** percent not to exceed **\$999,621**. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement and all previous Supplemental Agreements between the parties shall remain in full force and effect and shall extend and apply to this Supplemental Agreement as if fully written in this Supplemental Agreement.

*[Remainder of Page Intentionally Left Blank]*



IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this \_\_\_\_\_.

Executed by the Commission this \_\_\_\_\_.

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

\_\_\_\_\_

By \_\_\_\_\_

Title: \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_

Title \_\_\_\_\_

Approved as to Form:

By \_\_\_\_\_

Title \_\_\_\_\_

\_\_\_\_\_  
Commission Counsel

By \_\_\_\_\_

Title \_\_\_\_\_

By \_\_\_\_\_

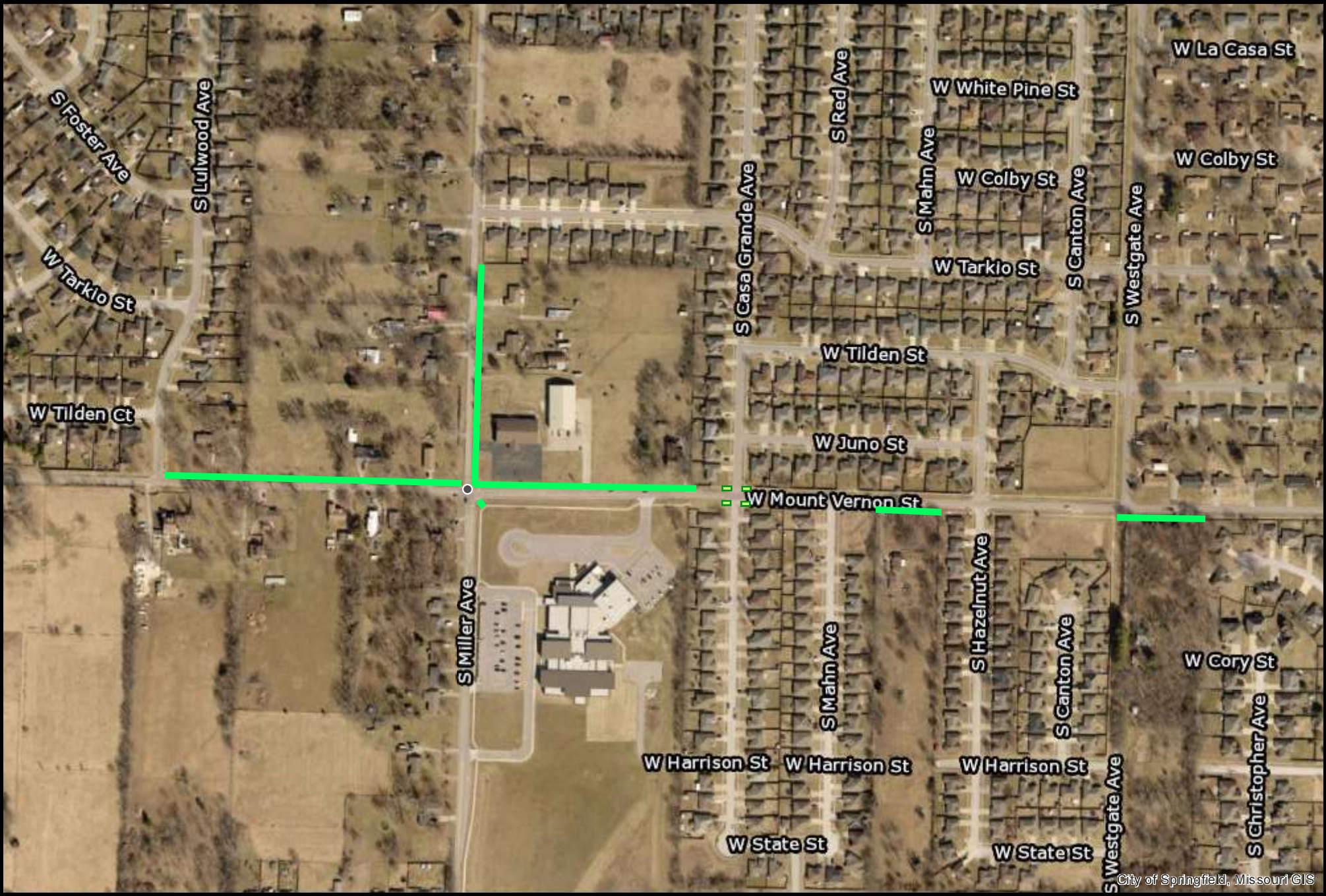
Title \_\_\_\_\_

Approved as to Form:

By \_\_\_\_\_

Title: \_\_\_\_\_

Ordinance: \_\_\_\_\_



CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit C

Budget Adjustment  
061

Revenues:

| Fund                   | Dept | Org   | Account | P&G    | Location | Amount    | Description                                                                                                                           |
|------------------------|------|-------|---------|--------|----------|-----------|---------------------------------------------------------------------------------------------------------------------------------------|
| 46040                  | 20   | 73020 | 416010  | 103425 | 00000    | \$841,236 | Additional Transportation Alternatives Program (TAP) Federal Grant Revenues through the Missouri Highways & Transportation Commission |
| Net Revenue Adjustment |      |       |         |        |          | \$841,236 |                                                                                                                                       |

Expenditures:

| Fund                       | Dept | Org   | Account | P&G    | Location | Amount    | Description                                                 |
|----------------------------|------|-------|---------|--------|----------|-----------|-------------------------------------------------------------|
| 46040                      | 20   | 73020 | 509110  | 103425 | 00000    | \$841,236 | Construction of Mt. Vernon Street & Miller Avenue Sidewalks |
| Net Expenditure Adjustment |      |       |         |        |          | \$841,236 |                                                             |

Fund Balance Appropriation:

| Fund | Title | Amount |
|------|-------|--------|
|      |       |        |

Explanation: To amend the FY2024-25 Budget by appropriating \$841,236 of additional federal TAP grant funds for the partial funding of the construction of sidewalk improvements along Mt. Vernon Street & Miller Avenue.

Requested By:

Dan Smith 3-18-2025  
Department Head Date

Approved By:

DJ Hill 3-18-2025  
Director of Finance Date

\_\_\_\_\_  
City Manager Date

Authorization:

Council Bill No. 2025-065  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_





## EXPLANATION TO COUNCIL BILL 2025-066 (SIMPSON)

**FILED:** 03/06/2025

**ORIGINATING DEPARTMENT:** Public Works

**TITLE:** A special ordinance authorizing the City Manager, or designee, to enter into a Transportation Enhancements Funds Supplemental Agreement with the Missouri Highways and Transportation Commission for the purpose of constructing the South Creek Greenway (Fremont to Glenstone) Project; amending the Fiscal Year 2024-2025 budget in the amount of \$644,270 to appropriate the federal Carbon Reduction Program funds; and declaring that this Ordinance qualifies for approval in one reading pursuant to City Charter Section 2.16(25).

**PURPOSE:** Authorizing the City Manager, or designee, to enter into a Transportation Enhancements Funds Supplemental Agreement ("Exhibit A") for the purpose of funding the construction of the South Creek Greenway (Fremont to Glenstone) project; approving a budget adjustment amending the Fiscal Year 2025 budget of the Department of Public Works in the amount of \$644,270 to appropriate federal Carbon Reduction Program ("CRP") funds; and declaring that this Ordinance qualifies for approval in one reading.

**BACKGROUND INFORMATION:** This project includes a pedestrian pathway along Sunset Street from Fremont Avenue to Glenstone Avenue ("Exhibit B"). Special Ordinance 27925 approved reimbursement of up to \$96,641 for preliminary engineering. This agreement takes the project through construction, increasing the federal reimbursement by \$644,270. The supplemental agreement allows for a total reimbursement of up to 80% (\$740,911) of the preliminary engineering, right of way, and construction costs associated with the project. The City's 20% share, estimated at \$185,228, will be funded by the 1/8-cent Transportation Sales Tax and is already budgeted.

As this Ordinance is for a state grant contract for federal funds, we request that it be passed as a one-reading bill under City Charter Section 2.16(25).

Supports the following City Council Priorities:

- Quality of Place
- Fiscal Sustainability and Accountability
- Public Safety

**REMARKS:** Public Works recommends approval of this Council bill and budget adjustment.



**Submitted By:** Brett Foster, Assistant Director of Public Works

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

Maurice S. Jones, Deputy City Manager 3/18/2025

- Attachments:**
1. South Creek Trail\_ord
  2. South Creek Trail\_Agree\_ExhA
  3. South Creek Trail\_Map\_ExhB
  4. South Creek Trail\_BA\_ExhC



Missouri Highways and Transportation Commission ("MHTC") for the purpose of constructing the South Creek Greenway (Fremont to Glenstone) project, and to do all things necessary to carry out the intent of this Ordinance, including execution of an agreement in substantially the same form as the document attached hereto and incorporated herein by reference as "Exhibit A."

Section 2 – The budget of the City of Springfield for Fiscal Year 2024-2025 is hereby amended in the accounts and in the amounts as shown on Budget Adjustment No. 062, a copy of which is attached hereto and incorporated herein by reference as "Exhibit C."

Section 3 – City Council hereby finds that the budget adjustment made above has been recommended by the City Manager.

Section 4 – The City Manager, or designee, is directed to cause the appropriate accounting entries to be made in the books and records of the City.

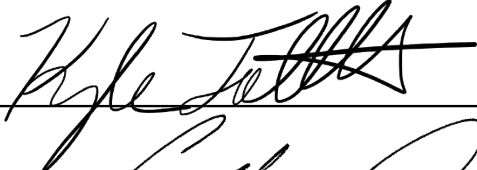
Section 5 – City Council hereby finds and declares that this Ordinance may be passed as a one-reading ordinance under City Charter Section 2.16 (25) as it relates to a contract for the acceptance of grant funds from a state or federal agency. This Ordinance shall be in full force and effect from and after passage.

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

\_\_\_\_\_  
Mayor

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

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

Approved as to form:  \_\_\_\_\_, Assistant City Attorney

Approved for Council action:  \_\_\_\_\_, Interim City Manager

CCO FORM: FS31

Approved: 11/15 (MWH)

Revised: 10/22 (MWH)

Modified:

Greene County

City of Springfield

Project CRP-5901830

CFDA Number: 20.205

CFDA Title: Highway Planning and Construction

Award name/number: CRP – 5901(830)

Award Year: SFY2024

Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
TRANSPORTATION ENHANCEMENTS FUNDS  
SUPPLEMENTAL AGREEMENT**

THIS SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Springfield (hereinafter, "City").

WITNESSETH:

WHEREAS, on November 15th, 2023, the Commission and the City previously entered into a Carbon Reduction Program (CRP) Agreement as to public improvements designated as **#2023-08-81663**, for the construction of a pedestrian pathway along Sunset from Fremont to Glenstone, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) REVISION: Paragraph (16) REIMBURSEMENT of the Original Agreement is removed and replaced with the following:

(16) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for the **Preliminary Engineering, Right of Way, and Construction** phases of this project will be eighty percent (80%) not to exceed



**\$740,911 (Seven hundred forty thousand, nine hundred eleven dollars).** The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of the City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect and shall extend and apply to this Supplemental Agreement as if fully written in this Supplemental Agreement.

*[Remainder of Page Intentionally Left Blank]*

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this \_\_\_\_\_.

Executed by the Commission this \_\_\_\_\_.

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

CITY OF SPRINGFIELD

\_\_\_\_\_  
Title: \_\_\_\_\_

By \_\_\_\_\_  
Title \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary to the Commission

By \_\_\_\_\_  
Title \_\_\_\_\_

Approved as to Form:

By \_\_\_\_\_  
Title \_\_\_\_\_

\_\_\_\_\_  
Commission Counsel

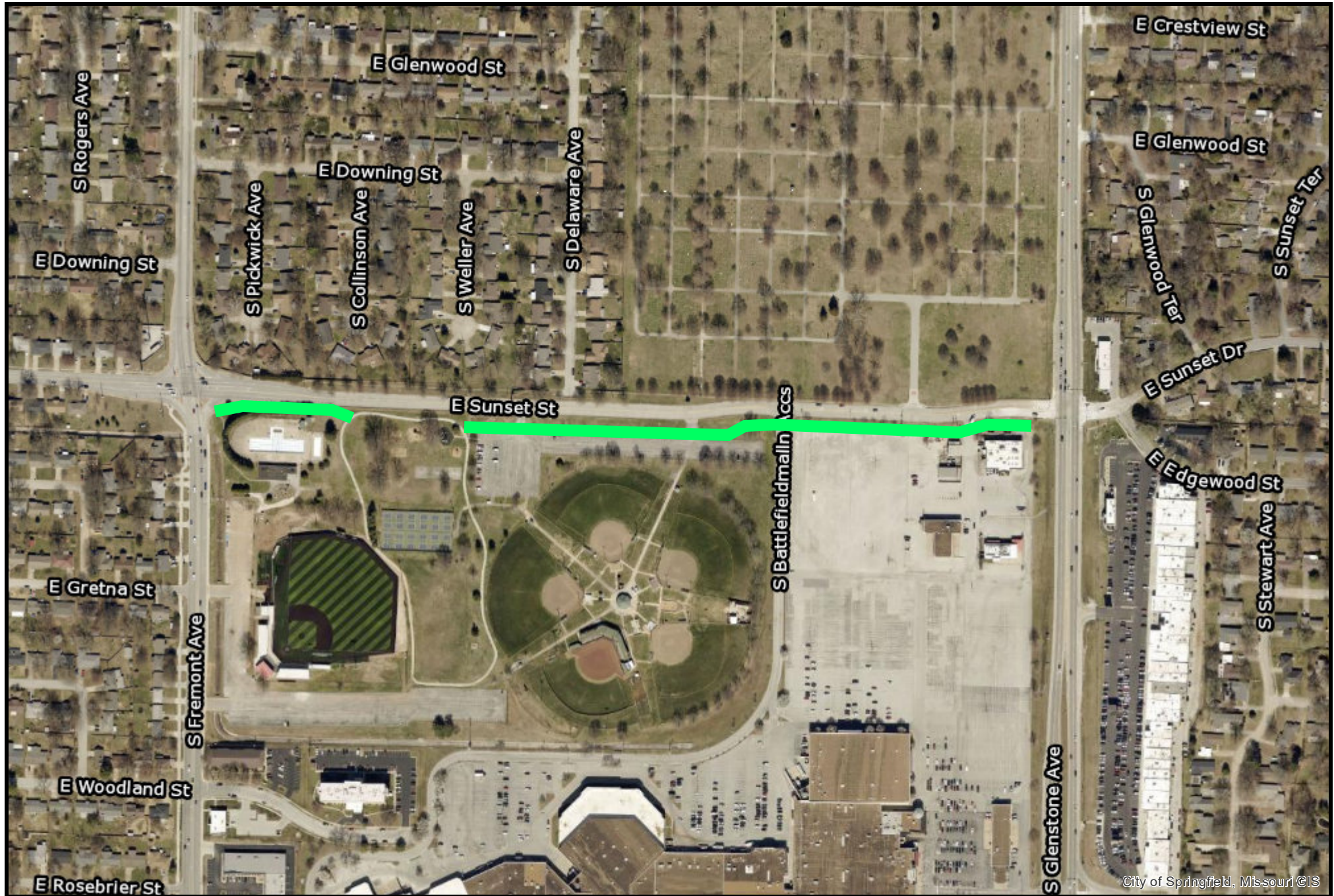
By \_\_\_\_\_  
Title \_\_\_\_\_

By \_\_\_\_\_  
Title \_\_\_\_\_

Approved as to Form:

By \_\_\_\_\_  
Title: \_\_\_\_\_

Ordinance: \_\_\_\_\_



City of Springfield, Missouri ©IS

CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit C

Budget Adjustment  
062

Revenues:

| Fund                   | Dept | Org   | Account | P&G    | Location | Amount    | Description                                                                                               |
|------------------------|------|-------|---------|--------|----------|-----------|-----------------------------------------------------------------------------------------------------------|
| 46040                  | 20   | 73020 | 416010  | 103434 | 00000    | \$644,270 | Carbon Reduction Program Federal Grant Revenues through the Missouri Highways & Transportation Commission |
| Net Revenue Adjustment |      |       |         |        |          | \$644,270 |                                                                                                           |

Expenditures:

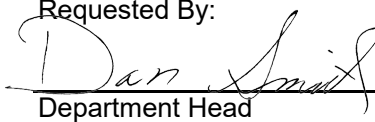
| Fund                       | Dept | Org   | Account | P&G    | Location | Amount    | Description                                                                                                             |
|----------------------------|------|-------|---------|--------|----------|-----------|-------------------------------------------------------------------------------------------------------------------------|
| 46040                      | 20   | 73020 | 509110  | 103434 | 00000    | \$644,270 | Construction of a Pedestrian Pathway Along Sunset Street from Fremont Avenue to Glenstone Avenue (South Creek Greenway) |
| Net Expenditure Adjustment |      |       |         |        |          | \$644,270 |                                                                                                                         |

Fund Balance Appropriation:

| Fund | Title | Amount |
|------|-------|--------|
|      |       |        |

Explanation: To amend the FY2024-25 Budget by appropriating \$644,270 of federal Carbon Reduction Program grant funds for partial funding of the construction of a Pedestrian Pathway along Sunset Street from Fremont Avenue to Glenstone Avenue (South Creek Greenway).

Requested By:

  
Department Head      3-18-2025  
Date

Approved By:

  
Director of Finance      3-18-2025  
Date

\_\_\_\_\_  
City Manager      Date

Authorization:

Council Bill No. 2025-066  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_





## EXPLANATION TO COUNCIL BILL 2025-067 (CARROLL)

**FILED:** 03/05/2025

**ORIGINATING DEPARTMENT:** Workforce Development

**TITLE:** A special ordinance authorizing the City Manager, or designee, to accept funding from the Missouri Department of Higher Education and Workforce Development's Missouri Strategies for Training and Apprentice Readiness grant in the amount of \$150,000, to be utilized for the creation and support of pre-apprenticeship programs; enter into necessary agreements to carry out the purpose of the grant funds; and amending the Fiscal Year 2024-2025 budget of the Department of Economic Vitality and Workforce Development in the amount of \$150,000.

**PURPOSE:** Authorizing the City Manager, or designee, to accept funding from the Missouri Department of Higher Education and Workforce Development's Missouri Strategies for Training and Apprentice Readiness grant in the amount of \$150,000, to be utilized for the creation and support of pre-apprenticeship programs; enter into necessary agreements to carry out the purpose of the grant funds; and amend the Fiscal Year 2024-2025 budget of the Department of Workforce and Economic Vitality in the amount of \$150,000.

**BACKGROUND INFORMATION:** Missouri's Department of Higher Education and Workforce Development ("DHEWD") is a recipient of the Apprenticeship Building America 2 grant, through which was established the Missouri Strategies for Training and Apprentice Readiness ("MO-STAR") project. In January 2025, DHEWD announced an opportunity through MO-STAR that would allow for a total of \$500,000 in sub-awards across Missouri with the purpose of increasing opportunities for pre-apprenticeships that lead to Registered Apprenticeships.

The City's Department of Workforce and Economic Development (WEV) has been awarded one of the MO-STAR sub-awards in the amount of \$150,000. The award will enable WEV staff to support at least 50 pre-apprentices across three sectors that are critical for the regional economy and continue to have significant workforce shortages: education, healthcare, and construction. The period of performance is anticipated to begin April 1, 2025, and expire on December 31, 2026.

Currently, WEV's Division of Workforce Development is a recipient of, and operates, the initial round of the Apprenticeship Building America ("ABA") grant. ABA period of performance ends June 30, 2026, and has not only strengthened community partnerships and supported the creation and expansion of apprenticeships in the 10-county grant service area, but has increased access to, enrolled and supported over 700 individuals.



**Submitted By:** Amanda Ohlensehlen, Director of Economic Vitality

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. MO-STAR Budget Adjustment
2. 064 MOSTAR Budget Adjustment\_exhA

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 03-18-25

Sponsored by: Carroll

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

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

COUNCIL BILL 2025-067

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to accept funding from the Missouri  
2 Department of Higher Education and Workforce Development's  
3 Missouri Strategies for Training and Apprentice Readiness grant in the  
4 amount of \$150,000, to be utilized for the creation and support of pre-  
5 apprenticeship programs; enter into necessary agreements to carry out  
6 the purpose of the grant funds; and amending the Fiscal Year 2024-  
7 2025 budget of the Department of Economic Vitality and Workforce  
8 Development in the amount of \$150,000.  
9 \_\_\_\_\_

10  
11 WHEREAS, the Missouri Department of Higher Education and Workforce  
12 Development is a recipient of the Apprenticeship Building America 2 grant and has  
13 established the Missouri Strategies for Training and Apprentice Readiness ("MO-  
14 STAR") Project; and  
15

16 WHEREAS, the City's Department of Economic Vitality and Workforce  
17 Development ("WEV") has been awarded one of MO-STAR's sub-awards in the amount  
18 of \$150,000; and  
19

20 WHEREAS, this funding will be used to support at least 50 pre-apprentices  
21 across the education, healthcare, and construction sectors, which are critical for the  
22 regional economy and continue to have significant workforce shortages; and  
23

24 WHEREAS, the period of performance is anticipated to begin April 1, 2025, and  
25 expire on December 31, 2026; and  
26

27 WHEREAS, WEV's Division of Workforce Development was a recipient of, and  
28 currently operates, the initial round of funding of the Apprenticeship Building America  
29 Grant, which has increased access to apprenticeships and supported over 700  
30 individuals in the 10-county grant service area; and  
31

32 WHEREAS, an amendment to the budget of the Department of Economic Vitality  
33 and Workforce Development for Fiscal Year 2024-2025 in the amount of \$150,000 has  
34 been recommended by the City Manager.

35  
36 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
37 SPRINGFIELD, MISSOURI, as follows, that:

38  
39 Section 1 – The City Manager, or designee, is hereby authorized to accept  
40 funding from the Missouri Department of Higher Education and Workforce  
41 Development's Missouri Strategies for Training and Apprentice Readiness grant in the  
42 amount of \$150,000.

43  
44 Section 2 – The budget of the Department of Economic Vitality and Workforce  
45 Development for Fiscal Year 2024-2025 is hereby amended in the accounts and in the  
46 amounts as shown on the Budget Adjustment No. 064, a copy of which is attached  
47 hereto and incorporated herein by reference as "Exhibit A."

48  
49 Section 3 – The City Manager, or designee, is directed to cause the appropriate  
50 accounting entries to be made in the books and records of the City.

51  
52 Section 4 – This Ordinance shall be in full force and effect from and after  
53 passage.

54  
55 Passed at meeting: \_\_\_\_\_

56  
57  
58 \_\_\_\_\_  
59 Mayor

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

61  
62 Filed as Ordinance: \_\_\_\_\_

63  
64 *Laura Vales*  
65 Approved as to form: \_\_\_\_\_, Assistant City Attorney

66  
67 *Colin Sykes*  
68 Approved for Council action: \_\_\_\_\_, Interim City Manager



CITY OF SPRINGFIELD, MO  
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment  
064

Revenues:

| Fund                   | Dept | Org   | Account | P&G    | Location | Amount     | Description         |
|------------------------|------|-------|---------|--------|----------|------------|---------------------|
| 24140                  | 21   | 28210 | 416010  | 000000 | 00000    | \$ 150,000 | DHEWD MO-STAR GRANT |
| Net Revenue Adjustment |      |       |         |        |          | \$ 150,000 |                     |

Expenditures:

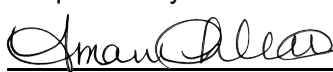
| Fund                       | Dept | Org   | Account | P&G    | Location | Amount     | Description                 |
|----------------------------|------|-------|---------|--------|----------|------------|-----------------------------|
| 24140                      | 21   | 28210 | 500110  | 000000 | 00000    | 70,000     | Salaries                    |
| 24140                      | 21   | 28210 | 500210  | 000000 | 00000    | 10,731     | Lagers                      |
| 24140                      | 21   | 28210 | 500250  | 000000 | 00000    | 5,355      | FICA                        |
| 24140                      | 21   | 28210 | 500260  | 000000 | 00000    | 8,400      | Health Insurance            |
| 24140                      | 21   | 28210 | 500280  | 000000 | 00000    | 514        | Workmens Comp               |
| 24140                      | 21   | 28210 | 502610  | 000000 | 00000    | 10,000     | Work Related Expenses       |
| 24140                      | 21   | 28210 | 502650  | 000000 | 00000    | 45,000     | Pre-Apprenticeship Training |
| Net Expenditure Adjustment |      |       |         |        |          | \$ 150,000 |                             |

Fund Balance Appropriation:

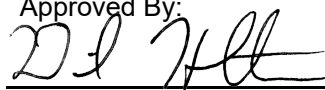
| Fund  | Title | Amount |
|-------|-------|--------|
| 24140 |       |        |

Explanation: To amend the FY2024-25 budget by appropriating funds from federal grant revenue to support the Department of Workforce Development and Economic Viality's MO-Start Grant for FY 24-26.

Requested By:

 3-18-2025  
Department Head Date

Approved By:

 3-18-2025  
Director of Finance Date

Authorization:

Council Bill No. 2025-067  
Ordinance No. \_\_\_\_\_  
1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
Journal Imp No. \_\_\_\_\_

\_\_\_\_\_  
City Manager Date



## EXPLANATION TO COUNCIL BILL 2025-068 (HOSMER, MCCLURE)

FILED: 03/18/2025

ORIGINATING DEPARTMENT: Law

**TITLE:** A general ordinance amending Chapter 70 of the Springfield City Code, 'Licenses, Permits and Miscellaneous Business Regulations,' Article II, "Business and Occupational Licenses in General,' Division 1, 'Generally,' Sections 70-36, 'Application for license,' and 70-44, 'Payment of other taxes and special charges prerequisite to issuance of license,' for the purpose of requiring proof of payment of all personal property taxes as a prerequisite of obtaining an occupational license.

**PURPOSE:** To amend Chapter 70 of the Springfield City Code, 'Licenses, Permits and Miscellaneous Business Regulations,' Article II, "Business and Occupational Licenses in General,' Division 1, 'Generally,' Sections 70-36, 'Application for license,' and 70-44, 'Payment of other taxes and special charges prerequisite to issuance of license,' for the purpose of requiring proof of payment of all personal property taxes as a prerequisite of obtaining an occupational license.

**BACKGROUND INFORMATION:** The City of Springfield currently does not require applicants for occupational licenses to provide proof of payment of personal property taxes. Such a requirement has been found to be permissible under both state and federal law, and would help ensure that business owners within the City of Springfield are meeting all legal obligations.

It is thereby proposed that Chapter 70 of the Springfield City Code, 'Licenses, Permits and Miscellaneous Business Regulations,' Article II, "Business and Occupational Licenses in General,' Division 1, 'Generally,' Sections 70-36, 'Application for license,' and 70-44, 'Payment of other taxes and special charges prerequisite to issuance of license,' be amended as follows:

(Note: Language to be added is **bolded and underlined**, and language being removed is ~~stricken~~.)

### **Section 70-36. Application for license.**

(a) *Generally.* All applications for occupational licenses shall be made to the director of finance on forms to be provided by him, or upon reasonable facsimiles thereof.

(b) *Sworn statement regarding amount of gross receipts of sales; confidentiality of information.* An application for an occupational license, the fee for which is computed on gross sales or annual gross receipts, shall include a sworn statement therein of the true amount of such gross receipts or sales. Statements made in an application

concerning gross receipts or sales, or estimating gross receipts or sales, shall be confidential and shall not be made public or used by the city, except for the purpose of establishing a correct basis for fixing and collecting the license fee provided for by this article, or for prosecution or determination of civil tax liability for violations of this article or other city ordinances or state or federal law. Any city officer or employee disclosing or using such confidential information, except as provided in this section, shall be subject to dismissal from city service.

**(c) *Paid receipt or statement of non-assessment of personal property tax. An application for an occupational license shall include a receipt showing payment of all personal property taxes due Greene County for property held in the name of the applicant for the previous calendar year. In the event no such taxes were due Greene County for the previous calendar year, a statement of non-assessment shall be submitted in lieu thereof.***

**(d) *Fraudulent statements; compliance with article.*** No person shall knowingly make any false statement in applying for a license, or fail to comply with any provision of this article.

**Section 70-44. Payment of other taxes and special charges prerequisite to issuance of license.**

No occupational license shall be issued until all personal **property** taxes, license taxes and other special charges, such as the sewer service charge, shall have been paid.

**Submitted By:** Laura Vales, Assistant City Attorney

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**  
Collin Quigley, Interim City Manager    3/19/2025

**Attachments:**    1.    Licensing Text Amendment 70-36 and 70-44 LV - (2)

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 03-18-25

Sponsored by: Hosmer, McClure

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

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

COUNCIL BILL 2025-068

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

AN ORDINANCE

1 AMENDING Chapter 70 of the Springfield City Code, 'Licenses, Permits and  
2 Miscellaneous Business Regulations,' Article II, "Business and  
3 Occupational Licenses in General,' Division 1, 'Generally,' Sections  
4 70-36, 'Application for license,' and 70-44, 'Payment of other taxes  
5 and special charges prerequisite to issuance of license,' for the  
6 purpose of requiring proof of payment of all personal property taxes  
7 as a prerequisite of obtaining an occupational license.  
8 \_\_\_\_\_  
9

10 WHEREAS, the City of Springfield does not currently require applicants for  
11 occupational licenses to provide proof of payment of personal property taxes; and  
12

13 WHEREAS, City Council desires that such a requirement be a prerequisite of  
14 obtaining a license to do business within City limits.  
15

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

19 Section 1 – Chapter 70 of the Springfield City Code, 'Licenses, Permits and  
20 Miscellaneous Business Regulations,' Article II, "Business and Occupational Licenses in  
21 General,' Division 1, 'Generally,' Section 70-36, 'Application for license,' is hereby  
22 amended to read as follows:  
23

24 (Note: Language to be added is **bolded and underlined**, and language being removed  
25 is ~~stricken~~.)  
26

27 **Section 70-36. Application for license.**  
28

- 29 (a) *Generally*. All applications for occupational licenses shall be made to the  
30 director of finance on forms to be provided by him, or upon reasonable  
31 facsimiles thereof.  
32

(b) *Sworn statement regarding amount of gross receipts of sales; confidentiality of information.* An application for an occupational license, the fee for which is computed on gross sales or annual gross receipts, shall include a sworn statement therein of the true amount of such gross receipts or sales. Statements made in an application concerning gross receipts or sales, or estimating gross receipts or sales, shall be confidential and shall not be made public or used by the city, except for the purpose of establishing a correct basis for fixing and collecting the license fee provided for by this article, or for prosecution or determination of civil tax liability for violations of this article or other city ordinances or state or federal law. Any city officer or employee disclosing or using such confidential information, except as provided in this section, shall be subject to dismissal from city service.

(c) **Paid receipt or statement of non-assessment of personal property tax.** **An application for an occupational license shall include a receipt showing payment of all personal property taxes due Greene County for property held in the name of the applicant for the previous calendar year. In the event no such taxes were due Greene County for the previous calendar year, a statement of non-assessment shall be submitted in lieu thereof.**

(d) *Fraudulent statements; compliance with article.* No person shall knowingly make any false statement in applying for a license, or fail to comply with any provision of this article.

Section 2 – Chapter 70 of the Springfield City Code, ‘Licenses, Permits and Miscellaneous Business Regulations,’ Article II, ‘Business and Occupational Licenses in General,’ Division 1, ‘Generally,’ Section 70-44, ‘Payment of other taxes and special charges prerequisite to issuance of license,’ is hereby amended to read as follows:

(Note: Language to be added is **bolded and underlined**, and language being removed is ~~stricken~~.)

**Section 70-44. Payment of other taxes and special charges prerequisite to issuance of license.**

No occupational license shall be issued until all personal **property** taxes, license taxes and other special charges, such as the sewer service charge, shall have been paid.

Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

79           Section 4 – Severability Clause. If any section, subsection, sentence, clause, or  
80 phrase of this Ordinance is for any reason held to be invalid, such decision shall not  
81 affect the validity of the remaining portions of this Ordinance. City Council hereby  
82 declares that it would have adopted the Ordinance and each section, subsection,  
83 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
84 sections, subsections, sentences, clauses, or phrases be declared invalid.

85  
86           Section 5 – This Ordinance shall be in full force and effect from and after  
87 passage.

88  
89 Passed at meeting: \_\_\_\_\_

90  
91 \_\_\_\_\_  
92 Mayor

93  
94 Attest: \_\_\_\_\_, City Clerk

95  
96 Filed as Ordinance: \_\_\_\_\_

97  
98 Approved as to form: Laura Vales, Assistant City Attorney

99  
100 Approved for Council action: Colin Sykes, Interim City Manager  
101  
102



## **EXPLANATION TO COUNCIL BILL 2025-069 (HORTON)**

**FILED:** 03/04/2025

**ORIGINATING DEPARTMENT:** City Manager

**TITLE:** A special ordinance authorizing the sale of a portion of certain real property owned by the City of Springfield, Missouri, commonly known as 2937 North Campbell Avenue, to R.A.L. Property Management, LLC, for the sum of \$20,000; authorizing the Mayor to execute a special warranty deed for said property; and authorizing the Mayor to accept a sanitary sewer easement.

**PURPOSE:** To approve the sale of a piece of real property at 2937 N. Campbell to R.A.L. Property Management, LLC ("RAL") for \$20,000 and authorize the issuance of a deed for same.

**BACKGROUND INFORMATION:** As "Exhibit 1" shows, RAL already owns the property labeled "R.A.L." and the city owns the property labeled "City." The piece for sale to RAL is the yellow piece to the west of the blue line.

RAL is in the construction business and wishes to develop housing on the property labeled "R.A.L." RAL can better develop housing by owning the piece for sale and combining it with the lot RAL already owns.

Public Works estimated the fair-market value of the piece at \$27,195. In "SALE BID #082-2025", Purchasing set the "Asking Price" at \$27,195. RAL was the sole bidder at \$20,000. "SALE BID #082-2025" also required any buyer to grant the city a sanitary sewer easement and made the property available only to adjacent property owners.

In addition to the terms in "SALE BID #082-2025," the rationale for accepting the RAL bid is that new housing on the now undeveloped RAL property will add multi-family housing units along a commercial corridor near a major activity center with the zoo and fairgrounds. The City has no strategic use for this piece of property, and the remainder of the site has significant topographic constraints that make future development unlikely without significant cost.

A real-estate conveyance requires City Council's approval. Net proceeds from the sale of the properties will be returned to the fund from which the property was purchased.

**REMARKS:** The above Council Bill originated with the city manager's office. In consultation with Law, Economic Development, Planning, Public Works, and Purchasing, a decision was made to recommend accepting the \$20,000 bid.

**Submitted By:** Collin Quigley, Interim City Manager



**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

Collin Quigley, Interim City Manager 3/17/2025

- Attachments:**
1. Sell 2937 N. Campbell\_ord
  2. Exhibit 1 - Map
  3. Exhibit 2 - Special Warranty Deed
  4. Exhibit 3 - Sanitary Sewer Easement



One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 12  
Filed 03-18-25

Sponsored by Horton

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

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

COUNCIL BILL 2025-069

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AUTHORIZING the sale of a portion of certain real property owned by the City of  
2 Springfield, Missouri, commonly known as 2937 North Campbell  
3 Avenue, to R.A.L. Property Management, LLC, for the sum of  
4 \$20,000; authorizing the Mayor to execute a special warranty deed  
5 for said property; and authorizing the Mayor to accept a sanitary  
6 sewer easement.  
7 \_\_\_\_\_  
8

9 WHEREAS, the City owns certain real property, commonly known as 2937 North  
10 Campbell Avenue, a portion of which has no prospect for future public use, other than a  
11 sanitary sewer easement; and  
12

13 WHEREAS, the City finds that it would be in the best interest of the public for  
14 said real property to be sold, subject to a sanitary sewer easement; and  
15

16 WHEREAS, the City estimates the fair-market value for said real property to be  
17 \$27,195; and  
18

19 WHEREAS, the City offered said real property for sale to the adjacent property  
20 owners and received one bid, which was from R.A.L. Property Management, LLC, for  
21 the sum of \$20,000.  
22

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

26 Section 1 – The City of Springfield, Missouri, is hereby authorized to sell a  
27 portion of certain real property owned by the City, commonly known as 2937 North  
28 Campbell Avenue, said portion being legally described in Exhibit 1, attached hereto and  
29 incorporated by reference, to R.A.L. Property, Management, LLC, for the sum of  
30 \$20,000.  
31

32 Section 2 – The Mayor of the City of Springfield, Missouri is hereby authorized to  
33 execute a special warranty deed, in substantially similar form to “Exhibit 1,” attached

hereto and incorporated by reference.

Section 3 – The Mayor of the City of Springfield, Missouri, is hereby authorized to accept a sanitary sewer easement, in substantially similar form to “Exhibit 2,” attached hereto and incorporated by reference.

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

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

\_\_\_\_\_  
Mayor

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

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

Approved as to form: Duke M. Donald, Assistant City Attorney

Approved for Council action: Colin Sykes, Interim City Manager

W Norton Rd

# Exhibit 1

R.A.L.

N Campbell Ave

City

W 144 Frwy



### **SPECIAL WARRANTY DEED**

**THIS DEED** is made on the \_\_\_\_ day of \_\_\_\_\_, 2025, by and between the City of Springfield, Missouri, Grantor, and R.A.L. Property Management, LLC, Grantee, at 9184 W. Farm Rd. 94, Willard, Missouri.

**WITNESSETH**, that the Grantor, for valuable consideration, the receipt of which is hereby acknowledged, does by these presents, SELL and CONVEY unto Grantee, and Grantee's successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Greene and State of Missouri, to wit:

COMMENCING AT THE NORTHWEST CORNER OF LOT 7 IN SPRINGS SUBDIVISION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, MISSOURI; THENCE SOUTH 02 DEGREES 31 MINUTES 03 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 108.07 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 01 MINUTES 31 SECONDS EAST, A DISTANCE OF 74.90 FEET; THENCE SOUTH 02 DEGREES 31 MINUTES 03 SECONDS WEST, A DISTANCE OF 100.23 FEET TO THE SOUTH LINE OF SAID LOT 7; THENCE NORTH 88 DEGREES 19 MINUTES 17 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 74.89 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH 02 DEGREES 31 MINUTES 03 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 99.31 FEET TO THE POINT OF BEGINNING. BEARINGS ARE BASED ON MISSOURI STATE PLANE COORDINATE SYSTEM 1983, CENTRAL ZONE.

CONTAINING 7,471 SQUARE FEET.

**SUBJECT TO:** (a) easements, restrictions, reservations, and other agreements and matters of record, if any, (b) taxes and assessments, general and special, not now due and payable; and (c) rights of the public in and to the parts thereof in streets, roads or alleys.

**TO HAVE AND TO HOLD** the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining unto the Grantee and unto Grantee's successors and assigns forever; the Grantor, hereby covenanting that the said premises are free and clear from any encumbrance done or suffered by it, except as herein

provided; and that it will warrant and defend the title to said premises unto the Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons claiming under it, except as herein provided.

**IN WITNESS WHEREOF**, the Grantor has caused this instrument to be executed the day and year above written.

SEAL

THE CITY OF SPRINGFIELD, MISSOURI

By: \_\_\_\_\_

Ken McClure, Mayor

Attest:

\_\_\_\_\_  
Anita J. Cotter, City Clerk

STATE OF MISSOURI     )

)

COUNTY OF GREENE     )

ACKNOWLEDGMENT

On this \_\_\_\_ day of \_\_\_\_\_, 2025, before me personally appeared \_\_\_\_\_, to me personally known, in his capacity as Mayor of The City of Springfield, Missouri, a municipal corporation, and acknowledged said instrument with authority and on behalf of said municipality.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Springfield, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

My term of office expires: \_\_\_\_\_



**SANITARY SEWER EASEMENT**

**THIS INDENTURE**, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between  
**R.A.L. Property Management, LLC**, a  
**Missouri** Limited Liability Company ("Grantor") and the **City of Springfield,**  
**Missouri**, a municipal corporation ("Grantee"). The mailing address of Grantor is  
**1031 W Pacific St., Springfield MO 65803**. The mailing address of  
Grantee is City of Springfield, Department of Public Works, 840 Boonville Ave., Springfield, Missouri 65802.

**WITNESSETH**, that said Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, to said Grantor in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does by these presents grant, bargain and sell, convey and confirm unto the said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Greene, State of Missouri, to-wit:

**SEE EXHIBIT "A"**  
**WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE**

**TO HAVE AND TO HOLD** the same for the purpose of constructing and maintaining **a sanitary sewer system** or for such other purposes hereinabove set out, together with all and singular the rights, privileges, appurtenances and immunities thereto belonging, or in anywise appertaining, unto the said Grantee, and unto its successors and assigns, forever; the said Grantor hereby covenanting on its part and on behalf of its successors and assigns that said Grantor is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under whom Grantor claims; and that said Grantor will warrant and defend the title to the said premises unto the said Grantee and unto its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and none.

Said Grantor further covenants on its part and on behalf of its successors and assigns that said Grantor will not cause any building to be erected on the real estate herein conveyed without the express approval of the Grantee.

By acceptance of this conveyance, said Grantee hereby covenants on its behalf, and on the behalf of its successors and assigns, that it will for the benefit of the Grantor, its successors and assigns, restore the real estate herein conveyed as nearly as reasonably possible to the same condition in which it existed immediately prior to any construction activity caused by Grantee, as may be done thereon and therein from time to time, all within a reasonable time thereafter; the Grantee further covenanting in this regard that it will, among other things; (1) insofar as reasonably possible cause any excavation upon the real estate to be

backfilled and graded to the original grade or as shown on the proposed engineering plans; (2) remove, insofar as reasonably possible, all debris resulting from construction; (3) cause the re-seeding of any disturbed area; (4) use reasonable care to preserve those trees located within the easement, except those purchased by the Grantee as part of the compensation for this easement; (5) provide, at reasonable times during construction, access to the public street where any excavation upon the real estate might otherwise interfere therewith; and (6) that it will replace any improved walkway, drive, or retaining wall damaged or destroyed by construction.

The easement shall also confer on the Grantee the right to trim and/or remove all trees, shrubs, bushes, plantings, and other vegetation located within the easement, except those specifically identified to be retained as shown on City Plan # N/A which shall be retained, unless field conditions prevent such retention or reveal that retention is economically impractical and removal of same is approved by Grantor in writing.

The foregoing covenants shall run with the land and are binding upon Grantor and Grantor's successors and assigns.

**Exhibit "B"** depicts the general location of the easement are and is for illustrative purposes only.

**BY SIGNING THIS INSTRUMENT, THE GRANTOR ACKNOWLEDGES THAT NO ORGANIZER, MEMBER, OR EMPLOYEE OF GRANTOR IS PRESENTLY EMPLOYED BY THE CITY OF SPRINGFIELD, MISSOURI OR CITY UTILITIES OF SPRINGFIELD, MISSOURI.**

**IN WITNESS WHEREOF**, the said Grantor has executed the above the day and year first above written.  
**GRANTOR**

By: \_\_\_\_\_

Type Name & Title: \_\_\_\_\_

STATE OF MISSOURI  
COUNTY OF GREENE SS.

ACKNOWLEDGEMENT OF LIMITED LIABILITY COMPANY

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 \_\_\_\_\_ R.A.L. Property Management, LLC, a Limited Liability Company of the State of \_\_\_\_\_ Missouri, 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in \_\_\_\_\_ the day and year first above written.

"Notary Seal"

Notary Public: \_\_\_\_\_

Type Name: \_\_\_\_\_



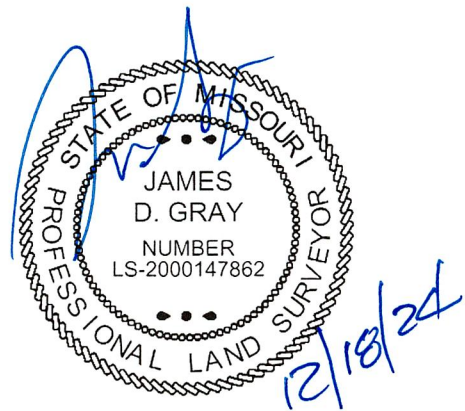
**EXHIBIT "A"**

**PERPETUAL SANITARY SEWER EASEMENT BEING DESCRIBED AS FOLLOWS:**

ALL THE NORTH 15 FEET OF THE FOLLOWING DESCRIBED TRACT, COMMENCING AT THE NORTHWEST CORNER OF LOT 7 IN SPRINGS SUBDIVISION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, MISSOURI; THENCE SOUTH 02 DEGREES 31 MINUTES 03 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 108.07 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 01 MINUTES 31 SECONDS EAST, A DISTANCE OF 74.90 FEET; THENCE SOUTH 02 DEGREES 31 MINUTES 03 SECONDS WEST, A DISTANCE OF 100.23 FEET TO THE SOUTH LINE OF SAID LOT 7; THENCE NORTH 88 DEGREES 19 MINUTES 17 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 74.89 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH 02 DEGREES 31 MINUTES 03 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 99.31 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON MISSOURI STATE PLANE COORDINATE SYSTEM 1983, CENTRAL ZONE.

CONTAINING 1,123 SQUARE FEET.



FOR CITY OF SPRINGFIELD REFERENCE PURPOSES ONLY:  
NE 1/4 NW 1/4 SEC. 2, TWP-29-N, RNG-22-W

SUBDIVISION:  
Springs Subdivision

**EXHIBIT "B"**



GRID NORTH  
MISSOURI COORDINATE  
SYSTEM 1983  
CENTRAL ZONE  
SCALE 1"=30'

NORTON ROAD

NW COR.  
LOT 7  
SPRINGS  
SUBD.

SPRINGS

S02°31'03"W 180.07'

N02°31'03"E 130.25'

L & K Property  
Solutions, LLC  
416 W. Norton Road  
bk. 2020  
pg. 052109-20

LOT 7

RAL Property  
Management, LLC  
422-432 W. Norton Road  
bk. 2023 pg. 002303-23

LOT 8

POINT OF  
BEGINNING

5/8" IRON PIN

S89°01'31"E 74.90'

49.82'  
N02°31'03"E

SAN SAN

City of Springfield  
2937 N. Campbell Ave.  
bk. 2354  
pg. 0554

PROPOSED 15'  
SAN. SEWER  
EASEMENT

7,471 SQ. FT.

N02°31'03"E 99.31'

S02°31'03"W 100.23'

N88°19'17"W 74.89'

IRON PIN SET

IRON PIN SET  
0.60' EAST OF  
RW MARKER

INTERSTATE 44

SUBD.

Transportation Engineering  
Survey Section - Building M  
827 N Franklin

Date: Job# 1222  
Drawing: 1222\_DisposalExhibit



**EXPLANATION TO COUNCIL BILL 2025-059 (HORTON)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Planning and Development

**TITLE:** A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Broadway Cottage Courtyard, generally located at 737, 745, 751, 761, and 801 North Broadway Avenue and 732 and 742 North Weaver Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (By: Drew Lewis Foundation, Inc.; 737, 745, 751, 761, and 801 North Broadway Avenue and 732 and 742 North Weaver Avenue; Preliminary Plat of Broadway Cottage Courtyard).

**PURPOSE:** Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Broadway Cottage Courtyard, generally located at 737, 745, 751, 761 & 801 North Broadway Avenue and 732 & 742 North Weaver Avenue upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

**BACKGROUND INFORMATION:**

A. An original Preliminary Plat of Broadway Cottage Courtyard dated January 29th, 2025, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Exhibit B, Attachment 3.

B. The Planning and Zoning Commission held a public hearing on February 13th, 2025, and approved the Preliminary Plat by a vote of 7 to 0, subject to the following conditions:

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.

All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations. All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

**REMARKS:** Staff recommends approval.

**Submitted By:** Andrew Menke, Senior Planner

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. Preliminary Plat of Broadway Cottage Courtyard - 737 N Broadway Avenue
2. PPlat Broadway Cottage Courtyard\_exhA
3. PPlat Broadway Cottage Courtyard\_exhB

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 20  
Filed: 03-04-25

Sponsored by: Horton

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

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

COUNCIL BILL 2025-059

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of  
2 public streets and easements to the City of Springfield, Missouri, as  
3 shown on the Preliminary Plat of Broadway Cottage  
4 Courtyard, generally located at 737, 745, 751, 761, and 801 North  
5 Broadway Avenue and 732 and 742 North Weaver Avenue, upon the  
6 applicant filing and recording a final plat that substantially conforms to  
7 the preliminary plat; and authorizing the City Clerk to sign the final plat  
8 upon compliance with all the terms of this Ordinance.  
9 \_\_\_\_\_

10  
11 WHEREAS, an original Preliminary Plat of Broadway Cottage Courtyard, dated  
12 January 29, 2025, is on file with the City's Department of Planning and Development;  
13 and  
14

15 WHEREAS, the Planning and Zoning Commission of the City of Springfield,  
16 Missouri, held a public hearing and conditionally approved the Preliminary Plat of  
17 Broadway Cottage Courtyard on February 13, 2025, by a vote of 7-0, a copy of the  
18 Record of Proceedings from said public hearing being attached hereto and incorporated  
19 herein by this reference as "Exhibit A."  
20

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

24 Section 1 – City Council hereby authorizes the Director of Planning and  
25 Development, on behalf of the City of Springfield, to accept the land, easements, and  
26 improvements dedicated to the City, as shown on the Preliminary Plat of Broadway  
27 Cottage Courtyard, which is generally located at 737, 745, 751, 761, and 801 North  
28 Broadway Avenue and 732 and 742 North Weaver Avenue, as approved by the  
29 Planning and Zoning Commission. The original Preliminary Plat of Broadway Cottage  
30 Courtyard is on file in the Department of Planning and Development ("Approved  
31 Preliminary Plat"), a reduced version of which is attached hereto for general reference  
32 as "Exhibit B – Attachment 3." All of "Exhibit B," including attachments, is incorporated  
33 herein by this reference.

34        Section 2 – The Director of Planning and Development shall be authorized to  
35 accept the land, easements, and improvements dedicated to the City, as shown on said  
36 plat, upon the applicant filing and recording a final plat in accordance with this  
37 Ordinance and the Subdivision Regulations of the City, which final plat shall  
38 substantially conform to the Approved Preliminary Plat, including those conditions  
39 described in “Exhibit B – Attachment 2,” and upon the Director of Public Works certifying  
40 to the Director of Planning and Development and the City Clerk that the public  
41 improvements have been made in accordance with City standards and specifications.  
42 Said public improvements shall not be accepted until the occurrence of all conditions  
43 referenced herein and in “Exhibit B – Attachment 2.”  
44

45        Section 3 – The final plat shall not be recorded until: (1) the public improvements  
46 relating to the Approved Preliminary Plat have been constructed according to the  
47 specifications of the City of Springfield, Missouri, and are approved by the Director of  
48 Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned  
49 by or in connection with the construction of said improvements have been paid to the  
50 City; or (2) in lieu of the construction of the improvements, that the Applicant has filed  
51 with the City Manager, according to the terms of the Subdivision Regulations of the City,  
52 the prescribed financial assurances in a form acceptable to the City to ensure the  
53 construction of the improvements and the payment to the City of all engineering fees,  
54 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the  
55 construction of the improvements.  
56

57        Section 4 – Upon compliance with all the requirements of this Ordinance,  
58 including the conditions described in “Exhibit B – Attachment 2,” the City Clerk is hereby  
59 authorized to endorse City Council’s approval upon the final plat pursuant to Section  
60 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public  
61 Improvements contained therein.  
62

63        Section 5 – This Ordinance shall be in full force and effect from and after its  
64 passage.  
65

66 Passed at meeting: \_\_\_\_\_  
67

68 \_\_\_\_\_  
69 Mayor  
70

71 Attest: \_\_\_\_\_, City Clerk  
72

73 Filed as Ordinance: \_\_\_\_\_  
74

75  
76 Approved as to form: Laura Vales, Assistant City Attorney  
77

78  
79 Approved for Council action: Colleen Sykes, Interim City Manager

**EXHIBIT A**  
**RECORD OF PROCEEDINGS**  
**Planning and Zoning Commission – February 13, 2025**

Preliminary Plat of Broadway Cottages  
737, 745, 751, 761 & 801 North Broadway Avenue and 732 & 742 North Weaver Avenue  
**Applicant:** Drew Lewis Foundation, Inc.

Mr. Andrew Menke requests to approve a preliminary plat for an 11-lot residential subdivision.

Mr. Doennig opened the public hearing.

Mr. Cameron Hole, 3213 S. West Bypass and here to answer any questions stating that the existing single-family residential structure is occupied and they will be working around the house, but plan to do an administrative replat and split the larger lot into four lots once the house is demolished.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Planning and Zoning Commissioner Scott moved to approve Preliminary Plat of Broadway Cottages; Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck and Commissioner Knuckles. Abstain: None.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', is written over a horizontal line.

Bob Hosmer, AICP  
Planning Manager

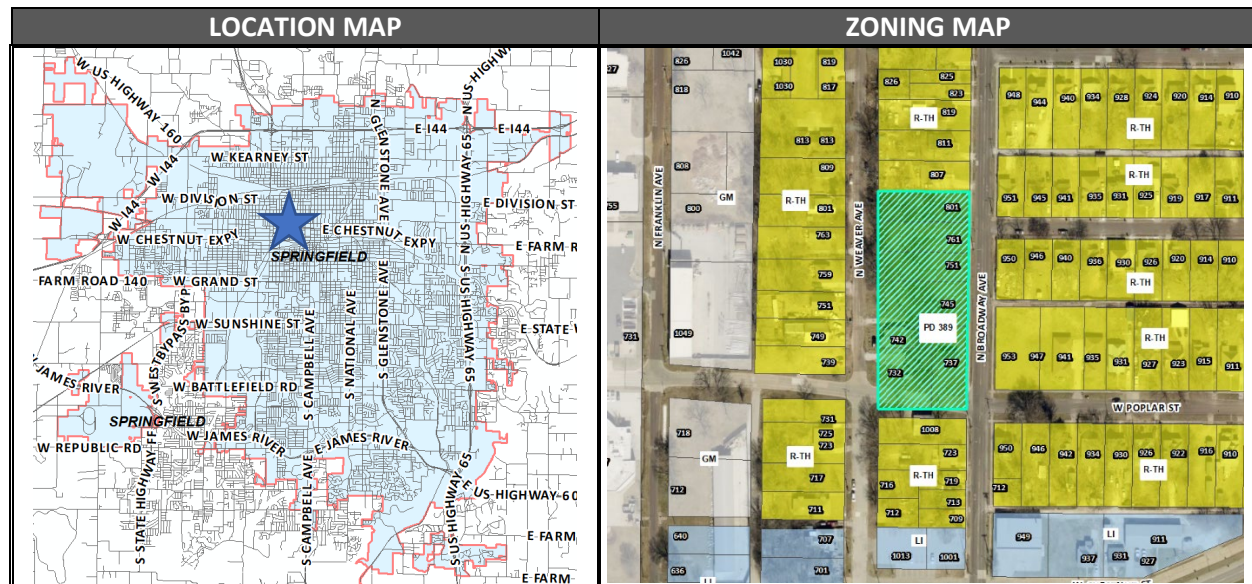


## DEVELOPMENT REVIEW STAFF REPORT

| PROJECT INFORMATION                    |                                                                                                                                                                                                |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Number:</b>                    | Preliminary Plat of Broadway Cottage Courtyard                                                                                                                                                 |
| <b>Location:</b>                       | 737, 745, 751, 761 & 801 North Broadway Avenue and 732 & 742 North Weaver Avenue                                                                                                               |
| <b>Total Acres:</b>                    | 1.41 acres                                                                                                                                                                                     |
| <b>Applicant:</b>                      | Drew Lewis Foundation, Inc.                                                                                                                                                                    |
| <b>Existing Land Use:</b>              | Single-Family Residence and Undeveloped                                                                                                                                                        |
| <b>Neighborhood Meeting:</b>           | N/A                                                                                                                                                                                            |
| <b>Planning and Zoning Commission:</b> | February 13, 2025                                                                                                                                                                              |
| <b>City Council:</b>                   | March 10, 2025                                                                                                                                                                                 |
| <b>Public Notification:</b>            | Posted property                                                                                                                                                                                |
| <b>Staff:</b>                          | Andrew Menke, Senior Planner, (417) 864-1613                                                                                                                                                   |
| <b>Staff recommendation:</b>           | Staff recommends approval                                                                                                                                                                      |
| <b>Proposed motion:</b>                | 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.) |
| <b>Required Vote:</b>                  | A majority of those present (5 members are a quorum).                                                                                                                                          |

### PROJECT SUMMARY:

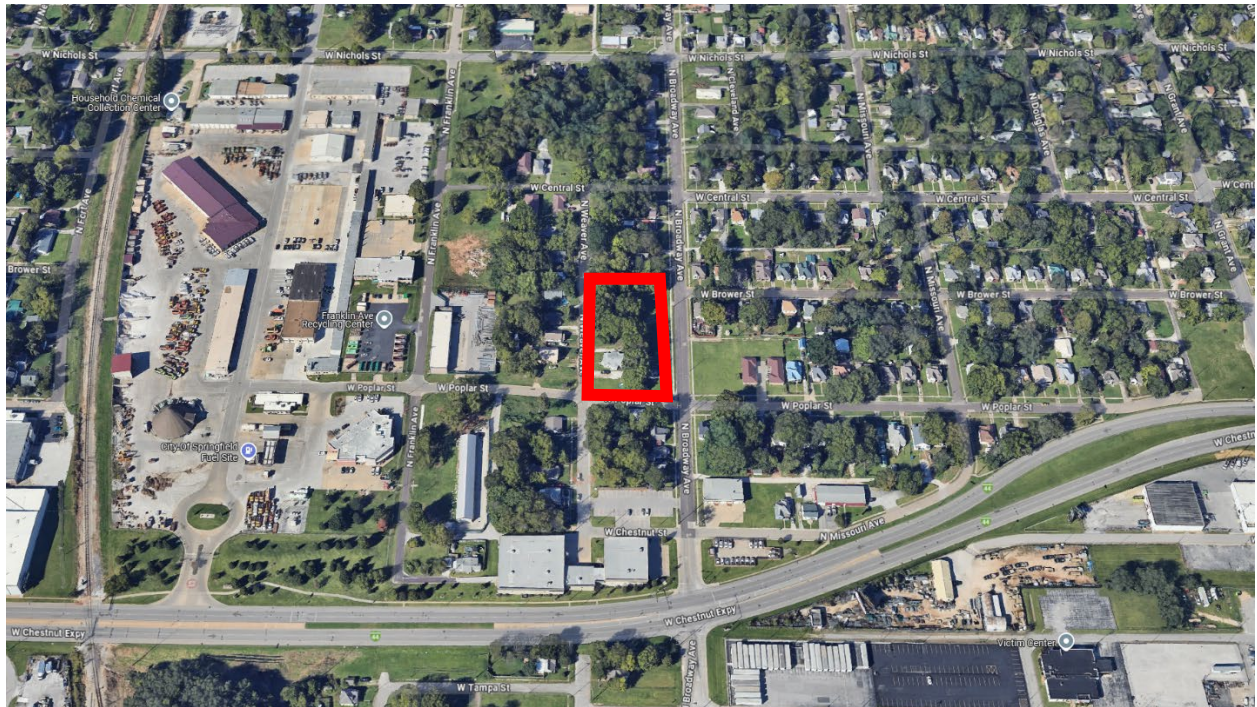
Request to subdivide approximately 1.41 acres of property generally located at 737, 745, 751, 761 & 801 North Broadway Avenue and 732 & 742 North Weaver Avenue into eleven (11) lots to facilitate the development of the site.





## DEVELOPMENT REVIEW STAFF REPORT

### GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



### GOOGLE MAPS STREET VIEW:





## 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

## DEVELOPMENT REVIEW STAFF REPORT

### 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.

## DEVELOPMENT REVIEW STAFF REPORT

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.

## DEVELOPMENT REVIEW STAFF REPORT

- (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

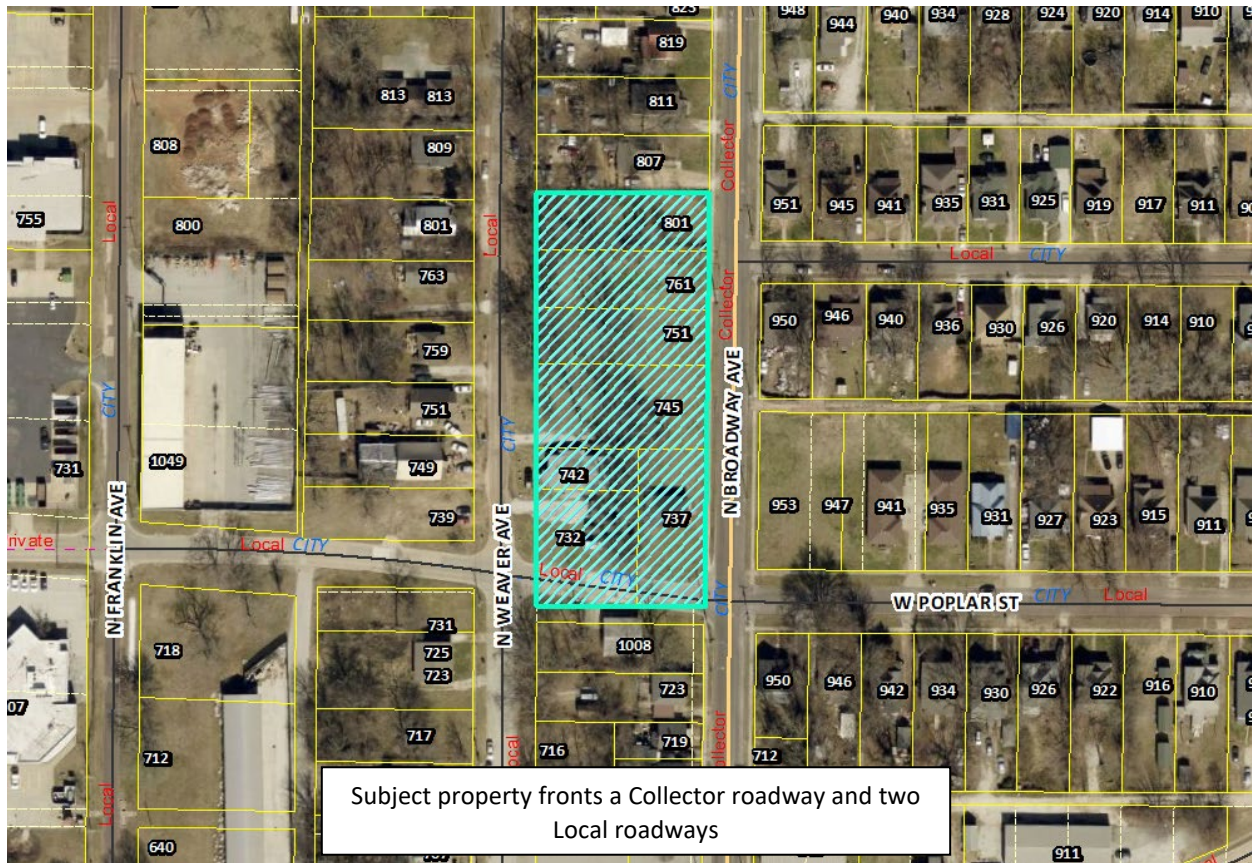
### ZONING ORDINANCE REQUIREMENTS:

| CODE ITEM                          | REQUIREMENTS FOR PLANNED DEVELOPMENT 389                                                                                                                                                                                 |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum lot dimension requirements | Lot Area: 3,500 square feet<br>Lot Width: 40 feet<br>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.<br>- 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<br>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<br>W Poplar Street – Local<br>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.



## DEVELOPMENT REVIEW 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:

Site Description and Drainage Pattern

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.

## DEVELOPMENT REVIEW STAFF REPORT

### 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.

## DEVELOPMENT REVIEW STAFF REPORT

- 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                        | <b>25</b>   | NA                               | No                | Yes      | Yes       |
| Street 2 | W. Poplar Street   | Local                 | City         | 25                        | <b>Var.</b> | NA                               | Yes               | Yes      | <b>No</b> |
| Street 3 | N. Weaver Avenue   | Local                 | City         | 25                        | 25          | NA                               | Yes               | Yes      | <b>No</b> |

## DEVELOPMENT REVIEW STAFF REPORT

### CONDITIONS FOR APPROVAL:

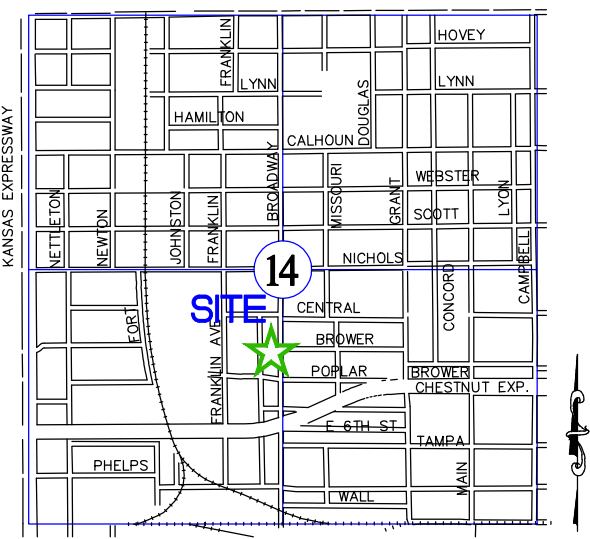
#### ATTACHMENT 2

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.





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



LEGEND OF SYMBOLS AND ABBREVIATIONS

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

ZONING DATA

SUBJECT PROPERTY IS ZONED PD-388 (PLANNED DEVELOPMENT 388)  
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 (DETERMINED 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 SIZES  
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.

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 2807220333E, WHICH BEARS AN EFFECTIVE DATE OF DECEMBER 13, 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:

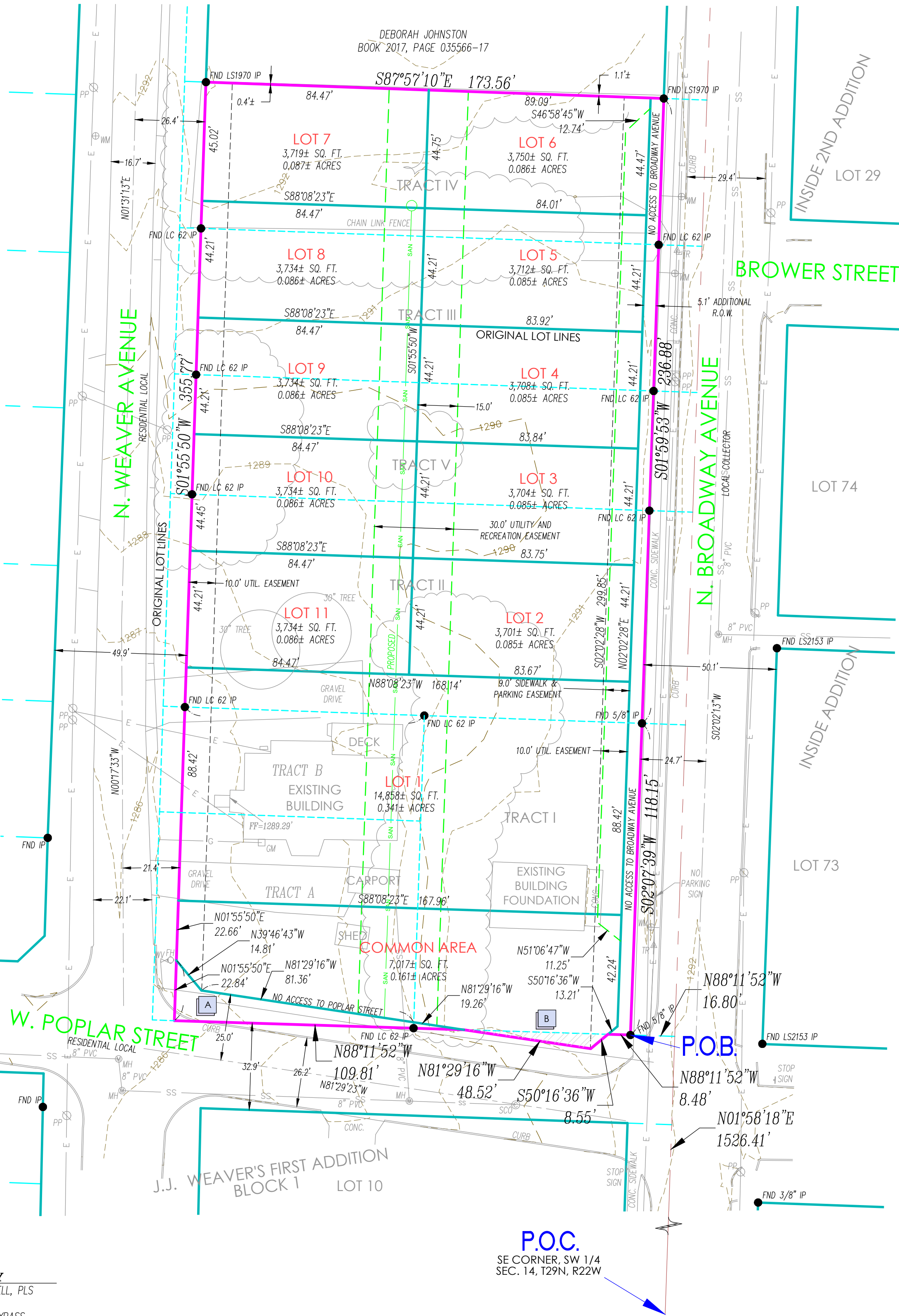
THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND 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.  
SPRINGFIELD, MO. 65802

# 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.



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 (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) 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 (SW 1/4) 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 THEREFORE 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

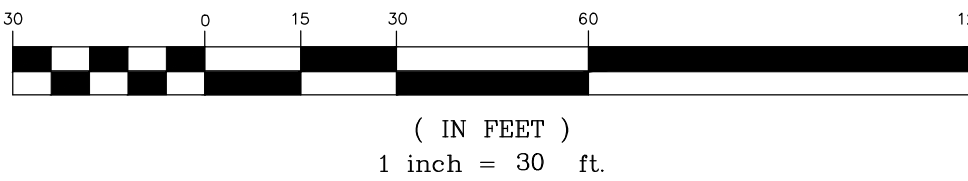
A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 29 NORTH, RANGE 22 WEST IN GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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.

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

GRAPHIC SCALE



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/MPPC  
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

PRINT  
MANAGING MEMBER OF DREW LEWIS FOUNDATION, INC.

ACKNOWLEDGEMENT

STATE OF MISSOURI

COUNTY OF GREENE (SS)  
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: \_\_\_\_\_

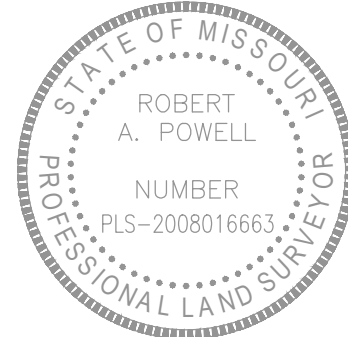
PRINT NAME: \_\_\_\_\_

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:

Robert A. Powell  
ROBERT A. POWELL, PLS NO. 2008016663



01-29-2025  
DATE PREPARED





## EXPLANATION TO COUNCIL BILL 2025-060 (MCGULL)

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Planning and Development

**TITLE:** A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Elevate Subdivision, generally located at 1103 East Smith Street, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (By: Elevate Investments Group, LLC; 1103 East Smith Street; Preliminary Plat of Elevate Subdivision).

**PURPOSE:** Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of Elevate Subdivision, generally located at 1103 East Smith Street upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

### **BACKGROUND INFORMATION:**

A. An original Preliminary Plat of Elevate Subdivision dated February 3rd, 2025, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Exhibit B, Attachment 3.

B. The Planning and Zoning Commission held a public hearing on February 13th, 2025, and approved the Preliminary Plat by a vote of 7 to 0, subject to the following conditions:

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.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

**REMARKS:** Staff recommends approval.

**Submitted By:** Andrew Menke, Senior Planner

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. Preliminary Plat of Elevate Subdivision - 1103 E Smith Street
2. PPlat Elevate Subdivision\_exhA
3. PPlat Elevate Subdivision\_exhB



One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 19  
Filed: 03-04-25

Sponsored by: McGull

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

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

COUNCIL BILL 2025-060

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of  
2 public streets and easements to the City of Springfield, Missouri, as  
3 shown on the Preliminary Plat of Elevate Subdivision, generally  
4 located at 1103 East Smith Street, upon the applicant filing and  
5 recording a final plat that substantially conforms to the preliminary  
6 plat; and authorizing the City Clerk to sign the final plat upon  
7 compliance with all the terms of this Ordinance.  
8  
9

10 WHEREAS, an original Preliminary Plat of Elevate Subdivision, dated February  
11 3, 2025, is on file with the City's Department of Planning and Development; and  
12

13 WHEREAS, the Planning and Zoning Commission of the City of Springfield,  
14 Missouri, held a public hearing and conditionally approved the Preliminary Plat of  
15 Elevate Subdivision on February 13, 2025, by a vote of 7-0, a copy of the Record of  
16 Proceedings from said public hearing being attached hereto and incorporated herein by  
17 this reference as "Exhibit A."  
18

19 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
20 SPRINGFIELD, MISSOURI, as follows, that:  
21

22 Section 1 – City Council hereby authorizes the Director of Planning and  
23 Development, on behalf of the City of Springfield, to accept the land, easements, and  
24 improvements dedicated to the City, as shown on the Preliminary Plat of Elevate  
25 Subdivision, which is generally located at 1103 East Smith Street, as approved by the  
26 Planning and Zoning Commission. The original Preliminary Plat of Elevate Subdivision  
27 is on file in the Department of Planning and Development ("Approved Preliminary Plat"),  
28 a reduced version of which is attached hereto for general reference as "Exhibit B –  
29 Attachment 3." All of "Exhibit B," including attachments, is incorporated herein by this  
30 reference.  
31

32 Section 2 – The Director of Planning and Development shall be authorized to  
33 accept the land, easements, and improvements dedicated to the City, as shown on said

plat, upon the applicant filing and recording a final plat in accordance with this Ordinance and the Subdivision Regulations of the City, which final plat shall substantially conform to the Approved Preliminary Plat, including those conditions described in "Exhibit B – Attachment 2," and 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. Said public improvements shall not be accepted until the occurrence of all conditions referenced herein and in "Exhibit B – Attachment 2."

Section 3 – The final plat shall not be recorded until: (1) the public improvements relating to the Approved Preliminary Plat have been constructed according to the specifications of the City of Springfield, Missouri, and are approved by the Director of Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned by or in connection with the construction of said improvements have been paid to the City; or (2) in lieu of the construction of the improvements, that the Applicant has filed with the City Manager, according to the terms of the Subdivision Regulations of the City, the prescribed financial assurances in a form acceptable to the City to ensure the construction of the improvements and the payment to the City of all engineering fees, permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the construction of the improvements.

Section 4 – Upon compliance with all the requirements of this Ordinance, including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby authorized to endorse City Council's approval upon the final plat pursuant to Section 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public Improvements contained therein.

Section 5 – This Ordinance shall be in full force and effect from and after its passage.

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

\_\_\_\_\_  
Mayor

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

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

Approved as to form: Laura Vales, Assistant City Attorney

Approved for Council action: Colin Sykes, Interim City Manager

**EXHIBIT A**  
**RECORD OF PROCEEDINGS**  
**Planning and Zoning Commission – February 13, 2025**

Preliminary Plat of Elevate Subdivision  
1103 East Smith Street

**Applicant:** Elevate Investments Group, LLC

Mr. Andrew Menke requests to approve to approve a preliminary plat for a 4-lot residential subdivision.

Mr. Scott asked if there is any plan to dedicate Howard Avenue.

Mr. Menke noted that staff is open to the opportunity, but it is complicated as there is a house on the same property as the drive and landlocked parcels adjacent to the drive.

Mr. Doennig opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Planning and Zoning Commissioner Scott moved to approve Preliminary Plat of Broadway Cottages; Commissioner Colony seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck and Commissioner Knuckles. Abstain: None.



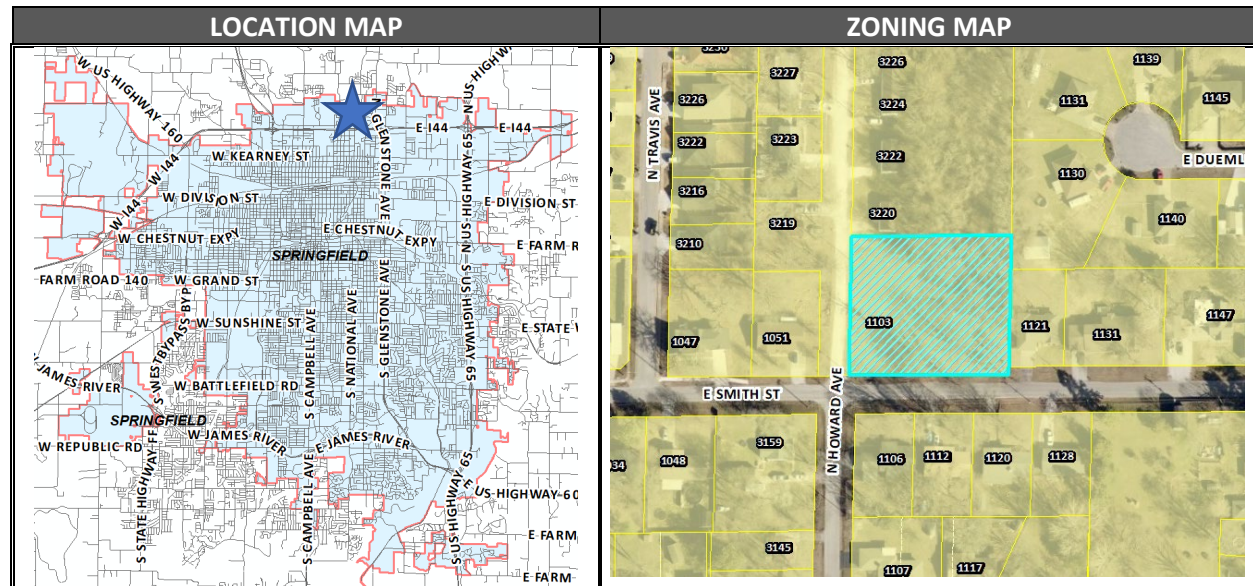
Bob Hosmer, AICP  
Planning Manager

## DEVELOPMENT REVIEW STAFF REPORT

| PROJECT INFORMATION                    |                                                                                                                                                                                         |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Number:</b>                    | Preliminary Plat of Elevate Subdivision                                                                                                                                                 |
| <b>Location:</b>                       | 1103 East Smith Street                                                                                                                                                                  |
| <b>Total Acres:</b>                    | 0.74 acres                                                                                                                                                                              |
| <b>Applicant:</b>                      | Elevate Investments Group, LLC                                                                                                                                                          |
| <b>Existing Land Use:</b>              | Undeveloped                                                                                                                                                                             |
| <b>Neighborhood Meeting:</b>           | N/A                                                                                                                                                                                     |
| <b>Planning and Zoning Commission:</b> | February 13, 2025                                                                                                                                                                       |
| <b>City Council:</b>                   | March 10, 2025                                                                                                                                                                          |
| <b>Public Notification:</b>            | Posted property                                                                                                                                                                         |
| <b>Staff:</b>                          | Andrew Menke, Senior Planner, (417) 864-1613                                                                                                                                            |
| <b>Staff recommendation:</b>           | Staff recommends approval                                                                                                                                                               |
| <b>Proposed motion:</b>                | 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.) |
| <b>Required Vote:</b>                  | 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.





## 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. 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:

## DEVELOPMENT REVIEW STAFF REPORT

- (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.



## DEVELOPMENT REVIEW STAFF REPORT

- (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<br>Lot Width: 50 feet<br>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.<br>- 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<br>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.

## DEVELOPMENT REVIEW STAFF REPORT

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:

Site Description and Drainage Pattern

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.**

## DEVELOPMENT REVIEW STAFF REPORT

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.



## DEVELOPMENT REVIEW STAFF REPORT

### 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                        | <b>25</b>             | NA                               | No                | Yes      | <b>No</b> |
| Street 2 | N. Howard Avenue | Private - Local       | Private      | 25                        | <b>20 - unplatted</b> | NA                               | Yes               | Yes      | <b>No</b> |

## 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.

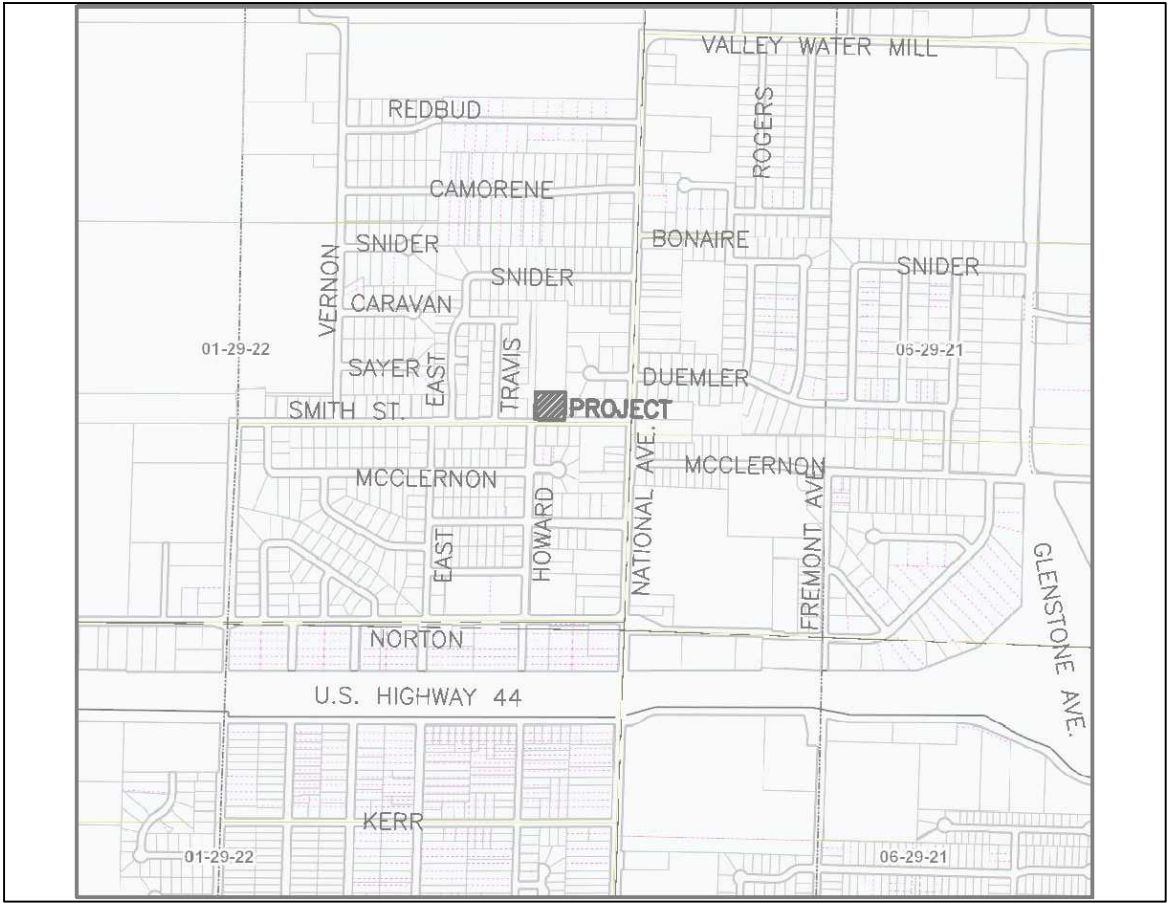


PRELIMINARY PLAT OF  
ELEVATE SUBDIVISION

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)

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 NORTH (T29N), RANGE TWENTY-TWO WEST (R22W) OF THE 5th. P.M. IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI DESCRIBED AS FOLLOWS:

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°40'56"W, 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:

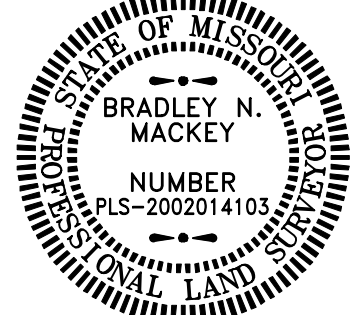
THAT I, BRADLEY N. MACKEY, PLS-2002014103, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREON WERE PLACED UNDER PERSONAL SUPERVISION OF BRADLEY N. MACKEY, PLS-2002014103, 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.

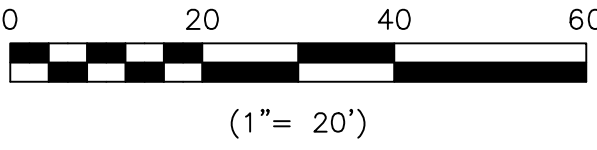
162 OAK TREE ACRES LANE, BRANSON, MISSOURI 65721  
MACKIE SURVEYING  
LAND SURVEYORS AND PLANNERS

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



CLIENT: ELEVATE INVESTMENTS GROUP, LLC 417-300-1781  
JOB No.: 24-1622-1  
DESCRIPTION: SUBDIVISION PLAT  
DATE: 02/03/2025  
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.  
SCALE: 1" = 20'  
DWG. No.: 1622-1-1  
PAGE No.: 1 OF 1  
ORDERED BY: LUKE O'DELL AND CHRIS SAPIEN

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



BASIS FOR COORDINATES

BASED ON THE MISSOURI COORDINATE  
SYSTEM OF 1983, CENTRAL ZONE  
USING MODOT SPRINGFIELD CORS ARP  
N= 513551.695 FEET  
E= 1427859.559 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 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°40'56"W, 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 CONDUITS,  
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

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





## **EXPLANATION TO COUNCIL BILL 2025-061 (MCGULL)**

**FILED:** 03/12/2025

**ORIGINATING DEPARTMENT:** Planning and Development

**TITLE:** A special ordinance authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of McClernon Springs 1<sup>st</sup> Addition, generally located at 3156 North National Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (By: Gerst Properties, LLC; 3156 North National Avenue; Preliminary Plat of McClernon Springs 1st Addition).

**PURPOSE:** Authorizing the Director of Planning and Development to accept the dedication of public streets and easements to the City of Springfield, Missouri, as shown on the Preliminary Plat of McClernon Springs 1st Addition, generally located at 3156 North National Avenue upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with all the terms of this Ordinance. (Staff recommends that City Council accept the public streets and easements.)

### **BACKGROUND INFORMATION:**

A. An original Preliminary Plat of McClernon Springs 1st Addition dated February 2nd, 2025, is on file in the Department of Planning and Development. A reduced version of which is included for general reference in Exhibit B, Attachment 3.

B. The Planning and Zoning Commission held a public hearing on February 13th, 2025, and approved the Preliminary Plat by a vote of 7 to 0, subject to the following conditions:

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.

All required improvements shall be the sole responsibility of the sub-divider. As prescribed by Section 36-233 of the Subdivision Regulations, the improvements shall be made or guaranteed by means of bond, escrow agreement, letter of credit or other appropriate security agreement. Release of the final plat for recording shall be withheld until the sub-divider has complied with this section.

Section 36-226 of the Subdivision Regulations requires that a final plat be submitted within two years of City Council's acceptance of the public streets and easements.

Attached for Council information is a sketch showing the location of the plat area, an exhibit showing the proposed plat, and a copy of the Planning and Development Department staff report to the Planning and Zoning Commission.

**REMARKS:** Staff recommends approval.

**Submitted By:** Andrew Menke, Senior Planner

**Authorized for inclusion on the agenda pursuant to City Code section 2-33:**

**Attachments:**

1. Preliminary Plat of McClernon Springs 1st Addition - 3156 N National Avenue
2. PPlat McClernon Springs 1st Addition\_exhA
3. PPlat McClernon Springs 1st Addition\_exhB

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 20  
Filed: 03-04-25

Sponsored by: McGull

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

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

COUNCIL BILL 2025-061

SPECIAL ORDINANCE \_\_\_\_\_

### AN ORDINANCE

1 AUTHORIZING the Director of Planning and Development to accept the dedication of  
2 public streets and easements to the City of Springfield, Missouri, as  
3 shown on the Preliminary Plat of McClernon Springs 1<sup>st</sup>  
4 Addition, generally located at 3156 North National Avenue, upon the  
5 applicant filing and recording a final plat that substantially conforms to  
6 the preliminary plat; and authorizing the City Clerk to sign the final plat  
7 upon compliance with all the terms of this Ordinance.  
8  
9

10 WHEREAS, an original Preliminary Plat of McClernon Springs 1<sup>st</sup> Addition, dated  
11 February 2, 2025, is on file with the City's Department of Planning and Development;  
12 and  
13

14 WHEREAS, the Planning and Zoning Commission of the City of Springfield,  
15 Missouri, held a public hearing and conditionally approved the Preliminary Plat of  
16 McClernon Springs 1<sup>st</sup> Addition on February 13, 2025, by a vote of 7-0, a copy of the  
17 Record of Proceedings from said public hearing being attached hereto and incorporated  
18 herein by this reference as "Exhibit A."  
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
21 SPRINGFIELD, MISSOURI, as follows, that:  
22

23 Section 1 – City Council hereby authorizes the Director of Planning and  
24 Development, on behalf of the City of Springfield, to accept the land, easements, and  
25 improvements dedicated to the City, as shown on the Preliminary Plat of McClernon  
26 Springs 1<sup>st</sup> Addition, which is generally located at 3156 North National Avenue, as  
27 approved by the Planning and Zoning Commission. The original Preliminary Plat of  
28 McClernon Springs 1<sup>st</sup> Addition is on file in the Department of Planning and  
29 Development ("Approved Preliminary Plat"), a reduced version of which is attached  
30 hereto for general reference as "Exhibit B – Attachment 3." All of "Exhibit B," including  
31 attachments, is incorporated herein by this reference.  
32

33 Section 2 – The Director of Planning and Development shall be authorized to

34 accept the land, easements, and improvements dedicated to the City, as shown on said  
35 plat, upon the applicant filing and recording a final plat in accordance with this  
36 Ordinance and the Subdivision Regulations of the City, which final plat shall  
37 substantially conform to the Approved Preliminary Plat, including those conditions  
38 described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying  
39 to the Director of Planning and Development and the City Clerk that the public  
40 improvements have been made in accordance with City standards and specifications.  
41 Said public improvements shall not be accepted until the occurrence of all conditions  
42 referenced herein and in "Exhibit B – Attachment 2."  
43

44 Section 3 – The final plat shall not be recorded until: (1) the public improvements  
45 relating to the Approved Preliminary Plat have been constructed according to the  
46 specifications of the City of Springfield, Missouri, and are approved by the Director of  
47 Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned  
48 by or in connection with the construction of said improvements have been paid to the  
49 City; or (2) in lieu of the construction of the improvements, that the Applicant has filed  
50 with the City Manager, according to the terms of the Subdivision Regulations of the City,  
51 the prescribed financial assurances in a form acceptable to the City to ensure the  
52 construction of the improvements and the payment to the City of all engineering fees,  
53 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the  
54 construction of the improvements.  
55

56 Section 4 – Upon compliance with all the requirements of this Ordinance,  
57 including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby  
58 authorized to endorse City Council's approval upon the final plat pursuant to Section  
59 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public  
60 Improvements contained therein.  
61

62 Section 5 – This Ordinance shall be in full force and effect from and after its  
63 passage.  
64

65 Passed at meeting: \_\_\_\_\_  
66

67 \_\_\_\_\_  
68 Mayor  
69

70 Attest: \_\_\_\_\_, City Clerk  
71

72 Filed as Ordinance: \_\_\_\_\_  
73

74 Approved as to form: Laura Vales, Assistant City Attorney  
75

76 Approved for Council action: Colin Sykes, Interim City Manager  
77  
78

**EXHIBIT A**  
**RECORD OF PROCEEDINGS**  
**Planning and Zoning Commission – February 13, 2025**

Preliminary Plat of McClernon Springs 1<sup>st</sup> Addition

3156 North National Avenue

**Applicant:** Gerst Properties, LLC

Mr. Andrew Menke requests to approve a preliminary plat for a 2-lot residential subdivision.

Mr. Scott asked about the property line from the existing structure and if it meets the zoning ordinance.

Mr. Menke replied that it did.

Mr. Doennig opened the public hearing.

Mr. Rick Wilson, 1835 E. Stewart, believes that it meets all of the zoning and subdivision requirements.

Mr. Doennig closed the public hearing.

**COMMISSION ACTION:**

Planning and Zoning Commissioner Scott moved to approve Preliminary Plat of McClernon Springs 1<sup>st</sup> Addition; Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Ridge, Commissioner Colony, Commissioner Hunton, Commissioner Pauly, Commissioner Gunther, and Commissioner Scott. Nays: None. Absent: Commissioner Lebeck and Commissioner Knuckles. Abstain: None.



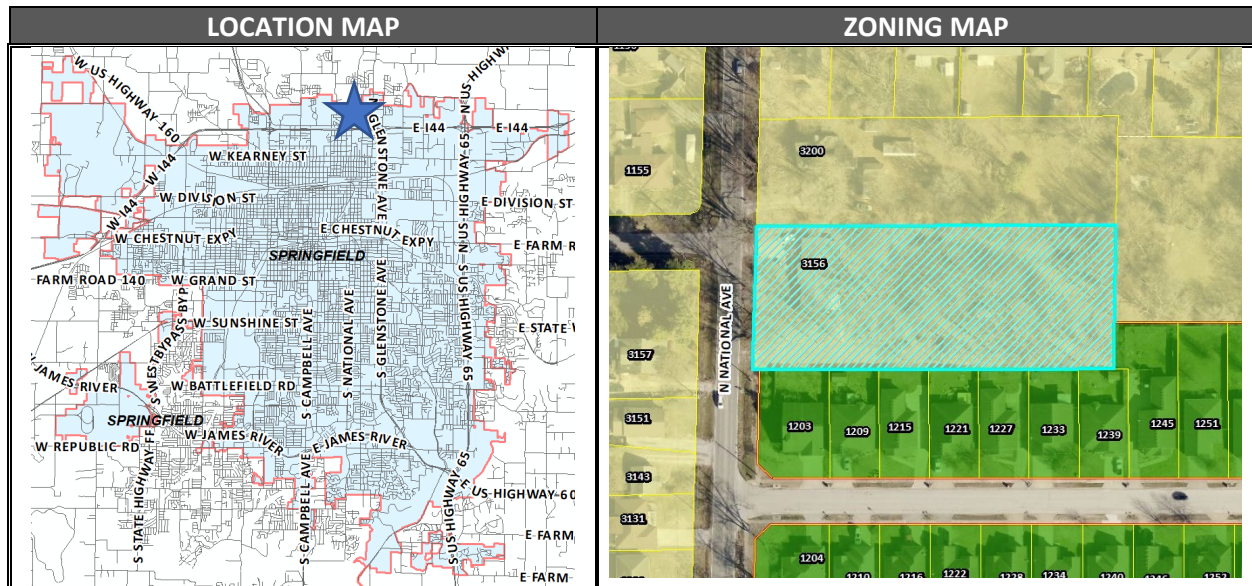
Bob Hosmer, AICP  
Planning Manager

## DEVELOPMENT REVIEW STAFF REPORT

| PROJECT INFORMATION                    |                                                                                                                                                                                                    |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Number:</b>                    | Preliminary Plat of McClernon Springs 1st Addition                                                                                                                                                 |
| <b>Location:</b>                       | 3156 North National Avenue                                                                                                                                                                         |
| <b>Total Acres:</b>                    | 1.39 acres                                                                                                                                                                                         |
| <b>Applicant:</b>                      | Gerst Properties, LLC                                                                                                                                                                              |
| <b>Existing Land Use:</b>              | Single-Family Residence                                                                                                                                                                            |
| <b>Neighborhood Meeting:</b>           | N/A                                                                                                                                                                                                |
| <b>Planning and Zoning Commission:</b> | February 13, 2025                                                                                                                                                                                  |
| <b>City Council:</b>                   | March 10, 2025                                                                                                                                                                                     |
| <b>Public Notification:</b>            | Posted property                                                                                                                                                                                    |
| <b>Staff:</b>                          | Andrew Menke, Senior Planner, (417) 864-1613                                                                                                                                                       |
| <b>Staff recommendation:</b>           | Staff recommends approval                                                                                                                                                                          |
| <b>Proposed motion:</b>                | 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.) |
| <b>Required Vote:</b>                  | A majority of those present (5 members are a quorum).                                                                                                                                              |

### PROJECT SUMMARY:

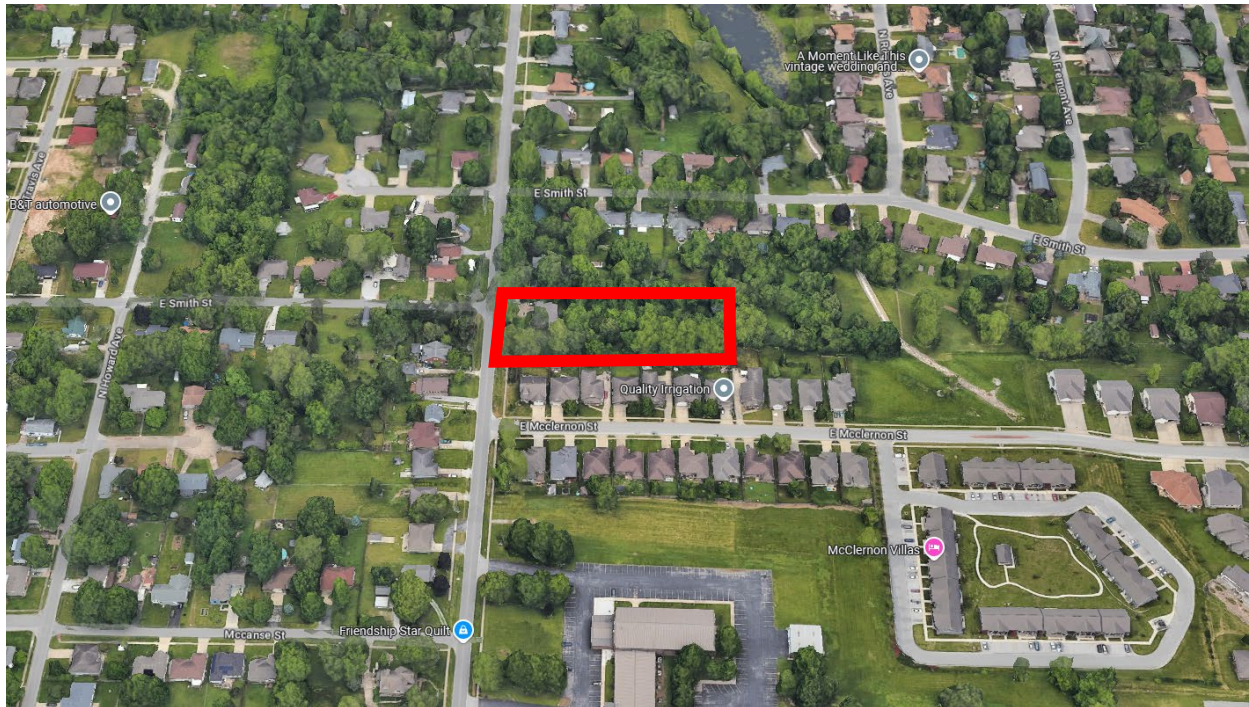
Request to subdivide approximately 1.39 acres of property generally located at 3156 North National Avenue into two (2) lots to facilitate the development of the site.





## 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.

## DEVELOPMENT REVIEW STAFF REPORT

- (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.

## DEVELOPMENT REVIEW STAFF REPORT

- (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<br>Lot Width: 50 feet<br>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.<br>- 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<br>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.

## DEVELOPMENT REVIEW STAFF REPORT

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:

Site Description and Drainage Pattern

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.



## DEVELOPMENT REVIEW STAFF REPORT

### 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

## DEVELOPMENT REVIEW STAFF REPORT

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                        | <b>30</b> | NA                               | No                | Yes      | <b>No</b> |

## 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

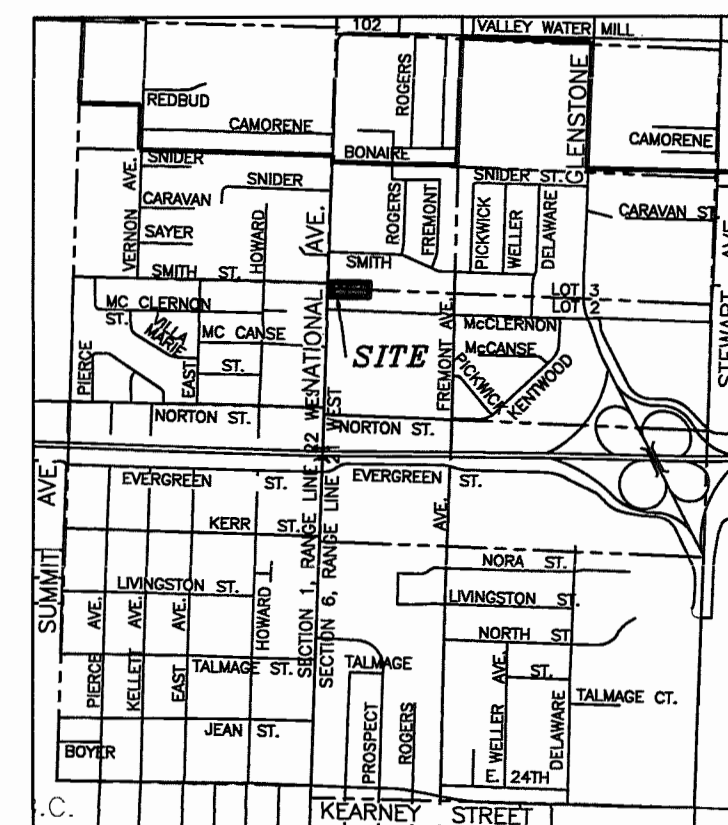
GRID NORTH  
MISSOURI STATE PLANE  
CENTRAL ZONE  
NAD83 2011

VERTICAL DATUM  
NAVD83  
MODOT RTK NETWORK

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

**GRAPHIC SCALE**

( 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

JSS:

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

PREPARED BY

**WILSON SURVEYING CO., INC.**

SURVEYING/ENGINEERING/LAND PLANNING

(417)-522-7870

Email: Rick.Wilson@wilsonsurveyinginc.com

1835 S. STEWART AVENUE, SUITE 124

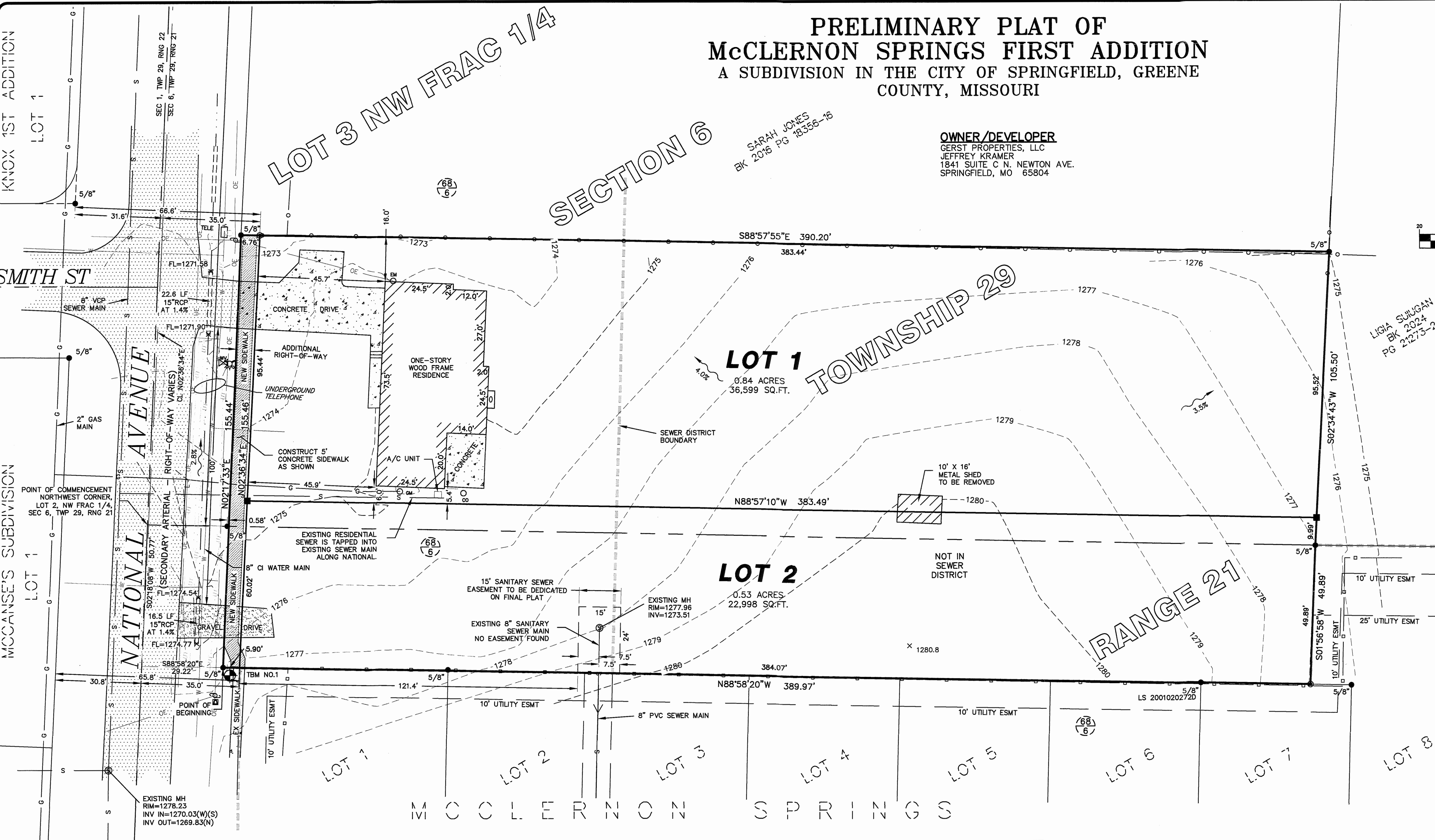
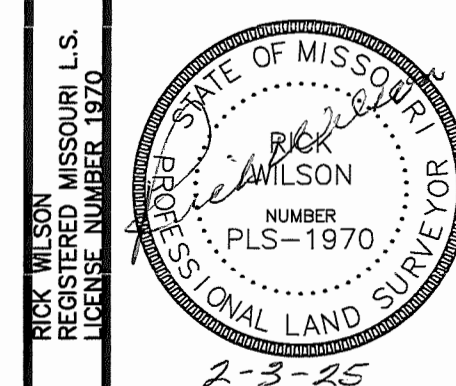
Springfield, Missouri 65804

DRAWING NO.: WD-106-413

JOB NO.: 2024-100

DRAWN BY: JV

DATE: FEBRUARY 2, 2025

**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
- ⊗ = SAN. SEWER LINE
- ⊘ = GAS LINE
- ⊙ = WATER LINE
- ⊖ = ELECTRIC LINE
- ⊕ = 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**

- 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.
- 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**

- 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.
- 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.
- 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, PROFESSIONAL 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

**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.

**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.