

City of Springfield



Agenda

City Council

- revised

Jeff Schrag, Mayor

Zone Councilmembers

Monica Horton, Zone 1
Abe McGull, Zone 2
Brandon Jenson, Zone 3
Bruce Adib-Yazdi, Zone 4

General Councilmembers

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

December 15, 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. November 17, 2025, City Council Meeting, December 2, 2025, Special City Council Meeting, and December 9, 2025, Special City Council Meeting.

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 2025-244 (Hardinger)

A general ordinance amending Springfield City Code Chapter 98, "Streets, Sidewalks and Public Places," by deleting Article II, "Excavations," and enacting a new Article II, "Management of the Public Right of Way," in lieu thereof.

6.2. Council Bill 2025-245 (Hardinger)

A special ordinance authorizing and directing the issuance, sale and delivery by the City of Springfield, Missouri, of Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025, in a principal amount not to exceed \$24,120,000

for the purpose of providing funds to refund the Refunded Bonds (as defined below); 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.

6.3. Council Bill 2025-249 (Jenson)

A special ordinance declaring the necessity of acquiring certain real property for the purpose of replacing the Main Avenue bridge over Jordan Creek, which the Missouri Department of Transportation independently rates as 'poor' and recommends 'replacement.' This project would be paid for in part by federal funds.

7. RESOLUTIONS.

Citizens May Speak. May Be Voted On.

7.1. Council Bill 2025-250 (Schrag)

A resolution reelecting the Honorable Wendy E. Garrison as a judge of the Springfield Municipal Court for a term of four years.

7.2. Council Bill 2025-251 (Horton)

A resolution initiating an amendment to the Official Map of the City of Springfield, Missouri, adopted pursuant to General Ordinance 1478, by changing the street name of the 200 to 600 block of East Blaine Street to East Blaine Lane and the 200 to 400 block of West Blaine Street to West Blaine Lane.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

Citizens May Speak. May Be Voted On.

10.1. Council Bill 2025-252 (Lee)

A special ordinance authorizing the City Manager, or designee, to accept a State Homeland Security Grant Program grant to support and sustain the operation of the Springfield Fire Department / Region-D Hazardous Materials Team, Technical Rescue Team, and the Bomb Squad; amending the budget for the Fire Department in the amount of \$306,353.60; and declaring that this Ordinance qualifies for approval in one reading.

11. AMENDED BILLS.

12. COUNCIL BILLS FOR PUBLIC HEARING.

Citizens May Speak. Not Anticipated To Be Voted On.

12.1. Council Bill 2025-253 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.81 acres of property generally located at 1313, 1317, 1319, 1321, 1327, 1331, and 1333

North Lyon Avenue and 505, 513, and 515 West Calhoun Street from R-SF, Single-Family Residential District and PD, Planned Development No. 265 to CC, Center City District with Conditional Overlay District No. 275; establishing Conditional Overlay District No. 275; and adopting an updated Official Zoning Map. (By: Central Assembly of God Church; 1313, 1317, 1319, 1321, 1327, 1331 & 1333 N. Lyon Avenue and 505, 513 & 515 W. Calhoun Street; Z-23-2025 with Conditional Overlay District No. 275).

12.2. Council Bill 2025-254 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.73 acres of property generally located at 517 East Calhoun Street and 1312 North Benton Avenue from R-SF, Single-Family Residential District and Mid-town Urban Conservation District No. 3 to O-1, Office District with Conditional Overlay District No. 278 and Mid-town Urban Conservation District No. 3; establishing Conditional Overlay District No. 278; and adopting an updated Official Zoning Map. (By: Drury University; 1312 North Benton & 517 East Calhoun Street; Z-25-2025 with Conditional Overlay District No. 278).

12.3. Council Bill 2025-255 (Jenson)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 14.46 acres of property generally located at 3907 South York Avenue and 4000 South Jonathan Avenue from County Plot Assignment District No. 2125 and County Plot Assignment District No. 1284 to R-TH – Residential Townhouse District; and adopting an updated Official Zoning Map. (By: Wire Rd Development, LLC & Boehm Family Trust; 4000 South Jonathan Avenue & 3907 South York Avenue; Z-19-2025).

12.4. Council Bill 2025-256 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.4 acres of property generally located at 4001 West Chestnut Expressway from GM, General Manufacturing District and HC, Highway Commercial District to R-LD, Low-Density Multifamily Residential District with Conditional Overlay District No. 277; establishing Conditional Overlay District No. 277; and adopting an updated Official Zoning Map. (By: Chestnut Self Storage LLC; 4001 West Chestnut Expressway; Z-24-2025 with Conditional Overlay District No. 277).

12.5. Council Bill 2025-257 (Jenson)

A special ordinance granting Conditional Use Permit No. 484 for the purpose of permitting an automobile service garage within a GR, General Retail District, generally located at 4545 South Lyon Avenue. (By: TKG-RKS Joint Venture, LLC; 4545 S. Lyon Avenue; Conditional Use Permit No. 484).

12.6. Council Bill 2025-258 (Lee)

A general ordinance amending General Ordinance 6917, "Exhibit B," the adopted text for Chapter 36 of the Springfield City Code, known as the "Land Development Code."

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 2025-259 (Carroll)

A general ordinance amending Chapter 54 of the Springfield City Code, Fire Prevention and Protection, Article II, Fire Prevention Code, Sections 54-31 and 54-32, by adopting the 2024 Edition of the International Fire Code ("IFC") including deletions, modifications, amendments and additions to the IFC model code; repealing General Ordinance 6463; and establishing an effective date.

14.2. Council Bill 2025-260 (Hardinger)

A general ordinance amending Springfield City Code Chapter 98, "Streets, Sidewalks and Public Places," by deleting Article III, "Sidewalks and Driveways," and enacting a new Article III, "Access Management Standards for Public Rights-of-Way," in lieu thereof, to establish a consolidated and performance-based framework for managing driveways, access points, and intersections.

14.3. Council Bill 2025-261 (Hardinger)

A special ordinance authorizing the City Manager, or designee, to enter into an Intergovernmental Cooperative Agreement with Greene County, City Utilities, and Ozarks Transportation Organization to fund a US-60/US-65 Access and Operational Study to analyze alternatives within the defined study area to improve safety, traffic operations, travel time, reliability, and economic development; and amending the Fiscal Year 2025-2026 budget for the Department of Public Works in the amount of \$300,000 to appropriate federal Surface Transportation Block Grant – Urban funds.

14.4. Council Bill 2025-262 (Horton)

A special ordinance authorizing a budget adjustment amending the budget of the Public Works Department for Fiscal Year 2025-2026 by appropriating \$3,100,000 of Level Property Tax reserves to fund additional improvements and remaining construction costs for the Historic City Hall Rehabilitation project.

14.5. Council Bill 2025-263 (Lee)

A special ordinance authorizing a budget adjustment amending the budget of the Planning Department and the Parks Department for Fiscal Year 2025-2026 by appropriating \$1,000,000 of Spring Forward SGF 1/2-cent sales tax revenue, \$500,000 to each department, as recommended by the Citizens' Advisory Board, to support the development of neighborhood plans and individual park master plans.

15. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

15.1. Daryl Baker wishes to address City Council.

15.2. Saige Strodman wishes to address City Council.

15.3. Elizabeth Van Every wishes to address City Council.

15.4. Jeanette Rouse wishes to address City Council.

15.5. Four Twenty Jim wishes to address City Council.

16. NEW BUSINESS.

16.1. Certification of referendum petition.

16.2. The Mayor recommends the following appointment to the Land Clearance for Redevelopment Authority: James Robinette with term to expire March 1, 2028.

16.3. The Public Involvement Committee recommends the following appointments to the Citizens' Tax Oversight Committee: Bridget Parrish and Gabe Smith with terms to expire May 1, 2028.

16.4. The Public Involvement Committee recommends the following appointment to the Citizens' Tax Oversight Committee: Jeb Venable with term to expire May 1, 2027.

16.5. The Public Involvement Committee recommends the following appointments to the Planning and Zoning Commission: David Jacquez, Jennifer McClure, and Christopher Souliere, with terms to expire January 1, 2030.

17. UNFINISHED BUSINESS.

18. MISCELLANEOUS.

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

19.1. Council Bill 2025-264 (Hosmer)

A special ordinance authorizing the City Manager, or designee, to accept Wagner-Peyser Services grant funding from the Missouri Department of Higher Education and Workforce Development in the amount of \$45,000, to be utilized toward Wagner-Peyser Service Activities; to enter into necessary agreements to carry out the purpose of the grant funds; and to amend the Fiscal Year 2025-2026 budget of the Department of Economic Vitality and Workforce Development in the amount of \$45,000.

19.2. Council Bill 2025-265 (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 Sky Light Surface Park, generally located at 1900 North Le Compte Road, 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: Springfield Underground, Inc.; 1900 North Le Compte Road; Preliminary Plat of Sky Light Surface Park).

19.3. Council Bill 2025-266 (Jenson)

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 The Dell Phase 2, generally located at 3907 South York Avenue and 4000 South Jonathan 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: Wire Rd Development, LLC & Boehm Family Trust; 4000 South Jonathan Avenue & 3907 South York Avenue; Preliminary Plat of The Dell Subdivision Phase 2).

20. CONSENT AGENDA – ONE READING BILLS. See Item #3.

20.1. Council Bill 2025-267 (Hosmer)

A resolution confirming the reappointment of Dan Griffin, Brett Foster, Paula Adams, and Allen Kunkel to the Downtown Springfield Community Improvement District Board of Directors.

20.2. Council Bill 2025-268 (Carroll)

A resolution authorizing City of Springfield Police Officers to purchase certain duty weapons that are being removed from service and declared surplus property.

21. CONSENT AGENDA – SECOND READING BILLS.

22. END OF CONSENT AGENDA.

23. CLOSED SESSION.

City Council will 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 leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor pursuant to Section 610.021(2), RSMo.; and sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected; pursuant to Section 610.021(12), RSMo; and this meeting, record, and vote shall be closed, and the City Council shall stand adjourned at the end of the closed session.



City of Springfield

Minutes

City Council Meeting

Jeff Schrag, Mayor

Zone Councilmembers

Monica Horton, Zone 1
Abe McGull, Zone 2
Brandon Jenson, Zone 3
Bruce Adib-Yazdi, Zone 4

General Councilmembers

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

November 17, 2025

6:30 PM

Regional Police-Fire

Training Center
2620 West Battlefield Road
Room 101, 102, and 103

1. ROLL CALL.

Present: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Absent: None.

2. APPROVAL OF MINUTES.

2.1. Approval of Minutes. November 3, 2025, City Council Meeting, November 4, 2025, Special City Council Meeting and November 10, 2025, Special City Council Meeting.

Councilmember Hosmer moved to approve the minutes of the November 3, 2025, City Council Meeting, the November 4, 2025, Special City Council Meeting, and the November 10, 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, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. 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.

Anita Cotter, City Clerk, noted she had received a request to remove item 19.1 from the Consent Agenda. This item became number 14.4 under First Reading Bills. Requiring Two Readings.

The Consent Agenda was approved as amended by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

4. CEREMONIAL MATTERS.

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

Collin Quigley, Deputy City Manager, invited the public to join the Mayor's Tree Lighting Holiday Show which was to take place from 6:00 to 8:30 p.m. on Saturday in Park Central Square. He noted there would be a variety of activities for all ages, including live entertainment and a holiday drone show.

Mr. Quigley noted the Grant Avenue Parkway was almost complete. He further noted it would link key neighborhoods and commercial districts and continued to serve as a catalyst for redevelopment. He added the City encouraged business owners along Grant Avenue and neighboring districts to engage with the redevelopment overlay and to explore how enhanced foot-traffic and trail connectivity might benefit their locations.

Mr. Quigley noted Police Chief Paul Williams provided a regular law enforcement update. He further noted one key update was effective November 17, 2025, as two dedicated officers would staff the newly created Street Outreach Team. He added the team would work directly with members of the community experiencing homelessness, and focus on building trust, offering support, and connecting individuals to vital resources. The Street Outreach Team would partner closely with local non-profit organizations, healthcare providers, and hospitals to provide compassionate, coordinated assistance aimed at helping individuals move out of homelessness and into long-term stability.

6. SECOND READING AND FINAL PASSAGE.

Citizens Have Spoken. Except Item 6.1. Citizens May Speak on the Amendment Only. May Be Voted On.

6.1. Amended Council Bill 2025-225 (Carroll)

A special ordinance approving the Amended Petition to Establish the Sunshine Towne Centre Community Improvement District; and authorizing the City Manager, or designee, to execute the First Amendment to the Cooperative Agreement between the City of Springfield, the Sunshine Towne Centre Community Improvement District, and Springfield West Partners, LLC.

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

Councilmember Jenson reiterated his comments of appreciation from the previous meeting and expressed his belief the corner had long needed to be developed. He noted the private market working in tandem with public support to overcome development barriers of the site was a good thing for Zone 3. Councilmember Jenson thanked staff and the Sunshine Towne Centre Community Improvement District (CID) Board, including Mr. Walker, for revising the petition. He further noted it was discovered the proposed Board of Directors failed to meet State Law as every appointee had a financial interest in the proposed, and while the proposed Board did meet the requirements of State Law, he had two reservations regarding its makeup as presented in the most recent revision. He expressed his concern pertaining to a previous board member selection and an individual which had previous issues with the State Ethics Commission.

Ordinance 28222. Amended Council Bill 2025-225 (Carroll) was approved by the following vote: Ayes: Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: Councilmember Jenson. Absent: None. Abstain: None.

6.2. Council Bill 2025-232 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.22 acres of property generally located at 426 North Warren Avenue from R-TH – Residential Townhouse District to LB – Limited Business District; and adopting an updated Official Zoning Map. (By: Paul Mueller Company; 426 N. Warren Avenue; Z-21-2025)

Councilmember Lee recused himself and left the dais.

Ordinance 6962. Council Bill 2025-232 (Horton) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: Councilmember Lee. Abstain: None.

Councilmember Lee returned to the dais.

6.3. Council Bill 2025-233 (Horton)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 2.90 acres of property generally located at 2565 North Kansas Expressway from GR – General retail district to HC – Highway commercial district; and adopting an updated Official Zoning Map. (By: Morris Loan & Investment Corp Inc.; 2565 North Kansas Expressway; Z-16-2025)

Ordinance 6963. Council Bill 2025-233 (Horton) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

6.4. Council Bill 2025-234 (Adib-Yazdi)

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.87 acres of property generally located at 2404 East Sunshine Street from Planned Development No. 136 Amendment 1 to GR – General retail district; and adopting an updated Official Zoning Map. (By: Deckard & Ward LLC; 2404 East Sunshine Street; Z-22-2025)

Ordinance 6964. Council Bill 2025-234 (Adib-Yazdi) was approved by the following vote:

Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

6.5. Council Bill 2025-235 (Lee)

A special ordinance amending the Fiscal Year 2025-2026 budget of the City of Springfield Fire Department, in the amount of \$80,000, to appropriate funds from the Fire Department Training Fund.

Ordinance 28223. Council Bill 2025-235 (Lee) was approved by the following vote: Ayes:

Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

6.6. Council Bill 2025-236 (Hardinger)

A general ordinance repealing General Ordinance 6935; and amending Springfield City Code Chapter 38, "Building Development Codes," by deleting Article XV, "Floodplain Management," and enacting a new Article XV, "Floodplain Management," in lieu thereof to comply with the Federal Emergency Management Agency's most recent model floodplain management ordinance.

Ordinance 6965. Council Bill 2025-236 (Hardinger) was approved by the following vote: Ayes:

Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

6.7. Council Bill 2025-237 (Hosmer)

A special ordinance authorizing the City Manager, or designee, to enter into a supplemental agreement with Missouri Highways and Transportation Commission and TransCore ITS, LLC, to provide additional services related to the development, implementation, and maintenance of the Advanced Transportation Management System software and hardware in use at the Springfield Traffic Management Center, for the not to exceed price of \$115,159.64.

Ordinance 28224. Council Bill 2025-237 (Hosmer) was approved by the following vote: Ayes: Councilmember Horton, Councilmember Jenson, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Adib-Yazdi, Councilmember Lee, Councilmember Carroll, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

7. RESOLUTIONS.

Citizens May Speak. Except Item 7.1. Citizens May Speak on the Amendment Only. May Be Voted On.

7.1. Amended Council Bill 2025-231 (Carroll, Hardinger, Horton, Lee)

A resolution adopting the City of Springfield's Legislative Priorities for 2026.

Mayor Schrag noted the Council Bill was amended at the November 3, 2025, City Council meeting and the public hearing was continued on the amendment only to the November 17, 2025, City Council meeting.

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

Resolution 10844. Amended Council Bill 2025-231 (Carroll, Hardinger, Horton, Lee) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

7.2. Council Bill 2025-241 (Horton)

A resolution approving the use of Zone 1 Minor Neighborhood Improvement Program funds from the 1/4-Cent Capital Improvements Sales Tax in the amount of \$24,000 to fund the procurement and installation of an African-American History Marker at Bartley-Decatur Neighborhood Center in Midtown Neighborhood and a Route 66 Centennial Sculpture on Historic Route 66.

Eric Claussen, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Claussen noted the proposed included two projects for the Route 66 Centennial Celebration. The first project was a Green Book activity scheduled at the Bartley-Decatur Neighborhood Center in the Midtown Neighborhood. He further noted the Green Book was an annual travel guide published from 1936 to 1964 by Victor H. Green to provide African American travelers with information necessary to stay safe and comfortable during the segregation era. He added this would be the 11th historical marker along the African American History Trail in the Midtown Neighborhood.

Mr. Claussen noted the second project was for a Route 66 Centennial sculpture. He noted this was presented by Mark Hecquet, Visit Springfield CEO, at a City Council lunch meeting. The sculpture would be 1 of 66 sculptures spread throughout the community to provide notification of the route. He added this sculpture would be located at the intersection of College Street and Scenic Avenue.

An opportunity was given for citizens to express their views.

Grant Kendall, a local barbershop owner, spoke in support of the proposed. Mr. Kendall expressed his belief the proposed would be good for tourism. He suggested a directory for the statues that also lists nearby businesses would be beneficial.

Councilmember Horton thanked Mr. Kendall for speaking and for sharing what was on West College Street, which served as a gateway to Route 66.

Sharon Brooks, President of the Westside Neighborhood Betterment Association, spoke in support of the proposed. Ms. Brooks noted there were several businesses along Route 66 in the neighborhood and expressed support for having a Route 66 sculpture in the neighborhood.

Councilmember Horton thanked Ms. Brooks for speaking and for mentioning the public art and improvements to their neighborhood. She expressed her belief a sculpture could enhance what was already in the neighborhood.

Lyle Foster spoke in support of the proposed. Mr. Foster noted the Springfield-Greene County African American Heritage Trail grew out of a research project conducted by himself and retired Missouri State University professor Dr. Tim Knapp. He further noted interviews were conducted and expressed his belief these memories needed to be preserved and celebrated. He noted when the trail was completed there would be at least 25 sites dedicated with a descriptive plaque at each site. Mr. Foster expressed his appreciation to Councilmember Horton for her efforts and noted the proposed marker would acknowledge the important contributions of sisters Roberta Bartley and Olive Decatur, who taught at Lincoln School, which was on the trail. Mr. Foster further noted the mission of the trail was to continue to research and publish previously undocumented history and to involve the community in identification and celebration of the contributions made by people of color in the community. He recognized John Oke-Thomas and Cora Scott for their work and expressed his belief the support of City Council was appreciated and valuable.

Councilmember Horton asked Mr. Foster if he had more to share.

Mr. Foster recognized Mr. Claussen for the contributions and support of Public Works and noted the City had been a partner from the Trail's inception, and that was appreciated.

Councilmember Horton noted there was a possibility the unveiling of the heritage marker might not coincide with the Route 66 Centennial and asked if there would be activities that would coincide with the trail marker. Mr. Foster responded that was the plan with the Advisory Committee and further noted they were in the planning process of conducting some community seminars to bring attention to the Trail.

John Oke-Thomas spoke in support of the proposed. Mr. Oke-Thomas expressed his appreciation for the funds being put into the proposed to make it successful. He noted the proposed was a part of history and expressed his belief it was important to ensure history continued and people understood what occurred in the past. Mr. Oke-Thomas expressed his belief the proposed was a worthy cause.

Councilmember Horton asked approximately when the Historic AME Church project on Benton Avenue would be completed. Mr. Oke-Thomas responded there was a marker near the Church. He noted the church was a part of American history as Reverend Oliver Brown of Brown vs. Board of Education was a pastor of the church. He expressed his belief history was the roadmap to allow individuals to do the right thing in the future.

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

Councilmember Horton noted she brought the Council Bill forward and was seeking approval for Zone 1 Minor Neighborhood Improvement Funds to install a Route 66 Centennial sculpture to welcome travelers at a key Route 66 entrance from the west end of the City. She noted the proposed would also allow installation of a historical marker in the Midtown Neighborhood on the Springfield-Greene County African American Heritage Trail to be located at the Bartley-Decatur Neighborhood Center. She added parts of the Trail were located along Route 66 and would create Green Book Travel Guide Learning Opportunities for locals and visitors to the Centennial. Councilmember Horton expressed her support for the proposed.

Clerk's Note: Mark Dixon, Executive Director of the Bartley-Decatur Neighborhood Center, provided written comments in support of the proposed. The comments have been entered into the record and are on file in their entirety in the City Clerk's Office.

Resolution 10845. Council Bill 2025-241 (Horton) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

7.3. Council Bill 2025-242 (Committee of the Whole)

A resolution adopting the 2025 City of Springfield City Council Priorities.

Jordan Paul, City Attorney, provided a brief overview of the proposed. Mr. Paul noted City Council held a Strategic Priorities workshop on September 5, 2025, to craft future priorities, and finalized and recommended further priorities at a Committee of the Whole meeting on November 4, 2025. He further noted the priorities included operational excellence, public safety transformations, economic vitality, housing strategy, and development processes. Mr. Paul noted the resolution would formally adopt the City Council priorities for next year.

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

Councilmember Horton noted at the last Committee of the Whole meeting was held on November 4, 2025, and was a condensed meeting. She asked how Quality of Place went from a standalone priority to a phrase and expressed her belief it felt like an afterthought. She expressed her belief Quality of Place was at the heart of the quest for livability and attractiveness in the City. She noted Councilmembers agreed to include Livability and Quality of Place under Economic Vitality and expressed her belief fidelity to Quality of Place was perhaps ongoing.

Councilmember Horton further expressed her belief she did not want Quality of Place to slip away as this could mean disinvestment in quality, which had occurred for a long period of time on the north and west sides of town. She further expressed her belief in elevating standards for how commercial corridors, commercial buildings, neighborhoods, parks, housing, how sidewalks were designed, and more importantly, maintained for micromobility and pedestrian safety, universal design for aging in place increased City pride.

Councilmember Adib-Yazdi expressed his belief Quality of Place had not been erased and the priority list prioritized items that could be tackled in the next year-and-a-half or so. He further expressed his belief Quality of Place was in the Comprehensive Plan and the new Zoning Code text amendments. He expressed his appreciation for the spirited conversations that occurred at the workshop to create the list.

Resolution 10846. Council Bill 2025-242 (Committee of the Whole) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

7.4. Council Bill 2025-243 (Schrag)

A resolution declaring the results of the Special Municipal Election held on November 4, 2025, under the Home Rule Charter of the City of Springfield, Missouri, on the question of whether to impose an additional three percent (3%) license tax on the business of renting, leasing, or letting living quarters, sleeping accommodations, rooms, or a part thereof, in connection with any hotel, motel, tourist court, or short-term rental, derived from or paid by transient guests for sleeping accommodations for the purpose of attracting travel and tourism, including the construction of a regional convention and event center.

Jordan Paul, City Attorney, provided a brief overview of the proposed. Mr. Paul noted a special municipal election was held on November 4 to consider the question of raising the hotel/motel tax by 3 percent. He further noted the ballot question was defeated, and the proposed certified the election results.

Councilmember Jenson expressed his appreciation for the role of voters in the local government. He expressed his desire for a community that was more engaged and active throughout the year. Councilmember Jenson noted the voter turnout for the issue was low and citizens had expressed their concerns with the issue. Councilmember Jenson noted he would work to provide as much information as possible to citizens to allow them to make educated and engaged decisions for the future.

Resolution 10847. Council Bill 2025-243 (Schrag) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

8. EMERGENCY BILLS.

9. PUBLIC IMPROVEMENTS.

10. GRANTS.

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 2025-244 (Hardinger)

A general ordinance amending Springfield City Code Chapter 98, "Streets, Sidewalks and Public Places," by deleting Article II, "Excavations," and enacting a new Article II, "Management of the Public Right of Way," in lieu thereof.

Brett Foster, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Foster noted the proposed included proposed changes to Chapter 98 of the Right-of-Way Code which governed permitting on the public right-of-way and street sections. He further noted the goal was to modernize the Code and clarify the expectations for utility partners and improve the coordination of utility permitting across the City. Mr. Foster noted language was being changed to be consistent with State law and common practices of municipalities managing utilities in the right-of-way. He added permits would be required for all impactful operations and right-of-way and not only excavations, as was currently required. Mr. Foster noted the changes would help improve coordination and reduce impacts on neighborhoods. He added as a result better information would be provided to emergency responders, firefighters, and police, to allow improved navigation through closures.

Mr. Foster further noted the proposed would give authority to enter into agreements with large utility providers to modify requirements of permitting while meeting the goals of the Ordinance. He added this would improve efficiency in operations. Mr. Foster noted they had worked with the community and stakeholders such as the Association of General Contractors, Springfield Contractors, and the Growth and Development Committee, incorporating the limited feedback received into the ordinance.

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

14.2. Council Bill 2025-245 (Hardinger)

A special ordinance authorizing and directing the issuance, sale and delivery by the City of Springfield, Missouri, of Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025, in a principal amount not to exceed \$24,120,000 for the purpose of providing funds to refund the Refunded Bonds (as defined below); 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.

David Holtmann, Director of Finance, provided a brief overview of the proposed. Mr. Holtmann noted the proposed would authorize and direct the issuance, sale, and delivery of up to \$24.1 million of special obligation bonds, for the purpose of refunding the current City of Springfield 2015 Sewer System Obligation Bonds when they became callable in the new calendar year. He further noted the proposed was expected to produce an average present value savings of approximately 4.2 percent total cash saved over the remaining term, in the amount of approximately \$1.1 million.

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

14.3. Council Bill 2025-249 (Jenson)

A special ordinance declaring the necessity of acquiring certain real property for the purpose of replacing the Main Avenue bridge over Jordan Creek, which the Missouri Department of Transportation independently rates as 'poor' and recommends 'replacement.' This project would be paid for in part by federal funds.

Brett Foster, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Foster discussed the condition of the bridge and history of the site. He further noted Public Works began discussing replacement of the bridge for structural reasons and stormwater improvements in 2014. He added in 2016 a report was received from the Missouri Department of Transportation (MoDOT) that reduced the bridge condition to serious and MoDOT recommended replacement. In January 2017, Public Works began design work for bridge replacement, and in January 2025 the bridge rating was further reduced by MoDOT to deficient. Mr. Foster noted the process of providing ratings was a federally required mandate used by MoDOT. He further noted a portion of the bridge was closed in 2016.

Mr. Foster noted the bridge was constructed in two sections and was an aged structure. He added the outside sections were made from reinforced concrete, and the center section was made from a unique girder system. Mr. Foster further noted the conditions under the bridge had concrete that was flaking apart and had deteriorated slab. He added the pictures showed the lower section of the structural capacity was failing. Mr. Foster noted the new structure would have two sections of arches and maintain two vehicular lanes with a cycle track that tied to the one on Main Street. He further noted it would have Americans with Disabilities Act (ADA) compliant sidewalks and have increased stormwater capacity. Mr. Foster noted there were a series of projects in the Jordan Creek area to improve flooding and several bridges downstream of the Main Avenue bridge that had been repaired and capacity increased. Mr. Foster further noted approximately 9.5 square miles of watershed that came into Jordan Creek above the Main Avenue bridge. He added it caused approximately two to three feet of additional flood water. He noted if the bridge were widened, there would be a reduction in flood elevation and substantially less risk of flooding.

Dan Smith, Director of Public Works, expressed his belief the bridge needed to be replaced for the community. He noted there was property at 334 North Main Avenue that needed to be acquired for the construction. Mr. Smith further noted the new bridge would be longer and in strong structural condition for decades to come. Mr. Smith added the bridge replacement would be part of a system of improvements to reduce downtown flooding. He added it was not feasible to construct the bridge without significant risk to the adjacent building. Mr. Smith provided a timeline of negotiations with the property owner. He further noted the seller was willing to sell with negotiations starting in December 2019. He noted the City enacted an ordinance to initiate eminent domain, which was later repealed by City Council with instructions for negotiations to continue. Mr. Smith further noted a contract was originally presented to the owner for \$2 million with the current counteroffer from the property owner coming November 10 for \$3.5 million. Mr. Smith added a recent appraisal of the property in June valued the building at \$315,000 and the property owner's most recent appraisal valued the building at \$358,000. Mr. Smith expressed his belief there had been a significant amount of effort to come to an agreement, and noted the legal process set forth that was intended for a situation where essential public improvement was needed that was also intended to protect the property owner's rights was a good process.

Mr. Smith noted the eminent domain process provided a pathway forward, and the process was transparent. He further noted the process would determine just compensation for the property and was defined in State and Federal law in detail. He added the compensation was determined by a neutral court-appointed commission, and there was an appeal process. Mr. Smith noted the owner's previous global settlement offer was for \$2 million, and the owner's current global settlement offer was for \$3.5 million plus \$100,000 for each week after the first 60 days.

Councilmember Jenson noted he had questions for the Public Information and Civic Engagement Office. Councilmember Jenson noted every two years citizens participated in a Citizen Satisfaction Survey and asked for information regarding priorities for stormwater improvements. Cora Scott, Director of Public Information and Civic Engagement, responded in 2023 it was listed among services respondents rated for priority, with 15 percent having the issue in their top three priorities. She further noted the overall satisfaction with water services was 43 percent. Councilmember Jenson noted he often heard concerns regarding flooding during stormwater events.

Councilmember Jenson noted the timeline for the bridge conditions started in 2014, but the need for improvements to the area seemed to predate that. He asked if it was fair to say the issue was a longstanding and identified need for stormwater improvements. Mr. Smith responded affirmatively. Councilmember Jenson noted many improvements had been made and necessary replacement of the bridge would help with flood mitigation. He asked for an explanation why a bottleneck such as the Main Avenue bridge impacted the overall system. Mr. Smith responded there was an approximately 6,000-acre area running down to the bridge which was suddenly constricted to a small area, and as the water backed up, it would build in depth. Councilmember Jenson noted there were 9.5 square miles of water that drained to the area and asked if stormwater was a major concern of residents. Mr. Smith responded affirmatively and noted the project impacted the ability to provide quality stormwater infrastructure to the area. Councilmember Jenson asked for clarification that the project had the potential to reduce flooding levels by two to three feet. Mr. Smith responded approximately two feet once all the components were constructed.

Councilmember Jenson asked how an offer and counteroffer process typically worked when purchasing from a willing seller. Mr. Paul responded sufficient detail was needed to form a formal contract. He noted his understanding was there was never a fully defined offer. He further noted typically to buy a property in fee, which included all legal interest in the property for a certain number of dollars, was the process.

An opportunity was given for citizens to express their views.

Kristi Fulnecky, a representative of the Mathis family, addressed City Council in opposition to the proposed. Ms. Fulnecky expressed her support for the Hotel of Terror. She expressed her belief Hotel of Terror was important to downtown Springfield. She noted the Mathis family was asking to be compensated fairly under Missouri Law. Ms. Fulnecky expressed her belief the building had suffered water infiltration and flooding since the City commenced work. Ms. Fulnecky expressed her belief the City had increased regulatory burdens, permit requirements, and code demands.

Sterling Mathis, the property owner, addressed City Council in opposition to the proposed. Mr. Mathis noted the Hotel of Terror had operated for 47 years. He further noted he met with staff and the Fire Department to review the Codes and expressed his belief that staff were good with the drawings presented at that time. He added at the next meeting in May, a contract was presented for \$2 million, and he was agreeable to that and ready to begin work, but in his belief the City then changed their requirements.

Councilmember Jenson recalled a slide from flooding images from 2000 and asked when the City started moving dirt on the Jordan Valley Creek project. Mr. Foster responded approximately one year ago.

Jolene Hall addressed City Council in support of the Hotel of Terror. She noted there were several projects in the City that were funded by the City. Ms. Hall expressed her concern with the City paying for other projects and not paying the cost for the Hotel of Terror to make improvements, which in her estimation was over \$3,242,000. She expressed her belief it was only fair for the property owner to be compensated fairly.

Jamie Melton, general contractor for Sterling Mathis, expressed his belief it would be difficult to move after 47 years. He noted a commercial building today would cost approximately \$400 per square foot. He added the building Mr. Mathis would like to move to was all concrete and safe. He further noted costs for changes added up and the costs of labor and materials had risen.

Rusty Worley thanked City Council for their significant investments in Renew Jordan Creek. He expressed his belief having a waterfront attraction was important the success of center city areas. Mr. Worley noted he served on the Transit Advisory Council. He further noted City buses had not been able to use the bridge due to its condition. He expressed his appreciation for City Council's efforts in working with a longstanding business and expressed his hope the business could relocate, and the tradition could continue.

Andrea Hoyal did not appear to address City Council.

Rufus Louderback, architect and owner of Roswell Architecture, spoke in support of the Hotel of Terror and against the proposed. He noted he had up to 10 meetings with the City. Mr.

Louderback further noted a contract amount of \$2 million was reached, and in 2024 they had a meeting with the City which had a change of staff. Mr. Louderback noted they had previously discussed the existing building code, and at the next meeting there was a requirement to switch to full International Building Code (IBC) compliance. He expressed his belief this switch plus a year-and-a-half of time caused the request to change from \$2 million to \$3.5 million.

Mayor Schrag encouraged Mr. Mathis and Mr. Louderback to submit any additional information they had to the City Clerk.

Jonathan Thornsberry, a friend of the Mathis family, spoke in support of the family. Mr. Thornsberry noted he had known them for approximately 20 years, and they were a good family. He expressed his belief their request was not an attempt to take advantage of the City, but an attempt to preserve their livelihood. He noted they had contributed to the economy and been in business for nearly half a century. He further noted the family wanted an opportunity to move the business and ensure costs were covered.

Calvin Birsa addressed City Council in opposition to eminent domain. Mr. Bursa expressed his belief the Hotel of Terror was a Springfield national monument and one of America's longest running haunted house attractions. He expressed his belief an agreement could be reached to provide what the family wanted to move the property.

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

14.4. Council Bill 2025-246 (Jenson) This item was removed from Consent Agenda First Reading Bills and became Item 14.4 under First Reading Bills. Requiring Two Readings.

A special ordinance authorizing the City Manager, or designee, to accept the dedication of right-of-way from Missouri State University for the construction of the "Birthplace of Route 66 Plaza" to memorialize the Route 66 Centennial Celebration, and to execute all necessary documents and agreements in support thereof.

Eric Claussen, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Claussen noted the proposed would allow for donation from Missouri State University to the City of Springfield for the Birthplace of Route 66 Plaza. He further noted the Plaza would be located in the southwest quadrant of the park and the sculpture would outline the facade of what was formerly the Colonial Hotel, where the telegram in 1926 established the Mother Road as Route 66. He added the plaza would include sculptures and historical markers.

15. PETITIONS, REMONSTRANCES AND COMMUNICATIONS.

15.1. Josephine Grace wishes to address City Council.

Josephine Grace addressed City Council. She asked City Council to amend Ordinance 78-257 to include directed energy, neural weapons (DEW). She noted Springfield ranked number 12 for violent property crimes. She expressed her belief DEWs should be included in the ordinance to protect individuals.

15.2. David Sanzone wishes to address City Council.

Mr. Sanzone did not appear to address City Council.

15.3. Randall Holley wishes to address City Council.

Mr. Sanzone did not appear to address City Council.

15.4. Brian Paschall wishes to address City Council.

Mr. Paschall withdrew from addressing City Council.

16. NEW BUSINESS.

16.1. Refer to the Finance and Administration Committee review of current and potential City housing incentives and related federal programs. Referred.

17. UNFINISHED BUSINESS.

18. MISCELLANEOUS.

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

19.1. Council Bill 2025-246 (Jenson) **This item was removed from Consent Agenda First Reading Bills and became Item 14.4 under First Reading Bills. Requiring Two Readings.**

A special ordinance authorizing the City Manager, or designee, to accept the dedication of right-of-way from Missouri State University for the construction of the “Birthplace of Route 66 Plaza” to memorialize the Route 66 Centennial Celebration, and to execute all necessary documents and agreements in support thereof.

This summary can be found under Item 14.4 First Reading Bills. Requiring Two Readings.

20. CONSENT AGENDA – ONE READING BILLS. See Item #3.

20.1. Council Bill 2025-247 (Lee)

A special ordinance authorizing the City Manager, or designee, to accept grant funds in the amount of \$9,200, from a Show Me Zero Grant through the Missouri Highways and Transportation Commission, to support the City's current pedestrian safety education program known as "SGF Yields" and to enter into a Show Me Zero Program Agreement; amending the budget of the Department of Public Works for Fiscal Year 2025-2026 in the amount of \$9,200 upon award of the grant; and declaring that this Ordinance qualifies as a one-reading bill pursuant to Section 2.16(25) of the City Charter.

Ordinance 28225. Council Bill 2025-247 (Lee) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

20.2. Council Bill 2025-248 (Carroll)

A special ordinance authorizing the City Manager, or designee, to accept grant funds in the amount of \$30,000 from Missouri Department of Natural Resources, Solid Waste Management District "O", to fund recycling, donation, and repair events for waste diversion activities; and declaring that this Ordinance qualifies as a one-reading bill pursuant to Section 2.16(25) of the City Charter.

Ordinance 28226. Council Bill 2025-248 (Carroll) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

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

21.1. Council Bill 2025-238 (Carroll)

A special ordinance authorizing the City Manager, or designee, to enter into an agreement between the City of Springfield, City Utilities of Springfield, Greene County, and Christian County Emergency Services to allow Christian County Emergency Services to locate its Radio Prime Site at the Trunked Radio System Master Site.

Ordinance 28227. Council Bill 2025-238 (Carroll) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

21.2. Council Bill 2025-239 (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 J & M Tillman Center, generally located at 1650 South Ingram Mill Road, 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: J&M Tillman, LLC; 1650 South Ingram Mill Road; Preliminary Plat of J&M Tillman Center)

Ordinance 28228. Council Bill 2025-239 (McGull) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

21.3. Council Bill 2025-240 (Adib-Yazdi)

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 Mercy Springfield South Campus 1st Addition, generally located at 6375 South Innovation Avenue and 6217 South Southwood 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: Tea Properties of Missouri II, LLC; 6375 South Innovation Avenue & 6217 South Southwood Avenue; Preliminary Plat of Mercy Springfield South Campus 1st Addition)

Ordinance 28229. Council Bill 2025-240 (Adib-Yazdi) was approved by the following vote: Ayes: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

21.4. Confirm the following appointment to the Board of Public Utilities: Hal Higdon with term to expire December 1, 2028. Confirmed.

21.5. Confirm the following reappointment to the Board of Public Utilities: Steve Dooley with term to expire December 1, 2028. Confirmed.

22. END OF CONSENT AGENDA.

23. CLOSED SESSION.

City Council will 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 leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor pursuant to Section 610.021(2), RSMo.; and sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected; pursuant to Section 610.021(12), 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 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 leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor pursuant to Section 610.021(2), RSMo.; and sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected; pursuant to Section 610.021(12), 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: Councilmember Jenson, Councilmember Horton, Councilmember McGull, Councilmember Hosmer, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

**December 2, 2025
Springfield, Missouri**

The City Council met in special session on December 2, 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 Schrag.

Roll Call

Present: Councilmember Hosmer, Councilmember McGull, Councilmember Horton, Councilmember Jenson, Mayor Pro Tem Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, and Mayor Schrag.
Absent: None.

**Second Reading
and Final Passage**

Council Bill 2025-246 (Jenson) **(Public Hearing occurred at the 11-17-25 City Council Meeting.)**

A special ordinance authorizing the City Manager, or designee, to accept the dedication of right-of-way from Missouri State University for the construction of the “Birthplace of Route 66 Plaza” to memorialize the Route 66 Centennial Celebration, and to execute all necessary documents and agreements in support thereof.

Ordinance 28230. Council Bill 2025-246 (Jenson) was approved by the following vote: Ayes: Councilmember McGull, Councilmember Horton, Councilmember Jenson, Councilmember Hardinger, Councilmember Carroll, Councilmember Lee, Councilmember Adib-Yazdi, Councilmember Hosmer, and Mayor Schrag. Nays: None. Absent: None. Abstain: None.

Adjourn

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

Prepared by
Michelle Kaasa

Anita J. Cotter, MMC/MPCC
City Clerk

**December 9, 2025
Springfield, Missouri**

The City Council met in special session on December 9, 2025, in the Councilman Denny Whayne Conference Room on the 4th Floor of the Busch Municipal Building, 840 Boonville. The meeting was called to order by Mayor Schrag.

Roll Call

Present: Craig Hosmer, Abe McGull, Brandon Jenson, Heather Hardinger, Callie Carroll, Monica Horton, and Jeff Schrag. Absent: Derek Lee and Bruce Adib-Yazdi.

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 leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor pursuant to Section 610.021(2), RSMo.; and sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected; pursuant to Section 610.021(12), 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 Jenson seconded the motion, and it was approved by the following vote: Ayes: McGull, Horton, Jenson, Hardinger, Carroll, Hosmer, and Schrag. Nays: None. Abstain: None. Absent: Lee, and Adib-Yazdi.

Prepared by
Michelle Kaasa

Anita J. Cotter, MMC/MPCC
City Clerk



EXPLANATION TO COUNCIL BILL 2025-244 (HARDINGER)

FILED: 11/18/2025

ORIGINATING DEPARTMENT: Public Works

TITLE: A general ordinance amending Springfield City Code Chapter 98, “Streets, Sidewalks and Public Places,” by deleting Article II, “Excavations,” and enacting a new Article II, “Management of the Public Right of Way,” in lieu thereof.

PURPOSE: Amending Chapter 98, Article II of the Springfield City Code, known as the Right-of-Way (ROW) Ordinance, to modernize permitting, coordination, and restoration requirements for all users performing work within the public right-of-way; and to align City Code with current state law, industry standards, and City permitting practices.

BACKGROUND INFORMATION: The City of Springfield is updating its Right-of-Way Ordinance to improve how work is managed within public rights-of-way and to provide clearer expectations that enhance coordination, safety, and protection of public infrastructure. The ordinance establishes a comprehensive framework for permitting and oversight of all work within the right-of-way, including activities by utilities, contractors, and their subcontractors.

The proposed ordinance modifies permitting requirements to include all work performed within the right-of-way, not only excavation activities. It requires advance notice and coordination of work to prevent conflicts between agencies and projects, clarifies responsibilities for damage and restoration, and introduces consistent enforcement mechanisms.

The ordinance also allows the City to enter into Memorandums of Understanding (MOUs) with major utilities to define tailored workflows, provided they remain consistent with the ordinance’s intent and requirements.

If adopted, the new ordinance will take effect on April 1, 2026.

Supports the following City Council Priorities:

- Public Safety
- Fiscal Sustainability and Accountability
- Economic Vitality
- Quality of Place



REMARKS: The departments of Public Works and Law recommend approval of this Council Bill to ensure consistency with State law, improve coordination and transparency, and protect the City's investment in public infrastructure.

Submitted By: Brett Foster, Assistant Director of Public Works

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

Attachments:

1. Amend Ch 98 ROW_ord
2. ROW Management Ordinance - Exh A
3. Amend Ch 98 ROW - TOC_Ex B

One-rdg. _____
P. Hrngs. _____
Pgs. 34
Filed: 11-11-25

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-244

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Springfield City Code Chapter 98, "Streets, Sidewalks and Public
2 Places," by deleting Article II, "Excavations," and enacting a new
3 Article II, "Management of the Public Right of Way," in lieu thereof.
4 _____
5

6 WHEREAS, City rights-of-way, including but not limited to the streets, sidewalks,
7 and utilities located within the rights-of-way, are essential to the health, safety, and
8 welfare of the community; and
9

10 WHEREAS, the City has a duty to manage, protect, and preserve these public
11 rights-of-way, but faces a growing burden in managing the limited available space in the
12 rights-of-way for the many competing uses; and
13

14 WHEREAS, City Code, Chapter 98, "Streets, Sidewalks and Public Places,"
15 Article II, "Excavations," currently regulates only excavations within the city rights-of-
16 way; and
17

18 WHEREAS, the City desires to update its City Code to improve how work is
19 managed within public rights-of-way and to provide clearer expectations that enhance
20 coordination, safety, and protection of public infrastructure by establishing a
21 comprehensive framework for permitting and oversight of all work performed within
22 rights-of-way, including work performed by utilities, contractors, and subcontractors; and
23

24 WHEREAS, the proposed framework, also known as the Right-of-Way
25 Ordinance, the table of contents for which is attached hereto as "Exhibit B," is intended
26 to provide clear standards and procedures for any work performed within the City's
27 rights-of-way and to manage the City's rights-of-way in a reasonable, competitively
28 neutral, and nondiscriminatory fashion; and
29

30 WHEREAS, the City Council finds that adopting this Ordinance is necessary and
31 appropriate to protect the City's public health, safety and welfare.
32

33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

34 SPRINGFIELD, MISSOURI, as follows, that:

35
36 Section 1 – Chapter 98 of the Springfield City Code, “Streets, Sidewalks and
37 Public Places,” is hereby amended by deleting Article II, “Excavations,” in its entirety,
38 and enacting a new Article II, “Management of the Public Right-of-Way” in lieu thereof, a
39 copy of which is set forth herein as “Exhibit A,” and incorporated herein by this
40 reference.

41
42 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
43 affect any suit or proceeding now pending in any court, or any rights acquired, or liability
44 incurred, nor any cause or causes of action accrued or existing, under any act or
45 ordinance repealed hereby, nor shall any right or remedy of any character be lost,
46 impaired, or affected by this Ordinance.

47
48 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
49 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
50 affect the validity of the remaining portions of this Ordinance. City Council hereby
51 declares that it would have adopted the Ordinance and each section, subsection,
52 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
53 sections, subsections, sentences, clauses, or phrases be declared invalid.

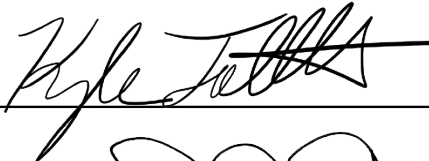
54
55 Section 4 – This Ordinance shall be in full force and effect on April 1, 2026.

56
57 Passed at meeting: _____

58
59 _____
60 Mayor

61
62 Attest: _____, City Clerk

63
64 Filed as Ordinance: _____

65
66 Approved as to form:  _____, Assistant City Attorney

67
68
69 Approved for Council action:  _____, City Manager
70

1 ARTICLE II. – MANAGEMENT OF THE PUBLIC RIGHT-OF-WAY.

2
3 DIVISION 1. – GENERALLY.

4
5 Sec. 98-25. – Declarations of findings and intent; scope of ordinance.

6
7 (a) *Declarations of findings and intent.* The use of the right-of-way is changing due to
8 the advancement of technology, changes in federal and state law, and increased
9 demand for services from residents, businesses, educational institutions, and other
10 public and private institutions. City Council finds that the public convenience, health,
11 safety, and welfare can be best served by establishing regulatory procedures to
12 better protect the right-of-way and to ensure the orderly development of
13 infrastructure within the right-of-way while also minimizing physical disruptions to the
14 right-of-way, avoiding coordination and timing conflicts between users of the right-of-
15 way, removing barriers which prohibit competition, and ensuring the costs of
16 managing the right-of-way are allocated proportionately to the type of uses of the
17 right-of-way.

18
19 (b) *Scope.* This article shall apply to any person engaged in the activities defined in,
20 regulated by, or requiring a permit pursuant to this article.

21
22 (c) *Preemption.* No provision of this article shall apply to any circumstance in which
23 such application shall be unlawful under valid superseding federal or state law and
24 furthermore, if any section, subsection, sentence, clause, phrase, or portion of this
25 chapter is now or in the future superseded or preempted by state or federal law or
26 found by a court of competent jurisdiction to be unauthorized, such provision shall be
27 automatically interpreted and applied as required by valid law.

28
29 Sec. 98-26. – Definitions.

30
31 (a) The following words, terms, and phrases, when used in this article, shall have the
32 meaning given them in this section, except where the context clearly indicates a
33 different meaning:

- 34
35 (1) *Abandoned equipment, or abandoned facilities,* means any equipment,
36 materials, apparatuses, devices or facilities that are:
- 37 a. Declared abandoned by the owner of such equipment, materials,
38 apparatuses, devices or facilities;
 - 39 b. No longer in active use, physically disconnected from a portion of the
40 operating facility or any other facility that is in use or in service, and no
41 longer capable of being used for the same or similar purpose for which the
42 equipment, materials, apparatuses, devices or facilities were installed; or
 - 43 c. No longer in active use and the owner of such equipment, materials,
44 apparatuses, devices or facilities fails to respond within 30 days to a
45 written notice sent by the director that the City deems such equipment,
46 materials, apparatuses, devices or facilities abandoned.

- 47 (2) Antenna means communications equipment that transmits or receives
48 electromagnetic radio frequency signals used in the provision of any type of
49 wireless services.
- 50 (3) Applicant means any person requesting permission to occupy or operate
51 facilities using the right-of-way, or to work, excavate, perform temporary traffic
52 control, or locate facilities in the right-of-way.
- 53 (4) City means the government for the city of Springfield, Missouri and its
54 departments.
- 55 (5) City block means the portion of public right of way between two adjacent
56 intersections of two sets of intersecting streets, or the portion of public right of
57 way between the terminus of a street and an intersecting street.
- 58 (6) Director means the director of the Department of Public Works or his or her
59 designee, or official acting in such capacity.
- 60 (7) Disguised Support Structure means any free-standing, man-made structure
61 designed for the support of antenna the presence of which is camouflaged or
62 concealed as an appropriately placed and designed architectural or natural
63 feature. Depending on the location and type of disguise used, such
64 concealment may require placement underground of the utilities leading to the
65 structure. Such structures may include but are not limited to clock towers,
66 campaniles, observation towers, light standards, flag poles, and artificial
67 trees. For purposes of this definition, a structure camouflaged or concealed
68 as an appropriately placed and designed architectural or natural feature shall
69 mean:
- 70 a. It is consistent with and contributes to, and does not detract from, the
71 character, property values, and uses of the area and neighborhood in
72 which it is located;
- 73 b. It does not contain distorted proportions, size or other features not
74 typically found in the type of structure or feature to which it is designed to
75 replicate;
- 76 c. It cannot be identified as a support structure by persons with reasonable
77 sensibilities and knowledge;
- 78 d. Its equipment, accessory buildings, or other aspects or attachments
79 relating to the disguised support structure are wholly concealed using a
80 manner consistent with and typically associated with the architectural,
81 natural structure or feature being replicated; and
- 82 e. It is of a height, design, and type that would ordinarily occur at the
83 location.
- 84 (8) Emergency includes, but is not limited to, the following:
- 85 a. An unexpected or unplanned outage, cut, rupture, leak or any other failure
86 of a facility that prevents or significantly jeopardizes the ability of a public
87 utility to provide services to customers;
- 88 b. An unexpected or unplanned outage, cut, rupture, leak or any other failure
89 of a facility that results or could result in danger to the public or a material
90 delay or hinderance to the provision of service to the public if the outage,
91 cut, rupture, leak or any other such failure of a facility is not immediately
92 repaired, controlled, stabilized or rectified; or

- c. Any occurrence involving a facility in which the director reasonably concludes immediate and undelayed action by the right-of-way user is necessary and warranted.
- (9) Excavate, excavating, or excavation means any work or act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, tunneled into, bored into, graded, or otherwise displaced, by means of any tools, equipment or explosives, except that the following shall not be deemed excavation:
- a. any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic; or
 - b. the replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or
 - c. any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground.
- (10) Excavation permit means the authorization granted pursuant to this article to excavate within the right-of-way.
- (11) Facility or Facilities means any tangible item, asset, or equipment located wholly or partially in, above or underneath the right-of-way by a public utility, including, but not limited to, lines, pipes, wires, cables, conduit facilities, poles, towers, vaults, pedestals, boxes, appliances, antennas, transmitters, gates, motors, wireless communication facilities, appurtenances or other equipment and systems.
- (12) Large public utility means any public utility with at least twenty-five million dollars in assets in the state of Missouri.
- (13) Micro wireless facilities means a small wireless facility that meets the following qualifications:
- a. is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height; and
 - b. any exterior antenna no longer than eleven inches.
- (14) Permittee means the person who secures a permit for work, temporary traffic control, or excavation in the city right-of-way.
- (15) Person means any natural or corporate person, business association or business entity, including but not limited to a corporation, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.
- (16) Public improvement means any project undertaken by the city, its agents, contractors, or subcontractors, for the construction, reconstruction, maintenance, or repair of any public infrastructure, including without limitation, streets, alleys, bridges, parkways, sidewalks, sewers, drainage facilities, traffic control devices, street lights, public facilities or public buildings.
- (17) Public utility or public utility right-of-way user means every cable television service provider, every pipeline corporation, gas corporation, electrical corporation, telecommunications company, water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction of the public service commissions; every street light maintenance district; every

- privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires, optical cables or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its products or services through the public right-of-way.
- (18) Right-of-way is a general term denoting public ownership or interest in land, usually in a strip, which has been acquired for or devoted to the use of a street or alley.
- (19) Right-of-way work permit means the authorization granted pursuant to this article, to locate, place, or perform maintenance on facilities within the right-of-way, or to otherwise perform work in the right-of-way.
- (20) Right-of-way user or user means a person and their successors and assigns, which use the right-of-way for purposes of work, excavation, provision of services, or to install, construct, maintain, repair facilities, equipment or structures thereon or adjacent to, including, but not limited to, public utilities as defined in this section. The Department of Public Works shall not be considered a right-of-way user under this article.
- (21) Small wireless facility means a wireless facility that meets the following qualifications:
- a. Each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and
 - b. All other equipment associated with the wireless facility, whether ground or pole mounted, is cumulatively no more than twenty-eight cubic feet in volume, provided that no single piece of equipment on the utility pole shall exceed nine cubic feet in volume; and no single piece of ground mounted equipment shall exceed fifteen cubic feet in volume, exclusive of equipment required by an electric utility to power the small wireless facility. The following types of associated ancillary equipment shall not be included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs and related conduit for the connection of power and other services.
- (22) Support structure means a tower or disguised support structure.
- (23) Temporary traffic control means the temporary management of traffic through the use of official traffic control devices, included but not limited to signs, markings, fence, barricades, lights, delineators, and channelizers, as necessary when the construction, repair, removal, excavation, work, events, or other activity, whether within or adjacent to the public right-of-way, impacts normal traffic conditions.
- (24) Temporary traffic control permit means the written authorization granted pursuant to this article to perform temporary traffic control.
- (25) Temporary traffic control plan means the written instructions and drawings describing the manner in which a right-of-way user will provide for the reasonably safe and effective movement of road and sidewalk users through

- or around work in or adjacent to the right-of-way while reasonably protecting road users, workers, first responders, and equipment.
- (26) Tower means a structure designed for the support of one or more antenna and including guyed towers, self-supporting (lattice) towers, or monopoles, but not disguised support structures, utility poles, or buildings. The term shall also not include any support structure that includes attachments of sixty-five feet or less in height owned and operated solely for use by an amateur radio operator licensed by the Federal Communications Commission.
- (27) Traffic means pedestrians, bicyclists, ridden or herded animals, vehicles, streetcars, and other conveyances, either singularly or together, using any right-of-way for purposes of travel.
- (28) Utility Pole means a pole or similar structure that is or may be used for distribution of electricity, wireline communications, lighting, traffic control, signage, or a similar function, which may also support a small wireless facility.
- (29) Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications and radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include:
- a. The structure or improvements on, under, or within which the equipment is collocated;
 - b. Coaxial or fiber-optic cable between wireless support structures or utility poles;
 - c. Coaxial or fiber-optic cable not directly associated with a particular small wireless facility; or
 - d. A wireline backhaul facility.
- (30) Work or working means the construction, installation, removal, repair or maintenance of any type of facility within the right-of-way, tree removal or trimming, landscaping, or alteration of the right-of-way in any fashion that is not performed by the city or one of its contractors.

DIVISION 2. – PUBLIC UTILITY REGISTRATION.

Sec. 98-27. – Public utility registration – required.

- (a) All public utilities shall maintain a current and accurate registration with the director while such right-of-way user has any facilities located within the right-of-way.
- (b) No public utility shall be authorized to use the right-of-way or apply for a permit under this article without first registering with the director. A public utility shall be responsible for all costs incurred by the city due to failing to provide any information required for registration.

(c) When a change in circumstance occurs which would require the updating of a public utility's registration, said public utility shall update their registration within 60 days of such change or upon application of a permit under this article, whichever occurs first. Failure to report any such change shall be a violation of this article.

(d) A valid registration shall be on a form provided by the director and shall, at a minimum, include the following:

(1) The identity and legal status of the right-of-way user;

(2) The name, address, telephone number, and email address of an employee, agent or officer of the right-of-way user who shall be responsible for receiving any notices or communications under this article;

(3) The name, address, telephone number, and email address of an employee, agent or officer of the right-of-way user who may be contacted, if necessary, in case of an emergency;

(4) A list of authorized agents, contractors or subcontractors authorized to obtain right-of-way permits on behalf of the right-of-way user. A registration may be updated to add such persons at the time of an application for a right-of-way permit if the updated registration is submitted by an authorized representative of the right-of-way user;

(5) Information sufficient to determine the amount of net assets of the public utility right-of-way user; and

(6) Any other information, as determined by the director, which will aid the director in carrying out the terms and intent of this article.

(e) Valid registration authorizes a public utility to operate and maintain its facility or facilities covered by the permit for a period of ten years, which shall be renewed for additional ten-year durations so long as the public utility fully complies with the terms of this article. Registration does not exempt a public utility from the requirement to obtain any permits under this article. The provisions of this paragraph are expressly subject to the City's right to require, upon written notice and at the public utility's own expense, the relocation of facilities as may be needed in the interest of public safety and convenience, and the public utility's right to terminate their right-of-way registration or any right-of-way permits at any time.

(f) Except as provided in this article, no registration may be transferred without the written consent of the director. Any person not named on a valid registration, including any affiliates or successors in interest to a registered public utility, may register in accordance with this article or receive written authorization to transfer the registration. Written authorization to transfer a registration shall be granted according to the same standards for registration. The director shall not unreasonably withhold consent to a transfer.

Sec. 98-28. – Indemnification, insurance, and bonding requirements.

(a) As part of the required registration process of this article, public utilities shall execute and submit along with their registration an agreement to indemnify and hold the City

harmless against damages caused by the negligence of the public utility or its contractors. The director is authorized to execute on behalf of the city such indemnification and hold harmless agreements.

(b) Additionally, public utilities registering pursuant to this article must include documentation with said registration demonstrating to the satisfaction of the director that said public utility has in effect at the time of registration, and shall maintain during the term of any permit issued pursuant to this article or anytime the public utility has facilities in the right-of-way, commercial general liability insurance, with a reputable, qualified, and financially sound company licensed to do business in the state of Missouri, that shall adequately protect, to the satisfaction of the director, the City, and the City's officials, officers, and employees, from claims which may arise from such use of the right-of-way, whether such operations are by the right-of-way user, its officers, directors, employees, and agents, or any contractors or subcontractors of the right-of-way user. This liability insurance shall include, but shall not be limited to, protection against claims arising from bodily and personal injury and damage to property, resulting from all right-of-way user operations, products, services, or use of automobiles or construction equipment. The amount of insurance for single limit coverage applying to bodily and personal injury and property damage shall be in no event less than the individual and combined sovereign immunity limits established by § 537.610 RSMo. for political subdivisions; provided that nothing herein shall be deemed to waive the City's sovereign immunity. An endorsement which states that the policy shall not be cancelled or materially modified so as to be out of compliance with the requirements of this Section, or not renewed without thirty (30) days' advance written notice of such event being given to the director, along with copies of the policy and other documentation, shall be provided. If the right-of-way user is self-insured, it shall provide the director with proof of compliance regarding its ability to self-insure and proof of its ability to provide coverage in the above amounts.

(c) Public utilities which have at least twenty-five million dollars in assets in the state of Missouri and do not have a history of permitting noncompliance shall be exempt from the insurance and bonding requirements of this article provided that said public utility has provided to the director an affidavit certifying their compliance with this section.

DIVISION 3. – PERMITS

Sec. 98-29. – Permit types – when required.

(a) Purpose. The following permits have been established to better aid the City in managing the right-of-way and recovering the costs incurred by the City in a manner where smaller, less impactful uses of the right-of-way do not bear the costs imposed by larger, more impactful uses of the right-of-way. A person may need to obtain multiple permits of each type depending on the scope and type of work undertaken.

- (b) Right-of-way Work Permit. No person, public utility, or right-of-way user, shall perform any work in the right-of-way without first obtaining a right-of-way work permit from the director, except as otherwise provided herein. No right-of-way work permit shall be required for work along any street classified as local or alley.
- (c) Temporary Traffic Control Permit. No person, public utility, or right-of-way user shall perform any work in, on, or adjacent to the right-of-way that will or is reasonably expected to impact normal traffic conditions without first obtaining a temporary traffic control permit from the director, except as otherwise provided herein.
- (d) Excavation Permit. No person, public utility, or right-of-way user shall make an excavation within the right-of-way, or connect to the public stormwater system at any location, without first obtaining an excavation permit from the director, except as otherwise provided herein.
- (e) Different permit types may be requested and issued concurrently on a combined form as provided by the director.
- (f) Permit deemed personal. The person who secures a permit to perform work, temporary traffic control, or excavation within a right-of-way shall be deemed to be the person performing such work, temporary traffic control, or excavation, unless such permit or permits are for work, temporary traffic control, or excavation on behalf of a public utility, in which case the public utility shall be deemed to be the person performing such work, temporary traffic control, or excavation.
- (g) Exceptions. No permit provided for in this article shall be required for:
- (1) Emergency work. In case of emergency which requires immediate attention to remedy defects in order to prevent loss or damage to persons or property, a person may excavate, perform work, or provide temporary traffic control in the right-of-way without first obtaining any permits otherwise required by this article if such person notifies the City's police department immediately of such excavation, work, or temporary traffic control, and obtains any required permits by noon of the next business day. Failure to obtain any permits by noon of the next business day shall be considered a violation of this article.
- (2) Right-of-way users performing routine maintenance which does not require excavation, does not impede or disrupt traffic, and requires no more than four hours of work to complete, provided that at a minimum two hours' notice is provided to the director during normal business hours of such routine maintenance.
- (3) Routine maintenance on previously approved small wireless facilities, the replacement of small wireless facilities in which the new small wireless facilities are the same or smaller in size, weight, and height of the small wireless facility to be replaced, or the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between utility poles, when such above described work will not involve excavation, affect traffic patterns, obstruct traffic in the right-of-way, or materially impede the use of a sidewalk, and provided the right-of-way user submits as-builts of new small

wireless facilities or micro wireless facilities to the director so the city may maintain an accurate inventory of facilities installed within the right-of-way.

Sec. 98-30. – Right-of-way work permit – issuance.

(a) A right-of-way user who requests the issuance of a right-of-way work permit under this article shall file an application with the director. Said application shall be submitted on forms approved by the director. The application shall include, at minimum, the following:

(1) Compliance with all of the necessary registration requirements of this article to enable the director to reasonably determine compliance with this article, including:

i. If the applicant is a person other than a registered public utility, proof that the applicant is an agent of the registered public utility authorized to perform the work; or

ii. If the work to be performed is not related to facilities owned by a public utility in the right-of-way:

a. proof that the applicant is the adjoining property owner or authorized to perform the work on behalf of the adjoining property owner; and

b. If the excavation or work will not be performed by the applicant, the identity of the person actually performing said excavation or work.

(2) A temporary traffic control plan or certification that the work will not impact normal traffic patterns. At the discretion of the director, a temporary traffic control plan may be required where it appears reasonably probable the proposed work could impact normal traffic patterns.

(3) Any additional information requested by the director from the applicant which will aid the director in determining compliance with the provisions of this article.

(b) After receiving an application for a right-of-way permit, the director shall review the application for compliance with this article.

(c) The director is authorized to issue right-of-way work permits subject to the terms of this article and upon the director's determination that:

(1) The work or facility will not obstruct the legal use of the right-of-way by the City and other authorized right-of-way users;

(2) The work or facility does not interfere with the safe operation of traffic control equipment or any other city-owned equipment within the right-of-way;

(3) The work or facility does not materially interfere with or obstruct sight lines or clear zones for the traveling public;

(4) The work or facility does not interfere with the City's compliance with the Americans with Disabilities Act or similar federal or state standards;

(5) The work or facility complies with all other applicable City Code provisions, including but not limited to applicable zoning or subdivision provisions;

(6) The facility is to be installed and maintained so as not to obstruct or hinder travel on the right-of-way;

414 (7) The facility is to be installed and maintained in a manner that does not create an
415 unsafe condition within the right-of-way; and

416 (8) The facility complies with nationally recognized and reasonable engineering
417 standards applicable to such facilities.

418
419 (d) Approval of an application for a right-of-way work permit under this article authorizes
420 the applicant to undertake the work(s) or deployment, construction, reconstruction,
421 maintenance, or repair of the facility or facilities identified in the right-of-way permit.

422
423 Sec. 98-31. – Temporary traffic control permit – issuance.

424
425 (a) A right-of-way user who requests the issuance of a temporary traffic control permit
426 under this article shall file an application with the director. Said application shall be
427 submitted on forms approved by the director. The application shall include, at
428 minimum, the following:

429 (1) Compliance with all of the necessary registration requirements of this article
430 to enable the director to reasonably determine compliance with this Article,
431 including:

432 i. If the applicant is a person other than a registered public utility, proof
433 that the applicant is an agent of the registered public utility authorized
434 to perform the work; or

435 ii. If the applicant is not performing excavation or work related to facilities
436 in the right-of-way, proof that the applicant is the adjoining property
437 owner or authorized to perform the work on behalf of the adjoining
438 property owner.

439 (2) A temporary traffic control plan in compliance with this article.

440 (3) Any additional information requested by the director from the applicant which
441 will aid the director in determining compliance with the provisions of this
442 article.

443
444 (b) After receiving an application for a temporary traffic control permit, the director shall
445 review the application for compliance with this article.

446
447 (c) The director is authorized to issue temporary traffic control permits subject to the
448 terms of this article and upon the director's determination that:

449 (1) The proposed temporary traffic control plan complies with the Manual on
450 Uniform Traffic Control Devices and the City of Springfield Work Zone Policy
451 Guide; and

452 (2) The applicant is ready, willing and able to implement the proposed temporary
453 traffic control plan in accordance with the permit.

454
455 (d) Approval of an application for a temporary traffic control permit under this article
456 authorizes the applicant to implement the temporary traffic control measures
457 identified in the temporary traffic control plan and the permit.

Sec. 98-32. – Excavation permit – issuance.

(a) A right-of-way user who requests the issuance of an excavation permit under this article shall file an application with the director. Said application shall be submitted on forms approved by the director. The application shall include, at minimum, the following:

(1) Compliance with all of the necessary registration requirements of this article to enable the director to reasonably determine compliance with this Article, including:

i. If the applicant is a person other than a registered public utility, proof that the applicant is an agent of the registered public utility authorized to perform the work; or

ii. Proof that the applicant is the adjoining property owner or authorized to perform the work on behalf of the adjoining property owner.

(2) Construction and engineering drawings, plans, profiles, specifications, and as-builts in the form maintained by the right-of-way user showing the location and area of the proposed project and complying with the requirements of Sec. 98-47.

(3) A temporary traffic control plan or certification that the work will not impact normal traffic patterns. At the discretion of the director, a temporary traffic control plan may be required where it appears reasonably probable the proposed work could impact normal traffic patterns.

(4) Any additional information requested by the director from the applicant which will aid the director in determining compliance with the provisions of this article.

(b) After receiving an application for an excavation permit, the director shall review the application for compliance with this article.

(c) The director is authorized to issue excavation permits subject to the terms of this article and upon the director's determination that:

(1) The excavation or facility complies with all other applicable City Code provisions, including but not limited to applicable zoning or subdivision provisions;

(2) The excavation or facility complies with all design standards of the City on file with the city clerk;

(3) The excavation or facility will not obstruct the legal use of the right-of-way by the City and other authorized right-of-way users;

(4) The excavation or facility does not interfere with the safe operation of traffic control equipment or any other city-owned equipment within the right-of-way;

(5) The excavation or facility does not materially interfere with or obstruct sight lines or clear zones for the traveling public;

(6) The excavation or facility does not interfere with the City's compliance with the Americans with Disabilities Act or similar federal or state standards;

(7) The facility is to be installed and maintained so as not to obstruct or hinder travel on the right-of-way;

(8) The facility is to be installed and maintained in a manner that does not create an unsafe condition within the right-of-way; and

(9) The facility complies with nationally recognized and reasonable engineering standards applicable to such facilities.

(d) Approval of an application for an excavation permit under this article authorizes the applicant to undertake the excavation or deployment, construction, reconstruction, maintenance or repair of the facility or facilities identified in the excavation permit.

Sec. 98-33. – Permit validity – area, dates.

(a) Any right-of-way work permit, temporary traffic control permit, or excavation permit shall only be valid for the area specified within such permit.

(1) No right-of-way user may cause any excavation or work to be done outside the area specified in the applicable permit, except as provided herein.

(2) No right-of-way user may cause temporary traffic control to be done outside the area specified in the temporary traffic control permit, except as provided herein.

(3) Any right-of-way user who determines that work or excavation must take place outside the area specified in the applicable permit shall do the following prior to the commencement of work or excavation in that outside area:

i. Make application to amend a right-of-way permit or excavation permit, describing the area in which the excavation or work will occur; and

ii. Pay any additional fees required as a result.

(4) Any right-of-way user who determines that temporary traffic control is necessary for an area greater than that which is specified in the temporary traffic control permit must do the following prior to the commencement of temporary traffic control in that greater area:

i. Make application to amend a traffic control permit, describing the area in which the temporary traffic control will occur; and

ii. Pay any additional fees required as a result.

(b) Any right-of-way work permit, temporary traffic control permit, or excavation permit shall be valid for sixty (60) days from the date indicated on the permit unless a shorter amount of time is specified in the permit.

(1) A right-of-way user shall not commence excavation or work before the right-of-way or excavation permit start date or, except as provided herein, continue excavation or work after the end date. If a right-of-way user does not complete the excavation or work by the permit end date, the right-of-way user must apply for and receive a new right-of-way or excavation permit or an extension for additional time, and pay any additional fees required as a result.

(2) A right-of-way user shall not perform any work requiring temporary traffic control before the temporary traffic control permit start date or, except as provided herein, continue any work requiring temporary traffic control after the end date specified in the permit. If work requiring temporary traffic control is required beyond the temporary traffic control permit end date, the right-of-way user must apply for and receive a new temporary traffic control permit or an extension for

additional time, and pay any additional fees required as a result. Notwithstanding the above, any temporary traffic control measures necessary to protect public safety shall remain in place until the director authorizes the removal of such measures.

(3) If work will continue beyond the length of time specified in any permit, the right-of-way user must apply for another permit or extension of time. To work in the right-of-way without interruption, a supplementary application must be submitted to the City and approved prior to the permit end date.

(c) A right-of-way permit, traffic control permit, or excavation permit will only be valid for those persons indicated on the approved permit and may be transferred only with prior written consent of the director of Public Works.

Sec. 98-34. – Processing of applications and approval; bulk permits.

(a) The director shall promptly, but no later than 14 days after submittal, process each correctly completed application for a permit under this article.

(b) If the director determines that an applicant has complied with the requirements of this article, the director shall issue a permit under this article.

(c) When a right-of-way user obtains a right-of-way permit for the installation or collocation of a small wireless facility, the collocation or installation of said small wireless facility shall be completed within one year of issuance of the right-of-way permit or the right-of-way permit shall become null and void and shall no longer authorize the installation or collocation of said small wireless facility.

(d) Permits issued under this article are not transferable without the prior written consent of the director. The director shall not unreasonably withhold their consent for transfer of a permit.

(e) The director shall have the authority to establish procedures for bulk processing of applications and periodic payment of fees.

Sec. 98-35. – Other conditions.

(a) The director, in issuing a permit under this Article, is authorized to impose such additional conditions as are reasonably necessary, in the director's judgement, to protect the public health, safety or welfare, to prevent conflicts between right-of-way users, to properly manage the right-of-way, and to properly restore the right-of-way. Such reasonable conditions may include, but are not limited to:

(1) Limiting the number of permits which may be issued at one time and the amount of rights-of-way which may be obstructed or disturbed during work;

(2) The number or size of conduits or other facilities that may be installed by each right-of-way user based on the reasonable needs to ensure that no one right-of-way user may unreasonably consume a disproportionate amount of

- 597 the available rights-of-way to deter competition or deprive the public or others
598 of the reasonable use of the rights-of-way; and
599 (3) Other reasonable conditions regarding the timing, safety precautions, or
600 specific implementation of the work proposed.

601
602 Sec. 98-36. – Alternative permitting processes for large public utilities
603

- 604 (a) Intent. Large public utilities can have multiple employee crews and multiple
605 contractors working on multiple projects around the city at any given time, and can
606 involve large-scale installation of new facilities and maintenance of existing facilities.
607 Public utilities will have different needs and abilities based on their size, and large
608 public utilities will have systems already in place to track their numerous employees
609 and contractors. Tailoring the implementation of the requirements of this article for
610 large public utilities will lead to more efficient use of city resources, better
611 compliance with this article, and better protect the safety and convenience of the
612 public.
613 (b) The director is authorized to enter into agreements with large public utilities
614 governing registration, permitting, and restoration of right-of-way. The director may
615 not require a large public utility to enter into an agreement.
616 (c) All such agreements shall meet the intent of this article, and contain at least the
617 following provisions:
618 (1) That the large public utility agrees to pay any applicable fees authorized by
619 this article or adopted by ordinance upon receipt of an invoice submitted by
620 the director;
621 (2) A termination clause, which states that in the event of a breach of the
622 agreement or violation of any provision of City Code, the director may
623 terminate the agreement upon thirty (30) days' written notice; and
624 (3) The large public utility agrees to defend, indemnify, and hold the city harmless
625 for any claims that may arise from the access or use of any software,
626 programs, or services used for the purpose of registration, permitting, or
627 tracking work performed by the large public utility.
628 (d) Any such agreement may modify any timing, coordination, and work restoration
629 requirements of this article, provided that any modification or other provision of the
630 agreement:
631 (1) shall not unlawfully discriminate among public utilities;
632 (2) shall not grant any public utility preferential treatment;
633 (3) shall not create any unreasonable requirement for entry to the right-of-way by
634 a public utility;
635 (4) shall not establish coordination or timing requirements that impose a barrier to
636 entry;
637 (5) shall not require payment for the use of the right-of-way, except for those fees
638 authorized by this article; and
639 (6) shall not grant any public utility exclusive use, occupancy or access to any
640 public right-of-way.
641

Sec. 98-37. – Permit exemptions.

(a) The following are exempt from the provisions of this Article:

- (1) Any person constructing, installing, placing, or maintaining:
 - i. A mailbox in a standard location with a base not exceeding thirty (30) inches in any dimension for each property in accordance with United States Postal Services requirements; or
 - ii. any facilities, structures, or other items related to a special event for which a permit has been granted under section 2-503; or
 - iii. an encroachment as permitted under sections 98-322.1 or 98-323;
 - iv. a driveway or driveway approach for which a permit has been granted under Article III of Chapter 98; or
 - v. any public improvements pursuant to a contract with the Department of Public Works.
- (2) Any person performing landscaping, mowing, or yard maintenance in an area of right-of-way adjacent to a privately-owned lot if the landscaping, mowing, or yard maintenance:
 - i. Is performed by the owner of the adjacent lot, or the owner's agent or contractor;
 - ii. Complies with all other applicable City Code provisions, including but not limited to applicable zoning; and
 - iii. Does not impede, interfere with, or otherwise affect the use of the right-of-way by other right-of-way users, the traveling public, or the City.

Sec. 98-38. – Permit denial.

(a) The director may deny an application for a right-of-way work, temporary traffic control, or excavation permit for any of the following reasons:

- (1) The applicant fails to provide all the necessary information and documentation required by this article and reasonably requested by the director, including information and documentation requested in connection with construction of public improvements by the City;
- (2) The proposed work or facility does not comply with design or construction standards promulgated by the director;
- (3) The applicant or right-of-way user has failed to return the right-of-way to its previous condition under a previous permit;
- (4) The applicant or right-of-way user owes outstanding fines, fees, penalties, taxes, or other payments due to the City;
- (5) The director determines that the denial is necessary to protect the public health, safety or welfare;
- (6) The area is environmentally sensitive as defined by law or is a historic district as defined by law;
- (7) The proposed work or facility violates City Code, ordinances, or restrictions;
- (8) The proposed facility will diminish the rights of abutting landowners or impede or interfere with the use of the right-of-way by other right-of-way users, the traveling public, or the city;

- 688 (9) Any other reason in the public interest permissible under applicable law as
689 may be necessary or appropriate to protect the public welfare and reasonably
690 manage the right-of-way consistent with the purpose of this article.

691
692 Sec. 98-39. – Restoration of right-of-way and other conditions.
693

- 694 (a) All earth, materials, sidewalks, paving, crossing, utilities, public improvement or
695 improvements of any kind damaged or removed by the right-of-way user shall be
696 fully repaired or replaced promptly by the right-of-way user at its sole expense, to the
697 reasonable satisfaction of the director, and in accordance with any applicable City,
698 state or federal requirements. However, a right-of-way user shall not make or
699 attempt to make repairs, relocation or replacement of damaged or disturbed facilities
700 without the approval of the owner of the facilities.

- 701 (1) The director has the authority to inspect the repair or replacement of the
702 damage, and if necessary, to require the right-of-way user to do additional
703 and necessary excavation or work. Notice of the unsatisfactory restoration
704 and the deficiencies found will be provided to the right-of-way user and a
705 reasonable time not to exceed fifteen (15) days will be provided to allow for
706 the deficiencies to be corrected.

- 707 (2) Any deficiencies not corrected shall be considered a "failure to restore" and
708 the City shall proceed according to this article. Upon determination by the
709 director that the failure to repair or replace creates a threat to public safety, all
710 such repair or replacement shall be corrected within twenty-four (24) hours of
711 notice from the City, or the director may direct the City to make such repair or
712 replacement at the right-of-way user's expense.

- 713 (b) Notwithstanding the provisions of this section, the director, at his or her sole
714 discretion, may direct any repair or replacement be performed by the City at the
715 right-of-way user's expense.
716

717 Sec. 98-40. – Permit fees.
718

- 719 (a) The director is hereby authorized and empowered to charge fees for the issuance of
720 right-of-way work, temporary traffic control, and excavation permits. It shall be the
721 duty of the director to account monthly to the director of finance for all such fees and
722 for all payments made to him for work completed within a right-of-way.
723

- 724 (b) Application fees shall be:

- 725 (1) Based on the actual, direct, and reasonable costs incurred by the City for the
726 review, processing, and approval of an application for the applicable permit;
727 (2) Based on an allocation among all users of the right-of-way, including the City,
728 which shall reflect the proportionate costs imposed on the City by each of the
729 various types of uses of the right-of-way;
730 (3) Imposed on a competitively neutral and nondiscriminatory basis;
731 (4) Imposed in a manner so that aboveground uses of the right-of-way do not
732 bear costs incurred by the City to regulate underground uses of the right-of-
733 way; and

- 734 (5) Shall not be offset or construed to replace any business license or other tax
735 the right-of-way user is subject to under state or local law.
736
- 737 (c) In determining the actual, direct, and reasonable costs reasonably incurred by the
738 City in managing the right-of-way, the director may include any costs associated with
739 the following:
- 740 (1) The cost of issuing, processing and verifying right-of-way permit and
741 temporary traffic control permit applications;
742 (2) The cost of inspecting job sites, traffic control installations and conditions, and
743 restoration projects;
744 (3) The cost of protecting or moving right-of-way user construction equipment
745 and materials after reasonable notification to the right-of-way user;
746 (4) The cost of determining the adequacy of public right-of-way restoration;
747 (5) The cost of restoring temporary traffic control, excavation or work
748 inadequately performed after providing notice and the opportunity to correct
749 the temporary traffic control, excavation or work, including re-inspection fees;
750 or
751 (6) The cost of revoking permits.
752
- 753 (d) The right-of-way permit fee shall be imposed based on a per city block basis, but not
754 to exceed continuous linear work of more than six hundred sixty (660) feet in length.
755 (e) The traffic control permit fee shall be imposed based on a per city block, but not to
756 exceed six hundred sixty (660) feet in length, per week basis or per intersection per
757 week basis, whichever is greater.
758 (f) The excavation permit fee shall be imposed based on a per city block basis, but not
759 to exceed continuous linear work of more than six hundred sixty (660) feet in length.
760 (g) In the event the scope of a project is revised during the course of the work, the
761 director may recalculate the fee based on the actual size of the excavation or work,
762 and may require an additional right-of-way permit fee.
763 (h) In the event the scope of the project changes such that a traffic control plan is
764 revised, the director may recalculate the fee based on the actual impact, and may
765 require an additional traffic control permit fee but in no event shall the city grant
766 credits or refunds based on an overpayment of the permit fee.
767 (i) The director may establish a system providing for payment of permit fees by right-of-
768 way users in bulk.
769 (j) Notwithstanding the provisions of this section, the total fee for an application for the
770 collocation of small wireless facilities to an existing city facility shall not exceed one
771 hundred dollars per small wireless facility.
772 (k) Notwithstanding the provisions of this section, the total fee for an application for the
773 installation, modification, or replacement of a utility pole and the collocation of an
774 associated small wireless facility shall not exceed five hundred dollars per pole.
775 (l) The director shall charge a collocation fee for any small wireless facilities collocated
776 on city-owned facilities or city-owned wireless support structures. Such fee shall not
777 exceed fifty dollars per city pole per year.
778

Sec. 98-41. – Permit shall be displayed.

Any and all permits issued under this Article shall be kept at the work site, in a form capable of display, and exhibited to any police officer, inspector, or agent of the City upon request.

DIVISION 4. – TEMPORARY TRAFFIC CONTROL

Sec. 98-42. – Traffic control plan – required for all permits.

(a) No right-of-way user shall perform or cause to be performed any work within the right-of-way for which a temporary traffic control permit is required without first submitting a traffic control plan to the director that complies with the Manual on Uniform Traffic Control Devices and the City of Springfield Work Zone Policy Guide. The Temporary Traffic Control plan must be site specific and provided in a map, drawing, or other graphical manner that clearly identifies all temporary traffic control measures and components of the work zone.

(b) In the course of performing any work for which a right-of-way permit is required, no right-of-way user may close any lane of vehicular traffic or any sidewalk without prior written approval by the director. Right-of-way users shall notify the director no less than two (2) working days of any traffic control that affects or could affect any vehicular or pedestrian traffic including, but not limited to, obstruction of traffic lanes, removal or alteration of manhole covers or safety barriers, or installation of temporary barricades.

Sec. 98-43. – Temporary traffic control – standards.

All temporary traffic control shall be properly installed and maintained at the right-of-way user's expense. All temporary traffic control materials and methods shall be in compliance with the latest edition of the Manual on Uniform Traffic Control Devices and the City of Springfield Work Zone Policy Guide.

All temporary traffic control measures shall remain in place until the work or excavation is complete and the director authorizes the removal of such measures. If excavation cannot be backfilled and repaired immediately and is left unattended, the permittee shall securely and adequately cover and mark the unfilled/unrepaired excavation. The permittee has sole responsibility for maintaining proper temporary traffic control, barriers, safety fencing, signage, and/or lights as required, from the time of the opening of the excavation until the excavation is surfaced and opened for travel.

Sec. 98-44. – Notice of closure.

The right-of-way user shall notify the City no less than five (5) working days in advance of any temporary traffic control for work on any street classified as collector or above or that results in the full closure of any direction of vehicle travel along any street. Right-of-way users shall notify the director no less than two (2) working days of any traffic control that affects or could affect any vehicular or pedestrian traffic including, but not limited to, obstruction of traffic lanes, removal or alteration of manhole covers or safety barriers, or installation of temporary barricades. Except in the event of an emergency as reasonably determined by the right-of-way user and the director, no such closure shall take place without notice and prior authorization from the City.

DIVISION 5. – RIGHT OF WAY USE AND FACILITY LOCATIONS

Sec. 98-45. – Authority to establish additional regulations and standards

(a) The director is authorized to promulgate rules, regulations, and standards governing the design, location, and methods of installing facilities to ensure:

(1) All facilities are located and laid in a manner that protects the health and safety of abutting landowners and the traveling public;

(2) All facilities are located and laid so as not to disrupt or interfere with any pipes, drains, sewers, or other structures or public improvements already installed and in compliance with design standards;

(3) All underground facilities are located and laid in such a fashion that the City may construct or repair its improvements in right-of-way without requiring relocation or otherwise disturbing those facilities, so long as those standards do not result in a declination of public utility service quality; and

(4) All facilities are otherwise located and placed in a manner that minimizes any adverse impact on any public improvements or the use of the right-of-way by abutting landowners and the traveling public.

Sec. 98-46. – Placement of facilities in the right-of-way – authorized, permit required – general provisions related thereto.

(a) Right-of-way users shall not commence any work or deploy, construct, reconstruct, maintain, or repair facilities within the city's right-of-way until after the director has issued the applicable permits for such facilities. Such permits shall be issued pursuant to and subject to the provisions of this article and shall be deemed to incorporate all provisions of this article.

(b) The granting of any permits authorized under this article shall not excuse the need to obtain any other permits or licenses which may be required by City Code.

(c) A permit authorized under this article shall only grant the nonexclusive use of the right-of-way for the specific use provided in said permit. The location of any facilities in the right-of-way shall not be considered a vested interest or property right.

(d) The City makes no express or implied representation or warranty regarding its right to authorize the placement of facilities within any particular segment of right-of-way and shall not be liable for any damages therefrom. The burden and responsibility for making such determinations shall be entirely upon the right-of-way user. The right-of-way user shall be solely liable for any damages to other facilities or property due to excavation or other work performed by the right-of-way user. The right-of-way user shall not make, or attempt to make, repairs, relocate or replace damaged or disturbed facilities without the prior written approval of the owner of said facilities.

Sec. 98-47. – Design and location of facilities.

(a) The design of facilities shall comply with construction plans and specifications required by this article and shall provide for no disruption or interference with any other facilities or public improvements. The design, location, and nature of all facilities shall be subject to the review and approval of the director who shall review the design and location of any proposed facilities on the basis of public safety, interference with other right-of-way users, and compliance with this article. Such review shall be on a non-discriminatory basis and approvals shall not be unreasonably withheld.

(b) All right-of-way users shall construct and maintain their facilities so as not to interfere with other users of the right-of-way. The right-of-way user shall not interfere with or alter the facilities of the City or other right-of-way users without their consent and shall be solely responsible for any damage to the facilities of the City or other right-of-way users as a result of a right-of-way user's construction and maintenance activities within the right-of-way. All facilities and other structures shall be installed and located so as to cause minimum interference with the rights and conveniences of property owners, right-of-way users, and the City. Facilities and other structures shall not be placed where they will disrupt or interfere with other facilities, structures, or public improvements or obstruct or hinder in any manner the various utilities serving the residents and businesses in the City or any public improvements.

(c) Upon completion of the right-of-way work involving the installation of new facilities, the right-of-way user shall supply the City with copies of as-builts or other detailed maps or project data, in the form maintained by the user, showing the exact location of the facilities installed in the right-of-way within thirty (30) days after installation of new facilities. As a condition of continued use of the right-of-way, all right-of-way users who own facilities in the right-of-way shall, on an annual basis, provide the City with as-builts or other detailed maps or project data showing the location of the right-of-way user's current facilities. Any abandoned equipment or facilities shall also be identified at this time. The director may waive this annual requirement if the right-of-way user has not installed or altered any facilities in the right-of-way since their last submittal or if the right-of-way user has not abandoned any equipment or facilities since their last submittal.

(d) Right-of-way user's use shall be in all situations subordinate and subject to the city's use of the right-of-way.

(e) Right-of-way users shall comply with all applicable sight triangle requirements and nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede sight lines protected by any applicable sight triangle requirements.

Sec. 98-48. – Installation of underground utilities.

(a) Drawing or plat required. Where an application is made for an excavation permit, the applicant shall submit a drawing or plat showing the location where the proposed main or cable is to be placed.

(b) Location. All underground water mains and their lateral lines and valve boxes, all underground gas mains and lateral lines and appurtenances thereto, and all underground telecommunications cables, junction boxes and appurtenances thereto shall, in accordance with rules and regulations adopted by the director, be placed between the curb or curblin and the sidewalk or sidewalk line in the section of the street known as the parkway. Where the street pavement and the sidewalk occupy the entire street, the underground water mains, gas mains, telecommunications cables and lateral lines, valve boxes, junction boxes and other appurtenances thereto shall, wherever practicable, be placed under the sidewalk. When any of the mains, cables or appurtenances thereto are placed under the sidewalk, the sidewalk shall be removed to the full width, except where the sidewalk is of such width and construction as to permit removal of a part of the sidewalk to a longitudinal joint.

(c) All excavations shall be barricaded in such a manner as to protect both pedestrian and vehicular traffic. Such excavations and barricades shall be lighted at night with warning lights in such a manner that all traffic may be warned of the existence and location of such excavations and barricades. All surplus excavation materials, tools or supplies at the site of the excavation shall be barricaded and lighted at night in the manner described in this section.

Sec. 98-49. – Abandonment of equipment or facilities.

A right-of-way user shall remove all abandoned equipment or facilities upon receipt of written notice from the director. Said right-of-way user shall restore any affected right-of-way in accordance with the standards set forth in this article. In the event a right-of-way user fails to remove such abandoned equipment or facilities, the director may do so at such right-of-way user's cost and expense.

Sec. 98-50. – Facilities relocation.

(a) The director may order a right-of-way user, at the right-of-way user's own cost, to permanently or temporarily remove, relocate, or modify its facilities in the right-of-way for the following reasons:

- 961 (1) When the city is engaged in the construction of a public improvement and said
962 facilities, in the judgement of the director, are required to be removed, relocated,
963 or modified to complete said public improvement;
964 (2) To prevent interference with any public improvements undertaken by the city;
965 (3) When necessary, due to traffic conditions, street vacations, or to otherwise
966 prevent interference with the safety and convenience of ordinary travel over the
967 right-of-way;
968 (4) When required to protect the public health, safety, or welfare; or
969 (5) When such relocation is required by public necessity, or public convenience and
970 security, or such other findings that may require relocation, adjustment or
971 removal at the cost of the right-of-way user.

972
973 (b) Except in the case of an emergency, the director shall provide a right-of-way user
974 written notice pursuant to this section and in accordance with rules and regulations
975 promulgated by the director governing the timeline for coordination and removal of
976 utility facilities if, in the reasonable judgment of the director, facilities must be
977 permanently or temporarily removed, relocated, or modified.
978

979 (c) In the event of an emergency or where facilities create or are contributing to an
980 imminent danger to health, safety or property, the director may permanently or
981 temporarily remove, relocate, protect, support or disconnect said facilities or the
982 pertinent parts of such facilities. The director shall attempt to notify the person
983 having facilities in the right-of-way prior to taking such action, but the inability to do
984 so shall not prevent same. Thereafter, the director shall notify the person having
985 such facilities in the right-of-way as soon as practicable.
986

987 (d) Any damage suffered by the city, its agents or its contractors to the extent caused by
988 the right-of-way user's failure to timely or properly permanently or temporarily
989 remove, relocate, protect, support or disconnect facilities shall be borne by the right-
990 of-way user. Where the right-of-way user shall fail to relocate facilities as required by
991 the director, the director is authorized, but is not required to, upon notice to the right-
992 of-way user remove the obstructing facilities with or without further delay and the
993 right-of-way user shall bear all responsibility and liability for the consequences
994 therefrom, and the city shall bear no responsibility to the right-of-way user or others
995 for damage resulting from such removal.
996

997 DIVISION 6. – EXCAVATIONS

998

999 Sec. 98-51. – Deposit or surety bond; indemnification of city; insurance.

1000

1001 (a) *Cash deposit or surety bond required.* When it shall be necessary to make an
1002 excavation within a right-of-way any person applying for an excavation permit shall,
1003 before receiving a permit, file with the director either a cash deposit or a surety bond
1004 with a corporate surety approved by the city, sufficient in amount to ensure payment
1005 to the city for the proper repair and restoration of the right-of-way or other public
1006 improvement upon which excavation is to be made.

- (b) *Applicability to public utilities and government agencies.* Public utilities, political subdivisions, and departments and agencies of the state and the United States government shall be required to secure permits under the terms of this article, but may not be required to post bonds or deposits.
- (c) *Return of such deposit or release of bond.* Such deposit or surety bond shall be released within 60 days after the excavation has been properly backfilled and payment made therefor, and to his knowledge, no damage to any person or property has occurred by reason of such excavation prior to acceptance by the city and after a street inspector shall have reported the excavation to have been properly repaired.
- (d) *Indemnification of city.* Any person who is issued a permit under the provisions of this article shall, as a condition of the granting of such permit, indemnify and hold the city harmless from any claims and damages because of bodily injury, including death, and from claims for damages to property which may arise out of and during excavation operations, whether such operations are by the permittee or by any contractor and/or subcontractor or other person directly or indirectly employed by permittee.
- (e) *Insurance.* Any person applying for an excavation permit shall furnish to the director a certificate of insurance naming the city as an additional insured and evidencing the permittee's general liability insurance, with owner's protective coverage, automobile liability insurance and worker's compensation insurance in such amounts of coverage and with such endorsements as determined by the director. Said limits of liability shall not be less than the current year sovereign immunity limits for Missouri public entities calculated by the Missouri Department of Insurance as of January 1 each calendar year and published annually in the Missouri Register pursuant to RSMo 537.610.
- (f) *Waiver or modification of requirements.* The director shall have discretion to waive the requirements of subsections (a) and (d) with respect to any permit involving work for which the actual value of the work is reasonably valued at less than \$2,500.00.

Sec. 98-52. – Notification prior to beginning work.

At least two business days before an excavation is made within a right-of-way, the permittee shall notify the director of the date the excavation work will begin and the expected completion date of the excavation work.

Sec. 98-53. – Work restoration – required.

- (a) At the completion of any work requiring excavation within a right-of-way, such excavation shall be immediately restored by backfilling and repairing all areas that were disturbed or damaged by the work in accordance with this article and the rules promulgated by the director.

- (b) If excavation cannot be restored immediately and is left unattended, the permittee shall securely and adequately cover and mark the unfilled/unrepaired excavation. The permittee has sole responsibility for maintaining proper temporary traffic control, barriers, safety fencing, signage, and/or lights as required, from the time of the opening of the excavation until the excavation is surfaced and opened for travel.
- (c) The director is authorized to promulgate rules and regulations for restoration consistent with the city's standard specifications for construction of streets, sidewalks and other paved areas of property owned by the city. The back filling of all excavations in, through, or under the paved areas of property, right-of-way and easements owned by the city shall be subject to those standard specifications and the following requirements:
- (1) If the edge of the excavation is within three feet of the edge of the roadway, or joint in the pavement, or edge of an existing repair or street patch, the permittee must extend the repair, including the paving and its aggregate foundations, to the edge of the roadway, or joint in the pavement, or edge of an existing repair or street patch street.
- (2) A right-of-way user shall remove all surplus earth, rock or rubbish from the excavation site and clean the excavation site and surrounding area affected by the excavation within 24 hours after the back fill has been completed.
- (d) Unless the City elects to restore the right-of-way itself as permitted in this Article, every right-of-way user shall guarantee for a period of four years the restoration of the right-of-way in the area where such right-of-way user conducted excavation work and performed the restoration.
- Sec. 98-54. – Failure to restore.
- (a) If the right-of-way user fails to restore the right-of-way in the manner and to the condition required by the director, or fails to satisfactorily and timely complete all restoration, the city may, at its option, serve written notice upon the right-of-way user and its surety that, unless within ten (10) days after serving of such notice, a satisfactory arrangement is made for the proper restoration of the right-of-way, the city shall immediately serve notice of failure to comply upon the surety and the right-of-way user, and the surety shall have the right to arrange for and complete the restoration excavation or work; provided, however, that if the surety does not commence performance thereof within fourteen (14) days from the date of notice, the city may perform its own restoration excavation or work and prosecute same to completion, by contract or otherwise.
- (b) Upon determination by the director that the failure to repair, replace, or restore creates a threat to public safety, or the excavation includes open cutting of the surface of a street classified as a collector or higher, all such repair or replacement

shall be corrected within twenty-four (24) hours of notice from the city, or the city will perform its own repair, replacement, or restoration.

(c) Upon determination by the director that the failure to repair, replace, or restore creates an immediate threat to public safety, or the excavation includes open cutting of the surface of a street classified as a primary arterial or higher, all such repair or replacement shall be corrected within one (1) hour of notice from the city, or the city will perform its own repair, replacement, or restoration.

(d) The right-of-way user and its surety shall be liable to the city for its actual costs of such repair, replacement, or restoration, including the value of any time or overtime incurred through the labor of city employees, the value of the use of city equipment, and the cost of city materials used in the restoration project.

Sec. 98-55. – Notice that excavation is ready for final repair; acceptance of work.

When an excavation has been made within a right-of-way and after the excavation has been properly backfilled and opened to traffic, the permittee shall immediately notify the director in writing that the excavation is ready for final repair. After notification has been made, an excavation shall not be reopened unless a new excavation permit is first obtained. The director shall inspect the excavation within two business days, excluding weekends and/or holidays, and if he finds that such excavation has been properly backfilled and deems the excavation area is sufficient to permit final repair, he shall accept the excavation in a writing delivered to the permittee by either personal delivery, postage prepaid in the U.S. mail, electronic mail, or facsimile. Acceptance of the excavation by the city shall be deemed to occur on the date of the director's written acceptance. Permittee is solely responsible for maintaining the excavation site in a safe condition, which may include, but not be limited to use of barricades, until the director has accepted the excavation in accordance with this section. If requested by the director, the permittee shall place a temporary surface in accordance with the rules and regulations of the director. The judgment of the director as to when an excavation has been properly backfilled and the excavation area is sufficient to permit final repair shall be conclusive.

Sec. 98-56. – Specifications for final repair, restoration.

After inspection and acceptance of excavations by the director, unless the director notifies permittee that the City will perform the final repair and restoration itself, the permittee shall immediately proceed with the final repair and restoration of the right-of-way in accordance with the rules and regulations of the director. ~~the director may require the permittee to proceed with the final repair of such excavations in accordance with the rules and regulations of the director.~~

Sec. 98-57. – Payment of charges for final repair.

Upon completion of backfilling the excavations, the director shall compute the area of the patchwork done by the city in repairing such excavation, and the permittee shall

pay the director for such repairs in accordance with a schedule of charges adopted by ordinance from time to time.

DIVISION 7. – VIOLATIONS AND APPEALS

Sec. 98-58. – Violations.

(a) If the director determines that a person has violated the provisions of this article, or any condition of a right-of-way permit, the director may make written demand to the right-of-way user to remedy such violation, which may include the issuance of a stop work order.

(b) The person shall, within seven calendar days of receiving a notification of violations, propose a plan to promptly correct such violation. The right-of-way user shall promptly correct such violation in accordance with an approved plan. If the violation creates a threat to public safety, the right-of-way user upon verbal or written notice from the director shall immediately correct such violation. A right-of-way user's failure to submit an acceptable plan, or to promptly cure a violation shall in addition to all other remedies provided by law be cause for immediate revocation of any or all permits issued under this Article.

(c) Any person who shall violate any provision of this Article shall, upon conviction, be punished as provided in section 1-7 of this Code. Every day that this Article is violated shall constitute a separate offense. The city shall have the authority to maintain civil suit or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Division. In addition to any other remedies, the City Attorney shall be empowered and authorized to institute injunction, mandamus or other appropriate actions or proceedings to prevent violations of this Article.

Sec. 98-59. – Penalties.

(a) *Criminal penalties.* Failure of the permittee to comply with the provisions of this article shall be deemed cause for forfeiture of permittee's deposit and/or bond. Failure of the permittee to make corrections to comply with the provisions of this article within 24 hours after notice being given of the defect shall constitute cause for the city to refuse to issue further excavation permits to such person until the failure is corrected. Any person who shall violate any provision of this article shall, upon conviction, be punished as provided in section 1-7. Any person pleading or found guilty of a second or subsequent violation of this Article shall be punished in accordance with section 1-7 of this Code, except that upon conviction for each such second or subsequent violation, the penalty shall be or include a fine in an amount no less than \$500.00 in addition to all applicable court costs. The sentencing judge shall not suspend the imposition of the sentence for such a violation. In the event the sentencing judge decides to suspend the execution of the sentence, the sentencing judge shall require the offender to serve a term of probation of not less than two

years (730 days), in addition to any other penalties, including but not limited to a jail sentence as authorized by section 1-7, imposed as part of the sentence.

- (b) *Civil penalties.* Any person who fails to obtain a permit prior to making an excavation within a right-of-way shall be subject to a civil penalty not to exceed \$1,000.00 per day per violation.

Sec. 98-60. – Issuance of stop work order.

~~Grounds for permit revocation, permit denial, or stop work order.~~ All permits issued pursuant to this article shall be issued by the director upon the condition that the permittee complies with this article. Any person who violates any provision of this article shall be subject to having a permit revoked or denied or to having a stop work order issued by the director. ~~Grounds for denial shall also include nonpayment for prior final repairs of excavations, safety hazards, and prior failure by a permittee or his/her agents to comply with this article. The director shall not issue a permit when the director has reason to believe that the issuance of the permit will result in violation of city Code.~~ Upon the director's determination that there may be a violation of this article, or in the event of an emergency where the director determines work under a permit must stop to protect public health, safety, and welfare the director shall notify the permittee in writing to stop work and ~~that the director will not issue the permit, that the director is revoking a previously issued permit, or that the director is issuing a stop work order.~~ The notice shall state the reasons for the director's decision. Any person who shall continue any work in or on the site after having been served with a stop work order, except such work related to remediation of the violation, shall be guilty of a misdemeanor and subject to penalties as specified in section 1-7, except that the penalty shall be or include a fine in an amount not less than \$500.00. The imposition or execution of such fine shall not be suspended.

Sec. 98-61. – Revocation of permits.

- (a) The director may, after reasonable notice and opportunity to cure, revoke a any permit granted to a right-of-way user under this Article upon breach of the terms of the permit or this Article. Such a breach shall include, but is not limited to:
- (1) A violation of the provisions of the right-of-way permit; or
 - (2) A material misrepresentation of fact in the application for a right-of-way permit; or
 - (3) A failure to complete work by the date specified in the applicable permit, unless a permit extension is granted by the director; or
 - (4) A failure to correct, within the time specified by the director, work that does not conform to applicable law, this Division, or any other provision of City Code.
- (b) If a right-of-way user has breached the terms of a permit, and has been issued multiple permits under this Article, the director may issue a stop work order or revoke any or all permits issued to that right-of-way user in the event of an

emergency or where that right-of-way user has created or is contributing to an imminent danger to health, safety or property.

Sec. 98-62. – Administrative hearings and appeals.

- (a) Any person aggrieved by the action or decision of the director to deny a permit, to revoke a permit issued pursuant to this article, or to issue a stop work order shall have the right to appeal such action or decision according to the procedure described in this section.
- (b) *Procedure for denial or revocation of a permit or issuance of a stop work order.* If the director determines that the application for a permit is not to be granted, takes action to revoke a permit, or issues a stop order, he shall provide the applicant, permittee, or person ordered to stop work notice in writing. The notice to the applicant, permittee, or person ordered to stop work shall give at least five days' notice to request an informal meeting with the director. ~~The director shall, if a meeting is requested within that time, hold an informal meeting with the applicant, permittee, or person ordered to stop work, at which he shall inform the applicant, permittee, or person ordered to stop work of the basis upon which the decision was made, and shall attempt to informally resolve the matter. Thereafter, the applicant, permittee, or person ordered to stop work may request a public hearing to appeal any adverse decision by filing a written request with the director within 15 days of the date of the informal meeting.~~ At the public hearing, a hearing officer appointed by the city manager shall hear evidence, determine the facts upon the evidence presented at the hearing, and affirm or reverse the director's decision. If the permittee, applicant, or person ordered to stop work fails to appear for the informal meeting or public hearing, the determination of the director shall be deemed final.
- (c) *Failure to obtain a permit.* The director may set a public hearing to determine whether any person made an excavation within the right-of-way without first obtaining a permit from the director by giving such person at least ten days' written notice of the public hearing by personal delivery or by mail. The hearing notice shall specify the date, time, and location of the hearing. The notice shall include the identifying case caption and number and whether an answer to the notice is required. The notice shall include where the excavation within the right-of-way was made and an approximate date of the excavation. At the hearing, a hearing officer appointed by the city manager shall hear evidence, determine the facts based upon the evidence presented at the hearing, and determine if a violation of this article has occurred. If the hearing officer finds a failure to obtain a permit exists, he/she shall determine whether to impose a civil penalty for failure to obtain a permit, and if so, in what amount.
- (d) *Conduct of hearings.* The hearing officer shall determine whether there is a basis for not issuing the permit, not renewing the permit, issuing a stop order, or whether a person failed to obtain a permit. All notice delivered by mail for purposes of this section shall be deemed to occur two days after the date the notice is placed in the United States mail, postage prepaid, to the permittee or party conducting an excavation without a permit's last known address. The hearing officer shall hear the case and make a determination in accordance with Missouri Law. The hearing shall

1279 not require use of the rules of evidence. Any relevant matter may be admitted and
1280 considered by the hearing officer if it is the sort of evidence on which reasonable
1281 persons are accustomed to rely in the conduct of serious affairs. Objections to
1282 evidence shall be noted and the hearing officer shall rule on such objections. The
1283 decision of the hearing officer under this section shall be in writing and shall be
1284 subject to appeal pursuant to Missouri law. All decisions of the hearing officer shall
1285 be final decisions 30 days after the mailing or personal service of the decision.

1	DIVISION 1. – GENERALLY.	1
2	Sec. 98-25. – Declarations of findings and intent; scope of ordinance.	1
3	Sec. 98-26. – Definitions.	1
4	DIVISION 2. – PUBLIC UTILITY REGISTRATION.	5
5	Sec. 98-27. – Public utility registration – required.	5
6	Sec. 98-28. – Indemnification, insurance, and bonding requirements.	7
7	DIVISION 3. – PERMITS.	7
8	Sec. 98-29. – Permit types – when required.	7
9	Sec. 98-30. – Right-of-way work permit – issuance.	9
10	Sec. 98-31. – Temporary traffic control permit – issuance.	10
11	Sec. 98-32. – Excavation permit – issuance.	11
12	Sec. 98-33. – Permit validity – area, dates.	12
13	Sec. 98-34. – Processing of applications and approval; bulk permits.	13
14	Sec. 98-35. – Other conditions.	13
15	Sec. 98-36. – Alternative permitting processes for large public utilities	14
16	Sec. 98-37. – Permit exemptions.	15
17	Sec. 98-38. – Permit denial.	15
18	Sec. 98-39. – Restoration of right-of-way and other conditions.	16
19	Sec. 98-40. – Permit fees.	16
20	Sec. 98-41. – Permit shall be displayed.	18
21	DIVISION 4. – TEMPORARY TRAFFIC CONTROL	18
22	Sec. 98-42. – Traffic control plan – required for all permits.	18
23	Sec. 98-43. – Temporary traffic control – standards.	18
24	Sec. 98-44. – Notice of closure.	19
25	DIVISION 5. – RIGHT OF WAY USE AND FACILITY LOCATIONS	19
26	Sec. 98-45. – Authority to establish additional regulations and standards	19
27	Sec. 98-46. – Placement of facilities in the right-of-way – authorized, permit required –	
28	general provisions related thereto.	19
29	Sec. 98-47. – Design and location of facilities.	20
30	Sec. 98-48. – Installation of underground utilities.	21
31	Sec. 98-49. – Abandonment of equipment or facilities.	21
32	Sec. 98-50. – Facilities relocation.	22
33	DIVISION 6. – EXCAVATIONS	22
34	Sec. 98-51. – Deposit or surety bond; indemnification of city; insurance.	22
35	Sec. 98-52. – Notification prior to beginning work.	23
36	Sec. 98-53. – Work restoration – required.	24
37	Sec. 98-54. – Failure to restore.	24
38	Sec. 98-55. – Notice that excavation is ready for final repair; acceptance of work. ...	25
39	Sec. 98-56. – Specifications for final repair, restoration.	25
40	Sec. 98-57. – Payment of charges for final repair.	26
41	DIVISION 7. – VIOLATIONS AND APPEALS	26
42	Sec. 98-58. – Violations.	26
43	Sec. 98-59. – Penalties.	26
44	Sec. 98-60. – Issuance of stop work order.	27
45	Sec. 98-61. – Revocation of permits.	27
46	Sec. 98-62. – Administrative hearings and appeals.	28
47		



EXPLANATION TO COUNCIL BILL 2025-245 (HARDINGER)

FILED: 11/18/2025

ORIGINATING DEPARTMENT: Finance

TITLE: A special ordinance authorizing and directing the issuance, sale and delivery by the City of Springfield, Missouri, of Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025, in a principal amount not to exceed \$24,120,000 for the purpose of providing funds to refund the Refunded Bonds (as defined below); 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: Authorizing and directing the issuance, sale, and delivery of Special Obligation Refunding Bonds (Sewer System Improvement Project), Series 2025, in a principal amount not to exceed \$24,120,000 for the purpose of providing funds to refund the Special Obligation Bonds, Series 2015 (Sewer System Improvement Project), related issuance costs, authorizing and approving certain documents, and declaring an emergency.

BACKGROUND INFORMATION: The City of Springfield has a debt policy that allows for the refunding of outstanding debt if the present value savings is approximately 5% of the principal amount being refunded. Periodically, all outstanding debt is reviewed to determine if there are refunding opportunities that meet the policy guidelines. After the most recent review, this bond issue was selected for refunding. The average present value savings is approximately 4.5%. The total savings achieved with the refunding is expected to be over \$1.0 million over the remaining term of the bonds. This ordinance is presented as an emergency under Section 2.12(3) of the City Code of Springfield as it relates to the payment of expenses of City government. City Council is not expected to vote on this ordinance immediately after the first reading. The ordinance is presented as an emergency bill to allow changes to the ordinance, such as modifications to the bond terms and updated financial information from the first reading and prior to final approval by City Council.

Submitted By: David Holtmann, Springfield Police Officers' and Fire Fighters' Retirement System Board

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

Attachments:

1. Special Obligation Refunding Bonds (Sewer System Improvement Project) Series 2025 (2)
2. Indenture v2

3. POS (2025) v2
4. TCA
5. CDA v2
6. BPA Series 2025 v.2

One-rdg. _____
P. Hrngs. _____
Pgs. 152
Filed: 11-11-25

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025 -245

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING and directing the issuance, sale and delivery by the City of
2 Springfield, Missouri, of Special Obligation Refunding Bonds (Sewer
3 System Improvements Project), Series 2025, in a principal amount
4 not to exceed \$24,120,000 for the purpose of providing funds to
5 refund the Refunded Bonds (as defined below); authorizing and
6 approving certain documents in connection with the issuance of the
7 Bonds; authorizing certain other documents and actions in
8 connection therewith; and declaring an emergency pursuant to
9 Section 2.12(3) of the City Charter.

10 _____
11
12 WHEREAS, the City of Springfield, Missouri (the "City"), is a constitutional home
13 rule charter city and political subdivision of the State of Missouri, duly created, organized
14 and existing under and by virtue of the Constitution and laws of the State of Missouri and
15 the City's charter; and

16
17 WHEREAS, the City desires to issue Special Obligation Refunding Bonds (Sewer
18 System Improvements Project), Series 2025 (the "Bonds"), in a principal amount not to
19 exceed \$24,120,000 to (1) currently refund the City's Special Obligation Bonds (Sewer
20 System Improvements Project) Series 2015 with stated maturities of April 1, 2027-2033
21 and 2035, (the "Refunded Bonds"), and (2) provide for payment of costs of issuance of
22 the Bonds; and

23
24 WHEREAS, the City is authorized under the City's charter and the Constitution of
25 the State of Missouri to issue and sell special obligation bonds for the purpose of
26 refunding the Refunded Bonds, with the principal of and interest on such special
27 obligation bonds being payable by the City only upon appropriation of moneys therefore
28 by the City Council; and

29
30 WHEREAS, the Bonds shall not constitute a general obligation of the City, nor shall
31 the Bonds constitute an indebtedness of the City within the meaning of any constitutional,
32 statutory or charter provision, limitation or restriction, and the taxing power of the City will
33 not be pledged to the payment of the principal of or interest on the Bonds.

34 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
35 SPRINGFIELD, MISSOURI, AS FOLLOWS:
36

37 Section 1 - Authorization of Bonds. There shall be issued and hereby are
38 authorized and directed to be issued one series of special obligation bonds designated
39 as follows: Special Obligation Refunding Bonds (Sewer System Improvements Project),
40 Series 2025 (the "Bonds") (with such additional or revised appropriate series identifier as
41 the officers of the City deem necessary), in a principal amount not to exceed \$24,120,000,
42 for the purpose of refunding the Refunded Bonds and paying costs related to the issuance
43 of the Bonds.
44

45 Section 2 - Description of Bonds. The Bonds shall consist of fully registered bonds
46 without coupons, numbered from R-1 upward in order of issuance, in denominations of
47 \$5,000 or any integral multiple thereof. The Bonds shall be substantially in the form set
48 forth in the Indenture (described below), and shall be subject to registration, transfer and
49 exchange as provided in the Indenture. The Bonds shall be dated as of their date of
50 issuance, shall bear interest at fixed interest rates not to exceed **5.50%** per annum with
51 a true interest cost not exceeding **3.50%** per annum (computed on the basis of a 360-day
52 year of twelve 30-day months) from the date thereof or from the most recent interest
53 payment date for the Bonds to which interest has been paid or duly provided for, payable
54 semiannually on April 1 and October 1 in each year, beginning on April 1, 2026. The
55 Bonds shall have such other terms to be determined in the manner described in the
56 following paragraph.
57

58 The City Council does hereby establish a Final Terms Committee for the Bonds
59 (the "Committee") to consist of two members, being the Mayor and the Director of
60 Finance, which Committee acting unanimously is hereby authorized for and on behalf of
61 the City to establish for the Bonds (a) the principal amount of the Bonds, which shall not
62 exceed **\$24,120,000**, (b) the principal maturity dates of the Bonds and the principal
63 amount thereof maturing on such dates, with a final maturity not later than the year **2035**,
64 (c) the purchase price for the Bonds shall not be less than **95%** of the principal amount
65 thereof, (d) the weighted average maturity of the Bonds shall not be less than **3.7** years
66 nor more than **5.7** years, (e) the dates on which the Bonds are to be redeemed pursuant
67 to the optional and any mandatory redemption provisions of the Indenture, as applicable,
68 and the principal amount thereof to be redeemed on such dates, (f) the interest rates to
69 be borne by the Bonds, at fixed interest rates not to exceed **5.50%** per annum with a true
70 interest cost not exceeding **3.50%** per annum, and (g) an underwriter's discount not to
71 exceed **0.9%** of the proceeds of the Bonds plus an underwriter's expense allowance of
72 not to exceed **0.05%** of the proceeds of the Bonds, all to be established consistent with
73 the following: On any date selected by the Committee, the Committee shall determine
74 the lowest and best interest rates and the most appropriate maturities, redemption terms,
75 and final principal amount and purchase price (including any discount or premium) which,
76 in the unanimous best judgment of the Committee at that time, would produce the best
77 bid for the Bonds in the then bond market for the Bonds. The determination of the
78 Committee and the final terms of the Bonds shall be set forth in the Indenture and the
79 Bond Purchase Agreement (herein defined) upon the execution thereof.

80 Section 3 - Authorization of Documents. The City is hereby authorized to enter
81 into the following documents (the "City Documents"), in substantially the forms presented
82 to and approved by the City Council of the City at this meeting (copies of which documents
83 are attached hereto), with such changes therein as shall be approved by the officers of
84 the City executing such documents:

- 85
- 86 (a) Trust Indenture (the "Indenture") between the City and BOKF, N.A., as
87 Trustee (the "Trustee"), pursuant to which the Bonds shall be issued, in
88 substantially the form attached hereto as Exhibit A;
- 89
- 90 (b) Official Statement (the "Official Statement") setting forth information relating
91 to the City and the Bonds (in the form of a Preliminary Official Statement
92 which is herein approved in substantially the form attached hereto as Exhibit
93 B);
- 94
- 95 (c) Tax Compliance Agreement between the City and the Trustee entered into
96 in order to set forth certain representations, facts, expectations, terms and
97 conditions relating to the use and investment of the proceeds of the Bonds,
98 to establish and maintain the exclusion of interest on the Bonds from gross
99 income for federal income tax purposes, and to provide guidance for
100 complying with the arbitrage rebate provisions of Code § 148(f) as set forth
101 in the Tax Compliance Agreement, in substantially the form attached hereto
102 as Exhibit C;
- 103
- 104 (d) Continuing Disclosure Agreement between the City and the Trustee, as
105 Dissemination Agent, under which the City agrees to provide continuing
106 disclosure of certain financial information, operating data and material
107 events, for the benefit of the owners of the Bonds and to assist Stifel,
108 Nicolaus & Company, Incorporated (the "Purchaser") in complying with Rule
109 15c2-12 of the Securities and Exchange Commission, in substantially the
110 form attached hereto as Exhibit D; and
- 111
- 112 (e) Bond Purchase Agreement (the "Bond Purchase Agreement") under which
113 the City agrees to sell the Bonds to the Purchaser at the purchase price and
114 upon the terms and conditions set forth therein, in substantially the form
115 attached hereto as Exhibit E.
- 116

117 Section 4 - Preliminary and Final Official Statement. The Preliminary Official
118 Statement, in substantially the form attached hereto as Exhibit B, is hereby ratified and
119 approved, and the final Official Statement is hereby authorized and approved by
120 supplementing, amending and completing the Preliminary Official Statement, with such
121 changes and additions thereto as are necessary to conform to and describe the
122 transaction. The City Manager is hereby authorized to execute the final Official Statement
123 as so supplemented, amended and completed, and the use and public distribution of the
124 final Official Statement by the Purchaser in connection with the reoffering of the Bonds is
125 hereby authorized. The proper officials of the City are hereby authorized to execute and

126 deliver a certificate pertaining to such Official Statement as prescribed therein, dated as
127 of the date of payment for and delivery of the Bonds.
128

129 For the purpose of enabling the Purchaser to comply with the requirements of Rule
130 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the
131 information regarding the City contained in the Preliminary Official Statement to be "final"
132 as of its date, except for the omission of such information as is permitted by Rule 15c2-
133 12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to
134 provide the Purchaser a letter or certification to such effect and to take such other actions
135 or execute such other documents as such officers in their reasonable judgment deem
136 necessary to enable the Purchaser to comply with the requirement of such Rule.
137

138 The City agrees to provide to the Purchaser within seven business days of the date
139 of the sale of Bonds sufficient copies of the final Official Statement to enable the
140 Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and
141 Exchange Commission and with the requirements of Rule G-32 of the Municipal
142 Securities Rulemaking Board.
143

144 Section 5 - Security for the Bonds. 145

146 (a) *Security for the Bonds.* The Bonds shall be special obligations of the City
147 payable as to both principal and interest solely from annual appropriations
148 of funds by the City for such purpose to be deposited in the debt service
149 fund, as established under the Indenture. The covenants and agreements
150 of the City contained herein, in the Indenture and in the Bonds shall be for
151 the equal benefit, protection and security of the legal owners of any or all of
152 the Bonds, all of which Bonds shall be of equal rank and without preference
153 or priority of one Bond over any other Bond in the application of the funds
154 to the payment of the principal of and the interest on the Bonds, or
155 otherwise, except as to the rate of interest and stated maturity for each Bond
156 as provided in the Indenture.
157

158 (b) *Nature of Obligations.* The obligation of the City to make payments into the
159 debt service fund, and any other obligations of the City to make payments
160 under this Ordinance and the Indenture do not constitute a general
161 obligation or indebtedness of the City for which the City is obligated to levy
162 or pledge any form of taxation, or for which the City has levied or pledged
163 any form of taxation and shall not be construed to be a debt of the City in
164 contravention of any applicable constitutional, statutory or charter limitation
165 or requirement but in each Fiscal Year shall be payable solely from the
166 amounts pledged or appropriated therefor (i) out of the income and
167 revenues provided for such year plus (ii) any unencumbered balances for
168 previous years. Subject to the preceding sentence, the obligations of the
169 City to make payments hereunder and under the Indenture and to perform
170 and observe any other covenant and agreement contained herein shall be
171 absolute and unconditional.

172
173 Section 6 - Covenant to Request Appropriations. The City Council hereby directs
174 that from and after delivery of the Bonds and so long as any of the Bonds remain
175 Outstanding, subject to Section 5 hereof, the City Manager or any other officer of the City
176 at any time charged with the responsibility of formulating budget proposals to (i) include
177 in each annual budget an appropriation of the amount necessary (after taking into account
178 any moneys legally available for such purpose) to pay debt service on the Bonds in the
179 next succeeding fiscal year of the City, and (ii) take such further action (or cause the same
180 to be taken) as may be necessary or desirable to assure the availability of moneys
181 appropriated to pay such debt service on the Bonds in the next succeeding fiscal year of
182 the City.
183

184 Section 7 - Refunding, Defeasance and Redemption of Refunded Bonds. The City
185 Council hereby authorizes and approves the current refunding, defeasance and
186 redemption of the Refunded Bonds on a date as determined by the Director of Finance
187 to achieve the maximum practical financial advantage for the City, at a redemption price
188 of 100% of the principal amount of bonds redeemed, plus accrued interest.
189

190 Section 8 - Execution of Documents. The City is hereby authorized to enter into
191 and the Mayor, City Manager, City Attorney, Director of Finance and City Clerk are hereby
192 authorized and directed to execute and deliver, for and on behalf of and as the act and
193 deed of the City, the City Documents and the Bonds and such other documents,
194 certificates and instruments as may be necessary or desirable to carry out and comply
195 with the intent of this Ordinance.
196

197 Section 9 - Severability. The sections, paragraphs, sentences, clauses and
198 phrases of this Ordinance shall be severable. In the event that any such section,
199 paragraph, sentence, clause or phrase of this Ordinance is found by a court of competent
200 jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the
201 court finds the valid portions of the Ordinance are so essential to and inseparably
202 connected with and dependent upon the void portion that it cannot be presumed that the
203 City Council has enacted the valid portions without the void ones, or unless the court finds
204 that the valid portions, standing alone, are incomplete and are incapable of being
205 executed in accordance with the legislative intent.
206

207 Section 10 - Further Authority. The officers of the City, including the Mayor, the
208 City Manager, the Director of Finance, the City Attorney and the City Clerk, are hereby
209 authorized and directed to execute all documents and take such actions as they may
210 deem necessary or advisable in order to carry out and perform the purposes of this
211 Ordinance and to make ministerial alterations, changes or additions in the foregoing
212 agreements, statements, instruments and other documents herein approved, authorized
213 and confirmed which they may approve, and the execution or taking of such action shall
214 be conclusive evidence of such necessity or advisability.
215

216 Section 11 - Governing Law. This Ordinance shall be governed exclusively by
217 and construed in accordance with the applicable laws of the State of Missouri.

Section 12 - Emergency Measure; Effective Date. The City Council finds and declares that this Ordinance constitutes an emergency pursuant to Section 2.12(3) of the City Charter because it pertains to the payment of current expenses of the City. Therefore, this Ordinance shall take effect and be in full force and effect immediately after its passage by the City Council of the City.

Section 13 - 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.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to Form: Laura Vales, Assistant City Attorney

Approved for Council action: [Signature], City Manager

TRUST INDENTURE

Dated as of December 1, 2025

Between

CITY OF SPRINGFIELD, MISSOURI

and

**BOKE, N.A.,
as Trustee**

**\$(Principal Amount)
City of Springfield, Missouri
Special Obligation Refunding Bonds
(Sewer System Improvements Project)
Series 2025**

TRUST INDENTURE

TABLE OF CONTENTS

	<u>Page</u>
Parties	1
Recitals	1
Granting Clauses	1

ARTICLE I

DEFINITIONS; RULES OF CONSTRUCTION

Section 101. Definitions of Words and Terms	2
Section 102. Rules of Construction	7

ARTICLE II

THE BONDS

Section 201. Authorization, Issuance and Terms of Bonds	7
Section 202. Nature of Obligations	8
Section 203. Execution, Authentication and Delivery of Bonds	9
Section 204. Registration, Transfer and Exchange of Bonds	9
Section 205. Description of Bonds	10
Section 206. Mutilated, Lost, Stolen or Destroyed Bonds	12
Section 207. Cancellation and Destruction of Bonds Upon Payment	12

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption of Bonds Generally	12
Section 302. Extraordinary Optional Redemption of Bonds	12
Section 303. Selection of Bonds to be Redeemed	13
Section 304. Notice of Redemption of Bonds	13
Section 305. Effect of Call for Redemption	14

ARTICLE IV

FUNDS AND REVENUES

Section 401. Creation of Funds; Application of Bond Proceeds and other Moneys	15
Section 402. Transfer of Appropriated Funds by City	15
Section 403. Debt Service Fund	16
Section 404. Project Fund	16
Section 405. Reserved	16

Section 406. Non-Presentment of Bonds.....	17
Section 407. Transfer of Funds.....	17
Section 408. Rebate Fund.....	17

ARTICLE V

SECURITY FOR DEPOSITS AND INVESTMENT OF MONEYS

Section 501. Moneys to be Held in Trust	17
Section 502. Investment of Moneys	18

ARTICLE VI

PARTICULAR COVENANTS AND PROVISIONS

Section 601. City to Issue Bonds and Execute Indenture	18
Section 602. Covenant to Request Appropriations.....	18
Section 603. Performance of Covenants.....	18
Section 604. Instruments of Further Assurance.....	19
Section 605. General Limitation on City Obligations	19
Section 606. Recording and Filing	19
Section 607. Possession and Inspection of Books and Documents.....	19
Section 608. Tax Covenants	19

ARTICLE VII

DEFAULT AND REMEDIES

Section 701. Events of Default.....	20
Section 702. Acceleration.....	21
Section 703. Surrender of Possession of Trust Estate; Rights and Duties of Trustee in Possession...	21
Section 704. Appointment of Receivers in Event of Default	22
Section 705. Exercise of Remedies by the Trustee	22
Section 706. Limitation on Exercise of Remedies by Owners	22
Section 707. Right of Owners to Direct Proceedings	23
Section 708. Application of Moneys in Event of Default	23
Section 709. Remedies Cumulative	24
Section 710. Delay or Omission Not Waiver	24
Section 711. Effect of Discontinuance of Proceedings	24
Section 712. Waivers of Events of Default	24

ARTICLE VIII

THE TRUSTEE

Section 801. Acceptance of Trusts	25
Section 802. Fees, Charges and Expenses of the Trustee.....	28
Section 803. Notice of Default	29
Section 804. Intervention by the Trustee.....	29
Section 805. Successor Trustee Upon Merger, Consolidation or Sale	29
Section 806. Resignation or Removal of Trustee	29

Section 807. Appointment of Successor Trustee	29
Section 808. Qualifications of Trustee and Successor Trustees	30
Section 809. Vesting of Trusts in Successor Trustee	30
Section 810. Trust Estate May be Vested in Co-Trustee.....	30
Section 811. Annual Statement	31
Section 812. Paying Agents; Registrar; Appointment and Acceptance of Duties; Removal	31

ARTICLE IX

SATISFACTION AND DISCHARGE OF THE INDENTURE

Section 901. Satisfaction and Discharge of the Indenture	32
Section 902. Bonds Deemed to Be Paid	32

ARTICLE X

SUPPLEMENTAL INDENTURES

Section 1001. Supplemental Indentures Not Requiring Consent of Owners	33
Section 1002. Supplemental Indentures Requiring Consent of Owners	34
Section 1003. Opinion of Bond Counsel	34

ARTICLE XI

MISCELLANEOUS PROVISIONS

Section 1101. Consents and Other Instruments by Owners	35
Section 1102. Notices	35
Section 1103. Limitation of Rights Under the Indenture	36
Section 1104. Suspension of Mail Service	36
Section 1105. Business Days.....	36
Section 1106. Immunity of Officers, Employees and Members of City	36
Section 1107. No Sale	36
Section 1108. Severability	37
Section 1109. Execution in Counterparts	37
Section 1110. Governing Law	37
Section 1111. Electronic Transaction	37

Signatures and Seals.....	S-1, S-2
----------------------------------	-----------------

Schedule 1 - The Refunded Bonds

Exhibit A - Form of Bonds

Exhibit B - Form of Disbursement Request - Costs of Issuance Account

* * *

TRUST INDENTURE

THIS TRUST INDENTURE (the “Indenture”), made and entered into as of December 1, 2025, by and between the **CITY OF SPRINGFIELD, MISSOURI**, a constitutional home rule charter city and political subdivision duly organized and validly existing under the Constitution and laws of the State of Missouri (the “City”), and **BOKF, N.A.**, a national banking association duly organized and existing and authorized to accept and execute trusts of the character herein set out under the laws of the United States, and having a corporate trust office located in Kansas City, Missouri, as trustee (the “Trustee”);

RECITALS:

1. The City is a constitutional home rule charter city and political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Missouri and the City’s Charter.

2. The City has determined that it is in the best interests of the City to issue \$[Principal Amount] aggregate principal amount of its Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025 (the “Bonds”) to (a) currently refund certain special obligation bonds of the City described in **Schedule 1** hereto (the “Refunded Bonds”), and (b) provide for payment of costs of issuance of the Bonds.

3. On December 15, 2025, the City Council passed Special Ordinance No. ____ (the “Bond Ordinance”), authorizing the issuance of the Bonds pursuant to this Indenture for the above purposes.

4. Pursuant to the Bond Ordinance, the City is authorized to execute and deliver this Indenture for the purpose of issuing and securing the Bonds as hereinafter provided.

5. All things necessary to make the Bonds, when authenticated by the Trustee and issued as in this Indenture provided, the valid, legal and binding obligations of the City, and to constitute this Indenture a valid, legal and binding pledge and assignment of the property, rights, interests and revenues herein made for the security of the payment of the principal of and interest on the Bonds issued hereunder, have been done and performed, and the execution and delivery of this Indenture and the execution and issuance of the Bonds, subject to the terms hereof, have in all respects been duly authorized.

NOW THEREFORE, THIS INDENTURE WITNESSETH:

GRANTING CLAUSES

That the City, in consideration of the premises, the acceptance by the Trustee of the trusts hereby created, the purchase and acceptance of the Bonds by the Owners thereof, and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in order to secure the payment of the principal of and interest on the Bonds according to their tenor and effect and to secure the performance and observance by the City of all the covenants, agreements and conditions herein and in the Bonds contained, does hereby transfer, pledge and assign, without recourse, to the Trustee and its successors and assigns in trust forever, and does hereby grant a security interest unto the Trustee and its successors in trust and its assigns, in and to all and singular the property described below (said property being herein collectively referred to as the “Trust Estate”), to wit:

To secure the payment of the principal of and interest on the Bonds, all Pledged Revenues for the Bonds and all moneys and securities from time to time held by the Trustee under the terms of this Indenture for the Bonds (except payments required to be made to meet the requirements of Section 148(f) of the Code, as defined below, whether or not held in the Rebate Fund) and any and all other property (real, personal or mixed) of every kind and nature from time to time hereafter, by delivery or by writing of any kind, pledged, assigned or transferred as and for additional security hereunder for the Bonds by the City or by anyone in its behalf or with its written consent, to the Trustee, which is hereby authorized to receive any and all such property at any and all times and to hold and apply the same subject to the terms hereof (the "Trust Estate").

TO HAVE AND TO HOLD, all and singular, the Trust Estate with all rights and privileges hereby transferred, pledged, assigned and/or granted or agreed or intended so to be, to the Trustee and its successors and assigns in trust forever;

THE TRUST ESTATE IN TRUST NEVERTHELESS, upon the terms and conditions herein set forth for the equal and proportionate benefit, security and protection of all present and future Owners of the Bonds Outstanding, without preference, priority or distinction as to participation in the lien, benefit and protection hereof of one Bond over or from the other Bonds, except as herein otherwise expressly provided;

PROVIDED, NEVERTHELESS, and these presents are upon the express condition, that if the City or its successors or assigns pays or causes to be paid the principal of such Bonds with interest, according to the provisions set forth in such Bonds, or provides for the payment or redemption of such Bonds by depositing or causing to be deposited with the Trustee the entire amount of funds or securities required for payment or redemption thereof when and as authorized by the provisions of **Article IX** hereof, and also pays or causes to be paid all other sums payable hereunder by the City, then these presents and the estate and rights hereby granted shall cease, terminate and become void with respect to such Bonds so provided for; otherwise this Indenture shall be and remain in full force;

THIS INDENTURE FURTHER WITNESSETH, and it is hereby expressly declared, covenanted and agreed by and between the parties hereto, that all Bonds issued and secured hereunder are to be issued, authenticated and delivered and that all the Trust Estate is to be held and applied under, upon and subject to the terms, conditions, stipulations, covenants, agreements, trusts, uses and purposes as hereinafter expressed, and the City does hereby agree and covenant with the Trustee and with the respective Owners from time to time of the Bonds, as follows:

ARTICLE I

DEFINITIONS; RULES OF CONSTRUCTION

Section 101. Definitions of Words and Terms. In addition to words and terms elsewhere defined herein, the following words and terms as used in this Indenture shall have the following meanings, unless some other meaning is plainly intended:

"Appropriated Moneys" means moneys of the City which have been annually appropriated by the City for making payments of the principal of and interest on the Bonds and other payments described herein.

“Authorized City Representative” means the Mayor, City Manager or Director of Finance of the City, or such other Person at the time designated to act on behalf of the City as evidenced by written certificate furnished to the Trustee containing the specimen signature of such Person and signed on behalf of the City by its Mayor. Such certificate may designate an alternate or alternates, each of whom shall be entitled to perform all duties of the Authorized City Representative.

“Authorized Denominations” means \$5,000 or any integral multiple thereof.

“Bonds” means the City’s Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025, issued under this Indenture, as amended.

“Bond Counsel” means Gilmore & Bell, P.C., or any other attorney or firm of attorneys with a nationally recognized standing in the field of municipal bond financing and experienced in matters relating to the tax exemption of interest payable on obligations of states and their instrumentalities and political subdivisions, and which is selected by the City and acceptable to the Trustee.

“Bond Ordinance” means the Ordinance of the City authorizing the execution and delivery of this Indenture and the issuance of the Bonds.

“Business Day” means any day other than a Saturday, Sunday or any other day on which banking institutions in the city in which the principal corporate trust office of the Trustee is located are required or authorized by law to close.

“City” means the City of Springfield, Missouri, a constitutional home rule charter city and political subdivision of the State.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations, temporary regulations and proposed regulations thereunder.

“Continuing Disclosure Agreement” means the Continuing Disclosure Agreement of even date herewith, between the City and BOKF, N.A., as Dissemination Agent, as from time to time amended in accordance with the provisions thereof.

“Debt Service Fund” means the fund by that name created in **Section 401** hereof.

“Escrow Agent” means BOKF, N.A., and its successors and assigns.

“Escrow Letter” means the Escrow Letter of Instructions dated December 22, 2025, from the City to the Escrow Agent.

“Escrow Fund” means the debt service fund for the Refunded Bonds.

“Event of Default” means any event or occurrence as defined in **Section 701** hereof.

“Financing Documents” means this Indenture, the Tax Compliance Agreement, the Continuing Disclosure Agreement, the Escrow Letter and any other documents entered into in connection with the refunding of the Refunded Bonds.

“Fiscal Year” means the fiscal year of the City, currently the twelve-month period beginning each July 1st and ending on the following June 30th.

“Government Securities” means bonds, notes, certificates of indebtedness, treasury bills or other securities which fit within the definition of Permitted Investments and constitute direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payments on obligations issued or guaranteed by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the City.

“Immediate Notice” means notice given no later than the close of business on the date required by the provisions of this Indenture by telegram, telex, telecopier or other telecommunication device to such phone numbers or addresses as are specified in **Section 1102** hereof or such other phone number or address as the addressee shall have directed in writing, the receipt of which is confirmed by telephone, promptly followed by written notice by first-class mail, postage prepaid to such addressees.

“Opinion of Counsel” means a written opinion of an attorney or firm of attorneys addressed to the Trustee, for the benefit of the Trustee and the Owners of the Bonds, who may be (except as otherwise expressly provided in this Indenture) counsel to the City, the Owners of the Bonds or the Trustee, and who is acceptable to the Trustee.

“Original Purchaser” means Stifel, Nicolaus & Company, Incorporated, Kansas City, Missouri.

“Outstanding” means when used with reference to Bonds, as of a particular date, all Bonds theretofore authenticated and delivered under this Indenture except:

- (a) Bonds theretofore cancelled by the Trustee or delivered to the Trustee for cancellation;
- (b) Bonds which are deemed to have been paid in accordance with **Section 902** hereof;
- (c) Bonds alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in **Section 206** hereof; and
- (d) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered pursuant to this Indenture.

“Owner” or **“Registered Owner”** means the Person in whose name any Bond is registered on the Register.

“Paying Agent” means the Trustee and any other bank or trust institution organized under the laws of any state of the United States of America or any national banking association designated by this Indenture as paying agent for the Bonds at which the principal of and interest on such Bonds shall be payable.

“Payment Date” means any date on which the principal of or interest on any Bonds is payable.

“Permitted Investments” means any of the following securities purchased in accordance with the Indenture and the City’s then-current policy for investment of funds, if and to the extent the same are at the time legal for investment of the funds being invested:

- (a) United States Treasury Securities (Bills, Notes, Bonds and Strips). The City may invest in obligations of the United States government for which the full faith and credit of the United States are pledged for the payment of principal and interest.
- (b) United States Agency/GSE Securities. The City may invest in obligations issued or guaranteed by any agency of the United States Government and in obligations issued by any governmental sponsored enterprise (GSE) which have a liquid market and a readily determinable market value that are described as follows:
 - (1) U.S. Government Agency Coupon and Zero Coupon Securities. Bullet coupon bonds with no embedded options.
 - (2) U.S. Government Agency Discount Notes. Purchased at a discount.
 - (3) U.S. Government Agency Callable Securities. Restricted to securities callable at par.
 - (4) U.S. Government Agency Step-Up Securities. The coupon rate is fixed for an initial term. At coupon date, the coupon rate rises to a new, higher fixed interest rate.
 - (5) U.S. Government Agency Floating Rate Securities. The coupon rate floats off of only one index. Restricted to coupon with no interim caps that reset at least quarterly.
 - (6) U.S. Government Mortgage Backed Securities (MBS, CMO, Pass-Thru Securities). Restricted to obligations of FNMA, FHLMC and GNMA only.
- (c) Direct and general obligations of the State of Missouri (the “State”), to the payment of the principal of and interest on which the full faith and credit of such State is pledged, provided that at the time of their purchase under this Indenture such obligations are rated in either of the two highest rating categories by a nationally recognized bond rating agency.
- (d) Obligations of the City.
- (e) Certificates of deposit, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of any state of the United States of America or any national banking association (including the any trustee for the bonds or notes or any affiliate), provided that such certificates of deposit shall be either (1) continuously and fully insured by the Federal Deposit Insurance Corporation, or (2) continuously and fully secured by such securities as are described above in clauses (a) and (b), which shall have a market value at all times at least equal to the principal amount of such certificates of deposit and shall be lodged with the Trustee, as custodian, by the bank, trust company or national banking association issuing such certificates of deposit, and the bank, trust company or national banking association issuing each such certificate of deposit required to be so secured shall furnish the Trustee an undertaking satisfactory to the Trustee that

the aggregate market value of all such obligations securing each such certificate of deposit will at all times be an amount equal to the principal amount of each such certificate of deposit and the Trustee shall be entitled to rely on each such undertaking.

- (f) Any repurchase agreement with any bank or trust company organized under the laws of any state of the United States of America or any national banking association or government bond dealer reporting to, trading with, and recognized as a primary dealer by the Federal Reserve Bank of New York, which repurchase agreement is secured by any one or more of the securities described in clauses (a) or (b) above.
- (g) Any mutual fund rated in either of the two highest rating categories by a nationally recognized rating agency which invests solely in one or more securities described in clause (a), (b) or (d) above.
- (h) Investments in a money market fund registered under the Investment Company Act of 1940, whose shares are registered under the Securities Act of 1933, and have a rating of “AAAm” or “AAAm-G” or better by Standard & Poor’s and is rated Aaa, Aa1 or Aa2 by Moody’s.
- (i) Investment agreements constituting an obligation of a bank, bank holding company, savings and loan association, trust company, insurance company or other financial institution whose outstanding unsecured long-term debt is rated at the time of such agreement in either of the two highest rating categories by a nationally recognized rating agency.
- (j) Banker’s acceptances issued by domestic commercial banks possessing the highest rating issued by a nationally recognized rating agency.
- (k) Commercial paper issued by domestic corporations which has received the highest rating issued by a nationally recognized rating agency.

“**Person**” means any natural person, firm, partnership, association, corporation, limited liability company or public body.

“**Pledged Revenues**” means all moneys held under the Indenture in the Debt Service Fund, together with investment earnings thereon.

“**Project Fund**” means the fund by that name created in **Section 401** hereof, including within such fund the “*Costs of Issuance Account*” and the “*Refunding Account*”.

“**Rebate Fund**” means the fund by that name created in **Section 401** hereof.

“**Record Date**” for the interest payable on any interest Payment Date means the 15th calendar day, whether or not a Business Day, of the month next preceding such interest Payment Date.

“**Refunded Bonds**” means the bonds described in **Schedule 1** hereto.

“**Register**” means the registration books of the City kept by the Trustee to evidence the registration, transfer and exchange of Bonds.

“**Registrar**” means the Trustee when acting as such under this Indenture.

“State” means the State of Missouri.

“Supplemental Indenture” means any indenture supplemental or amendatory to this Indenture entered into by the City and the Trustee pursuant to **Article X** hereof.

“Tax Compliance Agreement” means the Tax Compliance Agreement of even date herewith, between the City and the Trustee, as from time to time amended in accordance with the provisions thereof.

“Trust Estate” means the Trust Estate described in the granting clauses of this Indenture.

“Trustee” means BOKF, N.A., Kansas City, Missouri, and its successor or successors and any other association or corporation which at any time may be substituted in its place pursuant to and at the time serving as trustee under this Indenture.

Section 102. Rules of Construction.

For all purposes of this Indenture, except as otherwise expressly provided or unless the context otherwise requires:

- (a) Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders.
- (b) Words importing the singular number shall include the plural and vice versa and words importing person shall include firms, associations and corporations, including public bodies, as well as natural persons.
- (c) The table of contents hereto and the headings and captions herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Indenture.
- (d) Terms used in an accounting context and not otherwise defined shall have the meaning ascribed to them by generally accepted principles of accounting.
- (e) Whenever an item or items are listed after the word “including,” such listing is not intended to be a listing that excludes items not listed.

ARTICLE II

THE BONDS

Section 201. Authorization, Issuance and Terms of Bonds.

- (a) *Authorized Amount and Title of Bonds.* There shall be issued under and secured by this Indenture a series of bonds in the aggregate principal amount of \$[Principal Amount] for the purpose of providing funds to the City to (1) refund the Refunded Bonds, and (2) provide for payment of costs of issuance of the Bonds, which series of bonds shall be designated “Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025” (the “Bonds”). No bonds may be issued under this Indenture except in

accordance with the provisions of this Article. The total principal amount of bonds and the number of bonds that may be issued under this Indenture is limited as provided in this Section.

- (b) *Form of Bonds.* The Bonds shall be substantially in the form set forth in **Exhibit A** attached hereto, with such appropriate variations, omissions and insertions as are permitted or required by this Indenture or any Supplemental Indenture, and may have endorsed thereon such legends or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.
- (c) *Denominations.* The Bonds shall be issuable as fully registered Bonds in Authorized Denominations.
- (d) *Numbering.* Unless the City directs otherwise, the Bonds shall be numbered from R-1 upward.
- (e) *Dating.* The Bonds shall be dated as of the date of initial issuance and delivery thereof.
- (f) *Method and Place of Payment.* The principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of debts due the United States of America. Payment of the principal of or interest on any Bond shall be made (1) by check or draft of the Trustee mailed to the Person in whose name such Bond is registered on the Bond Register as of the close of business of the Trustee on the Record Date for such Payment Date, or (2) in the case of a principal or interest payment to any Owner of \$500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice delivered to the Trustee not less than 15 days prior to the Record Date from and signed by such Owner containing electronic transfer instructions including the name of the bank (which shall be in the continental United States), ABA routing number and account name and account number to which such Owner wishes to have such transfer directed.

Section 202. Nature of Obligations.

- (a) The Bonds and the interest thereon shall be special, limited obligations of the City payable solely from the Pledged Revenues for the Bonds and other moneys pledged thereto and held by the Trustee as provided herein, and are secured by a transfer, pledge and assignment of and a grant of a security interest in the related Trust Estate to the Trustee and in favor of the Owners of such Bonds, as provided in this Indenture.
- (b) The obligation of the City to make payments under this Indenture does not constitute a general obligation or indebtedness of the City for which the City is obligated to levy or pledge any form of taxation, or for which the City has levied or pledged any form of taxation and shall not be construed to be a debt of the City in contravention of any applicable constitutional, statutory or charter limitation or requirement but in each Fiscal Year shall be payable solely from the amounts pledged or appropriated therefor (1) out of the income and revenues provided for such year, plus (2) any unencumbered balances for previous years. Subject to the preceding sentence, the obligations of the City to make payments hereunder and to perform and observe any other covenant and agreement contained herein shall be absolute and unconditional.

- (c) No recourse shall be had for the payment of the principal of or interest on any of the Bonds or for any claim based thereon or upon any obligation, covenant or agreement in this Indenture contained, against any past, present or future elected official of the City or any trustee, officer, official, employee or agent of the City, as such, either directly or through the City or any successor to the City, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such official of the City, trustee, officer, official, employee or agent as such is hereby expressly waived and released as a condition of and in consideration for the execution of this Indenture and the issuance of any of the Bonds.

Section 203. Execution, Authentication and Delivery of Bonds.

- (a) The Bonds shall be executed on behalf of the City by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk, and shall have the corporate seal of the City affixed thereto or imprinted thereon. If any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such Person had remained in office until delivery. Any Bond may be signed by the Persons who, at the actual time of the execution of such Bond, are the proper officers to sign such Bond although at the date of such Bond such Persons may not have been such officers.
- (b) The Bonds shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in **Exhibit A** hereto, which shall be manually executed by the Trustee. No Bond shall be entitled to any security or benefit under this Indenture or shall be valid or obligatory for any purpose unless and until such Certificate of Authentication has been duly executed by the Trustee. Such executed Certificate of Authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Indenture. The Certificate of Authentication on any Bond shall be deemed to have been duly executed if signed by any authorized signatory of the Trustee, but it shall not be necessary that the same authorized signatory sign the Certificate of Authentication on all of the Bonds that may be issued hereunder at any one time.

Section 204. Registration, Transfer and Exchange of Bonds.

- (a) The Trustee is hereby appointed Registrar and as such shall keep the Register for the registration and for the transfer of Bonds as provided in this Indenture. Each Bond when issued shall be registered in the name of the Owner thereof on the Register.
- (b) Any Bond may be transferred only upon the Register upon surrender thereof to the Trustee duly endorsed for transfer or accompanied by an assignment duly executed by the Owner or his attorney or legal representative in such form as shall be satisfactory to the Trustee. Upon any such transfer, the City shall execute and the Trustee shall authenticate and deliver in exchange for such Bond a new fully registered Bond or Bonds, registered in the name of the transferee, and in any denomination or denominations authorized by this Indenture.
- (c) Any Bond, upon surrender thereof at the principal corporate trust office of the Trustee, together with an assignment duly executed by the Owner or his attorney or legal representative in such form as shall be satisfactory to the Trustee, may, at the option of

the Owner thereof, be exchanged for Bonds of the same maturity, of any denomination or denominations authorized by this Indenture, bearing interest at the same rate, and registered in the name of the Owner.

- (d) In all cases in which Bonds are exchanged or transferred hereunder, the City shall execute and the Trustee shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this Indenture. All Bonds surrendered in any such exchange or transfer shall forthwith be canceled by the Trustee.
- (e) No service charge shall be made for any registration, transfer or exchange of Bonds, but the Trustee may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds, and such charge shall be paid before any such new Bond shall be delivered. The fees and charges of the Trustee for making any transfer or exchange and the expense of any bond printing necessary to effect any such transfer or exchange shall be paid by the City. In the event any registered owner fails to provide a correct taxpayer identification number to the Trustee, the Trustee may impose a charge against such registered owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Trustee from amounts otherwise payable to such registered owner hereunder or under the Bonds.
- (f) At reasonable times and under reasonable regulations established by the Trustee, the Register may be inspected and copied by the City or the Owners (or a designated representative thereof) of 10% or more in principal amount of Bonds then Outstanding, such ownership and the authority of any such designated representative to be evidenced to the satisfaction of the Trustee.
- (g) The Person in whose name any Bond is registered on the Register shall be deemed and regarded as the absolute owner of such Bond for all purposes, and payment of or on account of the principal of and interest on any such Bond shall be made only to or upon the order of the registered Owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

Section 205. Description of Bonds.

- (a) There shall be issued and secured by this Indenture the Bonds in an aggregate principal amount of \$[Principal Amount].
- (b) The Bonds shall be dated [December 22, 2025], and shall become due in the amounts on the maturity dates, subject to redemption and payment prior to their maturities as provided in **Article III** hereof, and shall bear interest at the rates specified below (computed on the basis of a 360-day year of twelve 30-day months) from the date thereof or from the most recent interest Payment Date to which interest has been paid or duly provided for, payable semiannually on April 1 and October 1 in each year, beginning on April 1, 2026.

Serial Bonds

<u>Stated Maturity</u> <u>April 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2027	\$,000	%
2028	\$,000	%
2029	\$,000	%
2030	\$,000	%
2031	\$,000	%
2032	\$,000	%
2033	\$,000	%
2034	\$,000	%
2035	\$,000	%

- (c) The Trustee is hereby designated as the Paying Agent for the payment of the principal of and interest on the Bonds.
- (d) The Bonds shall be executed substantially in the form and manner set forth in **Exhibit A** attached hereto and delivered to the Trustee for authentication. Prior to or simultaneously with the authentication and delivery of the Bonds by the Trustee, there shall be filed with the Trustee the following:
- (1) A copy of the Bond Ordinance, certified by the City Clerk of the City, approving the issuance of the Bonds and authorizing the execution of this Indenture.
 - (2) An original executed counterpart of this Indenture and the other Financing Documents.
 - (3) An opinion of Bond Counsel to the effect that the Bonds constitute valid and legally binding obligations of the City and that the interest on the Bonds is excludable from gross income of the owners thereof for federal and Missouri income tax purposes.
 - (4) An opinion of Bond Counsel to the effect that the Bonds are exempt from registration under the Securities Act of 1933, as amended, and this Indenture is exempt from qualification under the Trust Indenture Act of 1939, as amended.
 - (5) A request and authorization to the Trustee executed by the City to authenticate the Bonds and deliver said Bonds to the purchasers therein identified upon payment to the Trustee, for the account of the City, of the purchase price thereof. The Trustee shall be entitled to rely conclusively upon such request and authorization as to the names of the purchasers and the amounts of such purchase price.
 - (6) Such other certificates, statements, receipts, opinions and documents required by any of the foregoing documents or as the Trustee shall reasonably require for the delivery of the Bonds.
- (e) When the documents mentioned in paragraph (d) of this Section have been filed with the Trustee, and when the Bonds have been executed and authenticated as required by this

Indenture, the Trustee shall deliver the Bonds to or upon the order of the purchasers thereof, but only upon payment to the Trustee of the purchase price thereof.

Section 206. Mutilated, Lost, Stolen or Destroyed Bonds. If any Bond becomes mutilated or is lost, stolen or destroyed, the City shall execute and the Trustee shall authenticate and deliver a new Bond, date and tenor as the Bond mutilated, lost, stolen or destroyed; provided that, in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Trustee. In the case of any lost, stolen or destroyed Bond, there shall be first furnished to the Trustee evidence of such loss, theft or destruction satisfactory to the Trustee, together with indemnity to the City and the Trustee satisfactory to the Trustee. If any such Bond has matured, is about to mature or has been called for redemption, instead of delivering a substitute Bond, the Trustee may pay the same without surrender thereof. Upon the issuance of any substitute Bond, the City and the Trustee may require the payment of an amount by the Owner sufficient to reimburse the City and the Trustee for any tax or other governmental charge that may be imposed in relation thereto and any other reasonable fees and expenses incurred in connection therewith.

Section 207. Cancellation and Destruction of Bonds Upon Payment. All Bonds which have been paid or redeemed or which the Trustee has purchased or which have otherwise been surrendered to the Trustee under this Indenture, either at or before maturity, shall be immediately canceled upon the payment, redemption or purchase of such Bonds and the surrender thereof to the Trustee and periodically destroyed by the Trustee in accordance with applicable record retention requirements.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption of Bonds Generally. The Bonds shall be subject to redemption prior to maturity in accordance with the terms and provisions set forth in this Article.

Section 302. Extraordinary Optional Redemption of Bonds. The Bonds are subject to redemption and payment prior to the stated maturity thereof, at the option of the City, in whole or in part on any date, at a redemption price of 100% of the principal amount of the Bonds being called for redemption, plus accrued interest thereon to the redemption date, upon the occurrence of any of the following conditions or events:

- (1) if title to, or the use for a limited period of, all or substantially all of the improvements is condemned by any authority having the power of eminent domain (other than the City or any entity controlled by or otherwise affiliated with the City);
- (2) if title to all or substantially all of the improvements is found to be deficient or nonexistent to the extent that the efficient utilization of such improvements by the City is impaired;
- (3) if all or substantially all of the improvements are damaged or destroyed by fire or other casualty; or
- (4) if as a result of changes in the Constitution of Missouri, or of legislative or administrative action by the State of Missouri or any political subdivision thereof, or by the United States, or by reason of any action instituted in any court,

this Indenture shall become void or unenforceable or impossible of performance without unreasonable delay, or in any other way by reason of such change of circumstances, unreasonable burdens or excessive liabilities are imposed on the City.

Section 303. Selection of Bonds to be Redeemed.

- (a) Bonds shall be redeemed only in Authorized Denominations. When less than all of the Outstanding Bonds are to be redeemed and paid prior to maturity, such Bonds or portions of Bonds to be redeemed shall be selected in Authorized Denominations by the Trustee from such maturities and in such amounts as the City may determine.
- (b) In the case of a partial redemption of Bonds when Bonds of denominations greater than the minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption each Authorized Denomination unit of face value shall be treated as though it was a separate Bond of the denomination of the minimum Authorized Denomination. If one or more, but not all, of the minimum Authorized Denomination units of principal amount represented by any Bond are selected for redemption, then upon notice of intention to redeem such minimum Authorized Denomination unit or units, the Owner of such Bond or his attorney or legal representative shall forthwith present and surrender such Bond to the Trustee (i) for payment of the redemption price (including the interest to the date fixed for redemption) of the minimum Authorized Denomination unit or units of principal amount called for redemption, and (ii) for exchange, without charge to the 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 Owner of any such Bond of a denomination greater than minimum Authorized Denomination fails to present such Bond to the Trustee for payment and exchange as aforesaid, said Bond shall, nevertheless, become due and payable on the redemption date to the extent of the minimum Authorized Denomination unit or units of principal amount called for redemption (and to that extent only) and shall cease to accrue interest on the principal amount so called for redemption.

Section 304. Notice of Redemption of Bonds.

- (a) In the case of Bonds called for redemption under **Section 302**, the Trustee shall call Bonds for redemption and payment as herein provided and shall give notice of redemption as provided below upon receipt by the Trustee at least 45 days prior to the redemption date of a written request of the City (unless a shorter notice shall be satisfactory to the Trustee).

Unless waived by any Owner of Bonds to be redeemed, official notice of any redemption of any Bond shall be given by the Trustee on behalf of the City by mailing a copy of an official redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption to the Original Purchaser and the Owner of the Bond or Bonds to be redeemed at the address shown on the Register; provided, however, that failure to give such notice by mailing as aforesaid to any Owner or any defect therein as to any particular Bond shall not affect the validity of any proceedings for the redemption of any other Bonds.

- (b) All official notices of redemption shall be dated and shall state:
- (1) the redemption date,
 - (2) the redemption price,
 - (3) if less than all Outstanding Bonds are to be redeemed, the identification of the Bonds to be redeemed (such identification to include interest rates, maturities, CUSIP numbers and such additional information as the Trustee may reasonably determine),
 - (4) 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 said date,
 - (5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Trustee; and

In addition to the foregoing notice, the Trustee shall also comply with any requirements or guidelines, published by the Securities and Exchange Commission relating to providing notices of redemption. The failure of the Trustee to comply with any such requirements shall not affect or invalidate the redemption of said Bonds.

- (c) The Trustee shall mail by first-class mail to the City a copy of such redemption notice.

With respect to optional redemptions, such notice may be conditioned upon moneys being on deposit with the Trustee on or prior to the redemption date in an amount sufficient to pay the redemption price on the redemption date. If such notice is conditional and either the Trustee receives written notice from the City that moneys sufficient to pay the redemption price will not be on deposit on the redemption date, or such moneys are not received on the redemption date, then such notice shall be of no force and effect, the Trustee shall not redeem such Bonds and the Trustee shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not or will not be so received and that such Bonds will not be redeemed.

Section 305. Effect of Call for Redemption. On or prior to the date fixed for redemption, moneys or Government Securities shall be deposited with the Trustee as provided in **Section 402** hereof to pay the Bonds called for redemption and accrued interest thereon to the redemption date. Upon the happening of the above conditions, and notice having been given as provided in **Section 304** hereof, the Bonds or the portions of the principal amount of Bonds thus called for redemption shall cease to bear interest on the specified redemption date, provided moneys sufficient for the payment of the redemption price are on deposit at the place of payment at the time, and shall no longer be entitled to the protection, benefit or security of this Indenture and shall not be deemed to be Outstanding under the provisions of this Indenture.

ARTICLE IV

FUNDS AND REVENUES

Section 401. Creation of Funds; Application of Bond Proceeds and other Moneys.

- (a) The following funds of the City are hereby created and established with the Trustee:
- (1) City of Springfield, Missouri Special Obligation Improvement Revenue Bonds, Series 2025 Project Fund (the "Project Fund"), and within such fund **2** separate and segregated trust accounts designated the "*Costs of Issuance Account*" and the "*Refunding Account*".
 - (2) City of Springfield, Missouri Special Obligation Improvement Revenue Bonds, Series 2025 Debt Service Fund (the "Debt Service Fund").
 - (3) Rebate Fund.

Each fund and account shall be maintained by the Trustee as a separate and distinct trust fund or account and the moneys therein shall be held, managed, invested, disbursed and administered as provided in this Indenture. All moneys deposited in the funds shall be used solely for the purposes set forth in this Indenture. The Trustee shall keep and maintain adequate records pertaining to each fund and all disbursements therefrom.

In addition to the funds and accounts described above, the Escrow Fund will be held and administered by the Escrow Agent in accordance with the provisions of the Escrow Letter.

- (b) The net proceeds received from the sale of the Bonds in the amount of \$_____ (which is equal to the par amount of the Bonds of \$[Principal Amount].00, less underwriter's discount of \$_____, plus reoffering premium of \$_____), shall be deposited or paid simultaneously with the delivery of the Bonds, as follows:
- (1) \$_____ of the net proceeds of the Bonds shall be deposited in the Costs of Issuance Account in the Project Fund, which deposit shall be disbursed by the Trustee for the purposes and in the manner set forth in **Section 404(a)** hereof.
 - (2) The remaining net proceeds of the Bonds in the amount of \$_____, shall be deposited in the Refunding Account in the Project Fund, which deposit shall be disbursed by the Trustee for the purposes and in the manner set forth in **Section 404(b)** hereof.

Section 402. Transfer of Appropriated Funds by City. Subject to **Section 202** hereof, on the Business Day prior to each Payment Date, the City shall transfer to the Trustee Appropriated Moneys for the Bonds sufficient to make the following deposits to the funds and accounts created hereunder and the Trustee shall deposit such Appropriated Moneys received from the City as follows:

First, for transfer to the Rebate Fund, an amount sufficient to pay rebate, if any, to the United States of America, owed under Section 148 of the Code, as directed in writing by the City in accordance with the Tax Compliance Agreement;

Second, for transfer to the Debt Service Fund an amount sufficient to pay the principal and/or interest on the Bonds on the next succeeding Payment Date (taking into account moneys already on deposit in the Debt Service Fund for payment of debt service on the Bonds); and

Third, for payment to the Trustee or any Paying Agent, an amount sufficient for payment of any fees and expenses which are due and owing to the Trustee or any Paying Agent, upon delivery to the City of an invoice for such amounts.

If the amount transferred by the City shall be insufficient to make all such deposits, such Appropriated Moneys will be applied in such amounts and into such funds and accounts as directed by the City.

Section 403. Debt Service Fund.

- (a) Except as otherwise provided herein, all amounts paid and credited to the Debt Service Fund shall be expended solely for the payment of the principal of, and interest on the Bonds as the same mature and become due.
- (b) The City hereby authorizes and directs the Trustee to withdraw sufficient moneys from the Debt Service Fund to pay the principal of and interest on the Bonds as the same become due and payable and to make said moneys so withdrawn available to the Paying Agent for the purpose of paying said principal of and interest on the Bonds.
- (c) After payment in full of the principal of and interest on the Bonds (or provision has been made for the payment thereof as specified in this Indenture), and the fees, charges and expenses of the Trustee and any Paying Agent and any other amounts required to be paid under this Indenture, all amounts remaining in the Debt Service Fund shall be paid to the City.

Section 404. Project Fund. Moneys in the Project Fund shall be disbursed as follows:

- (a) *Costs of Issuance Account.* Moneys in the Cost of Issuance Account in the Project Fund shall be disbursed for the sole purpose of paying costs of issuance of the Bonds. Costs of issuance shall be paid from time to time by the Trustee, upon receipt of a written request of the City signed by the Authorized City Representative, and containing the statements, representations and certifications set forth in the form of such request attached as **Exhibit B** hereto and otherwise substantially in such form. Any moneys remaining in the Costs of Issuance Account on June 1, 2026 shall be deposited, without further authorization, into the Debt Service Fund. In making payments and disbursements pursuant to this Section, the Trustee may rely upon the written requests and accompanying certificates and statements. The Trustee is not required to make any independent investigation in connection with the matters set forth in the written requests.

- (b) *Refunding Account.* The Bond Trustee shall transfer by wire transfer, without further authorization, net proceeds of the Bonds in the amount of \$ _____, to the Escrow Agent for deposit in the Escrow Fund, which deposit shall be applied by the Escrow Agent as provided in the Escrow Letter.

Section 405. [Reserved].

Section 406. Non-Presentation of Bonds. If any Bond is not presented for payment when the principal thereof becomes due, either at maturity or at the date fixed for redemption thereof, and provided the Trustee is holding sufficient funds for the payment thereof, all liability of the City to the Owner thereof for the payment of such Bond shall forthwith cease, terminate and be completely discharged, and thereupon it shall be the duty of the Trustee to hold such moneys, without liability for interest thereon, for the benefit of the Owner of such Bond who shall thereafter be restricted exclusively to such moneys, for any claim of whatever nature on such Owner's part under this Indenture or on, or with respect to, said Bond.

Any moneys so deposited with and held by the Trustee not so applied to the payment of Bonds within three years after the date on which the same have become due shall be paid by the Trustee to the City without liability for interest thereon, free from the trusts created by this Indenture. Thereafter, Owners shall be entitled to look only to the City for payment, and then only to the extent of the amount so repaid by the Trustee. The City shall not be liable for any interest on the sums paid to it pursuant to this Section and shall not be regarded as a trustee of such money.

Section 407. Transfer of Funds. The Trustee is authorized and directed to withdraw from the Debt Service Fund sums sufficient to pay the principal of and interest on the Bonds as and when the same become due on any Payment Date.

Section 408. Rebate Fund.

- (a) There shall be deposited by the Trustee in the Rebate Fund such amounts as are required to be deposited therein pursuant to the Tax Compliance Agreement. Subject to the transfer provisions provided in subsection (c) below, all money at any time deposited in the Rebate Fund and any income earned thereon shall be held in trust, to the extent required to pay arbitrage rebate to the federal government of the United States of America, and neither the City nor the Owner of any Bonds 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 by the Tax Compliance Agreement (which is incorporated herein by reference).
- (b) Pursuant to the Tax Compliance Agreement, the Trustee, on behalf of the City, shall remit from the Rebate Fund rebate installments and the final rebate payments to the United States of America. Any moneys remaining in the Rebate Fund after redemption and payment of all of the Bonds and payment and satisfaction of any arbitrage rebate, or provision made therefor, shall be withdrawn and released to the City.
- (c) Notwithstanding any other provision of this Indenture, including in particular this Article, the obligation to remit arbitrage rebate to the United States of America and to comply with all other requirements of this Section, the preceding Section and the Tax Compliance Agreement shall survive the defeasance or payment in full of the Bonds.

ARTICLE V

SECURITY FOR DEPOSITS AND INVESTMENT OF MONEYS

Section 501. Moneys to be Held in Trust. All moneys deposited with or paid to the Trustee for the account of any fund under any provision of this Indenture, and all moneys deposited with or paid to any Paying Agent under any provision of this Indenture, shall be held by the Trustee or Paying Agent in trust and shall be applied only in accordance with the provisions of this Indenture and, until used or applied as herein provided, shall constitute part of the Trust Estate (except for the Rebate Fund) and be subject to the lien hereof. Neither the Trustee nor any Paying Agent shall be under any liability for interest on any moneys received hereunder except as otherwise provided herein.

Section 502. Investment of Moneys.

- (a) Moneys in all funds and accounts held by the Trustee under any provision of this Indenture shall be continuously invested and reinvested by the Trustee in Permitted Investments at the written direction of the City given by the Authorized City Representative or, if such written directions are not received, the Trustee shall invest moneys in the Federated Treasury Obligations Fund (TOSXX) as a standing direction. Moneys on deposit in all funds and accounts may be invested only in Permitted Investments which mature or are subject to redemption at the option of the owner thereof prior to the date such funds are expected to be needed. The Trustee may make investments through its investment division or short-term investment department.
- (b) All investments shall constitute a part of the fund or account from which the moneys used to acquire such investments have come. The Trustee shall sell and reduce to cash a sufficient amount of investments in a fund or account whenever the cash balance therein is insufficient to pay the amounts required to be paid therefrom. The Trustee may transfer investments from any fund or account to any other fund or account in lieu of cash when required or permitted by the provisions of this Indenture. In determining the balance in any fund or account, investments shall be valued at the lower of their original cost or their fair market value on the most recent Payment Date. The Trustee shall not be liable for any loss (including specifically depreciation of value) resulting from any investment made in accordance herewith.

ARTICLE VI

PARTICULAR COVENANTS AND PROVISIONS

Section 601. City to Issue Bonds and Execute Indenture. The City covenants that it is duly authorized under the laws of the State to execute and deliver this Indenture, to issue the Bonds and to pledge and assign the Trust Estate in the manner and to the extent herein set forth; that all action on its part for the execution and delivery of this Indenture and the issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the Owners thereof are and will be valid and enforceable limited obligations of the City according to the import thereof.

Section 602. Covenant to Request Appropriations. The City covenants and agrees that the City Manager or any other officer of the City at any time charged with the responsibility of formulating budget proposals to (a) include in each annual budget an appropriation of the amount necessary (after

taking into account any moneys legally available for such purpose) to pay debt service on the Bonds, and (b) take such further action (or cause the same to be taken) as may be necessary or desirable to assure the availability of moneys appropriated to pay such debt service on the Bonds.

Section 603. Performance of Covenants. The City covenants that it will faithfully perform at all times any and all covenants, undertakings, stipulations and provisions contained in this Indenture, in the Bonds and in all proceedings pertaining thereto.

Section 604. Instruments of Further Assurance. The City covenants that it will do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered, such further acts, instruments, financing statements and other documents as the Trustee may reasonably require for the better assuring, transferring, pledging and assigning to the Trustee, and granting a security interest unto the Trustee in and to the Trust Estate and the other property and revenues herein described.

Section 605. General Limitation on City Obligations. ANY OTHER TERM OR PROVISION OF THIS INDENTURE OR ANY OTHER DOCUMENT EXECUTED IN CONNECTION WITH THE TRANSACTION WHICH IS THE SUBJECT HEREOF TO THE CONTRARY NOTWITHSTANDING, THE CITY SHALL NOT BE REQUIRED TO TAKE OR OMIT TO TAKE, OR REQUIRE ANY OTHER PERSON OR ENTITY TO TAKE OR OMIT TO TAKE, ANY ACTION WHICH WOULD CAUSE IT OR ANY PERSON OR ENTITY TO BE, OR RESULT IN IT OR ANY PERSON OR ENTITY BEING, IN VIOLATION OF ANY LAW OF THE STATE.

Section 606. Recording and Filing. The City shall file or cause to be kept and filed all financing statements, and the Trustee shall file or cause to be kept and filed continuation statements with respect to such originally filed financing statements related to this Indenture and all supplements hereto. In carrying out its duties under this Section, the Trustee shall be entitled to rely on an Opinion of Counsel specifying what actions are required to comply with this Section.

Section 607. Possession and Inspection of Books and Documents. The City and the Trustee covenant and agree that all books and documents in their possession relating to the Bonds and to the distribution of proceeds thereof shall at all reasonable times and upon reasonable notice be open to inspection by such accountants or other agencies or Persons as the other party may from time to time designate.

Section 608. Tax Covenants.

- (a) The City shall not use or permit the use of any proceeds of the Bonds or any other funds of the City, and the Trustee shall not use any proceeds of the Bonds or any other funds of the City held by the Trustee, directly or indirectly, to acquire any securities or obligations, and shall not use or permit the use of any amounts received by the City or the Trustee in any manner, and shall not take or permit to be taken any other action or actions, which would cause any Bond to be an “arbitrage bond” within the meaning of Section 148(a) of the Code, or “federally guaranteed” within the meaning of Section 149(b) of the Code. If at any time the City is of the opinion that for purposes of this subsection (a) it is necessary to restrict or limit the yield on or change in any way the investment of any moneys held by the Trustee under this Indenture, the City shall so instruct the Trustee in writing and the Trustee shall act in accordance with such instructions. The City and the Trustee shall be deemed in compliance with this Section to the extent they follow the Tax Compliance Agreement or an opinion of Bond Counsel with respect to the investment of funds hereunder.

- (b) The City shall not (to the extent within its power or direction) use or permit the use of any proceeds of the Bonds or any other funds of the City, directly or indirectly, in any manner, and shall not take or permit to be taken any other action or actions, which would result in any of the Bonds being treated as other than an obligation described in Section 103(a) of the Code.
- (c) The City will not (to the extent within its power or direction) use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, in a manner that would cause any Bond to be a “private activity bond” within the meaning of Section 141 (a) of the Code.
- (d) The Trustee agrees to comply with any written letter or Opinion of Bond Counsel which sets forth the requirements to comply with any statute, regulation or ruling that may apply to the Trustee hereunder and relating to reporting requirements or other requirements necessary to preserve the exclusion from federal gross income of the interest on the Bonds.
- (e) The foregoing covenants of this Section shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to **Article IX** hereof or any other provision of this Indenture, until the final scheduled payment of all Bonds Outstanding.

ARTICLE VII

DEFAULT AND REMEDIES

Section 701. Events of Default. The occurrence of any one or more of the following events are defined as and declared to be and to constitute an “Event of Default”:

- (a) Default in the performance or observance of any of the covenants, agreements or conditions on the part of the City in this Indenture or in the Bonds contained, and the continuance thereof for a period of 30 days after written notice thereof has been given (1) to the City by the Trustee, or (2) to the Trustee (which notice of default the Trustee shall be required to accept) and the City by the Owners of not less than 25% in aggregate principal amount of the Bonds then Outstanding; provided, however, if any default is such that it cannot be corrected within such 30-day period, it shall not constitute an Event of Default if corrective action is instituted by the City within such period and diligently pursued until the default is corrected; or
- (b) The filing by the City of a voluntary petition in bankruptcy, or failure by the City to promptly lift any execution, garnishment or attachment of such consequence as would impair the ability of the City to carry on its operation, or adjudication of the City as a bankrupt, or assignment by the City for the benefit of creditors, or the entry by the City into an agreement of composition with creditors, or the approval by a court of competent jurisdiction of a petition applicable to the City in any proceedings instituted under the provisions of federal bankruptcy law, or under any similar acts which may hereafter be enacted; or
- (c) The failure to pay the principal of, or interest on the Bonds when due.

The Trustee shall give written notice of any Event of Default to the City as promptly as practicable after the occurrence of an Event of Default of which the Trustee has notice as provided in **Section 801(h)** hereof.

Section 702. Acceleration.

- (a) If an Event of Default has occurred and is continuing, the Trustee may, and shall upon the written request of the Owners of a majority in aggregate principal amount of the Bonds then Outstanding, with respect to an Event of Default set forth above, by notice in writing delivered to the City, declare the principal of all Bonds then Outstanding and the interest accrued thereon immediately due and payable.
- (b) In case of any rescission pursuant to **Section 712** hereof, the Trustee, the City and the Owners shall be restored to their former positions and rights hereunder respectively, but no such rescission shall extend to any subsequent or other default or Event of Default or impair any right consequent thereon.
- (c) At any time after such a declaration of acceleration has been made, but before any judgment or decree for payment of money due on any Bonds has been obtained by the Trustee as provided in this Article, the owners of a majority in principal amount of the Bonds then Outstanding with respect to an Event of Default set forth in **Section 701**, may, by written notice to the City and the Trustee, rescind and annul such declaration and its consequences if:
 - (1) there is deposited with the Trustee a sum sufficient to pay:
 - (A) all overdue installments of interest on the Bonds;
 - (B) the principal of (and premium, if any, on) any Bonds which have become due otherwise than by such declaration of acceleration and interest thereon at the rate or rates prescribed therefor in such Bonds; and
 - (C) all sums paid or advanced by the Trustee hereunder and the reasonable compensation, expenses, disbursements and advances of the Trustee, its agents and counsel; and
 - (2) all events of default, other than the non-payment of the principal of Bonds which have become due solely by such declaration of acceleration, have been cured or have been waived as provided in **Section 712** of this Indenture.

No such rescission and annulment shall affect any subsequent default or impair any right consequent thereon.

Section 703. Surrender of Possession of Trust Estate; Rights and Duties of Trustee in Possession. If an Event of Default has occurred and is continuing, the City, upon demand of the Trustee, shall forthwith surrender the possession of, and it shall be lawful for the Trustee, by such officer or agent as it may appoint, to take possession of all or any part of the Trust Estate, together with the books, papers and accounts of the City pertaining thereto, and out of the same and any moneys received from any receiver of any part thereof pay and set up proper reserves for the payment of all proper costs and expenses of so taking, holding and managing the same, including, but not limited to (a) reasonable

compensation to the Trustee, its agents and counsel, and (b) any reasonable charges of the Trustee hereunder, and the Trustee shall apply the remainder of the moneys so received in accordance with **Section 708** hereof.

Whenever all that is due upon the Bonds has been paid and all defaults made good, the Trustee shall surrender possession of the Trust Estate to the City, its successors or assigns, the same right of entry, however, to exist upon any subsequent Event of Default.

While in possession of the Trust Estate, the Trustee shall render annually to the City a summarized statement of receipts and expenditures in connection therewith.

Section 704. Appointment of Receivers in Event of Default. If an Event of Default has occurred and is continuing, and upon the filing of a suit or other commencement of judicial proceedings to enforce the rights of the Trustee and of the Owners under this Indenture, the Trustee shall be entitled, as a matter of right, to the appointment of a receiver or receivers of the Trust Estate and of the earnings, income, products and profits thereof, pending such proceedings, with such powers as the court making such appointment shall confer.

Section 705. Exercise of Remedies by the Trustee. If an Event of Default has occurred and is continuing, the Trustee may pursue any available remedy at law or equity by suit, action, mandamus or other proceeding to enforce the payment of the principal of and interest on the Bonds then Outstanding, and to enforce and compel the performance of the duties and obligations of the City as herein set forth.

If an Event of Default has occurred and is continuing, and if requested so to do by the Owners of not less than 25% in aggregate principal amount of the Bonds then Outstanding with respect to an Event of Default set forth above, and indemnified as provided in **Section 801(1)** hereof, the Trustee shall be obligated to exercise such one or more of the rights and powers conferred by this Article as the Trustee, being advised by counsel, deems most expedient in the interests of the Owners; provided, however, that the Trustee shall not be required to take any action which in its good faith conclusion could result in personal liability to it.

All rights of action under this Indenture or under any of the Bonds may be enforced by the Trustee without the possession of any of the Bonds or the production thereof in any trial or other proceedings relating thereto, and any such suit or proceeding instituted by the Trustee shall be brought in its name as Trustee without the necessity of joining as plaintiffs or defendants any Owner, and any recovery or judgment shall, subject to **Section 708** hereof, be for the equal benefit of all the Owners of the Outstanding Bonds.

Section 706. Limitation on Exercise of Remedies by Owners. No Owner shall have any right to institute any suit, action or proceeding in equity or at law for the enforcement of this Indenture or for the execution of any trust hereunder or for the appointment of a receiver or any other remedy hereunder, unless:

- (a) a default has occurred of which the Trustee has notice as provided in **Section 801(h)** hereof; and
- (b) such default has become an Event of Default; and
- (c) the Owners of not less than 25% in aggregate principal amount of the Bonds then Outstanding shall have made written request to the Trustee, shall have offered it reasonable opportunity either to proceed to exercise the powers hereinbefore granted or to

institute such action, suit or proceeding in its own name, and shall have provided to the Trustee indemnity as provided in **Section 801(1)** hereof; and

- (d) the Trustee shall thereafter fail or refuse to exercise the powers herein granted or to institute such action, suit or proceeding in its own name;

and such notification, request and indemnity are hereby declared in every case, at the option of the Trustee, to be conditions precedent to the execution of the powers and trusts of this Indenture, and to any action or cause of action for the enforcement of this Indenture, or for the appointment of a receiver or for any other remedy hereunder, it being understood and intended that no one or more Owners shall have any right in any manner whatsoever to affect, disturb or prejudice this Indenture by its, his or their action or to enforce any right hereunder except in the manner herein provided, and that all proceedings at law or in equity shall be instituted, had and maintained in the manner herein provided and for the equal benefit of the Owners of all Bonds then Outstanding. Nothing in this Indenture, however, shall affect or impair the right of any Owner to payment of the principal of and interest on any Bond at and after its maturity or the obligation of the City to pay the principal of and interest on each of the Bonds to the respective Owners thereof at the time, place, from the source and in the manner herein and in such Bond expressed.

Section 707. Right of Owners to Direct Proceedings. Any other provision herein to the contrary notwithstanding, the Owners of a majority in aggregate principal amount of the Bonds then Outstanding shall have the right, at any time, by an instrument or instruments in writing executed and delivered to the Trustee, to direct the time, method and place of conducting all proceedings to be taken in connection with the enforcement of this Indenture, or for the appointment of a receiver or any other proceedings hereunder; provided that such direction shall not be otherwise than in accordance with the provisions of law and of this Indenture, and provided, further, that the Trustee shall have the right to decline to follow any such direction if the Trustee in good faith determines that the proceeding so directed would involve it in personal liability or the Trustee has not been indemnified as provided in **Section 801** hereof.

Section 708. Application of Moneys in Event of Default. Upon an Event of Default, all moneys held or received by the Trustee pursuant to this Indenture pursuant to any right given or action taken under this Article shall, after payment of the reasonable fees, costs, advances and expenses of the Trustee and the proceedings resulting in the collection of such moneys (including without limitation attorneys' fees and expenses), be deposited in the Debt Service Fund. All moneys in the Debt Service Fund and the Costs of Issuance Fund shall be applied as follows:

- (a) If the principal of all Bonds have not become or have not been declared due and payable, all such moneys shall be applied:
 - (1) *First* - To the payment to the Owners entitled thereto of all installments of interest then due and payable on the Bonds, in the order in which such installments of interest became due and payable, with interest thereon at the rate or rates specified in the Bonds to the extent permitted by law, and, if the amount available is not sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the Persons entitled thereto, without any discrimination or privilege.
 - (2) *Second* - To the payment to the Owners entitled thereto of the unpaid principal of any of the Bonds that have become due and payable (other than Bonds called for redemption for the payment of which moneys or securities are held pursuant to this Indenture), in the order of their due dates, and, if the amount available is not

sufficient to pay in full such principal due on any particular date, together with such interest, then to the payment ratably, according to the amounts of principal due on such date, to the Persons entitled thereto without any discrimination or privilege.

- (b) If the principal of all the Bonds has become due or has been declared due and payable, all such moneys shall be applied to the payment of the principal and interest then due and unpaid on all of the Bonds, without preference or priority of principal over interest or of interest over principal or of any installment of interest over any other installment of interest or of any Bond over any other Bond, ratably, according to the amounts due respectively for principal and interest, to the Persons entitled thereto, without any discrimination or privilege.
- (c) If the principal of all Bonds have been declared due and payable, and if such declaration thereafter is rescinded and annulled under the provisions of **Section 712** hereof, then, subject to the provisions of subsection (b) above of this Section in the event that the principal of all Bonds shall later become due or be declared due and payable, the moneys shall be applied in accordance with the provisions of subsection (a) of this Section.

Whenever moneys are to be applied pursuant to this Section, such moneys shall be applied at such times and from time to time as the Trustee shall determine, having due regard to the amount of such moneys available and which may become available for such application in the future.

Whenever all Bonds and interest thereon have been paid under this Section, and all fees, expenses and charges of the Trustee have been paid, any balance remaining in the funds created pursuant to this Indenture shall be paid to the City.

Section 709. Remedies Cumulative. No remedy conferred by this Indenture upon or reserved to the Trustee or to the Owners is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to any other remedy given to the Trustee or to the Owners hereunder or now or hereafter existing at law or in equity or by statute.

Section 710. Delay or Omission Not Waiver. No delay or omission to exercise any right, power or remedy accruing upon any Event of Default shall impair any such right, power or remedy or shall be construed to be a waiver of any such Event of Default or acquiescence therein, and every such right, power or remedy may be exercised from time to time and as often as may be deemed expedient.

Section 711. Effect of Discontinuance of Proceedings. If the Trustee has proceeded to enforce any right under this Indenture by the appointment of a receiver, by entry, or otherwise, and such proceedings have been discontinued or abandoned for any reason, or have been determined adversely, then the City, the Trustee and the Owners shall be restored to their former positions and rights hereunder, and all rights, remedies and powers of the Trustee shall continue as if no such proceedings had been taken.

Section 712. Waivers of Events of Default. The Trustee shall waive any Event of Default and its consequences and rescind any acceleration of maturity of principal upon the written request of the Owners of a majority in aggregate principal amount of Bonds then Outstanding with respect to which an Event of Default has occurred, except a default:

- (a) in the payment of the principal of (or premium, if any) or interest on any Bond; or

- (b) in respect of a covenant or provision hereof which under **Article X** cannot be modified or amended without the consent of the owner of each Outstanding Bond affected.

In case of any such waiver or rescission, or in case any proceeding taken by the Trustee on account of any such Event of Default have been discontinued or abandoned or determined adversely, then and in every such case the City, the Trustee and the Owners shall be restored to their former positions, rights and obligations hereunder, respectively, but no such waiver or rescission shall extend to any subsequent or other default, or impair any right consequent thereon.

ARTICLE VIII

THE TRUSTEE

Section 801. Acceptance of Trusts. The Trustee hereby accepts the trusts imposed upon it by this Indenture, and agrees to perform said trusts as a corporate trustee ordinarily would perform said trusts under a corporate indenture, but only upon and subject to the following express terms and conditions, and no implied covenants or obligations shall be read into this Indenture against the Trustee:

- (a) The Trustee, prior to the occurrence of an Event of Default and after the curing of all Events of Default which may have occurred, undertakes to perform such duties and only such duties as are specifically set forth in this Indenture. If any Event of Default has occurred and is continuing, the Trustee shall exercise such of the rights and powers vested in it by this Indenture, and shall use the same degree of care and skill in their exercise, as a prudent person under reasonably similar circumstances would exercise or use under the circumstances in the conduct of such person's own affairs.
- (b) The Trustee may execute any of the trusts or powers hereunder or perform any duties hereunder either directly or through agents, attorneys, receivers, employees or such other professionals but shall not be answerable for the conduct of the same in accordance with the standard specified above, provided the Trustee has exercised reasonable care in making such selection. The Trustee may act and conclusively rely upon the opinion or advice of counsel, who may, without limitation, be counsel to the City or an employee of the Trustee, concerning all matters of trust hereof and the duties hereunder, and, subject to the restrictions of **Section 802** hereof, may in all cases pay such reasonable compensation to all such agents, attorneys, receivers, employees and other such professionals as may reasonably be employed in connection with the trusts hereof. The Trustee shall not be responsible for any loss or damage resulting from any action or nonaction by it taken or omitted to be taken in good faith and shall be fully protected in reliance upon such opinion or advice of counsel.
- (c) The Trustee shall not be responsible for any recital herein or in the Bonds (except with respect to the Certificate of Authentication of the Trustee endorsed on the Bonds), or for the recording or re-recording, filing or refiling of this Indenture or any security agreements in connection therewith, or for insuring any of the improvements constructed in the City or collecting any insurance moneys, or for the validity of the execution by the City of this Indenture or of any or instruments of further assurance, or for the sufficiency of the security for the Bonds. The Trustee shall not be responsible or liable for any loss suffered in connection with any investment of funds made by it in accordance with **Article V** hereof other than for the earnings thereon. The Trustee makes no representations as to the value or condition of the Trust Estate or any part thereof, or as to

the validity or sufficiency of this Indenture or of the Bonds. The Trustee shall not be accountable for the use or application by the City of any of the Bonds or the proceeds thereof or of any money paid to or upon the order of the City under any provision of this Indenture.

- (d) The Trustee shall not be accountable for the use of any Bonds authenticated and delivered hereunder. The Trustee, in its individual or any other capacity, may become the owner or pledgee of Bonds with the same rights which it would have if it were not Trustee.
- (e) The Trustee may rely and shall be protected in acting or refraining from acting upon any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, affidavit, letter, telegram or other paper or document provided for under this Indenture believed by it to be genuine and correct and to have been signed, presented or sent by the proper Person or Persons. Any action taken by the Trustee pursuant to and in accordance with this Indenture upon the request or authority or consent of any Person who, at the time of making such request or giving such authority or consent is the Owner of any Bond, shall be conclusive and binding upon all future Owners of the same Bond and upon Bonds issued in exchange therefor or upon transfer or in place thereof.
- (f) As to the existence or nonexistence of any fact or as to the sufficiency or validity of any instrument, paper or proceeding, or whenever in the administration of this Indenture the Trustee deems it desirable that a matter be proven or established prior to taking, suffering or omitting any action hereunder, the Trustee shall be entitled to rely upon a certificate signed by an Authorized City Representative as sufficient evidence of the facts therein contained. Prior to the occurrence of an Event of Default of which the Trustee has been notified as provided in subsection (h) of this Section or of which by said subsection it is deemed to have notice, the Trustee shall also be at liberty to accept a similar certificate to the effect that any particular dealing, transaction or action is necessary or expedient, but may at its discretion secure such further evidence deemed necessary or advisable, but shall in no case be bound to secure the same.
- (g) The permissive right of the Trustee to do things enumerated in this Indenture shall not be construed as a duty, and the Trustee shall not be answerable for other than its negligence or willful misconduct.
- (h) The Trustee shall not be required to take notice of any Event of Default, other than a failure to make any payment on the Bonds when due, unless the Trustee is specifically notified in writing of such Event of Default by the City or by the Owners of at least 10% in aggregate principal amount of all Bonds then Outstanding.
- (i) At any and all reasonable times the Trustee and its duly authorized agents, attorneys, experts, engineers, accountants and representatives shall have the right, but shall not be required, to inspect any and all of the components of the project originally financed with the proceeds of the Refunded Bonds, including all books, papers and records of the City pertaining to the Bonds, and to take such memoranda from and in regard thereto as may be desired.
- (j) The Trustee shall not be required to give any bond or surety in respect of the execution of its trusts and powers hereunder.

- (k) The Trustee shall have the right, but shall not be required, to demand, in respect of the authentication of any Bonds, the withdrawal of any funds, or any action whatsoever within the purview of this Indenture, appraisals or other information, or corporate action or evidence thereof, in addition to that by the terms hereof required, as a condition of such action by the Trustee as are deemed desirable for the purpose of establishing the right of the City to the authentication of any Bonds, the withdrawal of any funds or the taking of any other action by the Trustee.
- (l) Anything herein to the contrary notwithstanding, before taking any action under this Indenture, other than any action under **Article II** hereof concerning the payment of principal and interest on the Bonds, declaring an Event of Default and accelerating the maturity of the Bonds, the Trustee may, in its discretion, require that satisfactory indemnity be furnished to it by the Owners or other parties for the reimbursement of all reasonable fees, costs, liabilities, losses, claims and expenses to which it or its agents or counsel may be put and to protect it against all liability including environmental, except liability which is adjudicated to have resulted from its negligence or willful misconduct by reason of any action so taken.
- (m) All moneys received by the Trustee or any Paying Agent shall, until used or applied or invested as herein provided, be held in trust in the manner and for the purposes for which they were received but need not be segregated from other funds except to the extent required by this Indenture or by law. Neither the Trustee nor any Paying Agent shall be under any liability for interest on any moneys received hereunder except as provided herein.
- (n) The Trustee may elect not to proceed in accordance with the directions of the Owners of the Bonds without incurring any liability to the Owners if in the opinion of the Trustee such direction may result in liability to the Trustee, in its individual capacity, for which the Trustee has not received indemnity from the Owners, and the Trustee may rely upon an Opinion of Counsel addressed to the Trustee in determining whether any action directed by Owners may result in such liability.
- (o) Notwithstanding any other provision of this Indenture to the contrary, any provision intended to provide authority to act, right to payment of fees and expenses, and protection, immunity and indemnification to the Trustee shall be interpreted to include any action of the Trustee whether it is deemed to be in its capacity as Trustee, Registrar or Paying Agent.
- (p) The Trustee agrees to accept and act upon instructions or directions pursuant to this Indenture sent in writing or by Electronic Notice, provided, however, that such instructions or directions shall be signed by an Authorized City Representative. If the City elects to give the instructions by Electronic Notice, the Trustee may deem such instructions controlling. The Trustee shall not be liable for any losses, costs or expenses arising directly or indirectly from the Trustee's reliance upon and compliance with such instructions notwithstanding such instructions conflict or are inconsistent with a subsequent written instruction. The City agrees to assume all risks arising out of the use of such Electronic Notice to submit instructions and directions to the Trustee, including without limitation the risk of the Trustee acting on unauthorized instructions, and the risk of interception and misuse by third parties. "Electronic Notice" means notice given by telecopy or facsimile transmission or similar electronic means of communication, including but not limited to e-mail, which produces evidence of transmission.

- (q) No provision of this Indenture shall be construed to relieve the Trustee from liability for its own negligent action, its own negligent failure to act, or its own willful misconduct, except that:
- (1) this subsection shall not be construed to affect the limitation of the Trustee's duties and obligations provided in this Section or the Trustee's right to rely on the truth of statements and the correctness of opinions as provided in this Section;
 - (2) the Trustee shall not be liable for any error of judgment made in good faith by any one of its directors, officers or employees unless it is established that the Trustee was negligent in ascertaining the pertinent facts;
 - (3) the Trustee shall not be liable with respect to any action taken or omitted to be taken by it in good faith in accordance with the direction of the Owners of not less than a majority in principal amount of the Bonds then Outstanding relating to the time, method and place of conducting any proceeding for any remedy available to the Trustee, or exercising any trust or power conferred upon the Trustee, under this Indenture;
 - (4) subject to subsection (l) above, no provision of this Indenture shall require the Trustee to expend or risk its own funds or otherwise incur any liability in the performance of any of its duties hereunder, or in the exercise of any of its rights or powers if it has reasonable grounds for believing that repayment of such funds or adequate indemnity against such risk or liability is not reasonably assured to it; and
 - (5) the Trustee may execute any of the trusts or powers hereunder or perform any duties hereunder either directly or by or through agents or attorneys and the Trustee shall not be responsible for any misconduct or negligence on the part of any agent or attorney appointed with due care by it hereunder.

Section 802. Fees, Charges and Expenses of the Trustee. The Trustee shall be entitled to payment of and/or reimbursement for reasonable fees (which compensation shall not be limited by any provision of law in regard to the compensation of a trustee of an express trust) by the City for its ordinary services rendered hereunder and all agent and counsel fees and other ordinary costs and expenses reasonably and necessarily made or incurred by the Trustee in connection with such ordinary services and, if it becomes necessary that the Trustee perform extraordinary services, it shall be entitled to reasonable extra compensation therefor and to reimbursement for reasonable and necessary extraordinary costs and expenses in connection therewith; provided that if such extraordinary services or extraordinary expenses are occasioned by the neglect or willful misconduct of the Trustee it shall not be entitled to compensation or reimbursement therefor. The Trustee shall be entitled to payment and reimbursement for the reasonable fees and charges of the Trustee as Paying Agent and as Registrar for the Bonds. Upon the occurrence of an Event of Default and during its continuance, the Trustee shall have a lien with right of payment prior to payment on account of principal of or interest on any Bond, upon all moneys in its possession under any provisions hereof for the foregoing advances, fees, costs and expenses incurred. If moneys transferred by the City are insufficient to make payment to the Trustee for its fees and expenses, as provided in subparagraph *Fourth* of **Section 402** on any Payment Date, the unpaid portion shall be carried forward to the next Payment Date, together with interest thereon at the Trustee's base lending rate plus 2%.

Section 803. Notice of Default. If a default occurs of which the Trustee is required to take notice or notice is given to the Trustee as provided in **Section 801(h)** hereof, then the Trustee shall give written notice thereof to the City within 30 days (five Business Days if the maturity of the Bonds has been accelerated pursuant to **Section 702** hereof) by first class mail to the Owners of all Bonds then Outstanding as shown by the Register.

Section 804. Intervention by the Trustee. In any judicial proceeding to which the City is a party and which, in the opinion of the Trustee and its counsel, has a substantial bearing on the interests of Owners of the Bonds, the Trustee may intervene on behalf of Owners and shall do so if requested in writing by the Owners of at least 25% in the aggregate principal amount of the Bonds then Outstanding, provided that the Trustee shall first have been provided indemnity provided under **Section 801(l)** hereof as it may require against the reasonable costs, expenses and liabilities which it may incur in or by reason of such proceeding, including without limitation attorneys' fees and expenses.

Section 805. Successor Trustee Upon Merger, Consolidation or Sale. Any corporation or association with or into which the Trustee may be merged or converted or with or into which it may be consolidated, or to which the Trustee may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any merger, conversion, sale, consolidation or transfer to which it is a party, provided such corporation or association is otherwise eligible under **Section 808** hereof, shall be and become successor Trustee hereunder and shall be vested with all the trusts, powers, rights, obligations, duties, remedies, immunities and privileges hereunder as was its predecessor, without the execution or filing of any instrument or any further act on the part of any of the parties hereto.

Section 806. Resignation or Removal of Trustee. The Trustee and any successor Trustee may at any time resign from the trusts hereby created by giving 30 days' written notice to the City and the Owners, and such resignation shall take effect upon the appointment of a successor Trustee pursuant to **Section 807** hereof. If at any time the Trustee ceases to be eligible in accordance with the provisions of this Indenture, it shall resign immediately in the manner provided in this Section. The Trustee may be removed for cause or without cause at any time by an instrument or concurrent instruments in writing delivered to the Trustee and the City and signed by the Owners of a majority in aggregate principal amount of Bonds then Outstanding. If no Event of Default has occurred and is continuing, or no condition exists which with notice or the lapse of time will become an Event of Default as provided in **Section 701(a)** hereof, the Trustee may be removed at any time by an instrument or concurrent instruments in writing delivered to the Trustee and the Owners and signed by the City. The City or the Owners of a majority in aggregate principal amount of the Bonds then Outstanding may at any time petition any court of competent jurisdiction for the removal for cause of the Trustee. No resignation or removal of the Trustee shall become effective until a successor Trustee has accepted its appointment under **Section 809** hereof.

Section 807. Appointment of Successor Trustee. If the Trustee hereunder resigns or is removed, or otherwise becomes incapable of acting hereunder, or if it is taken under the control of any public officer or officers or of a receiver appointed by a court, a successor Trustee may be appointed by the Owners of a majority in aggregate principal amount of Bonds then Outstanding, by an instrument or concurrent instruments in writing; provided, nevertheless, that in case of such vacancy the City, by an instrument executed and signed by the Authorized City Representative, may appoint a temporary Trustee to fill such vacancy until a successor Trustee is appointed by the Owners in the manner above provided; and any such temporary Trustee so appointed by the City shall immediately and without further acts be superseded by the successor Trustee so appointed by such Owners. If a successor Trustee or a temporary Trustee has not been so appointed and accepted such appointment within 30 days of a notice of

resignation or removal of the current Trustee, the retiring Trustee may petition a court of competent jurisdiction for the appointment of a successor Trustee to act until such time, if any, as a successor has so accepted its appointment. No resignation or removal of the Trustee shall become effective until a successor Trustee has accepted its appointment under **Section 809** hereof.

Section 808. Qualifications of Trustee and Successor Trustees. The Trustee and every successor Trustee appointed hereunder shall be a trust institution or commercial bank qualified to do business in the State, shall be in good standing and qualified to accept such trusts, shall be subject to examination by a federal or state bank regulatory authority, and shall have a reported capital and surplus of not less than \$75,000,000, or must provide a guaranty of the full and prompt performance by the Trustee of its obligations under this Indenture and any other agreements made in connection with the Bonds, on terms satisfactory to the City, by a guarantor with such combined capital and surplus. If such institution publishes reports of conditions at least annually pursuant to law or regulation, then for the purposes of this Section the capital and surplus of such institution shall be deemed to be its capital and surplus as set forth in its most recent report of condition so published.

Section 809. Vesting of Trusts in Successor Trustee. Every successor Trustee appointed hereunder shall execute, acknowledge and deliver to its predecessor and also to the City an instrument in writing accepting such appointment hereunder, and thereupon such successor shall become fully vested with all the trusts, powers, rights, obligations, duties, remedies, immunities and privileges of its predecessor and the obligations of the predecessor Trustee hereunder shall cease and terminate; but such predecessor shall, nevertheless, on the written request of the City, execute and deliver an instrument transferring to such successor Trustee all the trusts, powers, rights, obligations, duties, remedies, immunities and privileges of such predecessor hereunder; and every predecessor Trustee shall deliver all securities and moneys held by it as Trustee hereunder to its successor. Should any instrument in writing from the City be required by any successor Trustee for more fully and certainly vesting in such successor the trusts, powers, rights, obligations, duties, remedies, immunities and privileges hereby vested in the predecessor, any and all such instruments in writing shall, on request, be executed, acknowledged and delivered by the City.

Section 810. Trust Estate May be Vested in Co-Trustee.

- (a) It is the purpose of this Indenture that there shall be no violation of any law of any jurisdiction (including particularly the State) denying or restricting the right of banking corporations or associations to transact business as trustee in such jurisdiction. It is recognized that in case of litigation under this Indenture, and in particular in case of the enforcement of either upon an Event of Default, or if the Trustee deems that by reason of any present or future law of any jurisdiction it may not exercise any of the powers, rights or remedies herein granted to the Trustee, or take any other action which may be desirable or necessary in connection therewith, it may be necessary or desirable that the Trustee appoint an individual or institution as a co-trustee or separate trustee, and the Trustee is hereby authorized to appoint such co-trustee or separate trustee.
- (b) If the Trustee appoints an additional individual or institution as co-trustee or separate trustee, each and every remedy, power, right, claim, demand, cause of action, immunity, title, interest and lien expressed or intended by this Indenture to be exercised by the Trustee with respect thereto shall be exercisable by such co-trustee or separate trustee but only to the extent necessary to enable such co-trustee or separate trustee to exercise such powers, rights and remedies, and every covenant and obligation necessary to the exercise thereof by such co-trustee or separate trustee shall run to and be enforceable by either of them.

- (c) Should any deed, conveyance or instrument in writing from the City be required by the co-trustee or separate trustee so appointed by the Trustee for more fully and certainly vesting in and confirming to him or it such properties, rights, powers, trusts, duties and obligations, any and all such deeds, conveyances and instruments in writing shall, on request, be executed, acknowledged and delivered by the City.
- (d) If any co-trustee or separate trustee dies, becomes incapable of acting, resigns or is removed, all the properties, rights, powers, trusts, duties and obligations of such co-trustee or separate trustee, so far as permitted by law, shall vest in and be exercised by the Trustee until the appointment of a successor to such co-trustee or separate trustee.

Section 811. Annual Statement. Unless the Trustee is doing so on a more frequent basis, the Trustee shall render an annual statement for each calendar year ending December 31 to the City and, if so requested and the expense thereof is paid, to any Owner requesting the same. The annual statement shall show in reasonable detail all financial transactions relating to the Trust Estate during the accounting period and shall include the balance in any funds and accounts created by this Indenture as of the beginning and close of such accounting period.

Section 812. Paying Agents; Registrar; Appointment and Acceptance of Duties; Removal.

- (a) The Trustee is hereby designated and agrees to act as Paying Agent and as Registrar for and in respect of the Bonds.
- (b) The City may appoint one or more additional Paying Agents for the Bonds. Each Paying Agent other than the Trustee shall signify its acceptance of the duties and obligations imposed upon it by this Indenture by executing and delivering to the City and the Trustee a written acceptance thereof. The City may remove any Paying Agent other than the Trustee and any successors thereto, and appoint a successor or successors thereto; provided that any such Paying Agent designated by the City shall continue to be a Paying Agent of the City for the purpose of paying the principal of and interest on the Bonds until the designation of a successor as such Paying Agent and acceptance by such successor of the appointment. Each Paying Agent is hereby authorized to pay or redeem Bonds when such Bonds are duly presented to it for payment or redemption, which Bonds shall thereafter be delivered to the Trustee for cancellation.
- (c) The Paying Agent may at any time resign and be discharged of the duties and obligations created by this Indenture by giving at least 60 days' notice to the City and the Trustee. The Paying Agent may be removed by the City at any time by an instrument signed by the City and filed with the Paying Agent and the Trustee. In the event of the resignation or removal of the Paying Agent, the Paying Agent shall pay over, assign and deliver any moneys held by it in such capacity to its successor or, if there be no successor, to the Trustee.

If the City fails to appoint a Paying Agent hereunder, or the Paying Agent resigns or is removed, or is dissolved, or if the property or affairs of the Paying Agent are taken under the control of any state or federal court or administrative body because of bankruptcy or insolvency, or for any other reason, and the City has not appointed its successor as Paying Agent, the Trustee shall ipso facto be deemed to be the Paying Agent for all purposes of this Indenture until the appointment by the City of the Paying Agent or successor Paying Agent, as the case may be. The Trustee shall give each Owner notice by first-class mail of the appointment of a Paying Agent or successor Paying Agent other than the Trustee.

ARTICLE IX

SATISFACTION AND DISCHARGE OF THE INDENTURE

Section 901. Satisfaction and Discharge of the Indenture.

- (a) When the principal of and interest on all the Bonds have been paid in accordance with their terms or provision has been made for such payment, as provided in **Section 902** hereof, and provision also is made for paying all other sums payable hereunder, including the fees and expenses of the Trustee and the Paying Agent to the date of payment of the Bonds, then the right, title and interest of the Trustee under this Indenture shall thereupon cease, determine and be void, and thereupon the Trustee shall cancel, discharge and release this Indenture and shall execute, acknowledge and deliver to the City such instruments of satisfaction and discharge or release as shall be required to evidence such release and the satisfaction and discharge of this Indenture, and shall assign and deliver to the City any property at the time subject to this Indenture which may then be in the Trustee's possession, except amounts in the Debt Service Funds required to be paid to the City under **Article IV** hereof and except funds or securities in which such moneys are invested and held by the Trustee for the payment of the principal of and interest on the Bonds.
- (b) The City is hereby authorized to accept a certificate of the Trustee stating that the whole amount of the principal and interest so due and payable upon all of the Bonds then Outstanding has been paid or provision for such payment has been made in accordance with **Section 902** hereof as evidence of satisfaction of this Indenture, and upon receipt thereof the City shall cancel and erase the inscription of this Indenture from its records.

Section 902. Bonds Deemed to Be Paid.

- (a) Bonds or any portions thereof shall be deemed to be paid within the meaning of this Article when payment of the principal on such Bonds, plus premium, if any, plus interest thereon to the due date thereof (whether such due date is by reason of maturity or upon redemption as provided in this Indenture, or otherwise), either (1) has been made or caused to be made in accordance with the terms hereof, or (2) provision therefor has been made by depositing with the Trustee, in trust and irrevocably setting aside exclusively for such payment, (A) moneys sufficient to make such payment, or (B) non-callable Government Securities maturing as to principal and interest in such amount and at such times as will ensure the availability of sufficient moneys to make such payment and the Trustee shall have received an opinion of Bond Counsel (which opinion may be based upon a ruling or rulings of the Internal Revenue Service) to the effect that such deposit will not cause the interest on such Bonds to be included in gross income for purposes of federal income taxation and that all conditions precedent to the satisfaction of this Indenture have been met. At such time as a Bond is deemed to be paid hereunder as aforesaid, such Bond shall no longer be secured by or be entitled to the benefits of this Indenture, except for the purposes of any such payment from such moneys or Government Securities.
- (b) Notwithstanding any provision of any other Section of this Indenture which may be contrary to the provisions of this Section, all moneys or Government Securities set aside

and held in trust pursuant to the provisions of this Section for the payment of Bonds and interest thereon shall be applied to and be used solely for the payment of the particular Bonds and interest thereon with respect to which such moneys and Government Securities have been so set aside in trust.

- (c) If the interest earnings on money or Government Obligations are necessary to provide for the payment of the Bonds under this Section, the Trustee shall receive a verification report of a firm of independent certified public accountants that the moneys and Government Securities deposited with the Trustee are sufficient to pay when due the principal or redemption price, if any, and interest on the Bonds on or prior to the applicable maturity date.

ARTICLE X

SUPPLEMENTAL INDENTURES

Section 1001. Supplemental Indentures Not Requiring Consent of Owners. The City and the Trustee may from time to time, without the consent of or notice to any of the Owners, enter into such Supplemental Indenture or Supplemental Indentures as are not inconsistent with the terms and provisions hereof, for any one or more of the following proposes:

- (a) to cure any ambiguity or formal defect or omission in this Indenture or to release property from the Trust Estate which was included by reason of an error or other mistake;
- (b) to grant to or confer upon the Trustee for the benefit of the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners or the Trustee or either of them;
- (c) to subject to this Indenture additional revenues, properties or collateral;
- (d) to modify, amend or supplement this Indenture or any indenture supplemental hereto in such manner as to permit the qualification of this Indenture under the Trust Indenture Act of 1939, as then amended, or any similar federal statute hereafter in effect, or to permit the qualification of the Bonds for sale under the securities laws of any state of the United States;
- (e) to provide for the refunding of any Bonds in accordance with the terms hereof;
- (f) to evidence the appointment of a separate trustee or the succession of a new trustee hereunder;
- (g) to modify or eliminate any of the terms of this Indenture; provided, however, that:
 - (1) such Supplemental Indenture shall expressly provide that any such modifications or eliminations shall become effective only when there is no Bond Outstanding issued prior to the execution of such Supplemental Indenture; and
 - (2) the Trustee may, in its discretion, decline to enter into any such Supplemental Indenture which, in its opinion, may not afford adequate protection to the Trustee when the same becomes operative; and

- (h) to make any other change which, in the sole judgment of the Trustee, does not materially adversely affect the security of the Owners. In exercising such judgment the Trustee may rely on an Opinion of Counsel.

Section 1002. Supplemental Indentures Requiring Consent of Owners. In addition to Supplemental Indentures permitted by **Section 1001** hereof and subject to the terms and provisions contained in this Section, and not otherwise, with the consent of the Owners of not less than a majority in aggregate principal amount of the Bonds then Outstanding, the City and the Trustee may from time to time enter into such other Supplemental Indenture or Supplemental Indentures as shall be deemed necessary and desirable by the City for the purpose of modifying, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Indenture or in any Supplemental Indenture; provided, however, that nothing in this Section contained shall permit or be construed as permitting:

- (a) an extension of the maturity of the principal of or the scheduled date of payment of interest on any Bond;
- (b) a reduction in the principal amount, or any interest payable on any Bond;
- (c) a privilege or priority of any Bond or Bonds over any other Bond or Bonds;
- (d) a reduction in the aggregate principal amount of Bonds the Owners of which are required for consent to any such Supplemental Indenture; or
- (e) the modification of the rights, duties or immunities of the Trustee, without the written consent of the Trustee.

If at any time the City requests the Trustee to enter into any such Supplemental Indenture for any of the purposes of this Section, the Trustee shall cause notice of the proposed execution of such Supplemental Indenture to be mailed by first-class mail to each Owner. Such notice shall briefly set forth the nature of the proposed Supplemental Indenture and shall state that copies thereof are on file at the principal corporate trust office of the Trustee for inspection by all Owners. If within 60 days or such longer period as shall be prescribed by the City following the mailing of such notice, the Owners of not less than a majority in aggregate principal amount of the Bonds Outstanding at the time of the execution of any such Supplemental Indenture have consented to and approved the execution thereof as herein provided, no Owner of any Bond shall have any right to object to any of the terms and provisions contained therein, or the operation thereof, or in any manner to question the propriety of the execution thereof, or to enjoin or restrain the Trustee or the City from executing the same or from taking any action pursuant to the provisions thereof. Upon the execution of any such Supplemental Indenture as in this Section permitted and provided, this Indenture shall be and be deemed to be modified and amended in accordance therewith.

Section 1003. Opinion of Bond Counsel. Notwithstanding anything to the contrary in **Sections 1001** or **1002** hereof, before the City and the Trustee enter into any Supplemental Indenture pursuant to **Sections 1001** or **1002** hereof, there shall have been delivered to the Trustee an Opinion of Bond Counsel stating that such Supplemental Indenture is authorized or permitted by this Indenture, complies with their respective terms, will, upon the execution and delivery thereof, be valid and binding upon the City in accordance with its terms and will not adversely affect the exclusion from federal gross income of interest on any Bonds then Outstanding.

ARTICLE XI

MISCELLANEOUS PROVISIONS

Section 1101. Consents and Other Instruments by Owners. Any consent, request, direction, approval, objection or other instrument required by this Indenture to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners 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 Indenture, and shall be conclusive in favor of the Trustee 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 (other than the assignment of a Bond) may be proved by the 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 him the execution thereof, or by affidavit of any witness to such execution.
- (b) The fact of ownership of Bonds and the amount or amounts, numbers and other identification of such Bonds, and the date of holding the same shall be proved by the Register. In all cases where Bonds are owned by persons other than the City or an assignee of the City, in determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Indenture, Bonds owned by, or held by or for the account of, the City or any affiliate or any Person controlling, controlled by or under common control with the City, shall be disregarded and deemed not to be Outstanding under this Indenture.

Section 1102. Notices.

- (a) Except as otherwise provided herein, it shall be sufficient service of any notice, request, complaint, demand or other paper required by this Indenture to be given to or filed with the City or the Trustee if the same is duly mailed by registered or certified mail, postage pre-paid, return receipt requested, or sent by telegram, telecopy or telex or other similar communication, or when given by telephone, confirmed by telephone, on the same day, addressed as follows, provided that notices to the Trustee shall be effective only upon receipt:

- (1) To the City at:

City of Springfield, Missouri
840 Boonville
P.O. Box 8368
Springfield, Missouri 65801
Attention: City Manager

(2) To the Trustee at:

BOKF, N.A.
2405 Grand Boulevard, Suite 840
Kansas City, Missouri 64108-2536
Attention: Corporate Trust Department

(3) To the Owners:

By first-class mail addressed to each of the Owners of all Bonds at the time Outstanding, as shown by the Register. Any notice so mailed to the Owners of the Bonds shall be deemed given at the time of mailing whether or not actually received by the Owners.

In the event of any notice to a party other than the City, a copy of said notice shall be provided to the City. The above parties may from time to time designate, by notice given hereunder to the other parties, such other address to which subsequent notices, certificates or other communications shall be sent.

Section 1103. Limitation of Rights Under the Indenture. With the exception of rights herein expressly conferred and as otherwise provided in this Section, nothing expressed or mentioned in or to be implied by this Indenture or the Bonds is intended or shall be construed to give any Person other than the parties hereto, and the Owners of the Bonds, any right, remedy or claim under or in respect to this Indenture. This Indenture and all of the covenants, conditions and provisions hereof are, except as otherwise provided in this Section, intended to be and are for the sole and exclusive benefit of the parties hereto and the Owners of the Bonds as herein provided.

Section 1104. Suspension of Mail Service. If, because of the temporary or permanent suspension of mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such delivery of notice in lieu thereof as shall be made with the approval of the Trustee shall constitute a sufficient notice.

Section 1105. Business Days. If any date for the payment of principal of or interest on the Bonds or the taking of any other action hereunder is not a Business Day, then such payment shall be due, or such action shall be taken, on the first Business Day thereafter; provided, however, any interest that accrues on any unmatured or unredeemed Bonds from the due date shall be payable on the next succeeding Payment Date.

Section 1106. Immunity of Officers, Employees and Members of City. No recourse shall be had for the payment of the principal of or interest on any of the Bonds or for any claim based thereon or upon any obligation, covenant or agreement in this Indenture contained against any past, present or future officer, director, member, employee or agent of the City, the governing body of the City, or of any successor public corporation, as such, either directly or through the City or any successor public corporation, under any rule of law or equity, statute or constitution, or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such officers, directors, members, employees or agents as such is hereby expressly waived and released as a condition of and consideration for the execution of this Indenture and the issuance of such Bonds.

Section 1107. No Sale. The City covenants and agrees that, except as provided herein, it will not sell, convey, assign, pledge, encumber or otherwise dispose of any part of the moneys subject to this Indenture.

Section 1108. Severability. If any provision of this Indenture is held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstances, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or Sections in this Indenture contained shall not affect the remaining portions of this Indenture, or any part thereof.

Section 1109. Execution in Counterparts. This Indenture may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 1110. Governing Law. This Indenture shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 1111. Electronic Transaction. 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 laws.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the City of Springfield, Missouri has caused these presents to be signed in its name and behalf and its corporate seal to be hereunto affixed and attested by its duly authorized officers, and to evidence its acceptance of the trusts hereby created, BOKF, N.A., has caused these presents to be signed in its name and behalf and its corporate seal to be hereunto affixed and attested by its duly authorized officers, all as of the day and year first above written.

CITY OF SPRINGFIELD, MISSOURI

[SEAL]

By: _____
Title: City Manager

ATTEST:

By: _____
Title: City Clerk

Approved as to Form _____, City Attorney

BOKF, N.A., as Trustee

[SEAL]

By: _____
Title: _____

ATTEST:

By: _____
Title: _____

SCHEDULE 1

REFUNDED BONDS

The Refunded Bonds consist of the City's Special Obligation Bonds (Sewer System Improvements Project), Series 2015, with stated maturities of April 1, 2027-2033 and April 1, 2035, currently outstanding in the principal amount of \$24,120,000.

EXHIBIT A

(FORM OF BONDS)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Authority or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the Registered Owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA

STATE OF MISSOURI

Registered
No. R-____

Registered
\$_____

CITY OF SPRINGFIELD, MISSOURI

**SPECIAL OBLIGATION REFUNDING BOND
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2025**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Dated Date</u>	<u>CUSIP</u>
%	April 1, 20__	December 22, 2025	

Registered Owner: _____ ** CEDE & CO. **

Principal Amount: _____ DOLLARS

THE CITY OF SPRINGFIELD, MISSOURI, a constitutional home rule charter city and political subdivision of the State of Missouri (the "City"), for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner shown above, or registered assigns, the principal amount shown above on the maturity date shown above, and to pay interest thereon at the interest rate per annum shown above (computed on the basis of a 360-day year of twelve 30-day months)

from the Dated Date shown above or from the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on April 1 and October 1 in each year, beginning on April 1, 2026, until said principal amount has been paid.

Except as otherwise provided herein, the capitalized terms herein shall have the meanings as provided in the Indenture (as hereinafter defined).

The principal of this Bond shall be paid at maturity by check or draft to the person in whose name this Bond is registered at the maturity date thereof, upon presentation and surrender of this Bond at the principal payment office of BOKF, N.A., Kansas City, Missouri (the "Trustee"). 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 registration books maintained by the Trustee (the "Bond Register") at the close of business on the Record Date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding the interest payment date. Such interest shall be payable by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or, if such Bonds are held by a Securities Depository or, at the written request addressed to the Paying Agent by any Registered Owner of Bonds in the aggregate principal amount of at least \$500,000, by electronic transfer in immediately available funds to a bank located in the continental United States for credit to the ABA routing number and account name and number filed with the Paying Agent not less than 15 days prior to the Record Date for such interest. In the event any Registered Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Registered Owner sufficient to pay any governmental charge required to be paid as a result of such failure, which amount may be deducted by the Paying Agent from amounts otherwise payable to such Registered Owner under such Registered Owner's Bond.

This Bond is one of an authorized series of bonds of the City designated "Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025," in the aggregate principal amount of \$[Principal Amount] (the "Bonds"), issued by the City to refund the Refunded Bonds and provide for payment of costs of issuance of the Bonds, by, under the authority of and in full compliance with the constitution and laws of the State of Missouri, and pursuant to a Trust Indenture dated as of December 1, 2025, between the Trustee and the City (the "Indenture") and proceedings duly and legally had by the governing body of the City.

At the option of the City, the Bonds are subject to redemption and payment prior to the stated maturity thereof, in whole or in part on any date upon the occurrence of certain extraordinary events or circumstances as specified in the Indenture, at a redemption price of 100% of the principal amount of the Bonds being called for redemption, plus accrued interest thereon to the redemption date.

The Bonds shall be special obligations of the City payable as to both principal and interest solely from annual appropriations of funds by the City for such purpose. The obligation of the City to make payments into the Debt Service Fund and any other obligations of the City to make payments under the Indenture do not constitute a general obligation or indebtedness of the City for which the City is obligated to levy or pledge any form of taxation, or for which the City has levied or pledged any form of taxation and shall not be construed to be a debt of the City in contravention of any applicable constitutional, statutory or charter limitation or requirement but in each Fiscal Year shall be payable solely from the amounts pledged or appropriated therefor (1) out of the income and revenues provided for such year, plus (2) any unencumbered balances for previous years.

The Bonds are issued in the form of fully registered Bonds without coupons in the denominations of \$5,000 or any integral multiple thereof.

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 Indenture. 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 interest on, this Bond, (ii) notices and (iii) voting. Transfers of principal and interest payments to participants of the Securities Depository, and transfers of principal and interest 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 INDENTURE, 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.

This Bond may be transferred or exchanged, as provided in the Indenture, only on the Bond Register kept for that purpose at the principal payment office of the Paying Agent, upon surrender of this Bond together with a written instrument of transfer or authorization for 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 of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Indenture 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 binding on the City or be entitled to any security or benefit under the Indenture until the Certificate of Authentication hereon has been executed by the Trustee.

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.

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 or imprinted hereon, and this Bond to be dated as of the Dated Date shown above.

Registration Date: _____

CITY OF SPRINGFIELD, MISSOURI

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Indenture.

By: _____
Title: Mayor

(SEAL)

BOKF, N.A., as trustee

ATTEST:

By: _____
Title: Authorized Signatory

By: _____
Title: City Clerk

Approved as to Form _____,
City Attorney

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Print or Type Name, Address and Social Security Number
or other Taxpayer Identification Number of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

agent to transfer the within Bond on the books kept by the Trustee for the registration thereof, with full
power of substitution in the premises.

Dated: _____, _____

NOTICE: The signature to this assignment
must correspond with the name of the Registered
Owner as it appears on the face of the within
Bond in every particular.

Signature Guaranteed By:

(Name of Eligible Guarantor Institution)

By: _____
Title: _____

NOTICE: Signatures) must be guaranteed by
an eligible guarantor institution as defined by
SEC Rule 17Ad-15 (17 CFR 240.17Ad-15).

EXHIBIT B

Request No.: _____

Date: _____

**WRITTEN REQUEST FOR DISBURSEMENT FROM THE
COSTS OF ISSUANCE ACCOUNT
CITY OF SPRINGFIELD, MISSOURI
SPECIAL OBLIGATION REFUNDING BONDS
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2025**

To: BOKF, N.A., as Trustee
2405 Grand Boulevard, Suite 840
Kansas City, Missouri 64108-2536
Attention: Corporate Trust Department

as Trustee under the Indenture of Trust, dated as of December 1, 2025, from the City of Springfield, Missouri, to said Trustee (the "Indenture")

Pursuant to Section 404(a) of the Indenture, the City of Springfield, Missouri (the "City") requests payment from the Costs of Issuance Account in accordance with this request and said Section and hereby states and certifies as follows:

1. The date and number of this request are as set forth above.
2. All terms in this request shall have and are used with the meanings specified in the Indenture.
3. The names of the persons, firms or corporations to whom the payments requested hereby are due, the amounts to be paid and the general classification and description of the costs for which each obligation requested to be paid hereby was incurred are as set forth on Attachment I hereto.
4. These costs have been incurred and are presently due and payable and are reasonable costs that are payable or reimbursable under the Indenture and each item thereof is a proper charge against the Costs of Issuance Account.
5. Each item listed above has not previously been paid or reimbursed from moneys in the Costs of Issuance Account and no part thereof has been included in any other Disbursement Request previously filed with the Trustee under the provisions of the Indenture or reimbursed from Bond proceeds.
6. There has not been filed with or served upon the City any notice of any lien, right to a lien or attachment upon or claim affecting the right of any person, firm or corporation to receive payment of the amounts stated in this request.

CITY OF SPRINGFIELD, MISSOURI

By: _____
Title: Authorized City Representative

ATTACHMENT I

**TO WRITTEN REQUEST FOR DISBURSEMENT FROM THE
COSTS OF ISSUANCE ACCOUNT
CITY OF SPRINGFIELD, MISSOURI
SPECIAL OBLIGATION REFUNDING BONDS
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2025**

REQUEST NO. _____

DATED _____, ____

SCHEDULE OF PAYMENTS REQUESTED

Person, firm or corporation to whom payment is due	Amount to be paid	General classification and description of the costs of issuance for which the obligation to be paid was incurred
---	-------------------	--

Gilmore & Bell, P.C.
October 29, 2025

Moody's Rating:

See "RATING" herein

BOOK ENTRY ONLY

*In the opinion of Gilmore & Bell, P.C., Bond Counsel, under existing law and assuming continued compliance with certain requirements of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on the Bonds (including any original issue discount properly allocable to an owner thereof) (1) is excludable from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax and (2) the interest on the Bonds is exempt from income taxation by the State of Missouri. The Bonds have **not** been designated as "qualified tax-exempt obligations" within the meaning of Code § 265(b)(3).*

Bond Counsel notes that interest on the Bonds may be included in adjusted financial statement income of applicable corporations for purposes of determining the applicability and amount of the federal corporate alternative minimum tax.

See "TAX MATTERS" in this Official Statement.

\$[Principal Amount]*
CITY OF SPRINGFIELD, MISSOURI
SPECIAL OBLIGATION REFUNDING BONDS
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2025

Dated: Date of Delivery

Due: April 1, as shown
on inside cover page

The Bonds will be issued as fully registered bonds and will be registered in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Bonds. The Bonds will be available for purchase in denominations of \$5,000 or any integral multiple thereof, under the book-entry system maintained by DTC. DTC will receive all payments with respect to the Bonds from BOKF, N.A., Kansas City, Missouri, as Trustee under the Indenture (defined herein) for the Bonds. DTC is required to remit such payments to DTC Participants for subsequent disbursement to the beneficial owners of the Bonds. Semiannual interest will be payable on April 1 and October 1, beginning April 1, 2026.

The Bonds are subject to redemption prior to maturity as described herein.

The Bonds and the interest thereon constitute special obligations of the City payable solely from amounts pledged to the Bonds under the Indenture, including funds appropriated in each fiscal year by the City from (i) income and revenues of the City provided for such fiscal year plus (ii) any unencumbered balances from previous fiscal years. The Bonds do not constitute general obligations or an indebtedness of the City within the meaning of any constitutional, statutory or charter limitation or provision, and the City does not pledge its full faith and credit and is not obligated to levy taxes or resort to any other moneys of the City to pay the principal of and interest on the Bonds.

Payment of the principal of and interest on the Bonds is subject to annual appropriation by the City. The City is not required or obligated to make any such annual appropriation. The fiscal year of the City begins on each July 1 and ends on the following June 30. No property of the City is pledged or encumbered as security for the payment of the Bonds.

Certain risk factors are associated with the purchase of the Bonds. See "RISK FACTORS."

The Bonds are offered when, as and if issued and received by Stifel, Nicolaus & Company, Incorporated, as Underwriter, subject to the approval of legality by Gilmore & Bell, P.C., Kansas City, Missouri, Bond Counsel. Certain legal matters will be passed upon for the City by the Office of the City Attorney. Certain legal matters relating to this Official Statement will be passed upon for the City by Gilmore & Bell, P.C., Kansas City, Missouri, as Disclosure Counsel to the City. Certain legal matters will be passed upon for the Underwriter by Kutak Rock LLP, Kansas City, Missouri, as Underwriter's Counsel. It is expected that the Bonds will be available for delivery in book-entry form through DTC, New York, New York, on or about December __, 2025.

STIFEL

The date of this Official Statement is December __, 2025.

* Preliminary, subject to change.

\$[Principal Amount]*
CITY OF SPRINGFIELD, MISSOURI
SPECIAL OBLIGATION REFUNDING BONDS
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2025

MATURITY SCHEDULE*

Maturity April 1	Principal Amount	Interest Rate	Yield	Price
2027	\$,000			
2028	\$,000			
2029	\$,000			
2030	\$,000			
2031	\$,000			
2032	\$,000			
2033	\$,000			
2034	\$,000			
2035	\$,000			

* Preliminary, subject to change.

CITY OF SPRINGFIELD, MISSOURI

840 Boonville Avenue
P.O. Box 8368
Springfield, Missouri 65801-8368
(417) 864-1001

Mayor

Jeff Schrag

City Council

Monica Horton, Zone 1 Councilwoman
Abe McGull, Zone 2 Councilman
Brandon Jenson, Zone 3 Councilman
Bruce Adib-Yazdi, Zone 4 Councilman
Heather Hardinger, General Councilwoman A
Craig Hosmer, General Councilman B
Callie Carroll, General Councilwoman C
Derek Lee, General Councilman D

City Administration

David Cameron, City Manager
Collin Quigley, Deputy City Manager
Maurice Jones, Deputy City Manager
Anita Cotter, City Clerk
Jordan Paul, City Attorney
David Holtmann, Director of Finance
Dan Smith, Director of Public Works
Steve Childers, Planning and Development Director
James Fisher, Interim Director of Parks and Recreation
Brian Weiler, Director of Aviation
David Pennington, Fire Chief
Paul F. Williams, Chief of Police
Errin Kemper, Director of Environmental Services

UNDERWRITER

Stifel, Nicolaus & Company, Incorporated
Kansas City, Missouri

BOND COUNSEL

Gilmore & Bell, P.C.
Kansas City, Missouri

CERTIFIED PUBLIC ACCOUNTANTS

RSM US, LLP
Kansas City, Missouri

REGARDING USE OF THIS OFFICIAL STATEMENT

No dealer, broker, salesman or other person has been authorized by the City or the Underwriter to give any information or to make any representations with respect to the Bonds other than those contained in this Official Statement, and, if given or made, such other information or representations must not be relied upon as having been authorized by any of the foregoing. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been furnished by the City and other sources which are believed to be reliable, but such information is not guaranteed as to accuracy or completeness. The information and expressions of opinion herein are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City since the date hereof.

In connection with the offering of the Bonds, the Underwriter may over allot or effect transactions which stabilize or maintain the market price of the Bonds at a level above that which might otherwise prevail in the open market. Such stabilizing, if commenced, may be discontinued at any time.

THE BONDS HAVE NOT BEEN REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION UNDER THE SECURITIES ACT OF 1933, AS AMENDED, OR UNDER ANY STATE SECURITIES OR "BLUE SKY" LAWS. THE BONDS ARE OFFERED PURSUANT TO AN EXEMPTION FROM REGISTRATION WITH THE SECURITIES AND EXCHANGE COMMISSION.

IN MAKING AN INVESTMENT DECISION, INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THE CITY AND THE TERMS OF THIS OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THESE BONDS HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

CAUTIONARY STATEMENTS REGARDING FORWARD-LOOKING STATEMENTS IN THIS OFFICIAL STATEMENT

This Official Statement contains "forward-looking statements." These forward-looking statements include statements about the City's projections and future plans and strategies, and other statements that are not historical in nature. These forward-looking statements are based on the current expectations of the City. When used in this Official Statement, the words "estimate," "intend," "expect" and similar expressions are intended to identify forward-looking statements. Forward-looking statements involve future risks and uncertainties that could cause actual results and experience to differ materially from the anticipated results or other expectations expressed in forward-looking statements. These future risks and uncertainties include those discussed in the "RISK FACTORS" section of this Official Statement as well as under the caption "SECURITY AND SOURCES OF PAYMENT FOR THE BONDS - Sources of Payment." The City undertakes no obligation to update any forward-looking statements contained in this Official Statement to reflect future events or developments.

TABLE OF CONTENTS

<u>Page</u>	<u>Page</u>
INTRODUCTION	1
Purpose of this Official Statement	1
The City	1
The Bonds	1
Security and Source of Payment	1
Financial Statements	2
Continuing Disclosure Information	2
Bond Rating	2
THE CITY	2
PLAN OF FINANCING	2
Authorization and Purpose of the Bonds	2
The Refunding	2
Sources and Uses of Funds	3
THE BONDS	4
Description of the Bonds	4
Redemption	4
Book-Entry Only System	5
Registration, Transfer and Exchange of Bonds Upon Discontinuance of Book-Entry Only System	5
SECURITY AND SOURCES OF PAYMENT FOR THE BONDS	5
Sources of Payment	5
RISK FACTORS	7
LEGAL MATTERS	8
Legal Proceedings	8
Approval of Legality	8
TAX MATTERS	8
Opinion of Bond Counsel	9
Other Tax Consequences	9
RATING	10
UNDERWRITING	11
CONTINUING DISCLOSURE	11
General	11
Compliance With Prior Continuing Disclosure Undertakings	12
MISCELLANEOUS	12
Certification and Other Matters Regarding Official Statement	12
Additional Information	12
APPENDIX A: City of Springfield, Missouri - General, Economic and Financial Information	
APPENDIX B: Definitions of Words and Terms and Summary of the Indenture	
APPENDIX C: Form of the Continuing Disclosure Agreement	
APPENDIX D: City of Springfield, Missouri, Annual Comprehensive Financial Report with Independent Auditor's Report for the Year Ended June 30, 2024	
APPENDIX E: Book-Entry Only System	
APPENDIX F: Report of GRS Retirement Consulting - Missouri LAGERS GASB Statement No. 68 Employer Reporting Accounting Schedules - June 30, 2025; City of Springfield Police Officers' and Fire Fighters' Retirement System Actuarial Valuation for Plan Year July 1, 2025, to June 30, 2026; City of Springfield Police Officers' and Fire Fighters' Retirement System GASB 67 and 68 Disclosure for Fiscal Year July 1, 2024, to June 30, 2025	

OFFICIAL STATEMENT

**[\$[Principal Amount]*
CITY OF SPRINGFIELD, MISSOURI
SPECIAL OBLIGATION REFUNDING BONDS
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2025**

INTRODUCTION

This introduction is only a brief description and summary of certain information contained in this Official Statement and is qualified in its entirety by reference to more complete and detailed information contained in the entire Official Statement, including the cover page and appendices hereto, and the documents summarized or described herein. A full review should be made of the entire Official Statement.

Purpose of this Official Statement

The purpose of this Official Statement is to furnish information relating to (1) the City of Springfield, Missouri (the **“City”**), and (2) the City’s Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025 (the **“Bonds”**).

The City

The City is a constitutional home rule charter city and political subdivision organized and existing under the laws of the State of Missouri. See **“THE CITY.”**

The Bonds

The Bonds are being issued pursuant to the Trust Indenture dated as of December 1, 2025 (the **“Indenture”**), between the City and BOKF, N.A. (the **“Trustee”**). The Bonds are being issued for the purpose of (i) currently refunding \$24,120,000 outstanding principal amount of the City’s Special Obligation Bonds (Sewer System Improvements Project), Series 2015 with stated maturities of April 1, 2027-2033 and April 1, 2035, as more fully described herein (the **“Refunded Bonds”**), and (ii) paying costs of issuance of the Bonds. See **“PLAN OF FINANCING.”**

Security and Source of Payment

The payment of the principal of and interest on the Bonds and the obligation to make other payments required under the Indenture is subject to annual appropriation by the City. The City is not required or obligated to make any such appropriation. No property of the City is pledged or encumbered to secure payment of the Bonds.

The Bonds and the interest thereon constitute special obligations of the City payable solely from amounts pledged to the Bonds under the Indenture, including funds appropriated in each fiscal year of the City from (i) income and revenues of the City provided for such fiscal year plus (ii) any unencumbered balances from previous fiscal years (**“Appropriated Moneys”**). The City is not obligated to make any such annual appropriation. The fiscal year of the City (the **“Fiscal Year”**) begins on each July 1st and ends on the following June 30th.

* Preliminary, subject to change.

The Bonds do not constitute general obligations or an indebtedness of the City within the meaning of any constitutional, statutory or charter limitation or provision, and the City does not pledge its full faith and credit and is not obligated to levy taxes or resort to any other moneys or property of the City to pay the principal of and interest on the Bonds. See **“SECURITY AND SOURCES OF PAYMENT FOR THE BONDS.”**

Financial Statements

Audited financial statements of the City, as of and for the fiscal year ended June 30, 2024, are included in *Appendix D* to this Official Statement. These financial statements have been audited by RSM US, LLP, Kansas City, Missouri, independent certified public accountants, to the extent and for the period indicated in their report, which is also included in *Appendix D*.

Continuing Disclosure Information

The City has agreed to provide to the Municipal Securities Rulemaking Board the audited financial statements and certain operating data of the City. The City has also agreed to provide to the Municipal Securities Rulemaking Board prompt notice of the occurrence of certain events with respect to the Bonds. See **“CONTINUING DISCLOSURE.”**

Bond Rating

The City has received the rating on the Bonds set forth on the cover page from Moody’s Investors Service. See **“RATING.”**

THE CITY

The City contains approximately 82.9 square miles of area and is located in Greene County in the southwest portion of the State of Missouri. The City is the county seat of Greene County, Missouri (the “County”) and is located approximately 170 miles southeast of Kansas City and 220 miles southwest of St. Louis. The City is located at the junction of Interstate 44, U. S. Highways 65, 60 and 160, and State Routes 13 and 344. The City is the third largest metropolitan area in the State of Missouri and is a major center for trade and commerce in the southwest portion of the State of Missouri.

For further information about the City, see *Appendix A – City of Springfield, Missouri – General, Economic and Financial Information* and *Appendix D – City of Springfield, Missouri Annual Comprehensive Financial Report with Independent Auditor’s Report for the Year Ended June 30, 2024.*

PLAN OF FINANCING

Authorization and Purpose of the Bonds

The Bonds are authorized and being issued pursuant to and in full compliance with the Constitution and statutes of the State of Missouri, the City’s Charter, an ordinance passed by the City Council (the **“Bond Ordinance”**) and the Indenture. The Bonds are being issued for the purpose of currently refunding the Refunded Bonds and paying costs of issuance for the Bonds.

The Refunding*

The City previously issued its Special Obligation Bonds (Sewer System Improvements Project), Series 2015, pursuant to a Trust Indenture dated as of May 1, 2015, between the City and BOKF, N.A., as trustee. The City will use a portion of the funds derived from the sale of the Bonds to refund the outstanding principal amount of the Refunded Bonds with stated maturities of April 1, 2027-2033 and April 1, 2035, currently outstanding in the principal amount of \$24,120,000 on January 21, 2026 (the “**Redemption Date**”), the date on which the Refunded Bonds shall be redeemed in full at a redemption price equal to 100% of the principal amount thereof.

Set forth below is a description of the Refunded Bonds.

Due April 1	Principal Amount	Interest Rate	Redemption Date	Redemption Price	Cusip No.
2027	\$2,260,000	5.000%	//26	100%	851039 EY9
2028	\$2,370,000	5.000%	//26	100%	851039 EZ6
2029	\$2,490,000	3.250%	//26	100%	851039 FA0
2030	\$2,570,000	3.375%	//26	100%	851039 FB8
2031	\$2,655,000	5.000%	//26	100%	851039 FC6
2032	\$2,790,000	3.500%	//26	100%	851039 FD4
2033	\$2,885,000	3.625%	//26	100%	851039 FE2
2035	\$6,100,000	4.000%	//26	100%	851039 FG7

Escrow Letter of Instructions. The portion of the funds from the sale of the Bonds used to defease the Refunded Bonds will be deposited on the issue date of the Bonds pursuant to the Escrow Letter of Instructions from the City to the Trustee, as escrow agent, in such amount that will be, without consideration of any reinvestment thereof, fully sufficient to pay, redeem and discharge all of the principal of, and interest on the Refunded Bonds due and payable the Redemption Date.

Sources and Uses of Funds*

The following table summarizes the estimated sources and uses of funds for the plan of financing:

Sources of Funds:

Principal of the Bonds	\$(Principal Amount)*
Net original issue (discount)/premium	_____
Total	\$_____

Uses of Funds:

Current Refunding Deposit	\$_____
Costs of issuance	_____
Total	\$_____

* Preliminary, subject to change.

THE BONDS

The following is a summary of certain terms and provisions of the Bonds. Reference is hereby made to the Bonds and the provisions with respect thereto in the Indenture for the detailed terms and provisions thereof.

Description of the Bonds

The Bonds will be issued in the principal amount of \$[Principal Amount]*. The Bonds will be dated the date of initial issuance and delivery thereof, and will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will mature, subject to redemption as described below, on April 1 in the years and in the principal amounts set forth on the inside cover page of this Official Statement. Interest on the Bonds will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 2026. While the Bonds remain in book-entry only form, payments to Beneficial Owners (as defined herein) are governed by the rules of DTC as described in *Appendix E*. If DTC ceases to act as securities depository for the Bonds, payment may be made as described in the Indenture.

Redemption*

Extraordinary Optional Redemption. The Bonds are subject to redemption and payment prior to the stated maturity thereof, at the option of the City, in whole or in part on any date, at a redemption price of 100% of the principal amount of the Bonds being called for redemption, plus accrued interest thereon to the redemption date, upon the occurrence of any of the following conditions or events:

- (1) if title to, or the use for a limited period of, all or substantially all of the improvements is condemned by any authority having the power of eminent domain (other than the City or any entity controlled by or otherwise affiliated with the City);
- (2) if title to all or substantially all of the improvements is found to be deficient or nonexistent to the extent that the efficient utilization of such improvements by the City is impaired;
- (3) if all or substantially all of the improvements are damaged or destroyed by fire or other casualty; or
- (4) if as a result of changes in the Constitution of Missouri, or of legislative or administrative action by the State of Missouri or any political subdivision thereof, or by the United States, or by reason of any action instituted in any court, this Indenture shall become void or unenforceable or impossible of performance without unreasonable delay, or in any other way by reason of such change of circumstances, unreasonable burdens or excessive liabilities are imposed on the City.

Notice and Effect of Call for Redemption. If any of the Bonds are to be redeemed prior to maturity, the Trustee will give written notice of the City's intention to redeem and pay the Bonds by first-class mail to the original purchaser of the Bonds, and to the Registered Owner of each Bond, said notice to be mailed not less than 30 days prior to the redemption date. Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed will become due and payable on the redemption date, at the redemption price therein specified, and from and after the redemption date (unless the City defaults in the payment of the redemption price) such Bonds or portion of Bonds shall cease to bear interest.

So long as DTC is effecting book-entry transfers of the Bonds, the Paying Agent will provide the notices of Bonds to be redeemed to DTC. It is expected that DTC will, in turn, notify the DTC Participants

* Preliminary, subject to change.

and that the DTC Participants, in turn, will notify or cause to be notified the Beneficial Owners. Any failure on the part of DTC or a DTC Participant, or failure on the part of a nominee of a Beneficial Owner of a Bond (having been mailed notice from the Paying Agent, a DTC Participant or otherwise) to notify the Beneficial Owner of the Bond so affected, will not affect the validity of the redemption of such Bond.

Book-Entry Only System

Ownership interests in the Bonds will be available to purchasers only through a book-entry only system (the “**Book-Entry Only System**”) described in *Appendix E*.

Registration, Transfer and Exchange of Bonds Upon Discontinuance of Book-Entry Only System

If the Book-Entry Only System is discontinued the following provisions would apply: Each Bond when issued will be registered by the Trustee in the name of the owner thereof on the Bond Register. Bonds are transferable only upon the Bond Register upon presentation and surrender of the Bonds, together with instructions for transfer. Bonds may be exchanged for Bonds in the same aggregate principal amount and maturity upon presentation to the Trustee, subject to the terms, conditions and limitations set forth in the Indenture and upon payment of any tax, fee or other governmental charge required to be paid with respect to any such registration, transfer or exchange.

SECURITY AND SOURCES OF PAYMENT FOR THE BONDS

Sources of Payment

Annual Appropriation Obligations. The Bonds and the interest thereon constitute special obligations of the City payable solely from Appropriated Moneys. The Bonds do not constitute general obligations or an indebtedness of the City within the meaning of any constitutional, statutory or charter limitation or provision, and the City does not pledge its full faith and credit and is not obligated to levy taxes or resort to any other moneys or property to the City to pay the principal of and interest on the Bonds. See “***Appendix B – Definitions of Words and Terms and Summary of the Indenture.***”

In the Bond Ordinance, the City Council has directed the City Manager or any other officer of the City at any time charged with the responsibility of formulating budget proposals, subject to the provisions of the Indenture, from and after delivery of the Bonds and so long as any of the Bonds are outstanding, to (1) include in each annual budget prepared and presented to the City Council an appropriation of the amount necessary to pay debt service on the Bonds in the next succeeding Fiscal Year, and (2) take such further action (or cause the same to be taken) as may be necessary or desirable to assure the availability of moneys appropriated to pay such debt service on the Bonds in the next succeeding Fiscal Year.

The payment of the principal of and interest on the Bonds and other payments by the City under the Indenture are subject to annual appropriation by the City. The City is not required or obligated to make any such annual appropriation, and the decision whether or not to appropriate such funds will be solely within the discretion of the then current City Council. No property of the City is pledged or encumbered as security for payment of the Bonds.

Possible Source of Repayment for the Bonds. Prior to the issuance of the Bonds, the City has financed other improvements to its Sewer System with two types of bonds. These include Sewer System Revenue Bonds which are payable from a pledge of the net revenues of the Sewer System available after paying operation and maintenance expenses of the Sewer System pursuant to voter authorization obtained by the City. As of June 30, 2025, there were no Sewer System Revenue Bonds outstanding. Any such revenue bonds issued in the future which are payable from a pledge of Sewer System revenues are referred to herein as “System Revenue Bonds.” The City may in the future issue System Revenue Bonds upon approval of a majority of voters in the City. The

City does not currently have any plans to submit such an approval to the voters and does not currently have any authorized but unissued System Revenue Bonds.

In addition, the City has previously issued multiple series of special obligation bonds payable from an annual appropriation of City funds. These include bonds issued in 2002, 2005, 2007, 2010, 2012 and 2015 which were outstanding as of June 30, 2025, in the aggregate amount of \$[_____]. Such special obligation bonds, together with the Bonds and any other bonds or other annual appropriation obligations issued in the future to finance improvements to the Sewer System and which are payable from an annual appropriation of City funds are referred to herein as “Annual Appropriation Sewer Obligations.”

Subsequent to the issuance of the Bonds, the City anticipates the issuance of Annual Appropriation Sewer Obligations as described below under the heading ***Projected Debt Service Coverage*** to fund future improvements to the Sewer System. These improvements are described under the heading “**DESCRIPTION OF THE SEWER SYSTEM – 2025-2029 Advanced Action Plan Projects**” in *Appendix A* hereto.

The City anticipates that Appropriated Moneys will be derived primarily from revenues from its Sewer System that are available after payment of operating expenses of the Sewer System and payments related to System Revenue Bonds, if any (“**Available Sewer Revenues**”). Because System Revenue Bonds are payable from a pledge of the net revenues of the Sewer System after the payment of operation and maintenance expenses, payment of the Bonds and other Annual Appropriation Sewer Obligations of the City will be payable only on a subordinate basis after all payments required under any ordinances authorizing future System Revenue Bonds have been made.

There can be no assurance that (i) sufficient Available Sewer Revenues will be available to pay the Bonds after making any required payments related to any future System Revenue Bonds, if any, (ii) the City Council of the City will appropriate any of the Available Sewer Revenues for the purpose of paying debt service on the Bonds, or (iii) Available Sewer Revenues will not be used for other purposes, including payment of debt service on other Annual Appropriation Sewer Obligations or other obligations or paying for eligible projects, in lieu of paying debt service on the Bonds. Neither the Available Sewer Revenues nor any other revenues are pledged as security for payment of the Bonds.

For these reasons, **prospective investors should not rely upon the City’s receipt or use of the Available Sewer Revenues as a source of repayment of the Bonds, but should instead evaluate the likelihood that that the City will continue to appropriate moneys from other sources sufficient to make payments of principal and interest on the Bonds.**

Projected Debt Service Coverage. The table on the following page represents estimated debt service coverage through Fiscal Year 2034 from revenues of the Sewer System for the Bonds, System Revenue Bonds and Annual Appropriation Sewer Obligations which have been issued or which the City currently estimates are to be issued in the future.

The table includes a number of assumptions which may not be realized. These include rate increases as follows: **[**To be updated**]**

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2028	FY 2030	FY 2031	FY 2032	FY 2033	FY 2034
Rate Increase	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%			
Date of Increase	Jul-25	Jul-26	Jul-27	Jul-28	Jul-29	Jul-30	Jul-31	Jul-32	Jul-33	Jul-34

These increases are projected to be derived from rate increases adopted by the City Council. The rate increase for Fiscal Years 2025 and 2026 were adopted by City Council on January __, 2023, under Ordinance No. _____. Rate increases for Fiscal Year 2027 and beyond are estimated based on rate models comparing projected operating and maintenance, capital improvement program, and debt service expenses with needed revenues. **RATE INCREASES PAST FISCAL YEAR 2026 HAVE NOT YET BEEN ADOPTED BY THE CITY COUNCIL AND THERE CAN BE NO ASSURANCE THAT THEY WILL BE. THE AMOUNTS SET FORTH ABOVE AS PROJECTED INCREASES ARE CURRENT ESTIMATES ONLY AND COULD VARY UP OR DOWN DEPENDING UPON A VARIETY OF FACTORS INCLUDING VARIANCE IN EXPENSE AND REVENUE PROJECTIONS, FUTURE REGULATORY REQUIREMENTS AND SIMILAR FACTORS.** Total revenues attributable to user rates and fees are projected to increase at 2.5% in Fiscal Years 2026-2034. Operation and maintenance expenses are projected to increase annually over Fiscal Years 2025 to 2034 at varying percentages ranging from 2.8% to 3.5%, with an average of 3.4%.

For purposes of deriving aggregate debt service, debt service on existing obligations the City anticipates paying from revenues of the Sewer System was combined with estimated debt service on the Bonds and future Annual Appropriation Sewer Obligations. For purposes of the table, the Bonds are projected to be issued in the principal amount of \$[_____] at an average interest rate of [_____]%. Additional Annual Appropriation Sewer Obligations are projected to be issued in Fiscal Year 2027 in the amount of \$8,000,000 at an interest rate of approximately 2.6%. Projections of the issuance of Annual Appropriation Sewer Obligations, if any, past the year 2027 are not currently available. **[**To be updated**]**

Fiscal Year	Projected Net Operating Revenue Available for	Projected Annual Debt	Debt Service Coverage
	Debt Service	Service	
2025	\$20,043,000	\$11,529,466	1.74
2026	\$21,408,000	\$12,212,098	1.75
2027	\$21,698,000	\$8,412,558	2.58
2028	\$21,894,000	\$8,661,414	2.53
2029	\$21,994,000	\$8,374,688	2.63
2030	\$22,121,000	\$8,572,871	2.58
2031	\$22,286,000	\$8,290,782	2.69
2032	\$22,380,000	\$7,733,353	2.89
2033	\$22,488,000	\$7,733,688	2.91
2034	\$22,662,000	\$7,101,254	3.19

RISK FACTORS

The following describes certain risk factors affecting the payment of and security for the Bonds. The following discussion is not meant to be an exhaustive list of the risks associated with the purchase of Bonds and does not necessarily reflect the relative importance of the various risks. Potential investors are advised to consider the following factors along with all other information in this Official Statement in evaluating the Bonds. There can be no assurance that other risk factors will not become material in the future.

THE BONDS DO NOT GIVE RISE TO A GENERAL OBLIGATION OR OTHER INDEBTEDNESS OF THE CITY, THE STATE OF MISSOURI, OR ANY OTHER POLITICAL SUBDIVISION THEREOF WITHIN THE MEANING OF ANY CONSTITUTIONAL, STATUTORY OR CHARTER DEBT LIMITATION OR PROVISION.

THE BONDS SHALL BE SPECIAL OBLIGATIONS OF THE CITY PAYABLE SOLELY FROM THE ANNUAL APPROPRIATION OF FUNDS BY THE CITY FOR THAT PURPOSE AS DESCRIBED HEREIN. IN EACH FISCAL YEAR, PAYMENTS OF PRINCIPAL OF AND INTEREST

ON THE BONDS SHALL BE MADE SOLELY FROM THE AMOUNTS APPROPRIATED THEREFOR FROM (1) THE INCOME AND REVENUES OF THE CITY PROVIDED FOR SUCH YEAR PLUS (2) ANY UNENCUMBERED BALANCES FOR PREVIOUS YEARS, AND THE DECISION WHETHER TO MAKE SUCH APPROPRIATION EACH YEAR SHALL BE WITHIN THE SOLE DISCRETION OF THE THEN CURRENT CITY COUNCIL. SUBJECT TO THE PRECEDING SENTENCE, THE OBLIGATIONS OF THE CITY TO MAKE PAYMENTS HEREUNDER AND TO PERFORM AND OBSERVE ANY OTHER COVENANT AND AGREEMENT CONTAINED IN THE INDENTURE SHALL BE ABSOLUTE AND UNCONDITIONAL.

IF THE CITY FAILS TO APPROPRIATE AMOUNTS SUFFICIENT TO PAY THE PRINCIPAL AND INTEREST ON THE BONDS IN ANY FISCAL YEAR, NO OTHER FUNDS OR PROPERTY WILL BE AVAILABLE TO PAY SUCH PRINCIPAL AND INTEREST. NO PROPERTY OF THE CITY IS PLEDGED OR ENCUMBERED TO SECURE PAYMENT OF THE BONDS. NO DEBT SERVICE RESERVE FUND HAS BEEN ESTABLISHED FOR THE BONDS.

LEGAL MATTERS

Legal Proceedings

As of the date hereof, there is no controversy, suit or other proceeding of any kind pending or threatened against the City wherein or whereby any question is raised or may be raised, questioning, disputing or affecting in any way the legal organization of the City or its boundaries, or the right or title of any of its officers to their respective offices, or the legality of any official act in connection with the authorization, issuance and sale of the Bonds, or the constitutionality or validity of the Bonds or any of the proceedings had in relation to the authorization, issuance or sale thereof, or which might affect the City's ability to meet its obligations to pay the Bonds.

Approval of Legality

Legal matters incident to the authorization, issuance and sale of the Bonds are subject to the approving legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, as Bond Counsel to the City. Certain legal matters will be passed upon for the City by the Office of the City Attorney. Certain legal matters will be passed upon for the City by Gilmore & Bell, P.C., Kansas City, as Disclosure Counsel to the City. Certain legal matters will be passed upon for the Underwriter by Kutak Rock LLP, Kansas City, Missouri, as counsel to the Underwriter. The various legal opinions to be delivered concurrently with the delivery of the Bonds express the professional judgment of the attorneys rendering the opinions as to the legal issues explicitly addressed therein. By rendering a legal opinion, the opinion giver does not become an insurer or guarantor of that expression of professional judgment, of the transaction opined upon, or for the future performance of parties to such transaction, nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

TAX MATTERS

The following is a summary of the material federal and State of Missouri income tax consequences of holding and disposing of the Bonds. This summary is based upon laws, regulations, rulings and judicial decisions now in effect, all of which are subject to change (possibly on a retroactive basis). This summary does not discuss all aspects of federal income taxation that may be relevant to investors in light of their personal investment circumstances or describe the tax consequences to certain types of owners subject to special treatment under the federal income tax laws (for example, dealers in securities or other persons who do not hold the Bonds as a capital asset, tax-exempt organizations, individual retirement accounts and other tax deferred accounts, and foreign taxpayers), and, except for the income tax laws of the State of Missouri

discussed below, does not discuss the consequences to an owner under any state, local or foreign tax laws. The summary does not deal with the tax treatment of persons who purchase the Bonds in the secondary market. Prospective investors are advised to consult their own tax advisors regarding federal, state, local and other tax considerations of holding and disposing of the Bonds.

Opinion of Bond Counsel

In the opinion of Bond Counsel, under the law existing as of the issue date of the Bonds:

Federal and State of Missouri Tax Exemption

The interest on the Bonds (including any original issue discount properly allocable to an owner thereof) is excludable from gross income for federal income tax purposes and is exempt from income taxation by the State of Missouri.

Alternative Minimum Tax

The interest on the Bonds is not an item of tax preference for purposes of computing the federal alternative minimum tax.

Bond Counsel's opinions are provided as of the date of the original issue of the Bonds, subject to the condition that the City comply with all requirements of the Code that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excludable from gross income for federal income tax purposes. The City has covenanted to comply with all such requirements. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal and State of Missouri income tax purposes retroactive to the date of issuance of the Bonds. Bond Counsel is expressing no opinion regarding other federal, state or local tax consequences arising with respect to the Bonds, but has reviewed the discussion under the heading "TAX MATTERS."

Other Tax Consequences

Original Issue Discount

For federal income tax purposes, original issue discount is the excess of the stated redemption price at maturity of a Bond over its issue price. The stated redemption price at maturity of a Bond is the sum of all payments on the Bond other than "qualified stated interest" (*i.e.*, interest unconditionally payable at least annually at a single fixed rate). The issue price of a Bond is generally the first price at which a substantial amount of the Bonds of that maturity have been sold to the public. Under Section 1288 of the Code, original issue discount on tax-exempt bonds accrues on a compound basis. The amount of original issue discount that accrues to an owner of a Bond during any accrual period generally equals (1) the issue price of that Bond, plus the amount of original issue discount accrued in all prior accrual periods, multiplied by (2) the yield to maturity on that Bond (determined on the basis of compounding at the close of each accrual period and properly adjusted for the length of the accrual period), minus (3) any interest payable on that Bond during that accrual period. The amount of original issue discount accrued in a particular accrual period will be considered to be received ratably on each day of the accrual period, will be excludable from gross income for federal income tax purposes, and will increase the owner's tax basis in that Bond. Prospective investors should consult their own tax advisors concerning the calculation and accrual of original issue discount.

Original Issue Premium

For federal income tax purposes, premium is the excess of the issue price of a Bond over its stated redemption price at maturity. The stated redemption price at maturity of a Bond is the sum of all payments on the Bond other than "qualified stated interest" (*i.e.*, interest unconditionally payable at least annually at a single

fixed rate). The issue price of a Bond is generally the first price at which a substantial amount of the Bonds of that maturity have been sold to the public. Under Section 171 of the Code, premium on tax-exempt bonds amortizes over the term of the Bond using constant yield principles. As premium is amortized, the owner's basis in the Bond and the amount of tax-exempt interest received will be reduced by the amount of amortizable premium properly allocable to the owner, which will result in an increase in the gain (or decrease in the loss) to be recognized for federal income tax purposes on sale or disposition of the Bond prior to its maturity. Even though the owner's basis is reduced, no federal income tax deduction is allowed. Prospective investors should consult their own tax advisors concerning the calculation and accrual of bond premium.

Sale, Exchange or Retirement of Bonds

Upon the sale, exchange or retirement (including redemption) of a Bond, an owner of the Bond generally will recognize gain or loss in an amount equal to the difference between the amount of cash and the fair market value of any property actually or constructively received on the sale, exchange or retirement of the Bond (other than in respect of accrued and unpaid interest) and such owner's adjusted tax basis in the Bond. To the extent a Bond is held as a capital asset, such gain or loss will be capital gain or loss and will be long-term capital gain or loss if the Bond has been held for more than 12 months at the time of sale, exchange or retirement.

Reporting Requirements

In general, information reporting requirements will apply to certain payments of principal, interest and premium paid on the Bonds, and to the proceeds paid on the sale of the Bonds, other than certain exempt recipients (such as corporations and foreign entities). A backup withholding tax will apply to such payments if the owner fails to provide a taxpayer identification number or certification of foreign or other exempt status or fails to report in full dividend and interest income. The amount of any backup withholding from a payment to an owner will be allowed as a credit against the owner's federal income tax liability.

Collateral Federal Income Tax Consequences

Prospective purchasers of the Bonds should be aware that ownership of the Bonds may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, certain applicable corporations subject to the corporate alternative minimum tax, financial institutions, property and casualty insurance companies, individual recipients of Social Security or Railroad Retirement benefits, certain S corporations with "excess net passive income," foreign corporations subject to the branch profits tax, life insurance companies, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry or have paid or incurred certain expenses allocable to the Bonds. Bond Counsel expresses no opinion regarding these tax consequences. Purchasers of Bonds should consult their tax advisors as to the applicability of these tax consequences and other federal income tax consequences of the purchase, ownership and disposition of the Bonds, including the possible application of state, local, foreign and other tax laws.

Bond Counsel notes that interest on the Bonds may be included in adjusted financial statement income of applicable corporations for purposes of determining the applicability and amount of the federal corporate alternative minimum tax.

RATING

Moody's Investors Service ("Moody's") has assigned the Bonds the rating set forth on the cover page hereof. Such rating reflects only the view of such rating agency at the time such rating is given, and the City will make no representation as to the appropriateness of such rating or that such rating would not be changed, suspended or withdrawn.

Moody's relies on the City, accountants and others for the accuracy and completeness of the information submitted in connection with ratings. A bond rating is not a "market" rating nor a recommendation to buy, hold or sell the Bonds, and such ratings may be changed, suspended or withdrawn as a result of changes in, or unavailability of, information. Any downward revision, suspension or withdrawal of rating could have an adverse effect on the market price and marketability of the Bonds. An explanation of the significance of such ratings may be obtained only from Moody's at the following address: Moody's Investors Service, 99 Church Street, New York, NY 10007.

UNDERWRITING

Stifel, Nicolaus & Company, Incorporated (the "**Underwriter**") has agreed, subject to certain conditions, to purchase the Bonds from the City at a price of \$ _____ (\$ _____ par amount of the Bonds, plus net original issue premium of \$ _____, less an underwriting discount of \$ _____). The Underwriter is purchasing the Bonds from the City for resale in the normal course of the Underwriter's business activities. The Underwriter will sell certain of the Bonds at a price greater than such purchase price, as shown on the inside cover page hereof. The Underwriter reserves the right to offer any of the Bonds to one or more purchasers on such terms and conditions and at such price or prices as the Underwriter, in its discretion, shall determine.

The Underwriter intends to offer the Bonds to the public initially at the offering prices set forth on the inside cover page of this Official Statement, which may subsequently change without any requirement of prior notice. The Underwriter may offer and sell the Bonds to certain dealers (including dealers depositing the Bonds into investment trusts) at prices lower than the public offering prices. In connection with this offering, the Underwriter may over-allot or effect transactions which stabilize or maintain the market price of the Bonds at a level above that which might otherwise prevail in the open market. Such stabilizing, if commenced, may be discontinued at any time.

The Underwriter has read and participated in the preparation of certain portions of this Official Statement and has supervised the compilation and editing thereof. The Underwriter has not, however, independently verified the factual and financial information contained in this Official Statement and, accordingly, expresses no view as to the sufficiency or accuracy thereof.

To the extent legally permitted, the City has agreed to indemnify the Underwriter against certain civil liabilities, including certain liabilities under the federal securities laws.

CONTINUING DISCLOSURE

General

The City has agreed to provide to the Municipal Securities Rulemaking Board the audited financial statements and certain operating data of the City. The City has agreed to have updated financial information and operating data for the City available within 180 days after the end of each fiscal year of the City. The financial statements of the City are audited by the City's independent certified public accountants. The City has also agreed to provide notice to the Municipal Securities Rulemaking Board of the occurrence of certain enumerated events with respect to the Bonds. These covenants have been made in order to assist the Underwriter in complying with SEC Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission. See *Appendix C – Form of the Continuing Disclosure Agreement*.

Compliance With Prior Continuing Disclosure Undertakings

The City failed to file certain operating data for two series of sewer revenue bonds for fiscal years ended June 30, 2020 and June 30, 2021. This information has since been filed along with a failure to file notice. The City failed to file certain operating data for the Series 2023 Bonds for the fiscal years ended June 30, 2023 and June 30, 2024. This information has since been filed along with a failure to file notice. The City has not included building permits and labor force data in its annual reports for fiscal years ended June 30, 2020 through June 30, 2024, although such information was available on EMMA in official statements for other issues of the City. With the exception of building permit data for fiscal year ended June 30, 2024 (which is not yet available), this information has since been filed along with a failure to file notice. The City filed its audited financial statements on a timely basis for the fiscal year ended June 30, 2020, but did not timely cross-reference the audited financial statements on EMMA to all outstanding issues. The City was late filing a notice of the incurrence of a material “Financial Obligation” as defined in SEC Rule 15c2-12.

MISCELLANEOUS

Certification and Other Matters Regarding Official Statement

Information set forth in this Official Statement has been furnished or reviewed by certain officials of the City, certified public accountants, and other sources, as referred to herein, which are believed to be reliable. Any statements made in this Official Statement involving matters of opinion, estimates or projections, whether or not so expressly stated, are set forth as such and not as representations of fact, and no representation is made that any of the estimates or projections will be realized.

Simultaneously with the delivery of the Bonds, the City Manager of the City, acting on behalf of the City, will furnish to the Underwriter a certificate that will state, among other things, that to the best knowledge and belief of such officer, this Official Statement (and any amendment or supplement hereto) as of the date of sale and as of the date of delivery of the Bonds does not contain any untrue statement of a material fact or omit to state a material fact required to be stated therein or necessary to make the statements herein, in light of the circumstances under which they were made, not misleading in any material respect.

The form of this Official Statement, and its distribution and use by the Underwriter, has been approved by the City. Neither the City nor any of its officers, councilmen or employees, in either their official or personal capacities, has made any warranties, representations or guarantees regarding the financial condition of the City or the City’s ability to make payments required of it; and further, neither the City nor its officers, councilmen or employees assumes any duties, responsibilities or obligations in relation to the issuance of the Bonds other than those either expressly or by fair implication imposed on the City by the Indenture.

Additional Information

Additional information regarding the City or the Bonds may be obtained from the Director of Finance, City of Springfield, 840 Boonville Avenue, P.O. Box 8368, Springfield, Missouri 65801-8368 (417-864-1625), or from the Underwriter, Stifel, Nicolaus & Company, Incorporated, Attention: Michael Short, 4801 Main Street, Suite 530, Kansas City, Missouri 64112, (816) 283-5334.

[Remainder of Page Intentionally Left Blank]

CITY OF SPRINGFIELD, MISSOURI

By: _____
Title: City Manager

Approved as to Form _____, City Attorney

APPENDIX A
CITY OF SPRINGFIELD, MISSOURI
GENERAL, ECONOMIC AND FINANCIAL INFORMATION

APPENDIX D

CITY OF SPRINGFIELD, MISSOURI

**ANNUAL COMPREHENSIVE FINANCIAL REPORT
WITH INDEPENDENT AUDITOR'S REPORT
FOR THE YEAR ENDED JUNE 30, 2024**

APPENDIX E

BOOK-ENTRY ONLY SYSTEM

The following information concerning DTC and DTC's Book-Entry Only System has been obtained from sources that the City believes to be reliable, but is not guaranteed as to accuracy or completeness by and is not to be construed as a representation by the City, the Paying Agent or the Underwriter. The City, the Paying Agent and the Underwriter make no assurances that DTC, Direct Participants, Indirect Participants or other nominees of the Beneficial Owners will act in accordance with the procedures described above or in a timely manner.

1. The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Bond certificate will be issued for each maturity of the Bonds, each in the aggregate principal amount of such maturity, and will be deposited with DTC.

2. DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

3. Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

4. To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct

Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Bond documents. For example, Beneficial Owners of Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

6. Redemption notices shall be sent to DTC. If less than all of the Bonds within a maturity are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

7. Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Payments of principal of or redemption price and interest on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the City or the Paying Agent, on the payment date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Paying Agent, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City or the Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

9. DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the City or the Paying Agent. Under such circumstances, in the event that a successor depository is not obtained, Bond certificates are required to be printed and delivered.

10. The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Bond certificates will be printed and delivered to DTC.

None of the Underwriter, the Trustee nor the City will have any responsibility or obligations to any Direct Participants or Indirect Participants or the persons for whom they act with respect to (i) the accuracy of any records maintained by DTC or any such Direct Participant or Indirect Participant; (ii) the payment by any Participant of any amount due to any Beneficial Owner in respect of the principal or redemption price or interest on the Bonds; (iii) the delivery by any such Direct Participant or Indirect Participant of any notice to any Beneficial Owner that is required or permitted under the terms of the Indenture to be given to

owners of the Bonds; (iv) the selection of the Beneficial Owners to receive payment in the event of any partial redemption of the Bonds; or (v) any consent given or other action taken by DTC as Bondholder.

APPENDIX F

**REPORT OF GRS RETIREMENT CONSULTING - MISSOURI LAGERS GASB STATEMENT NO. 68
EMPLOYER REPORTING ACCOUNTING SCHEDULES - JUNE 30, 2025; CITY OF SPRINGFIELD
POLICE OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM ACTUARIAL VALUATION
FOR PLAN YEAR JULY 1, 2025, TO JUNE 30, 2026; CITY OF SPRINGFIELD POLICE OFFICERS'
AND FIRE FIGHTERS' RETIREMENT SYSTEM GASB 67 AND 68 DISCLOSURE FOR FISCAL
YEAR JULY 1, 2024, TO JUNE 30, 2025**

**REPORT OF GRS RETIREMENT CONSULTING - MISSOURI LAGERS GASB STATEMENT NO. 68
EMPLOYER REPORTING ACCOUNTING SCHEDULES - JUNE 30, 2025**

**CITY OF SPRINGFIELD POLICE OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM
ACTUARIAL VALUATION FOR PLAN YEAR JULY 1, 2025, TO JUNE 30, 2026**

**CITY OF SPRINGFIELD POLICE OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM
GASB 67 AND 68 DISCLOSURE FOR FISCAL YEAR JULY 1, 2024, TO JUNE 30, 2025**

TAX COMPLIANCE AGREEMENT

Dated as of December 1, 2025

Between

CITY OF SPRINGFIELD, MISSOURI

And

**BOKF, N.A.,
as Trustee**

**[\$[Principal Amount]
Special Obligation Refunding Bonds
(Sewer System Improvements Project)
Series 2025**

TAX COMPLIANCE AGREEMENT

TABLE OF CONTENTS

	<u>Page</u>
PARTIES AND RECITALS	1
 <u>ARTICLE I</u> 	
DEFINITIONS	
Section 1.1. Definitions of Words and Terms	1
 <u>ARTICLE II</u> 	
GENERAL REPRESENTATIONS AND COVENANTS	
Section 2.1. Representations and Covenants of the City	6
Section 2.2. Representations and Covenants of the Trustee	9
Section 2.3. Survival of Representations and Covenants	9
 <u>ARTICLE III</u> 	
ARBITRAGE CERTIFICATIONS AND COVENANTS	
Section 3.1. General	9
Section 3.2. Reasonable Expectations	9
Section 3.3. Purpose of Financing	10
Section 3.4. Funds and Accounts	10
Section 3.5. Amount and Use of Bond Proceeds and Other Money	10
Section 3.6. Multipurpose Issue	10
Section 3.7. No Advance Refunding	10
Section 3.8. Current Refunding	10
Section 3.9. Project Completion	11
Section 3.10. Sinking Funds	11
Section 3.11. Reserve, Replacement and Pledged Funds	11
Section 3.12. Purpose Investment Yield	11
Section 3.13. Issue Price and Yield on Bonds	11
Section 3.14. Miscellaneous Arbitrage Matters	11
Section 3.15. Conclusion	12
 <u>ARTICLE IV</u> 	
POST-ISSUANCE TAX REQUIREMENTS, POLICIES AND PROCEDURES	
Section 4.1. General	12
Section 4.2. Record Keeping, Use of Bond Proceeds and Use of Financed Facility	12
Section 4.3. Temporary Periods/Yield Restriction	13
Section 4.4. Fair Market Value	13
Section 4.5. Certain Gross Proceeds Exempt from the Rebate Requirement	16
Section 4.6. Computation and Payment of Arbitrage Rebate	17
Section 4.7. Successor Rebate Analyst	17

Section 4.8.	Filing Requirements	17
Section 4.9.	Survival after Defeasance.....	18

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 5.1.	Term of Tax Agreement.....	18
Section 5.2.	Amendments.....	18
Section 5.3.	Opinion of Bond Counsel.....	18
Section 5.4.	Reliance	18
Section 5.5.	Severability.....	18
Section 5.6.	Benefit of Agreement	18
Section 5.7.	Default; Breach and Enforcement	19
Section 5.8.	Execution in Counterparts	19
Section 5.9.	Governing Law.....	19
Section 5.10.	Electronic Transactions	19

Signatures	S-1, S-2
------------------	----------

Exhibit A - Debt Service Schedule and Proof of Bond Yield

Exhibit B - IRS Form 8038-G

Exhibit C - Description of Property Comprising the Financed Facility and Final Written
Allocation of Original Obligations

Exhibit D - Sample Annual Compliance Checklist

* * *

TAX COMPLIANCE AGREEMENT

THIS TAX COMPLIANCE AGREEMENT (the “Tax Agreement”), entered into as of December 1, 2025, between the **CITY OF SPRINGFIELD, MISSOURI**, a political subdivision organized and existing under the laws of the State of Missouri (the “City”) and **BOKE, N.A.**, a national banking association duly organized and existing under the laws of the United States of America, as Trustee (the “Trustee”);

RECITALS

1. This Tax Agreement is being executed and delivered in connection with the issuance by the City of \$[Principal Amount] principal amount of Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025 (the “Bonds”), under a Trust Indenture dated the date of this Tax Agreement (the “Indenture”) between the City and the Trustee, for the purposes described in this Tax Agreement and in the Indenture.

2. The Internal Revenue Code of 1986, as amended (the “Code”), and the applicable Regulations and rulings issued by the U.S. Treasury Department (the “Regulations”), impose certain limitations on the uses and investment of the Bond proceeds and of certain other money relating to the Bonds and set forth the conditions under which the interest on the Bonds will be excluded from gross income for federal income tax purposes.

3. The City and the Trustee are entering into this Tax Agreement in order to set forth certain facts, covenants, representations, and expectations relating to the use of Bond proceeds and the property financed or refinanced with those proceeds and the investment of the Bond proceeds and of certain other related money, in order to establish and maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes.

4. The City adopted a Tax-Exempt Financing Compliance Policy and Procedure on May 7, 2012 (the “Tax Compliance Procedure”), for the purpose of setting out general procedures for the City to continuously monitor and comply with the federal income tax requirements set out in the Code and the Regulations.

5. This Tax Agreement is entered into as required by the Tax Compliance Procedure to set out specific tax compliance procedures applicable to the Bonds.

NOW, THEREFORE, in consideration of the foregoing and the mutual representations, covenants and agreements set forth in this Tax Agreement, the City and the Trustee represent, covenant and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions of Words and Terms. Except as otherwise provided in this Tax Agreement or unless the context otherwise requires, capitalized words and terms used in this Tax Agreement have the same meanings as set forth in the Indenture, and certain other words and phrases

have the meanings assigned in Code §§ 103, 141-150 and the Regulations. The following words and terms used in this Tax Agreement have the following meanings:

“Adjusted Gross Proceeds” means the Gross Proceeds of the Bonds reduced by amounts (1) in a Bona Fide Debt Service Fund or a reasonably required reserve or replacement fund, (2) that as of the Issue Date are not expected to be Gross Proceeds, but which arise after the end of the applicable spending period, and (3) representing grant repayments or sale or Investment proceeds of any purpose Investment.

“Annual Compliance Checklist” means a checklist for the Bonds designed to measure compliance with the requirements of this Tax Agreement and the Tax Compliance Procedure after the Issue Date as further described in **Section 4.01** and substantially in the form attached as **Exhibit D**.

“Bona Fide Debt Service Fund” means a fund, which may include Bond proceeds, that (a) is used primarily to achieve a proper matching of revenues with principal and interest payments within each Bond Year; and (b) is depleted at least once each Bond Year, except for a reasonable carryover amount not to exceed the greater of (1) the earnings on the fund for the immediately preceding Bond Year, or (2) one-twelfth of the principal and interest payments on the Bonds for the immediately preceding Bond Year.

“Bond” or **“Bonds”** means any Bond or Bonds described in the recitals, authenticated and delivered under the Indenture.

“Bond Compliance Officer” means the City’s Director of Finance or other person named in the Tax Compliance Procedure.

“Bond Counsel” means Gilmore & Bell, P.C., or other firm of nationally recognized bond counsel acceptable to the City.

“Bond Year” means each one-year period (or shorter period for the first Bond Year) ending April 1, or another one-year period selected by the City.

“City” means the City of Springfield, Missouri, and its successors and assigns, or any body, agency or instrumentality of the State of Missouri succeeding to or charged with the powers, duties and functions of the City.

“Code” means the Internal Revenue Code of 1986, as amended.

“Computation Date” means each date on which arbitrage rebate for the Bonds is computed. The City may treat any date as a Computation Date, subject to the following limits:

- (a) the first rebate installment payment must be made for a Computation Date not later than 5 years after the Issue Date;
- (b) each subsequent rebate installment payment must be made for a Computation Date not later than five years after the previous Computation Date for which an installment payment was made; and
- (c) the date the last Bond is discharged is the final Computation Date.

The City selects December 1, 2030, as the first Computation Date but reserves the right to select a different date consistent with the Regulations.

“Final Written Allocation” means the written allocation of expenditures of proceeds of the Original Obligations as set forth on **Exhibit C**.

“Financed Facility” means the portion of the Project financed or refinanced with the proceeds of the Original Obligations as described on **Exhibit C**.

“Gross Proceeds” means (a) sale proceeds (any amounts actually or constructively received by the City from the sale of the Bonds, including amounts used to pay underwriting discount or fees, but excluding pre-issuance accrued interest), (b) Investment proceeds (any amounts received from investing sale proceeds), (c) any amounts held in a sinking fund for the Bonds, (d) any amounts held in a pledged fund or reserve fund for the Bonds, and (e) any other replacement proceeds.

Specifically, Gross Proceeds includes (but is not limited to) amounts held in the following funds and accounts:

- (1) Project Fund and within the Project Fund, the Costs of Issuance Account and the Refunding Account.
- (2) Debt Service Fund.
- (3) Rebate Fund (to the extent funded with sale proceeds or Investment proceeds of the Bonds).

“Guaranteed Investment Contract” is any Investment with specifically negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate, including any agreement to supply Investments on two or more future dates (*e.g.*, a forward supply contract).

“Indenture” means the Trust Indenture as originally executed by the City and the Trustee, as amended and supplemented in accordance with the provisions of the Indenture.

“Investment” means any security, obligation, annuity contract or other investment-type property that is purchased directly with, or otherwise allocated to, Gross Proceeds. This term does not include a tax-exempt bond, except for “specified private activity bonds” as defined in Code § 57(a)(5)(C), but it does include the investment element of most interest rate caps.

“IRS” means the United States Internal Revenue Service.

“Issue Date” means December ___, 2025.

“Management Agreement” means a legal agreement defined in Regulations § 1.141-3(b) as a management, service, or incentive payment contract with an entity that provides services involving all or a portion of any function of the Financed Facility, such as a contract to manage the entire Financed Facility or a portion of the Financed Facility. However, contracts for services that are solely incidental to the primary governmental function of the Financed Facility (for example, contracts for janitorial, office equipment repair, billing, or similar services) are not treated as Management Agreements.

“Measurement Period” means, with respect to each item of property financed as part of the Financed Facility with proceeds of the Original Obligations, the period beginning on the later of (a) the

issue date of the Original Obligations or (b) the date the property was or will be placed in service, and ending on the earlier of (1) the final maturity date of the Bonds or (2) the end of the expected economic useful life of the property.

“Minor Portion” means the lesser of \$100,000 or 5% of the sale proceeds of the Bonds.

“Net Proceeds” means the sale proceeds of the Bonds (excluding pre-issuance accrued interest), less any proceeds deposited in a reasonably required reserve or replacement fund, plus all Investment earnings on such sale proceeds.

“Non-Qualified Use” means use of Bond proceeds or the Financed Facility in a trade or business carried on by any Non-Qualified User. The rules set out in Regulations § 1.141-3 determine whether Bond proceeds or the Financed Facility are “used” in a trade or business. Generally, ownership, a lease, or any other use that grants a Non-Qualified User a special legal right or entitlement with respect to the Financed Facility, will constitute use under Regulations § 1.141-3.

“Non-Qualified User” means any person or entity other than a Qualified User.

“Opinion of Bond Counsel” means the written opinion of Gilmore & Bell, P.C. or other nationally recognized firm of bond counsel. Unless otherwise specifically noted herein an Opinion of Bond Counsel must conclude that the action or proposed action or the failure to act or proposed failure to act for which the opinion is required will not adversely affect the exclusion of the interest on the Bonds from gross income for federal income tax purposes.

“Original Obligations” means the Series 2015 Bonds, which was the first issue of tax-exempt governmental bonds that financed or refinanced a portion of the Financed Facility.

“Output Contract” is defined in Regulations § 1.141-7 and generally includes any contract with a Non-Qualified User that provides for the purchase of the output of Financed Facility. A similar contract with a Qualified User is not an Output Contract.

“Post-Issuance Tax Requirements” means those requirements related to the use of proceeds of the Bonds, the use of the Financed Facility and the investment of Gross Proceeds after the Issue Date of the Bonds.

“Project” means all of the property acquired, developed, constructed, renovated, and equipped by the City using proceeds of the Original Obligations and Qualified Equity, as described on **Exhibit C**.

“Qualified Equity” means funds that are not derived from proceeds of a tax-exempt financing that are spent on the Project at any time during the period beginning not earlier than the later of (a) 60 days prior to the Official Intent Date or (b) three years prior to the Issue Date, and ending not later than the date the Project is capable of and actually used at substantially its designed level. Qualified Equity excludes an ownership interest in real property or tangible personal property.

“Qualified Use Agreement” means any of the following:

(1) A lease or other short-term use by members of the general public who occupy or otherwise use the Financed Facility on a short-term basis in the ordinary course of the City’s governmental purposes.

(2) Agreements with Qualified Users or Non-Qualified Users to use all or a portion of the Financed Facility for a period up to 200 days in length pursuant to an arrangement whereby (a) the use of the Financed Facility under the same or similar arrangements is predominantly by natural persons who are not engaged in a trade or business and (b) the compensation for the use is determined based on generally applicable, fair market value rates that are in effect at the time the agreement is entered into or renewed. Any Qualified User or Non-Qualified User using all or any portion of the Financed Facility under this type of arrangement may have a right of first refusal to renew the agreement at rates generally in effect at the time of the renewal.

(3) Agreements with Qualified Users or Non-Qualified Users to use all or a portion of the Financed Facility for a period up to 100 days in length pursuant to arrangements whereby (a) the use of the property by the person would be general public use but for the fact that generally applicable and uniformly applied rates are not reasonably available to natural persons not engaged in a trade or business, (b) the compensation for the use under the arrangement is determined based on applicable, fair market value rates that are in effect at the time the agreement is entered into or renewed, and (c) the Financed Facility was not constructed for a principal purpose of providing the property for use by that Qualified User or Non-Qualified User. Any Qualified User or Non-Qualified User using all or any portion of the Financed Facility under this type of arrangement may have a right of first refusal to renew the agreement at rates generally in effect at the time of the renewal.

(4) Agreements with Qualified Users or Non-Qualified Users to use all or a portion of the Financed Facility for a period up to 50 days in length pursuant to a negotiated arm's-length arrangement at fair market value so long as the Financed Facility was not constructed for a principal purpose of providing the property for use by that person.

“Qualified User” means a State, territory, possession of the United States, the District of Columbia, or any political subdivision thereof, or any instrumentality of such entity, but it does not include the United States or any agency or instrumentality of the United States.

“Rebate Analyst” means the Rebate Analyst selected pursuant to this Tax Agreement.

“Refunded Obligations” means the \$24,120,000 outstanding principal amount of the Series 2015 Bonds, originally scheduled to mature April 1 in the years 2027 through 2033 and 2035.

“Regulations” means all Regulations issued by the U.S. Treasury Department to implement the provisions of Code §§ 103 and 141 through 150 and applicable to the Bonds.

“Series 2015 Bonds” means the City’s \$43,140,000 original principal amount Special Obligation Bonds (Sewer System Improvements Project), Series 2015, issued May 28, 2015, the proceeds of which were used to finance the new money capital expenditures shown on **Exhibit C**.

“Tax Agreement” means this Tax Compliance Agreement as it may from time to time be amended and supplemented in accordance with its terms.

“Tax Compliance Procedure” means the City’s Tax-Exempt Financing Compliance Policy and Procedure, dated May 7, 2012.

“Tax-Exempt Bond File” means documents and records for the Bonds, the Refunded Obligations and the Original Obligations maintained by the Bond Compliance Officer pursuant to the Tax Compliance Procedure.

“Transcript” means the Transcript of Proceedings relating to the authorization and issuance of the Bonds.

“Trustee” means BOKF, N.A., and its successor or successors and any other corporation or association which at any time may be substituted in its place at the time serving as Trustee under the Indenture.

“Underwriter” means Stifel, Nicolaus & Company, Incorporated, underwriter of the Bonds.

“Yield” means yield on the Bonds, computed under Regulations § 1.148-4, and yield on an Investment, computed under Regulations § 1.148-5.

ARTICLE II

GENERAL REPRESENTATIONS AND COVENANTS

Section 2.1. Representations and Covenants of the City. The City represents and covenants as follows:

(a) *Organization and Authority.* The City (1) is a political subdivision organized and existing under the laws of the State of Missouri, and (2) has lawful power and authority to issue the Bonds for the purposes set forth in the Indenture, to enter into, execute and deliver the Indenture, the Bonds, and this Tax Agreement and to carry out its obligations under this Tax Agreement and under such documents, and (3) by all necessary action has been duly authorized to execute and deliver the Indenture, the Bonds, and this Tax Agreement, acting by and through its duly authorized officials.

(b) *Tax-Exempt Status of Bonds—General Representation and Covenants.*

(1) In order to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes, the City (1) will take whatever action, and refrain from whatever action, necessary to comply with the applicable requirements of the Code; (2) will not use or invest, or permit the use or Investment of, any Bond proceeds, other money held under the Indenture, or other funds of the City, in a manner that would violate applicable provisions of the Code; and (3) will not use, or permit the use of, any portion of the Financed Facility in a manner that would cause any Bond to become a “private activity bond” as defined in Code § 141.

(2) The City financed the Project with proceeds of the Original Obligations and Qualified Equity. For purposes of the covenants in this **Section 2.1** relating to Non-Qualified Use of the Project, any Non-Qualified Use shall be treated as first allocated entirely to the portion of the Project financed with Qualified Equity, and then, but only to the extent of any excess Non-Qualified Use, to the portion of the Project financed by the Original Obligations (that is, the Financed Facility).

(c) *Governmental Obligations–Use of Proceeds.* Throughout the Measurement Period, all of the Financed Facility has been and is expected to be owned by the City or another Qualified User. Throughout the Measurement Period, no portion of the Financed Facility has been or is expected to be used in a Non-Qualified Use. Throughout the Measurement Period, the City has not and will not permit any Non-Qualified Use of the Financed Facility without first obtaining an Opinion of Bond Counsel.

(d) *Governmental Obligations–Private Security or Payment.* As of the Issue Date, the City expects that none of the principal and interest on the Bonds will be and the payment of principal of and interest on the Refunded Obligations and on all other obligations which directly or indirectly refinanced the Original Obligations has not been (under the terms of the Bonds or any underlying arrangement) directly or indirectly:

(1) secured by (i) any interest in property used or to be used for a private business use, or (ii) any interest in payments in respect of such property; or

(2) derived from payments (whether or not such payments are made to the City) in respect of property, or borrowed money, used or to be used for a private business use.

For purposes of the forgoing, taxes of general application, including payments in lieu of taxes, are not treated as private payments or as private security. The City will not permit any private security or payment with respect to the Bonds without first obtaining an Opinion of Bond Counsel.

(e) *No Private Loan.* Not more than 5% of the Net Proceeds of the Bonds will be loaned directly or indirectly to any Non-Qualified User.

(f) *Management Agreements.* As of the Issue Date, the City has no Management Agreements with Non-Qualified Users. During the Measurement Period, the City has not and will not enter into or renew any Management Agreement with any Non-Qualified User without first obtaining an Opinion of Bond Counsel.

(g) *Leases.* As of the Issue Date, the City has not entered into any leases of any portion of the Financed Facility other than Qualified Use Agreements. During the Measurement Period, the City has not and will not enter into or renew any lease or similar agreement or arrangement other than a Qualified Use Agreement without first obtaining an Opinion of Bond Counsel.

(h) *Output Contracts.* As of the Issue Date, the City does not have any Output Contract. During the Measurement Period, the City has not and will not enter into any Output Contract without first obtaining an Opinion of Bond Counsel.

(i) *Limit on Maturity of Bonds.* A list of the assets included in the Financed Facility and a computation of the “average reasonably expected economic life” is attached to this Tax Agreement as **Exhibit C**. Based on this computation, the “average maturity” of the Bonds, as computed by Bond Counsel, does not exceed 120% of the average reasonably expected economic life of the Financed Facility. The “average reasonably expected economic life” of the Financed Facility was determined as follows: the average economic life of the Financed Facility as of the issue date of the Original Obligations was first multiplied by 120%, then reduced by the number of years elapsed from the issue date of the Original Obligations to the Issue Date. The “average maturity” of the Bonds, as computed by Bond Counsel, does not exceed the average reasonably expected economic life of the Financed Facility, as such terms are used in Code § 147(b).

(j) *Expenditure of Bond Proceeds.* The City evidenced each allocation of the proceeds of the Original Obligations and Qualified Equity for the Project to an expenditure in writing. No allocation was made more than 18 months following the later of (i) the date of the expenditure or (ii) the date the Financed Facility was placed in service.

(k) *Registered Bonds.* The Indenture requires that all of the Bonds will be issued and held in registered form within the meaning of Code § 149(a).

(l) *Bonds Not Federally Guaranteed.* The City will not take any action or permit any action to be taken which would cause any Bond to be “federally guaranteed” within the meaning of Code § 149(b).

(m) *IRS Form 8038-G.* Bond Counsel will prepare Form 8038-G (Information Return for Tax-Exempt Governmental Obligations) based on the representations and covenants of the City contained in this Tax Agreement or otherwise provided by the City. Bond Counsel will sign the return as a paid preparer following completion and will then deliver copies to the City for execution and for the City’s records. The City agrees to timely execute and return to Bond Counsel the execution copy of Form 8038-G for filing with the IRS. A copy of the “as-filed” copy along with proof of filing will be included as **Exhibit B**.

(n) *Hedge Bonds.* At least 85% of the net sale proceeds (the sale proceeds of the Original Obligations less any sale proceeds invested in a reserve fund) of the Original Obligations were used to carry out the governmental purpose of the Original Obligations within 3 years after the issue date of the Original Obligations, and not more than 50% of the proceeds of the Original Obligations were invested in Investments having a substantially guaranteed Yield for 4 years or more.

(o) *Compliance with Future Tax Requirements.* The City understands that the Code and the Regulations may impose new or different restrictions and requirements on the City in the future. The City will comply with such future restrictions that are necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes.

(p) *Single Issue; No Other Issues.* The Bonds constitute a single “issue” under Regulations § 1.150-1(c). No other debt obligations of the City (1) are being sold within 15 days of the sale of the Bonds, (2) are being sold under the same plan of financing as the Bonds, or (3) are expected to be paid from substantially the same source of funds as the Bonds (disregarding guarantees from unrelated parties, such as bond insurance).

(q) *Interest Rate Swap.* As of the Issue Date, the City has not entered into an interest rate swap agreement or any other similar arrangement designed to modify its interest rate risk with respect to the Bonds. The City will not enter into any such arrangement in the future without obtaining an Opinion of Bond Counsel.

(r) *Guaranteed Investment Contract.* As of the Issue Date, the City does not expect to enter into a Guaranteed Investment Contract for any Gross Proceeds of the Bonds. The City will be responsible for complying with **Section 4.4(d)** if it decides to enter into a Guaranteed Investment Contract at a later date.

(s) *Bank Qualified Tax-Exempt Obligation.* The Bonds are not “qualified tax-exempt obligations” under Code § 265(b)(3).

Section 2.2. Representations and Covenants of the Trustee. The Trustee represents and covenants to the City as follows:

(a) The Trustee will comply with the provisions of this Tax Agreement that apply to it as Trustee and any written letter or Opinion of Bond Counsel, specifically referencing the Bonds and received by the Trustee, that sets forth any action necessary to comply with any statute, regulation or ruling that may apply to it as Trustee and relating to reporting requirements or other requirements necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes.

(b) The Trustee, acting on behalf of the City, may from time to time cause a firm of attorneys, consultants or independent accountants or an Investment banking firm to provide the Trustee with such information as it may request in order to determine all matters relating to (a) the Yield on the Bonds as it relates to any data or conclusions necessary to verify that the Bonds are not “arbitrage bonds” within the meaning of Code § 148, and (b) compliance with arbitrage rebate requirements of Code § 148(f). The City will pay all costs and expenses incurred in connection with supplying the foregoing information.

(c) The Trustee, acting on behalf of the City, will retain records related to the investment and expenditure of Gross Proceeds held in funds and accounts maintained by the Trustee and any records provided to the Trustee by the City related to the Post-Issuance Tax Requirements in accordance with **Section 4.2(a)** of this Tax Agreement. The Trustee will retain these records until three years following the final maturity of the Bonds or any obligation issued to refund the Bonds; *provided*, however, that if the Trustee is not retained to serve as trustee for any obligations issued to refund the Bonds, then the Trustee may satisfy its record retention duties under this **Section 2.3(c)** by providing copies of all such records related to the Bonds to the trustee for the refunding obligations or other party agreed upon by the City.

Section 2.3. Survival of Representations and Covenants. All representations, covenants and certifications of the City and the Trustee contained in this Tax Agreement or in any certificate or other instrument delivered by the City or the Trustee under this Tax Agreement, will survive the execution and delivery of such documents and the issuance of the Bonds, as representations of facts existing as of the date of execution and delivery of the instruments containing such representations. The foregoing covenants of this Section will remain in full force and effect notwithstanding the defeasance of the Bonds.

ARTICLE III

ARBITRAGE CERTIFICATIONS AND COVENANTS

Section 3.1. General. The purpose of this **Article III** is to certify, under Regulations § 1.148-2(b), the City’s expectations as to the sources, uses and investment of Bond proceeds and other money, in order to support the City’s conclusion that the Bonds are not arbitrage bonds. The person executing this Tax Agreement on behalf of the City is an officer of the City responsible for issuing the Bonds.

Section 3.2. Reasonable Expectations. The facts, estimates and expectations set forth in this **Article III** are based upon and in reliance upon the City’s understanding of the documents and certificates that comprise the Transcript, and the representations, covenants and certifications of the parties contained

therein. To the City's knowledge, the facts and estimates set forth in this Tax Agreement are accurate, and the expectations of the City set forth in this Tax Agreement are reasonable. The City has no knowledge that would cause it to believe that the representations, warranties and certifications described in this Tax Agreement are unreasonable or inaccurate or may not be relied upon.

Section 3.3. Purpose of Financing. The Bonds are being issued for the purpose of providing funds to refund the Refunded Obligations and pay costs of issuing the Bonds. The purpose of the refunding of the Refunded Obligations is to achieve interest cost savings through early redemption of the Refunded Obligations and to provide an orderly plan of financing.

Section 3.4. Funds and Accounts. The following funds and accounts have been established under the Indenture:

- Project Fund and within the Project Fund, the Costs of Issuance Account and the Refunding Account.
- Debt Service Fund.
- Rebate Fund.

Section 3.5. Amount and Use of Bond Proceeds.

(a) *Amount of Bond Proceeds.* The total proceeds to be received by the City from the sale of the Bonds will be as follows:

Principal Amount	\$[Principal Amount].00
Net Original Issue Premium	
Underwriting Discount	_____ ()
Total Proceeds Received by City	\$ _____

(b) *Use of Bond Proceeds.* The Bond proceeds are expected to be allocated to expenditures as follows:

(1) \$_____ of Bond proceeds will be deposited in the Costs of Issuance Account and used to pay the costs of issuing the Bonds.

(2) \$_____, consisting of \$_____ of Bond proceeds deposited in the Refunding Account and transferred to the debt service fund for the Refunded Obligations, together with \$_____ of City funds already on deposit in the debt service fund for the Refunded Obligations, and will be used to refund the Refunded Obligations.

Section 3.6. Multipurpose Issue. The City is applying the arbitrage rules to separate financing purposes of the issue that have the same initial temporary period as if they constitute a single issue for purposes pursuant to Regulations § 1.148-9(h)(3)(i).

Section 3.7. No Advance Refunding. No proceeds of the Bonds will be used more than 90 days following the Issue Date to pay principal or interest on any other debt obligation.

Section 3.8. Current Refunding.

(a) *Proceeds Used for Current Refunding.* Proceeds of the Bonds will be used to pay principal of and interest on the Refunded Obligations. All such proceeds shall be spent not later than 90 days after the Issue Date.

(b) *Transferred Proceeds.* There are no unspent proceeds (sale proceeds, Investment proceeds or transferred proceeds) of the Refunded Obligations. Therefore, there are no transferred proceeds of the Bonds.

Section 3.9. Project Completion. The Financed Facility has previously been completed.

Section 3.10. Sinking Funds. The City is required to make periodic payments in amounts sufficient to pay the principal of and interest on the Bonds. Such payments will be deposited into the Debt Service Fund. Except for the Debt Service Fund, no sinking fund or other similar fund that is expected to be used to pay principal of or interest on the Bonds has been established or is expected to be established. The Debt Service Fund is used primarily to achieve a proper matching of revenues with principal and interest payments on the Bonds within each Bond Year, and the City expects that the Debt Service Fund will qualify as a Bona Fide Debt Service Fund.

Section 3.11. Reserve, Replacement and Pledged Funds.

(a) *Debt Service Reserve Fund.* No reserve or replacement fund has been established for the Bonds.

(b) *No Other Replacement or Pledged Funds.* None of the Bond proceeds will be used as a substitute for other funds that were intended or earmarked to pay costs of the Financed Facility, and that instead has been or will be used to acquire higher yielding Investments. Except for the Debt Service Fund, there are no other funds pledged or committed in a manner that provides a reasonable assurance that such funds would be available for payment of the principal of or interest on the Bonds if the City encounters financial difficulty.

Section 3.12. Purpose Investment Yield. The proceeds of the Bonds will not be used to purchase an Investment for the purpose of carrying out the governmental purpose of the financing.

Section 3.13. Issue Price and Yield on Bonds.

(a) *Issue Price.* Based on the Underwriter's certifications in the Underwriter's Receipt for Bonds and Closing Certificate, the City hereby elects to establish the issue prices of the Bonds pursuant to Regulations § 1.148-1(f)(2)(i) (relating to the so-called "general rule"). Therefore, the aggregate issue price of the Bonds for such purpose is \$_____.

(b) *Bond Yield.* Based on the issue price, the Yield on the Bonds is _____%, as computed by Bond Counsel as shown on **Exhibit A**. The City has not entered into an interest rate swap agreement with respect to any portion of the proceeds of the Bonds.

Section 3.14. Miscellaneous Arbitrage Matters.

(a) *No Abusive Arbitrage Device.* The Bonds are not and will not be part of a transaction or series of transactions that has the effect of (1) enabling the City to exploit the difference between tax-

exempt and taxable interest rates to gain a material financial advantage, and (2) overburdening the tax-exempt bond market.

(b) *No Over-Issuance.* The sale proceeds of the Bonds, together with expected Investment earnings thereon and other money contributed by the City, do not exceed the cost of the governmental purpose of the Bonds as described above.

Section 3.15. Conclusion. On the basis of the facts, estimates and circumstances set forth in this Tax Agreement, the City does not expect that the Bond proceeds will be used in a manner that would cause any Bond to be an “arbitrage bond” within the meaning of Code § 148 and the Regulations.

ARTICLE IV

POST-ISSUANCE TAX REQUIREMENTS, POLICIES AND PROCEDURES

Section 4.1. General.

(a) *Purpose of Article.* The purpose of this Article is to supplement the Tax Compliance Procedure and to set out specific policies and procedures governing compliance with the federal income tax requirements that apply after the Bonds are issued. The City recognizes that interest on the Bonds will remain excludable from gross income only if Post-Issuance Tax Requirements are followed after the Issue Date. The City further acknowledges that written evidence substantiating Post-Issuance Tax Requirements must be retained in order to permit the Bonds to be refinanced with tax-exempt obligations and substantiate the position that interest on the Bonds is exempt from gross income in the event of an audit of the Bonds by the IRS.

(b) *Written Policies and Procedures of the City.* The City intends for the Tax Compliance Procedure, as supplemented by this Tax Agreement, to be its primary written policies and procedures for monitoring compliance with the Post-Issuance Tax Requirements for the Bonds and to supplement any other formal policies and procedures related to tax compliance that the City has established. The provisions of this Tax Agreement are intended to be consistent with the Tax Compliance Procedure. In the event of any inconsistency between the Tax Compliance Procedure and this Tax Agreement, the terms of this Tax Agreement will govern.

(c) *Bond Compliance Officer.* The City when necessary to fulfill its Post-Issuance Tax Requirements will, through its Bond Compliance Officer, sign Form 8038-T in connection with the payment of arbitrage rebate or yield reduction payments, participate in any federal income tax audit of the Bonds or related proceedings under a voluntary compliance agreement procedures (VCAP) or undertake a remedial action procedure pursuant to Regulations §§ 1.141-12 and 1.145-2. In each case, all costs and expenses incurred by the City shall be treated as a reasonable cost of administering the Bonds and the City shall be entitled to reimbursement and recovery of its costs to the same extent as provided in the Indenture or State law.

Section 4.2. Record Keeping; Use of Bond Proceeds and Use of Financed Facility.

(a) *Record Keeping.* The Bond Compliance Officer will maintain the Tax-Exempt Bond File for the Bonds in accordance with the Tax Compliance Procedure. Unless otherwise specifically instructed in a written Opinion of Bond Counsel or to the extent otherwise provided in this Tax Agreement, the Bond Compliance Officer shall retain records related to Post-Issuance Tax Requirements

until 3 years following the final maturity of (i) the Bonds or (ii) any obligation issued to refund the Bonds. Any records maintained electronically must comply with Section 4.01 of Revenue Procedure 97-22, which generally provides that an electronic storage system must (1) ensure an accurate and complete transfer of the hardcopy records which indexes, stores, preserves, retrieves and reproduces the electronic records, (2) include reasonable controls to ensure integrity, accuracy and reliability of the electronic storage system and to prevent unauthorized alteration or deterioration of electronic records, (3) exhibit a high degree of legibility and readability both electronically and in hardcopy, (4) provide support for other books and records of the City and (5) not be subject to any agreement that would limit the ability of the IRS to access and use the electronic storage system on the City's premises.

(b) *Accounting and Allocation of Bond Proceeds to Expenditures.* Proceeds of the Bonds and other money will be used as described in **Sections 3.5 and 3.8**. The Bond Compliance Officer will maintain accounting records showing the investment and expenditure of this money as part of the Tax-Exempt Bond File. The Bond Compliance Officer has prepared written substantiation records of the allocation of proceeds of the Original Obligations to the Financed Facility. This allocation is summarized on **Exhibit C** and is intended to constitute the Final Written Allocation for the Original Obligations.

(c) *Annual Compliance Checklist.* Attached as **Exhibit D** is a form of Annual Compliance Checklist for the Bonds. The Bond Compliance Officer will prepare and complete an Annual Compliance Checklist for the Financed Facility at least annually in accordance with the Tax Compliance Procedure. In the event the Annual Compliance Checklist identifies a deficiency in compliance with the requirements of this Tax Agreement, the Bond Compliance Officer will take the actions identified in an Opinion of Bond Counsel or the Tax Compliance Procedure to correct any deficiency.

(d) *Opinions of Bond Counsel.* The Bond Compliance Officer is responsible for obtaining and delivering to the City and the Trustee any Opinion of Bond Counsel required under the provisions of this Tax Agreement, including any Opinion of Bond Counsel required by this Tax Agreement or the annual compliance checklist.

Section 4.3. Temporary Periods/Yield Restriction. Except as described below, the City will not invest Gross Proceeds at a Yield greater than the Yield on the Bonds:

(a) *Cost of Issuance Account.* Amounts held in the Costs of Issuance Account may be invested without Yield restriction for 13 months.

(b) *Proceeds Allocable to Current Refunding.* Bond proceeds deposited in the Refunding Account or otherwise allocable to a current refunding of the Refunded Obligations (see **Section 3.8**) may be invested without Yield restriction for up to 90 days after the Issue Date.

(c) *Debt Service Fund.* To the extent that the Debt Service Fund qualifies as a Bona Fide Debt Service Fund, money in such account may be invested without Yield restriction for 13 months after the date of deposit. Earnings on such amounts may be invested without Yield restriction for one year after the date of receipt of such earnings.

(d) *Minor Portion.* In addition to the amounts described above, Gross Proceeds not exceeding the Minor Portion may be invested without Yield restriction.

Section 4.4. Fair Market Value.

(a) *General.* No Investment may be acquired with Gross Proceeds for an amount (including transaction costs) in excess of the fair market value of such Investment, or sold or otherwise disposed of for an amount (including transaction costs) less than the fair market value of the Investment. The fair market value of any Investment is the price a willing buyer would pay to a willing seller to acquire the Investment in a bona fide, arm's-length transaction. Fair market value will be determined in accordance with Regulations § 1.148-5.

(b) *Established Securities Market.* Except for Investments purchased for a Yield-restricted defeasance escrow, if an Investment is purchased or sold in an arm's-length transaction on an established securities market (within the meaning of Code § 1273), the purchase or sale price constitutes the fair market value. Where there is no established securities market for an Investment, market value must be established using one of the paragraphs below. The fair market value of Investments purchased for a Yield-restricted defeasance escrow must be determined in a bona fide solicitation for bids that complies with Regulations § 1.148-5.

(c) *Certificates of Deposit.* The purchase price of a certificate of deposit (a "CD") is treated as its fair market value on the purchase date if (1) the CD has a fixed interest rate, a fixed payment schedule, and a substantial penalty for early withdrawal, (2) the Yield on the CD is not less than the Yield on reasonably comparable direct obligations of the United States, and (3) the Yield is not less than the highest Yield published or posted by the CD issuer to be currently available on reasonably comparable CDs offered to the public.

(d) *Guaranteed Investment Contracts.* The purchase price of a Guaranteed Investment Contract is treated as its fair market value on the purchase date if all of the following requirements are met:

(1) Bona Fide Solicitation for Bids. The City or the Trustee makes a bona fide solicitation for the Guaranteed Investment Contract, using the following procedures:

(A) The bid specifications are in writing and are timely forwarded to potential providers.

(B) The bid specifications include all "material" terms of the bid. A term is material if it may directly or indirectly affect the Yield or the cost of the Guaranteed Investment Contract.

(C) The bid specifications include a statement notifying potential providers that submission of a bid is a representation (i) that the potential provider did not consult with any other potential provider about its bid, (ii) that the bid was determined without regard to any other formal or informal agreement that the potential provider has with the City, the Trustee, or any other person (whether or not in connection with the bond issue), and (iii) that the bid is not being submitted solely as a courtesy to the City, the Trustee, or any other person, for purposes of satisfying the requirements of the Regulations.

(D) The terms of the bid specifications are "commercially reasonable." A term is commercially reasonable if there is a legitimate business purpose for the term

other than to increase the purchase price or reduce the Yield of the Guaranteed Investment Contract.

(E) The terms of the solicitation take into account the City's reasonably expected deposit and draw-down schedule for the amounts to be invested.

(F) All potential providers have an equal opportunity to bid. For example, no potential provider is given the opportunity to review other bids (*i.e.*, a last look) before providing a bid.

(G) At least three "reasonably competitive providers" are solicited for bids. A reasonably competitive provider is a provider that has an established industry reputation as a competitive provider of the type of Investments being purchased.

(2) Bids Received. The bids received must meet all of the following requirements:

(A) At least three bids are received from providers that were solicited as described above and that do not have a "material financial interest" in the issue. For this purpose, (i) a lead underwriter in a negotiated underwriting transaction is deemed to have a material financial interest in the issue until 15 days after the Issue Date of the issue, (ii) any entity acting as a financial advisor with respect to the purchase of the Guaranteed Investment Contract at the time the bid specifications are forwarded to potential providers has a material financial interest in the issue, and (iii) a provider that is a related party to a provider that has a material financial interest in the issue is deemed to have a material financial interest in the issue.

(B) At least one of the three bids received is from a reasonably competitive provider, as defined above.

(C) If an agent or broker is used to conduct the bidding process, the agent or broker did not bid to provide the Guaranteed Investment Contract.

(3) Winning Bid. The winning bid is the highest yielding bona fide bid (determined net of any broker's fees).

(4) Fees Paid. The obligor on the Guaranteed Investment Contract certifies the administrative costs that it pays (or expects to pay, if any) to third parties in connection with supplying the Guaranteed Investment Contract.

(5) Records. The City and the Trustee retain the following records with the bond documents until three years after the last outstanding Bond is redeemed:

(A) A copy of the Guaranteed Investment Contract.

(B) The receipt or other record of the amount actually paid for the Guaranteed Investment Contract, including a record of any administrative costs paid by the City or the Trustee, and the certification as to fees paid, described in paragraph (d)(4) above.

(C) For each bid that is submitted, the name of the person and entity submitting the bid, the time and date of the bid, and the bid results.

(D) The bid solicitation form and, if the terms of Guaranteed Investment Contract deviated from the bid solicitation form or a submitted bid is modified, a brief statement explaining the deviation and stating the purpose for the deviation.

(e) *Other Investments.* If an Investment is not described above, the fair market value may be established through a competitive bidding process, as follows:

(1) at least three bids on the Investment must be received from persons with no financial interest in the Bonds (*e.g.*, as underwriters or brokers); and

(2) the Yield on the Investment must be equal to or greater than the Yield offered under the highest bid.

Section 4.5. Certain Gross Proceeds Exempt from the Rebate Requirement.

(a) *General.* A portion of the Gross Proceeds of the Bonds may be exempt from rebate pursuant to one or more of the following exceptions. The exceptions typically will not apply with respect to all Gross Proceeds of the Bonds and will not otherwise affect the application of the Investment limitations described in **Section 4.3**. Unless specifically noted, the obligation to compute, and if necessary, to pay rebate as set forth in **Section 4.6** applies even if a portion of the gross proceeds of the Bonds is exempt from the rebate requirement. To the extent all or a portion of the Bonds is exempt from Rebate the Rebate Analyst may account for such fact in connection with its preparation of a rebate report described in **Section 4.6**. The City may defer the final rebate Computation Date and the payment of rebate for the Bonds to the extent permitted by Regulations § 1.148-7(b)(1) and § 1.148-3(e)(2) but only in accordance with specific written instructions provided by the Rebate Analyst.

(b) *Applicable Spending Exceptions.* The following optional rebate spending exceptions can apply to the Bonds: 6-month exception (Code § 148(f)(4)(B) and Regulations § 1.148-7(c)).

(c) *Special Elections Made with Respect to Spending Exception Elections.* No special elections are being made in connection with the application of the spending exceptions.

(d) *Bona Fide Debt Service Fund.* To the extent that the Debt Service Fund qualifies as a Bona Fide Debt Service Fund, Investment earnings in the account cannot be taken into account in computing arbitrage rebate.

(e) *Documenting Application of Spending Exception.* At any time prior to the first Computation Date, the City may engage the Rebate Analyst to determine whether one or more spending exceptions has been satisfied, and the extent to which the City must continue to comply with **Section 4.6** hereof.

(f) *General Requirements for Spending Exception.* The following general requirements apply in determining whether a spending exception is met.

(1) Using Adjusted Gross Proceeds to pay principal of any Bond is not taken into account as expenditure for purposes of meeting any of the spending tests.

(2) The six-month spending exception generally is met if all Adjusted Gross Proceeds of the Bonds are spent within six months following the Issue Date. The test may still be satisfied even if up to 5% of the sale proceeds remain at the end of the initial six-month period, so long as this amount is spent within one year of the Issue Date.

Section 4.6. Computation and Payment of Arbitrage Rebate.

(a) *Rebate Fund.* The Trustee will keep the Rebate Fund separate from all other funds and will administer the Rebate Fund under this Tax Agreement. Any Investment earnings derived from the Rebate Fund will be credited to the Rebate Fund, and any Investment loss will be charged to the Rebate Fund.

(b) *Computation of Rebate Amount.* The Trustee will provide the Rebate Analyst Investment reports relating to each fund held by the Trustee that contains Gross Proceeds of the Bonds at such times as reports are provided to the City, and not later than ten days following each Computation Date. The City will provide the Rebate Analyst with copies of Investment reports for any funds containing Gross Proceeds that are held by a party other than the Trustee annually as of the end of each Bond Year and not later than ten days following each Computation Date. Each Investment report provided to the Rebate Analyst will contain a record of each Investment, including (1) purchase date, (2) purchase price, (3) information establishing the fair market value on the date such Investment was allocated to the Bonds, (4) any accrued interest paid, (5) face amount, (6) coupon rate, (7) frequency of interest payments, (8) disposition price, (9) any accrued interest received, and (10) disposition date. Such records may be supplied in electronic form. The Rebate Analyst will compute rebate following each Computation Date and deliver a written report to the Trustee and the City together with an opinion or certificate of the Rebate Analyst stating that arbitrage rebate was determined in accordance with the Regulations. Each report and opinion will be provided not later than 45 days following the Computation Date to which it relates. In performing its duties, the Rebate Analyst may rely, in its discretion, on the correctness of financial analysis reports prepared by other professionals.

(c) *Rebate Payments.* Within 60 days after each Computation Date, the Trustee must pay (but solely from money in the Rebate Fund or provided by the City) to the United States the rebate amount then due, determined in accordance with the Regulations. Each payment must be (1) accompanied by IRS Form 8038-T and such other forms, documents or certificates as may be required by the Regulations, and (2) mailed or delivered to the IRS at the address shown below, or to such other location as the IRS may direct:

Internal Revenue Service Center
Ogden, UT 84201

Section 4.7. Successor Rebate Analyst. If the firm acting as the Rebate Analyst resigns or becomes incapable of acting for any reason, or if the City desires that a different firm act as the Rebate Analyst, then the City by an instrument or concurrent instruments in writing delivered to the firm then serving as the Rebate Analyst and any other party to this Tax Agreement, will engage a successor Rebate Analyst. In each case the successor Rebate Analyst must be a firm of nationally recognized bond counsel or a firm of independent certified public accountants and such firm must expressly agree to undertake the responsibilities assigned to the Rebate Analyst hereunder. In the event the firm acting as the Rebate Analyst resigns or becomes incapable of acting for any reason and the City fails to appoint a qualified successor Rebate Analyst within thirty (30) days following notice of such resignation then the Trustee will appoint a firm to act as the successor Rebate Analyst.

Section 4.8. Filing Requirements. The Trustee and the City will file or cause to be filed with the IRS such reports or other documents as are required by the Code in accordance with an Opinion of Bond Counsel.

Section 4.9. Survival after Defeasance. Notwithstanding anything in the Indenture to the contrary, the obligation to pay arbitrage rebate to the United States will survive the payment or defeasance of the Bonds.

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 5.1. Term of Tax Agreement. This Tax Agreement will be effective concurrently with the issuance and delivery of the Bonds and will continue in force and effect until the principal of, redemption premium, if any, and interest on all Bonds have been fully paid and all such Bonds are cancelled; provided that, the provisions of **Article IV** of this Tax Agreement regarding payment of arbitrage rebate and all related penalties and interest will remain in effect until all such amounts are paid to the United States.

Section 5.2. Amendments. This Tax Agreement may be amended from time to time by the parties to this Tax Agreement without notice to or the consent of any of the Bondowners, but only if such amendment is in writing and is accompanied by an Opinion of Bond Counsel to the effect that, under then existing law, assuming compliance with this Tax Agreement as so amended such amendment will not cause interest on any Bond to be included in gross income for federal income tax purposes. No such amendment will become effective until the City and the Trustee receive this Opinion of Bond Counsel.

Section 5.3. Opinion of Bond Counsel. The City and the Trustee may deviate from the provisions of this Tax Agreement if furnished with an Opinion of Bond Counsel addressed to each of them to the effect that the proposed deviation will not adversely affect the exclusion of interest on the Bonds from gross income for federal income tax purposes. The City and the Trustee will comply with any further or different instructions provided in an Opinion of Bond Counsel to the effect that the further or different instructions need to be complied with in order to maintain the validity of the Bonds or the exclusion from gross income of interest on the Bonds.

Section 5.4. Reliance. In delivering this Tax Agreement the City and the Trustee are making only those certifications, representations and agreements as are specifically attributed to them in this Tax Agreement. Neither the City nor the Trustee is aware of any facts or circumstances which would cause it to question the accuracy of the facts, circumstances, estimates or expectations of any other party providing certifications as part of this Tax Agreement and, to the best of its knowledge, those facts, circumstances, estimates and expectations are reasonable. The parties to this Tax Agreement understand that its certifications will be relied upon by the law firm of Gilmore & Bell, P.C., in rendering its opinion as to the validity of the Bonds and the exclusion from federal gross income of the interest on the Bonds.

Section 5.5. Severability. If any provision in this Tax Agreement or in the Bonds is determined to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions will not be affected or impaired.

Section 5.6. Benefit of Agreement. This Tax Agreement is binding upon the City and the Trustee and their respective successors and assigns, and inures to the benefit of the parties to this Tax Agreement and the owners of the Bonds. Nothing in this Tax Agreement or in the Indenture or the Bonds, express or implied, gives to any person, other than the parties to this Tax Agreement and their successors and assigns, and the owners of the Bonds, any benefit or any legal or equitable right, remedy or claim under this Tax Agreement.

Section 5.7. Default; Breach and Enforcement. Any misrepresentation of a party contained herein or any breach of a covenant or agreement contained in this Tax Agreement may be pursued by the Bondowners or the other party or parties to this Tax Agreement pursuant to the terms of the Indenture or any other document which references this Tax Agreement and gives remedies for a misrepresentation or breach thereof.

Section 5.8. Execution in Counterparts. This Tax Agreement may be executed in any number of counterparts, each of which so executed will be deemed to be an original, but all such counterparts will together constitute the same instrument.

Section 5.9. Governing Law. This Tax Agreement will be governed by and construed in accordance with the laws of the State of Missouri.

Section 5.10. Electronic Transactions. The parties agree that the transaction described in this Tax Agreement may be conducted, and related documents may be sent, received and stored, by electronic means.

[Remainder of Page Intentionally Left Blank]

The parties to this Tax Agreement have caused this Tax Compliance Agreement to be duly executed by their duly authorized officers as of the Issue Date of the Bonds.

CITY OF SPRINGFIELD, MISSOURI

By: _____
Title: City Manager

[SEAL]

ATTEST:

By: _____
Title: City Clerk

BOKF, N.A., as Trustee

By: _____
Title: _____

[SEAL]

ATTEST:

By: _____
Title: _____

EXHIBIT A

DEBT SERVICE SCHEDULE AND PROOF OF BOND YIELD

EXHIBIT B

IRS FORM 8038-G

EXHIBIT C

DESCRIPTION OF PROPERTY COMPRISING THE FINANCED FACILITY AND FINAL WRITTEN ALLOCATION OF ORIGINAL OBLIGATIONS

EXHIBIT D

SAMPLE ANNUAL COMPLIANCE CHECKLIST

Name of tax-exempt bonds (“Bonds”) financing	Special Obligation Refunding Bonds, Series 2025
Financed Asset:	
Issue Date of Bonds:	December , 2025
Placed in service date of Project Facility:	
Name of Bond Compliance Officer:	
Period covered by request (“Annual Period”):	

Item	Question	Response
1 Ownership	Was the entire Project Facility owned by the City during the entire Annual Period?	☐ Yes ☐ No
	If answer above was “No,” was an Opinion of Bond Counsel obtained prior to the transfer?	☐ Yes ☐ No
	If Yes, include a copy of the Opinion in the Tax-Exempt Bond File.	
	If No, contact Bond Counsel and include description of resolution in the Tax-Exempt Bond File.	
2 Leases & Other Rights to Possession	During the Annual Period, was any part of the Project Facility leased at any time pursuant to a lease or similar agreement for more than 50 days?	☐ Yes ☐ No
	If answer above was “Yes,” was an Opinion of Bond Counsel obtained prior to entering into the lease or other arrangement?	☐ Yes ☐ No
	If Yes, include a copy of the Opinion in the Tax-Exempt Bond File.	
	If No, contact Bond Counsel and include description of resolution in the Tax-Exempt Bond File.	

Item	Question	Response
3 Management or Service Agreements	During the Annual Period, has the management of all or any part of the operations of the Financed Asset been assumed by or transferred to another entity?	☐ Yes ☐ No
	If answer above was "Yes," was an Opinion of Bond Counsel obtained prior to entering into the management agreement?	☐ Yes ☐ No
	If Yes, include a copy of the Opinion in the Tax-Exempt Bond File.	
	If No, contact Bond Counsel and include description of resolution in the Tax-Exempt Bond File.	
4 Output Contracts	During the Annual Period, was any "output contract" entered into for the purchase of the capacity or output of the Financed Facility (e.g., a take-or-pay contract, a wholesale requirements contract)?	☐ Yes ☐ No
	If answer above was "Yes," was advice of Bond Counsel obtained prior to entering into the agreement?	☐ Yes ☐ No
	If Yes, include a description of the advice in the Tax-Exempt Bond File.	
	If No, contact Bond Counsel and include description of resolution in the Tax-Exempt Bond File.	
5 Other Use	Was any other agreement entered into with an individual or entity that grants special legal rights to the Financed Asset?	☐ Yes ☐ No
	If answer above was "Yes," was an Opinion of Bond Counsel obtained prior to entering into the agreement?	☐ Yes ☐ No
	If Yes, include a copy of the Opinion in the Tax-Exempt Bond File.	
	If No, contact Bond Counsel and include description of resolution in the Tax-Exempt Bond File.	
6 Arbitrage & Rebate	Have all rebate and yield reduction calculations mandated in the Tax Compliance Agreement been prepared for the current year?	☐ Yes ☐ No
	If No, contact Rebate Analyst and incorporate report or include description of resolution in the Tax-Exempt Bond File.	

Bond Compliance Officer: _____

Date Completed: _____

CONTINUING DISCLOSURE AGREEMENT

Dated as of December 1, 2025

Between

CITY OF SPRINGFIELD, MISSOURI

And

BOKF, N.A.

\$(Principal Amount)
Special Obligation Refunding Bonds
(Sewer System Improvements Project)
Series 2025

CONTINUING DISCLOSURE AGREEMENT

This **CONTINUING DISCLOSURE AGREEMENT** dated as of December 1, 2025 (this “**Continuing Disclosure Agreement**”), is executed and delivered by the **CITY OF SPRINGFIELD, MISSOURI** (the “**City**”) and **BOKF, N.A.**, as dissemination agent (the “**Dissemination Agent**”).

RECITALS

1. This Continuing Disclosure Agreement is executed and delivered in connection with the issuance by the City of **[\$[Principal Amount] Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025** (the “**Bonds**”), pursuant to Trust Indenture dated as of December 1, 2025, between the City and the Dissemination Agent, as trustee, related to the issuance of the Bonds (the “**Indenture**”).

2. The City and the Dissemination Agent are entering into this Continuing Disclosure Agreement for the benefit of the Beneficial Owners of the Bonds and in order to assist the Participating Underwriter in complying with Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the “**Rule**”). The City is the only “**obligated person**” with responsibility for continuing disclosure hereunder.

In consideration of the mutual covenants and agreements herein, the City and the Dissemination Agent covenant and agree as follows:

Section 1. Definitions. In addition to the definitions set forth in the Indenture, which apply to any capitalized term used in this Continuing Disclosure Agreement unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“**Annual Report**” means any Annual Report provided by the City pursuant to, and as described in, **Section 2** of this Continuing Disclosure Agreement.

“**Beneficial Owner**” means any registered owner of any Bonds and any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

“**Business Day**” means a day other than (a) a Saturday, Sunday or legal holiday, (b) a day on which banks located in any city in which the principal corporate trust office or designated payment office of the Trustee or the Dissemination Agent is located are required or authorized by law to remain closed, or (c) a day on which the Securities Depository or the New York Stock Exchange is closed.

“**Dissemination Agent**” means BOKF, N.A., acting in its capacity as Dissemination Agent hereunder, or any successor Dissemination Agent designated in writing by the City.

“**EMMA**” means the Electronic Municipal Market Access system for municipal securities disclosures established and maintained by the MSRB, which can be accessed at www.emma.msrb.org.

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of (a) or (b) in this definition; *provided however*, the term Financial Obligation shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

“Fiscal Year” means the **12-month** period beginning on **July 1** and ending on **June 30** or any other **12-month** period selected by the City as the Fiscal Year of the City for financial reporting purposes.

“Material Events” means any of the events listed in **Section 3(a)** of this Continuing Disclosure Agreement.

“MSRB” means the Municipal Securities Rulemaking Board, or any successor repository designated as such by the Securities and Exchange Commission in accordance with the Rule.

“Participating Underwriter” means any of the original underwriter(s) of the Bonds required to comply with the Rule in connection with the offering of the Bonds.

Section 2. Provision of Annual Reports.

- (a) The City shall, or shall cause the Dissemination Agent to, not later than 180 days after the end of the City’s Fiscal Year, commencing with the year ending June 30, 2026, file with the MSRB, through EMMA, the following financial information and operating data (the **“Annual Report”**):
 - (1) The audited financial statements of the City for the prior Fiscal Year, prepared in accordance with accounting principles generally accepted in the United States. If audited financial statements are not available by the time the Annual Report is required to be provided pursuant to this Section, the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement relating to the Bonds, and the audited financial statements shall be provided in the same manner as the Annual Report promptly after they become available.
 - (2) Updates as of the end of the Fiscal Year of certain financial information and operating data contained in the final Official Statement related to the Bonds, as described in **Exhibit A**, in substantially the same format contained in the final Official Statement with such adjustments to formatting or presentation determined to be reasonable by the City.

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues with respect to which the City is an **“obligated person”** (as defined by the Rule), which have been provided to the MSRB and are available through EMMA or the Securities and Exchange Commission. If the document included by reference is a final official statement, it must be available from the MSRB on EMMA. The City shall clearly identify each such other document so included by reference.

In each case, the Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in this Section; provided that the audited financial statements of the City may be submitted separately from the balance of the Annual Report and later than the date required above for the filing of the Annual Report if they are not available by that date. If the City's Fiscal Year changes, it shall give notice of such change in the same manner as for a Material Event under **Section 3**.

- (b) Not later than **15** Business Days prior to the date specified in subsection (a) for filing the Annual Report with the MSRB, the City shall provide the Annual Report to the Dissemination Agent and the trustee for the Bonds (if the trustee is not the Dissemination Agent) with written instructions to file the Annual Report as specified in subsection (a). If by such date the Dissemination Agent has not received a copy of the Annual Report, the Dissemination Agent shall contact the City to determine if the City is in compliance with subsection (a).
- (c) If the Dissemination Agent is unable to verify that the Annual Report has been filed with the MSRB by the date required in subsection (a), the Dissemination Agent shall, in a timely manner, send a notice in substantially the form attached as **Exhibit B** to the MSRB, of the failure of the City to file the Annual Report by the date specified.
- (d) The Dissemination Agent shall file a report with the City certifying that the Annual Report has been filed pursuant to this Continuing Disclosure Agreement and stating the date it was filed with the MSRB through EMMA.
- (e) The Annual Report shall be filed with the MSRB in such manner and format as is prescribed by the MSRB.

Section 3. Reporting of Material Events.

- (a) Not later than **10** Business Days after the occurrence of any of the following events, the City shall give, or cause to be given to the MSRB, through EMMA, notice of the occurrence of any of the following events with respect to the Bonds ("**Material Events**"):
 - (1) principal and interest payment delinquencies;
 - (2) non-payment related defaults, if material;
 - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
 - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
 - (5) substitution of credit or liquidity providers, or their failure to perform;
 - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
 - (7) modifications to rights of bondholders, if material;
 - (8) bond calls, if material, and tender offers;
 - (9) defeasances;
 - (10) release, substitution or sale of property securing repayment of the Bonds, if material;

- (11) rating changes;
 - (12) bankruptcy, insolvency, receivership or similar event of the obligated person;
 - (13) the consummation of a merger, consolidation, or acquisition involving the obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
 - (14) appointment of a successor or additional trustee or the change of name of the trustee, if material;
 - (15) incurrence of a Financial Obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the obligated person, any of which affect security holders, if material; and
 - (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the obligated person, any of which reflect financial difficulties.
- (b) The Dissemination Agent shall, promptly after obtaining actual knowledge of the occurrence of any event that it believes may constitute a Material Event, contact the Director of Finance of the City or his or her designee, or such other person as the City shall designate in writing to the Dissemination Agent from time to time, inform such person of the event, and request that the City promptly notify the Dissemination Agent in writing whether or not to report the event pursuant to subsection (d). If in response to a request under this subsection (b), the City determines that the event does not constitute a Material Event, the City shall so notify the Dissemination Agent in writing and instruct the Dissemination Agent not to report the occurrence pursuant to subsection (d).
- (c) Whenever the City obtains knowledge of the occurrence of a Material Event, because of a notice from the Dissemination Agent pursuant to subsection (b) or otherwise, the City shall promptly notify and instruct the Dissemination Agent in writing to report the occurrence pursuant to subsection (d).
- (d) If the Dissemination Agent receives written instructions from the City to report the occurrence of a Material Event, the Dissemination Agent shall promptly file a notice of such occurrence to the MSRB, with a copy to the City.

Section 4. Termination of Reporting Obligation. The City's obligations under this Continuing Disclosure Agreement shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. If the City's obligations under this Continuing Disclosure Agreement are assumed in full by some other entity, such person shall be responsible for compliance with this Continuing Disclosure Agreement in the same manner as if it were the City, and the City shall have no further responsibility hereunder. If such termination or substitution occurs prior to the final maturity of the Bonds, the City shall give notice of such termination or substitution in the same manner as for a Material Event under **Section 3**.

Section 5. Dissemination Agents. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Continuing Disclosure Agreement, and may discharge any such Agent, with or without appointing a successor Dissemination

Agent. The Dissemination Agent may resign as dissemination agent hereunder at any time upon **30** days prior written notice to the City. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report (including without limitation the Annual Report) prepared by the City pursuant to this Continuing Disclosure Agreement. The initial Dissemination Agent is BOKF, N.A.

Section 6. Amendment; Waiver. Notwithstanding any other provision of this Continuing Disclosure Agreement, the City and the Dissemination Agent may amend this Continuing Disclosure Agreement and any provision of this Continuing Disclosure Agreement may be waived, provided that Bond Counsel or other counsel experienced in federal securities law matters provides the City and the Dissemination Agent with its written opinion that the undertaking of the City contained herein, as so amended or after giving effect to such waiver, is in compliance with the Rule and all current amendments thereto and interpretations thereof that are applicable to this Continuing Disclosure Agreement.

In the event of any amendment or waiver of a provision of this Continuing Disclosure Agreement, the City shall describe such amendment or waiver in the next Annual Report, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or, in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (1) notice of such change shall be given in the same manner as for a Material Event under **Section 3**, and (2) the Annual Report for the year in which the change is made should present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

Section 7. Additional Information. Nothing in this Continuing Disclosure Agreement shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Continuing Disclosure Agreement or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Material Event, in addition to that required by this Continuing Disclosure Agreement. If the City chooses to include any information in any Annual Report or notice of occurrence of a Material Event, in addition to that specifically required by this Continuing Disclosure Agreement, the City shall have no obligation under this Continuing Disclosure Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Material Event.

Section 8. Default. If the City or the Dissemination Agent fails to comply with any provision of this Continuing Disclosure Agreement, any Participating Underwriter or any Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City or the Dissemination Agent, as the case may be, to comply with its obligations under this Continuing Disclosure Agreement. A default under this Continuing Disclosure Agreement shall not be deemed an event of default under the Indenture or the Bonds, and the sole remedy under this Continuing Disclosure Agreement in the event of any failure of the City or the Dissemination Agent to comply with this Continuing Disclosure Agreement shall be an action to compel performance.

Section 9. Duties and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Continuing Disclosure Agreement, and, to the extent permitted by law, the City agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and

expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the City under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds. The City shall pay the fees, charges and expenses of the Dissemination Agent in connection with its administration of this Continuing Disclosure Agreement.

Section 10. Notices. Any notices or communications to or among any of the parties to this Continuing Disclosure Agreement may be given by registered or certified mail, return receipt requested, or by facsimile or by e-mail, receipt confirmed by telephone, or delivered in person or by overnight courier, and will be deemed given on the second day following the date on which the notice or communication is so mailed, as follows:

To the City: City of Springfield, Missouri
840 Boonville Avenue
P.O. Box 8368
Springfield, Missouri 65801
Attention: Director of Finance
Telephone: (417) 864-1625
Fax: (417) 864-1880

To the Dissemination Agent: BOKF, N.A.
2405 Grand Boulevard, Suite 840
Kansas City, Missouri 64108
Attention: Corporate Trust Department
Telephone: (816) 932-7302
Fax: (816) 932-7315

Any person may, by written notice to the other persons listed above, designate a different address or an e-mail address, or telephone number or facsimile number to which subsequent notices or communications should be sent.

Section 11. Beneficiaries. This Continuing Disclosure Agreement shall inure solely to the benefit of the City, the Dissemination Agent, the Participating Underwriter, and Beneficial Owners from time to time of the Bonds, and shall create no rights in any other person or entity.

Section 12. Severability. If any provision in this Continuing Disclosure Agreement, the Indenture or the Bonds shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 13. Counterparts. This Continuing Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 14. Electronic Transactions. The arrangement described herein may be conducted and related documents may be sent, received, or stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original 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 15. Governing Law. This Continuing Disclosure Agreement shall be governed by and construed in accordance with the laws of the State of Missouri.

[Remainder of Page Intentionally Left Blank.]

IN WITNESS WHEREOF, the City and the Dissemination Agent have caused this Continuing Disclosure Agreement to be executed as of the day and year first above written.

CITY OF SPRINGFIELD, MISSOURI

By: _____
Title: City Manager

Approved as to Form _____, City Attorney

BOKF, N.A., as Dissemination Agent

By: _____
Title: Authorized Officer

EXHIBIT A
TO CONTINUING DISCLOSURE AGREEMENT

**FINANCIAL INFORMATION AND OPERATING DATA TO BE
INCLUDED IN ANNUAL REPORT**

The financial information and operating data contained in the following sections and tables contained in Appendix A of the final Official Statement relating to the Bonds:

- DEBT STRUCTURE OF THE CITY
 - Current General Obligation Indebtedness
 - Enterprise Fund Revenue Obligations of the City
 - Capital Lease Obligations
 - City Utilities Component Unit
 - Lease and Other Special Obligations of the City
- FINANCIAL INFORMATION CONCERNING THE CITY
 - Governmental Funds Summary
 - Sources of Revenue
- PROPERTY TAX INFORMATION CONCERNING THE CITY
 - Property Valuations - *Assessed Valuation*
 - Major Property Taxpayers (not less than 10)
 - Property Tax Collections
- DESCRIPTION OF THE SEWER SYSTEM
 - Customers Served – Historical Customers, Usage and Revenues

EXHIBIT B

NOTICE OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: City of Springfield, Missouri

Name of Bond Issue: \$[Principal Amount] Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025 (the “Bonds”)

Name of Obligated Person: City of Springfield, Missouri (the “City”)

Date of Issuance: [December 22, 2025]

NOTICE IS HEREBY GIVEN that the City of Springfield, Missouri has not provided an Annual Report with respect to the above-named Bonds as required by the Continuing Disclosure Agreement dated as of December 1, 2025, between the City and BOKF, N.A., as Dissemination Agent. [The City has informed the Dissemination Agent that the City anticipates that the Annual Report will be provided by _____.]

Dated: _____, _____, _____

BOKF, N.A., as Dissemination Agent
on behalf of **CITY OF SPRINGFIELD, MISSOURI**

cc: City of Springfield, Missouri

\$[principal amount]
CITY OF SPRINGFIELD, MISSOURI
SPECIAL OBLIGATION REFUNDING BONDS
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2025

[pricing date], 2025

BOND PURCHASE AGREEMENT

City of Springfield, Missouri
840 Boonville
P.O. Box 8368
Springfield, Missouri 65801

Ladies and Gentlemen:

The undersigned, Stifel, Nicolaus & Company, Incorporated (the “**Underwriter**”), hereby offers to purchase from the City of Springfield, Missouri (the “**City**”), a constitutional home rule charter city and political subdivision of the State of Missouri (the “**State**”), \$[principal amount] aggregate principal amount of Special Obligation Refunding Bonds (Sewer System Improvements Project), Series 2025 (the “**Bonds**”). The issuance and sale of the Bonds is authorized by an ordinance (the “**Bond Ordinance**”) adopted by the City Council of the City on _____, 2025. Capitalized terms not otherwise defined herein have the meaning given such terms in the Bond Ordinance or the Trust Indenture between BOKF, N.A. (the “**Trustee**”) and the City (the “**Indenture**”) under which the Bonds will be issued.

The Bonds are to be issued by the City pursuant to and in accordance with the provisions of the Constitution and laws of the State and the City’s Charter. The Bonds shall constitute special obligations of the City payable as to both principal and interest from amounts appropriated on an annual basis by the City Council of the City for that purpose. The Bonds do not constitute a general obligation or indebtedness of the City for which the City is obligated to levy or pledge any form of taxation, or for which the City has levied or pledged any form of taxation and shall not be construed to be a debt of the City in contravention of any applicable constitutional, statutory or charter limitation or requirement but in each fiscal year shall be payable solely from the amounts pledged or appropriated therefor (i) out of the income and revenues provided for such year plus (ii) any unencumbered balances for previous years, and (iii) any amounts on deposit under the Indenture for the payment of the Bonds.

The Bonds shall mature on the dates in the years and in the amounts, and shall bear interest at the rates per annum, set forth in **Schedule I** hereto.

This offer is made subject to your acceptance of this Bond Purchase Agreement on or before 11:00 p.m., Kansas City, Missouri time, on [pricing date], 2025. Upon your acceptance of the offer, the following agreement will be binding upon you and the Underwriter.

The words “Transaction Documents” when used herein shall mean, individually and collectively, the following: the Bonds; the Bond Ordinance; this Bond Purchase Agreement; the Indenture; the Tax Compliance Agreement between the Trustee and the City (the “**Tax Compliance Agreement**”); the Continuing Disclosure Agreement between the City and the Trustee, as dissemination agent (the “**Continuing Disclosure Agreement**”); the Preliminary Official Statement (as defined herein); the Official Statement (as defined herein); and any and all other documents or instruments that evidence or are a part of the transactions referred to herein or in the Official Statement or contemplated hereby or by the Official Statement; provided, however, that when the words “Transaction Documents” are used in the context of the authorization, execution, delivery, approval or performance of Transaction Documents by a party hereto, the same shall mean only those Transaction Documents that provide for or contemplate authorization, execution, delivery, approval or performance by such party.

1. Purchase of Bonds. Upon the terms and conditions and upon the basis of the respective representations, warranties and covenants hereinafter set forth, the Underwriter hereby agrees to purchase from the City, and the City hereby agrees to sell to the Underwriter, all (but not less than all) of the Bonds at a purchase price of \$_____ (which is equal to the aggregate principal amount of the Bonds, plus a [net original issue premium/discount] of \$_____, less an underwriting discount of \$_____).

The City acknowledges and agrees that (i) the primary role of the Underwriter is to purchase securities pursuant to this Bond Purchase Agreement, for resale to investors, in an arm’s-length commercial transaction between the City and the Underwriter and the Underwriter has financial and other interests that differ from those of the City, (ii) the Underwriter is acting solely as a principal and is not acting as a municipal advisor, financial advisor or fiduciary to the City and has not assumed an advisory or fiduciary responsibility to the City with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether the Underwriter has provided other services or is currently providing other services to the City on other matters), (iii) the only obligations the Underwriter has to the City with respect to the transaction contemplated hereby are expressly as set forth in this Bond Purchase Agreement, and (iv) the City has consulted its own financial and/or municipal, legal, accounting, tax, and other advisors, as applicable, to the extent it has deemed appropriate.

2. Public Offering. The Underwriter intends to make a bona fide initial public offering of all of the Bonds at prices no higher than set forth on **Schedule I**; provided, however, that the Underwriter reserves the right to lower such initial offering prices as it deems necessary in connection with the marketing of the Bonds. The Underwriter may offer and sell the Bonds to certain dealers (including dealers depositing Bonds into investment trusts) and others at prices lower than the initial offering price or prices set forth in **Schedule I**. The Underwriter also reserves the right to (i) over-allot or effect transactions which stabilize or maintain the market price of the Bonds at levels above those that might otherwise prevail in the open market and (ii) discontinue such stabilizing, if commenced, at any time without prior notice.

In conjunction with (i) an audit or inquiry by the Internal Revenue Service (the “**IRS**”) or the Securities and Exchange Commission (the “**SEC**”) relating to the pricing of the Bonds, or (ii) the implementation of future regulation or similar guidance from the IRS, the SEC or other federal or state regulatory authority regarding the retention of pricing data for the Bonds, at the request of the City, the Underwriter will provide information explaining the factual basis for the Underwriter’s representations in the Underwriter’s Receipt for Bonds and Issue Price Certificate relating to the pricing of the Bonds, other than information that would identify customers (e.g., name or account number). This agreement by the Underwriter to provide such information will continue to apply after the Closing Time (as defined herein)

but shall not extend to any customer data or other confidential or proprietary information of the Underwriter.

3. Establishment of Issue Price.

(a) The Underwriter agrees to assist the City in establishing the issue price of the Bonds and shall execute and deliver to the City at Closing (as defined herein) an “issue price” or similar certificate, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto as **Exhibit A**, with such modifications as may be appropriate or necessary, in the reasonable judgment of the Underwriter, the City and Bond Counsel (as defined herein), to accurately reflect, as applicable, the sales price or prices or the initial offering price or prices to the public of the Bonds.

(b) Except as otherwise set forth in **Schedule I** attached hereto, the City will treat the first price or prices at which 10% of each maturity of the Bonds (the “**10% Test**”) is sold to the public as the issue price of that maturity. At or promptly after the execution of this Bond Purchase Agreement, the Underwriter shall report to the City the price or prices at which it has sold to the public each maturity of Bonds. If at that time the 10% Test has not been satisfied as to any maturity of the Bonds, the Underwriter agrees to promptly report to the City the prices at which it sells the unsold Bonds of that maturity to the public. That reporting obligation shall continue, whether or not the Closing Time has occurred, until either (i) the Underwriter has sold all Bonds of that maturity or (ii) the 10% Test has been satisfied as to the Bonds of that maturity, provided that, the Underwriter’s reporting obligation after the Closing Time may be at reasonable periodic intervals or otherwise upon request of the City or Bond Counsel. For purposes of this Section, if Bonds mature on the same date but have different interest rates, each separate CUSIP number within that maturity will be treated as a separate maturity of the Bonds.

(c) The Underwriter confirms that it has offered the Bonds to the public on or before the date of this Bond Purchase Agreement at the offering price or prices (the “**Initial Offering Price**”) set forth in **Schedule I** attached hereto, except as otherwise set forth therein. **Schedule I** also sets forth, as of the date of this Bond Purchase Agreement, the maturities, if any, of the Bonds for which the 10% Test has not been satisfied and for which the City and the Underwriter agree that the restrictions set forth in the next sentence shall apply, which will allow the City to treat the Initial Offering Price to the public of each such maturity as of the sale date as the issue price of that maturity (the “**Hold-The-Offering-Price Rule**”). So long as the Hold-The-Offering-Price Rule remains applicable to any maturity of the Bonds, the Underwriter will neither offer nor sell unsold Bonds of that maturity to any person at a price that is higher than the Initial Offering Price to the public during the period starting on the sale date and ending on the earlier of the following:

- (i) the close of the fifth (5th) business day after the sale date; or
- (ii) the date on which the Underwriter has sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the Initial Offering Price to the public.

The Underwriter will advise the City promptly after the close of the fifth (5th) business day after the sale date whether it has sold 10% of that maturity of the Bonds to the public at a price that is no higher than the Initial Offering Price to the public.

(d) The Underwriter confirms that:

(i) any selling group agreement and any third-party distribution agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each dealer who is a member of the selling group and each broker-dealer that is a party to such third-party distribution agreement, as applicable:

(A) (i) to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Time has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the Underwriter that the 10% Test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Time may be at reasonable periodic intervals or otherwise upon request of the Underwriter, and (ii) to comply with the Hold-The-Offering-Price Rule, if applicable, if and for so long as directed by the Underwriter;

(B) to promptly notify the Underwriter of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below); and

(C) to acknowledge that, unless otherwise advised by the dealer or broker-dealer, the Underwriter shall assume that each order submitted by the dealer or broker-dealer is a sale to the public.

(ii) any selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to (A) report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Time has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the Underwriter or the dealer that the 10% Test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Time may be at reasonable periodic intervals or otherwise upon request of the Underwriter or the dealer, and (B) comply with the Hold-The-Offering-Price Rule, if applicable, if and for so long as directed by the Underwriter or the dealer and as set forth in the related pricing wires.

(e) The City acknowledges that, in making the representations set forth in this section, the Underwriter will rely on (i) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the Hold-The-Offering-Price Rule, if applicable to the Bonds, as set forth in a selling group agreement and the related pricing wires, and (ii) in the event that a third-party distribution agreement was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party

to such agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the Hold-The-Offering-Price Rule, if applicable to the Bonds, as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that the Underwriter shall not be liable for the failure of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement, to comply with its corresponding agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the Hold-The-Offering-Price Rule, if applicable to the Bonds.

(f) The Underwriter acknowledges that sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this section. Further, for purposes of this section:

(i) “public” means any person other than an underwriter or a related party;

(ii) “underwriter” means (A) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public);

(iii) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other); and

(iv) “sale date” means the date of execution of this Bond Purchase Agreement by all parties.

4. Preliminary Official Statement and Official Statement. The City consents to and ratifies the use and distribution by the Underwriter prior to the date upon which the Official Statement is executed and available for distribution, of the Preliminary Official Statement dated _____, 2025 (which, together with the cover page, inside cover page and any exhibits, appendices, maps, pictures, diagrams, reports and statements included therein or attached thereto and any amendments and supplements that may be authorized for use with respect to the Bonds, is herein called the “**Preliminary Official Statement**”), in connection with the public offering of the Bonds. The City further confirms the authority of the Underwriter to use, and consents to the use of, the final Official Statement with respect to the Bonds in connection with the public offering of the Bonds. The City represents and warrants that the Preliminary Official Statement previously furnished to the Underwriter was “deemed final” by the City as of its date, and the City hereby reaffirms that the Preliminary Official Statement is deemed final, for purposes of

Rule 15c2-12(b)(1) (the “**Rule**”) promulgated under the Securities Exchange Act of 1934, as amended, except for the omission of certain information permitted to be omitted by the Rule, such as offering prices, interest rates, selling commission, aggregate principal amount, principal per maturity, delivery date, ratings, and other terms of the Bonds depending on such matters.

The City hereby agrees to deliver to the Underwriter within seven business days after the date hereof, the Official Statement, dated the date hereof, relating to the Bonds (which, together with the cover page, and all exhibits, appendices, maps, pictures, diagrams, reports and statements included therein or attached thereto and any amendments and supplements that may be authorized for use with respect to the Bonds is herein called the “**Official Statement**”) executed on behalf of the City by a duly authorized officer, in such quantity as the Underwriter may request to enable the Underwriter to provide the Official Statement to potential customers and to comply with any rules of the Municipal Securities Rulemaking Board (the “**MSRB**”) and the SEC.

The Preliminary Official Statement and/or the Official Statement may be delivered in printed and/or electronic form to the extent permitted by applicable MSRB rules and as may be agreed to by the City and the Underwriter. If the Official Statement is prepared for distribution in electronic form, the City hereby confirms that it does not object to distribution of the Official Statement in electronic form.

5. City’s Representations and Warranties. The City hereby agrees with, and makes the following representations and warranties to, the Underwriter as of the date hereof and as of the date of Closing:

(a) Status of the City. The City is, and will be at Closing, a duly organized constitutional home rule charter city and political subdivision of the State created and existing under the laws of the State and its charter with the power and authority to (i) operate, repair and maintain its governmental facilities, (ii) execute and deliver the Transaction Documents, and (iii) carry out and consummate the transactions contemplated by the Transaction Documents.

(b) Authorization to Enter into Transaction Documents. The City is authorized by the laws of the State and its Charter, (i) to issue, sell and deliver the Bonds for the purposes set forth in the opening paragraphs hereof and in the Bond Ordinance, and (ii) to adopt the Bond Ordinance and to enter into and perform its obligations under the Transaction Documents.

(c) Official Action. Prior to the Closing, the City shall have duly authorized all necessary action to be taken by it for: (i) the issuance and sale of the Bonds upon the terms set forth herein and in the Official Statement, (ii) the approval, execution, delivery and receipt by the City of the Transaction Documents and/or agreements and documents as may be required to be executed, delivered and received by the City in order to carry out, give effect to, and consummate the transactions contemplated hereby and by the Official Statement, and (iii) the approval of the use of the Official Statement.

(d) Documents Legal, Valid and Binding. This Bond Purchase Agreement constitutes a legal, valid and binding obligation of the City enforceable in accordance with its terms. The Bonds when executed, issued, authenticated, delivered and paid for as herein and in the Bond Ordinance and Indenture provided and the Transaction Documents when executed will have been duly authorized and issued and will constitute valid and binding obligations of the City enforceable in accordance with their terms (subject to any applicable bankruptcy, reorganization, insolvency, moratorium or other similar law or laws affecting the enforcement of creditors’ rights generally or

against municipal corporations such as the City from time to time in effect and further subject to the availability of equitable remedies).

(e) No Conflict or Breach. The City is not in breach of or default in any material respect under (i) any applicable law or administrative regulation of the State or the United States or any applicable judgment or decree or (ii) any loan agreement, indenture, bond, note, ordinance, agreement or other instrument to which the City is a party or is otherwise subject, and no event has occurred and is continuing which, with the passage of time or the giving of notice or both, would constitute an event of default under any such instrument; and neither the execution and delivery of any of the Transaction Documents, or the consummation of the transactions contemplated thereby, nor the fulfillment of or compliance with the terms and conditions thereof conflicts with or constitutes a breach of or default under (i) any applicable law, administrative regulation, judgment or decree or (ii) the terms of any loan agreement, indenture, bond, note, ordinance, agreement or other instrument to which the City is a party or is otherwise subject; nor shall any such execution, delivery, adoption, fulfillment or compliance result in the creation or imposition of any lien, charge or other security interest or encumbrance of any nature whatsoever upon any of the property or assets of the City (i) under the terms of any such law, administrative regulation, judgment or decree or (ii) under the terms of any such loan agreement, indenture, bond, note, ordinance, agreement or other instrument, except as provided by the Transaction Documents.

(f) No Litigation. Except as otherwise set forth in the Official Statement, there is no action, suit, proceeding, inquiry or investigation at law or in equity or before or by any court, public board or body, pending or, to the knowledge of the City, threatened against the City wherein an unfavorable decision, ruling or finding would materially adversely affect (i) the transactions contemplated hereby or by the Official Statement, including the status of the interest on the Bonds as excludable from gross income of the owners thereof for federal income tax purposes or as exempt from income taxation in the State, (ii) the validity or enforceability in accordance with their respective terms of the Bonds, the Bond Ordinance, the Indenture, this Bond Purchase Agreement or any agreement or instrument to which the City is a party, used or contemplated for use in the consummation of the transactions contemplated hereby or by the Official Statement, or contesting in any way the completeness or accuracy of the Preliminary Official Statement or the Official Statement (nor to the best knowledge of the City, is there any basis therefor), (iii) the existence or powers of the City or the titles of its officers to their respective offices, or (iv) the financial condition of the City or the operation by the City of its property.

(g) No Consents or Approvals Required The City has received all licenses, permits, or other regulatory approvals required (if any) to execute the Transaction Documents and to perform its obligations thereunder and the City is not in material default, and no event has occurred which would constitute or result in a material default under any such licenses, permits or approvals.

(h) Preliminary Official Statement and Official Statement True and Correct. The descriptions and information contained in the Preliminary Official Statement and the Official Statement are and, as of their respective dates and at the Closing shall be, true and correct and do not, and with respect to the Preliminary Official Statement and the Official Statement, as of their respective dates and at the Closing shall not, contain an untrue statement of a material fact and do not, with respect to the Preliminary Official Statement and Official Statement, as of their respective dates and at the Closing, shall not omit to state a material fact necessary to make any statement made therein, in light of the circumstances under which it was made, not misleading.

(i) No Default Under Transaction Documents. The execution and delivery by the City of the Bonds, the Transaction Documents and the other documents contemplated hereby and by the Official Statement to be executed and delivered by the City, compliance with the provisions thereof, and the approval of the use of the Official Statement do not conflict with or constitute on the part of the City a breach of or a default under any existing law, court or administrative regulation, decree, order, agreement, ordinance, indenture, mortgage or lease by which the City is or may be bound. No event has occurred and is continuing which with the lapse of time or the giving of notice, or both, would constitute a breach of or an event of default by the City under the Transaction Documents.

(j) Application of Bond Proceeds. The City represents and warrants that the proceeds of the Bonds shall be used as provided in the Transaction Documents. The City shall not take or omit to take any action which action or omission shall in any way cause or result in the proceeds from the sale of the Bonds being applied in a manner other than as provided in the Transaction Documents and as described in the Preliminary Official Statement and the Official Statement.

(k) Securities Laws Cooperation. The City agrees to reasonably cooperate with the Underwriter in any endeavor to qualify the Bonds for offering and sale under the securities or “Blue Sky” laws of such jurisdictions of the United States as the Underwriter may request; provided, however, that the City shall not be required with respect to the offer or sale of the Bonds, or otherwise, to file written consent to suit or to file written consent to service of process in any jurisdiction. The City consents to the use of drafts of the Preliminary Official Statement, the Preliminary Official Statement and drafts of the Official Statement prior to the availability of the Official Statement by the Underwriter in obtaining such qualifications, subject to the right of the City to withdraw such consent for cause by written notice to the Underwriter.

(l) City Certificate. Any certificate signed by an authorized officer of the City and delivered to the Underwriter shall be deemed a representation and warranty by the City to the Underwriter as to the statements made therein.

(m) Financial Statements. The financial statements of the City included as Appendix D to the Preliminary Official Statement and the Official Statement and any other later available unaudited financial data of the City furnished to the Underwriter present fairly the financial position of the City as of the dates indicated and the results of its operations for the periods specified in all material respects for the periods involved except as stated in the notes thereto. The financial statements include both the government-wide (the statement of net position and statement of activities) and fund financial statements. The financial statements of the City have been prepared in conformity with generally accepted accounting principles (GAAP) as applied to local governmental units. The City has not since June 30, 2024 incurred any material liabilities and since such date there has been no material adverse change in the financial position of the City or the operation by the City of its property other than as may be set forth in the Preliminary Official Statement and the Official Statement.

Since June 30, 2024, except as described in the Preliminary Official Statement and the Official Statement, there has been no material decrease in the City’s fund balances, no increase in short-term debt or long-term debt of the City and no adverse change, or any development involving a prospective adverse change, in or affecting the general affairs, management,

properties, financial position, or results of operations of the City, which in any such case is material to the City.

(n) Supplements to Official Statement. If the Official Statement is supplemented or amended pursuant to **subsection (o)** of this section, at the time of such supplement or amendment thereto and (unless subsequently again supplemented or amended pursuant to such subsection) at all times subsequent thereto including the Closing, the information contained in the Official Statement as provided in **subsection (h)** of this section, as so supplemented or amended, shall not contain an untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

(o) Subsequent Events. If between the date of the Official Statement and the Closing any event shall occur which might or would cause the information contained in the Official Statement to contain an untrue statement of a material fact or to omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the City shall notify the Underwriter, and if in the opinion of the Underwriter, such event requires the preparation and publication of a supplement or amendment to the Official Statement, the City shall, at the expense of the City, supplement or amend the Official Statement in a form and in a manner approved by the Underwriter.

(p) Continuing Disclosure. The City will undertake, pursuant to the Continuing Disclosure Agreement, to provide certain annual financial information and operating data and notices of the occurrence of certain events. Except as otherwise disclosed in the Preliminary Official Statement and the Official Statement, the City has materially complied with all of its previous continuing disclosure obligations under the Rule.

6. Closing. Prior to or at 12:00 noon, Kansas City, Missouri time, on [closing date], 2025 or at such other time or such other date as shall have been mutually agreed upon by the City and the Underwriter (the “**Closing Time**”), the City will deliver, or cause to be delivered, to the Underwriter, the Bonds, in definitive form duly executed and authenticated by the Trustee, together with the other documents hereinafter mentioned; and the Underwriter will accept such delivery and pay the purchase price of the Bonds by delivering to the City immediately available funds payable to the order of the City (or such other arrangement as shall be mutually agreed upon by the City and the Underwriter) in an amount equal to the purchase price. Such payment and delivery is referred to herein as the “**Closing.**”

Payment and delivery of the Bonds as aforesaid shall be made in Kansas City, Missouri, New York, New York, or such other place as is mutually agreed to by the City and the Underwriter. The Bonds will be delivered in denominations as set forth in the Indenture as definitive Bonds in fully registered form. The Bonds will be registered in the name of Cede & Co., as nominee for The Depository Trust Company (“**DTC**”). One fully registered Bond certificate for each maturity in the principal amount of such maturity (as set forth in **Schedule I** hereto) will be deposited with DTC, or delivered to the Trustee for “**FAST**” delivery prior to the Closing pursuant to the rules and procedures of DTC.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error in the printing of such numbers shall constitute cause for a failure or refusal by the Underwriter to accept delivery of and pay for any Bonds.

7. Events Permitting Underwriter to Terminate. The Underwriter shall have the right to cancel its obligation to purchase the Bonds and to terminate this Bond Purchase Agreement, without

liability to the Underwriter, by written notice to the City if, between the date of this Bond Purchase Agreement and the Closing, in the Underwriter's sole and reasonable judgment, any of the following events shall occur (each, a **"Termination Event"**):

(a) the market price or marketability of the Bonds, or the ability of the Underwriter to enforce contracts for the sale of the Bonds, shall be materially adversely affected by any of the following events:

(i) Legislation shall be enacted or for the first time actively considered for enactment by the Congress of the United States (**"Congress"**) or the legislature of the State or shall have been favorably reported out of committee of either body or be pending in committee of either body, or shall have been recommended to Congress for passage by the President of the United States or a member of the President's Cabinet, or a decision shall have been rendered by a federal court of the United States, a State court or the United States Tax Court, or a ruling, Ordinance, regulation or temporary regulation, release or announcement shall have been made or shall have been proposed to be made by the Treasury Department of the United States, the IRS or other federal or State authority with appropriate jurisdiction, with respect to federal or State taxation upon interest or other income to be derived by the City pursuant to the Transaction Documents, or upon interest on the Bonds or securities of the general character of the Bonds; or

(ii) There shall have occurred a formal declaration of national emergency or war or engagement in military conflict or hostilities whether conventional, nuclear and/or biological, by the United States or by other sovereign state or states against the United States or the occurrence of any military conflict or hostilities whether conventional, nuclear and/or biological, involving the United States without the benefit of a formal declaration of war by the United States or any conflict involving the armed forces of the United States shall have escalated beyond the level of such conflict as of the date hereof, or the occurrence of any acts of terrorists or attacks by terrorists within or outside of the borders of the United States which would cause the effective operation of the government of the United States to cease or which would cause the Underwriter to be unable to carry on its regular business; or the occurrence of any other national emergency or calamity, including natural disasters or a downgrade in the sovereign debt rating of the United States by any major credit rating agency or a payment default on United States Treasury obligations, which would cause the effective operation of the government of the United States to cease or which would cause the Underwriter to be unable to carry on its regular business; or

(iii) There shall be in force a general suspension of trading or material limitation on the New York Stock Exchange or another major exchange, or minimum or maximum prices for trading shall have been fixed and be in force, or maximum ranges for prices for securities shall have been required and be in force on any such exchange, whether by virtue of determination by that exchange or by order of the SEC or any other governmental authority having jurisdiction; or

(iv) Legislation shall have been enacted by Congress or shall have been favorably reported out of committee or be pending in committee, or shall have been recommended to Congress for passage by the President of the United States or a member of the President's Cabinet, or a decision by a court of the United States shall be rendered,

or a ruling, regulation, proposed regulation or statement by or on behalf of the SEC or other governmental agency having jurisdiction of the subject matter shall be made, to the effect that any obligations of the general character of the Bonds, the Bond Ordinance, the Indenture or the Transaction Documents, or any comparable securities of the City are not exempt from registration, qualification or other requirements of the Securities Act of 1933, as amended (the “**Securities Act**”) or the Trust Indenture Act or otherwise, or would be in violation of any provisions of the federal securities laws; or

(v) Except as disclosed in or contemplated by the Official Statement, any material adverse change in the affairs of the City shall have occurred; or

(vi) Any rating (A) on any bonds or other obligations of the City (B) if the Bonds are insured by a bond insurance policy, on the bond insurer, is reduced or withdrawn or placed on credit watch with negative outlook by any major credit rating agency; or

(b) Any fact, event or circumstance shall exist that either makes untrue or incorrect any statement or information contained in the Official Statement as then amended or supplemented (other than any statement provided by the Underwriter) or is not reflected in the Official Statement as then amended or supplemented, but should be reflected therein in order to make the statements and information contained therein, in the light of the circumstances under which they were made, not misleading and, in either such event, the City refuses to permit the Official Statement to be supplemented or corrected in a form and manner approved by the Underwriter or supply such statement or information or if such supplement or correction would, in the opinion of the Underwriter, materially adversely affect the market for the Bonds or the ability of the Underwriter to enforce contracts for the sale of the Bonds at the contemplated offering prices; or

(c) A general banking moratorium shall have been declared by federal, State of Missouri or State of New York authorities and be in force; or

(d) A material disruption in securities settlement, payment or clearance services affecting the Bonds shall have occurred; or

(e) Other action or events shall have occurred or transpired, any of which has the purpose or effect, directly or indirectly, of materially adversely affecting the federal income tax consequences of any of the transactions contemplated in connection herewith, or that securities of the general character of the Bonds shall not be exempt from registration under the Securities Act; or

(f) There shall have occurred since June 30, 2023, any material adverse change in the affairs of the City from that reflected in the financial statements of the City provided to the Underwriter in connection with the Bonds, not otherwise disclosed to the Underwriter or in the Official Statement; or

(g) Any representation of the City contained in this Bond Purchase Agreement or in any Transaction Document shall prove to be or to have been false in any material respect; or

(h) Litigation or an administrative proceeding or investigation shall be pending or threatened affecting, contesting, questioning or seeking to restrain or enjoin (i) the issuance or delivery of any of the Bonds or the payment, collection or application of the proceeds of the Bonds or of other moneys or securities pledged or to be pledged under the Transaction Documents, (ii) the validity of the Bonds, (iii) the validity of any of the Transaction Documents or any proceedings taken by the City with respect to any of the foregoing, (iv) the titles to office of any member of the City Council of the City, (v) the incorporation, organization or existence of the City, or (vi) the legal power or authority of the City to enter into and engage in any of the transactions contemplated by the Transaction Documents.

The Underwriter is not aware of any such Termination Event existing as of the date hereof that would permit the Underwriter to terminate its obligations to purchase the Bonds.

Upon the occurrence of a Termination Event and the termination of this Bond Purchase Agreement by the Underwriter, all obligations of the City and the Underwriter under this Bond Purchase Agreement shall terminate, without further liability, except that the City and the Underwriter shall pay their respective expenses as set forth in **Section 10** hereof.

8. **Conditions to Closing.** The obligations hereunder of each party hereto shall be subject to the performance by the other party of its respective obligations to be performed hereunder at and prior to Closing, to the accuracy in all material respects of the representations and warranties herein of the other party as of the date hereof and as of the Closing Time, and to the following conditions, including the delivery by the appropriate party hereto or other entities of such documents as are enumerated herein:

(a) At the Closing Time, (i) the Transaction Documents shall have been authorized, executed and delivered, and shall not have been amended, modified or supplemented except as may have been agreed to in writing by the Underwriter and the City, the Closing in all events, however, to be deemed such approval, (ii) the proceeds of the sale of the Bonds shall have been deposited and applied as described in the Indenture and the Official Statement, (iii) the City shall have duly adopted and there shall be in full force and effect such ordinances as, in the opinion of Gilmore & Bell, P.C., Kansas City, Missouri ("**Bond Counsel**"), shall be necessary in connection with the transactions contemplated hereby, (iv) the City shall have delivered to the Underwriter the Official Statement within the time period and in a format that complies with the Rule and MSRB rules pursuant to **Section 4** hereof, and (v) the City shall have undertaken, pursuant to the Continuing Disclosure Agreement, to provide annual reports and notice of certain events.

(b) At or prior to the Closing Time, the Underwriter shall have received counterparts, copies or certified copies (as appropriate) of the following documents in form and substance satisfactory to Bond Counsel and the Underwriter:

(i) The approving opinion of Bond Counsel, dated the date of Closing, addressed to the City and the Underwriter, relating to the due authorization, execution and delivery of the Bonds, and the supplemental opinion of Bond Counsel.

(ii) A certificate of the City, dated the date of Closing, signed by authorized officials of the City, to the effect that (A) all representations and warranties of the City contained in this Bond Purchase Agreement are true and correct in all material respects on and as of the date of Closing with the same effect as if made on the date of Closing, (B) the City has complied with all of the agreements and satisfied all of the conditions on its part to

be performed or satisfied at or prior to the Closing Time, (C) no event affecting the City has occurred since the date of the Official Statement which either makes untrue or incorrect in any material respect as of the date of Closing any statement or information contained in the Official Statement or is not reflected in the Official Statement but should be reflected therein in order to make the statements and information therein not misleading in any material respect, and (D) there is no action, suit, proceeding or investigation before or by any court or public board or body pending or threatened against the City to restrain or enjoin the issuance, execution or delivery of the Bonds or in any manner questioning the proceedings or authority for the issuance of the Bonds or affecting directly or indirectly the validity of the Bonds or of any provisions made or authorized for their payment or contesting the existence of the City or the title of any of its officers to their respective offices.

(iii) The Official Statement authorized, approved and executed on behalf of the City by a duly authorized official thereof;

(iv) The Bond Ordinance, duly adopted by the City Council of the City.

(v) The Tax Compliance Agreement, duly executed by the City and Trustee;

(vi) The Continuing Disclosure Agreement duly executed by the City and the Dissemination Agent;

(vii) Letter from Moody's Investors Service, assigning a rating of "_____";

(viii) The Indenture, duly executed by the City and Trustee;

(ix) A certificate of the Trustee, dated the date of Closing, certifying to the receipt of the Purchase Price of the Bonds, and such other matters as shall be stated therein;

(x) A copy of the Blanket Issuer Letter of Representations; and

(xi) Such additional legal opinions, certificates, proceedings, instruments and other documents as Bond Counsel or the Underwriter may reasonably request to evidence compliance with all legal requirements, the truth and accuracy, as of the Closing, of the representations herein and the due performance or satisfaction of all agreements then to be performed and all conditions then to be satisfied.

The documents to be delivered to the Underwriter pursuant to this Bond Purchase Agreement shall be deemed to be in compliance with the conditions of this Bond Purchase Agreement if, but only if, in the reasonable judgment of the Underwriter, they are satisfactory in form and substance. No condition hereof shall be deemed to have been waived by the Underwriter, unless expressed specifically in writing and signed by the Underwriter.

Unless performance is waived by the party for whose benefit a condition or obligation is intended, if any person shall be unable to satisfy the above conditions to the obligations of any party to this Bond Purchase Agreement, or if the obligations hereunder of any party shall be terminated for any reason permitted by this Bond Purchase Agreement and unless otherwise waived, this Bond Purchase Agreement shall terminate and neither the Underwriter nor the City shall be under further obligation hereunder; except

that the respective obligations of the City and the Underwriter, as provided in **Section 10** hereof, shall continue in full force and effect.

9. Survival of Representations, Warranties and Agreements. All representations, warranties and agreements of the City shall remain operative and in full force and effect, regardless of any investigations made by or on behalf of any other party and shall survive the Closing. The obligations of the City and the Underwriter under **Section 10** hereof shall survive any termination of this Bond Purchase Agreement.

10. Expenses. Whether or not the Bonds are sold to the Underwriter, the Underwriter shall be under no obligation to pay any expenses incident to the performance of the City's obligations hereunder. If the Bonds are delivered by the City to the Underwriter, the City shall pay, from the proceeds of the Bonds or from other funds of the City, the following expenses: (a) the cost of preparing, duplicating or printing, mailing and delivering the Transaction Documents, including the cost of electronically distributing and printing copies of the Preliminary Official Statement and the Official Statement and any amendment or supplement of either; (b) the cost of preparation and printing of the definitive Bonds; (c) the fees and expenses of the City, the Trustee, Bond Counsel and any entity performing continuing disclosure compliance research or providing continuing disclosure compliance reports and any other experts or consultants retained by the City; (d) the charges of any rating agency with respect to the Bonds; (e) the fees and expenses of the City's accountants, if any, in connection with the issuance of the Bonds; and (f) all other fees and expenses reasonably incurred in connection with the preparation of the Transaction Documents and/or the initial offering and sale of the Bonds (including without limitation the fees of counsel to the Underwriter) except those to be paid by the Underwriter pursuant to the last paragraph of this **Section 10**. Unless the City and the Underwriter otherwise agree, the City shall pay from the proceeds of the Bonds or reimburse the Underwriter from its available funds (in either case, if permitted by applicable law) for all incidental costs (excluding entertainment expenses) paid by the Underwriter on behalf of the City in connection with the marketing, issuance and delivery of the Bonds.

If the Bonds are sold to the Underwriter by the City, the City shall pay out of the proceeds of the Bonds the discount of the Underwriter or the purchase price paid for the Bonds shall reflect such discount.

Except as otherwise provided in this **Section 10**, the Underwriter shall pay the cost, if any, of qualifying the Bonds for sale in the various states chosen by the Underwriter, all advertising expenses in connection with the public offering of the Bonds and all other expenses incurred by it in connection with its public offering and distribution of the Bonds, not described above.

11. Amendments to Official Statement. If, after the date of this Bond Purchase Agreement and until the earlier of (a) ninety (90) days after the "end of the underwriting period" (as defined in the Rule) or (b) the time when the Official Statement is available to any person from a nationally recognized municipal securities information repository, but in no case less than twenty-five (25) days following the end of the underwriting period, an event relating to or affecting the City shall occur, or come to the attention of the City, the City shall promptly notify the Underwriter and, if as a result of such event, it is necessary, in the opinion of Bond Counsel or the Underwriter, to amend or supplement the Official Statement in order to make the Official Statement not misleading in the light of the circumstances then existing, the City will forthwith prepare and furnish to the Underwriter a reasonable number of copies of an amendment or supplement to the Official Statement (in form and substance satisfactory to the Underwriter) which will amend or supplement the Official Statement so that it will not contain an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements not misleading. The expenses of preparing such amendment or supplement shall be borne by the City. Thereafter, all references to and

representations regarding the Official Statement contained herein shall refer to or regard the Official Statement as so amended or supplemented. For the purpose of this Section, the City will furnish to the Underwriter such information with respect to the City as the Underwriter may from time to time reasonably request. If notification is given by the City, or such information comes to the attention of the Underwriter, after the Closing Time, the City shall furnish, or cause to be furnished, such additional legal opinions, certificates, instruments and other documents as the Underwriter may reasonably deem necessary to evidence the truth and accuracy of any such supplement or amendment to the Official Statement.

12. Anti-Discrimination Against Israel Act. Pursuant to Section 34.600 of the Revised Statutes of Missouri, as amended (the “Act”), by entering into this Bond Purchase Agreement, the Underwriter certifies that it and its parent company, wholly or majority-owned subsidiaries, and other affiliates, if any, are not currently engaged in, or for the duration of this Bond Purchase Agreement will not engage in, a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel. The Underwriter understands that “boycott” means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations, but does not include an action made for ordinary business purposes.

The foregoing certification shall not be deemed an admission or agreement that the Act is applicable to this Bond Purchase Agreement, but the foregoing certification is provided if the Act is applicable. If the Act is initially deemed or treated as applicable to any of this Bond Purchase Agreement, but it is subsequently determined not to apply for any reason including the repeal or amendment of the Act or any ruling of a court of competent jurisdiction as to the unenforceability or invalidity of the Act, then the foregoing certification shall cease and not exist.

13. Third Party Beneficiaries. The City agrees that the Underwriter is and shall be a third party beneficiary of any and all representations and warranties made by the City in the Transaction Documents, to the same effect as if the City had made such representations and warranties to the Underwriter in this Bond Purchase Agreement.

14. Notices. Any notice or other communication to be given to the City under this Bond Purchase Agreement may be given by delivering the same in writing at its address set forth above, and any notice or other communications to be given to the Underwriter under this Bond Purchase Agreement may be given by delivering the same in writing to the Underwriter at the following address:

Stifel, Nicolaus & Company, Incorporated
4622 Pennsylvania Avenue, Suite 210
Kansas City, Missouri 64112
Attention: Public Finance Department

15. Successors. This Bond Purchase Agreement is made for the benefit of the City and the Underwriter (including the successors or assigns of the Underwriter) and no other person including any purchaser of the Bonds shall acquire or have any rights hereunder or by virtue hereof.

16. Governing Law. This Bond Purchase Agreement shall be governed by and construed in accordance with the laws of the State.

17. Effectiveness. This Bond Purchase Agreement shall become effective upon your acceptance hereof.

18. Counterparts. This Bond Purchase Agreement may be executed in any number of counterparts, each of which so executed and delivered shall constitute an original and all together shall constitute but one and the same instrument.

19. Captions. The captions or headings in this Bond Purchase Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or section of this Bond Purchase Agreement.

20. Electronic Transactions. The transactions described herein may be conducted and related documents may be received, delivered or 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.

[remainder of page intentionally left blank]

Very truly yours,

STIFEL, NICOLAUS & COMPANY, INCORPORATED

By: _____
Name: Michael Short
Title: Managing Director – Public Finance

Accepted and agreed to as of
the date first above written:

CITY OF SPRINGFIELD, MISSOURI

By: _____
Name: David Cameron
Title: City Manager

Approved as to Form _____, City Attorney

SCHEDULE I
TO
BOND PURCHASE AGREEMENT

\$(principal amount)
CITY OF SPRINGFIELD, MISSOURI
SPECIAL OBLIGATION REFUNDING BONDS
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2025

[insert schedule]

Redemption Provisions

Optional Redemption. [Insert]

Mandatory Redemption. [Insert]

Extraordinary Optional Redemption. The Bonds are subject to redemption and payment prior to the stated maturity thereof, at the option of the City, in whole or in part on any date, at a redemption price of 100% of the principal amount of the Bonds being called for redemption, plus accrued interest thereon to the redemption date, upon the occurrence of any of the following conditions or events:

- (1) if title to, or the use for a limited period of, all or substantially all of the improvements is condemned by any authority having the power of eminent domain (other than the City or any entity controlled by or otherwise affiliated with the City);
- (2) if title to all or substantially all of the improvements is found to be deficient or nonexistent to the extent that the efficient utilization of such improvements by the City is impaired;
- (3) if all or substantially all of the improvements are damaged or destroyed by fire or other casualty; or
- (4) if as a result of changes in the Constitution of Missouri, or of legislative or administrative action by the State of Missouri or any political subdivision thereof, or by the United States, or by reason of any action instituted in any court, this Indenture shall become void or unenforceable or impossible of performance without unreasonable delay, or in any other way by reason of such change of circumstances, unreasonable burdens or excessive liabilities are imposed on the City.

EXHIBIT A
TO
BOND PURCHASE AGREEMENT

UNDERWRITER’S RECEIPT FOR BONDS AND ISSUE PRICE CERTIFICATE

**[\$principal amount]
CITY OF SPRINGFIELD, MISSOURI
SPECIAL OBLIGATION REFUNDING BONDS
(SEWER SYSTEM IMPROVEMENTS PROJECT)
SERIES 2025**

The undersigned, on behalf of Stifel, Nicolaus & Company, Incorporated (the “Original Purchaser”), as the original purchaser of the above-described bonds (the “Bonds”), being issued on the date of this Certificate by the City of Springfield, Missouri (the “Issuer”), certifies and represents as follows:

1. **Bond Purchase Agreement.** We have entered into a Bond Purchase Agreement (the “Bond Purchase Agreement”), dated [pricing date], 2025 (the “Sale Date”) with the Issuer, providing for the purchase by the Original Purchaser from the Issuer of the Bonds.

2. **Receipt for Bonds.** We acknowledge receipt on the date hereof of the Bonds, consisting of fully registered Bonds numbered from R-1 consecutively upward, in authorized denominations or integral multiples thereof. The Bonds consist of “book-entry-only” certificates in a form acceptable to the Original Purchaser which have been delivered to the Depository Trust Company (“DTC”) or to the Trustee for “FAST” delivery prior to the closing of the Bonds pursuant to the rules and procedures of DTC.

3. **Compliance with Bond Purchase Agreement.** We further acknowledge that we have timely received in satisfactory form and manner all proceedings, certificates, opinions, letters and other documents required to be submitted to us pursuant to the Bond Purchase Agreement prior to or on the date of the delivery of and payment for the Bonds (except to the extent we have waived or consented to modification of certain provisions thereof), and that the Issuer has in all respects complied with and satisfied all of its obligations to us which are required under the Bond Purchase Agreement to be complied with and satisfied on or before the date hereof.

4. **Issue Price.**

For purposes of this section the following definitions apply:

“Effective Time” means the time on the Sale Date that the Bond Purchase Agreement to purchase the Bonds became enforceable.

[“Holding Period” means with respect to each Undersold Maturity the period beginning on the Sale Date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the Sale Date; or
- (2) the date and time at which the Original Purchaser has sold at least 10% of that Undersold Maturity of the Bonds to the Public at one or more prices that are no higher than the Initial Offering Price.]

“Initial Offering Price” means the price listed on **Schedule A** for each Maturity.

“Maturity” means Bonds with the same credit and payment terms; Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

“Public” means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriting Firm or a related party to an Underwriting Firm. An Underwriting Firm and a person are related if it and the person are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other).

“Undersold Maturity” or “Undersold Maturities” means any Maturity for which less than 10% of the principal amount of Bonds of that Maturity were sold as of the Effective Time.

“Underwriting Firm” means (A) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) of this definition to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The Original Purchaser represents as follows:

1. Attached as **Attachment 1** is a copy of the pricing wire or similar communication used to communicate the Initial Offering Price of each Maturity to the Public.
2. As of the Effective Time all the Bonds were the subject of an initial offering to the Public.
3. As of the Effective Time none of the Bonds were sold to any person at a price higher than the Initial Offering Price for that Maturity.
4. [As of the Effective Time, there were no Undersold Maturities.][For any Undersold Maturity, during the Holding Period each Underwriting Firm did not offer nor sell Bonds of the Undersold Maturity to the Public at a price that is higher than the respective Initial Offering Price for that Undersold Maturity.]
- [5. Any separate agreement among any Underwriting Firm related to the sale of an Undersold Maturity during the Holding Period contained the agreement referenced in 4 above.]

The Issuer may rely on the foregoing representations in making its certification as to issue price of the Bonds under the Internal Revenue Code of 1986, as amended (the “Code”), and bond counsel may rely on the foregoing representations in rendering its opinion on the exclusion from federal gross income of the interest on the Bonds. We express no view regarding the legal sufficiency of any such computations or the correctness of any legal interpretation made by Gilmore & Bell, P.C., as bond counsel.

Nothing herein represents our interpretation of any laws or regulations under the Internal Revenue Code of 1986, as amended.

DATED: [closing date], 2025.

**STIFEL, NICOLAUS & COMPANY,
INCORPORATED**, as underwriter

By: _____
Managing Director

By: _____
Director – Municipal Syndicate

SCHEDULE A

**\$[principal amount]
City of Springfield, Missouri
Special Obligation Refunding Bonds
(Sewer System Improvements Project)
Series 2025**

ATTACHMENT 1

PRICING WIRE

EXPLANATION TO COUNCIL BILL 2025-249 (JENSON)

FILED: 11/18/2025

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance declaring the necessity of acquiring certain real property for the purpose of replacing the Main Avenue bridge over Jordan Creek, which the Missouri Department of Transportation independently rates as 'poor' and recommends 'replacement.' This project would be paid for in part by federal funds.

PURPOSE: Declaring the necessity of acquiring certain real property for the purpose of replacing the Main Avenue bridge over Jordan Creek, which the Missouri Department of Transportation independently rates as 'poor' and recommends 'replacement.' This project would be paid for in part by federal funds.

BACKGROUND INFORMATION: The Main Avenue Bridge ("the bridge"), constructed in the early twentieth century, is included in the Federal Highway Administration's National Bridge Inventory. The Missouri Department of Transportation ("MoDOT") has rated the bridge's condition as "poor," and has recommended "replacement" since at least January 26, 2017. As of 2024, the bridge has deteriorated to the point that it is inspected every year by the MoDOT, and MoDOT's 2024 inspection of the bridge identified "severe section loss in bottom flanges of steel channel beams with areas of 100% section loss." Because of the bridge's condition, its load posting has been reduced to 10 tons, which has reduced the connectivity of the City's bus transit system and use by emergency vehicles.

Replacement of the bridge would also increase stormwater conveyance capacity, and in combination with other upstream improvements, would reduce base flood elevations between Main Avenue and Washington Avenue, remove nearly fifty properties from the floodplain, and enhance protection from future flooding events.

The Main Avenue Bridge Replacement Project ("the Project") has been included in the Council-approved Capital Improvement Plan (Project #17-0165) since 2017. The Project will be funded in part using federal funds.

In order for the Main Avenue Bridge to be replaced, it is necessary to acquire the adjacent real property. The structure at 334 North Main Avenue was constructed immediately adjacent to the Main Avenue Bridge, rendering any attempt to replace the Main Avenue Bridge without significantly and materially damaging the adjacent structure infeasible.

After approval of the Capital Improvement Plan, the City Manager and his designees had authority to negotiate and acquire by purchase certain interests in property



necessary for the Project. Despite engaging in good faith negotiations, the City and owner have been unable to agree on the fair market value for the property at 334 North Main Avenue.

Supports the following City Council Priorities:

- Public Safety
- Economic Vitality
- Quality of Place

REMARKS: Public Works recommends approval of this Council bill.

Submitted By:

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

Attachments: 1. Main Ave Bridge_ord - Final

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed 11-11-25

Sponsored by: Jenson

First Reading: _____ Second Reading: _____

COUNCIL BILL 2025-249 SPECIAL ORDINANCE _____

AN ORDINANCE

1 DECLARING the necessity of acquiring certain real property for the purpose of
2 replacing the Main Avenue bridge over Jordan Creek, which the Missouri
3 Department of Transportation independently rates as ‘poor’ and
4 recommends ‘replacement.’ This project would be paid for in part by
5 federal funds.
6 _____
7

8 WHEREAS, the Main Avenue Bridge (“the bridge”), constructed in the early
9 twentieth century, is included in the Federal Highway Administration’s National Bridge
10 Inventory; and
11

12 WHEREAS, MoDOT has rated the bridge’s condition as “poor,” and has
13 recommended “replacement” since at least January 26, 2017; and
14

15 WHEREAS, as of 2024, the bridge has deteriorated to the point that it is
16 inspected every year by the Missouri Department of Transportation (“MoDOT”); and
17

18 WHEREAS, MoDOT’s 2024 inspection of the bridge identified “severe section
19 loss in bottom flanges of steel channel beams with areas of 100% section loss”; and
20

21 WHEREAS, because of the bridge’s condition, its load posting has been reduced
22 to 10 tons, which has reduced the connectivity of the City’s bus transit system and use
23 by emergency vehicles; and
24

25 WHEREAS, in addition to the foregoing, replacement of the bridge would
26 increase stormwater conveyance capacity, and in combination with other upstream
27 improvements, would reduce base flood elevations between Main Avenue and
28 Washington Avenue, remove nearly fifty properties from the floodplain, and enhance
29 protection from future flooding events; and
30

31 WHEREAS, in order for the Main Avenue Bridge to be replaced, it is necessary
32 to acquire the adjacent real property; and
33

WHEREAS, the structure at 334 North Main Avenue was constructed immediately adjacent to the Main Avenue Bridge, rendering any attempt to replace the Main Avenue Bridge without significantly and materially damaging the adjacent structure infeasible; and

WHEREAS, the Main Avenue Bridge Replacement Project ("the Project") has been included in the Council-approved Capital Improvement Plan (Project #17-0165) since 2017; and

WHEREAS, the Project will be funded in part using federal funds; and

WHEREAS, after approval of the Capital Improvement Plan, the City Manager, or designee, had authority to negotiate and acquire by purchase certain interests in property necessary for the Project; and

WHEREAS, despite engaging in good faith negotiations, the City and owner have been unable to agree on the fair market value for the property at 334 North Main Avenue.

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

Section 1 – City Council hereby finds and declares that the Main Avenue Bridge Replacement Project, identified as project #2017PW0018, serve a legitimate public purpose as it is necessary to replace a bridge in poor condition and to reduce flooding in the area.

Section 2 – City Council hereby authorizes the City Manager, or designee, to continue to negotiate in good faith for the purpose of acquiring the real property interests necessary to construct the Main Avenue Bridge Replacement Project.

Section 3 – City Council hereby declares it necessary to acquire the following described property, for the purpose of constructing and maintaining storm water and bridge infrastructure in the Main Avenue Bridge Replacement Project, identified as project #2017PW0018, to-wit:

Owner(s) of Tract 1 are Sterling D. Mathis and Melissa S. Mathis, husband and wife under Warranty Deed dated May 1, 2002. Also, Allen Icet, Greene County Collector of Revenue, to the extent of any unpaid taxes. Also, any other party claiming an interest in or to the property.

Tract #1: (Mathis)

All beginning at a point on the East side of North Main Avenue in the City of Springfield, Greene County, Missouri 62.52 feet North of the intersection of said Main Avenue with the North line of Water Street; thence North 50 feet; thence East 75 feet; thence South 50 feet; thence West 75 feet to the point of beginning in the City of Springfield, Greene

81 County, Missouri; EXCEPT any part thereof taken, deeded or used for road or highway
82 purposes.

83
84 Section 4 – The City Attorney, or designee, is hereby authorized to initiate legal
85 proceedings to determine just compensation for the acquisition of the above-described
86 property, as authorized by Article II, Sections 2.16(3), (7) and (10), and Article XIX,
87 Section 19.18 of the City Charter; and the officers of the City are further authorized to
88 exercise any and all powers necessary to carry out the terms of this Ordinance.

89
90 Section 5 – This Ordinance shall be in full force and effect from and after
91 passage.

92
93 Passed at meeting: _____

94
95 _____
96 Mayor

97 Attest: _____, City Clerk

98
99 Filed as Ordinance: _____

100
101 _____
102 Approved as to form: _____, City Attorney

103
104 _____
105 Approved for Council action: _____, City Manager



EXPLANATION TO COUNCIL BILL 2025-250 (SCHRAG)

FILED: 11/17/2025

ORIGINATING DEPARTMENT: City Manager

TITLE: A resolution reelecting the Honorable Wendy E. Garrison as a judge of the Springfield Municipal Court for a term of four years.

PURPOSE: To reelect the Honorable Wendy E. Garrison as judge of the Springfield Municipal Court for a term of four years.

BACKGROUND INFORMATION: Springfield City Charter Section 12.2 states that the Springfield Municipal Court shall be presided over by a judge elected by the City Council on nomination by the City Manager. Springfield City Charter Section 12.2 further states that a judge of the municipal court shall serve for a term of four years.

The Honorable Wendy E. Garrison was elected as a judge of the municipal court for an initial term of four years, beginning January 17, 2018 and ending January 16, 2022, and reelected for a term of four years, beginning January 17, 2022 and ending January 16, 2026.

The City Manager has nominated Judge Garrison for reelection as a judge of the municipal court for a term of four years, beginning January 17, 2026 and ending January 16, 2030.

Submitted By:

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

David Cameron, City Manager 12/05/2025

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments: 1. Appointment Judge W Garrison

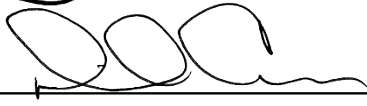
36
37
38
39
40
41
42
43
44
45
46
47

Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form:  _____, City Attorney

Approved for Council action:  _____, City Manager



EXPLANATION TO COUNCIL BILL 2025-251 (HORTON)

FILED: 12/03/2025

ORIGINATING DEPARTMENT: Law

TITLE: A resolution initiating an amendment to the Official Map of the City of Springfield, Missouri, adopted pursuant to General Ordinance 1478, by changing the street name of the 200 to 600 block of East Blaine Street to East Blaine Lane and the 200 to 400 block of West Blaine Street to West Blaine Lane.

PURPOSE: To initiate an amendment to the Official Map of the City of Springfield, Missouri, adopted pursuant to General Ordinance 1478, by changing the street name of the 200 to 600 block of East Blaine Street to East Blaine Lane and the 200 to 400 block of West Blaine Street to West Blaine Lane.

BACKGROUND INFORMATION: A request has been made by the Commercial Club of Springfield to change the name of Blaine Street to Blaine Lane between Washington Avenue to the east and Lyon Avenue to the west, in the interest of complementing the ongoing renovation of the Jefferson Avenue Footbridge and to further enhance the quality of place and economic vitality of Commercial Street and the surrounding neighborhoods. "Blaine Lane" would mirror the southern boundary of both the local and national Commercial Street Historic Districts, just as Frisco Lane mirrors the northern such boundary. The proposed name change is intended to coincide with other planned festivities along Commercial Street in 2026 and is expected to impact primarily commercial properties. Given the broader community impact of this name change, Councilperson Horton has asked that the City be the applicant.

Passage of this resolution would not approve the requested street name change; rather, it would allow the City to bring forth an application for the change to the Planning and Zoning Commission and City Council.

Submitted By: Laura Vales, Assistant City Attorney

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

David Cameron, City Manager	12/10/2025
David Cameron, City Manager	12/10/2025
Maurice S. Jones, Deputy City Manager	12/10/2025
Anita Cotter, City Clerk	

Attachments: 1. Street Name Change Initiation - Blaine Street to Blaine Lane

One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 12-09-25

Sponsored by: Horton

COUNCIL BILL 2025-251 RESOLUTION

A RESOLUTION

1 INITIATING an amendment to the Official Map of the City of Springfield,
2 Missouri, adopted pursuant to General Ordinance 1478, by
3 changing the street name of the 200 to 600 block of East Blaine
4 Street to East Blaine Lane and the 200 to 400 block of West Blaine
5 Street to West Blaine Lane.
6
7

8 WHEREAS, a request has been made by the Commercial Club of Springfield to
9 change the name of Blaine Street to Blaine Lane between Washington Avenue to the
10 east and Lyon Avenue to the west; and
11

12 WHEREAS, this portion of Blaine Street acts as the southern boundary of both
13 the local and national Commercial Street Historic Districts, while Frisco Lane forms the
14 northern such boundary; and
15

16 WHEREAS, the proposed name change is intended to complement the ongoing
17 Jefferson Avenue Footbridge renovation, as well as to coincide with numerous planned
18 festivities along Commercial Street in 2026; and
19

20 WHEREAS, the proposed name change is expected to impact primarily
21 commercial properties; and
22

23 WHEREAS, the City Council now desires to initiate such a renaming action for
24 the 200 to 600 block of East Blaine Street and the 200 to 400 block of West Blaine
25 Street.
26

27 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
28 SPRINGFIELD, MISSOURI, as follows, that:
29

30 Section 1 – City Council hereby initiates the renaming of the 200 to 600 block of
31 East Blaine Street to East Blaine Lane and the 200 to 400 block of West Blaine Street to
32 West Blaine Lane and directs that this action be referred to the Planning and Zoning
33 Commission for its report and recommendation.
34

35 Section 2 – This Resolution shall be in effect immediately upon adoption and
36 passage.

37
38 Passed at meeting: _____

39
40 _____
41 Mayor

42
43 Attest: _____, City Clerk

44
45 Filed as Resolution: _____

46
47
48 Approved as to form: Laura Vales, Assistant City Attorney

49
50
51 Approved for Council action: [Signature], City Manager



EXPLANATION TO COUNCIL BILL 2025-252 (LEE)

FILED: 11/21/2025

ORIGINATING DEPARTMENT: Fire

TITLE: A special ordinance authorizing the City Manager, or designee, to accept a State Homeland Security Grant Program grant to support and sustain the operation of the Springfield Fire Department / Region-D Hazardous Materials Team, Technical Rescue Team, and the Bomb Squad; amending the budget for the Fire Department in the amount of \$306,353.60; and declaring that this Ordinance qualifies for approval in one reading.

PURPOSE: A special ordinance authorizing the City Manager, or designee, to accept a State Homeland Security Grant Program grant to support the sustainment and operation of the Springfield Fire Department / Region-D Hazardous Materials Team, Technical Rescue Team, and the Bomb Squad, with a combined value of \$306,353.60; and declaring that this Ordinance qualifies for approval in one reading.

BACKGROUND INFORMATION:

This bill authorizes the City Manager, or designee, to accept equipment necessary for the sustainment and operation of the Springfield Fire Department and the Missouri Homeland Security Region-D Hazardous Materials Team, Technical Rescue Team, and Bomb Squad. The total value of the equipment provided through the State Homeland Security Grant Program ("SHSGP") is \$306,353.60.

The Springfield Fire Department ("SFD") relies on SHSGP funding to maintain core regional response capabilities for hazardous material incidents, weapons of mass destruction, structural collapse, and explosive threats. These capabilities are designated by the State's Homeland Security Regional Response System ("HSRRS") as essential functions for Region-D. Sustainment of this equipment, along with the support requirements that accompany it, is funded through the SHSGP process rather than the City's General Fund.

This grant provides:

- \$48,787.00 for sustainment of Hazmat Team equipment.
- \$6,451.00 to support Technical Rescue Team capabilities for collapsed-structure rescue.
- \$205,366.94 for replacement of mission-critical Bomb Squad equipment.
- \$45,748.66 to establish an HSRRS communications package for the Fire Department's mobile command post.



Acceptance of this grant ensures continued operational readiness for SFD and Region-D's specialized response teams and supports the City's role in regional and statewide emergency preparedness and response.

REMARKS:

There is no local match required or associated with the SHSGP.

Submitted By:

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

Collin Quigley, Interim City Manager 12/05/2025

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments:

1. Fire SHSGP Grant Ord 2025
2. 0027 Fire FY26 State Homeland Security Grant BA

One-rdg. X
P. Hrngs.
Pgs. 5
Filed: 12-09-25

Sponsored by: Lee

First Reading:

Second Reading:

COUNCIL BILL 2025 -252

SPECIAL ORDINANCE

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to accept a State Homeland Security
2 Grant Program grant to support and sustain the operation of the
3 Springfield Fire Department / Region-D Hazardous Materials Team,
4 Technical Rescue Team, and the Bomb Squad; amending the budget
5 for the Fire Department in the amount of \$306,353.60; and declaring
6 that this Ordinance qualifies for approval in one reading.
7
8

9 WHEREAS, General Ordinance 6072 authorized the City Manager to apply for
10 the State Homeland Security Grant Program ("SHSGP") grant; and
11

12 WHEREAS, the Springfield Fire Department ("SFD") currently utilizes equipment
13 that was purchased through SHSGP grants to establish core capabilities of response to
14 hazardous material spills or releases, weapons of mass destruction, collapse of
15 structures, and incidents involving explosives within the City of Springfield, and Missouri
16 Homeland Security Region-D; and
17

18 WHEREAS, the core capabilities were identified as core requirements for critical
19 incident response by the State's Homeland Security Regional Response System
20 ("HSRRS"); and
21

22 WHEREAS, the SHSGP grant provides funding for the sustainment of core
23 capabilities necessary for critical incident response; and
24

25 WHEREAS, this Grant will provide funds in the amount of \$306,353.60, which will
26 be used to purchase equipment for the sustainment of the Hazmat Team, support
27 Technical Rescue Team capabilities for collapsed-structure rescue, replace mission-
28 critical Bomb Squad equipment, and establish a communications package for the Fire
29 Department's mobile command post.
30

31 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
32 SPRINGFIELD, MISSOURI, as follows, that:

33 Section 1 – The City Manager, or designee, is hereby authorized to accept the
34 State Homeland Security Grant Program grant in the amount of \$306,353.60 to
35 purchase equipment necessary for the sustainment and operation of the Springfield Fire
36 Department and the Missouri Homeland Security Region-D Hazardous Materials Team,
37 Technical Rescue Team, and the Bomb Squad, and to do all things necessary to carry
38 out the grant, including the execution contracts upon approval as to form by the City
39 Attorney.

40
41 Section 2 – The budget for Fiscal Year 2025-2026 of the Springfield Fire
42 Department is hereby amended in the accounts and in the amounts as shown on
43 Budget Adjustment No. 027, a copy of which is attached hereto and incorporated herein
44 by reference as “Exhibit A.”

45
46 Section 3 – City Council hereby finds that the budget adjustment made in Section
47 2 has been recommended by the City Manager.

48
49 Section 4 – 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 5 – The City Council hereby finds and declares that this Ordinance
53 authorizes the acceptance of equipment from the State Homeland Security Grant
54 Program and may be passed as a one-reading ordinance under City Charter Section
55 2.16(25) as it relates to a contract for the acceptance of grant funds from a state or
56 federal agency. Therefore, this Ordinance shall be in full force and effect from and after
57 passage.

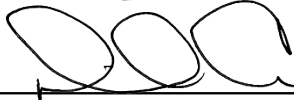
58
59
60 Passed at meeting: _____

61
62 _____
63 Mayor

64
65 Attest: _____, City Clerk

66
67
68 Filed as Ordinance: _____

69
70
71 Approved as to form:  _____, Assistant City Attorney

72
73
74 Approved for Council action:  _____, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
027

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22680	10	15010	416020	000000	00000	\$ 306,353.60	State Homeland Security Grant Program
Net Revenue Adjustment						\$ 306,353.60	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
22680	10	15010	508170	000000	00000	\$ 65,871.94	Fire Bomb Squad Sustainment Equipment
22680	10	15010	508170	000000	00000	\$ 139,495.00	Fire Bomb Squad Robot Sustainment
22680	10	15010	508170	000000	00000	\$ 6,451.00	Fire Structure Collapse Sustainment Equipment
22680	10	15010	508170	000000	00000	\$ 45,748.66	Fire Communication Equipment
22680	10	15010	508170	000000	00000	\$ 48,787.00	Fire HazMat Sustainment Equipment
Net Expenditure Adjustment						\$ 306,353.60	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2025-26 budget by appropriating grant funds from the State Homeland Security Grant Program for a Bomb Squad, Structure Collapse, Communication and HazMat equipment sustainment.

Requested By:

 12-09-2025
Department Head Date

Approved By:

 12-09-2025
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2025-252
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2025-253 (HORTON)

FILED: 11/13/2025

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.81 acres of property generally located at 1313, 1317, 1319, 1321, 1327, 1331, and 1333 North Lyon Avenue and 505, 513, and 515 West Calhoun Street from R-SF, Single-Family Residential District and PD, Planned Development No. 265 to CC, Center City District with Conditional Overlay District No. 275; establishing Conditional Overlay District No. 275; and adopting an updated Official Zoning Map. (By: Central Assembly of God Church; 1313, 1317, 1319, 1321, 1327, 1331 & 1333 N. Lyon Avenue and 505, 513 & 515 W. Calhoun Street; Z-23-2025 with Conditional Overlay District No. 275).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 1.81 acres of property generally located at 1313, 1317, 1319, 1321, 1327, 1331 & 1333 North Lyon Avenue and 505, 513 & 515 West Calhoun Street from R-SF, Single-Family Residential District and PD, Planned Development No. 265 to CC, Center City District with Conditional Overlay District No. 275. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-23-2025 CONDITIONAL OVERLAY DISTRICT NO. 275

The applicant is requesting to rezone approximately 1.81 acres of property generally located at 1313, 1317, 1319, 1321, 1327, 1331 & 1333 N. Lyon Avenue and 505, 513 & 515 W. Calhoun Street from R-SF, Single-Family Residential District and PD, Planned Development No. 265 to CC, Center City District with Conditional Overlay District No. 275. The applicant intends to provide additional off-street parking for the existing Central Assembly of God church uses. There are plans to vacate Lyon Avenue to provide a more cohesive site.

REMARKS: The Planning and Zoning Commission held a public hearing on November 6, 2025, and recommended approval of the case, by a vote of 5 to 2.

The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject properties as the Center City Neighborhood placetype; however, this is considered a transition zone between the Center City Neighborhood and Institutional & Employment placetype where supporting uses can be integrated if appropriately designed and buffered.
2. The Center City Neighborhood placetype lists public and private schools and places of worship as supporting uses.
3. These properties are on the edge of Placetypes and in a transition area of the Institutional & Employment placetype. These properties are commonly owned by Assembly of God Church, who has owned some of these properties for some time. The Assembly of God Church has properties along Campbell and Boonville Avenue that are in the Institutional & Employment placetype as well as other adjacent properties along Campbell Avenue. The applicant is providing enhanced bufferyards adjacent to the R-SF district properties to the west.
4. The proposed COD (Attachment 1) will also require an enhanced bufferyard Type II of as would be required in the new Land Development Code (This is a 10 ft. minimum width bufferyard with 1 canopy/overstory per 40 ft., 1 understory or evergreen tree per 25 ft. and 1 shrub per 10 ft), instead of the current requirements of only a six-foot solid wood fence. They are also requiring a 6 ft. solid wood fence which the new code doesn't require.
5. There are few changing conditions in the area affected that make the proposed rezoning necessary. Redevelopment of property within the vicinity has been occurring.
6. The range of uses in the proposed CC district is compatible with the uses permitted on other property in the immediate vicinity. The properties to the north and east are currently zoned CC which are located along the same block of Lyon Avenue.
7. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.
8. The impact of the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian

traffic or reduce traffic safety in the vicinity. A Traffic Impact Study (TIS) is not required for rezoning.

9. The proposed zoning will not correct an error in the application of this article but rather will provide a viable use of the property subject to the provisions of the zoning district. There is not an error being corrected with this application.
10. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

STAFF RECOMMENDATION: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Center City Neighborhood placetype and on the finding of facts above.

Submitted By: Daniel Neal, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 12/05/2025

- Attachments:**
1. Z-23-2025 COD 275 1313, 1317, 1319, 1321, 1327, 1331, and 1333 N. Lyon Avenue and 505, 513, and 515 W. Calhoun Street
 2. Z-23-2025 COD 275_exhA
 3. Z-23-2025 COD 275_exhB
 4. Z-23-2025 COD 275_exhC
 5. Z-23-2025 COD 275_exhD

34 WHEREAS, proper notice was given of a public hearing before City Council, and
35 said hearing was held in accordance with the law.
36

37 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
38 SPRINGFIELD, MISSOURI, as follows, that:
39

40 Section 1 – The property generally located at 1313, 1317, 1319, 1321, 1327,
41 1331, and 1333 North Lyon Avenue and 505, 513, and 515 West Calhoun Street, and
42 described in "Exhibit B," is hereby rezoned from R-SF, Single-Family Residential District
43 and PD, Planned Development No. 265 to CC, Center City District with Conditional
44 Overlay District No. 275. Springfield Land Development Code, Section 36-306, 'Official
45 zoning map and rules for interpretation,' is hereby amended, changed, and modified
46 consistent with this Ordinance.
47

48 Section 2 – City Council hereby establishes Conditional Overlay District No. 275,
49 which shall contain the requirements and standards provided in "Exhibit A." The
50 requirements of Conditional Overlay District No. 275 shall modify the requirements of
51 the Springfield Land Development Code Section 36-424 – CC – Center City District, by
52 requiring the property described in "Exhibit B" to comply with the requirements
53 contained in "Exhibit A."
54

55 Section 3 – City Council hereby directs the City Manager, or designee, to update
56 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
57 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
58 the Springfield Land Development Code, Section 36-306, 'Official zoning maps and
59 rules of interpretation.'
60

61 Section 4 – The Official Zoning Map herein adopted shall be maintained and
62 archived in the same digital form in which this Council has approved its adoption.
63

64 Section 5 – This Ordinance shall be in full force and effect from and after
65 passage.
66

67 Passed at meeting: _____
68

69 _____
70 Mayor

71 Attest: _____, City Clerk
72

73 Filed as Ordinance: _____
74

75 *Laura Vales*
76 Approved as to form: _____, Assistant City Attorney
77

78 *[Signature]*
79 Approved for Council action: _____, City Manager

EXHIBIT A
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-23-2025 COD 275

The requirements of Section 36-424 of the Springfield Zoning Ordinance shall be modified herein for development within this district:

1. A bufferyard is required along the west district boundary. This area shall be a 10 ft. minimum width bufferyard with 1 canopy/overstory per 40 ft., 1 understory or evergreen tree per 25 ft. and 1 shrub per 10 ft. A 6 ft. tall solid wood fence is also required.

EXHIBIT B
LEGAL DESCRIPTION

PART OF LOTS 3 AND 4, ALL OF LOTS 21 AND 22, PART OF THE VACATED WEST 10 FEET OF N LYON AVENUE (PLATTED UNION STREET), ALL OF THE 20 FOOT ALLEY LYING SOUTH OF LOTS 3 AND 4 AND NORTH OF LOTS 21 AND 22, AND PART OF THE VACATED 20 FOOT ALLEY LYING EAST OF LOTS 5 AND 20 AND WEST OF LOTS 4 AND 21, ALL IN HENDRICKS' AND JONES' ADDITION TO THE CITY OF SPRINGFIELD AS FILED IN PLAT BOOK A, PAGE 6 IN THE GREENE COUNTY RECORDER'S OFFICE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CUT CROSS AT THE SOUTHEAST CORNER OF LOT 24, BEING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF NORTH CAMPBELL AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF WEST CALHOUN STREET; THENCE NORTH $88^{\circ}19'19''$ WEST ALONG THE SOUTH LINES OF LOTS 24 AND 23 IN SAID HENDRICKS' AND JONES' ADDITION, A DISTANCE OF 151.92 FEET TO A FOUND $5/8''$ REBAR AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF WEST CALHOUN STREET AND THE EAST RIGHT-OF-WAY LINE OF NORTH LYON AVENUE; THENCE NORTH $88^{\circ}49'33''$ WEST, A DISTANCE OF 40.83 FEET TO A FOUND $5/8''$ REBAR AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF WEST CALHOUN STREET AND THE WEST RIGHT-OF-WAY LINE OF NORTH LYON AVENUE, BEING THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE NORTH $88^{\circ}57'36''$ WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID WEST CALHOUN STREET, 211.07 FEET TO THE CENTER OF THE VACATED 20 FOOT ALLEY; THENCE NORTH $2^{\circ}26'24''$ EAST ALONG THE CENTER OF SAID ALLEY, A DISTANCE OF 374.55 FEET TO A FOUND $1''$ PIPE AT THE NORTHWEST CORNER OF THE TRACT OF LAND DESCRIBED IN BOOK 2019, PAGE 028577-19, AS SHOWN IN THE GREENE COUNTY RECORDER'S OFFICE; THENCE SOUTH $88^{\circ}45'38''$ EAST ALONG THE NORTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 209.33 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NORTH LYON AVENUE; THENCE SOUTH $2^{\circ}10'32''$ WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 373.79 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.81 ACRES, MORE OR LESS. BEARINGS ARE BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

EXHIBIT C
RECORD OF PROCEEDINGS
Planning and Zoning Commission – November 6, 2025

Z-23-2025 COD 275

1313, 1317, 1319, 1321, 1327, 1331 & 1333 North Lyon Avenue and 505, 513 & 515 West Calhoun Street

Applicant: Central Assembly of God Church

Mr. Neal stated that this is a request to rezone approximately 1.81 acres of property from R-SF, Single-Family Residential District and PD, Planned Development No. 265 to CC, Center City District with Conditional Overlay District No. 275.

Commissioner members asked what the building is used for at 1321 N. Lyon Avenue and were told it is their community center.

Commissioner Doennig opened the public hearing.

Mr. Billy Kimmons, 1722 S. Luster Avenue, reiterated the focus on rezoning for consolidating church properties and noted the traffic concerns from the new school building nearby led to discussions about improved pedestrian/vehicular circulation and potential Lyon Avenue closure. He also confirmed severe parking shortages, especially on Sundays (only 7 empty spaces last Sunday), and existing parking is shared with Pipkin Middle School, Assemblies of God National Office, Cox North Hospital, and Greene County. The new parking is intended for the church and other neighboring groups, and no existing parking will be demolished.

Commissioner members inquired about the use of the activity center (gymnasium, youth activities) and current parking capacity and it was noted that Wednesday and Sunday should be their highest activity.

Mr. Carter Daniel, 1964 E. Burntwood Drive and is the executive pastor, noting that they share parking lots and have agreements with several organizations to use their parking spaces.

Commissioner Doennig closed the public hearing.

Commissioner Pauly expressed concern that turning existing residential lots into a parking lot, despite the church's parking needs, might not be the "best use" of the property for addressing city housing needs.

COMMISSION ACTION:

Planning and Zoning Commissioner Knuckles motioned to approve Z-23-2025 COD 275. Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Gunther, Commissioner Ridge, Commissioner Hunton, and Commissioner Knuckles. Nays: Commissioner Pauly and Commissioner Colony. Absent: Commissioner Scott and Commissioner Lebeck. Abstain: None.



Bob Hosmer, AICP
Planning Manager



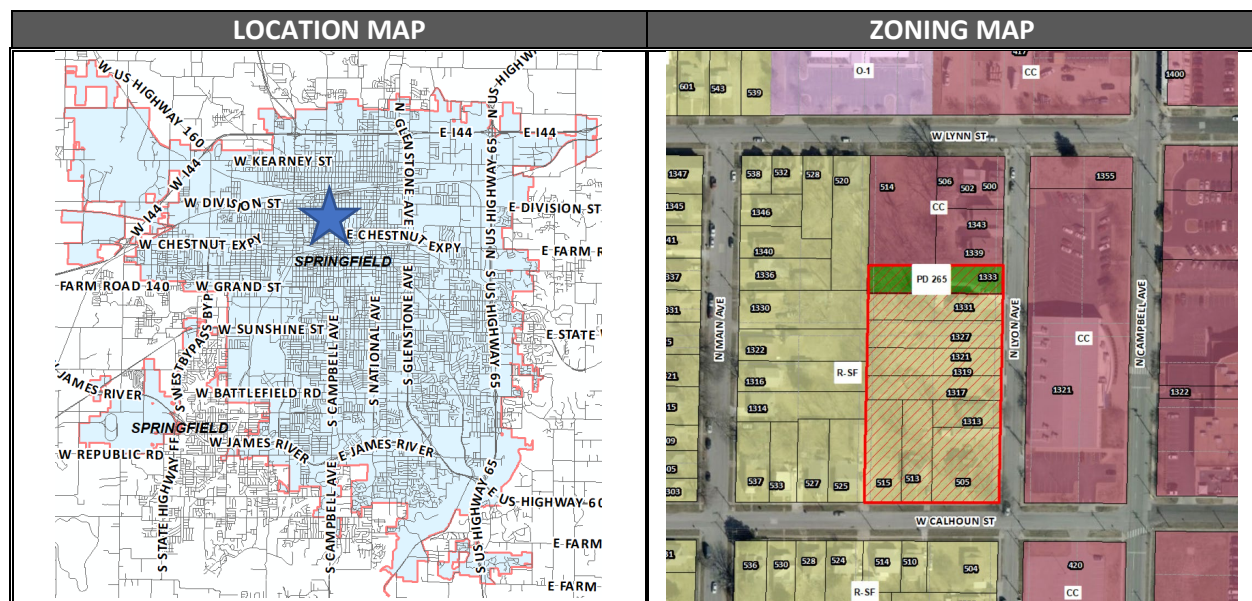
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-23-2025 with Conditional Overlay District No. 275
Location:	1313, 1317, 1319, 1321, 1327, 1331 & 1333 N. Lyon Avenue and 505, 513 & 515 W. Calhoun Street
Total Acres:	1.81 acres
Applicant:	Central Assembly of God Church
Existing Land Use:	Single-family houses and vacant/developed land
Neighborhood Meeting:	October 16, 2025
Planning and Zoning Commission:	November 6, 2025
City Council:	December 15, 2025
Public Notification:	Mail, posted property, and legal in Springfield News-Leader
Staff:	Daniel Neal, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-23-2025 with Conditional Overlay District No. 275 as set forth in Attachment 1 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

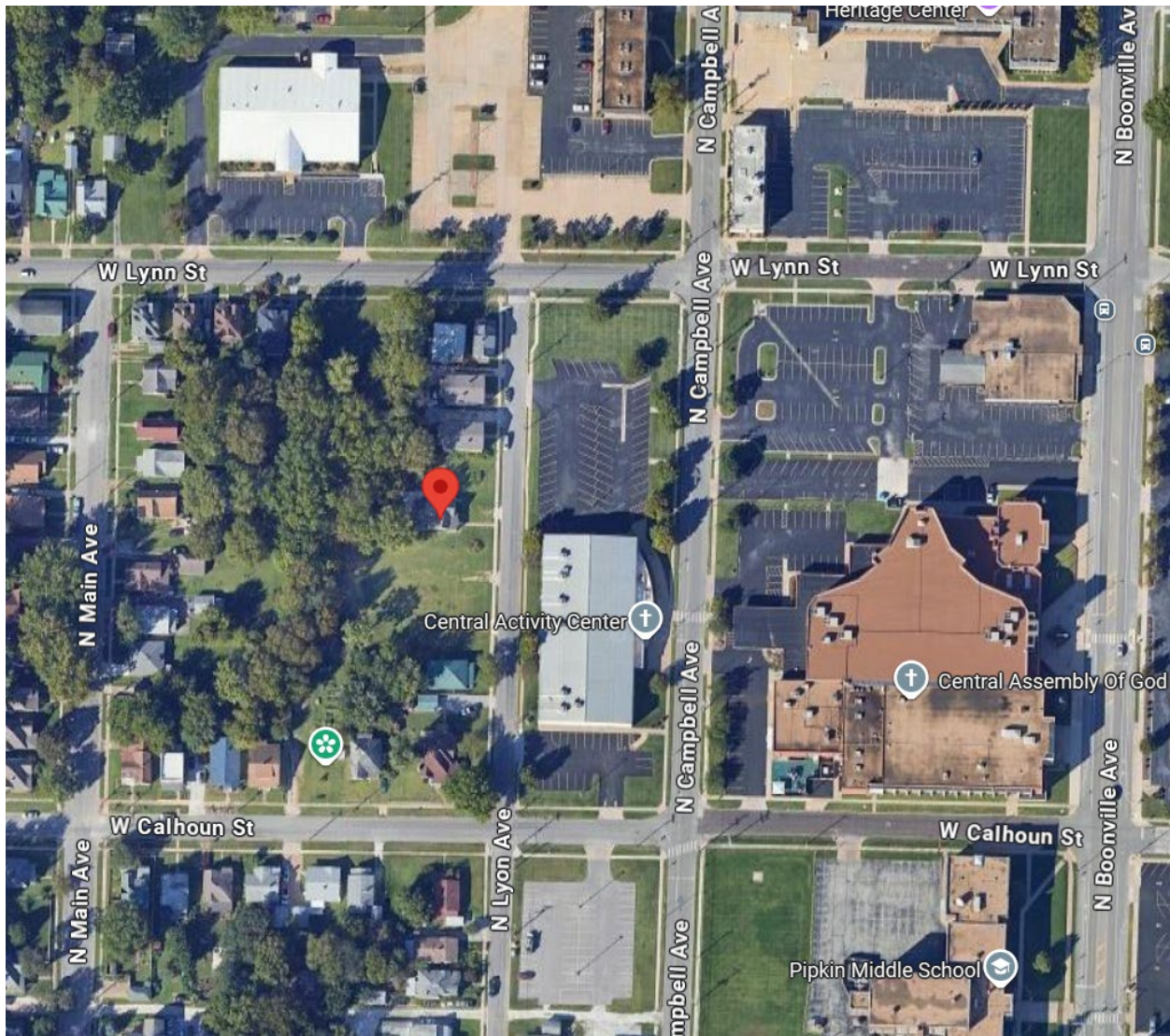
PROJECT SUMMARY:

Request to rezone approximately 1.81 acres of property generally located at 1313, 1317, 1319, 1321, 1327, 1331 & 1333 N. Lyon Avenue and 505, 513 & 515 W. Calhoun Street from R-SF, Single-Family Residential District and PD, Planned Development No. 265 to CC, Center City District with Conditional Overlay District No. 275.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE STREETVIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject properties have been zoned R-SF, Single-Family Residential District since the Citywide remapping in 1995. The property at 1333 N. Lyon Avenue has been zoned PD 265 since 2003.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezoning. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR CC
Use Limitations	(a) All activities and permitted uses except the following shall be conducted entirely within a completely enclosed building. 1. Automobile servicing but not repair. 2. Drive-in, pick-up window, or drive-thru facilities. 3. Occasional sidewalk sales. 4. Off-street parking and loading facilities. 5. Outdoor eating and drinking facilities. 6. Outdoor live or amplified music provided a permit for such activity has been obtained from the city manager pursuant to chapter 2, article I, section 2-10, permits for outdoor music and any regulations promulgated by the city manager and on file with the city clerk. 7. Playgrounds associated with a school or day care center. 8. Street vendors licensed by the City of Springfield.

DEVELOPMENT REVIEW STAFF REPORT

	(d) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (f) No use shall emit an odor that creates a nuisance as determined by Springfield City Code.
Maximum Height	None.
Minimum Open Space	None.
Buffering and Landscaping	Whenever any development in a CC district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with Sections 36-480, screening and fencing, and 36-482, landscaping and bufferyards

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject properties as the Center City Neighborhood placetype; however, this is considered a transition zone between the Center City Neighborhood and Institutional & Employment placetype where supporting uses can be integrated if appropriately designed and buffered (see Staff Analysis and Recommendations).

Center City Neighborhoods are Springfield's oldest residential neighborhoods, dating to before WWII. They are typically characterized by a diverse range of single-family homes with varying architectural styles, setbacks, compact and shared spaces and parcel sizes. Center City neighborhoods historically had small scale neighborhood supporting retail services provided at key intersection, streetcar routes, and neighborhood centers. These building types and commercial uses were integrated into the neighborhood fabric. Most Center City Neighborhoods follow a gridded block pattern with alleys, tree-lined streets, and a well-connected sidewalk network that allows residents to walk to nearby neighborhood amenities. Due to their compact form and proximity to urban centers, these neighborhoods are places where residents should reasonably be able to walk, bike, or ride transit to meet some of their educational, employment, shopping, and recreational needs. Center City Neighborhoods are also integrated with key cultural and institutional uses, such as schools and places of worship that serve surrounding residents. Center City Neighborhoods consist of housing of varying conditions, age, affordability, and vacancies. Opportunities for infill development are pursued where appropriate, diversifying the housing stock. Much of the housing stock uses traditional stick-framed construction with lap siding or masonry veneer. Elevated porches with columns and stoops are focal points common to homes in these areas. Infill can include higher density residential development that should blend with the surrounding character. Vacant and underutilized properties are considered for new uses, such as pocket parks, community gardens, or small neighborhood commercial nodes as well as housing. The creation of neighborhood-scale commercial should focus on the incorporation of context sensitive designs and low intensity uses to ensure integration into the surrounding area. These low intensity

DEVELOPMENT REVIEW STAFF REPORT

uses could include dining, personal services, office, and essential goods. These nodes could be located along historic streetcar routes or higher classification roadways on the edges of the neighborhood. Priority is given to the pedestrian environment to foster a walkable neighborhood. Planning for Center City Neighborhoods should strive to improve infrastructure and support the building types and uses that make these neighborhoods more complete, diverse, and accessible to residents.

PRIMARY USES

1. Single-family detached

SUPPORTING USES

1. Single-family attached
2. Low-intensity multifamily
3. Low-intensity, neighborhood commercial
4. Parks, greenways, and open space
5. Public and private schools and places of worship
6. Low-intensity urban agriculture

CHARACTERISTICS TRANSPORTATION & INFRASTRUCTURE

1. Traffic-calming measures, such as speed-humps, bump-outs, roundabouts, landscaped chicanes with integrated stormwater management, and on-street parking are used to slow traffic.
2. Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.
3. Sidewalk gaps are filled, and sidewalks connect to transit routes, greenways and trails, and supportive uses are located within the neighborhood and around the perimeter.
4. Alleys provide pedestrian connections, alternative access to rear yards, detached garages, and other approved accessory uses.
5. Sense of place and identity is enhanced through neighborhood organization efforts, preservation and planting trees, neighborhood identification signs, and traffic calming improvements that double as streetscape elements.
6. As technology, trends, and funds permit, utilities are buried or are consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
7. Major entrances into neighborhoods are marked by identification signs and landscaping.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY - Urban design characteristics that apply to both Center City and Traditional Neighborhoods include:

1. The main entrances of new residential developments are oriented towards the primary street.
2. Preservation and adaptive reuse of neighborhood schools and surplus buildings are encouraged.
3. When appropriate, adaptive reuse of residential structures for low-intensity, neighborhood-scale nonresidential uses, including missing middle housing types, is encouraged at neighborhood nodes and along edges.

DEVELOPMENT REVIEW STAFF REPORT

4. Accommodations are made to allow expanded home occupations, without detracting from the character of the neighborhood, being conscious of changing trends and advances in technologies.
5. New and infill buildings maintain the proportions and architectural features common in the existing block.
6. When commercial buildings are located within or adjacent to the neighborhood, they are oriented to the street, focus on pedestrian-scale, and provide limited vehicle parking.

Center City Neighborhood Urban design characteristics unique to Center City Neighborhood character area include:

1. Residential subdivisions are designed and platted in more conventional layouts with shorter blocks.
2. Lots have a variety of widths, depths, and setbacks creating unique identity from neighborhood to neighborhood.
3. While not as common, attached and detached garages provide limited parking options and create a greater demand for on-street parking.
4. Garages reflect the architectural style and scale of the primary buildings and are often setback well behind the front facade.
5. Driveways are often accessed from the rear alley and are shared or absent in exchange for sidewalks to the front door or porch, which provides increased on-street parking opportunities.
6. Properties and neighborhoods eligible for local historic designation are continually identified and preserved.
7. Key corridors that offer transit and other multimodal, trail, or greenway connections can be enhanced with increased housing and neighborhood scale services, shops, and dining.
8. Low-impact, neighborhood-scale commercial uses should be considered at locations where community facilities and amenities or other informal neighborhood hubs already exist, at former streetcar stops, along the edges of the neighborhood or at other significant neighborhood destinations.
9. Neighborhood parks, community centers, greenway or trailheads, museums, gardens, schools, and churches can serve as anchors for neighborhood commercial hubs.

Transitions:

1. A “stepped down” approach is used to transition from higher density/intensity residential and non-residential uses to single-family residential homes and uses, with greater densities/intensities located on higher functioning roadways, at the periphery of the neighborhood.
2. Lower density residential uses are sufficiently screened and buffered between higher density housing and nonresidential uses.
3. The design of higher density residential uses integrated into the Residential Neighborhood Placetype should complement the scale and character of the surrounding neighborhood. Attention should be given to building height, orientation, architectural style, and setback to ensure the existing neighborhood character is retained.

DEVELOPMENT REVIEW STAFF REPORT

PLACETYPE ASSIGNMENTS AND TRANSITIONS

Assignments

Placetype designations are based on a variety of factors but largely represent desired future land use patterns. Placetype assignments also reflect existing development patterns, take into consideration historical value, as well as the impact and relationship to the built and natural environment. The following conditions and land characteristics should be considered when changes or amendments are proposed to and within a placetype.

Primary use - The predominate historical use and development pattern of a geographic area that exists within the built and natural environment.

Proximity – The location with respect to significant landmarks and geographic places

Edges and boundaries – Natural boundaries and geographic edges, including major roadways, railways, waterways, parks, and geographical land features.

Roadway classifications – Functional use and type of roadways on the edges or at crossroads

Regulatory – Existing zoning, permitted and conditional uses, historic designations, and redevelopment plans.

Forecasts – Anticipated major land use shifts, changes in use, or trends.

Other Considerations –

- Decreasing or increasing market demand for commercial or housing in non-traditional districts or corridors
- Greater focus on integrating diverse uses at the edges and areas of transition.
- Community expectations
- More walkable, livable integrated neighborhoods and districts
- Documented increases in nuisances, code violations, disinvestment, and other related trends
- More diversity in housing types, affordability, and availability
- Increased beautification, aesthetics, and identity
- Greater focus on preservation, adaptation, and reuse of existing homes and structures

Transitions

In every city, dissimilar land uses converge at some point. Transitioning within, between, and along the edges is one of the most critical elements to align as Placetypes are implemented, changed, or amended. Typically, a one-to-two-block transition zone on either side of both placetype boundaries would be a practical zone to complete the transition from one placetype to another.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES													
	Single-Family Detached	Single-Family Attached	Multi-Family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office/ Hospitality/ Retail Sales & Service	Neighborhood Commercial	Major Retail/ Wholesale	Public & Private Schools & Places of Worship	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry
Residential Neighborhood	●	○	◇	○	○	○	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	○	○	○	○	○	○	○	○	○	○
Downtown	●	●	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○

● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	CC	R-SF	CC	R-SF
LAND USE	Multi-family residential	Single-family residential	Church	Single-family residential
PLACETYPES	Institutional & Employment	Center City Neighborhood	Institutional & Employment	Center City Neighborhood

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues with proposed rezoning.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with rezoning.

FIRE DEPARTMENT:

SFD has no issue with the zoning change to CC.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	N. Lyon Avenue	Local	City	25	20	NA	Yes	Yes	Yes
Street 2	W. Calhoun Street	Collector	City	30	30	875	Yes	Yes	Yes

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

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trails or bus stops near the property.

IMPROVEMENTS - No improvements are required for this rezoning. A Traffic Impact Study (TIS) is not required for rezoning.

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

	Drainage Basin	Fee in Lieu Flood Control	Fee in Lieu Water Quality	Stream Buffer	Sinkhole or Watershed	Floodplain/ Floodway
1313 N Lyon Ave	Jordan Creek Lower Branch	No	No	No	No	No

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

DETENTION AND DISCHARGE REQUIREMENTS

1. Rezoning from R-SF to CC will allow for an increased impervious area. Future development on the multiple listed lots will require flood control provided through a designed stormwater control measure (SCM). The site drains primarily to the northwest. Future SCMs should connect to the box culvert on W Lynn St right-of-way.

2. No fee in lieu of detention application can be accepted due to the shallow public storm sewer and drainage through the rear/back properties and alleys.

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 CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 1.81 acres of property generally located at 1313, 1317, 1319, 1321, 1327, 1331 & 1333 N. Lyon Avenue and 505, 513 & 515 W. Calhoun Street from R-SF, Single-Family Residential District and PD, Planned Development No. 265 to CC, Center City District with Conditional Overlay District No. 275. The applicant intends to provide additional off-street parking for the existing Assembly of God church uses. There are plans to vacate Lyon Avenue to provide a more cohesive site.
2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject properties as the Center City Neighborhood placetype; however, this is considered a transition zone between the Center City Neighborhood and Institutional & Employment placetype where supporting uses can be integrated if appropriately designed and buffered.
3. The Center City Neighborhood placetype lists public and private schools and places of worship as supporting uses.
4. These properties are on the edge of Placetypes and in a transition area of the Institutional & Employment placetype. These properties are commonly owned by Assembly of God Church who has owned some of these properties for some time. The Assembly of God Church have properties along Campbell and Boonville Avenue that are in the Institutional & Employment placetype as well as other adjacent properties along Campbell Avenue. The applicant is providing enhanced bufferyards adjacent to the R-SF district properties to the west.
5. The proposed COD (Attachment 1) will also require an enhanced bufferyard Type II of as would be required in the new Land Development Code (This is a 10 ft. minimum width bufferyard with 1 canopy/overstory per 40 ft., 1 understory or evergreen tree per 25 ft. and 1 shrub per 10 ft), instead of the current requirements of only a six-foot solid wood fence. They are also requiring a 6 ft. solid wood fence which the new code doesn't require.
6. There are few changing conditions in the area affected that make the proposed rezoning necessary. Redevelopment of property within the vicinity has been occurring.
7. The range of uses in the proposed CC district is compatible with the uses permitted on other property in the immediate vicinity. The properties to the north and east are currently zoned CC which are located along the same block of Lyon Avenue.
8. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.

DEVELOPMENT REVIEW STAFF REPORT

9. The impact of the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity. A Traffic Impact Study (TIS) is not required for rezoning.
10. The proposed zoning will not correct an error in the application of this article but rather will provide a viable use of the property subject to the provisions of the zoning district. There is not an error being corrected with this application.
11. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
12. The proposed rezoning was reviewed by City departments and comments are contained in the staff report (above).
13. The applicant held a neighborhood meeting on October 16, 2025, regarding the rezoning request. A summary of the meeting is attached (Attachment 2).
14. The public notice was advertised in the Springfield News-Leader at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

STAFF RECOMMENDATION:

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

PLANNING AND ZONING OPTIONS:

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

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

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 275

The requirements of Section 36-424 of the Springfield Zoning Ordinance shall be modified herein for development within this district:

1. A bufferyard is required along the west district boundary. This area shall be a 10 ft. minimum width bufferyard with 1 canopy/overstory per 40 ft., 1 understory or evergreen tree per 25 ft. and 1 shrub per 10 ft. A 6 ft. tall solid wood fence is also required.

Attachment 2

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-SF and PD 265 to CC
(existing zoning) (proposed zoning)
2. Meeting Date & Time: October 14, 2025, 4:00pm to 6:30pm
3. Meeting Location: 1321 N. Campbell Ave.
4. Number of invitations that were sent: 139
5. How the mailing list was generated: city staff
6. Number of neighbors in attendance (attach a sign-in sheet): 9 (including applicant)
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

1. One neighbor who lives direction west expressed concern about storm water runoff. We explained how the proposed development would include a new storm water management system to help improve existing conditions.
2. Most of the conversation with neighbors centered around the anticipated traffic congestion that would be associated with the new school. We explained that the school is directing the parent pick up line to the north side of the school which should take traffic congestion off of Lynn Street.

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

I, BILLY KIMMONS (print name), attest that the neighborhood meeting was held on OCTOBER 14, 2025 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

BILLY KIMMONS

Printed name of person completing affidavit



EXPLANATION TO COUNCIL BILL 2025-254 (HORTON)

FILED: 11/24/2025

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.73 acres of property generally located at 517 East Calhoun Street and 1312 North Benton Avenue from R-SF, Single-Family Residential District and Mid-town Urban Conservation District No. 3 to O-1, Office District with Conditional Overlay District No. 278 and Mid-town Urban Conservation District No. 3; establishing Conditional Overlay District No. 278; and adopting an updated Official Zoning Map. (By: Drury University; 1312 North Benton & 517 East Calhoun Street; Z-25-2025 with Conditional Overlay District No. 278).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 0.73 acres of property generally located at 1312 North Benton Avenue & 517 East Calhoun Street from R-SF, Residential Single-family district and Mid-town Urban Conservation District No. 3 to O-1, Office District and establishing Conditional Overlay District No. 278 and Mid-town Urban Conservation District No. 3. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-25-2025 CONDITIONAL OVERLAY DISTRICT NO. 278

The applicant is requesting to rezone approximately 0.73 acres of property generally located at 1312 North Benton Avenue & 517 East Calhoun Street from R-SF, Residential Single-family district and Mid-town Urban Conservation District No. 3 to O-1, Office District and establishing Conditional Overlay District No. 278 and Mid-town Urban Conservation District No. 3.

The applicant intends to utilize the existing non-residential structure for uses permitted in the O-1 district. The applicant intends to utilize the residential structure for residential uses.

REMARKS: The Planning and Zoning Commission held a public hearing on November 6, 2025, and recommended approval, by a vote of 7 to 0.

The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting to rezone approximately 0.73 acres of property generally located at 1312 North Benton Avenue & 517 East Calhoun Street from R-SF, Residential Single-family district and Mid-town Urban Conservation District No. 3 to O-1, Office District and establishing Conditional Overlay District No. 278 and Mid-town Urban Conservation District No. 3.
2. The applicant intends to utilize the existing non-residential structure for uses permitted in the O-1 district. The applicant intends to utilize the residential structure for residential uses.
3. The O-1 Office District is intended to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas.
4. The proposed Conditional Overlay District (COD) will require a landscaping bufferyard along the north property line when a change of use, building permit or subdivision of the property occurs.
5. The COD prohibits higher intensity uses in the O-1 district so that adverse impacts to surrounding properties are minimized.
6. The subject property is within the Mid-town Urban Conservation District (UCD) No. 3 and will remain in effect. This application does not remove the property from that UCD.
7. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
8. There are no known changing conditions in the area affected that make the proposed rezoning necessary.
9. The range of uses in the proposed O-1 district and COD are compatible with the uses permitted on other property in the immediate vicinity.
10. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.
11. The impact of the proposed uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.

12. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.
13. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
14. The proposed rezoning was reviewed by City departments and comments are contained in the staff report (above).
15. The applicant held a neighborhood meeting on September 16, 2025, regarding the rezoning request. A summary of the meeting is attached (Attachment 2).
16. The public notice was advertised at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

STAFF RECOMMENDATION: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Institutional & Employment Center placetype and on the finding of facts above.

Submitted By: Michael Sparlin, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments:

1. Z-25-2025 COD 278 - 517 E. Calhoun Street and 1312 N. Benton Avenue
2. Z-25-2025 COD 278_exhA
3. Z-25-2025 COD 278_exhB
4. Z-25-2025 COD 278_exhC
5. Z-25-2025 COD 278_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 23
Filed: 12-09-25

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-254

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 0.73 acres of property generally located at 517 East Calhoun Street
4 and 1312 North Benton Avenue from R-SF, Single-Family
5 Residential District and Mid-town Urban Conservation District No. 3
6 to O-1, Office District with Conditional Overlay District No. 278 and
7 Mid-town Urban Conservation District No. 3; establishing
8 Conditional Overlay District No. 278; and adopting an updated
9 Official Zoning Map.

10 _____
11
12 WHEREAS, an application has been filed for a zoning change of the property
13 generally located at 517 East Calhoun Street and 1312 North Benton Avenue from R-
14 SF, Single-Family Residential District and Mid-town Urban Conservation District No. 3
15 to O-1, Office District and Mid-town Urban Conservation District No. 3, and establishing
16 Conditional Overlay District No. 278; and

17
18 WHEREAS, Conditional Overlay District No. 278 shall modify the requirements of
19 the Springfield Land Development Code Section 36-400 – O-1 – Office district, by
20 requiring that the property described in "Exhibit B" comply with the requirements
21 described in "Exhibit A," both attached hereto and incorporated herein by this reference;
22 and

23
24 WHEREAS, following proper notice, the Planning and Zoning Commission held a
25 public hearing on November 6, 2025, a copy of the Record of Proceedings from said
26 public hearing being attached hereto and incorporated herein by this reference as
27 "Exhibit C," and said Commission made a recommendation of approval by a vote of 7 to
28 0; and

29
30 WHEREAS, the City has reviewed the applicant's request and prepared a staff
31 report concerning the application, which is attached hereto and incorporated herein by
32 this reference as "Exhibit D"; and
33

34 WHEREAS, proper notice was given of a public hearing before City Council, and
35 said hearing was held in accordance with the law.
36

37 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
38 SPRINGFIELD, MISSOURI, as follows, that:
39

40 Section 1 – The property generally located at 517 East Calhoun Street and 1312
41 North Benton Avenue, and described in “Exhibit B,” is hereby rezoned from R-SF,
42 Single-Family Residential District and Mid-town Urban Conservation District No. 3 to O-
43 1, Office District with Conditional Overlay District No. 278 and Mid-town Urban
44 Conservation District No. 3. Springfield Land Development Code, Section 36-306,
45 ‘Official zoning map and rules for interpretation,’ is hereby amended, changed, and
46 modified consistent with this Ordinance.
47

48 Section 2 – City Council hereby establishes Conditional Overlay District No. 278,
49 which shall contain the requirements and standards provided in “Exhibit A.” The
50 requirements of Conditional Overlay District No. 278 shall modify the requirements of
51 the Springfield Land Development Code Section 36-400 – O-1 – Office district, by
52 requiring the property described in “Exhibit B” to comply with the requirements
53 contained in “Exhibit A.”
54

55 Section 3 – City Council hereby directs the City Manager, or designee, to update
56 the City's digital zoning map to reflect this rezoning, and City Council adopts the map
57 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
58 the Springfield Land Development Code, Section 36-306, ‘Official zoning maps and
59 rules of interpretation.’
60

61 Section 4 – The Official Zoning Map herein adopted shall be maintained and
62 archived in the same digital form in which this Council has approved its adoption.
63

64 Section 5 – This Ordinance shall be in full force and effect from and after
65 passage.
66

67 Passed at meeting: _____
68

69 _____
70 Mayor

71 Attest: _____, City Clerk
72

73 Filed as Ordinance: _____
74

75 *Laura Vales*
76 Approved as to form: _____, Assistant City Attorney
77

78 *[Signature]*
79 Approved for Council action: _____, City Manager

EXHIBIT A
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-25-2025 COD 278

The requirements of Section 36-400, Office District of the Land Development Code shall be modified as set forth herein for development within this district:

1. Bufferyard landscaping shall be provided along the north property line at the time of any change of use, building permit or subdivision of the property. The plantings within the bufferyard landscape area shall consist of one overstory tree per forty (40) feet or one understory per twenty (20) feet; and 1 shrub per ten (10) feet.
2. The following uses are prohibited in the O-1, Office District:
 - a. Cemeteries
 - b. Overnight shelters
 - c. Police and fire stations
 - d. Retail sales group use
 - e. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - f. Substance abuse treatment facilities
 - g. Tier I & II wireless facilities
3. The following conditional uses are prohibited in the O-1, Office District:
 - a. Funeral homes and mortuaries
 - b. Heliports
 - c. Temporary lodging use group
 - d. Tier III wireless facilities
 - e. Tier IV wireless facilities
 - f. Other towers exceeding 100 feet in height

EXHIBIT B
LEGAL DESCRIPTION

ALL OF LOT THIRTY-EIGHT (38) AND THE SOUTH 50 FEET OF LOT THIRTY-SEVEN (37), IN OZARK LAND COMPANY'S ADDITION TO THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

EXHIBIT C
RECORD OF PROCEEDING

Z-25-2025 COD 278
517 East Calhoun Street and 1312 North Benton Avenue
Applicant: Drury University

Mr. Sparlin stated that this is a request to rezone approximately 0.73 acres of property from R-SF, Residential Single-family District and Mid-Town Urban Conservation District No. 3 to O-1, Office District and establishing Conditional Overlay District No. 278 and Mid-Town Urban Conservation District No. 3.

Commission members inquired about the specific prohibitions in COD 278 and confirmation that the COD would remain with the property after future remapping to C-MX1.

Commissioner Doennig opened the public hearing.

Mr. Matt Miller, 4609 E. Bittersweet Way, and here to answer any questions.

Commissioner Doennig closed the public hearing.

Commission members commended staff, applicant, Drury University, and the neighborhood association for collaborative efforts in reaching a mutually agreeable solution.

COMMISSION ACTION:

Planning and Zoning Commissioner Knuckles motioned to approve Z-25-2025 COD 278. Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Gunther, Commissioner Colony, Commissioner Ridge, Commissioner Hunton, Commissioner Pauly and Commissioner Knuckles. Nays: None. Absent: Commissioner Scott and Commissioner Lebeck. Abstain: None.



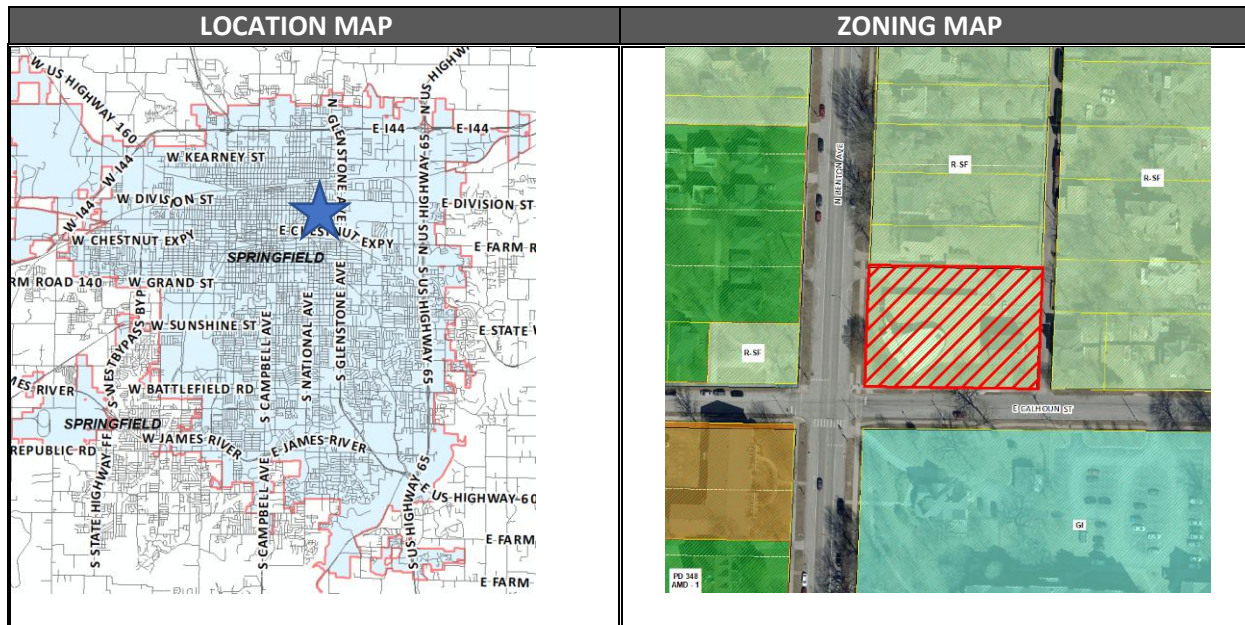
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Z-25-2025 with Conditional Overlay District No. 278
Location:	1312 North Benton & 517 East Calhoun Street
Total Acres:	0.73 acres
Applicant:	Drury University
Existing Land Use:	University Hall and single-family residence
Neighborhood Meeting:	October 16, 2025
Planning and Zoning Commission:	November 6, 2025
City Council:	December 15, 2025
Public Notification:	Mail, posted property, and legal in the Springfield News-Leader
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-25-2025 with Conditional Overlay District No. 278 as set forth in Attachment 1 of the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

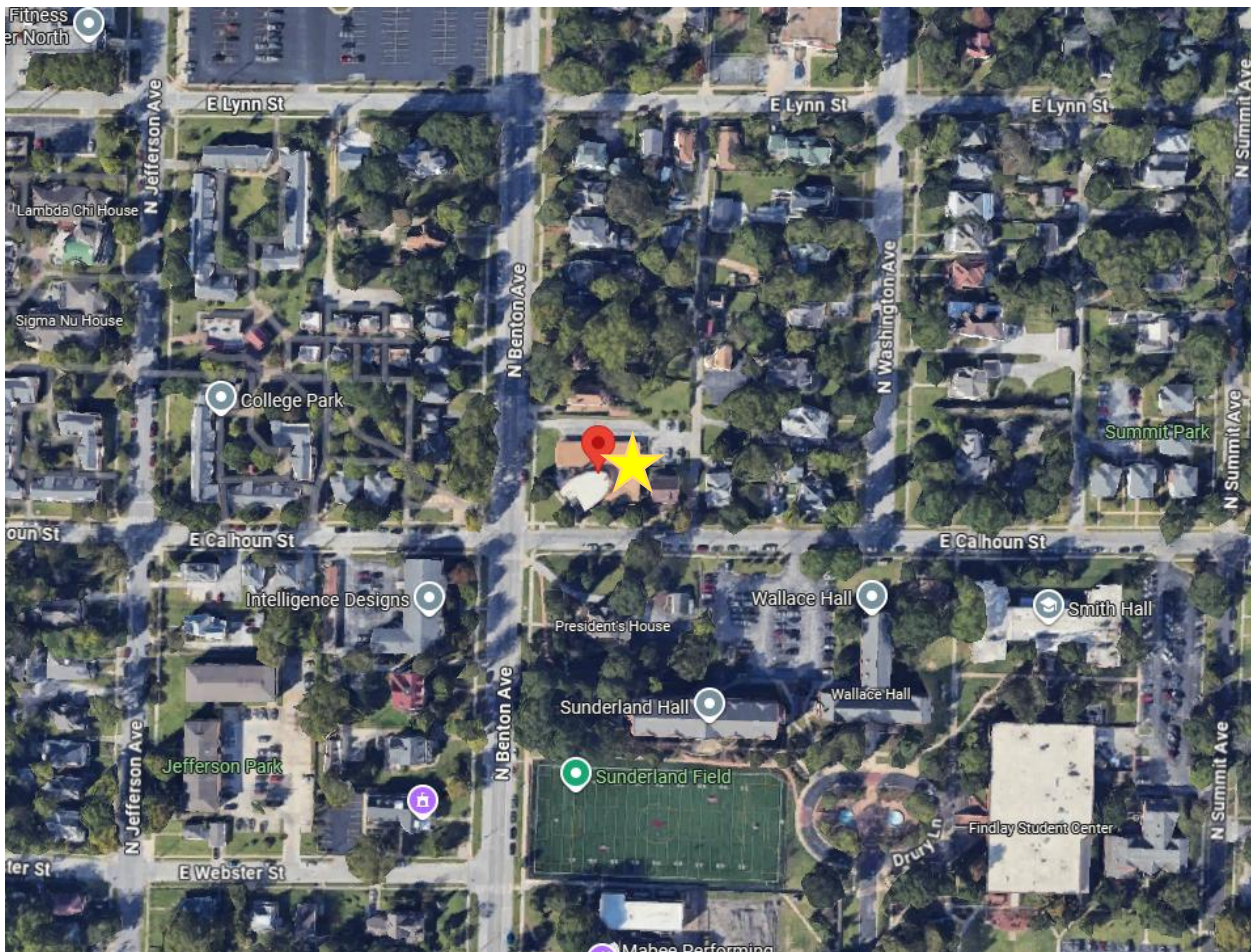
PROJECT SUMMARY:

Request to rezone approximately 0.73 acres of property generally located at 1312 North Benton & 517 East Calhoun Street from R-SF, Residential Single-family district and Mid-town Urban Conservation District No. 3 to O-1, Office District and establishing Conditional Overlay District No. 278 and Mid-town Urban Conservation District No. 3.



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 zoned R-SF during the city-wide remapping in 1995.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezoning. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan.
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary.
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity.
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property.
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR O-1 DISTRICT
Use Limitations	All activities and permitted uses except off-street parking and loading facilities, drive-thru facilities and day care activities shall be conducted entirely within a completely enclosed building. All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code. Uses on parcels not served by public water and public sewer shall meet the requirements of subsection 36-303(22).
Minimum Lot Size	Not applicable to the O-1 District
Maximum Height	Thirty-five feet, except that all structures shall remain below a 45-degree bulk plane as measured from the boundary of any R-SF or R-TH district.
Bulk Plane	None, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of any R-SF or R-TH district.

DEVELOPMENT REVIEW STAFF REPORT

Minimum Yard Requirements	<i>Front yard:</i> Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space, and yard regulations. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space, and yard regulations. <i>Side yards:</i> Ten feet on each side of a lot or as required by section 36-453, supplemental open space and yard regulations, provided that no side yard is required for any building that has a common wall on a lot line. <i>Rear yards:</i> Twenty percent of the lot depth but may not be less than ten feet nor more than 25 feet be required.
Minimum Open Space	Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
Design Requirements	A site plan meeting the requirements of section 36-360, sit plan review, shall be submitted and approved. A landscape plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted, and approved. All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening, and fencing. All outdoor storage and refuse storage areas shall be screened from view in accordance with section 36-480, screening, and fencing. Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening, and fencing. Lighting shall be designed to reflect away from an adjacent or nearby residential area and in accordance with section 36-484, lighting standards. Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
Buffering and Landscaping	Whenever any development in an O district is located adjacent to a different zoning district, screening and

DEVELOPMENT REVIEW STAFF REPORT

	bufferyard shall be provided in accordance with sections 36-480, screening, and fencing, and 36-482, landscaping and bufferyards.
--	---

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property within the Institutional and Employment Center placetype.

The Institutional and Employment Center placetype contains a variety of major medical and office parks, and a collection of institutional and employer campuses. Large campuses are supported by small commercial sales and service business, and a mix of community-orientated amenities. Student housing is also a common component. In the case of universities or colleges, along with mixed housing types located along the fringes and transitional areas, providing housing near major employers is important. Areas within this placetype act as centers of culture, education, and business development, while providing numerous employment opportunities for residents of Springfield and others from the region. As Institutional and Employment Centers provide vital jobs and services to the entire metro area, multimodal accessibility and public transit connectivity are key components of this placetype. Underutilized parcels are assembled and redeveloped into more intense supporting uses or higher density housing developments where appropriate, to increase activity within the center. Planning for Institutional and Employment Center placetype focuses on infrastructure and corridor improvements to facilitate traffic flow, multimodal connectivity, and streetscaping improvements, needed to enhance the character and connectivity of key corridors. As these centers of activity receive high volumes of visitors and commuters into the City, it is essential that the quality of development and visual appeal of the corridors remain attractive and representative of the City's desired image.

Primary Land Uses:

- Universities, colleges, and vocational schools
- Government, healthcare, and institutional facilities

Supporting Land Uses:

- Single-family detached
- Single-family attached
- Multi-family
- Parks, greenways, and open space
- Sports complexes and recreational facilities
- Office, hospitality, retail sales and service
- Maker, artisan, and innovations spaces
- Public and private schools and places of worship

Characteristics

TRANSPORTATION & INFRASTRUCTURE

DEVELOPMENT REVIEW STAFF REPORT

- Access management is improved for vehicles through curb cut consolidation and cross-access between commercial properties, reducing traffic conflicts and backups.
- Electric vehicle charging facilities, pedestrian and bicycle infrastructure, and automated vehicle parking and loading spaces are integrated along major corridors, installed at key destinations, and incorporated into private development plans.
- As technology, trends, and funds permit, utilities are buried or consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
- Transit service is expanded along key commercial corridors over the long term with bus stops enhanced with shelters and live timetables.
- The pedestrian environment is enhanced with expanded sidewalks and pedestrian infrastructure, such as benches, pedestrian-scaled lighting, and street trees.
- Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY:

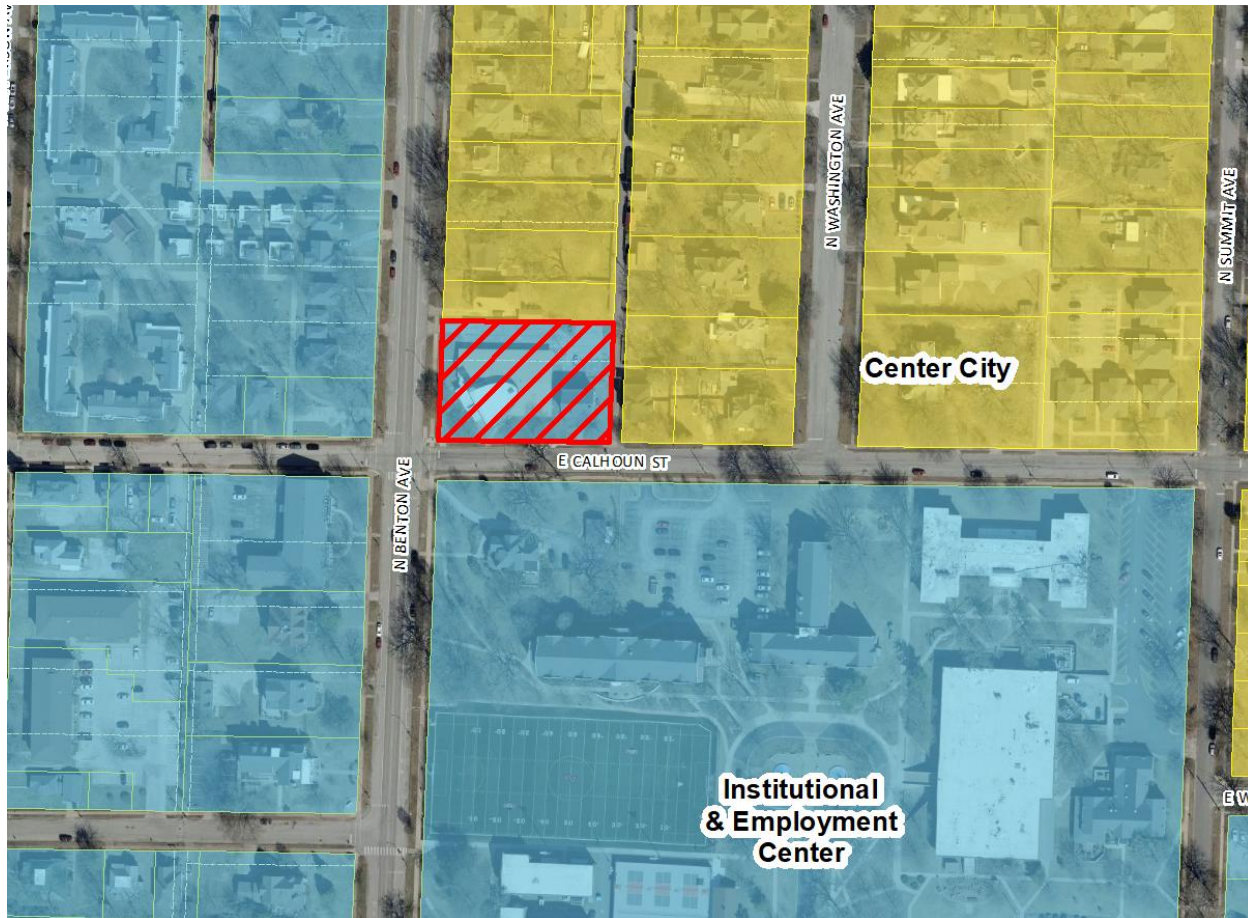
- Parking should be located behind or beside the primary buildings with abundant landscaping and screening to encourage greater interest and interaction between the adjoining street and the building, that contributes to community-wide quality of place.
- Pedestrian pathways within large parking lots provide safe access to business entrances.
- Character is enhanced by gateway features, landscaping, and branding elements, particularly within university, health care campuses, and innovation districts, to identify entry into campus areas.
- A greater focus on site design, parking access, massing, and building orientation are adopted to ensure development that is complementary to adjacent lower density residential development.
- Lighting, signage, landscaping, mail, and delivery accommodations should also be proactively incorporated into the site design.
- Multi-story buildings designed with active ground floor spaces should be visible and inviting with a high degree of transparency using clear glass windows and doors to increase a vibrant pedestrian environment.
- Use of quality materials, construction methods, workmanship, and design should be incorporated into new development and redevelopment.
- A mix of building heights is supported through structured site and building design strategies to soften the impact on adjacent lower intensity residential development.
- Design should avoid the placement of mechanical equipment along major roadways or should be completely screened, along with adequate spacing for storage of waste receptacles.

TRANSITIONS:

- Strong connections to local universities, innovation districts, and neighborhoods are established through branding and connectivity.
- More intense institutional and employment uses and supporting uses are sufficiently separated and buffered from lower intensity residential uses.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES														
	Single-Family Detached	Single-Family Attached	Multi-family	Park & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Major Retail & Service	Public & Private Schools & Recreation Spaces	Universities, Colleges & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Services, Outdoor Sales & Service	Light Industry	Warehouse & Distribution Facilities
Residential Neighborhood	●	○	◇	○	◇	◇	○								
Mixed Residential	●	●	○	○	◇	◇	○								
Downtown	●	●	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

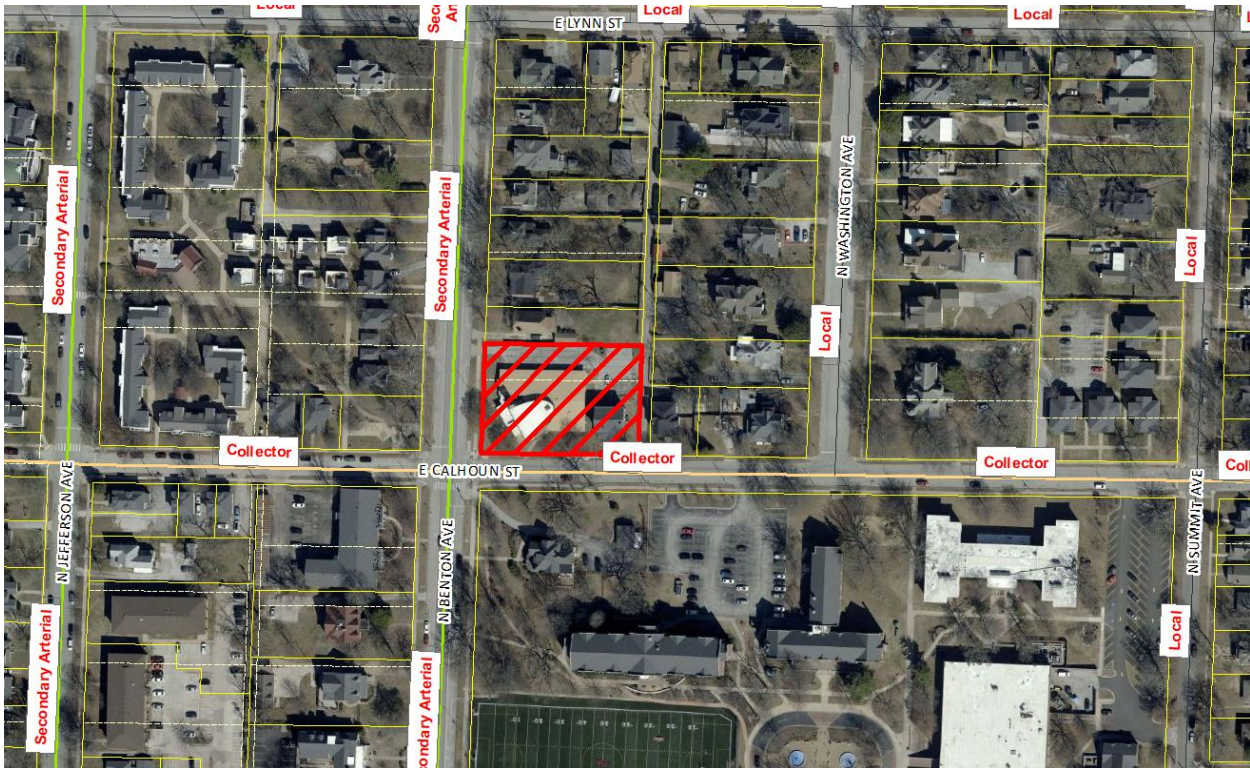
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	R-SF	GI	R-SF	R-SF, PD 205
LAND USE	Single-family residence	Drury University	Single-family residence	Student housing
PLACETYPES	Center City neighborhood	Institutional & Employment Center	Center City neighborhood	Institutional & Employment Center

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No comments.
2. CITY UTILITIES:
No issues with the proposed rezoning.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
No issues with rezoning. Property has access to public sewer.
4. FIRE DEPARTMENT:

DEVELOPMENT REVIEW STAFF REPORT

No comments.

5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

	Drainage Basin	Fee in Lieu Flood Control	Fee in Lieu Water Quality	Stream Buffer	Sinkhole or Watershed	Floodplain/Floodway
517 E Calhoun St	Jordan Creek Lower Branch	No, Existing Impervious	No	No	No	No

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

DETENTION AND DISCHARGE REQUIREMENTS

1. Site is primarily existing impervious.

WATER QUALITY REQUIREMENTS

N/A

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

6. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	N Benton Avenue	Secondary Arterial	City	35	41	4,300	Yes	Yes	Yes
Street 2	W. Calhoun Street	Collector	City	30	25	1,500	Yes	Yes	Yes

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

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trails or bus stops near the property.

IMPROVEMENTS - No improvements are required for this rezoning. A Traffic Impact Study (TIS) is not required for rezoning.

DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 0.73 acres of property generally located at 1312 North Benton & 517 East Calhoun Street from R-SF, Residential Single-family district and Mid-town Urban Conservation District No. 3 to O-1, Office District and establishing Conditional Overlay District No. 278 and Mid-town Urban Conservation District No. 3.
2. The applicant intends to utilize the existing non-residential structure for uses permitted in the O-1 district. The applicant intends to utilize the residential structure for residential uses.
3. The O-1 Office District is intended to be a restrictive district for low intensity office or professional uses which may be located outside the center city adjacent to any of the residential districts, with appropriate buffers and landscaping so as not to create an adverse effect on adjacent residential areas.
4. The proposed Conditional Overlay District (COD) will require a landscaping bufferyard along the north property line when a change of use, building permit or subdivision of the property occurs.
5. The COD prohibits higher intensity uses in the O-1 district so that adverse impacts to surrounding properties are minimized.
6. The subject property is within the Mid-town Urban Conservation District (UCD) No. 3 and will remain in effect. This application does not remove the property from that UCD.
7. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
8. There are no known changing conditions in the area affected that make the proposed rezoning necessary.
9. The range of uses in the proposed O-1 district and COD are compatible with the uses permitted on other property in the immediate vicinity.
10. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.
11. The impact of the proposed uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
12. The proposed zoning will not correct an error in the application of this article, but rather will provide a viable use of the property subject to the provisions of the zoning district.

DEVELOPMENT REVIEW STAFF REPORT

13. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.
14. The proposed rezoning was reviewed by City departments and comments are contained in the staff report (above).
15. The applicant held a neighborhood meeting on October 16, 2025, regarding the rezoning request. A summary of the meeting is attached (Attachment 2).
16. The public notice was advertised in the at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

STAFF RECOMMENDATION:

1. Staff recommends approval of the rezoning request based on its compatibility with the *Comprehensive Plan's* Institutional & Employment Center Placetype.

PLANNING AND ZONING OPTIONS:

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

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

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1 Conditional Overlay District No. 278

The requirements of Section 36-400, Office District of the Land Development Code shall be modified as set forth herein for development within this district:

1. Bufferyard landscaping shall be provided along the north property line at the time of any change of use, building permit or subdivision of the property. The plantings within the bufferyard landscape area shall consist of one overstory tree per forty (40) feet or one understory per twenty (20) feet; and 1 shrub per ten (10) feet.
2. The following uses are prohibited in the O-1, Office District:
 - a. Cemeteries
 - b. Overnight shelters
 - c. Police and fire stations
 - d. Retail sales group use
 - e. Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
 - f. Substance abuse treatment facilities
 - g. Tier I & II wireless facilities
3. The following conditional uses are prohibited in the O-1, Office District:
 - a. Funeral homes and mortuaries
 - b. Heliports
 - c. Temporary lodging use group
 - d. Tier III wireless facilities
 - e. Tier IV wireless facilities
 - f. Other towers exceeding 100 feet in height

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: R-1 Residential to O-1 Office
(existing zoning) (proposed zoning)
2. Meeting Date & Time: Thursday October 16, 2025, 4pm - 6:30pm
3. Meeting Location: 517 E Calhoun, 65802: Congregational Hall
4. Number of invitations that were sent: More than 150
5. How the mailing list was generated: Member list provided by City
6. Number of neighbors in attendance (attach a sign-in sheet): see mid-town letter attached
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

Roughly 20 members of the mid-town neighborhood, along with Dr. Jeff Frederick, President of Drury University and Aaron Jones, Chief Legal Counsel of Drury University, were in attendance at the first neighborhood meeting on 10/16. An additional meeting was suggested so that more neighborhood residents could attend and provide comments. This meeting was scheduled and held at Central Christian Church on 10/27. These meetings produced a list of uses allowed in O-1 that potentially caused concern for neighborhood.

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

After multiple meetings and consideration of neighborhood comments, as well as suggestions from City of Springfield, developer has agreed to recommend a list of further restrictions to be named as part of a Condition Overlay District. Developer has also agreed to some landscaping requirements per O-1 and recommended by City of Springfield. Developer has agreed to a comprehensive list of uses to voluntarily restrict by way of Conditional Overlay. Those uses are included via the attachment and outlined by MidTown Neighborhood Association. However, Developer will not include Short Term Rental (STR) or Bed & Breakfast in the list of restricted uses per Conditional Overlay, despite Developer having no immediate or long-term plans to operate either an STR or BnB on the property.

I, Matthew Max Miller (print name), attest that the neighborhood meeting was held on 10/16/25 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Matt M Miller

dotloop verified
10/31/25 3:03 PM CDT
TWLG-85JX-KKYJ-SX7Q

Signature of person completing affidavit

Matthew M. Miller

Printed name of person completing affidavit

To: Planning and Zoning and City Council
From: Midtown Neighborhood Association
Re: 517 E. Calhoun rezoning case
Date: 10-29-2025

Midtown Neighborhood Association supports the rezoning of 517 E. Calhoun from Residential Single Family (RSF) to O1 Office with the ban of the below uses added to a conditional overlay district, after two neighborhood meetings with Mr. Matt Miller.

Mr. Matt Miller is planning on purchasing the Congregational Hall from Drury University at 517 E. Calhoun. Mr. Miller held a city-required meeting October 16, 2025 with the Midtown neighborhood to talk about his proposed zoning change for that property.

People in attendance included: Dr. Jeff Frederick, president of Drury University, Drury General Counsel Aaron Jones, Chad, an associate with Matt Miller; Midtown residents, Steve Wiemer, Paula Ringer, Dee Ogilvy, Drew Holt, Todd Thomas, Brant Hinrichs and Ralph Plank.

Attached is a copy of the O 1 Office Zoning District ordinance and highlighted in green are the uses the neighbors agreed should be taken out of the final ordinance. Drury and Mr. Miller also agreed to these bans at the October 16, 2025 meeting. Mr. Miller attended a second neighborhood meeting October 27, 2025 and communicated his intention to not request the ban of bed and breakfast or short-term rental uses. It is our understanding that these two uses would require a public input and city approval process which would allow the neighborhood to voice concerns at that time.

Uses to be banned:

- Cemeteries
- Overnight shelters for 50 or less
- Police and fire stations
- Retail sales group use
- Water reservoirs, water standpipes, and elevated and ground-level water storage tanks.
- Short-term rental use type 3
- We asked for no Airbnb type rentals
- Substance abuse treatment facilities for less than 50
- Tier I & II wireless facilities
- Bed and breakfast
- Funeral homes and mortuaries
- Heliports
- Temporary lodging use group
- Tier III wireless facilities
- Tier IV wireless facilities
- Other towers exceeding 100 feet

Thank you,
Ran Cummings
President Midtown Neighborhood Association

From: dee.ogilvy
To: Zoning@springfieldmo.gov
Subject: Matt Miller
Date: Monday, November 3, 2025 10:46:22 AM

Good Morning Staff and Commissioners

In reference to the rezoning of 517 E Calhoun and 1475 N Benton. I ask P&Z and Council to approve this rezoning.

I would like to address it on a number of levels, #1 being I do live on that block and in fact my only access to my driveway is the alley that literally touches this property mentioned. So I see the property multiple times every day.

2. Having sat on P&Z for 7 years, served on FORWARDSGF for the duration of that project, served on NAC since it's 1st meeting, plus along with city staff and NAC helped refine and thus bring about the Best Practices document.

On all those groups we constantly talk about how do we reuse and repurpose obsolete buildings while protecting the great historic neighborhoods. I was a little sceptical when I read the proposal. After Matt Miller called me and discussed his ideas and how he was working with Drury to preserve the integrity of Drury's Campus life I was in favor of the project. Since then of course the neighborhood has had multiple meetings with Matt.

Secondly and very important over the last few years we have seen some REALLY BAD players on the developers side and some unpleasant behavior by residents of our great neighborhoods in response to these developers. I would like to applaud Matt Miller for his approach. He personally called each member of the Midtown Board, he met with us twice and each time had a representative from DU including the President of DU join us to address questions. We need more developers to understand the dynamics of working with neighbors. Together we can do great things for developers while preserving our wonderful neighborhoods.

Thank you
Dee

M. Dee Hackett Ogilvy
Springfield,MO



EXPLANATION TO COUNCIL BILL 2025-255 (JENSON)

FILED: 11/24/2025

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 14.46 acres of property generally located at 3907 South York Avenue and 4000 South Jonathan Avenue from County Plot Assignment District No. 2125 and County Plot Assignment District No. 1284 to R-TH – Residential Townhouse District; and adopting an updated Official Zoning Map. (By: Wire Rd Development, LLC & Boehm Family Trust; 4000 South Jonathan Avenue & 3907 South York Avenue; Z-19-2025).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 14.46 acres generally located at 4000 South Jonathan Avenue and 3907 South York Avenue from County Plot Assignment District No. 2125 and County Plot Assignment District No. 1284 to R-TH, Residential Townhouse district. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:

ZONING CASE NUMBER Z-19-2025

The applicant is requesting to rezone approximately 14.46 acres generally located at 4000 South Jonathan Avenue & 3907 South York Avenue from County Plot Assignment District No. 2125 and County Plot Assignment District No. 1284 to R-TH, Residential Townhouse district. The applicant intends to build duplexes. The R-TH district would allow single-family or duplexes. Single-family detached dwellings require a minimum of 6,000 square feet of land area. Duplexes will require at least 7,500 square feet of area so a replat of lots will likely occur after zoning.

REMARKS: The Planning and Zoning Commission held a public hearing on November 6, 2025, and recommended approval, by a vote of 7 to 0.

The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting to rezone approximately 14.46 acres generally located at 4000 South Jonathan Avenue & 3907 South York Avenue from County Plot Assignment District No. 2125 and County Plot Assignment District No. 1284 to R-TH, Residential Townhouse district. The applicant intends to build duplexes. The R-TH district would allow single-family or duplexes. Single-family detached dwellings require a minimum of 6,000 square feet of land area. Duplexes will require at least 7,500 square feet of area so a replat of lots will likely occur after zoning.
2. This application is running concurrently with the Preliminary Plat of The Dell Phase 2 which proposes to subdivide the subject property into twenty-one (21) residential lots.
3. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property within the Traditional Neighborhood placetype.
4. Single-family attached and low-intensity multifamily is listed as a supporting use in the Traditional Neighborhood placetype.
5. This application is consistent with the *Comprehensive Plan's Housing and Neighborhoods* chapter which encourages creative housing solutions to add housing diversity and support downsizing households, young professionals, and aging-in-place. The *Plan* encourages the use of "missing middle" housing types. Missing middle housing sits in the middle of the development spectrum between single-family homes and mid-rise to high-rise apartment buildings. These housing types should be integrated into Springfield's existing neighborhoods to increase housing diversity and provide a wider, more equitable range of housing choices.
6. The two County Plot Assignment Districts allow one and two-family residential uses which is similar to the permitted uses allowed in the R-TH district
7. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
8. There are few known changing conditions in the area affected that make the proposed rezoning necessary.
9. The range of uses in the proposed R-TH district are compatible with the uses permitted on other property in the immediate vicinity.
10. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.

11. The impact the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
12. The proposed zoning will not correct an error in the application of this article but rather will provide a viable use of the property subject to the provisions of the zoning district.
13. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

STAFF RECOMMENDATION: Staff recommends approval based on the proposal's general conformance to the Comprehensive Plan's Traditional neighborhood placetype and on the finding of facts above.

Submitted By: Michael Sparlin, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments:

1. Z-19-2025 3907 S. York Avenue and 4000 S. Jonathan Avenue
2. Z-19-2025_exhA
3. Z-19-2025_exhB
4. Z-19-2025_exhC

One-rdg. _____
P. Hrngs. X
Pgs. 24
Filed: 12-09-25

Sponsored by: Jenson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-255

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 14.46 acres of property generally located at 3907 South York
4 Avenue and 4000 South Jonathan Avenue from County Plot
5 Assignment District No. 2125 and County Plot Assignment District
6 No. 1284 to R-TH – Residential Townhouse District; and adopting
7 an updated Official Zoning Map.
8 _____
9

10 WHEREAS, an application has been filed for a zoning change of the property
11 generally located at 3907 South York Avenue and 4000 South Jonathan Avenue from
12 County Plot Assignment District No. 2125 and County Plot Assignment District No. 1284
13 to R-TH – Residential Townhouse District; and
14

15 WHEREAS, following proper notice, the Planning and Zoning Commission held a
16 public hearing on November 6, 2025, a copy of the Record of Proceedings from said
17 public hearing being attached hereto and incorporated herein by this reference as
18 "Exhibit B," and said Commission made a recommendation of approval by a vote of 7 to
19 0; and
20

21 WHEREAS, the City has reviewed the applicant's request and prepared a staff
22 report concerning the application, which is attached hereto and incorporated herein by
23 this reference as "Exhibit C"; and
24

25 WHEREAS, proper notice was given of a public hearing before City Council, and
26 said hearing was held in accordance with the law.
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
29 SPRINGFIELD, MISSOURI, as follows, that:
30

31 Section 1 – The property generally located at 3907 South York Avenue and 4000
32 South Jonathan Avenue and described in "Exhibit A," which is attached hereto and
33 incorporated herein by this reference, is hereby rezoned from County Plot Assignment

District No. 2125 and County Plot Assignment District No. 1284 to R-TH – Residential Townhouse District. Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' is hereby amended, changed, and modified consistent with this Ordinance.

Section 2 – City Council hereby directs the City Manager, or designee, to update the City's digital zoning map to reflect this rezoning, and City Council adopts the map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in the Springfield Land Development Code, Section 36-306, 'Official zoning maps and rules of interpretation.'

Section 3 – The Official Zoning Map herein adopted shall be maintained and archived in the same digital form in which this Council has approved its adoption.

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: Laura Vales, Assistant City Attorney

Approved for Council action: [Signature], City Manager

EXHIBIT A
LEGAL DESCRIPTION

A TRACT OF LAND DESCRIBED IN BOOK 2023, PAGE 003679-23 AND PART OF BOOK 2668, PAGE 2051 IN THE RECORDER OF DEEDS OFFICE IN GREENE COUNTY, MISSOURI, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 28 NORTH, RANGE 22 WEST OF THE 5TH PRINCIPAL MERIDIAN, GREENE COUNTY, MISSOURI, ALSO BEING ALL OF LOT 2-A, REPLAT OF LOT 2 SILVERLEAF SUBDIVISION, ACCORDING TO THE RECORDED PLAT IN PLAT BOOK BBB, PAGE 111, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8" REBAR WITH CAP LABELED LC 62 AT THE SOUTHWEST CORNER OF THE DELL, TOWNHOMES ON WIRE ROAD, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AS RECORDED IN PLAT BOOK AAA AT PAGE 868 OF THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION, SOUTH 88°04'33" EAST, 329.89 FEET; THENCE LEAVING SAID SOUTH LINE, SOUTH 01°55'27" WEST, 570.58 FEET TO A POINT LYING ON THE NORTH LINE OF LOT 2-A, A REPLAT OF LOT 2 OF SILVERLEAF, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AS RECORDED IN PLAT BOOK BBB AT PAGE 111 OF THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE; THENCE ALONG SAID NORTH LINE SOUTH 88°50'16" EAST, 317.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 2-A; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOT 2-A SOUTH 01°16'36" WEST, 383.85 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2-A; THENCE LEAVING SAID EAST LINE AND ALONG THE SOUTH LINE THE FOLLOWING 3 CALLS: NORTH 88°49'56" WEST, 183.35 FEET; THENCE SOUTH 79°05'19" WEST, 643.01 FEET; THENCE NORTH 62°24'48" WEST, 205.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2-A; THENCE LEAVING SAID SOUTH LINE AND ALONG THE WEST LINE NORTH 01°52'38" EAST, 433.25 FEET TO THE NORTHWEST CORNER OF SAID LOT 2-A; THENCE LEAVING SAID WEST LINE AND ALONG AFORESAID NORTH LINE SOUTH 87°46'58" EAST, 343.97 FEET; THENCE LEAVING SAID NORTH LINE NORTH 01°54'45" EAST, 574.97 FEET TO THE POINT OF BEGINNING. CONTAINING 630,003 SQUARE FEET OR 14.46 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2002.

EXHIBIT B
RECORD OF PROCEEDINGS

Z-19-2025

3907 South York Avenue and 4000 South Jonathan Avenue

Applicant: Boehm Family Trust and Wire Road Development, LLC

Mr. Sparlin stated that this is a request to rezone approximately 14.46 acres from County Plot Assignment District #2125 and County Plot Assignment District #1284 to R-TH, Residential Townhouse District.

Mr. Doennig opened the public hearing.

Mr. David Shannon, 8689 Gourley Rd, Mountain Grove and here to answer any questions.

Mr. Mark Grieshaber, 3926 W. Kinsley Street, expressed concerns about increased stormwater runoff and flooding into Wilson's Creek, which already overflows its banks during heavy rains, potentially impacting property values. Requested stormwater officials assess the creek for widening or other improvements.

Commission members asked staff if they have checked into the houses already existing with the stream buffer and staff noted that those homes are outside of city limits, but when the development comes through the public improvement process that they will essentially have to capture their stormwater and route it to the stream and will work with the county.

Ms. Nancy Jensen, 4066 S. York Avenue, echoed concerns about flooding, providing examples of erosion and past experiences where stormwater issues were not fully resolved by previous developments (Silverleaf). Emphasized existing flood issues impacting their properties, some of which are outside city limits but directly affected.

Ms. Sharon Evans, 3961W. Maplewood Street expressed her concerns for the flooding and has had erosion in her side yard between the woods.

Mr. Doennig closed the public hearing.

Commission members asked for the representative to come back to the podium to make sure he is aware of the residents' stormwater concerns and with staff assuring that the developer is required to control runoff to prevent exacerbation and will conduct downstream analysis.

COMMISSION ACTION:

Planning and Zoning Commissioner Knuckles motioned to approve Z-19-2025. Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Gunther, Commissioner Colony, Commissioner Ridge, Commissioner Hunton, Commissioner Pauly and Commissioner Knuckles. Nays: None. Absent: Commissioner Scott and Commissioner Lebeck. Abstain: None.



Bob Hosmer, AICP
Planning Manager



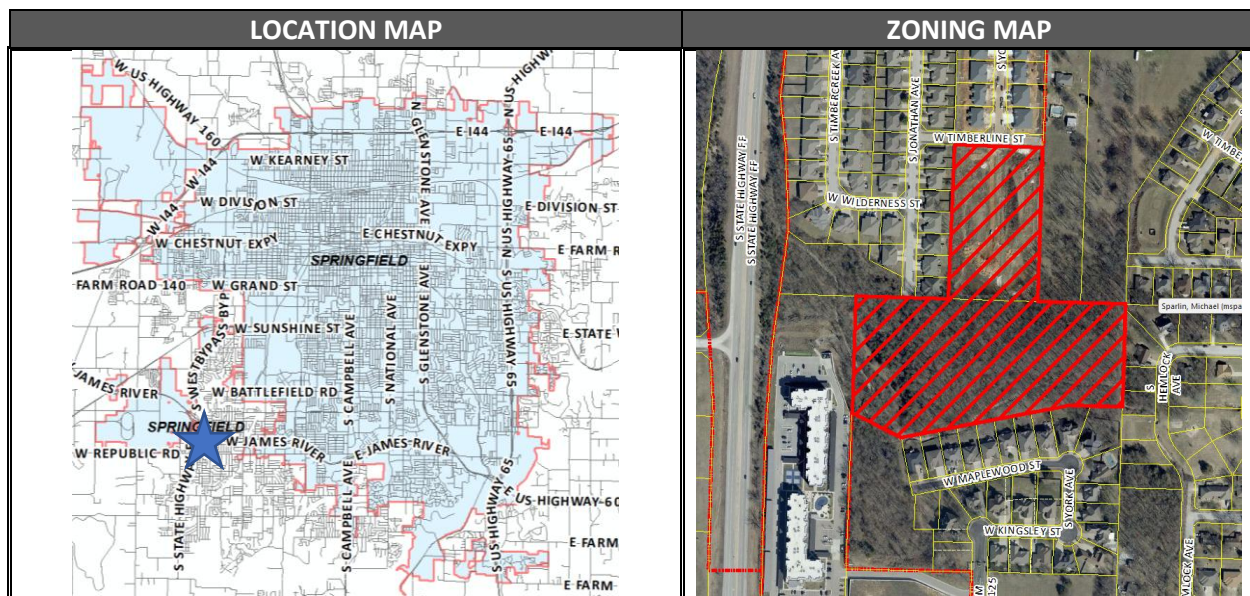
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION

Case Number:	Z-19-2025
Location:	4000 South Jonathan Avenue & 3907 South York Avenue
Total Acres:	14.46 acres
Applicant:	Wire Rd Development, LLC & Boehm Family Trust
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	September 18, 2025
Planning and Zoning Commission:	November 6, 2025
City Council:	December 15, 2025
Public Notification:	Mail, posted property, and legal in the Springfield News-Leader
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-19-2025 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to rezone approximately 14.46 acres generally located at 4000 South Jonathan Avenue & 3907 South York Avenue from County Plot Assignment District #2125 and County Plot Assignment District #1284 to R-TH, Residential Townhouse district.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT



PROPERTY HISTORY:

The north 573 feet of the subject property was annexed into the city on January 13, 2025. The remaining portion of the subject property was annexed on August 25, 2025.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezoning. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;

DEVELOPMENT REVIEW STAFF REPORT

7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-TH DISTRICT
Use Limitations	(a) There shall be a separate platted lot of record for each single-family semi-detached or townhouse dwelling unit. (b) All uses shall operate in accordance with the noise standards contained in section 36-485, noise standards. (c) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.
Minimum Lot Size	(a) <i>Minimum lot area:</i> 1. Single-family detached dwellings and residential group homes: 5,000 square feet. 2. Duplexes: 7,500 square feet. 3. Each single-family semi-detached dwelling on a separate platted lot: 3,750 square feet. 4. Each townhouse on a separate platted lot: a. End lots: 4,000 square feet. b. Interior lots: 3,000 square feet. 5. All other uses: 7,500 square feet. (b) <i>Minimum lot width:</i> 1. Single-family detached and duplex dwellings and residential group homes: 45 feet. 2. Townhouses: a. End lots: 40 feet. b. Interior lots with driveway in front yard: 30 feet. c. Interior lots without driveway in front yard: 24 feet. 3. Single-family semi-detached dwelling units: 30 feet. 4. All other uses: 45 feet. (c) <i>Minimum lot depth:</i> 80 feet.
Maximum Height	(a) <i>Maximum structure height:</i> 1. When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. 2. When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Bulk Plane	None
Minimum Yard Requirements	1. <i>Front yard:</i> a. Twenty-five feet along a street classified as a collector or higher classification street or as required by section

DEVELOPMENT REVIEW STAFF REPORT

	36-453, supplemental open space, and yard regulations. b. Fifteen feet along a street classified as a local street or as required by section 36-453, supplemental open space, and yard regulations. 2. <i>Side yards:</i> Ten feet on each side of a lot or as required by section 36-453, supplemental open space and yard regulations, provided that no side yard is required for any building that has a common wall on a lot line. 3. <i>Rear yards:</i> Ten percent of the lot depth but may not be less than ten feet nor more than 20 feet be required.
Minimum Open Space	Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified in accordance with subsection 36-482(15). Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.
Density Requirements	<i>Density requirements.</i> The maximum density shall be 3,750 square feet per dwelling unit provided the requirements of subsection 36-303(22) are met.
Design Requirements	(a) A site plan meeting the requirements of section 36-360, site plan review, shall be submitted and approved. (b) A landscape plan meeting the requirements of section 36-482, landscaping and bufferyards, and 36-483, off-street parking and loading area design standards, shall be submitted, and approved. (c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with section 36-480, screening, and fencing. (d) All outdoor storage and refuse storage areas shall be screened from view in accordance with section 36-480, screening, and fencing. (e) Mechanical and electrical equipment, including air conditioning units, shall be screened from view in accordance with section 36-480, screening, and fencing. (f) Lighting shall be designed to reflect away from any adjacent or nearby residential area and in accordance with section 36-484, lighting standards.

DEVELOPMENT REVIEW STAFF REPORT

	(g) Accessory buildings and structures shall meet the requirements of section 36-450, accessory structures and uses.
Buffering and Landscaping	Whenever any development in an R-TH district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with sections 36-480, screening, and fencing, and 36-482, landscaping and bufferyards.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the Traditional neighborhood placetype. Traditional Neighborhoods are comprised of post-war residential neighborhoods that contain predominantly single-family detached dwellings with uniform setbacks, building designs, and parcel sizes, that are separated from dissimilar uses by distinct zoning boundaries and buffer yards. Housing in Traditional Neighborhoods range from bungalows to expansive ranch style homes constructed with a variety of materials and methods. Neighborhood parks, schools, and churches are dispersed throughout to serve nearby residents. These neighborhoods can follow a gridded block pattern or curvilinear streets and are well connected internally with sidewalks and trails. Traditional Neighborhoods tend to be expansive, isolating residents from services and resources on the edges, often beyond walking distance.

Planning for Traditional Neighborhoods should strive to increase and integrate quality of place and complete neighborhood characteristics. These characteristics could include beautification efforts such as planting street trees, expanding connections and access to the greenway and trail system, and support for low-intensity multi-family, low-intensity neighborhood commercial, or a mix of uses to serve area residents. Multi-family, neighborhood commercial, or mixed use should be located on the edges of the greenway system, on higher classification roadways, or areas identified by residents during the neighborhood planning process. Preservation of residential housing and housing patterns should be prioritized where lots are predominately accessed from side or internal local streets.

Redevelopment of traditional single-family residential housing for higher-density housing or commercial should be limited to areas adjacent to identified activity centers, where circulation and access will not negatively affect the adjoining neighborhood.

LAND USES PRIMARY USES

- Single-family detached

SUPPORTING USES

- Single-family attached

DEVELOPMENT REVIEW STAFF REPORT

- Low-intensity multifamily
- Low-intensity, neighborhood commercial
- Parks, greenways, and open space
- Public and private schools and places of worship
- Low-intensity urban agriculture

CHARACTERISTICS TRANSPORTATION & INFRASTRUCTURE

- Traffic-calming measures, such as speed-humps, bump-outs, roundabouts, landscaped chicanes with integrated stormwater management, and on-street parking are used to slow traffic.
- Best management practices for stormwater management are required in development projects and within public rights-of-way, such as permeable paving, rain gardens, green roofs, native landscaping, and other low impact design strategies.
- Sidewalk gaps are filled, and sidewalks connect to transit routes, greenways and trails, and supportive uses are located within the neighborhood and around the perimeter.
- Alleys provide pedestrian connections, alternative access to rear yards, detached garages, and other approved accessory uses.
- Sense of place and identity is enhanced through neighborhood organization efforts, preservation and planting trees, neighborhood identification signs, and traffic calming improvements that double as streetscape elements.
- As technology, trends, and funds permit, utilities are buried or are consolidated along rear property lines, reducing conflicts with street trees, pedestrian infrastructure, and viewsheds.
- Major entrances into neighborhoods are marked by identification signs and landscaping.

URBAN DESIGN - BUILDING AND SITE TYPOLOGY

- The main entrances of new residential developments are oriented towards the primary street.
- Preservation and adaptive reuse of neighborhood schools and surplus buildings are encouraged.
- When appropriate, adaptive reuse of residential structures for low-intensity, neighborhood-scale nonresidential uses, including missing middle housing types, is encouraged at neighborhood nodes and along edges.
- Accommodations are made to allow expanded home occupations, without detracting from the character of the neighborhood, being conscious of changing trends and advances in technologies.
- New and infill buildings maintain the proportions and architectural features common in the existing block.
- When commercial buildings are located within or adjacent to the neighborhood, they are oriented to the street, focus on pedestrian-scale, and provide limited vehicle parking.

TRADITIONAL NEIGHBORHOOD

DEVELOPMENT REVIEW STAFF REPORT

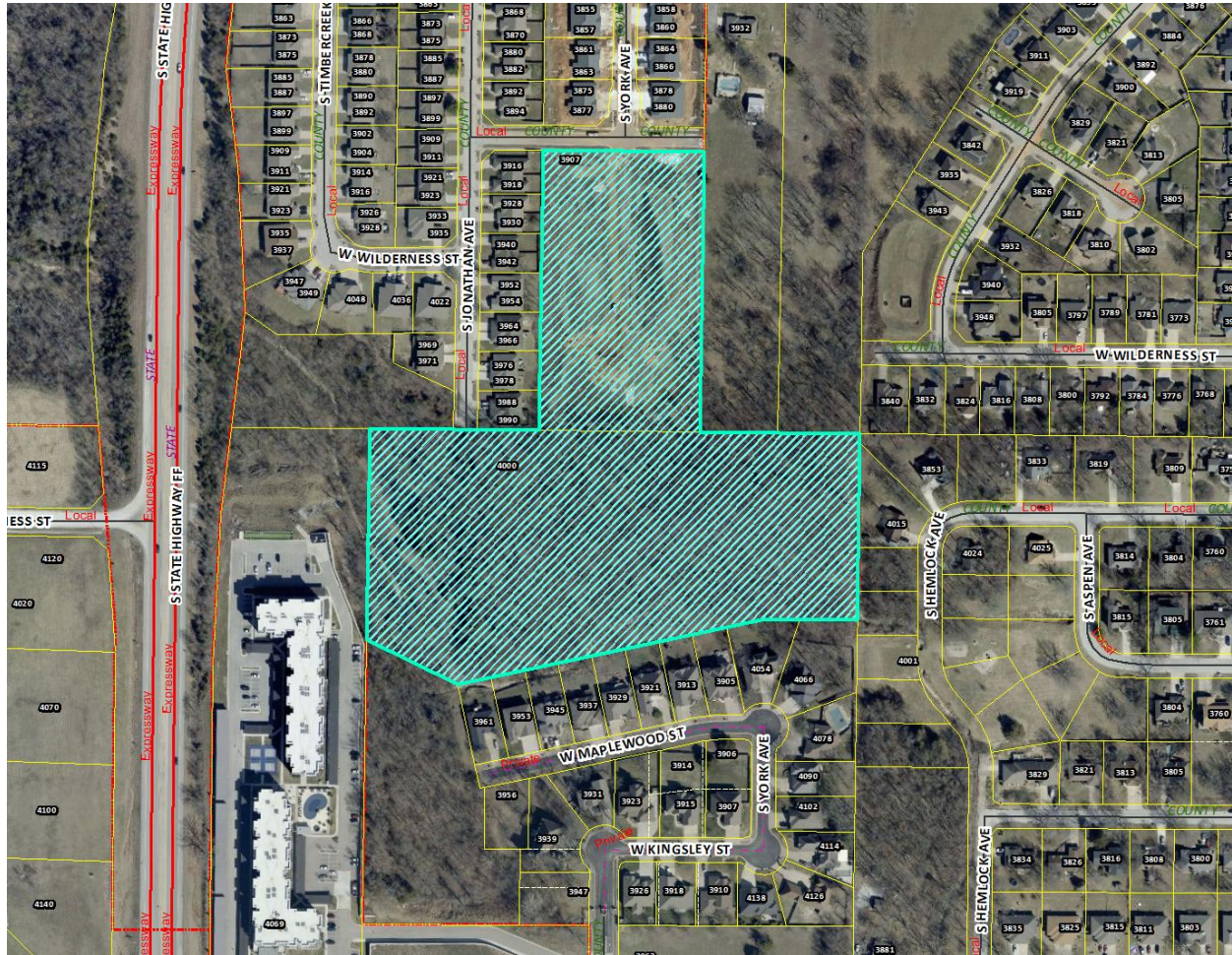
- Residential subdivisions are designed and platted with curvilinear streets in structured layouts that maximize use of land.
- Lots have uniform widths, depths, and setbacks that align with home sizes and densities.
- Attached garages are a standard element, typically integrated into the design of the home and make up a dominant part of the front elevation, reducing the on-street parking demands.
- Vehicular driveways are provided for each home and are accessed almost exclusively from the front or side street, limiting on-street parking opportunities.
- Neighborhoods are often self-regulated by covenants that limit use, size, and design of structures, as well as care and use of private amenities and common areas.

TRANSITIONS

- A “stepped down” approach is used to transition from higher density/intensity residential and non-residential uses to single-family residential homes and uses, with greater densities/intensities located on higher functioning roadways, at the periphery of the neighborhood.
- Lower density residential uses are sufficiently screened and buffered between higher density housing and nonresidential uses.
- The design of higher density residential uses integrated into the Residential Neighborhood Placetype should complement the scale and character of the surrounding neighborhood. Attention should be given to building height, orientation, architectural style, and setback to ensure the existing neighborhood character is retained.

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	County PAD 2125	County PAD 1284	County R-1	County PAD 1420 & 1788
LAND USE	Duplexes	Single-family residence	Single-family residence	Duplexes, Multi-family residential
PLACETYPES	Traditional neighborhood	Traditional neighborhood	Traditional neighborhood	Traditional neighborhood, City Corridor

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

DEVELOPMENT REVIEW STAFF REPORT

CITY UTILITIES:

No issues with the proposed rezoning.

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No issues with rezoning.

FIRE DEPARTMENT:

No issues with rezoning.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	Jonathan Ave	Local	City	50	50	NA	Yes	Yes	Yes

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

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trails or bus stops near the property.

IMPROVEMENTS - No improvements are required for this rezoning. A Traffic Impact Study (TIS) is not required for rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

	Drainage Basin	Fee in Lieu Flood Control	Fee in Lieu Water Quality	Stream Buffer	Sinkhole or Watershed	Floodplain/ Floodway
3907 S York Ave	Wilsons Creek	Depends on Stormwater Report	No	Yes	Yes	Yes

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

DETENTION AND DISCHARGE REQUIREMENTS

1. The site is draining south to the Wilsons Creek stream. Any future subdivision development will trigger the flood control requirements. The Wilsons Creek stream contains Floodway on this property and downstream. A Stormwater Report analyzing the capacity of the floodway is required at the time of development. If the floodway has the capacity to contain the future site development flood control volume a fee in lieu of detention application may be accepted.

WATER QUALITY REQUIREMENTS

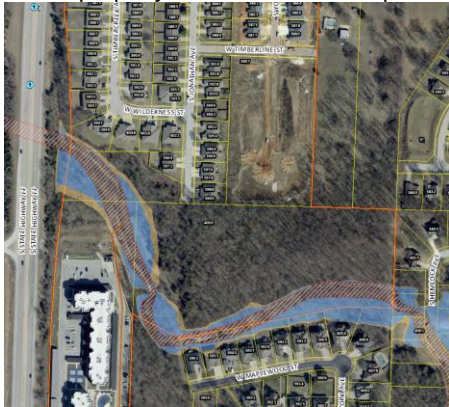
1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that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

DEVELOPMENT REVIEW STAFF REPORT

2. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
3. Water Quality Credits are available to use in design for preserved trees and new planted trees. Landscaping and Bufferyards trees required by planning cannot be used for the water quality credits unless it is part of a SCM. Chapter 10, Section 3.1.

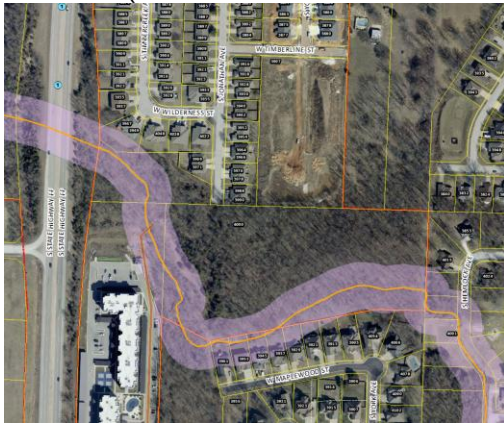
FLOODPLAIN

1. The property contains both Floodplain and Floodway from Wilsons Creek Stream.



NATURAL CHANNEL & STREAM BUFFERS

1. Wilsons Creek Category B Small Stream is present on the property. The Stream requires a minimum 160 feet wide buffer area (80 feet buffer on both sides from top-of-bank).



SINKHOLES & KARST FEATURES

1. The site survey and geotechnical report found a cave located near the stream. The cave will require a 100 feet wide buffer to prevent disturbance. No new runoff can drain to the cave from the development.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 14.46 acres generally located at 4000 South Jonathan Avenue & 3907 South York Avenue from County Plot Assignment District #2125 and County Plot Assignment District #1284 to R-TH, Residential Townhouse district. The applicant intends to build duplexes. The R-TH district would allow single-family or

DEVELOPMENT REVIEW STAFF REPORT

duplexes. Single-family detached dwellings require a minimum of 6,000 square feet of land area. Duplexes will require at least 7,500 square feet of area so a replat of lots will likely occur after zoning.

2. This application is running concurrently with the Preliminary Plat of The Dell Phase 2 which proposes to subdivide the subject property into twenty-one (21) residential lots.
3. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property within the Traditional Neighborhood placetype.
4. Single-family attached and low-intensity multifamily is listed as a supporting use in the Traditional Neighborhood placetype.
5. This application is consistent with the *Comprehensive Plan's Housing and Neighborhoods* chapter which encourages creative housing solutions to add housing diversity and support downsizing households, young professionals, and aging-in-place. The *Plan* encourages the use of "missing middle" housing types. Missing middle housing sits in the middle of the development spectrum between single-family homes and mid-rise to high-rise apartment buildings. These housing types should be integrated into Springfield's existing neighborhoods to increase housing diversity and provide a wider, more equitable range of housing choices.
6. The two County Plot Assignment Districts allow one and two-family residential uses which is similar to the permitted uses allowed in the R-TH district
7. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities' extension policy, though new easements may be necessary to accommodate this.
8. There are few known changing conditions in the area affected that make the proposed rezoning necessary.
9. The range of uses in the proposed R-TH district are compatible with the uses permitted on other property in the immediate vicinity.
10. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.
11. The impact the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
12. The proposed zoning will not correct an error in the application of this article but rather will provide a viable use of the property subject to the provisions of the zoning district.
13. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

DEVELOPMENT REVIEW STAFF REPORT

STAFF RECOMMENDATION:

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

PLANNING AND ZONING OPTIONS:

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

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

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: Residential to R-TH (Residential - Townhouse
*(existing zoning)**(proposed zoning)*
2. Meeting Date & Time: September 18, 2025
3. Meeting Location: OWN, Inc
4. Number of invitations that were sent: 140
5. How the mailing list was generated: City of Springfield
6. Number of neighbors in attendance (attach a sign-in sheet): 8
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

Please see attached

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

Please see attached

I, Lisa Davis (*print name*), attest that the neighborhood meeting was held on 09/18/2025 (*month/date/year*), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."

Lisa Davis

Signature of person completing affidavit

Lisa Davis

Printed name of person completing affidavit

During the meeting, residents expressed significant concerns regarding the creek situated between the existing residential properties and the proposed apartment complex. Their apprehensions primarily centered on potential damage to the creek, the increased risk of flooding due to new construction, and possible deforestation in the area.

EXPLANATION TO COUNCIL BILL 2025-256 (HORTON)

FILED: 11/24/2025

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.4 acres of property generally located at 4001 West Chestnut Expressway from GM, General Manufacturing District and HC, Highway Commercial District to R-LD, Low-Density Multifamily Residential District with Conditional Overlay District No. 277; establishing Conditional Overlay District No. 277; and adopting an updated Official Zoning Map. (By: Chestnut Self Storage LLC; 4001 West Chestnut Expressway; Z-24-2025 with Conditional Overlay District No. 277).

PURPOSE: Amending the Springfield Land Development Code, Section 36-306, 'Official zoning map and rules for interpretation,' by rezoning approximately 5.4 acres generally located at 4001 West Chestnut Expressway from GM, General Manufacturing District and HC, Highway Commercial District to R-LD, Low-Density Multifamily Residential District with Conditional Overlay District No. 277. (Staff and Planning and Zoning Commission recommend approval.)

BACKGROUND INFORMATION:**ZONING CASE NUMBER Z-24-2025 CONDITIONAL OVERLAY DISTRICT NO. 277**

The applicant is requesting to rezone approximately 5.4 acres generally located at 4001 West Chestnut Expressway from GM, General Manufacturing District and HC, Highway Commercial District to R-LD, Low-Density Multifamily Residential District with Conditional Overlay District No. 277. The applicant intends to develop multi-family apartments.

REMARKS: The Planning and Zoning Commission held a public hearing on November 6, 2025, and recommended approval, by a vote of 7 to 0.

The Planning and Development staff recommends the application be approved (see the attached Development Review Staff Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant is requesting to rezone approximately 5.4 acres generally located at 4001 West Chestnut Expressway from GM, General Manufacturing District and HC, Highway Commercial District to R-LD, Low-Density Multifamily

Residential District with Conditional Overlay District No. 277. The applicant intends to develop multi-family apartments.

2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor placetype. These placetypes lists multi-family as primary land use.
3. The subject property is within the Chestnut Expressway Subarea Plan which spans from Interstate-44 to College Street. The subarea plans have been developed for distinct areas in the community that exhibit significant potential for change. The Subarea Frameworks highlight key concepts and strategies for land use and development, multimodal connectivity, and circulation, streetscaping, and placemaking. They provide insight on how city-wide policies can be applied to specific areas and sites throughout the community.

This section of Chestnut Expressway contains the greatest diversity of uses of the three sections with mobile homes, hotels, a gas station, a park, a mixed-commercial strip center, and modern commercial corridor development surrounding the West Bypass intersection. Recommendations within this subarea focus on enhancing the character of existing businesses through screening and landscaping improvements as well as improving pedestrian connectivity. Opportunities also exist to transform the sizable Young/Lilley. Park into an attractive, programmed park that can help meet the recreational needs of surrounding residents while also serving as an amenity to new corridor development.

The subject property is identified as having “development opportunities” on the subarea map. This application would allow for the appropriate development of the property and is consistent with that recommendation.

4. The proposed Conditional Overlay District will limit the maximum density to eleven (11) dwelling units per acre.
5. The *Plan* recommends a “stepped down” approach to be used to transition from higher density/intensity residential and non-residential uses to single-family residential homes and uses, with greater densities/intensities located on higher functioning roadways.
6. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities’ extension policy, though new easements may be necessary to accommodate this.
7. There are few changing conditions in the area affected that make the proposed rezoning necessary. Minor development of property within the vicinity has been occurring.

8. The range of uses in the proposed R-LD district is compatible with the uses permitted on other property in the immediate vicinity.
9. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.
10. The impact of the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
11. The proposed zoning will not correct an error in the application of this article but rather will provide a viable use of the property subject to the provisions of the zoning district.
12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

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

Submitted By: Michael Sparlin, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments:

1. Z-24-2025 COD 277 - 4001 W. Chestnut Expressway
2. Z-24-2025 COD 277_exhA
3. Z-24-2025 COD 277_exhB
4. Z-24-2025 COD 277_exhC
5. Z-24-2025 COD 277_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 24
Filed: 12-09-25

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-256

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Official
2 zoning map and rules for interpretation,' by rezoning approximately
3 5.4 acres of property generally located at 4001 West Chestnut
4 Expressway from GM, General Manufacturing District and HC,
5 Highway Commercial District to R-LD, Low-Density Multifamily
6 Residential District with Conditional Overlay District No. 277;
7 establishing Conditional Overlay District No. 277; and adopting an
8 updated Official Zoning Map.
9 _____

10
11 WHEREAS, an application has been filed for a zoning change of the property
12 generally located at 4001 West Chestnut Expressway from GM, General Manufacturing
13 District and HC, Highway Commercial District to R-LD, Low-Density Multifamily
14 Residential District, and establishing Conditional Overlay District No. 277; and
15

16 WHEREAS, Conditional Overlay District No. 277 shall modify the requirements of
17 the Springfield Land Development Code Section 36-382 – R-LD – Low-density
18 multifamily residential district, by requiring that the property described in "Exhibit B"
19 comply with the requirements described in "Exhibit A," both attached hereto and
20 incorporated herein by this reference; and
21

22 WHEREAS, following proper notice, the Planning and Zoning Commission held a
23 public hearing on November 6, 2025, a copy of the Record of Proceedings from said
24 public hearing being attached hereto and incorporated herein by this reference as
25 "Exhibit C," and said Commission made a recommendation of approval by a vote of 7 to
26 0; and
27

28 WHEREAS, the City has reviewed the applicant's request and prepared a staff
29 report concerning the application, which is attached hereto and incorporated herein by
30 this reference as "Exhibit D"; and
31

32 WHEREAS, proper notice was given of a public hearing before City Council, and
33 said hearing was held in accordance with the law.

34 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
35 SPRINGFIELD, MISSOURI, as follows, that:

36
37 Section 1 – The property generally located at 4001 West Chestnut Expressway,
38 and described in “Exhibit B,” is hereby rezoned from GM, General Manufacturing District
39 and HC, Highway Commercial District to R-LD, Low-Density Multifamily Residential
40 District with Conditional Overlay District No. 277. Springfield Land Development Code,
41 Section 36-306, ‘Official zoning map and rules for interpretation,’ is hereby amended,
42 changed, and modified consistent with this Ordinance.

43
44 Section 2 – City Council hereby establishes Conditional Overlay District No. 277,
45 which shall contain the requirements and standards provided in “Exhibit A.” The
46 requirements of Conditional Overlay District No. 277 shall modify the requirements of
47 the Springfield Land Development Code Section 36-382 – R-LD – Low-density
48 multifamily residential district, by requiring the property described in “Exhibit B” to
49 comply with the requirements contained in “Exhibit A.”

50
51 Section 3 – City Council hereby directs the City Manager, or designee, to update
52 the City’s digital zoning map to reflect this rezoning, and City Council adopts the map
53 thereby amended as the Official Zoning Map of Springfield, Missouri, as provided for in
54 the Springfield Land Development Code, Section 36-306, ‘Official zoning maps and
55 rules of interpretation.’

56
57 Section 4 – The Official Zoning Map herein adopted shall be maintained and
58 archived in the same digital form in which this Council has approved its adoption.

59
60 Section 5 – This Ordinance shall be in full force and effect from and after
61 passage.

62
63 Passed at meeting: _____

64
65 _____
66 Mayor

67
68 Attest: _____, City Clerk

69
70 Filed as Ordinance: _____

71
72 Approved as to form: Laura Vales, Assistant City Attorney

73
74 Approved for Council action: [Signature], City Manager
75
76

EXHIBIT A
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-24-2025 COD 277

The requirements of Section 36-382 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. The maximum density shall be limited to eleven (11) dwelling units per acre.

EXHIBIT B
LEGAL DESCRIPTION

THAT CERTAIN PARCEL OR TRACT OF LAND BEING ORIGINALLY PLATTED AS THE SOUTH ONE-HALF OF LOT 58, THE VACATED PORTION OF WALNUT STREET AND ALL OF LOT 59 OF THE NEW AND AMENDED PLAT OF JUNCTION CITY MO, A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, NOW BEING DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING 1/2" IRON PIN AT THE NORTHWEST CORNER OF SAID SOUTH ONE-HALF OF LOT 58;
THENCE, S87°44'04"E, ALONG THE NORTH LINE OF SAID SOUTH ONE-HALF, A DISTANCE OF 338.51 FEET TO A SET 1/2" IRON PIN WITH A CAP STAMPED "WLS LSC 370";
THENCE, ALONG THE PLATTED EAST LINES OF AFORESAID LOTS FOR THE FOLLOWING TWO (2) DESCRIBED COURSES:
THENCE, S02°37'32"W, A DISTANCE OF 316.84 FEET TO AN EXISTING 1" PIPE;
THENCE, S02°30'43"W, A DISTANCE OF 330.44 FEET TO AN EXISTING 5/8" IRON PIN WITH A CAP STAMPED "GREAT RIVER";
THENCE, N88°33'44"W, A DISTANCE OF 276.65 FEET;
THENCE, S02°20'10"E, A DISTANCE OF 284.81 FEET TO A POINT BEING ON THE APPARENT NORTH RIGHT-OF-WAY LINE OF CHESTNUT EXPRESSWAY;
THENCE, N89°18'17"W, ALONG SAID APPARENT NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 60.02 FEET;
THENCE, ALONG THE PLATTED WEST LINES OF AFORESAID LOTS FOR THE FOLLOWING TWO (2) DESCRIBED COURSES:
THENCE, N02°20'10"E, A DISTANCE OF 610.41 FEET TO AN EXISTING 5/8" IRON PIN;
THENCE, N02°27'42"E, A DISTANCE OF 327.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.4 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

EXHIBIT C RECORD OF PROCEEDING

Z-24-2025 COD 277

4001 West Chestnut Expressway

Applicant: Chestnut Self Storage, LLC

Mr. Sparlin stated that this is a request to rezone approximately 5.4 from GM, General Manufacturing District and HC, Highway Commercial District to R-LD, Low-Density Multifamily Residential District with Conditional Overlay District No. 277.

Mr. Sparlin also mentioned that staff became aware that some comments didn't appear in the staff report that's posted online, and those comments have been provided tonight and will be forwarded to City Council. He stated that staff treats comments very seriously and apologized for the error.

Commission members inquired about GM zoning activities (intense industrial uses), surrounding residential zoning, and the "no-build" stream buffer (100 ft wide) and raised concerns about single access from Chestnut Expressway for all 59 units and potential traffic implications.

Commissioner Doennig opened the public hearing.

Mr. David Bodeen, 304 W. Erie Street, believes RLD is a "neighborhood friendly change" and less intense than current GM zoning and the proposed density is 6.5 units/acre (36 units total, 8 quadplexes, 2 duplexes), significantly below the 11 units/acre limit. The 100 ft stream buffer will be a natural "no-go zone," except for a driveway and utility connections and acknowledged ideal desire for more access points but is landlocked. Fire access and turnarounds meet requirements. He also clarified that proposed buildings are two-story, like existing quadplexes to the east but at lower density and confirmed no intent for storage units, which were previously advertised by a former owner. The highway commercial portion (fronting Chestnut) is owned by the same entity but is not being rezoned; it will house a roofing company. Both the residential and commercial sections will share the single existing driveway access to Chestnut Expressway (MoDOT's jurisdiction, no new driveways allowed).

Mr. James Holton, 505 N. Orchard Crest Avenue, stated that his major concerns are about traffic and highlighted existing heavy traffic on Chestnut Expressway from an industrial park, detour routes, and busy Casey's. Worried about increased danger, lack of recent traffic studies, and declining property values from this and nearby low-income developments. Believed the developer was not being clear about plans (heard "storage units" and "warehouse").

Ms. Brenda Elliott, 1141 E. Woodlane Street, noted concern about air pollution (diesel trucks from ABC Roofing), water runoff, noise, groundwater pollution, and excessive traffic. Also stated that her opposing comment card was initially missing from the packet.

Mr. Joe Drake, 4057 W. Chestnut Expressway, not opposed to development but questioned the single access point for both commercial (ABC Roofing) and residential traffic and raised concerns about school bus traffic in the area and potential problems at the intersection.

Staff noted that Chestnut Expressway is MoDOT's and it's an expressway under state code and private access to an expressway is not allowed, so it would only come through the MoDOT if they allowed it. Another driveway would not meet MoDOT's spacing requirements the developer was told that both lots that exist today will be required to share the existing access that's already there.

Commissioner Doennig closed the public hearing.

Commission members emphasized that the current GM zoning allows for much higher-intensity industrial uses without needing commission approval, while the gray "island" of GM zoning remains (not under purview for this case), rezoning to RLD with a limited density represents a "better option long-term" than what could otherwise be built.

COMMISSION ACTION:

Planning and Zoning Commissioner Knuckles motioned to approve Z-24-2025 COD 277.

Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Gunther, Commissioner Colony, Commissioner Ridge, Commissioner Hunton, Commissioner Pauly and Commissioner Knuckles. Nays: None. Absent: Commissioner Scott and Commissioner Lebeck. Abstain: None.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', written over a horizontal line.

Bob Hosmer, AICP
Planning Manager



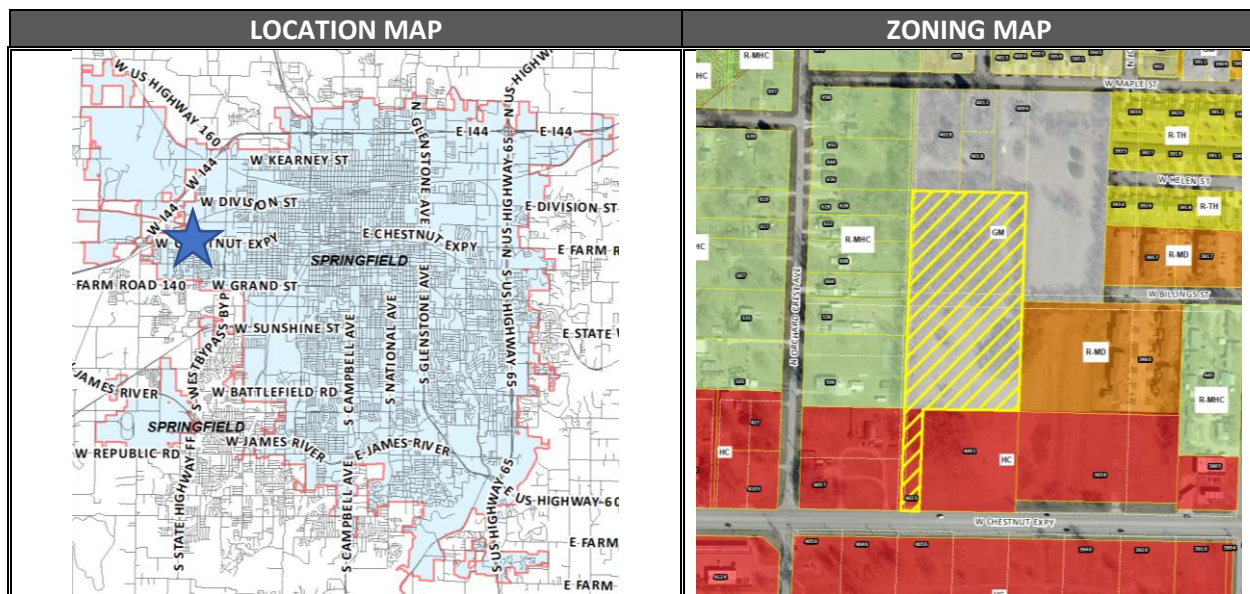
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION:

Case Number:	Z-24-2025 with Conditional Overlay District No. 277
Location:	4001 West Chestnut Expressway
Total Acres:	5.4 acres
Applicant:	Chestnut Self Storage LLC
Existing Land Use:	Undeveloped land
Neighborhood Meeting:	October 16, 2025
Planning and Zoning Commission:	November 6, 2025
City Council:	December 15, 2025
Public Notification:	Mail, posted property, and legal in the Springfield News-Leader
Staff:	Michael Sparlin, Senior Planner
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of rezoning case Z-24-2025 with Conditional Overlay District No. 277 as set forth in Attachment 1 (All commission motions are made in the affirmative).
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to rezone approximately 5.4 acres generally located at 4001 West Chestnut Expressway from GM, General Manufacturing District and HC, Highway Commercial District to R-LD, Low-Density Multifamily Residential District with Conditional Overlay District No. 277.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE STREETVIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property was zoned HC and GM in the 1995 city-wide remapping.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-367. – Amendments

(7) Findings by the commission.

(a) Rezoning. If the application is for a reclassification of property to a different zoning district classification on the zoning map, the report of the planning and zoning commission may consider:

1. Whether the proposed zoning district classification is consistent with the Springfield Comprehensive Plan;
2. Whether there are any changed or changing conditions in the area affected that make the proposed rezoning necessary;
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
4. Whether adequate utility and sewer and water facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned;
5. The impact the uses, which would be permitted if the property were rezoned, will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity;
6. Whether the proposed rezoning would correct an error in the application of this article as applied to the subject property;
7. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied; and
8. Information submitted at the public hearing.

ZONING ORDINANCE REQUIREMENTS:

CODE ITEM	REQUIREMENTS FOR R-LD
Minimum Yard Requirements	Front yard: Twenty-five feet along a street classified as a collector or higher classification street or as required by section 36-453, supplemental open space, and yard regulations.
Maximum Height	Thirty-five feet plus one additional foot for each additional two feet of setback provided on each side of the structure up to 75 feet. Above 75 feet, no additional setback is required.
Minimum Open Space	Not less than 20 percent.
Buffering and Landscaping	A bufferyard is only required when permitted nonresidential use locates adjacent to residential use or vacant land except park property and community gardens.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

PLACETYPE:

DEVELOPMENT REVIEW STAFF REPORT

The *Comprehensive Plan's Land Use & Development* chapter identifies the north portion of the subject property as the City Corridor placetype.

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

Primary Land Uses:

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

Supporting Land Uses:

- Public and private schools and places of worship
- Parks, greenways, and open space
- Urban agriculture
- Universities, colleges, and vocational schools
- Personal and outdoor storage

Characteristics

TRANSPORTATION & INFRASTRUCTURE

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

URBAN DESIGN - BUILDING AND SITE TYPOLOGY:

- Residential development and commercial buildings should be oriented to the street.
- Parking should be located behind or beside the primary buildings with abundant landscaping and screening to encourage greater interest and interaction between the adjoining street and the building, that contributes to community-wide quality of place.

DEVELOPMENT REVIEW STAFF REPORT

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

TRANSITIONS:

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

The subject property is within the Chestnut Expressway Subarea Plan which spans from Interstate-44 to College Street. The subarea plans have been developed for distinct areas in the community that exhibit significant potential for change. The Subarea Frameworks highlight key concepts and strategies for land use and development, multimodal connectivity, and circulation, streetscaping, and placemaking. They provide insight on how city-wide policies can be applied to specific areas and sites throughout the community.

This section of Chestnut Expressway contains the greatest diversity of uses of the three sections with mobile homes, hotels, a gas station, a park, a mixed-commercial strip center, and modern commercial corridor development surrounding the West Bypass intersection. Recommendations within this subarea focus on enhancing the character of existing businesses through screening and landscaping improvements as well as improving pedestrian connectivity. Opportunities also exist to transform the sizable Young/Lilley Park into an

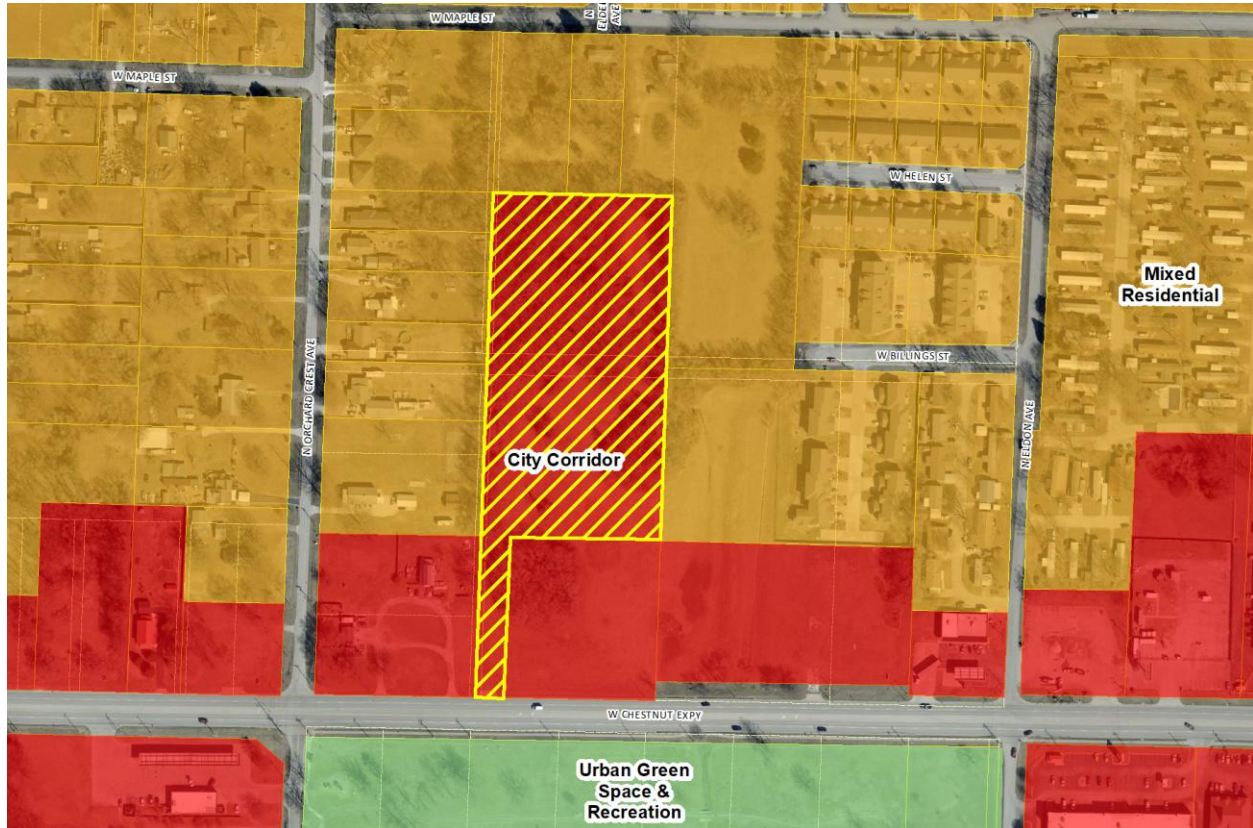
DEVELOPMENT REVIEW STAFF REPORT

attractive, programmed park that can help meet the recreational needs of surrounding residents while also serving as an amenity to new corridor development.

The subject property is identified as having “development opportunities” on the subarea map. This application would allow for the appropriate development of the property and is consistent with that recommendation.

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES													
	Single Family Detached	Single Family Attached	Multi-family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office / Hospitality / Retail Sales & Service	Neighborhood Commercial	Major / Arisan & Innovation Spaces	Public & Private Schools & Places of Worship	Universities / Colleges & Vocational Schools	Government / Healthcare & Institutional Facilities	Personal Storage / Outdoor Sales & Service	Light Industry
Residential Neighborhood	●	○	◇	○	◇	◇	○							
Mixed Residential	●	●	○	◇	◇	◇	○							
Downtown	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○

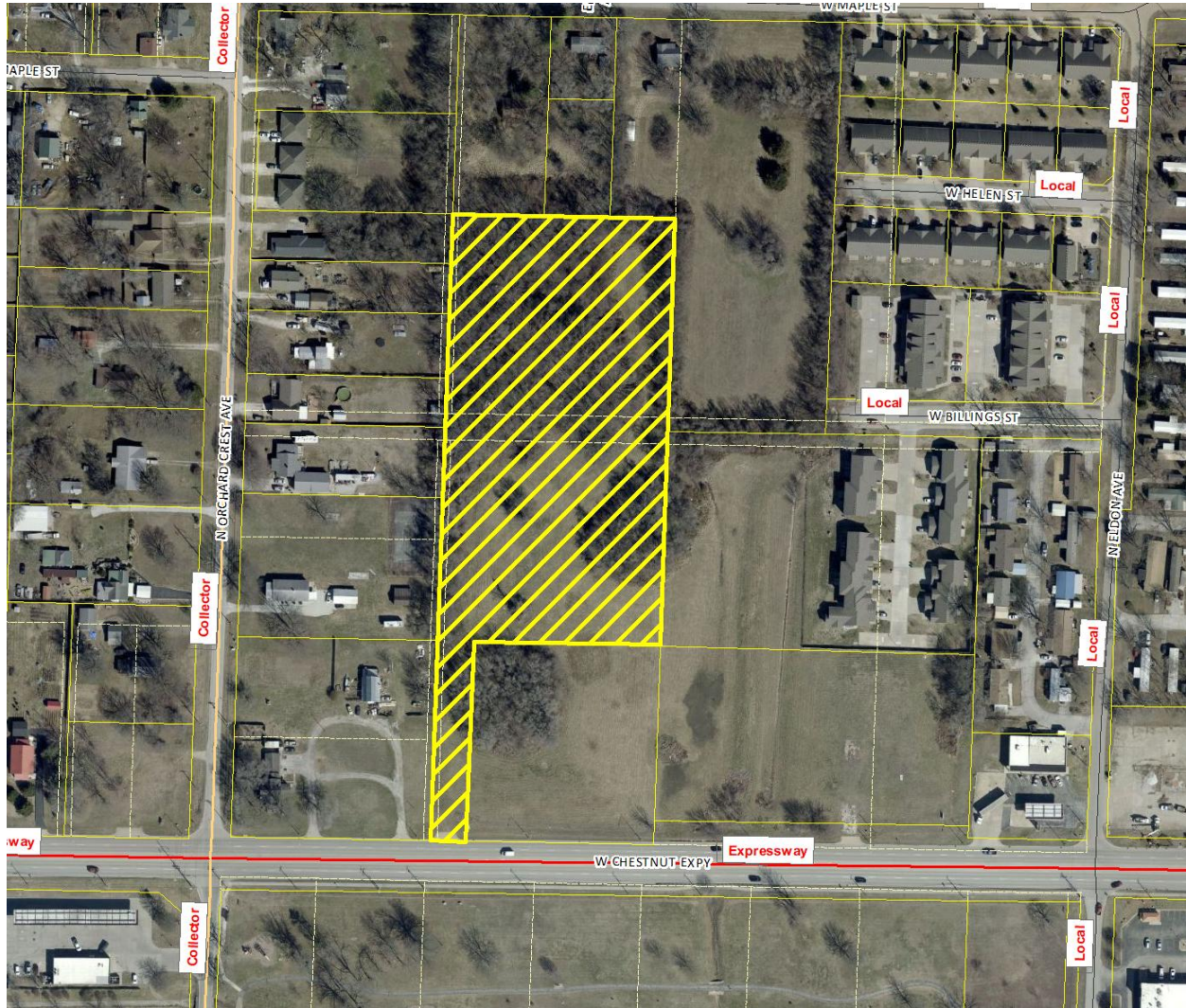
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	GM	HC	HC, R-MD, GM	HC, R-MHC
LAND USE	Single-family residences, undeveloped land	Undeveloped land, city park	Undeveloped land	Single-family residences
PLACETYPES	Mixed residential	City Corridor, Urban Green space & Recreation	City Corridor, Mixed Residential	City Corridor, Mixed Residential

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

No comments.

CITY UTILITIES:

No issues

DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

No objection to the rezoning. Public sewer will be available for both lots once the public improvements have been completed.

FIRE DEPARTMENT:

No objections to rezoning. Ensure SFD access to the proposed development.

DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	W. Chestnut Expressway	Expressway	MoDOT	65	29	18,500	No	Yes	No

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

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trails near the property. There are bus stops at Chestnut Expy. and Orchard Crest Ave. and at Chestnut Expy. and Eldon Ave.

IMPROVEMENTS - No improvements are required for this rezoning. A Traffic Impact Study (TIS) is not required for rezoning.

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

	Drainage Basin	Fee in Lieu Flood Control	Fee in Lieu Water Quality	Stream Buffer	Sinkhole or Watershed	Floodplain/ Floodway
4001 W Chestnut Expy	Upper Wilson's Creek	No	No	Yes	No	No

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

DETENTION AND DISCHARGE REQUIREMENTS

1. The lot and upstream area drain to the box culvert under Chestnut Expy. The limited capacity of the box culvert requires most if not all developments to provide flood control for prevention of increases to the peak flowrates.

DEVELOPMENT REVIEW STAFF REPORT

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 CHANNEL & STREAM BUFFERS

1. A Category C Large Tributary of Upper Wilsons Creek drains NW to SE through the property. At time of development or platting a minimum 100 feet wide stream buffer area is required for the lot. This buffer is 50 feet wide from top of bank on both sides of the stream.



SINKHOLES & KARST FEATURES

DEVELOPMENT REVIEW STAFF REPORT

N/A

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is requesting to rezone approximately 5.4 acres generally located at 4001 West Chestnut Expressway from GM, General Manufacturing District and HC, Highway Commercial District to R-LD, Low-Density Multifamily Residential District with Conditional Overlay District No. 277. The applicant intends to development multi-family apartments.
2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor placetype. This placetypes lists multi-family as primary land use.
3. The subject property is within the Chestnut Expressway Subarea Plan which spans from Interstate-44 to College Street. The subarea plans have been developed for distinct areas in the community that exhibit significant potential for change. The Subarea Frameworks highlight key concepts and strategies for land use and development, multimodal connectivity, and circulation, streetscaping, and placemaking. They provide insight on how city-wide policies can be applied to specific areas and sites throughout the community.

This section of Chestnut Expressway contains the greatest diversity of uses of the three sections with mobile homes, hotels, a gas station, a park, a mixed-commercial strip center, and modern commercial corridor development surrounding the West Bypass intersection. Recommendations within this subarea focus on enhancing the character of existing businesses through screening and landscaping improvements as well as improving pedestrian connectivity. Opportunities also exist to transform the sizable Young/Lilley Park into an attractive, programmed park that can help meet the recreational needs of surrounding residents while also serving as an amenity to new corridor development.

The subject property is identified as having “development opportunities” on the subarea map. This application would allow for the appropriate development of the property and is consistent with that recommendation.

4. The proposed Conditional Overlay District will limit the maximum density to eleven (11) dwelling units per acre.
5. The *Plan* recommends a “stepped down” approach to be used to transition from higher density/intensity residential and non-residential uses to single-family residential homes and uses, with greater densities/intensities located on higher functioning roadways.
6. The subject property has access to City Utilities infrastructure, and any necessary extension of such services can be provided via City Utilities’ extension policy, though new easements may be necessary to accommodate this.
7. There are few changing conditions in the area affected that make the proposed rezoning necessary. Minor development of property within the vicinity has been occurring.
8. The range of uses in the proposed R-LD district is compatible with the uses permitted on other property in the immediate vicinity.

DEVELOPMENT REVIEW STAFF REPORT

9. There are adequate utility and sewer and water facilities existing or can be provided to serve the uses that would be permitted on the property if it were rezoned.
10. The impact of the uses, which would be permitted if the property were rezoned, is not expected to significantly increase the volume of vehicular and pedestrian traffic or reduce traffic safety in the vicinity.
11. The proposed zoning will not correct an error in the application of this article but rather will provide a viable use of the property subject to the provisions of the zoning district.
12. A reasonably viable economic use of the subject property will not be precluded if the proposed rezoning is denied.

STAFF RECOMMENDATION:

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

PLANNING AND ZONING OPTIONS:

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

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

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1

CONDITIONAL OVERLAY DISTRICT PROVISIONS NO. 277

The requirements of Section 36-382 of the Springfield Zoning Ordinance shall be modified herein for development within this district to include the following:

1. The maximum density shall be limited to eleven (11) dwelling units per acre.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: GM / HC to R-LD
(existing zoning) (proposed zoning)
2. Meeting Date & Time: 10-16-25
3. Meeting Location: 4001 W. Chestnut
4. Number of invitations that were sent: 103
5. How the mailing list was generated: By City
6. Number of neighbors in attendance (attach a sign-in sheet): 4
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved).

-Traffic concerns
-Stormwater Concerns

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

I, DAVID BODEEN (print name), attest that the neighborhood meeting was held on 10-16-25 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

DAVID BODEEN

Printed name of person completing affidavit

October 28, 2025

Bob Hosmer, AICP Planning Manager
City of Springfield Development Review Office
840 Boonville Avenue
Springfield, Missouri

COMMENT CARD:

Date: October 28, 2025 Telephone No.: 417 883-4086

Name: Orchard Meadows LLC, Brenda Elliott

Your Address: 1141 E. Woodland, Springfield, Mo 65807

Project Address: 4001 W. Chestnut Expressway, Springfield

I am opposed to the rezoning of property at 4001 W. Chestnut Expressway, Springfield.

CONCERNS:

Water run off

Noise pollution

Ground water pollution

Diesel exhaust pollution

Enforcement of city's, no diesel idling policy

Air pollution

Excessive traffic

I feel this development will de-value my property at 4006 W. Maple, with lots directly north and east of the proposed zoning changes.

Brenda Elliott

EXPLANATION TO COUNCIL BILL 2025-257 (JENSON)

FILED: 11/17/2025

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A special ordinance granting Conditional Use Permit No. 484 for the purpose of permitting an automobile service garage within a GR, General Retail District, generally located at 4545 South Lyon Avenue. (By: TKG-RKS Joint Venture, LLC; 4545 S. Lyon Avenue; Conditional Use Permit No. 484).

PURPOSE: To permit an automobile service garage within a GR, General Retail District, generally located at 4545 South Lyon Avenue (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION:

CONDITIONAL USE PERMIT NUMBER 484

The applicant, TKG-RKS Joint Venture, LLC, is requesting a Conditional Use Permit to construct a new Dobbs Tire and Auto Center.

CONDITIONS: The regulations and standards listed on Exhibit D - Attachment 2 shall govern and control the use and development of the land in Conditional Use Permit Number 484 in a manner consistent with the attached site plan (Exhibit D - Attachment 4).

FINDINGS FOR STAFF RECOMMENDATION:

1. The GR, General Retail District requires a conditional use permit review for any new automotive service garage uses in this district.
2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor placetype. This placetype allows for primary uses such as office, hospitality, retail sales and service uses.
3. A site plan has been provided (Attachment 4) showing the proposed layout, grading and landscaping.
4. Staff has determined that the requested rezoning and Conditional Use Permit are in general alignment with the objectives and intent of the *Comprehensive Plan's* City Corridor placetype as outlined in the Compatibility with the Comprehensive Plan section.



REMARKS: The Planning and Zoning Commission held a public hearing on November 6, 2025, and recommended approval, by a vote of 7 to 0 of the proposed conditional use permit (see the attached "Exhibit C," Record of Proceedings).

The Planning and Development staff recommends the application be approved with the conditions (see attached Exhibit A).

Submitted By: Daniel Neal, Senior City Planner, Councilmember Adib-Yazdi, Councilmember

Authorized for inclusion on the agenda pursuant to City Code section 2-33:
Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments:

1. Conditional Use Permit 484 - 4545 South Lyon Avenue
2. CUP 484_exhA
3. CUP 484_exhB
4. CUP 484_exhC
5. CUP 484_exhD

One-rdg. _____
P. Hrngs. X
Pgs. 32
Filed: 12-09-25

Sponsored by: Jenson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-257

SPECIAL ORDINANCE _____

AN ORDINANCE

1 GRANTING Conditional Use Permit No. 484 for the purpose of permitting an
2 automobile service garage within a GR, General Retail District,
3 generally located at 4545 South Lyon Avenue.
4 _____
5

6 WHEREAS, pursuant to Section 36-363 of the Land Development Code, City
7 Council may grant permits authorizing certain enumerated conditional uses as provided
8 in the various zoning districts; and
9

10 WHEREAS, an application was received requesting a permit to place an
11 automobile service garage within a GR, General Retail District; and
12

13 WHEREAS, following proper notice, the Planning and Zoning Commission held a
14 public hearing on November 6, 2025, a copy of the Record of Proceedings from said
15 public hearing being attached hereto and incorporated herein by this reference as
16 "Exhibit C," and recommended approval of Conditional Use Permit No. 484 by a vote of
17 7 to 0; and
18

19 WHEREAS, City Council finds that sufficient evidence has been presented to
20 satisfy all applicable standards of the Land Development Code for issuance of
21 Conditional Use Permit No. 484; and
22

23 WHEREAS, the granting of such permit is deemed proper, and it is not found to
24 harm the community or injure the value, lawful use, and reasonable enjoyment of
25 properties in the vicinity of 4545 South Lyon Avenue.
26

27 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
28 SPRINGFIELD, MISSOURI, as follows, that:
29

30 Section 1 – City Council adopts the City staff’s specific findings of fact on the
31 proposed conditional use as set forth in “Exhibit D – Attachment 2.” “Exhibit D” is
32 attached hereto and incorporated herein by this reference in its entirety. Conditional Use
33 Permit No. 484 is hereby granted in accordance with and subject to the provisions of
34 Section 36-363 of the Land Development Code. Conditional Use Permit No. 484 is

35 granted for the purpose of permitting an automobile service garage within a GR,
36 General Retail District, located at the property described in "Exhibit B," which is
37 attached hereto and incorporated herein by this reference, and which is generally
38 located at 4545 South Lyon Avenue.

39
40 Section 2 – Building permits, certificates of occupancy, and any other required
41 permits or approvals may be issued by the duly authorized officials of the City provided
42 that such issuance is consistent with Section 36-363 of the Land Development Code,
43 any other applicable City regulation or ordinance, and the "Requirements for Conditional
44 Use Permit 484" described in "Exhibit D – Attachment 1" and "Exhibit A," which are
45 attached hereto and incorporated herein by this reference. Additionally, the provisions
46 contained in "Exhibit D – Attachment 1" and "Exhibit A" shall govern and control the use
47 and development of the land described in "Exhibit B," in a manner consistent with the
48 attached site plan depicted on "Exhibit D – Attachment 4."

49
50 Section 3 – Any violation of the provisions of this Ordinance shall be grounds for
51 the revocation of the Conditional Use Permit granted by the adoption of this Ordinance.

52
53 Section 4 – This Ordinance shall be in full force and effect from and after
54 passage only so long as the Property and any improvements thereon conform to the
55 conditions and requirements described in Section 36-363 of the Land Development
56 Code, other applicable City regulations or ordinances (as determined by the City in its
57 sole discretion), and this Ordinance.

58
59 Passed at meeting: _____

60
61 _____
62 Mayor
63

64 Attest: _____, City Clerk
65

66 Filed as Ordinance: _____
67

68
69 Approved as to form: Laura Vales, Assistant City Attorney
70

71
72 Approved for Council action: [Signature], City Manager

EXHIBIT A
REQUIREMENTS FOR CONDITIONAL USE PERMIT 484

1. The automotive service garage, as defined in Section 36-321 of the Zoning Ordinance, shall comply with all the standards listed in Attachment 2.
2. An automotive service garage, as defined in Section 36-321 of the Zoning Ordinance, is permitted in conformance with Attachment 4. No automobile body and fender repair or paint shops are permitted.
3. All other standards of the Zoning Ordinance and other applicable Ordinances shall be adhered to.

EXHIBIT B
LEGAL DESCRIPTION
CONDITIONAL USE PERMIT 484

A TRACT OF LAND BEING ALL OF LOT SIX (6), FINAL PLAT OF JAMES RIVER COMMONS, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI AS RECORDED IN BOOK 2008, 23229-08, BEING PART OF SECTION 14, TOWNSHIP 28 NORTH, RANGE 22 WEST OF THE FIFTH P.M., CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6 OF JAMES RIVER COMMONS, SAID POINT BEING ALSO AT THE SOUTHEAST CORNER OF LOT 7 AND THE SOUTH LINE OF THE PARENT SUBDIVISION; THENCE LEAVING SAID SOUTH LINE AND ALONG THE PERIMETER OF LOT 6 THE FOLLOWING COURSES, N00°02'05"E 228.80 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE S89°57'55"E 304.93 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE S00°02'05"W 204.96 FEET TO THE A POINT ON THE SOUTHEAST CHAMFER OF LOT 6; THENCE S15°36'49"W 42.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 6; THENCE N88°48'27"W 274.99 FEET TO THE POINT OF BEGINNING, CONTAINING 1.61 ACRES MORE OR LESS.

SUBJECT TO EXISTING EASEMENTS, CONDITIONS, AND RESTRICTIONS OF RECORD.

EXHIBIT C
RECORD OF PROCEEDINGS
Planning and Zoning Commission – November 6, 2025

Conditional Use Permit 484
4545 South Lyon Avenue
Applicant: TKG-RKS Joint Venture, LLC

Mr. Neal stated that this is a request to permit an automobile service garage within a GR, General Retail District.

Commissioner Doennig opened the public hearing.

Mr. Todd Richards, 1391 Corporate Drive, expressed gratitude to staff and the applicant's (Dobbs) enthusiasm to be part of the community.

Commissioner Doennig closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commissioner Knuckles motioned to approve Conditional Use Permit 484. Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Gunther, Commissioner Colony, Commissioner Ridge, Commissioner Hunton, Commissioner Pauly and Commissioner Knuckles. Nays: None. Absent: Commissioner Scott and Commissioner Lebeck. Abstain: None.



Bob Hosmer, AICP
Planning Manager

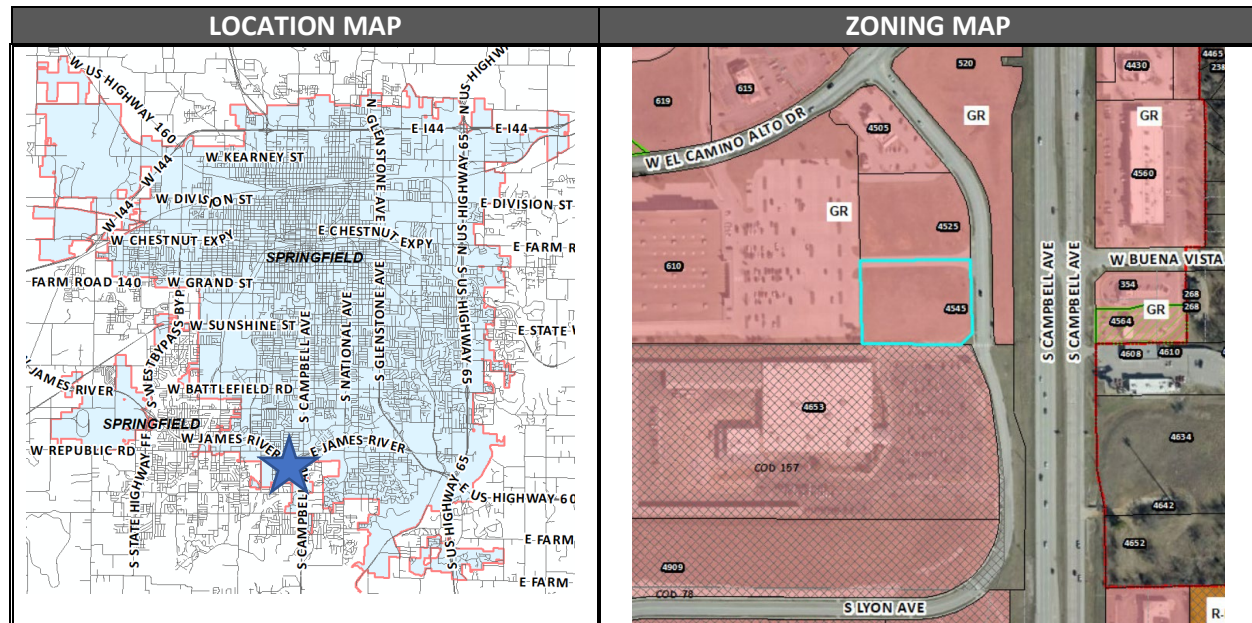


DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Conditional Use Permit No. 484
Location:	4545 S. Lyon Avenue
Total Acres:	1.6 acres
Applicant:	TKG-RKS Joint Venture, LLC
Existing Land Use:	Vacant/undeveloped lot
Neighborhood Meeting:	October 1, 2025
Planning and Zoning Commission:	November 6, 2025
City Council:	December 15, 2025
Public Notification:	Mail, posted property, and legal in Springfield News-Leader
Staff:	Daniel Neal, Senior Planner, (417) 864-1036
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to adopt the staff's responses in Attachment 2 to the staff report as the findings of fact and recommend approval of CUP 484 subject to the conditions listed in Attachment 1 to the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to permit an automobile service garage within a GR, General Retail District, generally located at 4545 South Lyon Avenue.

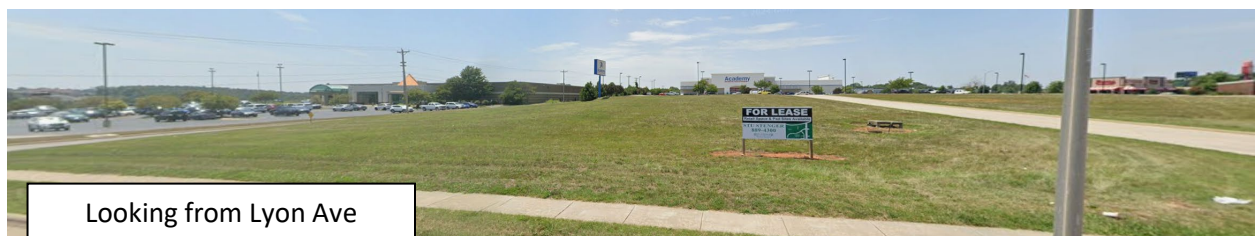


DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The subject property has been zoned GR, General Retail District, since the 1995 citywide rezoning.

PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 36-363. – Conditional Use Permit

(1) *Purpose.* The conditional use permit procedure is designed to provide the planning and zoning commission and the city council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety, and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed and located to avoid, minimize, or mitigate any potentially adverse effects upon the community or other properties in its vicinity. The discretionary conditional use permit procedure is designed to enable the planning and zoning commission and the city council to impose conditions upon such uses and structures that are designed to avoid, minimize or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure, and to deny requests for a conditional use permit when it is apparent that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity of the proposed use or structure.

(8) *Period of validity.*

(a) No conditional use permit shall be valid for a period longer than 18 months from the date on which the city council grants the conditional use permit, unless within such 18 months period:

1. A building permit is obtained, and the erection or alteration of a structure is started; or
2. An occupancy permit is obtained, and the conditional use is commenced.

The city council may grant one additional extension not exceeding 18 months, upon written application, without notice or hearing provided such grant is approved by city council prior to the expiration of the original 18-month period. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a conditional use permit. This additional extension shall be considered to have begun on the date of expiration of the original conditional use permit regardless of when this additional extension is granted by city council.

(b) When a conditional use is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be reestablished or resumed unless a new conditional use permit is granted by city council consistent with this section. The burden of proof shall be on the property owner to show that the conditional use has not been discontinued or abandoned for a period of 12 consecutive months or longer.

DEVELOPMENT REVIEW STAFF REPORT

COMPATIBILITY WITH COMPREHENSIVE PLAN:

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

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

Primary Land Uses:

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

Supporting Land Uses:

- Public and private schools and places of worship
- Parks, greenways, and open space
- Urban agriculture
- Universities, colleges, and vocational schools
- Personal and outdoor storage

Characteristics

TRANSPORTATION & INFRASTRUCTURE

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

URBAN DESIGN - BUILDING AND SITE TYPOLOGY:

- Residential development and commercial buildings should be oriented to the street.

DEVELOPMENT REVIEW STAFF REPORT

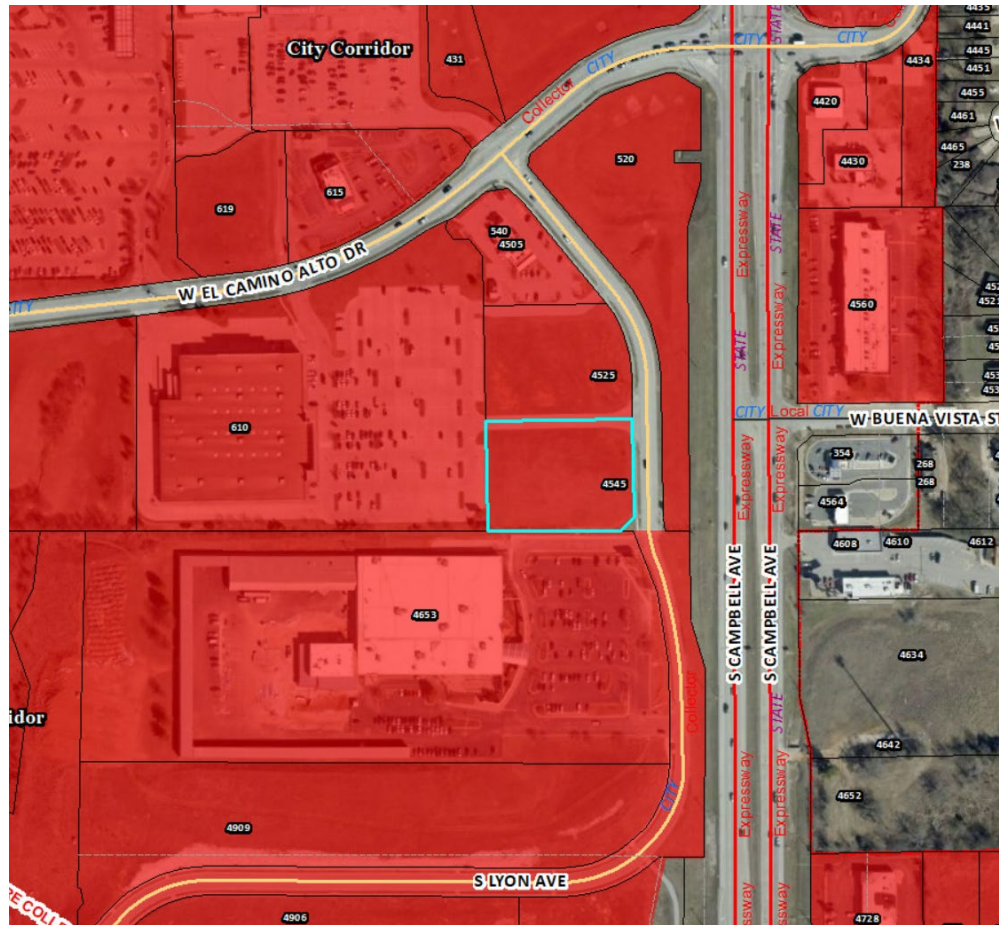
- Parking should be located behind or beside the primary buildings with abundant landscaping and screening to encourage greater interest and interaction between the adjoining street and the building, that contributes to community-wide quality of place.
- Pedestrian pathways within large parking lots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

TRANSITIONS:

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

DEVELOPMENT REVIEW STAFF REPORT

FUTURE PLACETYPE MAP:



PLACETYPES	LAND USES													
	Single-Family Detached	Single-Family Attached	Multi-Family	Parks & Open Space	Sports Complexes & Recreational Facilities	Urban Agriculture	Office, Hospitality, Retail Sales & Service	Neighborhood Commercial	Major, Artisan & Innovation Spokes	Public & Private Schools & Vocational Schools	Government, Healthcare & Institutional Facilities	Personal Storage, Outdoor Sales & Service	Light Industry	Warehouse & Distribution Facilities
Residential Neighborhood	●	○	◇	○	◇	◇	○	○	○	○	○	○	○	○
Mixed Residential	●	●	○	○	◇	◇	○	○	○	○	○	○	○	○
Downtown	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Mixed-Use	○	○	○	○	○	○	○	○	○	○	○	○	○	○
City Corridor	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Institutional & Employment Center	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Business Flex	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Industry & Logistics	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Urban Green Space & Recreation	○	○	○	○	○	○	○	○	○	○	○	○	○	○

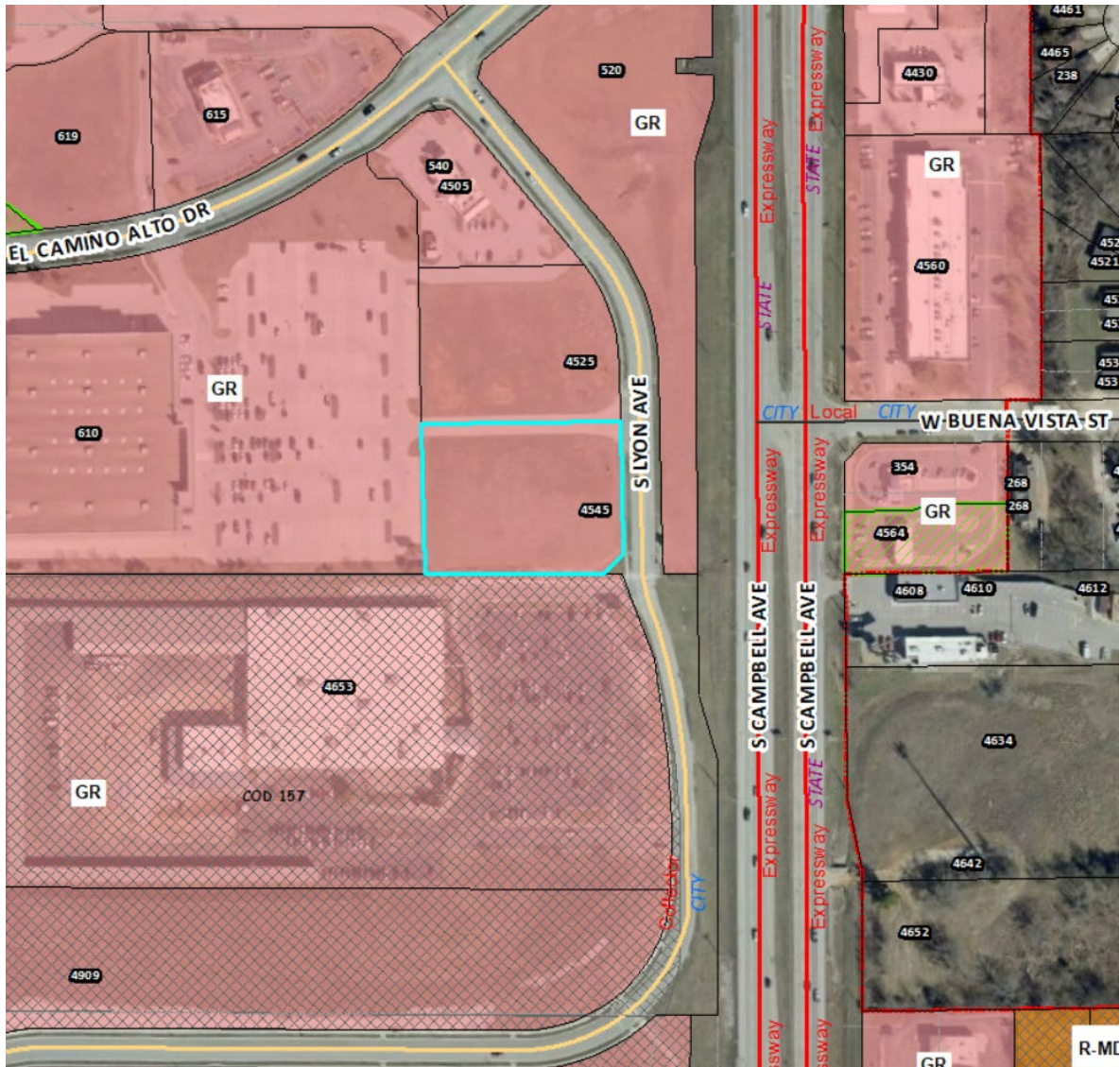
● **Primary Land Use:**
More prominent and play a pivotal role in characterizing that placetype

○ **Supporting Land Use:**
Less prevalent and serve to support the primary land use.

◇ **Low Intensity Supporting Land Use:**
Less prevalent and serve to support the primary use at neighborhood scale

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



SURROUNDING ZONING, LAND USES AND PLACETYPES:

	NORTH	SOUTH	EAST	WEST
ZONING	GR	GR	GR	GR
LAND USE	Vacant/undeveloped	Library Center	Automotive service garage	Retail sales use
PLACETYPES	City Corridor	City Corridor	City Corridor	City Corridor

DEVELOPMENT REVIEW STAFF REPORT

DEPARTMENT COMMENTS:

1. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:
No comments.
2. CITY UTILITIES:
No issues with proposed CUP.
3. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:
No issues with the CUP.
4. FIRE DEPARTMENT:
No comments.
5. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

SITE DESCRIPTION & DRAINAGE PATTERN

	Drainage Basin	Fee in Lieu Flood Control	Fee in Lieu Water Quality	Stream Buffer	Sinkhole or Watershed	Floodplain/ Floodway
4545 S Lyon Ave	Ward Branch	No, Regional Flood Control	No, Regional Water Quality	No	No	No

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

DETENTION AND DISCHARGE REQUIREMENTS

1. The James River Commons Subdivision regional extended dry detention basin provides for flood control. The future site will connect into the local storm sewer.

WATER QUALITY REQUIREMENTS

1. The James River Commons Subdivision regional extended dry detention basin provides flood control. The future site will connect into the local storm sewer.

FLOODPLAIN

N/A

NATURAL CHANNEL & STREAM BUFFERS

N/A

SINKHOLES & KARST FEATURES

N/A

ADDITIONAL STORMWATER REQUIREMENTS

N/A

DEVELOPMENT REVIEW STAFF REPORT

6. DEPARTMENT OF PUBLIC WORKS TRAFFIC DIVISION:

TRAFFIC REPORT

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	S. Lyon Avenue	Collector	City	30	30	NA	No	Yes	Yes

ACCESS - All access to the development shall comply with current City of Springfield standards for the street classification.

TRAILS, BUS STOPS, AND ADDITIONAL INFORMATION - There are no Greenway Trails near the property. There is 1 bus stop on Lyon Avenue in front of the property.

IMPROVEMENTS - No improvements are required for this conditional use permit. A traffic study is not required for this conditional use permit.

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant, TKG-RKS Joint Venture, LLC, has requested this Conditional Use permit automotive service garage within a GR, General Retail District, generally located at 4545 South Lyon Avenue. The applicant is proposing a new Dobbs Tire and Auto Center.
2. The *Comprehensive Plan's Land Use & Development* chapter identifies the subject property as the City Corridor placetype. This placetype allows for primary uses such as office, hospitality, retail sales and service uses.
3. A site plan has been provided (Attachment 4) showing the proposed site plan, grading and landscaping.
4. Staff has determined that the requested rezoning and Conditional Use Permit are in general alignment with the objectives and intent of the *Comprehensive Plan's City Corridor* placetype as outlined in the Compatibility with the Comprehensive Plan section (above).
5. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in the staff report (above).
6. The applicant held a neighborhood meeting on October 1, 2025, regarding the rezoning request. A summary of the meeting is attached (Attachment 3).
7. The public notice was advertised in the Springfield News Leader at least 15 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to

DEVELOPMENT REVIEW STAFF REPORT

the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet.

STAFF RECOMMENDATION:

1. Staff recommends approval based on the proposal's general conformance to the *Comprehensive Plan's* City Corridor placetype and based on the development's compliance with the standards of approval below (Attachment 2).

PLANNING AND ZONING OPTIONS:

The Planning and Zoning Commission shall make one of the following recommendations in connection with each proposed conditional use:

1. Recommend against the proposed conditional use,
2. Recommend approval of the proposed conditional use, or
3. Recommend approval of the proposed conditional use together with recommendations which, in the judgment of the Planning and Zoning Commission, will protect adjacent property and ensure that the proposed conditional use is consistent with the purpose and intent of this article.

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 1 CONDITIONAL USE PERMIT NO. 484

1. The automotive service garage, as defined in Section 36-321 of the Zoning Ordinance, shall comply with all the standards listed in Attachment 2.
2. An automotive service garage, as defined in Section 36-321 of the Zoning Ordinance, is permitted in conformance with Attachment 4. No automobile body and fender repair or paint shops are permitted.
3. All other standards of the Zoning Ordinance and other applicable Ordinances shall be adhered to.

DEVELOPMENT REVIEW STAFF REPORT

ATTACHMENT 2 STANDARDS FOR CONDITIONAL USE PERMIT NO. 484

Sec. 36-363 (10) Standards. An application for a Conditional Use Permit shall be granted only if evidence is presented at the public hearing which establishes the following:	Applicant's response:	Staff's response:
1. The proposed conditional use will be consistent with the adopted policies in the Springfield <i>Comprehensive Plan</i> .	The Comprehensive Plan designates this Placetype at City Corridor and as such Dobbs Tire and Auto (Dobbs) believes that the proposed development aligns with the listed primary use of for the Placetype. The proposed driveways for the Dobbs facility will connect to an existing private subdivision drive that provides access to S. Lyon Avenue.	Staff has concluded that the proposed conditional use within the existing CC, Center City District is in general alignment with the <i>Comprehensive Plan's</i> City Corridor Placetype designation.
2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.	The proposed development will not alter the existing traffic patterns or pedestrian walkways along S. Lyon Avenue. The proposed access points to the site will connect to the existing subdivision road and the proposed development will not have direct access to S. Lyon Avenue	Public Works – Traffic has reviewed the proposed conditional use and has determined that it will not adversely affect the safety of the motoring public or of pedestrians using the facility or within the immediate surroundings of the proposal.
3. The proposed conditional use will adequately provide for safety from fire hazards and have effective measures of fire control.	The fire control measures will be provided by the existing fire hydrant located at the southeast corner of the site. The proposed building construction will be Type IIB consisting of split face CMU block and EIFS. The hydrant flow testing	The Fire Department has reviewed the proposed conditional use and hasn't noted any concerns about fire safety and fire control measures. The Fire Department's comments are provided within the Department Comments section of the staff report, above.

DEVELOPMENT REVIEW STAFF REPORT

	performed by the City returned a flow rate of 2,140 GPM at the existing hydrant north of the site. The flow test shows a static pressure of 93 and residual pressure of 83 at the hydrant at the southeast corner of the site.	
4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.	Stormwater management for the parcel has been provided by the original subdivision design. The proposed Dobbs development will provide onsite storm sewers to connect to the existing area inlet at the northeast corner of the site. The existing storm sewer was designed for the 25-year and 100-year storm events as described by the City stormwater department. The James River Commons subdivision included the construction of a stormwater detention basin which included stormwater quality measures	Public Works – Stormwater has reviewed the proposed conditional use and has provided their comments within the Department Comments section of the staff report, above.
5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district.	Dobbs believes that the noise from the proposed business will be in general conformance with the typical permitted uses within GR zoning.	Staff does not have any concerns pertaining to the anticipated noise levels associated with the proposed CUP uses which should fit in with the existing uses in the area.
6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.	Dobbs believes that the vehicle and stationary lights will not affect the established characteristic of the neighborhood in that the subdivision is commercial in nature and adjacent properties are zoned GR. East of the site is US Highway 160. Efforts will be made to mitigate vehicle	All future stationary lighting will be required to meet the requirements and limitations of Section 36-484, Exterior lighting.

DEVELOPMENT REVIEW STAFF REPORT

	lights originating from the site.	
7. The location, lighting, and type of signs and the relationships of signs to traffic control is appropriate for the site.	The proposed monument or pylon sign will be set back from the S. Lyon Avenue ROW by approximately 20 feet and approximately 29 feet from the nearest edge of pavement along S. Lyon Avenue. Lighting for the proposed pylon or monument sign and building signage will be in conformance with the applicable City Code and will be similar to the other businesses in the area.	Any signage must comply with the requirements and limitations of the CUP approval standards and Section 36-454, Signs, of the Zoning Ordinance.
8. Such signs will not have an adverse effect on any adjacent properties.	Dobbs believes that the that these signs will not have an adverse effect of the adjacent properties and will generally be similar in nature to the existing signage for the surrounding properties within the General Retail District.	Any signage must comply with the requirements and limitations of Section 36-454, Signs, of the Zoning Ordinance.
9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.	Dobbs believes that the street right-of-way and pavement width is adequate for the proposed traffic created by this use.	As previously noted by Public Works – Traffic, there are no concerns at this time regarding the proposal's impact on traffic in the area.
10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.	The proposed Dobbs development will provide 61 total parking stalls which will not adversely affect the parking facilities of the surrounding properties. Dobbs believes that the proposed facility will not adversely affect the use is compatible with the adjacent properties which are zoned General Retail.	Staff doesn't anticipate that the proposed development will adversely impact or be incompatible with the surrounding property.

DEVELOPMENT REVIEW STAFF REPORT

11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: a. The location, nature and height of buildings, structures, wall and fences on the site; and b. The nature and extent of landscaping and screening on the site.	The proposed store and trash enclosure will be located so that they are outside of the required building setbacks. The height of the store will be approximately 28 feet tall. The exterior materials of the store are planned to be split face CMU and EIFS. Fencing and walls are not anticipated at this location. The proposed landscaping will be in general conformance with the applicable City Code for the zoning.	Staff doesn't anticipate any changes that would dominate the immediate vicinity or interfere with the development and use of the neighboring property.
12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.	The existing site is currently vacant land with grass cover and is part of the James River Commons subdivision. The parcel was mass graded during the development of the subdivision and there are no known significant natural features of the site proposed.	Staff has no concerns with the effects this use will have to surrounding properties.
13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.	There are no known natural, scenic or historical features within the parcel since it was mass graded as part of the James River Commons subdivision.	Staff isn't aware of any features that will be destroyed or lost with the development of this site.
14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size	Dobbs believes that the proposed development complies with the applicable regulation of the City Code. The proposed	The proposed use and site plan appear to comply with all district regulations.

DEVELOPMENT REVIEW STAFF REPORT

requirements, bulk regulations, use limitations and performance standards.	development will not change the existing zoning of the parcel which is General Retail (GR) and it is assumed that the lot size is per the City zoning requirements. The proposed use is allowed as a conditional use within GR zoning. Dobbs believes that the landscape setbacks are met per their understanding of the regulations. The proposed development will provide at least 20 percent of the gross site area devoted to landscape area.	
15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.	The proposed development will provide the community with an additional location for automotive repair and tire service. It will also provide employment opportunities for the community.	The proposed use will contribute to the general welfare of the City.
16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located to protect such residential uses from any injurious effect.	The nearest residential areas are located approximately 1,400 feet to the west behind the existing Academy Sports + Outdoors store and approximately 560 feet to the east on the opposite side of S Campbell Ave (US Highway 160). The proposed development will provide 62 parking stalls all within the same lot as the proposed building. Dobbs believes that the proposed parking meets the applicable standards of the City Code.	The development must meet the requirements of Section 36-455 of the Zoning Ordinance.
17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent	There are two driveways for the proposed development which connect	The applicant is proposing both driveways off an existing access driveway/easement which will

DEVELOPMENT REVIEW STAFF REPORT

traffic hazards and to minimize traffic congestion in public streets and alleys.	to the existing subdivision road leading to Academy Sports + Outdoors. The driveways provide two options for customers to enter and exit the site. Dobbs believes that this configuration will minimize traffic hazards and congestion within the public streets.	minimize traffic hazards and congestion along Lyon Avenue.
18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.	The proposed parking design provides for traffic circulation around the building and two access points to the subdivision road. Dobb believes that the development will promote safe vehicle and pedestrian traffic circulation within the site and is compatible with off-site traffic patterns.	The applicant has worked with Public Works on their site plan to provide continued access to the site and less hazards to the safety of vehicles or pedestrians.
19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.	The proposed parking lot pavement and building does not encroach into the utility easements to the east, south and west sides of the parcel. There will minimal encroachment into the existing 10' sewers easement at the northeast corner of the site and the encroachment will not interfere with functionality of this easement.	There is not any known interference with any public rights-of-way or easements.
20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.	There are no existing structures on site.	The site is vacant and undeveloped.
21. The proposed conditional use will be served adequately by	Dobbs believes that the proposed development has sufficient access to the	The property is currently served by all public facilities and services.

DEVELOPMENT REVIEW STAFF REPORT

essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.	public facilities and services. There are existing vehicle and pedestrian access points to the site. The site also has access to public water, sanitary sewer and storm sewer systems.	
---	--	--

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Conditional Use Permit for: Dobbs Tire and Auto (Automobile Service)
2. Meeting Date & Time: October 1, 2025, 4:00pm to 6:30pm
3. Meeting Location: The Library Center, 4653 S. Campbell Ave., Springfield, MO 65810
4. Number of invitations that were sent: 21
5. How was the mailing list generated: Prepared by City
6. Number of neighbors in attendance (attach a sign-in sheet): 3
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

Where are the proposed driveway access points for the development? It was explained that the two driveways will connect to the existing subdivision access road leading to Academy Sports + Outdoors.
 Will a retaining wall be needed to make up the grade differential? It was explained that at this time based on the preliminary grading plan, a retaining wall is not anticipated.
 How much traffic will be generated? The average traffic for the proposed development is anticipated to be approximately 50 customer vehicles per day, which is fairly typical of an auto & tire repair center.
 There were questions regarding the nature of the proposed business and general building / parking lot layout of the development. These questions were answered by presenting the site and grading plan to those in attendance.

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

No written comments received at this time.

I, Todd Richards (*print name*), attest that the neighborhood meeting was held on 10/01/2025 (*month/date/year*), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."



Signature of person completing affidavit

Todd Richards
Printed name of person completing affidavit



NEIGHBORHOOD MEETING SIGN-IN SHEET

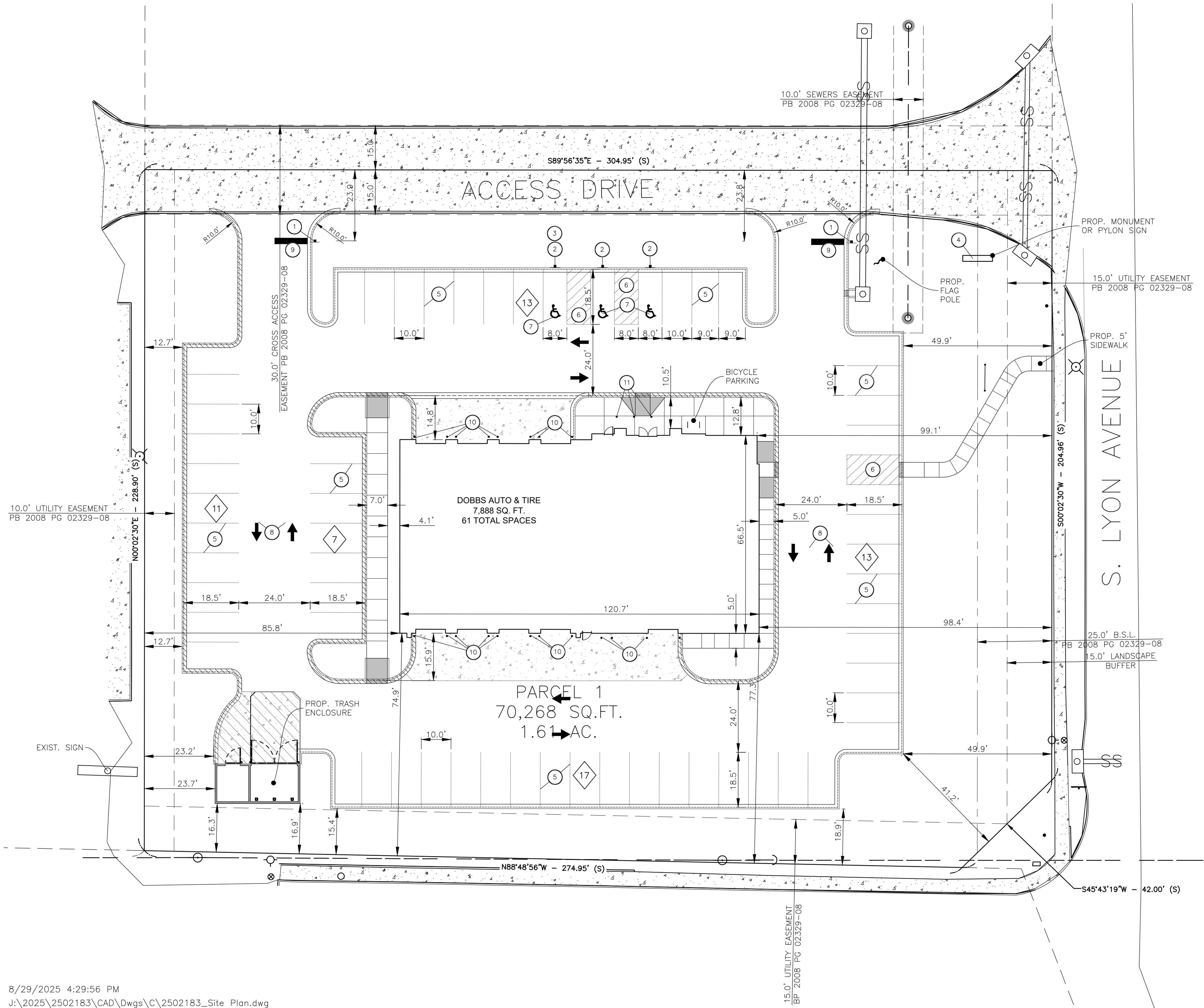
Project Name: Dobbs Tire & Auto Centers, 4545 S Lyon Ave., Springfield, MO

Presenter: Cody Hightower

Date: October 1, 2025 Time: 4:00PM - 6:30 PM

Location: The Library Center, 4653S. Campbell Ave., Springfield, MO 65810

Name (Please Print)	Representing	Phone Number	E-Mail Address
Stu Stenger	TKB-RKS JV	417-889-4300	stustengerhomes.com
GREG HALL	RONSTENGER CO.	417-336-8044	ghall@ronstenger.com
Ed Walton	Springfield Greene Library	417-883-5366	ewalton@thelibrary.org



SIGN/STRIPING LEGEND:
SIGN LOCATION AS NOTED ON PLAN

- 1 DENOTES "STOP" R1-1, 30" X 30" (TYP.)
- 2 DENOTES "HANDICAPPED PARKING" (BOLLARD MOUNTED) R7-8, 12" X 18" (TYP.) DENOTES "\$250 FINE" R7-1101 6" X 12" (TYP.)
- 3 DENOTES "VAN ACCESSIBLE" D9-6P (BOLLARD MOUNTED WITH SIGN #2)
- 4 MONUMENT OR PYLON SIGN (SEE SIGNAGE PACKAGE)
- 5 4" SOLID YELLOW STRIPING (TYP)
- 6 4" YELLOW DIAGONALS
- 7 HANDICAP PARKING SYMBOL
- 8 YELLOW URBAN THRU ARROW
- 9 24" SOLID WHITE STOP BAR
- 10 CONCRETE BOLLARD
- 11 BOLLARD WITH LIGHT
- 12 FLAG POLE, 30' HEIGHT (SEE SIGNAGE PACKAGE)

SITE DATA:

ZONING: GR - GENERAL RETAIL

- * LOT 6 SIZE: 70,268± SQ. FT. (1.61 AC.)
- * PROPOSED IMPERVIOUS AREA: 46,713± SQ. FT. (66.5%)

BUILDING AREA:

- * AUTO SERVICE FOOT PRINT: 7,888± SQ. FT.
- * FLOOR AREA RATIO (F.A.R.) = 0.11
- * NUMBER OF SERVICE BAYS = 8

PARKING DATA:

- * TYPICAL PARKING WIDTH: 10.0'
- * TYPICAL PARKING LENGTH: 18.5'
- * TYPICAL AISLE WIDTH: 24.0'
- * REGULAR PARKING SPACES PROVIDED: 58
- * ADA PARKING SPACES PROVIDED: 3
- * TOTAL PARKING SPACES PROVIDED: 61
- * TOTAL PARKING SPACES REQUIRED: 31
- AUTO SERVICE REPAIR SHOP PARKING FORMULA:
2 SPACES PER SERVICE BAY PLUS 1 SPACE PER EMPLOYEE
(2*8=16)+(15 EMPLOYEES=15) = 31 STALLS
- * TYPICAL BICYCLE PARKING WIDTH: 24"
- * TYPICAL BICYCLE PARKING LENGTH: 72"
- * TYPICAL BICYCLE PARKING AREA OF CLEARANCE: 48"
- * BICYCLE PARKING SPACES PROVIDED: 4
- * BICYCLE PARKING SPACES REQUIRED: 3 (FOR 51-75 CAR SPACES)

PROJECT NOTES:

- * ALL CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS AND OR CONNECTION TO PUBLIC SEWERS AND STREETS SHALL COMPLY WITH THE CITY OF SPRINGFIELD & MoDOT STANDARD CONSTRUCTION SPECIFICATIONS.
- * AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT THE CITY OR MoDOT TO OBTAIN APPLICABLE CITY OR MoDOT PERMITS.
- * INGRESS/EGRESS WILL BE PROVIDED INTERNAL AND EXTERNAL TO THIS SITE.
- * ALL CONCRETE CURB & GUTTER SHALL BE 18" (B6.12) UNLESS OTHERWISE NOTED ON THE PLANS.
- * ALL PAVEMENT DIMENSIONS ARE MEASURED TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- * ALL CONSTRUCTION MATERIALS, DUMPSTER, DETACHED TRAILERS OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY

HATCH LEGEND

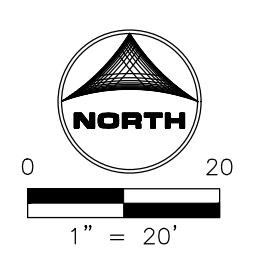
- DENOTES STANDARD ASPHALT PAVEMENT SECTION
- DENOTES STANDARD CONCRETE SECTION
- DENOTES HEAVY DUTY CONCRETE SECTION
- DENOTES PROP. SIDEWALK
- DENOTES AREA OF DEPRESSED SIDEWALK
- DENOTES AREA OF DEPRESSED CURB AND GUTTER WITH LENGTH NOTED ON PLANS.
- DENOTES REVERSE CURB & GUTTER



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Missouri.

ERIK C. HERTEL, P.E.
License Number: PE-2024015700
My license renewal date is DECEMBER 31, 2026
Pages or sheets covered by this seal: C-04

08/29/2025
DATE



ISSUED FOR PERMIT

REVISION DESCRIPTION	
NO.	DATE

ILLINOIS DESIGN FIRM
184-001322
1391 CORPORATE
DRIVE, SUITE 203
MCHEENRY, IL 60050
PHONE: 815.385.1778
FAX: 713.965.0044

HRGreen

4545 S LYON AVENUE, SPRINGFIELD, MO 65810
DOBBS TIRE & AUTO CENTERS, INC.
SPRINGFIELD, MO
CIVIL
SITE PLAN

BAR IS ONE INCH ON
OFFICIAL DRAWINGS
0 1"
IF NOT ONE INCH,
ADJUST SCALE ACCORDINGLY

DRAWN BY: MRJ
APPROVED: TMR
JOB DATE: 04/25/2025
JOB NO: 2502183

DRAWING
C-04

GENERAL NOTES:

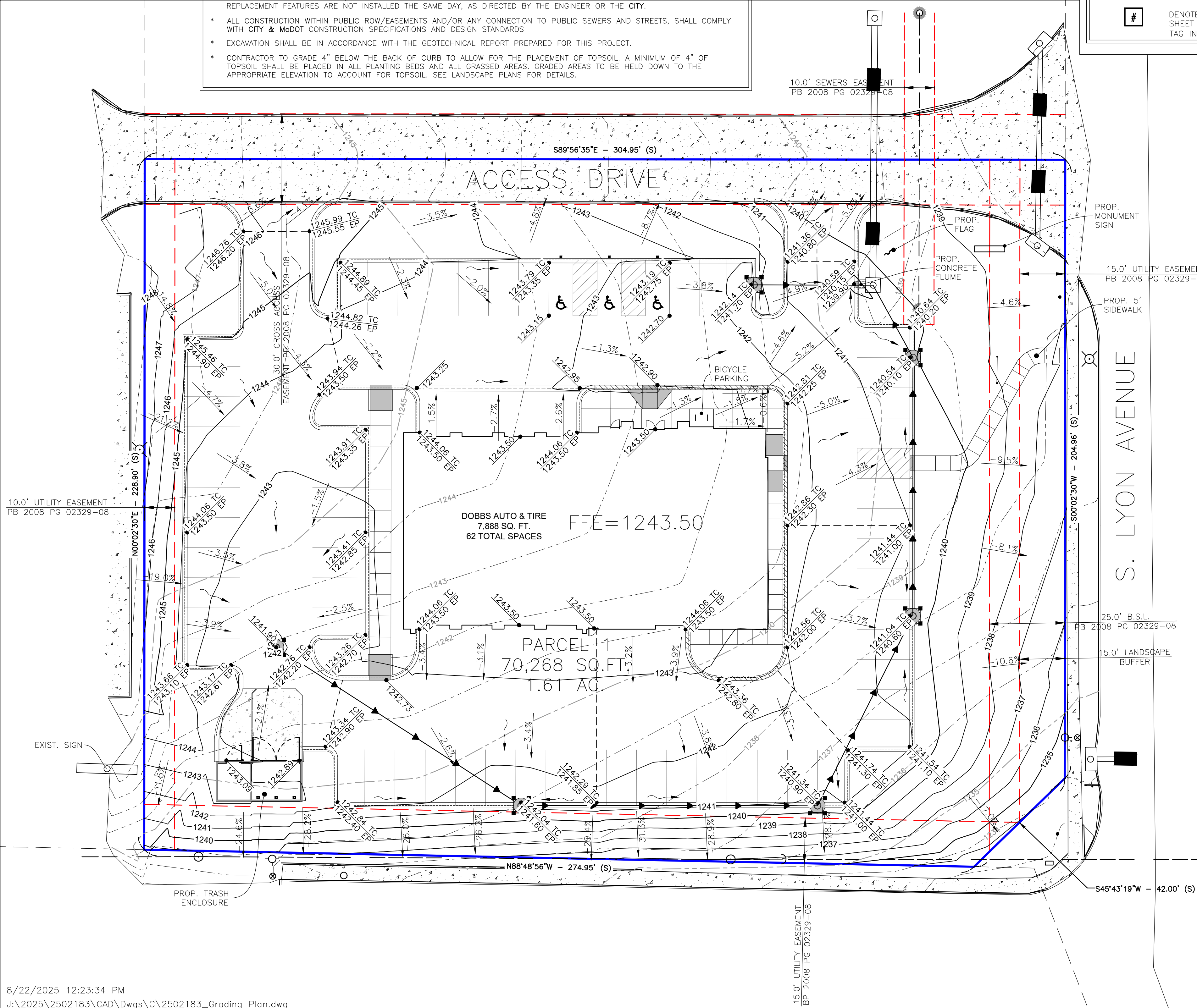
- * ACCESSIBLE PARKING, RAMPS, AND SIGNAGE SHALL COMPLY WITH ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES.
- * ALL WORK SHALL BE IN ACCORDANCE WITH OSHA CODES AND STANDARDS, NOTHING INDICATED ON THE DRAWINGS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ANY APPROPRIATE SAFETY REGULATIONS.
- * 48 HOURS PRIOR TO CONSTRUCTION WITHIN CITY OR STATE ROW OR ANY CONNECTION TO PUBLIC SEWERS, CONTRACTOR SHALL NOTIFY THE APPROPRIATE CITY ENGINEERING DIVISIONS.
- * CONTRACTOR TO VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS. PLACE 3/4 INCH EXPANSION JOINT BETWEEN ALL P.C.C. PAVEMENT/ SIDEWALKS AND BUILDING, PLACE 1/2 INCH EXPANSION JOINT BETWEEN SIDEWALKS AND P.C.C. PAVEMENT. CUT/TRIM EXPANSION JOINTS TO BE FLUSH WITH SURFACE.
- * ALL PROPERTY PINS SHALL BE PROTECTED FROM GRADING OR OTHER OPERATIONS. ANY PINS DISTURBED SHALL BE RESET AT THE CONTRACTOR'S EXPENSE.
- * DO NOT STORE CONSTRUCTION MATERIALS AND EQUIPMENT IN THE RIGHT-OF-WAY.
- * THE CONTRACTOR SHALL NOT DISTURB DESIRABLE GRASS AREAS AND DESIRABLE TREES OUTSIDE THE CONSTRUCTION LIMITS. THE CONTRACTOR SHALL NOT BE PERMITTED TO PARK OR SERVICE VEHICLES AND EQUIPMENT OR USE THESE AREAS FOR STORAGE OR MATERIALS. STORAGE, PARKING AND SERVICE AREAS WILL BE SUBJECT TO THE APPROVAL OF THE OWNER.
- * THE CONTRACTOR IS RESPONSIBLE FOR REPLACING ANY AREAS OF PAVEMENT OR SIDEWALK NOT TO BE REMOVED THAT IS DAMAGED DUE TO OPERATING EQUIPMENT ON THE PAVEMENT OR SIDEWALK.
- * THE CONTRACTOR MAY BE REQUIRED TO PLACE TEMPORARY WARNING DEVICES AND SAFETY FENCE AT CERTAIN LOCATIONS WHERE REPLACEMENT FEATURES ARE NOT INSTALLED THE SAME DAY, AS DIRECTED BY THE ENGINEER OR THE CITY.
- * ALL CONSTRUCTION WITHIN PUBLIC ROW/EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, SHALL COMPLY WITH CITY & MoDOT CONSTRUCTION SPECIFICATIONS AND DESIGN STANDARDS
- * EXCAVATION SHALL BE IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT.
- * CONTRACTOR TO GRADE 4" BELOW THE BACK OF CURB TO ALLOW FOR THE PLACEMENT OF TOPSOIL. A MINIMUM OF 4" OF TOPSOIL SHALL BE PLACED IN ALL PLANTING BEDS AND ALL GRASSED AREAS. GRADED AREAS TO BE HELD DOWN TO THE APPROPRIATE ELEVATION TO ACCOUNT FOR TOPSOIL. SEE LANDSCAPE PLANS FOR DETAILS.

HATCH LEGEND

- ////// DENOTES REVERSE (SPILLING) CURB & GUTTER
- ===== DENOTES CONCRETE CURB & GUTTER (CATCHING)
- ===== DENOTES AREA OF DEPRESSED SPILLING CURB & GUTTER
- ===== DENOTES AREA OF DEPRESSED CATCHING CURB & GUTTER
- ← DENOTES PROPOSED OVERFLOW DIRECTION ARROW
- DENOTES PROPOSED DRAINAGE DIRECTION ARROW
- XXX.XX DENOTES EXISTING AND/OR PROPOSED SPOT ELEVATION
- # DENOTES STORM SEWER TAG (SEE SHEET C-08 FOR STORM SEWER TAG INFORMATION)

GRADING & DRAINAGE NOTES

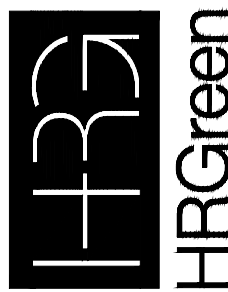
1. CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF SITE PLAN DOCUMENTS AND ARCHITECTURAL DESIGN FOR EXACT BUILDING UTILITY CONNECTION LOCATIONS, DOOR ACCESS, AND EXTERIOR GRADING. THE UTILITY SERVICE SIZES ARE TO BE DETERMINED BY THE ARCHITECT. THE CONTRACTOR SHALL COORDINATE INSTALLATION OF UTILITIES/SERVICES WITH THE INDIVIDUAL COMPANIES, TO AVOID CONFLICTS AND ENSURE PROPER DEPTHS ARE ACHIEVED. THE JURISDICTION UTILITY REQUIREMENTS SHALL ALSO BE MET, AS WELL AS COORDINATING THE UTILITY TIE-INS/CONNECTIONS PRIOR TO CONNECTING TO THE EXISTING UTILITY/SERVICE. WHERE CONFLICTS EXIST WITH THESE SITE PLANS, ENGINEER IS TO BE NOTIFIED PRIOR TO CONSTRUCTION TO RESOLVE SAME.
2. SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS, AND THE RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL REPORT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND REPLACING WITH SUITABLE MATERIALS AS SPECIFIED IN THE GEOTECHNICAL REPORT. ALL EXCAVATED OR FILLED AREAS SHALL BE COMPACTED AS OUTLINED IN THE GEOTECHNICAL REPORT. MOISTURE CONTENT AT TIME OF PLACEMENT SHALL BE SUBMITTED IN COMPACTION REPORT PREPARED BY A QUALIFIED GEOTECHNICAL ENGINEER, REGISTERED WITH THE STATE WHERE THE WORK IS PERFORMED, VERIFYING THAT ALL FILLED AREAS AND SUBGRADE AREAS WITHIN THE BUILDING PAD AREA AND AREAS TO BE PAVED HAVE BEEN COMPACTED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL REPORT. SUBBASE MATERIAL FOR SIDEWALKS, CURB, OR ASPHALT SHALL BE FREE OF ORGANICS AND OTHER UNSUITABLE MATERIALS. SHOULD SUBBASE BE DEEMED UNSUITABLE BY OWNER OR OWNER'S REPRESENTATIVE, SUBBASE IS TO BE REMOVED AND FILLED WITH APPROVED FILL MATERIAL COMPACTED AS DIRECTED BY THE GEOTECHNICAL REPORT.
3. ALL FILL, COMPACTION, AND BACKFILL MATERIALS REQUIRED FOR UTILITY INSTALLATION SHALL BE AS PER THE RECOMMENDATIONS PROVIDED IN THE GEOTECHNICAL REPORT AND SHALL BE COORDINATED WITH THE APPLICABLE UTILITY COMPANY SPECIFICATIONS.
4. THE CONTRACTOR SHALL COMPLY TO THE FULLEST EXTENT WITH THE LATEST OSHA STANDARDS AND REGULATIONS, OR ANY OTHER AGENCY HAVING JURISDICTION FOR EXCAVATION AND TRENCHING PROCEDURES. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE "MEANS AND METHODS" REQUIRED TO MEET THE INTENT AND PERFORMANCE CRITERIA OF OSHA, AS WELL AS ANY OTHER ENTITY THAT HAS JURISDICTION FOR EXCAVATION AND/OR TRENCHING PROCEDURES.
5. PAVEMENT SHALL BE SAW CUT IN STRAIGHT LINES TO THE FULL DEPTH OF THE EXISTING PAVEMENT. ALL DEBRIS FROM REMOVAL OPERATIONS SHALL BE REMOVED FROM THE SITE AT THE TIME OF EXCAVATION. STOCKPILING OF DEBRIS WILL NOT BE PERMITTED.
6. THE TOPS OF EXISTING MANHOLES, INLET STRUCTURES, AND SANITARY CLEANOUT TOPS SHALL BE ADJUSTED, IF REQUIRED, TO MATCH PROPOSED GRADES IN ACCORDANCE WITH ALL APPLICABLE STANDARDS.
7. THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF EXISTING TOPOGRAPHIC INFORMATION AND UTILITY INVERT ELEVATIONS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. CONTRACTOR TO ENSURE 0.75% MINIMUM SLOPE ALONG ALL ISLANDS, GUTTERS, AND CURBS; 1.0% ON ALL CONCRETE SURFACES; AND 1.5% MINIMUM ON ASPHALT, TO PREVENT PONDING. ANY DISCREPANCIES THAT MAY AFFECT THE PUBLIC SAFETY OR PROJECT COST MUST BE IDENTIFIED TO THE ENGINEER IN WRITING IMMEDIATELY. PROCEEDING WITH CONSTRUCTION WITHOUT NOTIFICATION IS DONE SO AT THE CONTRACTOR'S OWN RISK.
8. PROPOSED TOP OF CURB ELEVATIONS ARE GENERALLY 6" ABOVE EXISTING LOCAL ASPHALT GRADE UNLESS OTHERWISE NOTED. FIELD ADJUST TO CREATE A MINIMUM OF 0.75% GUTTER GRADE ALONG CURB FACE. ENGINEER TO APPROVE FINAL CURBING CUT SHEETS PRIOR TO INSTALLATION.
9. IN CASE OF DISCREPANCIES BETWEEN PLANS OR RELATIVE TO OTHER PLANS, THE SITE PLAN WILL TAKE PRECEDENCE. IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY CONFLICTS.
10. CONTRACTOR SHALL BE REQUIRED TO SECURE ALL NECESSARY PERMITS AND APPROVALS FOR ALL OFF-SITE MATERIAL SOURCES AND DISPOSAL FACILITIES. CONTRACTOR SHALL SUPPLY A COPY OF APPROVALS TO ENGINEER AND OWNER PRIOR TO INITIATING WORK.
11. SITE GRADING SHALL NOT PROCEED UNTIL EROSION CONTROL MEASURES HAVE BEEN INSTALLED.
12. SEE EROSION CONTROL PLAN FOR EROSION CONTROL MEASURES AND NOTES.
13. ALL EXISTING STRUCTURES, UNLESS OTHERWISE NOTED TO REMAIN, FENCING, TREES, & ETC., WITHIN CONSTRUCTION AREA SHALL BE REMOVED & DISPOSED OF OFF SITE. NO ON SITE BURNING WILL BE ALLOWED.
14. ALL DRAINAGE STRUCTURES SHALL BE PRE-CAST.
15. ALL DRAINAGE STRUCTURES AND STORM SEWER PIPES SHALL MEET HEAVY DUTY TRAFFIC (H20) LOADING AND BE INSTALLED ACCORDINGLY.
16. GENERAL CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES HAVING UNDERGROUND UTILITIES ON SITE OR IN RIGHT-OF-WAY PRIOR TO EXCAVATION. CONTRACTOR SHALL CONTACT UTILITY LOCATING COMPANY AND LOCATE ALL UTILITIES PRIOR TO GRADING START.
17. NO PART OF THE PROPOSED PROJECT IS LOCATED WITHIN A FLOOD HAZARD AREA.
18. SPOT ELEVATIONS SHOWN ARE @ EDGE OF PAVEMENT UNLESS OTHERWISE NOTED ON PLAN.
19. ALL CONCRETE CURB & GUTTER SHALL BE TYPE B-6.12 CURB UNLESS OTHERWISE NOTED ON THE PLANS.
20. ALL STORM SEWER JOINTS SHALL HAVE O-RING GASKETS.
21. MATCH EXISTING GRADES AT PROPERTY LINES AND/OR CONSTRUCTION LIMITS.
22. BACKFILL TO THE TOP OF CURBS.
23. SITE SHALL BE GRADED TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS
24. ALL SIDEWALK CROSS SLOPES SHALL BE A MAXIMUM OF 2.0%.
25. DESIGNATED HANDICAP PARKING AREAS SHALL BE GRADED TO A MAXIMUM OF 2.0%
26. SLOPES IN PAVEMENT SHALL BE UNIFORM TO AVOID PONDING OF PAVEMENT.
27. THE CONTRACTOR SHALL CONFINE HIS GRADING OPERATIONS TO WITHIN CONSTRUCTION LIMITS AND EASEMENTS SHOWN ON THE PLANS. ANY DAMAGE TO PROPERTIES OUTSIDE THE SITE BOUNDARY SHALL BE AT THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
28. THE CONTRACTOR SHALL APPLY NECESSARY MOISTURE CONTROL TO THE CONSTRUCTION AREA AND HAUL ROADS TO PREVENT THE SPREAD OF DUST.
29. ALL FIELD TILES ENCOUNTERED SHALL BE REPLACED AND/OR CONNECTED TO THE STORM SEWER SYSTEM AND LOCATED AND IDENTIFIED ON THE RECORD PLANS BY THE CONTRACTOR.
30. ALL STORM DRAINAGE CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE MOST CURRENT CITY OF SPRINGFIELD STANDARDS & SPECIFICATIONS.



8/22/2025 12:23:34 PM
J:\2025\2502183\CAD\Drawings\C\2502183_Grading Plan.dwg

PRELIMINARY

ILLINOIS DESIGN FIRM
184-001322
1391 CORPORATE
DRIVE, SUITE 203
MCHEENRY, IL 60050
PHONE: 815.385.1778
FAX: 713.965.0044

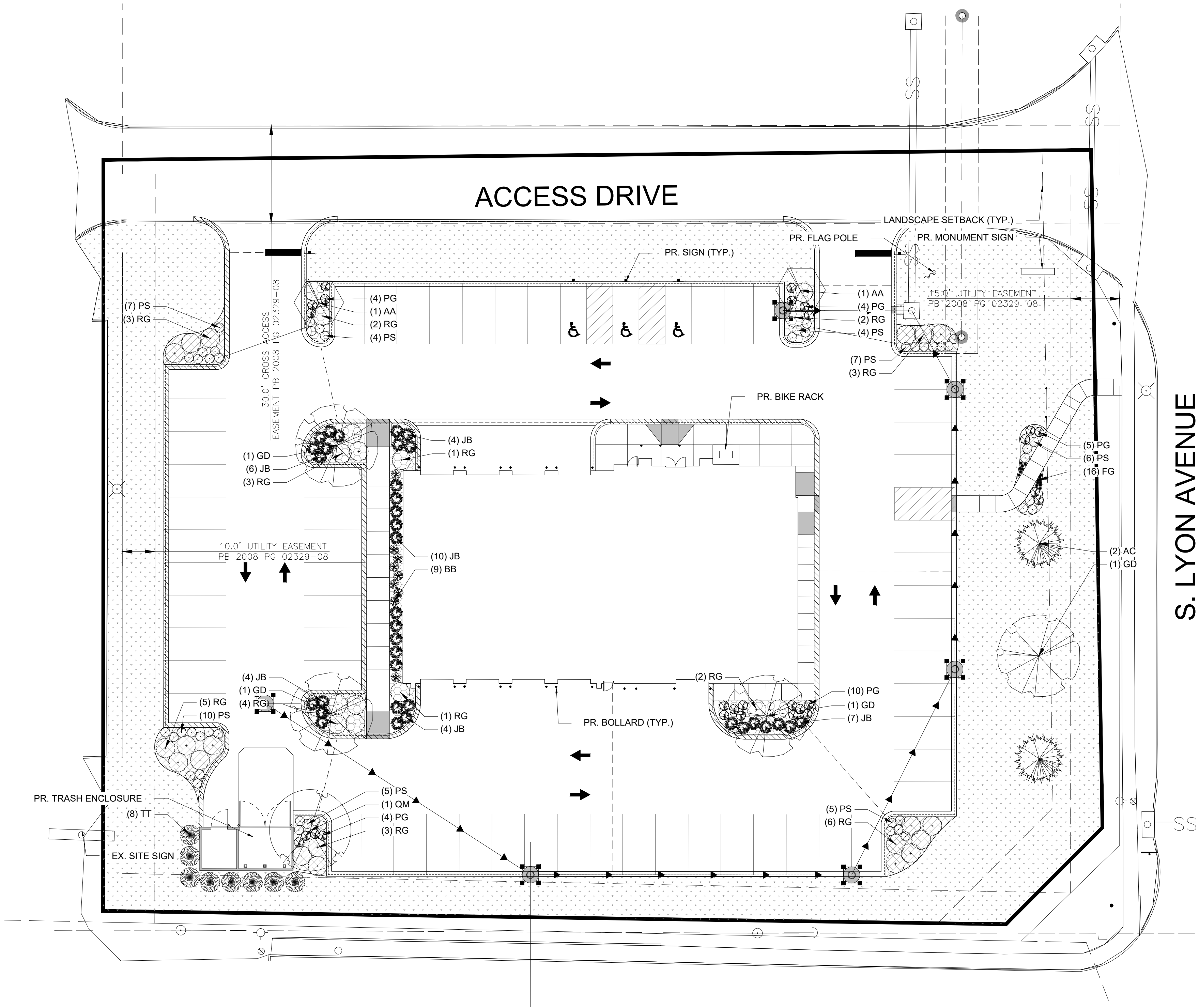


4545 S LYON AVENUE, SPRINGFIELD, MO 65810
DOBBS TIRE & AUTO CENTERS, INC.
SPRINGFIELD, MO
CIVIL
GRADING PLAN

BAR IS ONE INCH ON
OFFICIAL DRAWINGS
0" 1"
IF NOT ONE INCH,
ADJUST SCALE ACCORDINGLY

DRAWN BY: MRJ
APPROVED: TMR
JOB DATE: 04/25/2025
JOB NO: 2502183

DRAWING
C-05



LANDSCAPE REQUIREMENTS				
LANDSCAPE AREA	ORDINANCE REQUIREMENT	LINEAR FOOTAGE / SPACES	PLANTS REQUIRED	PLANTS PROVIDED
LYON ST.	1 CANOPY TREE UNDERSTORY, ORNAMENTAL OR EVERGREEN AND 4 SHRUBS PER 100 LF OF STREET FRONTAGE	168 LF	2 CANOPY TREES UNDERSTORY, ORNAMENTAL OR EVERGREENS AND 7 SHRUBS	1 CANOPY TREE, 2 EVERGREENS, AND 11 SHRUBS
PARKING LOT	1 CANOPY TREE OR 2 UNDERSTORY/ORNAMENTAL/ EVERGREEN TREES PER 30 PARKING SPACES	61 PARKING SPACES	2 CANOPY TREES OR 4 UNDERSTORY/ORNAMENTAL/ EVERGREEN TREES	4 CANOPY TREES AND 2 ORNAMENTALS
INTERIOR LANDSCAPING AREA	5% OF PARKING LOT AREA SHALL BE LANDSCAPED	40,832 SF	2,042 SF OF LANDSCAPE AREA	2,463 SF OF LANDSCAPE AREA

PLANT SCHEDULE				
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	PLANTING SIZE
DECIDUOUS TREES				
	GD	4	GYMNOCLADUS DIOICUS 'ESPRESSO' KENTUCKY COFFEETREE	2" CAL.
	QM	1	QUERCUS MUEHLENBERGII CHINKAPIN OAK	2" CAL.
EVERGREEN TREES				
	AC	2	ABIES CONCOLOR WHITE FIR	6" HT.
	TT	8	THUJA OCCIDENTALIS 'TECHNY' TECHNY ARBORVITAE	6" HT.
ORNAMENTAL TREES				
	AA	2	AMELANCHIER ARBOREA DOWNY SERVICEBERRY	2" CAL.
DECIDUOUS SHRUBS				
	PG	27	POTENTILLA FRUTICOSA 'GOLD STAR' GOLD STAR BUSH CINQUEFOIL	5 GAL.
	RG	35	RHUS AROMATICA 'GRO-LOW' GRO-LOW FRAGRANT SUMAC	5 GAL.
EVERGREEN SHRUBS				
	JB	35	JUNIPERUS SQUAMATA 'BLUE STAR' BLUE STAR JUNIPER	5 GAL.
	PS	48	PINUS MUGO 'CARSTEN'S WINTERGOLD' CARSTEN'S WINTERGOLD MUGO PINE	5 GAL.
GRASSES				
	BB	9	BOUTELOUA GRACILIS 'BLONDE AMBITION' BLONDE AMBITION BLUE GRAMA	1 GAL.
	FG	16	FESTUCA GLAUCA BLUE FESCUE	1 GAL.

LANDSCAPE POINTS				
LANDSCAPE AREA	ORDINANCE REQUIREMENT	LINEAR FOOTAGE / SQUARE FOOTAGE	PLANT POINTS REQUIRED	PLANT POINTS PROVIDED
5' FRONT YARD WIDTH	6 POINTS FOR EACH 5' OF FRONT YARD WIDTH	1 FRONTAGE (LYON AVE.) WITH TWO PLANTING BEDS WITH 5' FRONT YARD WIDTH	N/A	12
CANOPY TREES ALONG STREET FRONTAGE	6 POINTS FOR EACH CANOPY TREE PER 100' OF STREET FRONTAGE	1 CANOPY TREE ALONG STREET FRONTAGE (LYON AVE.)	N/A	6
UNDERSTORY, ORNAMENTAL, OR EVERGREEN TREE ALONG STREET FRONTAGE	4 POINTS FOR EACH UNDERSTORY, ORNAMENTAL, OR EVERGREEN TREE PER 100' OF STREET FRONTAGE	2 EVERGREEN TREES ALONG STREET FRONTAGE (LYON AVE.)	N/A	8
EACH 4 SHRUBS ALONG STREET FRONTAGE	2 POINTS FOR EACH 4 SHRUBS PER 100' OF STREET FRONTAGE	11 SHRUBS PROVIDED ALONG LYON AVE. (11/4=2.75)	N/A	5.5
CANOPY PARKING LOT TREES	6 POINTS FOR EACH CANOPY TREE PER 30 PARKING SPACES	4 CANOPY TREES PER 30 PARKING SPACES	N/A	24
UNDERSTORY/ORNAMENTAL /EVERGREEN PARKING LOT TREES	4 POINTS FOR EACH ORNAMENTAL, UNDERSTORY, OR EVERGREEN TREE PER 30 PARKING SPACES	2 ORNAMENTALS PER 30 PARKING SPACES	N/A	8
PERCENT OPEN SPACE	8 POINTS FOR EACH ONE PERCENT OF LOT AREA IN OPEN SPACE (UP TO 10%) AND 6 POINTS FOR FOR EVERY 1% AFTER UP TO 20%	32% OF LOT AREA IN OPEN SPACE (30% MAX COUNTED FOR POINTS)	N/A	200
TOTAL			200	263.500000

GROUND COVERS		
	1,440 SF	1-1/2" DECORATIVE ROCK
	1,146 SF	SHREDDED MULCH
	19,568 SF	TURF SOD



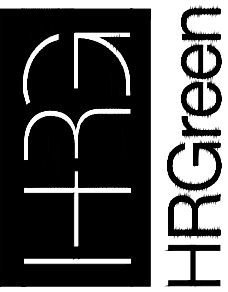
0 20'
1" = 20'

BAR IS ONE INCH ON OFFICIAL DRAWINGS
0 1"
IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY

PRELIMINARY

REVISION DESCRIPTION		BY	DATE
NO.			

ILLINOIS DESIGN FIRM
184-001322
1391 CORPORATE
DRIVE, SUITE 203
MCHEENRY, IL 60050
PHONE: 815.385.1778
FAX: 713.965.0044



4545 S LYON AVENUE, SPRINGFIELD, MO 65810
DOBBS TIRE & AUTO CENTERS, INC.

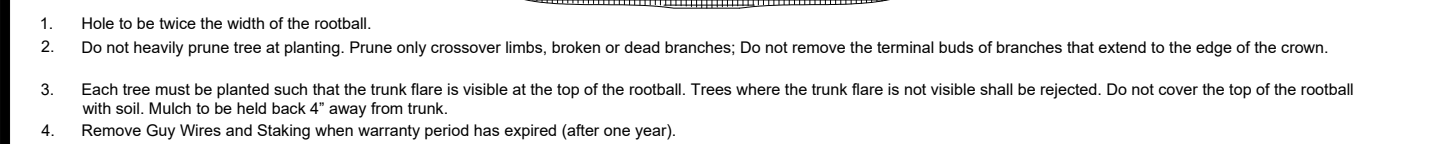
SPRINGFIELD, MO
LANDSCAPE
LANDSCAPE PLAN

BAR IS ONE INCH ON OFFICIAL DRAWINGS
0 1"
IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY

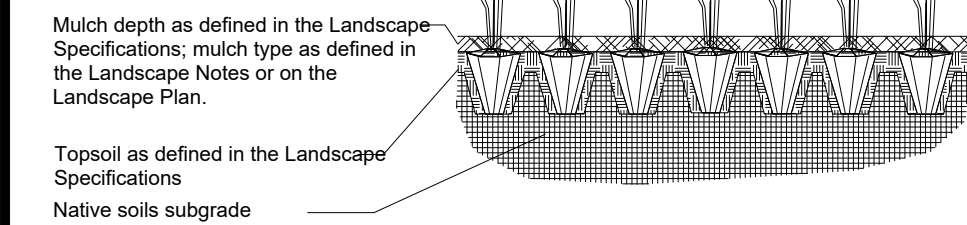
DRAWN BY: KAL
APPROVED: JFR
JOB DATE: 04/25/2025
JOB NO: 2502183

DRAWING

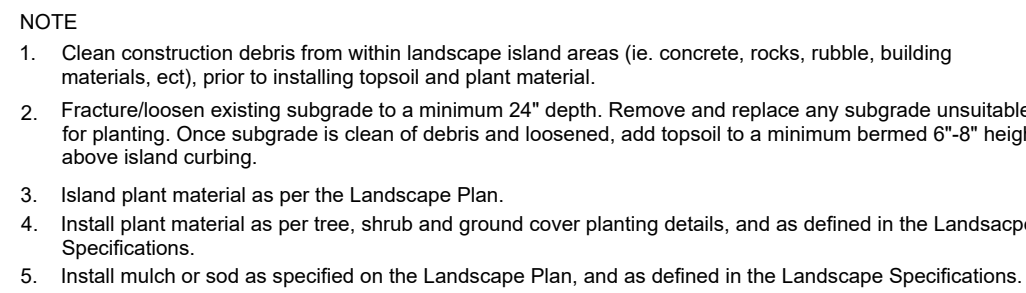
L-100



SCALE: NTS



SCALE: NTS



SCALE: NT

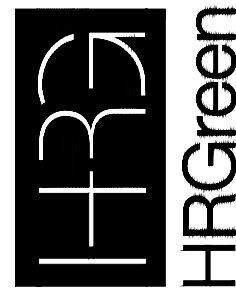


3. THE LANDSCAPE PLANS CONTAINED HEREIN ILLUSTRATE APPROXIMATE LOCATIONS OF ALL SITE CONDITIONS. REFER TO SURVEY, ARCHITECTURAL, CIVIL ENGINEERING, STRUCTURAL, ELECTRICAL, IRRIGATION AND ALL OTHER DRAWINGS, IF AVAILABLE, FOR ADDITIONAL DETAILED INFORMATION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING AWARE OF AND FIELD VERIFYING ALL RELATED EXISTING AND PROPOSED CONDITIONS, UTILITIES, PIPES AND STRUCTURES, ETC. PRIOR TO BIDDING AND CONSTRUCTION. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR CONTACTING JULIE, THE COUNTY PUBLIC WORKS DEPARTMENT, THE MUNICIPALITY AND ANY OTHER PUBLIC OR PRIVATE AGENCIES NECESSARY FOR UTILITY LOCATION PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE OF APPARENT CONFLICTS WITH CONSTRUCTION AND UTILITIES SO THAT ADJUSTMENTS CAN BE PLANNED PRIOR TO INSTALLATION. IF FIELD ADJUSTMENTS ARE NECESSARY DUE TO EXISTING UTILITY LOCATIONS THEY MUST BE APPROVED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY AND ALL COSTS OR OTHER LIABILITIES INCURRED DUE TO DAMAGE OF SAID UTILITIES/STRUCTURES/ETC.
5. THE CONTRACTOR SHALL COMPLY WITH ALL CODES APPLICABLE TO THIS WORK.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION WITH SUBCONTRACTORS AND OTHER CONTRACTORS OF RELATED TRADES, AS REQUIRED, TO ACCOMPLISH THE PLANTING AND RELATED OPERATIONS.
7. THE CONTRACTOR SHALL COORDINATE INSTALLATION OF ALL PLANT MATERIAL WITH THE INSTALLATION OF OTHER IMPROVEMENTS SUCH AS HARDSCAPE ELEMENTS AND RELATED STRUCTURES. ANY DAMAGE TO EXISTING IMPROVEMENTS IS THE RESPONSIBILITY OF THE CONTRACTOR.
8. THE CONTRACTOR IS RESPONSIBLE TO RESTORE ALL AREAS OF THE SITE, OR ADJACENT AREAS, WHERE DISTURBED BY OPERATIONS OF OR RELATED TO THE CONTRACTOR'S WORK.
9. ALL SURFACE DRAINAGE SHALL BE DIVERTED AWAY FROM STRUCTURES AND NOTED SITE FEATURES IN ALL AREAS AT A MINIMUM OF 2% SLOPE OR AS SHOWN ON THE CIVIL ENGINEERING PLANS. ALL AREAS SHALL POSITIVELY DRAIN AND ALL ISLANDS SHALL BE CROWNED 1" IN HEIGHT PER 1' IN ISLAND WIDTH.
10. THE CONTRACTOR SHALL STAKE ALL TREE LOCATIONS AND THE PERIMETER OF SHRUB/PERENNIAL BEDS PRIOR TO INSTALLATION AND CONTACT THE OWNER'S REPRESENTATIVE FOR APPROVAL. FINAL LOCATION AND STAKING OF ALL PLANT MATERIALS SHALL BE ACCEPTED BY THE OWNER'S REPRESENTATIVE IN ADVANCE OF PLANTING.
11. IF CONFLICTS ARISE BETWEEN THE SIZE OF AREAS AND PLANS, THE CONTRACTOR IS REQUIRED TO CONTACT THE OWNER'S REPRESENTATIVE FOR RESOLUTION PRIOR TO INSTALLATION.
12. WHERE PROVIDED, AREA TAKEOFFS AND PLANT QUANTITY ESTIMATES IN THE PLANT LIST ARE FOR INFORMATION ONLY. THE CONTRACTOR IS RESPONSIBLE TO DO THEIR OWN QUANTITY TAKE-OFFS FOR ALL PLANT MATERIALS AND SIZES SHOWN ON PLANS. IN CASE OF ANY DISCREPANCIES, PLANS TAKE PRECEDENCE OVER CALL-OUTS AND/OR THE PLANT LIST(S).
13. PLANTS ARE TO BE TYPICAL IN SHAPE AND SIZE FOR SPECIES. PLANTS PLANTED IN ROWS OR GROUPS SHALL BE MATCHED IN FORM. PLANTS SHALL NOT BE ROOT-BOUND OR LOOSE IN THEIR CONTAINERS. HANDLE ALL PLANTS WITH CARE IN TRANSPORTING, PLANTING AND MAINTENANCE UNTIL INSPECTION AND FINAL ACCEPTANCE. FIELD COLLECTED MATERIAL SHALL NOT BE USED UNLESS APPROVED BY THE OWNER'S REPRESENTATIVE.
14. SHREDDED HARDWOOD MULCH, FERTILIZING, AS SPECIFIED, STAKING, WATERING AND ONE (1) YEAR PLANT WARRANTY FOR INSTALLED PLANT MATERIAL, SHALL BE CONSIDERED INCIDENTAL TO THE PLANT ITEMS.
15. MUSHROOM COMPOST SHALL BE FINELY SCREENED, HOMOGENOUS, DECOMPOSED ORGANIC MATERIAL SUITABLE FOR HORTICULTURAL USE. MIX THOROUGHLY IN PLANT BED BEFORE INSTALLING PLANTS.

LANDSCAPE NOTES

3. LANDSCAPE CONTRACTOR TO READ AND UNDERSTAND THE SPECIFICATIONS (SHEET L-103) PRIOR TO FINALIZING BIDS. THE LANDSCAPE CONTRACTOR SHALL BE ADHERED TO THROUGHOUT THE CONSTRUCTION PROCESS.
2. CONTRACTOR RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND UTILITIES PRIOR TO DIGGING.
3. CONTRACTOR RESPONSIBLE FOR PROTECTING EXISTING TREES FROM DAMAGE DURING CONSTRUCTION.
4. ALL PLANTING AREAS SHALL BE CLEANED OF CONSTRUCTION DEBRIS (IE. CONCRETE, ROCK, RUBBLE, BUILDING MATERIALS, ETC.) PRIOR TO ADDING AND SPREADING OF THE TOPSOIL.
5. EDGER SHALL BE PLACED BETWEEN ALL CHANGES IN GROUND COVER MATERIALS.
6. ALL SHRUBS BEDS (EXISTING AND NEW) TO BE MULCHED WITH A 3 INCH MINIMUM LAYER OF DOUBLE SHREDDED HARDWOOD MULCH.
7. ALL ANNUAL AND PERENNIAL BEDS TO BE TILLED TO A MINIMUM DEPTH OF 12 INCHES AND AMENDED WITH 4 INCHES OF ORGANIC MATERIAL. MULCH PLANTED ANNUAL AND PERENNIAL BEDS WITH 2 INCH DEPTH OF MINI NUGGETS.
8. PLANTING HOLES TO BE DUG A MINIMUM OF TWICE THE WIDTH OF THE SIZE OF THE ROOT BALL OF BOTH SHRUB AND TREE. BACK TO BE A MIX OF 4 PARTS TOPSOIL AND 1 PART ORGANIC SOIL CONDITIONER (IE. NATURE'S HELPER OR PRO MIX). BACKFILL AND TAMP BOTTOM OF HOLE PRIOR TO PLANTING SO TOP OF ROOT BALL DOES NOT SETTLE BELOW SURROUNDING GRADE.
9. EXISTING GRASS IN PROPOSED PLANTING AREAS TO BE KILLED AND REMOVED AND AREA TO BE HAND RAKED TO REMOVE ALL ROCKS AND DEBRIS LARGER THAN 1 INCH IN DIAMETER PRIOR TO PLANTING SHRUBS.
10. ANY EXISTING GRASS DISTURBED DURING CONSTRUCTION TO BE FULLY REMOVED, REGRADED AND REPLACED. ALL TIRE MARKS AND INDENTIONS TO BE REPAIRED.
11. SOIL TO BE TESTED TO DETERMINE FERTILIZER AND LIME REQUIREMENTS AND DISTRIBUTED PRIOR TO LAYING SOD.
12. SOD TO BE DELIVERED FRESH (CUT LESS THAN 24 HOURS PRIOR TO ARRIVING ON SITE), LAID IMMEDIATELY, ROLLED, AND WATERED THOROUGHLY IMMEDIATELY AFTER PLANTING. EDGE OF SOD IS TO BE "V" TRENCHED.
13. ALL CHANGES TO DESIGN OR PLANT SUBSTITUTIONS ARE TO BE AUTHORIZED BY THE LANDSCAPE ARCHITECT.
14. ALL LANDSCAPING SHALL BE INSTALLED IN CONFORMANCE WITH ANSI Z60.1 THE "AMERICAN STANDARD FOR NURSERY STOCK" AND THE ACCEPTED STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN.
15. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANTS INSTALLED FOR ONE FULL YEAR FROM DATE OF ACCEPTANCE BY THE OWNER. ALL PLANTS SHALL BE ALIVE AND AT A VIGOROUS RATE OF GROWTH AT THE END OF THE GUARANTEE PERIOD. THE LANDSCAPE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ACTS OF GOD OR VANDALISM.
16. ANY PLANT THAT IS DETERMINED DEAD, IN AN UNHEALTHY OR UNSIGHTLY CONDITION, LOST ITS SHAPE DUE TO DEAD BRANCHES OR OTHER SYMPTOMS OF POOR, NON-VIGOROUS GROWTH SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR.
17. GENERAL CONTRACTOR IS RESPONSIBLE FOR ADDING A MIN OF 4" OF CLEAN FRIABLE TOPSOIL IN ALL PLANTING BEDS AND ALL GRASSSED AREAS. GRADED AREAS TO BE HELD DOWN THE APPROPRIATE ELEVATION TO ACCOUNT FOR TOPSOIL. SEE SPECIFICATIONS FOR REQUIRED TOPSOIL CHARACTERISTICS.
18. IN ALL PARKING LOT ISLANDS, THE GENERAL CONTRACTOR IS RESPONSIBLE TO REMOVE ALL DEBRIS, FRACTURE/LOOSEN SUBGRADE TO A MIN. 24" DEPTH. ADD TOPSOIL TO A 6"-8" BERM HEIGHT ABOVE ISLAND CURBING; REFER TO LANDSCAPE SPECIFICATIONS AND LANDSCAPE ISLAND DETAIL.
19. PRIOR TO BEGINNING WORK, THE LANDSCAPE CONTRACTOR SHALL INSPECT THE SUBGRADE, GENERAL SITE CONDITIONS, VERIFY ELEVATIONS, UTILITY LOCATIONS, IRRIGATION, APPROVE TOPSOIL PROVIDED BY GENERAL CONTRACTOR AND OBSERVE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE DONE. NOTIFY GENERAL CONTRACTOR OF ANY UNSATISFACTORY CONDITIONS, AND WORK SHALL NOT PROCEED UNTIL SUCH CONDITIONS HAVE BEEN CORRECTED AND ARE ACCEPTABLE TO THE LANDSCAPE CONTRACTOR.
20. STAKE ALL EVERGREEN AND DECIDUOUS TREES AS SHOWN IN THE DETAILS THIS SHEET.
21. REMOVE ALL STAKES AND GUYING FROM ALL TREES AFTER ONE YEAR FROM PLANTING.
22. WATER THOROUGHLY TWICE IN FIRST 24 HOURS AND APPLY MULCH IMMEDIATELY.
23. SITE TO BE 100% IRRIGATED IN ALL PLANTING BEDS AND GRASS AREA BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. SEE IRRIGATION PLAN FOR DESIGN.
24. ALL TREE PROTECTION DEVICES TO BE INSTALLED PRIOR TO THE START OF LAND DISTURBANCE, AND MAINTAINED UNTIL FINAL LANDSCAPING.
25. ALL TREE PROTECTION AREAS TO BE PROTECTED FROM SEDIMENTATION.
26. ALL TREE PROTECTION FENCING TO BE INSPECTED DAILY, AND REPAIRED OR REPLACED AS NEEDED.
27. NO PARKING, STORAGE OR OTHER CONSTRUCTION ACTIVITIES ARE TO OCCUR WITHIN TREE PROTECTION AREAS.
28. CONTRACTOR SHALL USE CAUTION WHEN DIGGING TREE PITS IN THE VICINITY OF UNDERGROUND UTILITY LINES AND MAY NEED TO HAND DIG THE PITS IN MANY OF THESE INSTANCES.

ILLINOIS DESIGN FIRM
184.001322
1391 CORPORATE
DRIVE, SUITE 203
McHENRY, IL 60050
PHONE: 815.385.1778
FAX: 713.965.0044



LANDSCAPE NOTES & DETAILS

DRAWING

L-101

PRELIMINARY

LANDSCAPE SPECIFICATIONS

PART 1 - GENERAL

DESCRIPTION

PROVIDE TREES, SHRUBS, GROUND COVERS, SOD, AND ANNUALS/PERENNIALS AS SHOWN AND SPECIFIED ON THE LANDSCAPE PLAN. THE WORK INCLUDES:

- 1. SOIL PREPARATION.
- 2. TREES, SHRUBS, GROUND COVERS, AND ANNUALS/PERENNIALS.
- 3. PLANTING MIXES.
- 4. TOP SOIL, MULCH AND PLANTING ACCESSORIES.
- 5. MAINTENANCE.
- 6. DECORATIVE STONE.

RELATED WORK:

- 1. IRRIGATION SYSTEM; SEE IRRIGATION SPECIFICATIONS (NOT INCLUDED IN PACKAGE).

QUALITY ASSURANCE

PLANT NAMES INDICATED, COMPLY WITH "STANDARDIZED PLANT NAMES" AS ADOPTED BY THE LATEST EDITION OF THE AMERICAN JOINT COMMITTEE OF HORTICULTURAL NOMENCLATURE. NAMES OF VARIETIES NOT LISTED CONFORM GENERALLY WITH NAMES ACCEPTED BY THE NURSERY TRADE. PROVIDE STOCK TRUE TO BOTANICAL NAME AND LEGIBLY TAGGED.

COMPLY WITH SIZING AND GRADING STANDARDS OF THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK". A PLANT SHALL BE DIMENSIONED AS IT STANDS IN ITS NATURAL POSITION.

ALL PLANTS SHALL BE NURSERY GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT FOR A MINIMUM OF 2 YEARS.

NURSERY STOCK FURNISHED SHALL BE AT LEAST THE MINIMUM SIZE INDICATED. LARGER STOCK IS ACCEPTABLE. AT NO ADDITIONAL COST, AND PROVIDING THAT THE LARGER PLANTS WILL NOT BE CUT BACK TO SIZE INDICATED. PROVIDE PLANTS INDICATED BY TWO MEASUREMENTS SO THAT ONLY A MAXIMUM OF 25% ARE OF THE MINIMUM SIZE INDICATED AND 75% ARE OF THE MAXIMUM SIZE INDICATED.

BEFORE SUBMITTING A BID, THE CONTRACTOR SHALL HAVE INVESTIGATED THE SOURCES OF SUPPLY AND BE SATISFIED THAT THEY CAN SUPPLY THE LISTED PLANTS IN THE SIZE, VARIETY AND QUALITY AS SPECIFIED. FAILURE TO TAKE THIS PRECAUTION WILL NOT RELIEVE THE CONTRACTOR FROM THEIR RESPONSIBILITY FOR FURNISHING AND INSTALLING ALL PLANT MATERIALS IN STRICT ACCORDANCE WITH THE CONTRACT DOCUMENTS WITHOUT ADDITIONAL COST TO THE OWNER. THE LANDSCAPE ARCHITECT SHALL APPROVE ANY SUBSTITUTES OF PLANT MATERIAL, OR CHANGES IN PLANT MATERIAL, SIZE, PRIOR TO THE LANDSCAPE CONTRACTOR SUBMITTING A BID.

DELIVER, STORAGE AND HANDLING

TAKE ALL PRECAUTIONS TO AVOID TRADE PRACTICE IN PREPARING PLANTS FOR MOVING. WORKMANSHIP THAT FAILS TO MEET THE HIGHEST STANDARDS WILL BE REJECTED. SPRAY DECIDUOUS PLANTS IN FOLIAGE WITH AN APPROVED "ANTI-DESICCANT" IMMEDIATELY AFTER DIGGING TO PREVENT DEHYDRATION. DIG, PACK, TRANSPORT, AND HANDLE PLANTS WITH CARE TO ENSURE PROTECTION AGAINST INJURY. INSPECTION CERTIFICATES REQUIRED BY LAW SHALL ACCOMPANY EACH SHIPMENT INVOICE OR ORDER TO STOCK. PROTECT ALL PLANTS FROM DRYING OUT. IF PLANTS CANNOT BE PLANTED IMMEDIATELY UPON DELIVERY, PROPERLY PROTECT THEM WITH SOIL, WET PEAT MOSS, OR IN A MANNER ACCEPTABLE TO THE LANDSCAPE ARCHITECT. WATER HEADED-IN PLANTINGS DAILY. NO PLANT SHALL BE BOUND WITH ROPE OR WIRE IN A MANNER THAT COULD DAMAGE OR BREAK THE BRANCHES. COVER PLANTS TRANSPORTED ON OPEN VEHICLES WITH A PROTECTIVE COVERING TO PREVENT WIND BURN.

PROJECT CONDITIONS

PROTECT EXISTING UTILITIES, PAVING, AND OTHER FACILITIES FROM DAMAGE CAUSED BY LANDSCAPE OPERATIONS.

A COMPLETE LIST OF PLANTS, INCLUDING A SCHEDULE OF SIZES, QUANTITIES, AND OTHER REQUIREMENTS ARE SHOWN ON THE DRAWINGS. IN THE EVENT THAT QUANTITY DISCREPANCIES OR MATERIAL OMISSIONS OCCUR IN THE PLANT MATERIALS LIST, THE PLANTING PLANS SHALL GOVERN.

THE IRRIGATION SYSTEM WILL BE INSTALLED PRIOR TO PLANTING. LOCATE, PROTECT AND MAINTAIN THE IRRIGATION SYSTEM DURING PLANTING OPERATIONS. REPAIR IRRIGATION SYSTEM COMPONENTS DAMAGED DURING PLANTING OPERATIONS. AT THE CONTRACTOR'S EXPENSE. REFER TO THE IRRIGATION SPECIFICATIONS, IRRIGATION PLAN AND IRRIGATION DETAILS.

DO NOT BEGIN LANDSCAPE ACCESSORY WORK BEFORE COMPLETION OF FINAL GRADING OR SURFACING.

WARRANTY

WARRANT PLANT MATERIAL TO REMAIN ALIVE, BE HEALTHY AND IN A VIGOROUS CONDITION FOR A PERIOD OF 1 YEAR AFTER COMPLETION AND FINAL ACCEPTANCE OF ENTIRE PROJECT.

REPLACE, IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS, ALL PLANTS THAT ARE DEAD OR, ARE IN AN UNHEALTHY, OR UNSIGHTLY CONDITION, AND HAVE LOST THEIR NATURAL SHAPE DUE TO DEAD BRANCHES, OR OTHER CAUSES DUE TO THE CONTRACTOR'S NEGLIGENCE. THE COST OF SUCH REPLACEMENT(S) IS AT THE CONTRACTOR'S EXPENSE. WARRANTY WILL BE IN FULL AFTER INSTALLATION.

WARRANTY SHALL NOT INCLUDE DAMAGE, LOSS OF TREES, PLANTS, OR GROUND COVERS CAUSED BY FIRES, FLOODS, FREEZING RAINS, LIGHTNING STORMS, WINDS OVER 75 MILES PER HOUR, WINTER KILL CAUSED BY EXTREME COLD, SEVERE WINTER CONDITIONS NOT TYPICAL OF PLANTING AREA, AND/OR ACTS OF VANDALISM OR NEGLIGENCE ON A PART OF THE OWNER.

REMOVE AND IMMEDIATELY REPLACE ALL PLANTS, FOUND TO BE UNSATISFACTORY DURING THE INITIAL PLANTING INSTALLATION. MAINTAIN AND PROTECT PLANT MATERIAL, LAWNS, AND IRRIGATION UNTIL FINAL ACCEPTANCE IS MADE.

ACCEPTANCE

INSPECTION OF PLANTED AREAS WILL BE MADE BY THE OWNER'S REPRESENTATIVE.

- 1. PLANTED AREAS WILL BE ACCEPTED PROVIDED ALL REQUIREMENTS, INCLUDING MAINTENANCE, HAVE BEEN COMPLIED WITH AND PLANT MATERIALS ARE ALIVE AND IN A HEALTHY, VIGOROUS CONDITION.

UPON ACCEPTANCE, THE CONTRACTOR SHALL COMMENCE THE SPECIFIED PLANT MAINTENANCE.

CODES, PERMITS AND FEES

OBTAIN ANY NECESSARY PERMITS FOR THIS SECTION OF WORK AND PAY ANY FEES REQUIRED FOR PERMITS.

THE ENTIRE INSTALLATION SHALL FULLY COMPLY WITH ALL LOCAL AND STATE LAWS AND ORDINANCES, AND WITH ALL ESTABLISHED CODES APPLICABLE THERETO; ALSO AS DEPICTED ON THE LANDSCAPE AND IRRIGATION CONSTRUCTION SET.

PART 2 - PRODUCTS

MATERIALS

PLANTS: PROVIDE TYPICAL OF THEIR SPECIES OR VARIETY, WITH NORMAL, DENSELY DEVELOPED BRANCHES AND VIGOROUS, FIBROUS ROOT SYSTEMS. PROVIDE ONLY SOUND, HEALTHY, VIGOROUS PLANTS FREE FROM DEFECTS, DISFIGURING KNOTS, SUN SCALD INJURIES, FROST CRACKS, ABRASIONS OF THE BARK, PLANT DISEASES, INSECT EGGS, BORERS, AND ALL FORMS OF INFESTATION. ALL PLANTS SHALL HAVE A FULLY DEVELOPED FORM WITHOUT VOIDS AND OPEN SPACES. PLANTS HELD ON STORAGE WILL BE REJECTED IF THEY SHOW SIGNS OF GROWTH DURING THE STORAGE PERIOD.

- 1. BALLED AND PLANTS WRAPPED WITH BURLAP, TO HAVE FIRM, NATURAL BALLS OF EARTH OF SUFFICIENT DIAMETER AND DEPTH TO ENCOMPASS THE FIBROUS AND FEEDING ROOT SYSTEM NECESSARY FOR FULL RECOVERY OF THE PLANT. PROVIDE BALL SIZES COMPLYING WITH THE LATEST EDITION OF THE "AMERICAN STANDARD FOR NURSERY STOCK". CRACKED OR MUSHROOMED BALLS, OR SIGNS OF CIRCLING ROOTS ARE NOT ACCEPTABLE.
- 2. CONTAINER, GROWN STOCK: GROWN IN A CONTAINER FOR SUFFICIENT LENGTH OF TIME FOR THE ROOT SYSTEM TO HAVE DEVELOPED TO HOLD ITS SOIL TOGETHER, FIRM AND WHOLE.
 - 2.1. NO PLANTS SHALL BE LOOSE IN THE CONTAINER.
 - 2.2. CONTAINER STOCK SHALL NOT BE POT BOUND.
- 3. PLANTS PLANTED IN ROWS SHALL BE MATCHED IN FORM.
- 4. PLANTS LARGER THAN THOSE SPECIFIED IN THE PLANT LIST MAY BE USED WHEN ACCEPTABLE TO THE LANDSCAPE ARCHITECT.
 - 4.1. IF THE USE OF LARGER PLANTS IS ACCEPTABLE, INCREASE THE SPREAD OF ROOTS OR ROOT BALL, IN PROPORTION TO THE SIZE OF THE PLANT.
- 5. THE HEIGHT OF THE TREES, MEASURED FROM THE CROWN OF THE ROOTS TO THE TOP OF THE TOP BRANCH, SHALL NOT BE LESS THAN THE MINIMUM SIZE DESIGNATED IN THE PLANT LIST.
- 6. NO PRUNING WOUNDS SHALL BE PRESENT WITH A DIAMETER OF MORE THAN 1" AND SUCH WOUNDS MUST SHOW VIGOROUS BARK ON ALL EDGES.
- 7. EVERGREEN TREES SHALL BE BRANCHED TO THE GROUND OR AS SPECIFIED IN PLANT LIST.
- 8. SHRUBS AND SMALL PLANTS SHALL MEET THE REQUIREMENTS FOR SPREAD AND HEIGHT INDICATED IN THE PLANT LIST.
 - 8.1. THE MEASUREMENTS FOR HEIGHT SHALL BE TAKEN FROM THE GROUND LEVEL TO THE HEIGHT OF THE TOP OF THE PLANT AND NOT THE LONGEST BRANCH.
 - 8.2. SINGLE STEMMED OR THIN PLANTS WILL NOT BE ACCEPTED.
 - 8.3. SIDE BRANCHES, WELL DEVELOPED, AND THE PLANT AS A WHOLE WELL-BUSHED TO THE GROUND.
 - 8.4. PLANTS SHALL BE IN A MOIST, VIGOROUS CONDITION, FREE FROM DEAD WOOD, BRUISES, OR OTHER ROOT OR BARK INJURIES.

ACCESSORIES

TOPSOIL SHALL BE FERTILE, FRIABLE, NATURAL, TOPSOIL OF LOAMY CHARACTER, WITHOUT ADMIXTURE OF SUBSOIL MATERIAL, OBTAINED FROM A WELL-DRAINED ARABLE SITE, REASONABLY FREE FROM CLAY, LUMPS, COARSE SANDS, STONES, ROOTS, STICKS, AND OTHER FOREIGN MATERIALS, WITH ACIDITY RANGE OF BETWEEN PH 6.0 AND 6.8.

NOTE: ALL PLANTING AREAS SHALL BE CLEARED OF CONSTRUCTION DEBRIS (IE. CONCRETE, RUBBLE, STONES, BUILDING MATERIAL, ETC.) PRIOR TO ADDING AND SPREADING OF THE TOP SOIL.

- 1. SOD AREAS: SPREAD A MINIMUM 4" LAYER OF TOP SOIL AND RAKE SMOOTH.
- 2. PLANTING BED AREAS: SPREAD A MINIMUM 4" LAYER OF TOP SOIL AND RAKE SMOOTH.
- 3. LANDSCAPE ISLANDS/MEDIANS: FRACTURE/LOSEN EXISTING SUBGRADE TO A MINIMUM 24" DEPTH. REMOVE AND REPLACE ANY SUBGRADE UNSUITABLE FOR PLANTING.
- ONCE SUBGRADE IS CLEAN OF DEBRIS AND LOOSENED, ADD TOPSOIL TO A MINIMUM BERM 6" HIGH ABOVE ISLAND CURBING.
- 4. ANNUAL/PERENNIAL BED AREAS: ADD A MINIMUM OF 4" ORGANIC MATTER AND TILL TO A MINIMUM 12" DEPTH.

MULCH: TYPE SELECTED DEPENDENT ON REGION AND AVAILABILITY; SEE LANDSCAPE PLANS FOR TYPE OF MULCH TO BE USED. HOLD MULCH 4" FROM TREE TRUNKS AND SHRUB STEMS.

- 1. HARDWOOD: 6 MONTH OLD WELL-ROTTED DOUBLE SHREDDED NATIVE HARDWOOD BARK MULCH NOT LARGER THAN 4" IN LENGTH AND 1/2" IN WIDTH, FREE OF WOOD CHIPS AND SAWDUST. INSTALL MINIMUM DEPTH OF 3".
- 2. PINE STRAW: PINE STRAW TO BE FRESH HARVEST, FREE OF DEBRIS, BRIGHT IN COLOR. BALES TO BE WIRED AND TIGHTLY BOUND. NEEDLES TO BE DRY. INSTALL MINIMUM DEPTH OF 3".
- 3. RIVER ROCK: (COLOR) LIGHT GRAY TO BUFF TO DARK BROWN, WASHED RIVER ROCK, 1" - 3" IN SIZE. INSTALL IN SHRUB BEDS TO AN EVEN DEPTH OF 3". WEED CONTROL BARRIER TO BE INSTALLED UNDER ALL ROCK MULCH AREAS. USE CAUTION DURING INSTALLATION NOT TO DAMAGE PLANT MATERIAL.
- 4. MINI NUGGETS: INSTALL TO A MINIMUM DEPTH OF 2" AT ALL LOCATIONS OF ANNUAL AND PERENNIAL BEDS. LIFT THE STEMS AND LEAVES OF THE ANNUALS AND CAREFULLY SPREAD THE MULCH TO AVOID INJURING THE PLANTS. GENTLY BRUSH THE MULCH OFF THE PLANTS.

GUYSING/STAKING:

- 1. ARBORTIE (GREEN OR WHITE) STAKING AND GUYING MATERIAL TO BE FLAT, WOVEN, POLYPROPYLENE MATERIAL, 3/4" WIDE 900 LB. BREAK STRENGTH. ARBORTIE SHALL BE FASTENED TO STAKES IN A MANNER WHICH PERMITS TREE MOVEMENT AND SUPPORTS THE TREE.
- 2. REMOVE GUYING/STAKING AFTER ONE YEAR FROM PLANTING.

TREE WRAP: TREE WRAPS SHOULD BE USED ON YOUNG, NEWLY PLANTED THIN-BARKED TREES (CHERRY, CRABAPPLE, HONEY LOCUST, LINDEN, MAPLE, MOUNTAIN ASH, PLUM) THAT ARE MOST SUSCEPTIBLE TO SUN SCALD/SUNBURN. STANDARD WATERPROOFED TREE WRAPPING PAPER, 2-12" WIDE, MADE OF 2 LAYERS OF GREPE DRAFT PAPER, WEIGHING NOT LESS THAN 30 LBS. PER REAM, CEMENTED TOGETHER WITH ASPHALT, WRAP THE TREE IN THE FALL AND LEAVE THE WRAP IN PLACE THROUGHOUT THE WINTER AND EARLY SPRING. TREE WRAPS ARE TEMPORARY AND NO LONGER NEEDED ONCE TREES DEVELOP CORKY BARK.

PART 3 - EXECUTION

INSPECTION

PRIOR TO BEGINNING WORK, THE LANDSCAPE CONTRACTOR SHALL INSPECT THE SUBGRADE, GENERAL SITE CONDITIONS, VERIFY ELEVATIONS, UTILITY LOCATIONS, IRRIGATION, APPROVE TOP SOIL PROVIDED BY THE GENERAL CONTRACTOR AND OBSERVE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE DONE. NOTIFY THE GENERAL CONTRACTOR OF ANY UNSATISFACTORY CONDITIONS, AND WORK SHALL NOT PROCEED UNTIL SUCH CONDITIONS HAVE BEEN CORRECTED AND ARE ACCEPTABLE TO THE LANDSCAPE CONTRACTOR.

PREPARATION

PLANTING SHALL BE PERFORMED ONLY BY EXPERIENCED WORKMEN FAMILIAR WITH PLANTING PROCEDURES UNDER THE SUPERVISION OF A QUALIFIED SUPERVISOR.

LOCATE PLANTS AS INDICATED ON THE PLANS OR AS APPROVED IN THE FIELD AFTER STAKING BY THE LANDSCAPE CONTRACTOR. IF OBSTRUCTIONS ARE ENCOUNTERED THAT ARE NOT SHOWN ON THE DRAWINGS, DO NOT PROCEED WITH PLANTING OPERATIONS UNTIL ALTERNATE PLANT LOCATIONS HAVE BEEN SELECTED AND APPROVED BY THE LANDSCAPE ARCHITECT; SPACING OF PLANT MATERIAL SHALL BE AS SHOWN ON THE LANDSCAPE PLAN.

EXCAVATE CIRCULAR PLANT PITS WITH VERTICAL SIDES, EXCEPT FOR PLANTS SPECIFICALLY INDICATED TO BE PLANTED IN BEDS. PROVIDE SHRUB PITS AT LEAST 12" GREATER THAN THE DIAMETER OF THE ROOT SYSTEM AND 24" GREATER FOR TREES. DEPTH OF PIT SHALL ACCOMMODATE THE ROOT SYSTEM. PROVIDE UNDISTURBED SUB GRADE TO HOLD ROOT BALL AT NURSERY GRADE AS SHOWN ON THE DRAWINGS.

INSTALLATION

SET PLANT MATERIAL IN THE PLANTING PIT TO PROPER GRADE AND ALIGNMENT. SET PLANTS UPRIGHT, PLUMB, AND FACED TO GIVE THE BEST APPEARANCE OR RELATIONSHIP TO EACH OTHER OR ADJACENT STRUCTURE. SET PLANT MATERIAL 2" - 3" ABOVE THE FINISH GRADE. NO FILLING WILL BE PERMITTED AROUND TRUNKS OR STEMS. BACKFILL THE PIT WITH TOPSOIL, MIX AND EXCAVATED MATERIAL. DO NOT USE FROZEN OR MUDDY MIXTURES FOR BACKFILLING. FORM A RING OF SOIL AROUND THE EDGE OF EACH PLANTING PIT TO RETAIN WATER.

AFTER BALLED AND WRAPPED IN BURLAP PLANTS ARE SET, MULCH PLANTING SOIL MIXTURE AROUND BASES OF BALLS AND FILL ALL VOIDS.

- 1. REMOVE ALL BURLAP, ROPES, AND WIRES FROM THE TOP 1/3 OF THE ROOT BALL.

SPACE GROUND COVER PLANTS IN ACCORDANCE WITH INDICATED DIMENSIONS. ADJUST SPACING AS NECESSARY TO EVENLY FILL PLANTING BED WITH INDICATED QUANTITY OF PLANTS. PLANT TO WITHIN 24" OF THE TRUNKS OF TREES AND SHRUBS WITHIN PLANTING BED AND TO WITHIN 18" OF EDGE OF BED.

MULCHING:

- 1. MULCH TREE AND SHRUB PLANTING PITS AND SHRUB BEDS WITH REQUIRED MULCHING MATERIAL (SEE LANDSCAPE PLAN FOR MULCH TYPE); DEPTH OF MULCH AS NOTED ABOVE. HOLD MULCH BACK 4" AWAY FROM TREE TRUNKS AND SHRUB STEMS. THOROUGHLY WATER MULCHED AREAS. AFTER WATERING, RAKE MULCH TO PROVIDE A UNIFORM FINISHED SURFACE.

DECORATIVE STONE: (WHERE INDICATED ON LANDSCAPE PLAN)

- 1. INSTALL WEED CONTROL BARRIER OVER SUB-GRADE PRIOR TO INSTALLING STONE. LAP 6" ON ALL SIDES.
- 2. PLACE STONE WITHOUT DAMAGING WEED BARRIER.
- 3. ARRANGE STONES FOR BEST APPEARANCE AND TO COVER ALL WEED BARRIER FABRIC.

WRAPPING, GUYING, STAKING:

- 1. INSPECT TREES FOR INJURY TO TRUNKS, EVIDENCE OF INSECT INFESTATION, AND IMPROPER PRUNING BEFORE WRAPPING.
- 2. WRAPPING.
 - 2.1. WRAP TRUNKS OF ALL YOUNG NEWLY PLANTED TREES KNOWN TO HAVE THIN BARK. WRAP SPIRALLY FROM BOTTOM TO TOP WITH SPECIFIED TREE WRAP AND SECURE IN PLACE.
 - 2.2. OVERLAP 1/2; THE WIDTH OF THE TREE WRAP STRIP AND COVER THE TRUNK FROM THE GROUND TO THE HEIGHT OF THE SECOND BRANCH.
 - 2.3. SECURE TREE WRAP IN PLACE WITH TWINE WOUND SPIRALLY DOWNWARD IN THE OPPOSITE DIRECTION, TIED AROUND THE TREE IN AT LEAST 3 PLACES IN ADDITION TO THE TOP AND BOTTOM.
- 24. WRAP THE TREES IN THE FALL AND LEAVE THE WRAP IN PLACE THROUGHOUT THE WINTER AND EARLY SPRING.
- 25. TREE WRAPS ARE TEMPORARY AND NO LONGER NEEDED ONCE THE TREES DEVELOP CORKY BARK.
- 3. STAKING/GUYING.
 - 3.1. STAKE/GUY ALL TREES IMMEDIATELY AFTER LAWN SODDING OPERATIONS AND PRIOR TO ACCEPTANCE.
 - 3.2. STAKE DECIDUOUS TREES 2" CALIPER AND LESS. STAKE EVERGREEN TREES UNDER 7'-0" TALL.
 - 3.2.1. STAKES ARE PLACED IN LINE WITH PREVAILING WIND DIRECTION AND DRIVEN INTO UNDISTURBED SOIL.
 - 3.2.2. TIES ARE ATTACHED TO THE TREE, USUALLY AT THE LOWEST BRANCH.
 - 3.3. GUY DECIDUOUS TREES OVER 2" CALIPER. GUY EVERGREEN TREES 7'-0" TALL AND OVER.
 - 3.3.1. GUY WIRES TO BE ATTACHED TO THREE STAKES DRIVEN INTO UNDISTURBED SOIL, WITH ONE STAKE PLACED IN THE DIRECTION OF THE PREVAILING WIND.
 - 3.3.2. TIES ARE ATTACHED TO THE TREE AS HIGH AS PRACTICAL.
 - 3.3.3. THE AXIS OF THE STAKE SHOULD BE AT 90 DEGREE ANGLE TO THE AXIS ON THE PULL OF THE GUY WIRE.
- 4. REMOVE ALL GUYING AND STAKING AFTER ONE YEAR FROM PLANTING.

PRUNING:

- 1. PRUNE DECIDUOUS TREES AND EVERGREENS ONLY TO REMOVE BROKEN OR DAMAGED BRANCHES.

WORKMANSHIP

DURING LANDSCAPE/IRRIGATION INSTALLATION OPERATIONS, ALL AREAS SHALL BE KEPT NEAT AND CLEAN. PRECAUTIONS SHALL BE TAKEN TO AVOID DAMAGE TO EXISTING STRUCTURES. ALL WORK SHALL BE PERFORMED IN A SAFE MANNER TO THE OPERATORS, THE OCCUPANTS AND ANY PEDESTRIANS.

UPON COMPLETION OF INSTALLATION OPERATIONS, ALL EXCESS MATERIALS, EQUIPMENT, DEBRIS AND WASTE MATERIAL SHALL BE CLEANED UP AND REMOVED FROM THE SITE, UNLESS PROVISIONS HAVE BEEN GRANTED BY THE OWNER TO USE ON-SITE TRASH RECEPTACLES. SWEEP PARKING AND WALKS CLEAN OF DIRT AND DEBRIS. REMOVE ALL PLANT TAGS AND OTHER DEBRIS FROM LAWNS AND PLANTING AREAS.

ANY DAMAGE TO THE LANDSCAPE, THE STRUCTURE, OR THE IRRIGATION SYSTEM CAUSED BY THE LANDSCAPE CONTRACTOR SHALL BE REPAIRED BY THE LANDSCAPE CONTRACTOR WITHOUT CHARGE TO THE OWNER.

MAINTENANCE

CONTRACTOR SHALL PROVIDE MAINTENANCE UNTIL WORK HAS BEEN ACCEPTED BY THE OWNER'S REPRESENTATIVE.

MAINTENANCE SHALL INCLUDE MOWING, FERTILIZING, MULCHING, PRUNING, CULTIVATION, WEEDING, WATERING, AND APPLICATION OF APPROPRIATE INSECTICIDES AND FUNGICIDES NECESSARY TO MAINTAIN PLANTS AND LAWNS FREE OF INSECTS AND DISEASE.

- 1. SETTLED PLANTS TO PROPER GRADE AND POSITION. RESTORE PLANTING SAUCER AND ADJACENT MATERIAL AND REMOVE DEAD MATERIAL.
- 2. REPAIR GUY WIRES AND STAKES AS REQUIRED. REMOVE ALL STAKES AND GUY WIRES AFTER 1 YEAR.
- 3. INSPECT DEFECTIVE WORK AS SOON AS POSSIBLE AFTER DEFICIENCIES BECOME APPARENT AND WEATHER AND SEASON PERMIT.
- 4. WATER TREES, PLANTS AND GROUND COVER BEDS WITHIN THE FIRST 24 HOURS OF INITIAL PLANTING, AND NOT LESS THAN TWICE PER WEEK UNTIL FINAL ACCEPTANCE.

LANDSCAPE MAINTENANCE SPECIFICATIONS

THE CONTRACTOR SHALL PROVIDE AS A SEPARATE BID, MAINTENANCE FOR A PERIOD OF 1 YEAR, AFTER FINAL ACCEPTANCE OF THE PROJECT LANDSCAPING. THE CONTRACTOR MUST BE ABLE TO PROVIDE CONTINUED MAINTENANCE IF REQUESTED BY THE OWNER OR PROVIDE THE NAME OF A REPUTABLE LANDSCAPE CONTRACTOR WHO CAN PROVIDE MAINTENANCE.

STANDARDS

ALL LANDSCAPE MAINTENANCE SERVICES SHALL BE PERFORMED BY TRAINED PERSONNEL USING CURRENT, ACCEPTABLE HORTICULTURAL PRACTICES.

ALL WORK SHALL BE PERFORMED IN A MANNER THAT MAINTAINS THE ORIGINAL INTENT OF THE LANDSCAPE DESIGN.

ALL CHEMICAL APPLICATIONS SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT COUNTY, STATE AND FEDERAL LAWS, USING EPA REGISTERED MATERIALS AND METHODS OF APPLICATION. THESE APPLICATIONS SHALL BE PERFORMED UNDER THE SUPERVISION OF A LICENSED CERTIFIED APPLICATOR.

APPROVALS

ANY WORK PERFORMED IN ADDITION TO THAT WHICH IS OUTLINED IN THE CONTRACT SHALL ONLY BE DONE UPON WRITTEN APPROVAL BY THE OWNER'S REPRESENTATIVE (GENERAL MANAGER OF THE RESTAURANT).

ALL SEASONAL COLOR SELECTIONS SHALL BE APPROVED BY THE GENERAL MANAGER PRIOR TO ORDERING AND INSTALLATION.

SOIL TESTING

THE MAINTENANCE CONTRACTOR SHALL PERFORM SOIL TESTS AS NEEDED TO IDENTIFY IMBALANCES OR DEFICIENCIES CAUSING PLANT MATERIAL DECLINE. THE OWNER SHALL BE NOTIFIED OF THE RECOMMENDATION FOR APPROVAL, AND THE NECESSARY CORRECTIONS MADE AT AN ADDITIONAL COST TO THE OWNER.

ACCEPTABLE SOIL TEST RESULTS

	LANDSCAPE TREES AND SHRUBS	TURF
pH RANGE	5.0 - 7.0	6.0 - 7.0
ORGANIC MATTER	> 1.5%	> 2.5%
MAGNESIUM (Mg)	100+ LBS/ACRE	100+ LBS/ACRE
PHOSPHORUS (P205)	150+ LBS/ACRE	150+ LBS/ACRE
POTASSIUM (K2O)	120+ LBS/ACRE	120+ LBS/ACRE
SOLUBLE SALTS/	NOT TO EXCEED 900PPM/1.5MMHOS/CM	NOT TO EXCEED 900PPM/1.5MMHOS/CM
CONDUCTIVITY	IN SOIL, NOT TO EXCEED 1400 PPM/2.5 MMHOS/CM	IN SOIL, NOT TO EXCEED 1400 PPM/2.5 MMHOS/CM
	IN HIGH ORGANIC MIX.	IN HIGH ORGANIC MIX.

WORKMANSHIP

DURING LANDSCAPE MAINTENANCE OPERATIONS, ALL AREAS SHALL BE KEPT NEAT AND CLEAN. PRECAUTIONS SHALL BE TAKEN TO AVOID DAMAGE TO EXISTING STRUCTURES. ALL WORK SHALL BE PERFORMED IN A SAFE MANNER TO THE OPERATORS, THE OCCUPANTS AND ANY PEDESTRIANS.

UPON COMPLETION OF MAINTENANCE OPERATIONS, ALL DEBRIS AND WASTE MATERIAL SHALL BE CLEANED UP AND REMOVED FROM THE SITE, UNLESS PROVISIONS HAVE BEEN GRANTED BY THE OWNER TO USE ON-SITE TRASH RECEPTACLES.

ANY DAMAGE TO THE LANDSCAPE, THE STRUCTURE, OR THE IRRIGATION SYSTEM CAUSED BY THE MAINTENANCE CONTRACTOR, SHALL BE REPAIRED BY THE MAINTENANCE CONTRACTOR WITHOUT CHARGE TO THE OWNER.

TURF

GENERAL CLEAN UP

PRIOR TO MOWING, ALL TRASH, STICKS, AND OTHER UNWANTED DEBRIS SHALL BE REMOVED FROM LAWNS, PLANT BEDS, AND PAVED AREAS.

MOWING

WARM SEASON GRASSES (I.E. BERMUJIDA GRASS) SHALL BE MAINTAINED AT A HEIGHT OF 1" TO 2" DURING THE GROWING SEASON.

COOL SEASON GRASSES, INCLUDING BLUE GRASS, TALL FESCUE, PERENNIAL RYEGRASS, ETC., SHALL BE MAINTAINED AT A HEIGHT OF 2" TO 3" IN SPRING AND FALL. FROM JUNE THROUGH SEPTEMBER, MOWING HEIGHT SHOULD BE MAINTAINED AT NO LESS THAN 3".

THE MOWING OPERATION INCLUDES TRIMMING AROUND ALL OBSTACLES, RAKING EXCESSIVE GRASS CLIPPINGS AND REMOVING DEBRIS FROM WALKS, CURBS, AND PARKING AREAS. CAUTION: WEED EATERS SHOULD NOT BE USED AROUND TREES BECAUSE OF POTENTIAL DAMAGE TO THE BARK.

EDGING

EDGINGS OF ALL SIDEWALKS, CURBS AND OTHER PAVED AREAS SHALL BE PERFORMED ONCE EVERY OTHER MOWING. DEBRIS FROM THE EDGING OPERATIONS SHALL BE REMOVED AND THE AREAS SWEEP CLEAN. CAUTION SHALL BE USED TO AVOID FLYING DEBRIS.

LIMING & FERTILIZING

A SOIL TEST SHALL BE TAKEN TO DETERMINE WHETHER AN APPLICATION OF LIMESTONE IN LATE FALL IS NECESSARY. IF LIMESTONE IS REQUIRED, THE LANDSCAPE CONTRACTOR SHALL SPECIFY THE RATE, OBTAIN APPROVAL FROM THE OWNER AND APPLY IT AT AN ADDITIONAL COST. A UNIT PRICE FOR LIMING OF TURF SHALL ACCOMPANY THE BID BASED ON A RATE OF 50 POUNDS PER 1000 SQUARE FEET.

FERTILIZER SHALL BE APPLIED IN AREAS BASED ON THE EXISTING TURF SPECIES.

LAWN WEED CONTROL: HERBICIDES

SELECTION AND PROPER USE OF HERBICIDES SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY. ALL CHEMICAL APPLICATIONS SHALL BE PERFORMED UNDER THE SUPERVISION OF A LICENSED CERTIFIED APPLICATOR. READ THE LABEL PRIOR TO APPLYING ANY CHEMICAL.

INSECT & DISEASE CONTROL FOR TURF

THE CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING THE SITE CONDITIONS ON EACH VISIT TO DETERMINE IF ANY INSECT PEST OR DISEASE PROBLEMS EXIST. THE CONTRACTOR SHALL IDENTIFY THE INSECT PEST OR DISEASE, AS WELL AS THE HOST PLANT, AND THEN CONSULT THE MOST CURRENT EDITION OF THE COOPERATIVE EXTENSION SERVICES' COMMERCIAL INSECTICIDE RECOMMENDATION FOR TURF- FOR CONTROL. THE LICENSED APPLICATOR SHALL BE FAMILIAR WITH THE LABEL PROVIDED FOR THE SELECTED PRODUCT PRIOR TO APPLICATION.

INSPECTION AND TREATMENT TO CONTROL INSECT PESTS SHALL BE INCLUDED IN THE CONTRACT PRICE.

TREES, SHRUBS, & GROUND COVER

PRUNING

ALL ORNAMENTAL TREES, SHRUBS AND GROUND COVER SHALL BE PRUNED WHEN APPROPRIATE TO REMOVE DEAD OR DAMAGED BRANCHES. DEVELOP THE NATURAL SHAPES. DO NOT SHEAR TREES OR SHRUBS, IF PREVIOUS MAINTENANCE PRACTICE HAS BEEN TO SHEAR AND BALL, THEN A NATURAL SHAPE WILL BE RESTORED GRADUALLY.

PRUNING GUIDELINES:

- 1. PRUNE THOSE THAT FLOWER BEFORE THE END OF JUNE IMMEDIATELY AFTER FLOWERING. FLOWER BUDS DEVELOP DURING THE PREVIOUS GROWING SEASON. FALL, WINTER OR SPRING PRUNING WOULD REDUCE THE SPRING FLOWERING DISPLAY.
- 2. PRUNE THOSE THAT FLOWER IN SUMMER OR AUTUMN IN WINTER OR SPRING BEFORE NEW GROWTH BEGINS, SINCE THESE PLANTS DEVELOP FLOWERS ON NEW GROWTH.

- 3. DELAY PRUNING PLANTS GROWN FOR ORNAMENTAL FRUITS, SUCH AS COTONEASTER, PYRACANTHAS AND VIBURNUMS.
- 4. HOLIES AND OTHER EVERGREENS MAY BE PRUNED DURING WINTER IN ORDER TO USE THEIR BRANCHES FOR SEASONAL DECORATION. HOWEVER, SEVERE PRUNING OF EVERGREENS SHOULD BE DONE IN EARLY SPRING ONLY.
- 5. BROAD-LEAF EVERGREEN SHRUBS SHALL BE HAND-PRUNED TO MAINTAIN THEIR NATURAL APPEARANCE AFTER THE NEW GROWTH HARDENS OFF.
- 6. HEDGES OR SHRUBS THAT REQUIRE SHEARING TO MAINTAIN A FORMAL APPEARANCE SHALL BE PRUNED AS REQUIRED. DEAD WOOD SHALL BE REMOVED FROM SHEARED PLANTS BEFORE THE FIRST SHEARING OF THE SEASON.
- 7. CONIFERS SHALL BE PRUNED, IF REQUIRED, ACCORDING TO THEIR GENUS.
 - 7.1. YEW, JUNIPER, HEMLOCK, ARBORVITAE, AND FALSE-CYRESS MAY BE PRUNED AFTER NEW GROWTH HAS HARDENED OFF IN LATE SUMMER. IF SEVERE PRUNING IS NECESSARY, IT MUST BE DONE IN EARLY SPRING.
 - 7.2. FIRS AND SPRUCES MAY BE LIGHTLY PRUNED IN LATE SUMMER, FALL, OR WINTER AFTER COMPLETING GROWTH. LEAVE SIDE BUDS. NEVER CUT CENTRAL LEADER.
 - 7.3. PINES MAY BE LIGHTLY PRUNED IN EARLY JUNE BY REDUCING CANDLES.
 - 8. GROUND COVER SHALL BE EDGED AND PRUNED AS NEEDED TO CONTAIN IT WITHIN ITS BORDERS.
 - 9. THINNING: REMOVE BRANCHES AND WATER SPROUTS BY CUTTING THEM BACK TO THEIR POINT OF ORIGIN ON PARENT STEMS. THIS METHOD RESULTS IN A MORE OPEN PLANT, WITHOUT STIMULATING EXCESSIVE GROWTH. THINNING IS USED ON CREPE MYRTLES, LILACS, VIBURNUMS, SMOKE BUSH, ETC.
 - 10. RENEWAL PRUNING: REMOVE OLDEST BRANCHES OF SHRUB AT GROUND, LEAVING THE YOUNGER, MORE VIGOROUS BRANCHES. ALSO REMOVE WEAK STEMS. ON OVERGROWN PLANTS, THIS METHOD MAY BE BEST DONE OVER A THREE-YEAR PERIOD. RENEWAL PRUNING MAY BE USED ON ABELIA, FORSYTHIA, DEUTZIA, SPIREA, ETC.

PLANTS OVERHANGING PASSAGEWAYS AND PARKING AREAS AND DAMAGED PLANTS SHALL BE PRUNED AS NEEDED.

SHADE TREES THAT CANNOT BE ADEQUATELY PRUNED FROM THE GROUND SHALL NOT BE INCLUDED IN THE MAINTENANCE CONTRACT. A CERTIFIED ARBORIST UNDER A SEPARATE CONTRACT SHALL PERFORM THIS TYPE OF WORK.

SPRING CLEANUP

PLANT BEDS SHALL RECEIVE A GENERAL CLEANUP BEFORE FERTILIZING AND MULCHING. CLEANUP INCLUDES REMOVING DEBRIS AND TRASH FROM BEDS AND CUTTING BACK HERBACEOUS PERENNIALS LEFT STANDING THROUGH WINTER, E.G. ORNAMENTAL GRASSES, SEDUM AUTUMN JOY.

FERTILIZING

FOR TREES, THE RATE OF FERTILIZATION DEPENDS ON THE TREE SPECIES, TREE YGQR, AREA AVAILABLE FOR FERTILIZATION, AND GROWTH STAGE OF THE TREE. MATURE SPECIMENS BENEFIT FROM FERTILIZATION EVERY 3 TO 4 YEARS; YOUNGER TREES SHALL BE FERTILIZED MORE OFTEN DURING RAPID GROWTH STAGES.

THE CURRENT RECOMMENDATION IS BASED ON THE RATE OF 1000 SQUARE FEET OF AREA UNDER THE TREE TO BE FERTILIZED. FOR DECIDUOUS TREES, 2 TO 6 POUNDS OF NITROGEN PER 1000 SQUARE FEET; FOR NARROW-LEAF EVERGREENS, 1 TO 4 POUNDS OF NITROGEN PER 1000 SQUARE FEET; FOR BROADLEAF EVERGREENS, 1 TO 3 POUNDS OF NITROGEN PER 1000 SQUARE FEET.

SHRUBS AND GROUND COVER SHALL BE TOP-DRESSED WITH COMPOST 1" DEEP, OR FERTILIZED ONCE IN MARCH WITH 10-6-4 ANALYSIS FERTILIZER AT THE RATE OF 3 POUNDS PER 100 SQUARE FEET OF BED AREA. ERICACEOUS MATERIAL SHALL BE FERTILIZED WITH AN ERICACEOUS FERTILIZER AT THE MANUFACTURER'S RECOMMENDATION RATE. IF PLANTS ARE GROWING POORLY, A SOIL SAMPLE SHOULD BE TAKEN.

MULCHING

ANNUALLY ALL TREE AND SHRUB BEDS WILL BE PREPARED AND MULCHED, TO A MINIMUM DEPTH OF 3" WITH QUALITY MULCH TO MATCH EXISTING. BED PREPARATION SHALL INCLUDE REMOVING ALL WEEDS, CLEANING UP SAID BED, EDGING AND CULTIVATING DECAYED MULCH INTO THE SOIL. DEBRIS FROM EDGING IS TO BE REMOVED FROM BEDS WHERE APPLICABLE. IF DEEMED NECESSARY, A PRE-EMERGENT HERBICIDE MAY BE AP

EXPLANATION TO COUNCIL BILL 2025-258 (LEE)

FILED: 11/24/2025

ORIGINATING DEPARTMENT: Planning and Development

TITLE: A general ordinance amending General Ordinance 6917, "Exhibit B," the adopted text for Chapter 36 of the Springfield City Code, known as the "Land Development Code."

PURPOSE: To amend General Ordinance 6917, "Exhibi B," the adopted text for Chapter 36 of the Springfield City Code, known as the "Land Development Code," to incorporate recommended changes.

BACKGROUND INFORMATION:

TEXT AMENDMENTS – SUBDIVISION AND ZONING REGULATION AMENDMENTS

1. The City of Springfield contracted with the urban planning firm, Multistudio, beginning in 2023 to facilitate and draft new Development Codes, which will provide the City with the regulatory framework essential to implement many of the recommendations outlined in Forward SGF that will impact expansion of uses and quality of place enhancements for re- development projects.
2. Code consultant, Multistudio, completed the research and analysis phase of the code update process in the winter of 2023, which included reviewing and studying the City of Springfield's existing codes, policies, and district standards, as well as conducting interviews. The analysis phase produced the Fiscal Impact Analysis, the Code Review Summaries, and the Development Pattern Analysis documents, all of which can be found online.
3. After the analysis phase of the code update process was concluded, the consultant began the discussion phase on, January 25, 2024, with an initial meeting of the volunteer Place Teams and a public open house. These events were an opportunity for both members of the public and individuals that expressed interest in being involved in the process to learn how the consultant is using the vision of *Forward SGF* to update the City's development codes. The [precedent studies](#) set the framework for these events and other conversations with the public. In addition, the presentation boards that were at the open house can be found online at: <https://www.forwardsgf.com/initiative3>.
4. The Place Teams met again with the consultant and city staff on, June 4, 2024, to discuss their vision for future development. Based on the three Guiding Principles – "Community Design", "Development and Design", and "Site Design"

participants were asked to share desired improvement for the four consolidated Placetypes – Neighborhoods, Corridors, Destinations, and Employment Centers and Campuses, as defined by Forward SGF.

5. The Place Teams met for a third time on December 4th, 2024, to kick off the public review of the draft code articles that were released on November 13th. Place Team members were encouraged to submit their feedback to staff at forwardsgf@springfieldmo.gov prior to City Council adoption process.
6. Multistudio and City staff worked for much of 2024 to draft a code that would integrate the recommendations from Forward SGF and be ready for public review. After the working draft's release in mid-November, City staff provided one-on-one opportunities for members of the public to discuss the code and provide their feedback.
7. Public comments on the individual articles of the working draft continued into January of 2025. After making adjustments to the code language based on the provided input, the proposed Community Development Code was adopted by City Council via General Ordinance No. 6917 on March 24, 2025.
8. The Planning and Zoning Commission recommended the initiation of the text amendment contained in Attachment 1 of Exhibit B at its October 9, 2025, regular meeting.
9. The proposed changes follow the guidance and recommended implementation measures identified in Forward SGF as necessary for enhancing, preserving, and creating quality of place.
10. A working draft of the proposed changes (Text Amendment #1) has been made available for public review on ForwardSGF.com since early August 2025.
11. The proposed amendments are intended to 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 April 6, 2026, pending City Council adoption.
12. These changes have been made to correct minor imperfections in the adopted draft and to make necessary structural changes to implement the code. Such changes include but are not limited to:
 - a. Shift from a single "50% investment" test to a sliding scale for parking triggers for site compliance. With the proposed changes, more than a 50% in gross floor area expansion or teardown with rebuild will require full LDC compliance. 25–50% gross floor area expansion or more than a 20% increase in required parking will require full bufferyard & screening compliance and any new parking will meet

landscaping requirements per code. Less than 25% gross floor area expansion or less than or equal to a 20% increase in required parking will require streetscape or frontage/foundation landscaping, and full screening where applicable.

- b. Table 2-1, and the matrix and notice subsections, are clarified.
- c. Table 2-2 (Site Plan Modifications) carried forward with clarifications, including thresholds for minor vs. major modifications.
- d. Section 2.10 (Annexation) text is organized for clarity regarding applicability, criteria, petition, and effect of decision, including, but not limited to, a required city zoning classification within six (6) months and permit treatment.
- e. Clarification of block connectivity standards and an increased closed-end street maximum length of 800' (from 600'), with a 30 units/access point cap; reinforcement of private internal access lanes for oversized parcels and non-auto connections where streets do not currently connect.
- f. Commercial Street (COM) District maintained and legacy/overlay references preserved while clarifying how prior approvals persist until rezoned under the new framework.
- g. Modifications to existing sites apply proportionally; design standards apply to newly constructed areas; >50% parking-area reconstruction triggers full compliance.
- h. Clarification of tables and narrative regarding required parking and internal sidewalks.
- i. Tables and criteria for plant specifications and diversity refined; explicit "Do Not Plant" cross-reference; emphasis on native composition.
- j. Tree protection and prohibited activities clarified, including but not limited to protective fencing, grading limits, and materials handling.
- k. Credits for existing vegetation—adds inventory by certified arborist/forester/LA and credit schedule.

A redline version detailing all of the proposed changes has been included as Attachment 1 to Exhibit B, with a clean copy of the Land Development Code with proposed changes at Attachment 2 of Exhibit B and a log of all substantive changes at Attachment 3 of Exhibit B.

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 November 20, 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:

Maurice S. Jones, Deputy City Manager 12/05/2025

- Attachments:**
1. Code update TXT AMD ONE
 2. Code Update TXT AMD ONE_exhA
 3. Land Development Code Amendments SR_ Exhibit B
 4. AMENDED-LDC-DRAFT-08.08.2025_Compessed.cleaned_NOCOMMENTS
 5. Land Development Code Text Amendment 1 Draft_Clean Attachment 2
 6. Land Development Code Text Amendment Attachment 3 change log

One-rdg. _____
P. Hrngs. X
Pgs. 808
Filed: 12-09-25

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-258

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING General Ordinance 6917, "Exhibit B," the adopted text for Chapter
2 36 of the Springfield City Code, known as the "Land Development
3 Code."
4 _____
5

6 WHEREAS, General Ordinance 6917 was enacted March 24, 2025, adopting a
7 new Chapter 36 of the Springfield City Code, not to become effective until the City
8 Council adopts a new zoning map for the entire city; and
9

10 WHEREAS, during the mapping process, numerous refinements were
11 recommended; and
12

13 WHEREAS, city staff has worked with an urban planning firm, the public, and
14 stakeholder groups to draft said refinements; and
15

16 WHEREAS, the Planning and Zoning Commission held a public hearing on
17 November 20, 2025, and recommended approval of this amendment by a vote of 7 to 0,
18 a copy of said proceedings being attached hereto and incorporated herein by this
19 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 – General Ordinance 6917, "Exhibit B," the adopted text for Chapter 36
25 of the Springfield City Code, known as the "Land Developments Code," is hereby
26 amended as set forth in "Attachment 1 of Exhibit B," all of "Exhibit B" being attached
27 hereto and incorporated herein by this reference. A copy of "Exhibit B" is on file in the
28 office of the City Clerk.
29

30 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
31 affect any suit or proceeding now pending in any court, or any rights acquired, or liability
32 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.

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. City 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 not be effective until the City Council adopts a new zoning map for the entire City adjusting the boundaries of the zoning districts, and until the City Council declares that this condition has been satisfied.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Laura Vales, Assistant City Attorney

Approved for Council action: [Signature], City Manager

EXHIBIT A
RECORD OF PROCEEDINGS
Planning and Zoning Commission – November 20, 2025

Land Development Code Text Amendments 1
Citywide

Applicant: City of Springfield

Mr. Justin Crighton stated that this is a request to amend Sections 36-200 to 36-495 of the Land Development Code of the City of Springfield, Missouri. He noted that this is the first round of updates to the text, aiming to align development rules with the "Forward SGF" Comprehensive Plan (focusing on complete neighborhoods, active corridors, and public/private realm linkages).

Primary goals of these amendments are:

- Clarity: Tightening definitions and ensuring clear language.
- Alignment with Design: Making small adjustments to residential and non-residential design standards.
- Consistency: Codifying all existing urban conservation districts, legacy overlay districts, and planned development districts into Article 10, consolidating all ordinances and zoning in one place for the first time in the city's history.

Staff recommended approval, asserting the amendments are consistent with "Forward SGF" and the purpose of the existing Land Development Code for orderly property development.

Commissioner Scott inquired about "wordsmithing" for clarity and consistency and requested access to a "clean copy" of the 300-page document (available via a link in the agenda). Mr. Crighton noted that they can make some changes in the text amendments for additional clarity.

Commissioner Knuckles asked if a briefing session for the next phase of changes was requested and agreed upon and Mr. Crighton stated that they will get one scheduled.

Commissioner Doennig opened the public hearing.

No speakers.

Commissioner Doennig closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commissioner Knuckles moved to approve Land Development Code Text Amendments 1; Commissioner Knuckles seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Gunther, Commissioner Ridge, Commissioner Scott, Commissioner Pauly, and Commissioner Knuckles. Nays: None. Absent: Commissioner Colony, Commissioner Hunton, and Commissioner Lebeck. Abstain: None.



Bob Hosmer, AICP
Planning Manager

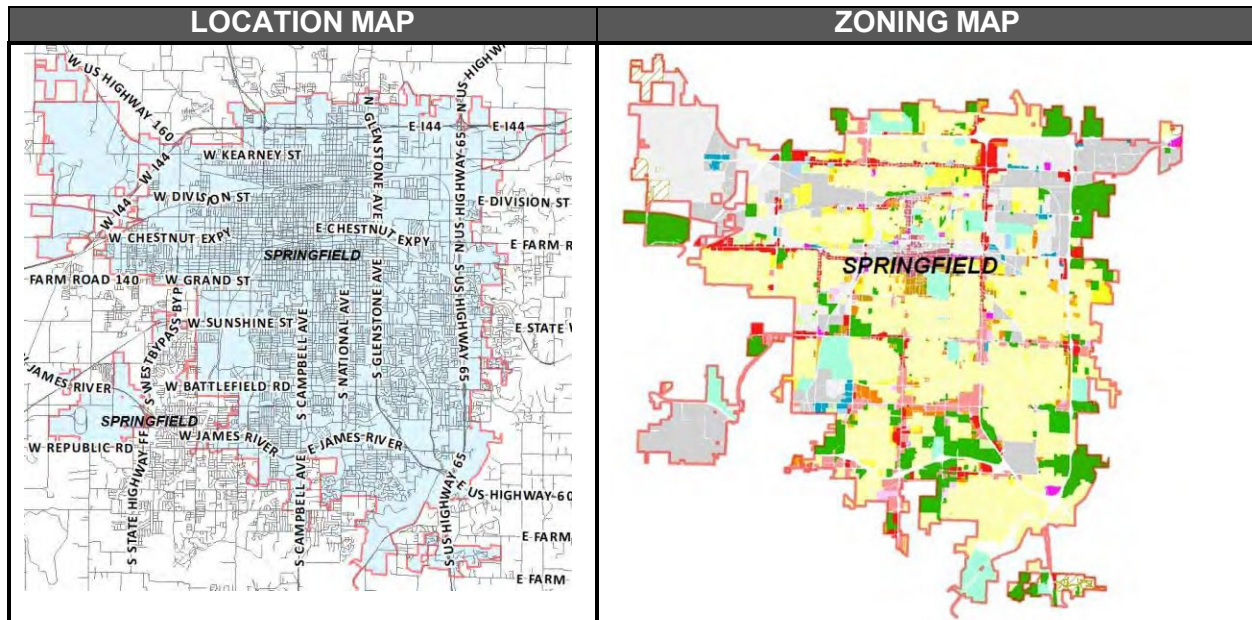
DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION:

Case Number:	Land Development Code – Text Amendments
Location:	Citywide
Applicant:	City of Springfield
Planning and Zoning Commission:	November 20, 2025
City Council:	April 6, 2026
Public Notification:	Legal in Springfield News Leader
Staff:	Justin Crighton, Assistant Director
Staff recommendation:	Staff recommends approval
Proposed motion:	I move to recommend approval of the text amendment to Chapter 36 Sections 36-200 to 36-495 of the Land Development Code of the City of Springfield, Missouri as set forth in Attachment 1 to the staff report. (All commission motions are made in the affirmative)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to amend Chapter 36 Sections 36-200 to 26-495 of the Land Development Code of the City of Springfield, Missouri and adopt the amended 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.



DEVELOPMENT REVIEW STAFF REPORT

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

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

1. Whether the proposed text amendment is consistent with the intent and purpose of this article.
2. The areas of the city that are most likely to be affected by the proposed text amendment and the manner in which those areas will be affected.
3. Whether the proposed text amendment is necessitated by a change in conditions in the zoning districts affected and the nature of such changed conditions.
4. Information submitted at the public hearing.

COMPATIBILITY WITH COMPREHENSIVE PLAN:

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

Chapter 5 – Land Use & Development

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

Chapter 7 – Neighborhoods & Housing

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

Chapter 8 – Economic Development

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

Chapter 9 – Transportation & Mobility

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

DEVELOPMENT REVIEW STAFF REPORT

Chapter 10 – Infrastructure & Community Facilities

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

Chapter 12 – Subarea Plans

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

Chapter 13 – Commercial Street Plan

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

Chapter 15 – Implementation

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

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

STAFF ANALYSIS AND RECOMMENDATION:

1. The City of Springfield contracted with the urban planning firm, Multistudio, beginning in 2023 to facilitate and draft new Development Codes, which will provide the City with the regulatory framework essential to implement many of the recommendations outlined in Forward SGF that will impact expansion of uses and quality of place enhancements for re-development projects.
2. Code consultant, Multistudio, completed the research and analysis phase of the code update process in the winter of 2023, which included reviewing and studying the City of Springfield's existing codes, policies, and district standards, as well as conducting interviews. The analysis phase produced the Fiscal Impact Analysis, the Code Review Summaries, and the Development Pattern Analysis documents, all of which can be found online.
3. After the analysis phase of the code update process was concluded, the consultant began the discussion phase on, January 25, 2024, with an initial meeting of the volunteer Place Teams and a public open house. These events were an opportunity for both members of the public and individuals that expressed interest in being involved in the process to learn how the consultant is using the vision of *Forward SGF* to update the City's development codes. The precedent studies set the framework for these events and other conversations with the public. In addition, the presentation boards that were at the open house can be found online at: <https://www.forwardsgf.com/initiative3>.

4. The Place Teams met again with the consultant and city staff on, June 4, 2024, to discuss their vision for future development. Based on the three Guiding Principles – “Community Design”, “Development and Design”, and “Site Design” participants were asked to share desired improvement for the four consolidated Placetypes – Neighborhoods, Corridors, Destinations, and Employment Centers and Campuses, as defined by Forward SGF.
5. The Place Teams met for a third time on December 4th, 2024, to kick off the public review of the draft code articles that were released on November 13th. Place Team members were encouraged to submit their feedback to staff at forwardsgf@springfieldmo.gov prior to City Council adoption process.
6. Multistudio and City staff worked for much of 2024 to draft a code that would integrate the recommendations from Forward SGF and be ready for public review. After the working draft’s release in mid-November, City staff provided one-on-one opportunities for members of the public to discuss the code and provide their feedback.
7. Public comments on the individual articles of the working draft continued into January of 2025. After making adjustments to the code language based on the provided input, the proposed Community Development Code was adopted by City Council in March of 2025.
8. Planning and zoning commission recommended the initiation of the text amendment contained in Attachment 1 at their, October 9, 2025, regular meeting.
9. The proposed amendments follow the guidance and recommended implementation measures identified in Forward SGF as necessary for enhancing, preserving, and creating quality of place.
10. A draft of the proposed amendments (Text Amendment #1) has been made available for public review on Forward SGF.com since February of 2025.
11. The proposed amendments are intended go into effect only after an update to the official zoning map in accordance with the procedures outlined in the ordinance which is anticipated to occur on or about April 7th 2026, pending City Council adoption.

12. These amendments have been made to correct minor imperfections in the adopted draft and to make necessary structural changes to implement the code. Briefly they include but are not limited to:

- a. Shift from a single “50% investment” test to sliding scale for parking triggers for site compliance. Now more than a 50% in gross floor area expansion/tear-down–rebuild will require full LDC compliance. 25–50% gross floor area expansion or more than a 20% increase in required parking will require full bufferyard & screening compliance and any new parking will meet landscaping requirements per code. Less than 25% gross floor area expansion or less than or equal to a 20% increase in required parking will require streetscape or frontage/foundation landscaping, and full screening where applicable. Table 2-1 & The matrix and notice subsections are clarified
- b. Site Plan Modifications (Table 2-2) carried forward/clarified (minor vs. major thresholds
- c. Annexation (2.10) text is organized for clarity on applicability, criteria, petition, and effect of decision (zoning classification within 6 months; permit treatment).
- d. Block connectivity & closed-end street limits. Clarifies connectivity standards and increases closed-end street maximum length to 800’ (from 600’) with a 30 units/access point cap; reinforces private internal access lanes for oversized parcels and non-auto connections where streets do not currently connect.
- e. ; Commercial Street (COM) maintained; legacy/overlay references preserved while clarifying how prior approvals persist until rezoned under the new framework.
- f. Applicability & thresholds: Modifications to existing sites apply proportionally; design standards apply to newly constructed areas; >50% parking-area reconstruction triggers full compliance.
- g. Required Parking / Internal Sidewalks: Tables and narrative retained/clarified for interpretation).
- h. Plant specifications & diversity—tables and criteria refined; explicit “Do Not Plant” cross-reference; native composition emphasis.
- i. Tree protection & prohibited activities clarified (protective fencing, grading limits, materials handling).
- j. Credits for existing vegetation—adds inventory by certified arborist/forester/LA and credit schedule.
- k. A redline version detailing all of the proposed changes has been included as Attachment 1.
- l. A clean copy of the Land Development Code with the proposed amendments has been included as Attachment 2.
- m. A log of all changes has been included as Attachment 3.

STAFF RECOMMENDATION:

1. Staff recommends approval of the text amendment.

PLANNING AND ZONING OPTIONS:

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

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

ATTACHMENT 3: CHANGE LOG

Key Text Amendments				
Article	Section	Brief Description of Change		
1	1.03.D.4, 6 Conditional Use Permit, Conditional Overlay Districts	Added clarification for the transition of CUPs and CODs		
1	1.04.A.4, Administrative Review Committee	Updated to function as the ARC does currently, noting that the reviews that are routed to the ARC have changed		
1	1.04.B.1, Planning & Zoning Commission	Added membership for consistency, as other bodies also detail their membership in this chapter.		
1	1.06.D, Nonconforming Site Conditions	Added criteria/triggers for levels of compliance with code for nonconforming sites		
2	Table 2-1, Section 2.10	Added Annexation procedure information		
2	2.01.F.4.c, Notice	removing the requirement for legal description to be published with legal notice		
2	2.01.H, Action by Review Bodies	Added a procedure for bills to be remanded		
2	2.02.B.2.f, Administrative Subdivision, Review Criteria	Remove review criteria regarding lotting patterns		
2	2.02.B.3.c, Administrative Subdivision, Review Procedure	removed review criteria for new street to be accepted as it will require major subdivision instead of administrative		
2	2.02.C.4.e, Effect of Decision	clarified how long a preliminary plat is valid vs expiration		
2	2.03.A.7, Site Plan	Added to ensure review of nonconformities is required		
2	2.05.B.3.f, Rezoning, Review Criteria	clarified the role of a site plan in a zoning case		
2	2.05.D, Rezoning, Effect of Decision	Added to clarify requirements for rezoning with site plan		
2	2.07, Variance	Updated language to differentiate between a use and design variance and update review criteria		
2	2.10 Annexation	Added procedure for annexation		
2	2.11, Historic Designations	Moved from Article 10 - Not new language		
3	Table 3-1, Block Sizes & Street Connectivity	changed closed-end street limits from 600 to 800 feet		
3	3.03.C, Street Design Types	Updated language to reflect PW's desires for street design		
3	3.06.B.1, Required Improvements, Applicability	clarification of procedure when public improvements are required as part of a subdivision		
3	3.06.C.6, Coordination with Other Facilities	Added this to clarify water and electric service are required for each lot. This was at CU's request.		
4	Table 4-1, COM - Commercial Street	Added Commercial Street district intent statement and placetype compatability		
4	Table 4-1, OS - Open Space	This is a new district that is being created		
4	Table 4-1, notes	Added Language to Align Application of Zoning with appropriate Placetypes		
4	Table 4-2, Open Space	adding the new Open Space district to the table		
4	Table 4-3, COM and OS	adding Commercial Street and Open Space districts on table and directing to the district regulations for the COM district		
4	Table 4-3, Small-format housing	clarification on where use is permitted		
4	Table 4-3, Household Living - Manufactured Dwelling	adding for clarification		
4	Table 4-3, Cultural Facility, Event Venue, Open Space	clarifying where uses are permitted		
4	Table 4-3, Utility	correction and clarification		
4	Table 4-3, Food & Beverage Establishment - Drive-through	Added Food & Beverage Establishments - Drive-through as a Primary Use		
4	Table 4-3, Residential Care - Transitional Housing	clarification on where permitted		
4	Table 4-3, Warehouse & Storage	clarification on permitted vs conditional use		
4	Table 4-3, Community Garden	add as permitted uses within the OS district		
4	Section 4.03.F.2, Group Homes	removing PD Director's ability to waive spacing requirements between group homes		
4	Section 4.03.I.2, and 5, Residential Care	Made Changes to Residential Care Language per OAEH's request; clarifying spacing requirements		
4	Section 4.03.J, Urban Agricultural uses	Adding specific use standards for Urban Agriculture uses		
4	Table 4-4, ADU Allowances	Clarifying ADU allowances; Changed to Allow One ADU in all R-SF Districts for Lots > 6k s.f.		
4	Section 4.04.D.2 Home Occupation	clarification of no-impact, home-based business per state statute		
4	Section 4.04.I	inserted standards for chickens as an accessory use		
4	Section 4.04.J	inserted standards for beekeeping as an accessory use		
4	Section 4.06	moved General Use Restrictions from Article 10		
5	Table 5-1, Residential Building & Lot Standards	separated manufactured home and small format for clarification; clarified standards for open space and setback requirements		
5	Figure 5-2, Apartment Complex Configuration	clarified difference between conventional and connected apartment complexes		
5	Figure 5-4, Corner Lot Setbacks	clarified setback requirements for corner lots		
5	Section 5.04.B, Frontage Design	Clarified Frontage Design Standards Required for Buildings Behind the Front Building Line not immediately adjacent to a public street		
6	6.03 Table 6-1	Footnotes were accidentally struck in previous draft, added them back.		
6	Figure 6-3, Front Building Line & Access and Parking Limits	clarified front building line requirements for different frontage types and combined with Figure 6-4 to show access and parking limits for each frontage type		
7	Table 7-3, Required Parking	clarified parking requirements for different uses		
7	Section 7.04.C.1.a, Parking Reductions	removed requirement for parking within the CC District over 10,000 sq. ft; maintains existing standard		
7	Section 7.05.B.1.f, Landscape Areas	inserted requirements as requested by MDC		
8	8.03 C.1, Credits for Existing Vegetation	Added requirement for a forester or arborist to verify tree survey		
8	8.05.B.4, Plant Specifications	clarified plant species that can be planted and those that are prohibited		
8	8.06.B.3.c, Tree Preservation and Protection Applicability	clarified when a tree preservation and protection plan is required		
8	8.06.D.5, Protected Trees; Exceptions	clarified that trees on the "Do Not Plant" list are not protected trees		

11	11.01	Added definition for "Historic District"		
11	11.01	Added definition for "Historic Landmark"		
11	11.01	Added definition for "Historic Preservation"		
11	11.01	Added definition for "Historic Significance"		
11	11.01	Added definition for "Historic Site"		
11	11.01	Added definition for "Interior Landmark"		
11	11.01	Added definition for "Landscape Area"		
11	11.01	Deleted definition for "Linear Park"		
11	11.01	Deleted definition for "Manufactured Housing Subdivision"		
11	11.01	Added definition for "Owner of Record"		
11	11.01	Added definition for "Reconstruction"		
11	11.01	Added definition for "Rehabilitation Impracticable"		
11	11.01	Added definition for "Relocation"		
11	11.01	Added definition for "Restoration"		
11	11.01	Added definition for "Survey, Historic"		
11	11.01	Deleted definition for "Yard"		
11				

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 offer the cCity 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 compleimentary 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 (~~CUP~~) 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 ~~p~~Planned ~~d~~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 ~~c~~Conditional ~~o~~Overlay ~~d~~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, or 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 ~~development~~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 decisions 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 the interpretation and administration of all building codes in Chapter 38. The BDS Director shall coordinate with the PD Director on all zoning, subdivision, and site design interpretation and enforcement issues, and shall coordinate with the PW Director on all public facility interpretation and enforcement issues.
 3. **Director of Public Works.** The Director of Public Works (PW Director) is responsible for the interpretation and administration of all public improvement standards and specifications, and the coordination of private improvements with public improvements. The PW Director shall coordinate with the PD Director on all zoning, subdivision, and site design interpretation and enforcement issues, and shall coordinate with the BDS Director on all building code interpretation and enforcement issues.
 4. **Administrative Review Committee.** ~~The 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 (ARC) shall perform a secondary review of any administrative decision that is appealed under this chaptercode and any other review that is directed under this code and issue a final administrative decision by a majority vote. The committee includes the PD Director, BDS Director, PW Director, and may include other representatives in an advisory capacity from Parks, public safety (Police / Fire), Public Hhealth, 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 City Code. ~~these regulations.~~
1. **Membership.** The Planning and Zoning Commission shall be constituted in accordance with the Springfield City Charter. Members shall hold office for a term of four years, as set forth in RSMo. 89.320. Members may be reappointed for a maximum of two terms.

2. *Procedure.* All meetings of the Planning and Zoning Commission shall be open to the public except as otherwise provided by law. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every recommendation or decision of the Commission shall be in writing and shall contain the findings of the commission in each case, which shall be immediately filed in the office of the commission and shall be a public record.
 3. *Conduct of Hearings by Planning and Zoning Commission.* Public hearings conducted by the Planning and Zoning Commission on any matter over which it has jurisdiction shall be subject to the following procedural rules and the commission's adopted rules of procedure:
 - a. Parties in interest, neighborhood and civic organizations, and members of the public shall be afforded an opportunity to appear and be heard at the public hearing, subject to the limitations set forth in the commission's rules of procedure.
 - b. Members of the Commission shall base their consideration of matters on which the Commission conducts a public hearing upon the following:
 - (1) Information and comments presented at the hearing, and not upon direct or indirect communication with any party or representative of such party made outside of the hearing;
 - (2) Reports, memoranda, and other materials prepared by the PD Director, BDS Director, PW Director, and 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 PD Director, director of planning and development.
- C. **Board of Adjustment.** The Board of Adjustment (Board) is established by Article XI, 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 five5-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 ~~B~~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 2.08.10, ~~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 2.07.09, ~~Variances.~~
 - c. To hear any other matters specifically delegated to the Board by ordinance.
 - D. **Landmarks Board.** The Landmarks Board was established on June 14, 1993, with the merging of historical site board and historic district review board in compliance with RSMo. 253.415, according to the following provisions. ~~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, or property owner from each historic district – Mid-town Historic District, Walnut Street Historic District, and Commercial Street Historic District, or employed full time as an architect, real estate agent, or historian or architectural historian within the district. The historic district representatives may also satisfy one of the other mandatory member requirements.
 - f. If more than three historic districts are established by the City Council, one member for each additional district shall be added to the original nine members.
 - g. Members shall serve ~~three~~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 2.11.B.10.02.XY.
 - d. Recommend plans and policies with regard to historic preservation;

- e. Prepare written recommendations to the City Council regarding designation of historical or architectural resources;
- f. Recommend to the City Council the adoption of ordinances designating historic landmarks and historic districts;
- g. Keep a register of all properties and structures which have been designated as historic sites, historic landmarks, or historic districts, including all information required for each designation. This register shall be known as the Springfield Historic Register;
- h. Prepare, keep current, and publish a map or maps showing the locations and exact boundaries of both proposed and designated historic sites, historic landmarks, and historic districts except that the board shall have the authority to exclude from the map or maps the location of archaeological sites or other prehistoric, historic, or natural features considered to be susceptible to damage, defacement, or destruction;
- i. Conduct a periodic review of the status of designated historic sites, historic landmarks and historic districts and provide periodic reports on the findings of such review, along with any resolutions or ordinances for action, as considered appropriate, to City Council;
- j. Recommend the promulgation of standards for architectural review in addition to those cited in Section 2.11.B ~~40.02.XY~~;
- k. Consider applications for and to approve or disapprove certificates of appropriateness pursuant to Section 2.11.D ~~40.02.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 2.11.E ~~40.02.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, and by placing monuments and markers at historic sites, historic landmarks, and historic districts designated under this ~~chapter~~ 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 Aadjustment;
- p. Evaluate, comment on, and make recommendations concerning actions undertaken by other non-city public agencies with respect to the effect of such actions upon historical and architectural resources, including, but not limited to, reviewing applications for demolition permits for structures 50 years or older, or having historic significance as determined by the Landmarks Board;
- q. Evaluate, comment, 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 prior to issuance, or having historic significance as determined by the Landmarks Board;
- r. Make recommendations to the City Council concerning grants from federal and state agencies, private groups and individuals and the utilization of budget appropriations to promote the preservation of historic and architectural resources;
- s. Make recommendations to the City Council concerning the acquisition by gift,

- purchase, grant, bequest, devise, lease, or otherwise of the fee, any lesser interest, development right, easement, (including scenic easement), covenant or other contractual right, including conveyance on conditions or with limitations or revisions, in any property in the city;
- t. Investigate complaints, conduct hearings and recommend the commencement of actions to enforce the provisions of this sectionarticle; and
- u. Carry out any other action or activity necessary or appropriate to the implementation of this sectionarticle or which may be specified by CityCouncil.

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 be to 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, or authorized representatives of any legal entity.
 11. The day of the act that commences a time period shall not be counted and the last day of the time period shall be included, unless it is a Saturday, Sunday or legal city holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal city holidays count in the time period.
- B. **Conflicts.** All provisions in this chapter shall be considered the minimum requirements to promote the public health, safety, and welfare. In case of a conflict between these regulations and any other adopted and applicable rule, regulation, standard, or limitation, the higher standard shall apply. In deciding the higher standard, the PD Director may consider which is more specific; which is more consistent with the comprehensive plan; which is more consistent with the purposes, intent, and design objectives of these regulations; and which best promotes the public health, safety and welfare.

1. *Other City Codes.* Other city codes apply in conjunction with these regulations and the higher standard shall control.
 2. *Other State & Federal Regulations.* State and Federal regulations may apply independent of these regulations, provided they remain binding on the city. Where such regulations ~~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 Department of 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 this chapter ~~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 this chapter ~~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 this chapter ~~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 in the physical capacity of the site or building;
 - b. Any enlargements of the structure or buildings is only to facilitate conforming uses or activities, and does not otherwise allow, encourage, or promote expansion or increase of the nonconforming use; and
 - c. Any expansions on the lot and site conform with all site development standards and can easily accommodate other future conforming uses.
2. If active and continuous operations are not carried on during a period of one year, the use shall not be reestablished and all subsequent uses shall be in conformance with the provisions of this chapter.
 - a. Intent to resume active and continuous uses shall not count towards reestablishing the use. Evidence of a continuous business license is not sufficient to maintain use for this purpose. A business use must be operational to be considered active.
 - b. A nonconforming home occupation shall be considered abandoned if the occupants of the dwelling who were conducting the use discontinue either their occupancy of the dwelling or the nonconforming home occupation.
 - c. Continuation of an accessory use absent the operation of a principal nonconforming use shall not avoid any abandonment period.
 - d. A change of operator or sale of use shall not be considered discontinued, provided that neither the previous or current business or owner combined to cease operation for one year or more.
3. Any change of use shall be to a conforming use, and at that time the nonconforming use shall be abandoned. The PD Director may consider and authorize a change to a 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 current ~~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 of this chapter.
 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 this chapter ~~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 this chapter ~~these regulations~~.
 7. When there is a zoning change initiated by the business or property owner.

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

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

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 Ccity 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 any or all of the following:

1. Withhold any permits or licenses, or revoke or suspend any permits or licenses previously granted;
2. Conduct inspections of land and buildings, and exercise a right of entry where there are reasonable grounds to suspect a violation exists or where part of systematic inspection programs;
3. Issue stop work orders, cease action on pending development application or permits;
4. Initiate legal proceedings to prevent the continuance of unlawful actions or conditions;
6. Withhold any public improvements;
7. Correct or abate the violation if it is not complied with within the time specified by the notice; 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 section ~~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
 - 2.10 Annexation
 - 2.11 Historic Designations
-

DRAFT

Table 2-1: Summary of Procedures

Application	Eligible Applicant				Notice			Pre-application development		Review & Decision				Protest
	Owner	Staff	P&Z	CC	Pub	Mail	Post	Staff Meeting	N'hood Meeting	Staff	P&Z	CC	BOA	
Administrative Subdivision (2.02.B)	✓							■		D	A			
<u>Annexation (2.10)</u>	✓			✓	✓			■		R		PH / D		
Major Subdivision – Preliminary Plat (2.02.C)	✓				■		■	■	☐	R	PH / 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	PH / D-D/PH	A		
Rezoning (Map Amendment) (2.05)	✓		✓	✓	■	■	■	■	■	R	PH / R-R/PH	PH / D-D/PH		Xx
Planned Zoning + Regulating Plan (2.06)	✓		✓	✓	■	■	■	■	■	R	PH / R-R/PH	PH / D-D/PH		Xx
Variance (2.07)	✓					■	■	○					PH / D-D/PH	
Appeal of Administrative Decision (2.08)	✓	✓	✓	✓		■	■						PH / D-D/PH	
Text Amendment (2.09)		✓	✓	✓	■					R	PH / R-R/PH	PH / D-D/PH		
✓ = Eligible to initiate application ■ = Required ○ = Applicant's option ☐ = Optional at PD Director's Discretion R = Review and Recommendation D = Decision A = Appeal of Prior Decision Ac = Acceptance of Improvements / Dedications PH = Public Hearing														

2.01 General – All Applications

A. Applications & Fees

1. **Forms.** Applications required under this chapter shall be submitted to the Department of Planning & Development (PD) on forms supplied by the Department. The PD Director is authorized to establish application forms and submittal requirements to ensure all applications can be evaluated for conformance with this chapter. The PD Director may waive the requirement for any information on standard forms at the time of application, due to the routine nature of the application or due to the context of a particular application making the information inapplicable for review against the criteria.
2. **Fees.** Applications shall be accompanied by a non-refundable fee established by the city's current Fee Schedule. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the staff on behalf of the Planning and Zoning Commission or City Council.
3. **Eligible Applicants.** Table 2-1: Summary of Procedures indicates applicants eligible for each particular application under this chapter, which may include the following:
 - a. **Owner.** The record owner of property that is the subject of the application or that owner's agent authorized by written permission of the owner.
 - b. **Planning and Zoning Commission.** The Planning and Zoning Commission, acting on its own initiative or through recommendations brought to it by city staff.
 - c. **City Council.** The City Council, acting on its own initiative or through recommendations brought to it by city staff.

B. Concurrent Applications.

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

1. The information required for each type of application is similar or can be easily coordinated between each application.
2. The notice, timing, procedures, meetings, and review bodies required for each application are similar or can be easily coordinated between each application.
3. The ability of the staff and review bodies to make effective decisions under the review criteria when reviewing the applications concurrently.

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

C. Pre-application development Meeting.

Pre-developmentapplication discussions are informational and non-binding and assist applicants with due diligence on formal application for development. Pre-developmentapplication 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-developmentapplication 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-developmentapplication 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-developmentapplication 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 changesrezonings, planned zonings 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 Department of Planning and Development~~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 Department of Planning and Development~~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 Department of Planning and Development~~planning and development department~~. The notice letter shall contain the following and 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 Department of Planning and Development.
- E. **Staff Review.** Upon receipt of an application or resubmittal, the PD Director shall take the following steps:
1. *Determination of Complete Application.* If an application is determined incomplete, the PD Director shall notify the applicant of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the PD Director may determine that the incomplete application is withdrawn. If an application is complete it shall be processed for formal review.
 2. *Staff Review.*
 - a. The PD Director shall coordinate review by the Department of Planning and Development after a complete application, and consult with Department of Building and Development Services, Department of Public Works, and other appropriate departments the PD Director determines may be impacted by the application.
 - b. The PD Director may require review by the Administrative Review Committee (ARC) as established in Section 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 utility providers;
 - (4) Telecommunications and cable providers;
 - (5) Public safety agencies (police, fire, EMS, health);
 - (6) School districts;
 - (7) Water and sewer utility providers; and
 - (8) Other special district, local, state, or federal government agencies or impacted entities.

- d. Failure to receive comments from referral agencies shall not be considered approval by the agencies and may allow the PD Director to delay the application. However, if the applicant demonstrates sufficient due diligence in attaining comments, the PD Director may allow the application to proceed.
 - e. The applicant shall be responsible for coordinating all subsequent requirements, plan amendments, or fees required to satisfy agency requirements, and for notifying any agency prior to final review of any changes that may affect their comments on initial plans.
 3. **Staff Comments.** The PD Director shall coordinate staff comments on a complete application and may provide the applicant the following information in writing:
 - a. Comments or recommended changes based on the results of any referral agency comments, neighborhood meetings, or staff review.
 - b. A list of any additional information necessary to support the application or address any comments or recommended changes.
 - c. If the applicant chooses not to address any comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and provide reasonable rationale why the comment cannot be addressed. The applicant may request to schedule the application for official review based on this rationale.
 - d. If the applicant fails to submit revisions or otherwise address any comments from the PD Director in writing for more than 120 days, the PD Director may:
 - (1) Postpone the application based on the applicant's request and any reasonable justification for a delay in addressing comments; or
 - (2) Determine the application withdrawn and the review terminated. Any further action will require a new application and fees.
 4. **Scheduling.** Applications that have completed staff review and addressed any comments or recommended changes, shall be scheduled for further review or processing according to these regulations.
 5. **Staff Report.** The PD Director shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the appropriate policies, plans, regulations, and review criteria, and identify relevant facts of the application. The PD Director shall publish or otherwise make the report available to the applicant and public prior to the review body meeting, in association with the public meeting agenda and packet.
- F. **Notice.** Notice shall be provided for each application as indicated in [Table 2-1.01: 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 Ccity 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 (e.g., 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 Ccity'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 ~~chapter~~ 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; ~~or~~
 - 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 subdivisions shall be processed according to the following criteria and procedures:-

1. *Eligibility.* The following situations are eligible for administrative subdivision processes:
 - a. *Administrative Property Line Adjustment.* Only in instances of a property line dispute, a minor encroachment, or a court-ordered and certified survey to confirm the alteration of legal boundaries of previously platted lots or legally established tracts of record prior to March 26, 1956. Absent a court-ordered and certified survey, only a single lot line may be adjusted as part of an aAdministrative pProperty line aAdjustment.
 - b. *Administrative Lot Combination.* A certified survey to confirm the combination of previously platted lots or legally established tracts of record prior to March 26, 1956, into fewer lots.
 - c. *Administrative Plat.* A certified survey to confirm the alteration or the division of one or more platted or un-platted parcels or of legally established tracts of record prior to March 26, 1956, into no more than five additional lots from the parent parcel.
 - d. *Administrative Condominium Plat.* A certified survey to confirm the legal boundaries of a unit or structure on a platted lot of record that could only be determined post-construction, such as for duplexes, townhouses~~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 right-of-way~~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~~:-~~ and.
 - 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 right-of-way~~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 subdivisionplat 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 subdivisionplat applications.

- a. If the PD Director determines at any point in the process that the application is not eligible for an administrative subdivisionplat 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 subdivisionsplat, and the decision may be appealed to the Planning and Zoning Commission.
- c. Any administrative subdivisionplat 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 subdivisionplat 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 subdivisionplat and executed documents with the Greene County Recorder of Deeds.
- c. The administrative subdivisionplat shall become effective after recording, and the applicant may proceed with building permits and all other applicable permits consistent with the approved subdivisionplat.
- d. An administrative subdivisionplat 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 subdivisionplat 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 ~~placetypes~~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 ~~r~~Rezoning in Section 2.05 or a ~~p~~Planned ~~z~~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 ~~C~~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 of 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 three or more buildings are proposed.
3. Expansion or alterations to an existing multifamily or nonresidential building that change the footprint by more than 10% or significantly alter the form of the building envelope or character of exterior elevations on more than 25% of the exterior.
4. Any site development activity that adds impervious surfaces greater than 5% of the lot.
5. A change of use that is potentially more intense than the existing use, or that could otherwise trigger associated site development activity, such as parking, access, traffic circulation or intensity, landscape, or screening.
6. Any other changes to existing buildings or site that significantly alter the exterior appearance, or that impact access, circulation, or abutting streetscape designs. This excludes ordinary maintenance to any existing building, structure, or site design element.
7. Any development that meets the criteria for a nonconformity in Section 1.06.

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 (e.g., i.e., setback reduction considered in association with greater building height limitations; etc.).
 7. The modification is limited in degree as specified in Table 2-2.

Table 2-2: Site Plan Modifications

Site Design Element	Minor Modifications (Staff Discretion)	Major Modification (Planning & Zoning Commission Discretion)
Article 5 & 6: Development & Dimension Standards (5.03 Residential; 6.03 Nonresidential)		
Lot Area	10%	15%
Lot Width	5%	10%
Building Setback	20%	40%
Building Coverage	10%	20%
Building Height	15%, up to 5' max.	30%, up to 1 story max.
Article 5: Residential Design Standards (Section 5.04)		
Frontage Design, Building Design, Open Space Design	Based on general criteria in this section and specific criterial in Section 5.04.	
Article 6: Nonresidential Design Standards (Section 6.04)		

Table 2-2: Site Plan Modifications

Site Design Element	Minor Modifications (Staff Discretion)	Major Modification (Planning & Zoning Commission Discretion)
Frontage Design, Building Design, Open Space Design	Based on general criteria in this section and specific criterial in Section 6.04-	
Article 7: Access & Parking		
Vehicle Access	Dependent on PW Director approval and access management policy and guidelines or TIA for the plan	Any non-compliant access for nonresidential uses <u>on a street classified as a major collector or higher class street.</u>
Internal Sidewalks	15%	25%
Required Parking	10%	25%
Parking Landscape	10%	15%
Parking Dimensions	5%	<u>n/a/N/A</u>
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 <u>[1]</u> and PD Director approval	<u>n/a/N/A</u>
Outdoor Lighting	5%	15%
Article 9: Signs		
Size & Height	n/a	5%
Location	n/a	10%
Quantity	n/a	n/a

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

- D. **Review 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 ~~c~~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~~s~~, 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 (~~CUP~~) provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions. These uses are not generally appropriate throughout the district, but due to the specific design, operational characteristics, or context of the application, the use may be appropriate based on a case-specific discretionary review. Conditional use permits may be initiated by the property owner for uses identified as conditional uses in the zoning district, according to ~~Table 4-3, 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 of other uses and structures in the area, and any potential changes in character or uses occurring in the area.
5. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, reassess the use against changing conditions in the area, or require periodic reporting or review of the permit.
 6. The recommendations of professional staff or other technical reviews associated with the application.
 7. Whether any additional site- or use-specific conditions are necessary to meet these criteria.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1: ~~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 a 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 city sStaff on behalf of these city entities.
- B. **Review Criteria.** Review, recommendations, and decisions for a proposed rezoning shall be based on evaluating and balancing the following criteria:-
1. The proposed district is consistent with the goals and objectives of the comprehensive plan and any other plan, policy or guidance adopted pursuant to that plan.
 2. Whether the area has changed since the existing zoning has been in place, or it is ~~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 conditioned on a 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 2.05.B cannot be adequately evaluated absent some type of plan framing the extent and characteristics of future development beyond what is generally allowed in the district.
 2. Applicants may propose that a rezoning request be conditioned on a 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.B, 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. All subsequent development shall occur according to the district standards and subject to site plan, building permit, or other applicable development review and permitting processes.
 4. In the case of a rezoning that is approved contingent on a site plan:
 - a. All elements of the site plan shall be considered binding unless specifically excluded by the Planning and Zoning Commission in its recommendation or the City Council in its decision and ordinance.

- b. Any other elements not depicted on the site plan or elements specifically identified as non-binding are still subject to all standards of this code. Compliance with generally applicable standards shall be indicated on an updated plan prior to building permits.
 - c. Modifications to site plans shall only be permitted according to the standards and criteria in Section 2.03.C., except the modification shall be evaluated based on the extent modified from the plan rather than from the applicable standards.
 - d. No modifications shall be allowed to any specific conditions in the City Council ordinance or if any elements of the site plan are specifically called out by the Planning Commission recommendation and City Council decision as ineligible for modifications.
 - e. The Planning Commission may recommend, and the City Council may require any of the following conditions in order to meet the rezoning and site plan criteria:
 - (1) Restrict uses beyond those otherwise allowed in the zoning district;
 - (2) Increase landscape, bufferyards, or open space beyond what is required by this chapter;
 - (3) Limit building scale and location more strictly than otherwise permitted by the development standards;
 - (4) Increase the district performance standards beyond those required by this chapter regarding operations, noise, lighting, compatibility, or other mitigation of off-site impacts;
 - (5) Timing and concurrency of any offsite improvements necessary to support the intensity of development and according to associated technical studies; and
 - (6) Any other design or development standards depicted on the site plan, included by notes on the site plan, or included in the ordinance adopting the rezoning.
5. No application for rezoning, other than an application initiated by the City Council or the Planning and Zoning Commission, shall be filed or allowed prior to the expiration of six months from the time that the City Council shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel of ground, unless the application previously acted upon was initiated by the City Council or the Planning and Zoning Commission, or, during said six months interval, property adjoining or abutting the lot, tract or parcel of land or within 185 feet of the lot, tract or parcel of land shall have been rezoned by the City Council.

2.06 Planned Zoning

A. Applicability.

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

owner initiation requires the participation and authorization of all property owners in the plan.

2. *Specific Applicability.* Planned zonings shall require a sufficient area to implement planning and design concepts that generate broader community or public benefits, and not simply to facilitate individual projects or to permit adjustments or deviations on a site-specific basis. The development plan shall generally include at least 5 acres; however, the PD Director may permit smaller applications based on any of the following circumstances:

- a. The application is an addition to a previously approved planned development and is effectively an extension of those areas or projects;
- b. The application affects a smaller area of potential development, but the context, plan, and design concepts of a larger study area meet the intent and applicability for planned zoning; or
- c. The area is completely unique and distinct from the surrounding areas, and the criteria and broader benefits from planned zoning are only applicable to the smaller area.

- B. **Area Plan Content.** Planned zoning shall require preparation and 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~~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 2.065.C.5.
2. The planned zoning process involves at least two steps: the ~~areadevelopment~~ plan establishing the zoning and any necessary deviations (~~eExisting cConditions, vVision and dDevelopment pPlan, pPublic sSpace pPlan, and rRegulating pPlan~~); and platting and site plans for development of specific components of the development plan.
Platting may also be required.

3. Based on the complexity of projects and extent of advanced planning and urban design necessary to support the development, the PD Director may require, or the applicant may elect, breaking the review of the elements of an areadevelopment plan in subsection B. into more than two steps to review concepts and preliminary designs prior to approval of the full areadevelopment plan and proposal of regulation adjustments.
 4. In cases where new development is proposed, land may need to be subdivided or streets and public lands dedicated in order to carry out an areadevelopment 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 rRegulating pPlans that require site plan applicability and review processes different from what would otherwise apply.
- E. **Effect of Decision.** Approval of a planned zoning shall have the same effect as rezoning property; however, approval of individual component plans or where the plans are approved in steps, will have the effects specified below.
1. *Vision & Development Plan.* Approval of the vision and development plan and existing conditions without any other plans shall only mean that the basic concepts are agreed to in principle as conforming to the intent of the comprehensive pan and any other plans or policies created under the guidance of that plan. In association with approval of the other plans, approved vision and development plans serve as a more specific representation of the intent and policy objectives for the area.
 2. *Public Space Plan.* Approval of a public space plan shall only mean that the basic development patterns and community design and infrastructure concepts are agreed to in principle as conforming to the intent of the comprehensive plan and any other plans or policies created under the guidance of that plan. However, approval of a public space plan may have the same effect as approval of a preliminary plat as specified in Section 2.02, Plats, provided it includes or is accompanied by information required for preliminary plats.
 3. *Regulating Plan.* Approval of the regulating plan, in association with the other components of the planned zoning, shall have the same effect as a rezoning specified in Section 2.05. Sites governed by an approved regulating plan shall be designated on the Official Zoning Map with the letters of the proposed base zoning district plus “-P” (planned). (For example, where a portion of the development plan uses the R-SF, R-MX-1 and the C-MX1 base zoning districts, the zoning of each area of an approved regulating plan shall be R-SF-P, R-MX1-P, and C-MX1-P respectively.)
 4. *Final Development.* Prior to applying for permits for final development, any project included as part of a planned zoning shall first require approval of a final plat and a site plan and a final plat if required. ~~(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 areadevelopment plan have been met.

2.07 Variance

A. Applicability.

1. **Design Variance.** A design variance provides relief from a strict interpretation of the

zoning and site design and development standards of this chapter, which when applied to a particular property and in a specific context limits all reasonable use of the property. ~~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.~~ Design vVariances may be initiated by the property owner.

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

B. **Review Criteria.**

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

C. **Review 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 both design and use variance applications.

1. The Board of Adjustment shall hold a hearing at its next regularly scheduled meeting 28 days after the PD Director determination of a complete variance application.
2. The Board may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.

3. The Board shall document all decisions in writing, including the grounds for its decision based on findings of fact regarding all criteria, within 30 days after the public hearing. The decision shall be filed with the PD Director, who shall provide the decision to the applicant, other persons requested to be notified
4. The concurring vote of four members of the Board shall be necessary to grant a design or use variance.
5. The PD Director will record the decision with the Greene County Recorder of Deeds.

D. Effect of Decision.

1. An approved variance shall become effective when recorded with the Greene County Recorder of Deeds. The PD Director ~~applicant~~ shall record the written approval, and upon recording the applicant may proceed with any necessary building permits, licenses, or other permits authorized in the variance.
2. Any decision not acted on within one year of the decision by the Board shall expire.
3. A variance recorded and acted upon shall run with the land to the extent the zoning of the subject property remains in place, unless vacated by the Board through the same procedures and criteria for granting the variance.
4. Any person aggrieved by a final decision of the Board may appeal the decision to the district court within 30 days of the Board's vote on the final decision.

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 city staff on behalf of these entities.
- B. **Review Criteria.** A text amendment shall be reviewed according to the following criteria:
1. It is consistent with the comprehensive plan.
 2. It furthers the purposes of these regulations in Section 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.

2.10 Annexation

- A.** Applicability. The City of Springfield may annex property in compliance with RSMo. 71.012.
- B.** Review Criteria. A request for annexation shall be reviewed according to the following criteria:
1. The annexation is reasonable and necessary for the proper development of the city; and
 2. The City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.
- C.** Review Procedures. In addition to the general requirements in Table 2-1 and Section 2.01, a notarized petition shall be submitted requesting annexation and shall be signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed.
- D.** Effect of Decision. Annexations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance.
1. Zoning Classification. Upon annexation into the City of Springfield, such annexed territory shall retain its county zoning classification until City Council has had an opportunity to reclassify the territory properly under this chapter. Such zoning reclassification shall occur within 6 months of annexation.
 2. Building Permits. The owner, lessee, or any other person, firm, or corporation owning, controlling, constructing, supervising, or directing the construction of any building or structure in the process of construction and which is incomplete at the time the land upon which it is situated is annexed into the City of Springfield may proceed with the construction, alteration, or completion thereof without obtaining a building permit from the Department of Building Development Services of the City of Springfield, provided a building permit has been legally obtained from the county in which the property is located and all conditions and requirements of the permit are met. If construction has not commenced prior to annexation, a permit shall be obtained from the Department of Building Development Services.

2.11 Historic Designations

- A.** Intent. The intent of this section is to:
1. Promote the designation and use of historic sites, historic landmarks, interior landmarks, and historic districts for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of buildings, sites, monuments, structures, interiors, and areas of historic interest or importance within the city of Springfield;
 2. Safeguard the city's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements, landscape features, and districts;
 3. Preserve and enhance the aesthetic quality of neighborhoods;
 4. Stabilize, improve, and sustain property values;
 5. Strengthen the city's economic base by the stimulation of conservation and reuse of historic structures;
 6. 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, historic landmark, interior landmark, or historic district

under this section:

1. Has significant character, interest, or value as part of the city, region, state, or nation's history, or is associated with the life of a personality significant to the past.
2. Is the site of a historic event with a significant effect upon the development, heritage, or cultural characteristics of the city, region, state, or nation.
3. Exemplifies the cultural, political, economic, social, or historic heritage of the community.
4. Portrays the environment in the era of history characterized by a distinctive architectural style.
5. Embodies those distinguishing characteristics of an architectural type or engineering specimen.
6. Is the work of a designer or architect or contractor whose individual work has influenced the development of the city, region, state, or nation.
7. Contains elements of design, detail, materials, or craftsmanship which represent a style unique to the past.
8. Is a part of or related to a square, park, or other distinctive area and thus should be developed and preserved.
9. Represents an established and familiar visual feature of the neighborhood, community, or skyline, owing to its unique location or singular physical characteristics.
10. Is part of or related to a distinctive geographical area which should be developed or preserved according to a plan based on cultural, historic, or architectural motif.
11. Has yielded, based upon physical evidence, or is likely to yield information important to history or prehistory.
12. In addition, the Landmarks Board shall consider the site, structure, object, or district in light of its integrity of:
 - a. Location;
 - b. Design;
 - c. Setting;
 - d. Materials;
 - e. Workmanship;
 - f. Feeling;
 - g. Association; and
 - h. Its suitability for preservation and reuse.

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

Table 2-3: Designation of Historic Property		
	<u>Historic Site</u>	<u>Landmark or District</u>
<u>Nomination</u>	▪ <u>By resolution of LB, PC, or CC; or [1]</u> ▪ <u>By owner.</u>	▪ <u>By resolution of LB, PC, or CC;</u> ▪ <u>By owner; or</u> ▪ <u>By verified petition (district only) [2]</u>
<u>Notice</u>	<u>Certified mail to all property owners at least 15 days prior to a formal application to the Department of Planning and Development. Forms supplied by city, and mailing done by city, but applicant shall supply letter, envelopes, and postage.</u>	
<u>Landmarks Board Hearing and Recommendations</u>	▪ <u>Public hearing 2.01.G</u> ▪ <u>Action according to 2.01.H at or within 28 days of hearing</u> ▪ <u>Recommendations to designate forwarded to City Council (see C.1 below)</u> ▪ <u>Failure to recommend designation is only forwarded to City Council on applicant's initiative and within 10 days of Landmarks Board action</u>	
<u>City Council Declaration of Intent to</u>	<u>n/a</u>	▪ <u>Considered at its next regularly scheduled meeting.</u>

<u>Designate</u>		▪ <u>Action according to 2.01.H (See C.2 below for effect of decision)</u>
<u>Planning & Zoning Commission Public Hearing / Recommendation</u>	<u>n/a</u>	▪ <u>Considered at its next regularly scheduled meeting; public hearing according to 2.01.G</u> ▪ <u>Action according to 2.01.H</u> ▪ <u>A protest may be filed according to 2.05.C</u>
<u>City Council Decisions</u>		▪ <u>Considered at its next regularly scheduled meeting; public hearing according to 2.01.G</u> ▪ <u>Action according to 2.01.H (see C.3 below for effect of decisions)</u> ▪ <u>A protest may be filed according to 2.05.C.8</u>
<u>Notification of Designation</u>	<u>n/a</u>	▪ <u>Registered letter to all owners</u> ▪ <u>Notice to Landmarks Board and city departments.</u> ▪ <u>City Clerk shall file certified notification with Greene County Recorder of Deeds</u>

[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 Director for any alteration, construction, demolition, or removal of a nominated landmark or property within a nominate district until the final disposition of the nomination according to Table 2-3.
 - b. The BDS Director may approve permits necessary for the public health, safety, and according to sections DC or ED.
 - 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; or
 - (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 appropriateness or otherwise does not have any effect on the designation; or
 - (2) The work is for items that the Landmarks Board designated for administrative actions as part of the designations.
 - (3) Administrative certificates of appropriateness are in addition to all other applicable permits required by the City.
 - b. Denial of an administrative certificate may be appealed to the Landmarks Board, or if the PD Director determines that the work is beyond the authority of an administrative certificate, the PD Director shall forward the application to the Landmarks Board.
 - c. The PD Director shall schedule a hearing at the next scheduled Landmarks Board meeting at least 15 days from a complete application or a determination that an action is not eligible for an administrative certificate.
 - d. Notice shall be posted according to 2.01.F.2.
 - e. The Landmarks Board shall review and take action according to 2.01.H. If the Landmarks Board denies the application, specific reasons shall be indicated in writing to the applicant with suggestions for appropriate changes.
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; or
 - (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.

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 placetypes~~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, and environmental protections.
- E. Coordinate different development projects into efficient and compatible development patterns across areas and over time, so that all are capable of being served with adequate public facilities and services.

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 [safesave](#) and reliable traffic flow while accounting for safety and access of all potential users of the streets, including pedestrians, bicycles, automobiles, trucks, and transit.
7. Coordinate open and civic spaces with street networks to leverage valuable development patterns and maximize the civic design impacts of infrastructure investments.
8. Incorporate stormwater infrastructure in landscaped areas to retain, infiltrate, and filter stormwater runoff from streets and sidewalks.

B. **Street Network.** Streets shall be laid out according to the city's policies for development, streets, and open spaces. In the absence of more specific or updated guidance in these plans or from specific area plans, the following standards shall apply to all new street networks, public or private:

1. **Blocks & Connectivity.** Streets shall be laid out to provide a network of streets and blocks based on the planning context and development pattern as identified in Table 3-1:

Table 3-1: Block Sizes & Street Connectivity

Planning Context	Block Size	Closed-End Street Limits
Compact, Walkable – High Connectivity <i>Downtown, near downtown areas, and walkable commercial and mixed-use areas, typically in the following place types: Downtown, Mixed Use, Mixed Residential.</i>	150' min. 500' max. 4 ac. max.	Prohibited
General Neighborhoods & Corridors – Moderate Connectivity <i>Walkable mixed-density urban and suburban neighborhoods and other areas supporting commercial corridors or employment areas outside walkable centers, typically in the following place types: Traditional Residential Neighborhood, Center City Neighborhood, Mixed Residential, City Corridor, Institutional & Employment Center.</i>	200' min. 800' max. 7.5 ac. max.	800' 600' per Exceptions in Section B.2 only .
Campus, Rural, or Remote Areas – Low Connectivity <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 & Employment Center, Business Flex, Industry & Logistics, rural / undeveloped areas, or to account for large urban green space & recreation areas.</i>	250' min. 1,320' max. 12 ac. max.	800' max.



Figure 3-1 Connectivity & Block Sizes. Street networks shall be based on maximum block sizes (length between centerlines of perimeter streets and area) and stub to adjacent property at a frequency sufficient to create connected networks unless exceptions justify not connecting.

2. **Exceptions.** Street connectivity and blocks may only exceed the acre or block length maximums in Table 3-1 based on the following are exceptions:
 - a. **Natural Features, Open Spaces, or other Civic Spaces.** Blocks or parcels abutting or containing important natural features, topographical constraints, or open spaces may be modified provided the proposed street layout preserves these features and integrates them into public or community open space design for the area.
 - b. **Regional Transportation Routes.** Blocks or parcels abutting significant regional transportation routes that impede local network connectivity, such as highways or rail rights-of-way, may be modified provided the street layouts and development patterns achieve local connectivity in all other ways possible, including street stubs, bike routes, and pedestrian paths.
 - c. **Rural Parcels.** Tracts divided into lots of at least three acres for rural, agriculture, or very low-intensity development may exceed the block limits, provided they are designed to allow future streets in compliance with these regulations and permit a logical pattern of re-subdivision with minimal disruption of existing or planned buildings, utilities, and other structures.
 - d. **Oversized Parcels.** Where oversized parcels are platted for special land uses or development patterns that accommodate large-scale buildings, such as campuses, employment centers, or regional commercial areas, platted blocks may be larger provided private internal access lanes match the block structure of Table 3-1. Private internal access lanes shall provide streetscape and design amenity similar to the street design types in this section and create logical extensions and connections to the public street network beyond the project. [See Section 7.03.B.2 [Access; Internal Access Lanes.](#)].



Figure 3-2 Private Streetscapes. Private internal access lanes shall be used to mimic public street networks and streetscapes for over-sized parcels and large-scale development (3.034.B.2.d).

- e. **Closed-end Streets.** In any case where streets are not required to connect by these standards or are justified by these exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs. In all cases, closed-end streets shall be no more than **800' 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. (3.034.B.2.e)

- f. **Area Plans.** A specific street network plan approved by the **C**city through the planned **zoningdevelopment** process in Section 2.067, **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 ~~C~~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.1, or the civic and open ~~and civic~~ space standards in Section 3.042.



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. (3.031.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 ~~C~~city may require dedication of right-of-way and construction of streets extended to the boundary line of the property to be subdivided. Alternative arrangements for location of streets to coordinate with anticipated future development of adjacent areas, and timing of construction of streets may be delayed to the time of development if all lots have frontage and access to public streets and alleys.
 - b. Subdivisions that are a portion of a larger development area or adjacent to potential future development shall require a mapped conceptual street network for the larger development area or adjacent property with a preliminary plat. The mapped conceptual street network shall address connection of major or connector streets, potential layout of local streets and blocks, and the position of external connections to the property.
5. ***Intersections.*** Intersections of streets, corner curb radii, and crosswalks shall be designed according to the Public Works Design Standards and Technical Specifications and any other formal guidance, plans, or manuals approve by the PW Director, and shall be implemented according to context and ~~placetypes~~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*
Expressways	130'
Arterials	100'
System Collectors	70'
Residential Collectors / Local High-Activity	60'
Local Low-Activity	50'
Alleys	20'
Downtown Streets	**

* If no subdivision activity is taking place and the existing right-of-way is less than the minimum requirement, all new improvements shall be at least 50% of the required width from the centerline of the existing right-of-way.

** Right-of-way may be required as necessary to accommodate public infrastructure as per a street typology, adopted street plan, or planned capital improvement.

7. **Sight Distances.** Where a driveway intersects a public or private right-of-way or where property abuts the intersection of two public or private rights-of-way, clear sight distance must be provided within the sight triangle area on the property adjacent to the intersection as specified in the Public Works Design [Standards](#) and Technical Specifications.
- a. **Sight Distance Analysis for Site Plans.** For all developments requiring a site plan, the applicant shall have a Professional Engineer perform a field analysis and determine the sight distance in accordance with the applicable standards.
 - b. **Sight Distance for Standalone Driveway Permits.** As part of the permitting of driveways, the City Traffic Engineer shall determine the sight distance in accordance with the applicable standards.
 - c. **Obstruction Prohibited.** No structures, fences, landscaping or any other object within the sight triangle area can obstruct or obscure sight distance visibility by more than 25% of the total view in the vertical plane within the sight triangle area between a height of 2.5 and 8 feet above the roadway surface.
 - (1) No building, ground sign, or other type of solid physical obstruction shall be placed within the triangle.
 - (2) Fences that maintain the required transparency may be permitted within the triangle.
 - (3) Street trees, light poles, hydrants, or other limited narrow obstructions are allowed within the sight triangle provided they do not have any high-profile appendages, foliage, limbs, or other obstructions between 2.5 and 8 feet and are spaced to not collectively create an obstruction.

- (4) Landscape, plants, and groundcover may be planted in the triangle, provided it does not exceed 2.5 feet from the elevation of the adjacent street surface.
 - (5) The 25% requirement may be reduced if the PW Director determines that additional sight distance visibility is needed to protect public safety.
- d. **Controlled intersections.** Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the PW Director.
- e. **Easements Required.** For all commercial zoned developments and any developments on arterials, the sight distance triangle shall be placed in a sight distance easement or clear sight easement allowing the City to access and remove any physical items prohibited or causing a reduction in sight distance.
- f. **Right-of-Way Triangles.** Right-of-way triangles are required to be dedicated at the time of any subdivision activity at the intersection of streets and alleys as specified in Table 3-3. If no subdivision activity is taking place, all new improvements shall be outside the required right-of-way triangle. The site distance easement may overlap the right-of-way triangles.

Table 3-3 Right-of-Way Triangle Requirements

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

A = 70' x 70' ROW triangle

B = 30' x 30' ROW triangle

C = 10' x 10' ROW triangle

Measured from the intersection of the projected minimum required right-of-way width in Section 3.034.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 ~~placetype~~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.

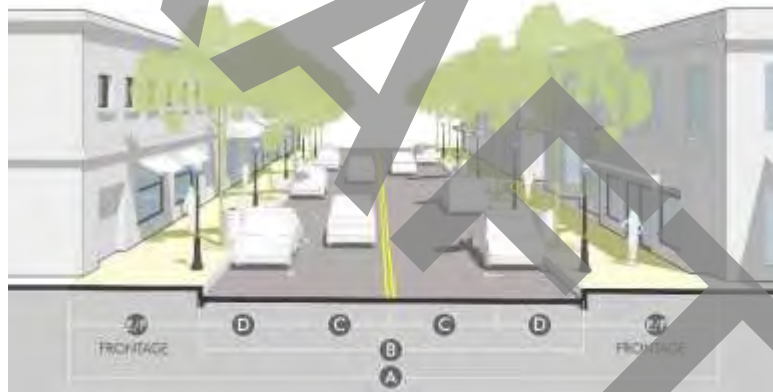
Table 3-4: Street Design Types & Classification

Street Design Type	Classification										
	Expressway	Primary Arterial	Secondary Arterial	Major Collector	Minor Collector	Subdivision Collector	Local – High Activity	Local – Low Activity	Local – Shared Street	Alley - Commercial	Alley - Residential
<i>Pedestrian / Mixed Use</i>	-	□	□	□	■	-	■	■	□	■	-
<i>Parkway / Bikeway</i>	□	□	■	■	■	■	-	-	-	-	-
<i>Neighborhood</i>	-	■	■	■	■	■	■	■	■	-	■
<i>Standard / Trafficway</i>	■	■	■	■	□	-	□	□	-	■	■

■ = 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						
			Key: ■ Typically applied to this design type O Optional; applied based on space allowances and specific priorities L Limited; generally not applied but may be used to specific circumstances - Generally avoid.			
Street Element	Size	Context & Application	Pedestrian / Mixed Use	Parkway / Bikeway	Neighborhood	Standard /Trafficway
Travel Lanes	≥12' ±	High-speed / high-volume; generally, avoid on city streets.	-	-	-	L
	11'	Applicable on major streets or routes with frequent truck or transit vehicles.	-	L	-	■
	10'	Generally applicable on all city streets with through traffic.	■	■	L	■
	9'	Limited to low-volume streets, slow-speed streets, or constrained ROW.	L	-	■	-
	12' – 17' yield lanes	Limited to slow, low-volume streets in well-connected networks, where occasional queuing areas allow two cars to pass.	-	-	■	-
Bicycle Lanes	n/a	Low-speed 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 < 35 mph)	L	■	■	L
	7'-10' protected lane	Important bike routes or higher speed streets (typically ≥35+ mph); 2' – 4' protected buffer; 4' – 8' bicycle travel way	-	■	-	■
	Off street	High-speed / high-volume (typically ≥45+mph); or portions of trail systems.	O	■	O	■
Parking	6' – 7'	Limited to low-volume residential streets.	L	L	■	-
	7' – 8'	Generally applicable to all residential and commercial areas where parking is necessary.	■	C	L	L
	14' – 22' angled	Limited to high-activity streets to maximize parking; depth depends on angle of parking and other traffic circumstances.	■	L	-	-
Landscape Area	2' – 8' amenity zone / attached sidewalk	Walkable areas (typically paired with on-street parking) where hardscape, landscape, and street furniture extend sidewalks.	■	L	L	-
	≥8'± amenity zoned / attached sidewalk	Used for high-activity streets that prioritize social space in streetscapes (e.g.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

Street Element	Size	Context & Application	Key:			
			■ Typically applied to this design type O Optional; applied based on space allowances and specific priorities L Limited; generally not applied but may be used to specific circumstances - Generally avoid.			
			Pedestrian / Mixed Use	Parkway / Bikeway	Neighborhood	Standard / Trafficway
	5' – 6' tree strip	Limited to constrained ROW; small or <u>understory ornamental</u> trees only.	L	L	L	L
	7' – 8' tree strip	Generally applicable, sufficient for large shade trees.	C	■	■	■
	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 3.042-G, & D.).	L	■	■	■
	10' – 20' Median	Signature streets for enhanced landscape; can be accompanied with turn lanes and/or mid-street pedestrian refuge at intersections	C	O	O	O
	≥20'± Median	Signature streets or to add amenity to major high-volume streets; may meet Open & Civic Space system credits (See 3.042-G, & D.).	C	O	O	O
Sidewalks	4' or one side	Avoid – constrained ROW only	-	-	-	-
	5'	Minimum, generally applicable standard; typical on neighborhood streets	-	-	■	L
	6' – 8'	Minimum for non-residential streets (if combined with amenity zone), and priority routes in neighborhoods (e.g. routes to schools, parks, or other destinations).	L	■	■	■
	8' – 10'	Typical on non-residential streets; minimum for walkable areas (if combined with amenity zone); or higher density neighborhoods.	■	■	■	■
	≥10' ±	Signature streets in walkable areas, where social spaces are desired in streetscapes, or as a multi-use bicycle / pedestrian path in other contexts.	■	■	O	O

3. **Typical Cross Sections.** The following cross sections found in Appendix A are typical and examples of the design types applied to each functional classification. These typical examples are illustrative for planning purposes. Actual street design shall be based on the applicable Public Works Design Standards and Technical Specifications and application of the Complete Street Guidelines to specific situations.

[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 ± Street Design Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Sidewalk	Landscape Amenity	Other Notes and Applicability
--	--------------	---------------------	--------------	---------	------------------	----------	----------------------	-------------------------------

Major Arterial—120/80								
Pedestrian Boulevard								
Bicycle Boulevard								
Parkway / Bikeway								
Standard / Trafficway								
Minor Arterial—100/70								
Pedestrian Boulevard								
Bikeway Boulevard								
Parkway / Bikeway								
Trafficway (Standard)								
Major Collector—80/52								
Neighborhood Connector								
Pedestrian / Bikeway Street								
Pedestrian Mixed-use Street								
Parkway / Bikeway								
Standard Street								
Minor Collector / Local—60/32-36								
Neighborhood Connector								
Pedestrian Street								
Pedestrian Mixed-use Street								
Bikeway								
Standard Street								
Local 54/28								
Neighborhood Street								

Table 3-6: Street Types & Cross-sections

Functional Class + Street Design Type	ROW Width	Street Width [1]	Travel Lanes	Parking	Bicycle Facility	Sidewalk	Landscape Amenity	Other Notes and Applicability
Neighborhood Connector								
Neighborhood Bikeway								
Local Lane 44/24								
Neighborhood Lane								
Pedestrian Lane								
Shared Street								

Frontage Lane						
Rural Lane						
Access Alley 20 / 12-18 [2]						
Residential Alley						
Non-residential Alley						

DRAFT

- D. **Private Streets.** A private street is privately owned and maintained, constructed to all applicable City standards and specifications, and provides the primary means of vehicular ingress and egress from a public street to any dwelling unit, lot, parcel or principal building. Private streets, driveways, and all other incidental items shall be designed, constructed, inspected, and accepted in the exact manner of public streets including all applicable processes and fees.
1. Private Streets shall only be considered in very limited circumstances and where absolutely necessary. To be considered as a private street by City Council, the following items shall be verified by the PD Director and the PW Director prior to any subsequent council action for approval.
 - a. The proposed private street shall be classified as a local residential or local commercial only.
 - b. The proposed private street shall meet all requirements of a dead-end street or terminates at both ends at a public street.
 - c. The proposed private street shall ensure that future connectivity standards of the subdivision regulations can be met and does not adversely impact adjacent properties.
 - d. The proposed private street shall not lessen the ability of public emergency service to access the property.
 2. No private street may be permitted without the consent of the City Council. The City **Council** shall have sole discretion to determine when a private street may be permitted and exclusive jurisdiction to grant any variance from the conditions of this article. Such consent or variance shall only be granted by approval of a preliminary plat for a new development showing the private street(s), or the passage of a resolution when the development or subdivision pre-exists the request for a private street. **City** Council may review a request for a variance in accordance with the procedures and standards set forth in **Section 2.07xxx, 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 3.0436-463, 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 Section 3.04.B.3~~subsection 36-463(8)~~, required to be on the final plat by subsection 3.0304.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 3.0304.D.3.c shall also contain a requirement that for a private street to continue to be private, the owners of the benefitted lots shall pay to the city a user fee set by the City Council for the additional costs, if any, of providing services within the private street area such as police, fire, dispatch and rescue operations, utility or sewer service, which are the direct result of the private street's presence. This fee shall be set by the City Council in the same manner as other fees for recovery of costs.
 4. Requirements of plat.
 - a. Hold harmless. On the subdivision final plat shall be language whereby the property owners' association, as owner of the private streets and appurtenances, and the individual lot owners agree to release, indemnify, defend and hold harmless, from liability imposed by law, the city, governmental entity, medical services provider or public utility, and their respective employees, officials and agents, for damages and injury (including death), arising from the condition or use or the existence of a private street; for damages and injury (including death) arising out of the use by the city, governmental entity or public utility, their respective employees, officials and agents, or emergency medical personnel of any private street or entrance; and for damages and injury (including death) arising out of the use of the subdivision by the city, governmental entity, medical personnel or public utility of any private street or entrance. Further, such language shall provide that all lot owners shall release the city, governmental entities, public utilities, their respective employees, officials and agents, and medical personnel for such damages and injuries. The indemnifications contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity, medical personnel or public utility, or their representatives, officers, employees or agents.
 - b. Waiver of service. The subdivision final plat, property deeds, and property owner association documents shall note that certain city services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports. All private traffic regulatory signs shall conform to the City of Springfield Standards for Traffic Control Devices. Depending on the characteristic of the proposed development, other services may not be provided.
 5. No private street will be later accepted as a public street unless the street had been originally inspected and accepted by the PW Director at the time of construction, and the street has been properly maintained, with documentation, as determined by the sole discretion of the PW Director.

E. **Engineering & Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets, utilities, stormwater, landscape, irrigation, and other public improvements shall be in accordance with Chapter 98 and the applicable Public Works Design Standards and Technical Specifications approved by the PW~~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 Ceity 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 Ceity 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
Natural Open Space / Stream Buffer	3 ac.re min.; 100' min. width; ≥20 acre optimal or significant continuity with adjacent areas	n/a	■	■
Park - Regional	≥20 ac.re	w/in 3 miles	■	
Park - Community	8 – 20 ac.re	w/in 0.5 mile	■	
Park - Neighborhood	3 – 8 ac.re	w/in 0.25 mile	■	■
Park – Small	0.5 – 3 ac.re	w/in 0.25 mile		■
Trail	20' wide, min. easement; 30' if integrated as a linear park; 8' – 16' trail	w/in 500' of trail or 1000' of trail head	■	■
Community Garden	5K s.f. – 3 ac.re	w/in 0.25 miles		■
Civic Space - Green	1 – 3 ac.re	w/in 0.25 miles		■
Civic Space - Square	5K s.f. – 1 ac.re	w/in 500'		■
Civic Space – Plaza / Courtyard	1K – 5K s.f.	abutting lots or on the same block		■

2. *Location Criteria.* The following location criteria shall be considered to better integrate different open space types with the context, *placetypePlace 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 two different types of open or civic spaces.
 - (2) High-density residential, mixed-use, and commercial or employment lots should be within the service area of at least one formal open space.
3. **Stormwater Facilities.** Stormwater facilities shall be designed and integrated into the street network and open or civic space in order to avoid redundant and inefficient facilities on individual lots. Areas used to meet stormwater requirements may be counted towards the open space requirement provided they meet the definition of Open Space and the PW Director approves of the secondary use.
4. **Open & Civic Space Design Guidelines.** Open and civic spaces shall be designed according to the following guidelines for each specific type:

Natural Open Space / Stream Buffer

The size, location and design of a Natural Open Space / Stream Buffer is dependent on the inherent characteristics of the land and the presence of valuable natural amenities and ecological resources worthy of protection. The ability to provide contiguity with similar features on adjacent sites is important to the design and location of development and preserved areas. See Flood ~~Control~~ and Water Quality Protection Manual for specific requirements for Stream Buffers.

Size: 3 contiguous acres (min.); 100' wide minimum; ideally, ability to connect 10+ acres of contiguous natural lands or agricultural lands.

Service Area:

n/a except where integrated with trails and linear parks, service areas are according to those types.



Design Elements & Guidelines

- Natural Open Space / Stream Buffer includes any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant and tree types. The goal is to protect the edges and to maximize intact and undisturbed spaces that provide valuable ecosystem services for the community, support preservation goals, or enhance the aesthetics and amenities of the area. Active recreation such as trails and paths can be a part of these areas provided, they do not disrupt the essential natural character and ecological functions.

Park

Variations: Size / Service Area
Regional – 20+ 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 one or more public streets for 400' or more (100' for Mini Park); exception to street frontage if designed abutting part of a public trail system.
- ☐ One 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

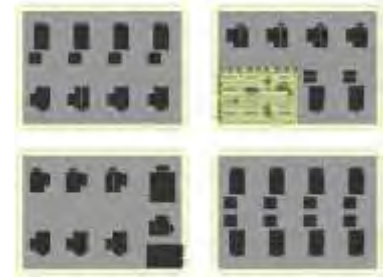
Design Elements & Guidelines

- ☐ 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' wide, and wider in places that incorporate natural features or significant vegetation.
- ☐ One shade tree for every 40' of trail length; and one understory ~~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 s.f. – 3 acres

Service Area
0.25 miles

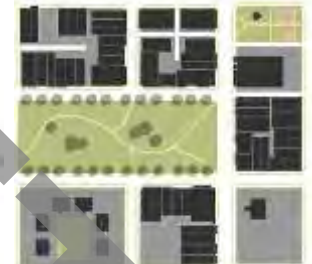


Design Elements & Guidelines

- ☐ 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 / 0.25 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 three sides and at least 75% of the perimeter;
 - Squares along at least two sides and 60% of the perimeter;
 - Plazas along at least one side and at least 30% of the perimeter; and
 - Courtyards along at least 15% of the perimeter, or an entrance from a gateway and passage along the street.
- ☐ Buildings should front on and frame the civic space, and be designed with frequent entrances, transparency, and outdoor seating areas to create activity in the space and make physical and visual connections between the buildings and the space.
- ☐ Civic spaces should have a balance of formal gathering places (hardscape, seating, public art, etc.) and landscape (gardens, lawns, planting beds, etc.) generally within the following:
 - Green: formal = 15% - 50%; landscape = 85% - 50%
 - Square: formal = 50% - 75%; landscape = 25% - 50%
 - Plaza: formal = 75% - 85%; landscape = 15% - 25%
 - Courtyard: formal = 25% - 50%; landscape = 50% - 75%
- ☐ One shade tree for every 25' of street frontage and one understory 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 open spaces, and block patterns.
3. Arrange blocks and lots in a manner that is least disruptive to existing topography and capitalizes on inherent natural characteristics of the land as defining features.
4. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
5. Promote appropriate site, building, and frontage designs in relation to street design types or other civic and open spaces that lots may front on.
6. Ensure that all lots are buildable according to this code and that all non-developed tracts or other parcels serve community functions in relation to the overall development pattern.

B. **Block & Lot Arrangement**

1. *General Layout.* All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on regional transportation routes.
2. *Block Size & Patterns.* The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 3.0302.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 3.0402 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 **are** subject to the frontage design standards and any modifications provided in this chapter, and requirements of the PW Director per Chapter 98 and the applicable Public Works Design Standards and Technical Specifications.
5. **Easements.** All blocks shall include easements for all utilities, required improvements, access, and open spaces necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way and graded to within ~~6~~^{six} inches of final grade before improvements are installed. Unless otherwise specified through the development review process, easements shall be as specified in Table 3-7.

Table 3-7: Minimum Easement Widths	
Common rear lot lines	10', 5' on each lot
Rear lots along an alley	None, provided the alley is at least 12' wide and can accept utilities
Perimeter rear lot lines w/o common boundary	10'
Cross access	18' (residential use - 2 units or less); 24' (all other uses)
Side easements, where necessary	5'
Front easements (if necessary due to other site / ROW constraints)	10'

6. **Drainage.** Where a subdivision is traversed by a natural watercourse, drainageway, or stream, blocks shall be laid out in coordination with these features, and they shall be integrated into the civic and open space systems.
- a. Natural channels and karst features such as sinkholes, springs, and caves are regulated by Chapter 96, but may be integrated into the block structure and open and civic space systems as common open space.
 - b. Blocks and lots should otherwise be arranged so drainage is generally along the rights-of-way lines and integrated into streetscape design or along the rear of lots in the mid-block area.
 - c. Additional rights-of-way or easements may be necessary to account for drainage, which may be integrated into the open and civic space system and dedicated to the city or other appropriate entity maintaining the system.

3.06 Required Improvements

- A. **Design Objectives.** The required improvements standards have the following design objectives:
1. Ensure that all public improvements necessary to serve lots and buildings are constructed, inspected, or otherwise assured of completion prior to approval of a final plat, issuance of building permits, other final approvals.
 2. Integrate the design and construction of public, common, and private improvements with development in the most effective and efficient manner.
 3. Prevent undue burden on public infrastructure, streets, utility systems, and community facilities from the improper location, design, or timing of subdivisions or development projects.
 4. Provide appropriate apportionment of construction and maintenance costs for public facilities serving development.

5. Protect against subdivisions or development projects where streets, structures, soil, subsoil, or flooding conditions would create potential dangers to property, infrastructure investments, or public health and safety.
 6. Coordinate construction of required improvements with other anticipated improvements and with future growth.
- B. **Applicability.** The standards and procedures of this section shall apply to:
1. All subdivisions ~~plats~~, except administrative subdivisions ~~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 ~~tracts~~ 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 residential 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 ~~right-of-way~~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 that 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 equal to 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 Ceity 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 Ceity 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 Ceity 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 accepteds 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 Ceity's website.

1. *Plan Submittal and Review.* A public improvement plan shall be submitted in compliance with the preliminary plat, the applicable Public Works Design Standards and Technical Specifications, this chapter, and any other associated development plan. All improvements shall be submitted in one plan set. However, projects with only sidewalk and/or driveways as the only improvements on right-of-way may be placed in the building or site plans. Proper permits will need to be issued by the Department of Public Works prior to construction in the right-of-way.
2. *Acceptance of Plans.* Acceptance of public improvement plans is based on a cursory review and does not imply or constitute approval of the plans. Any errors, omissions, or other items that are found needing correction after acceptance are the responsibility of the

applicant. Any items in the plans not specifically in compliance with all requirements must be approved in writing by the PW Director and noted on the plan sheets.

3. *Fees.* Fees will be provided in the annual fee study approved by the City Council.
4. *Drawings and Inspection.* Following construction the applicant shall submit “as built” drawings of the improvement and certifications that the improvements were built according to plans and city standards and specifications.
5. *Acceptance of Improvements.* Following inspection or correction of any deficiencies the City may accept the public improvements. Upon acceptance of all required public improvements the City may:
 - a. Release all portions of any security for improvements according to subsection E.
 - b. Approve the final plat or issue any building permits, unless otherwise issued according to subsection E.

F. **Performance Guarantee & Security.** As an alternative to construction and acceptance of improvements prior to approval of a final plat or authorization of a building permit, the PW Director may accept a performance guarantee and security. Performance guarantees shall only be considered when public improvement plans are reviewed and accepted by the City as ready for construction. The performance guarantees shall ensure funding is in place to cover the cost of completing any improvement and ensure that all necessary improvements to serve the development are in place within a reasonable time after approvals according to the following:

1. *Term.* The term of the performance guarantee may not exceed 1 year from approval of a building permit or 2 years from approval of the final plat. If the developer has not completed the required public improvement within this period, or alternate period approved in writing by the PW Director, the City may exercise any actions authorized from default on the security. The PW Director may extend the time frame for completion if in the best interest of the city and/or the scope of the completion of the work may require additional time to reasonably complete.
2. *Amount and Form.* The security may be in the form of a bond, escrow agreement, letter of credit, or other appropriate security approved by the City. The estimated total cost of any required improvement shall be itemized by improvement type and certified by the applicant's registered engineer and/or contractor's official bid for the work. The amount of the security may be determined by the City based on assessing cost estimates, duration, risk, and other contingencies from the improvement, which shall typically be no less than 150% of the estimated total cost.
3. *Default and Use of Security.* If the applicant fails to properly install the required improvement within the term of the guarantee, or any authorized extensions, the guarantee shall be in default. The City is authorized to draw upon the security to fund completion of the improvement. If the costs of completing the improvement, including any associated design, consulting, administrative, construction, or other costs associated with completing the work, exceed the security amount, the applicant is liable for all excess cost. The City may withhold any future approvals relating to the property and seek any other enforcement remedies for violation of the development code.
4. *Release of Security.* The security shall be released within 30 days after all of the following occur:
 - a. The release of funds is requested in writing by the applicant.
 - b. The conditions of the performance guarantee have been completed and approved by all agencies with jurisdiction over improvements.
 - c. Any required maintenance obligations have been provided.

- d. A final inspection has been conducted by the city or other written acceptance of infrastructure by any other owners of facilities.
 - e. Written documentation of the facilities “as built” and certification of construction according to Ccity standards and specifications has been submitted.
 - f. The Ccity 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 Ccity, serving an area larger than the subdivision and its impact, the Ccity may require, and the applicant may enter into an upsizing agreement. The Ccity 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 Ccity 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 Ccity shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The Ccity'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 Ccity.
 4. The Ccity 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
- 4.06 General Use Restrictions**

4.01 Establishment of Districts

- A. **Intent.** The following districts are established to carry out the purposes of this chapter. The standards and criteria for development in each district shall be interpreted based on the intent of each district, including context, relationship to other districts and uses, scale and format of uses and buildings, and design characteristics of the district.

Table 4-1: Zoning Districts & Intent	
District & Intent	Applicable Place Types
R-SF – Single-Family Residential. The R-SF district provides residential living in lower-density suburban or walkable neighborhood settings with access to supporting uses such as schools, churches, parks, and other public facilities. The character of these areas emphasizes low intensity activities and access to amenities and recreation, with proximity to daily needs.	▪ Traditional Neighborhood ▪ Center City Neighborhoods ▪ Mixed Residential (Limited Applicability)
R-MX1 – Mixed-density Neighborhood - Low. The R-MX1 district provides residential living in compact, walkable neighborhood settings, allowing a mix of housing types and supporting non-residential uses. The character of these areas emphasizes human-scale, moderate intensity uses and access to amenities, recreation, and daily needs. The predominant building types are low-scale single- and multi-unit buildings. Well-designed streetscapes, open and civic spaces provide the focal point to integrate a variety of building types with a consistent neighborhood character.	▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration) ▪ Mixed Residential ▪ Mixed Use (Limited Applicability)
R-MX2 – Mixed-density Neighborhood – Medium The R-MX2 district provides residential living in compact, walkable neighborhood settings and along corridors, allowing strategic location of moderate density housing near supporting uses. The character of these areas emphasizes human-scale, moderate intensity uses and access to amenities, recreation, and daily needs. The predominant building types are moderate-scale and multi-unit buildings. Well-designed streetscapes, open and civic spaces provide the focal point to integrate a variety of building types with a consistent neighborhood character.	▪ Center City Neighborhood (Transition Areas) ▪ Mixed Residential ▪ Mixed Use (Limited Applicability) ▪ City Corridors
R-MX3 – Mixed-density Neighborhood - High. The R-MX3 district provides residential living in high-density patterns in urban areas or larger-scale multi-family projects in suburban areas where there are appropriate transitions and buffers between neighborhoods and supporting uses along corridors. The character of these areas emphasizes high-activity environments with proximity to or integration with other uses in walkable formats. The predominant building type is large-scale, multi-unit buildings in compact formats in urban areas, or large-scale multi-building complexes in suburban areas. Well-designed urban streetscapes and civic spaces provide amenities for residents.	▪ Traditional Neighborhood (Transition Areas) ▪ City Corridors ▪ Downtown (Strategic Integration)

Table 4-1: Zoning Districts & Intent	
District & Intent	Applicable Place Types

R-MHC – Residential Manufactured and Small fFormat Housing Community. The R-MHC district provides residential living in manufactured or other small-format housing, in a planned development pattern that share common amenities. Variations in housing patterns include courtyard patterns, pocket neighborhoods, or larger planned communities. Low intensity recreation amenities or well-designed internal streets and common spaces provides focal points to support the compact arrangement of small housing units.

- Limited to planned applications in a variety of residential settings according to the development patterns and design criteria in Section 5.05.D.

C-MX1 – Commercial Mixed-use Neighborhood. The C-MX1 district provides for small-scale and low-intensity uses that complement and support surrounding neighborhoods or which may support more intense commercial or industrial districts. It includes neighborhood serving uses that meet the daily needs of surrounding residents in small-scale buildings and formats. It may be integrated into urban neighborhoods with compact, walkable patterns and human-scale design; or alternatively may support more suburban neighborhoods if limited in scale and intensity and the impacts of automobile-oriented formats and access are mitigated with appropriate transitions and site design.

- Mixed Use
- City Corridors
- Business Flex (Limited Applicability)
- Institution & Employment Center (Limited Applicability)
- Traditional Neighborhood (Transition Areas)
- Center City Neighborhood (Strategic Integration)

C-MX2 – Commercial Mixed-use Community. The C-MX2 district provides a mix of neighborhood, community-scaled commercial, entertainment, and/or employment uses and supporting residential and civic uses. The predominant building type is small- and moderate scaled mixed-use buildings, which are supported by strategic urban residential and commercial buildings. The character of this area emphasizes a high level of civic design, walkable urban patterns, and a concentration of diverse, small- and moderate-scale uses; however some higher intensity or larger format commercial or employment uses may be integrated into the pattern as anchors to support the overall mixed-use environment. It is primarily intended for the transformation of automobile-oriented corridors into walkable, mixed-use areas through the integration of a walkable street network and formal civic spaces as the framework for redevelopment.

- Mixed Use
- City Corridors

CC – Center City. The CC district provides an integrated mix of retail, service, entertainment, office, and civic uses, and supporting residential uses or limited light industrial uses, in a compact and walkable format. This district serves as the central business district and core of Springfield's economic, social, and government activities. The character of this area emphasizes a high level of civic design, walkable urban patterns, and a concentration of diverse, small- and moderate-scale uses. Sub-districts can accommodate larger or more intense supporting uses that may be strategically located on edges of the district or on side streets that do not disrupt urban frontages and patterns.

- Downtown
- Institution & Employment Center (Limited Applicability)

COM – Commercial Street. The COM district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to Commercial Street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development.

Mixed Use

GC – General Commercial. The GC district provides a mix of moderate and large-scale, high-intensity commercial uses (retail, service, office) that can serve as anchors to support adjacent districts and corridors, or which have a community-wide reach and are therefore located on busier corridors in non-urban contexts. The character of the area includes large-scale buildings and sites which feature monumental gateways or entrances at key locations, and automobile-oriented features are mitigated by streetscape designs and landscape buffers.

- City Corridors
- Business Flex (Limited Applicability)
- Institution & Employment Center (Limited Applicability)

GI – Government & Institutional. The GI district provides for the concentrated location of federal, state, or local government activities, major public or private institutions, or large medical facilities. These uses are not limited to this district, but the district provides a concentrated area for where these uses are comparatively intensive and require substantial buildings and land areas.

- Institutional & Employment Center
- Downtown

LIC – Light Industrial / Commercial. The LIC district provides primarily service, employment, manufacturing, and distribution uses at a scale, intensity and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses characteristics of mixed- and flex-use business areas.

- Business Flex
- Institutional & Employment Center
- Industry & Logistics

HM – Heavy Manufacturing. The HM district provides primarily manufacturing uses at a scale, intensity, and format that could impact adjacent uses or where specific land resources, distribution

- Industry & Logistics

Table 4-1: Zoning Districts & Intent

District & Intent	Applicable Place Types
-------------------	------------------------

facilities or other supporting infrastructure is needed. It may include limited applications of support service, employment or distribution uses. This district is generally located remote from residential or mixed-use areas, or requires significant buffers and sensitive site design transitions to minimize impacts on these areas.

OS – Open Space. The OS District is intended for outdoor recreation facilities and or other civic or community uses requiring large open land areas which, by reason of topographic features, proximity to a natural drainage courses or other natural or man-made features, may be either unsuitable for customary density of construction or use or are otherwise more suitable for preservation, design, or development as a community or public asset.

Urban Green Space & Recreation Institution & Employment Center

Special purpose district includes areas of the city that require specific planning to address unique development and design issues. These may facilitate development projects based on a focused planning effort or address specific policies or topics for a general area. Examples include “planned” zoning districts that modify the base district standards or “overlay” districts that either blend areas of different zoning to create compatibility, or special topic districts such as Planned Zonings, Historic Designations, or Airport Overlays, flood plain management, or airport related standards. (See Sections 2.06, 2.11, and 10.01 respectively)

- Specific planned applications' special purpose districts

- Limited Applicability – The zoning district may not apply to every situation or property. There may be specific conditions or circumstances which make the zoning district applicable within the specific placetype.
- Transition Areas – Typically, there is a one-to-two block transition zone on either side of where two different placetypes come together. The zoning district may be appropriate within a transition area between the designated placetype and another placetype or along the edge of a neighborhood, commercial area, or roadway within the specified placetype. In transition areas both the primary and supporting land uses from either placetype could be appropriate.
- Strategic Integration – The zoning district may be located within the placetype in a deliberate and coordinated way to further the goals of ForwardSGF, land use policies, infrastructure investments, and community development goals.

B. Official Zoning Map. The boundaries of the districts are shown on the official zoning map, which together with all explanatory information is adopted by reference as part of this chapter. The map shall be kept on file with the City Clerk and Planning & Development Department. Electronic copies and files of this map shall reference the “Official Copy”, but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map. Changes to this map shall occur through the procedures specified in Article 2.

C. Transition of Previous Districts. The zoning districts under the previous code match the zoning districts in this chapter as specified in Table 4-2. The Official Map under the previous code shall transition and be interpreted according to the corresponding zoning districts in this table, and all further zoning changes shall follow the districts in this chapter.

Table 4-2: Zoning Districts Transitions

Previous Code	This Code
R-SF – Single-Family Residential	R-SF – Single-Family Residential
R-TH – Residential Townhouse	
WC-3 – West College Residential Sub-area 3	R-MX1 – Mixed-density Neighborhood - Low

GAP – Grant Avenue Parkway Sub-area D	
R-LD – Low-density Multifamily Residential	
R-MD – Medium-density Multifamily Residential	
WC-2 – West College Live/work Sub-area 2	R-MX2 – Mixed-density Neighborhood - Medium
GAP – Grant Avenue Parkway – Sub-area F	
LWO – Live Work Overlay	
R-HD – High-density Multifamily Residential	R-MX3 – Mixed-density Neighborhood - High
UN – University Combining	
R-MHC – Manufactured Home Community	R-MHC – Residential Manufactured & Small Format Housing Community
GI – Government and Institutional Use	GI – Government and Institutional
LB – Limited Business	
O-1 and O-2 – Office	C-MX1 – Commercial Mixed-use Neighborhood

Table 4-2: Zoning Districts Transitions

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

- D. **Legacy Districts.** The following districts or special approvals occurred under standards and procedures that have been changed in this chapter. However, the approvals, conditions, and entitlements on these properties are preserved and apply to each property as they did under the previous code, until the established district regulations are changed under the provisions of this chapter.
1. Conditional ~~o~~Overlay ~~d~~Districts approved according to Section 36-407 of the previous code.
 2. Planned ~~d~~Development ~~d~~Districts approved according to Section 36-405 of the previous code.
 3. Urban ~~c~~Conservation ~~d~~Districts, overlays, or other special districts approved under the previous code, specifically:
 - a. Midtown **(See Section 10.03)**

- b. Phelps Grove ([See Section 10.04](#))
- c. Rountree ([See Section 10.05](#))
- d. Walnut Street (east and west) ([See Sections 10.06 and 10.07](#))
- d. ~~Commercial Street district (COM)~~
- e. ~~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 complementary transitions between districts.
1. The table identifies uses as:
 - a. Permitted uses (P) subject to general district and building standards and review procedures.
 - b. Conditional uses (C) subject to the review process and criteria for a conditional use permit in Section 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 4-1: Zoning Districts & Intent															
P = Permitted use C = Conditional use permit Use	R-SF	R-MX1	R-MX2	R-MX3	R-MHC	C-MX1	C-MX2	CC	COM	GC	GI	L/C	HM	OS	
	Residential Uses <i>[See Article 5 for Residential Development & Design Standards]</i>														
	Household Living – One-unit Dwelling	P	P	P	P	P				See Section 10.1					
	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 f Format Dwelling	C	C	P	P	P										

<u>Household Living – Manufactured Dwelling</u>					P														
Household Living – Mixed-use Dwelling			C	C		P	P	P			P								
Household Living – Accessory Dwelling	See Section 4.04.C. <u>Accessory Dwelling</u>																		
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 bedrooms capacity)		C	C	P		C		P			P								
Group Living – Boarding House Large (12+ bedrooms)			C	P								P							
Group Living – Dormitory				C								P							
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						
P = Permitted use C = Conditional use permit Use						R-SF	R-MX1	R-MX2	R-MX3	R-MHC	C-MX1	C-MX2	CC	COM	GC	GI	LIC	HM	OS
Cultural Facility <u>Small</u> (under ≤10K Art Gallery, Museum, Library)						C	C	C	C	C	P	P	P		P	P			
Cultural Facility – Large (≥10K or more))											C	P	P		P	P			
<u>Event Entertainment</u> Venue – Small (<1K capacity)											C	P	P		P	P	P		
<u>Event Entertainment</u> Venue – Medium (1K – 3K capacity)												P	P		P	P	P		
<u>Event Entertainment</u> Venue – Large (>3K capacity)													P			P			
Funeral <u>H</u> ome and Mortuary (accessory crematorium)											C	P	P		P		P		
Open Space – Athletic Field																P			P
Open Space – Open & Civic Space (<u>S</u> ee Section 3.042)						P	P	P	P	P	P	P	P		P	P	P	P	P
Open Space – Recreation Center & Grounds						P	P	P	P	P	P								P
Public Safety – Community Corrections Facility																C		C	
Public Safety – Jail																C		C	
Public Safety – Police & Fire Station						P	P	P	P	P	P	P	P		P	P	P	P	
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	P



4-8
Chapter 36: Land Development Code

Page 456 of 1279

4.03 Specific Use Standards

- 4-10
Chapter 36: Land Development Code

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 2.034.
 - ~~3. Outdoor uses shall generally not be permitted between 10:00 p.m. and 8:00 a.m.~~
 4. Any existing non-residential structure in a residential district that is no longer used for its designed purpose may be adapted and reused for other uses compatible with the neighborhood. The proposal for adaptive reuse shall be through a conditional use permit process in Section 2.04, and the following additional criteria:
 - a. Uses shall be either permitted uses in the district, a multi-unit residential conversion, or uses otherwise permitted (P) in the C-MX1 district by Table 4-3, provided any proposed use is otherwise determined to be neighborhood-serving for the specific context. Any additional limits on the design or operation of the use may be included in the conditional use permit to ensure compatibility with the area and specific location.
 - b. Expansions of buildings shall be limited to 20% of the existing building or 1,000 square feet, whichever is less.
- D. **Dwelling, Live-Work.** In districts where live-work dwellings are allowed, the following standards and conditions apply to ensure compatibility with the context:
1. The commercial occupancy shall be accessory to the residential dwelling. The resident and the principal occupant of the commercial area shall be the same and the commercial occupancy shall be limited to no more than 50% of the building. However, the commercial occupancy is not limited to the home occupation standards.
 2. No portion of the live-work unit may be separately rented or sold.
 3. The commercial occupancy is limited to small-scale retail, office, personal service, or limited/artisan manufacturing uses. In districts where live-work dwellings are permitted (P), the commercial component shall not require a conditional use permit.
 4. Any permitted commercial activity shall occur on the ground floor and be directly accessible from the adjacent public street, sidewalk, or other publicly accessible common or public space.
 5. In residential districts, no more than 2 non-resident employees are permitted for the nonresidential portion of the unit.
 6. In residential districts, one additional non-illuminated sign shall be permitted. The sign shall be limited to 12 square feet and located within 15 feet of the primary entrance. The sign shall be limited to 6 feet high if ground mounted, and 14 feet high if mounted on the building.
 7. Off-street parking shall be based on the nonresidential use portion of the buildings. However, parking and access shall be located and designed in a manner that is compatible with site designs of adjacent uses and sites. The City may adjust any parking requirement or restrict the permitted occupancy to meet this compatible parking and access design requirement per Section 7.04.
- E. **Dwelling, Mixed-use.** In districts where mixed-use dwellings are allowed uses, the following standards shall apply to a building or structure with two or more different uses, one of which shall be residential:
1. In residential districts, mixed-use dwellings shall be limited to collector or arterials streets, or corner lots at focal points within the neighborhood.
 2. In residential districts, ground level nonresidential uses may be limited beyond those otherwise permitted in the zoning district to those that are compatible with upper-level residential uses or adjacent residential areas.
 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 2.045 and the following additional criteria:
 - a. The street frontage is not an important commercial frontage street, and additional residential uses will help support other commercial uses in the vicinity.
 - b. The building and street-level frontage is not significantly redesigned exclusive to residential uses, and could be adapted for nonresidential uses in time.
 - c. The nonresidential portion of the building is likely to remain vacant or put to marginal use if not converted to residential.
 - d. The design of the building meets all other applicable design standards that reinforce the pedestrian nature and human-scale design intended for mixed-use buildings.
- F. **Group Homes.** In districts where group homes (custodial or residential) are allowed, they shall meet the following conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character of neighborhoods.
1. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in that it does not alter the appearance as a single-unit detached house.
 2. 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 Correctionsal Facilities.** All jails and community correctionsal facilities shall meet the following additional requirements.
1. Jails and correctionsal facilities shall be located at least 2,000 feet from any other jail or correctionsal facility, except where separate facilities are on the same property or operated as a coordinated and joint facility.
 2. Jails and community correctionsal facilities shall be located at least 750 feet from any primary or secondary school, residential zoning district, or park.
 3. All facilities shall be setback at least 50 feet from any right-of-way.
- H. **Landfills.** All Landfills shall meet the following additional requirements:-
1. Landfills shall be located at least 1,000 feet from of any residential zoning district:-
 2. Landfills shall be located on at least 160 acres; and-
 3. All activities and facilities shall be set back at least 100 feet from any right-of-way.
- I. **Residential Care.** ~~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 beds patrons at a single time.
 2. Uses approved by a conditional use permit shall only be located on a primary or secondary arterial street, except uses may also be located on a collector street in the HM district.
 3. Buildings shall meet all development and design standards applicable in the particular district, and any 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, unless said use is given written consent of the governing body of such school.
 6. Uses, except those approved by a conditional use permit, shall be separated from residential zoned districts by at least 500 feet. In all cases, whether in nonresidential districts or in residential districts by conditional use permits, design and operational limits and conditions may be used to protect any nearby residential uses.
 7. An operation plan shall be submitted and kept on file with the Department of 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 3.034. (Pedestrian / Mixed-Use street design types). Access from alleys, internal access, and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.
 5. The PD Director may require any other drive-through service area that does not clearly meet these standards and criteria to be reviewed subject to the procedures and criteria for conditional use permits in Section 2.04.
- C. **Accessory Dwelling.** Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:
1. Accessory dwelling units may be allowed on a lot with a principal detached house as follows:

Table 4-4: ADU Allowances

ADU Type	Zoning District	Principal Building Type	
<u>ADU</u> <u>(attached or detached)</u>	R-SF	<u>Detached house – >6K s.f. lot</u>	<u>P</u>
		<u>Detached house – >6K s.f. lot</u>	<u>P</u>
		<u>Detached house – <6K s.f. lot</u>	<u>C</u>
<u>ADU</u> <u>(detached or attached)</u>	R-MX1, R-MX-2, R-MX-3	<u>Multi-unit house – any size lot</u>	<u>P</u>
		<u>Townhouse – any size lot</u>	<u>P</u>
		<u>Detached house – >10K s.f. lot</u>	<u>C</u>
<u>Multiple ADUs (2 to 3)</u>	<u>All districts</u>		

Table 4-4: ADU Allowances

Planning Context	Lot Size	ADU Type	
		Attached	Detached

Center City Neighborhoods Mixed-Residential Mixed Use	6K+	P	P
	> 6K	C	C
Traditional Neighborhoods	6K+	P	C
	> 6K	n/a	n/a
Existing detached houses in non-residential districts	6K+	P	C
	> 6K	C	C

P = Permitted by right subject to this section

C = Permitted by conditional use permit subject to this section and the process and criteria in Section 2.04

2. The accessory dwelling shall not exceed 60% percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.
3. One additional parking space shall be provided on site. The PD Director may waive the parking requirement if the context and circumstances of each dwelling unit prove the space unnecessary.
4. All buildings, including any detached accessory structure, shall meet the development and design standards for the lot in Article 5.
5. The accessory dwelling shall be compatible with principal building in terms of massing, design, and materials. Whether within the principal building or in a detached structure, the accessory dwelling shall be clearly subordinate to the principal dwelling through the location of parking, access, building entrances, and other design features that accommodate the dwelling.
6. In the R-SF district, the following additional conditions shall apply:
 - a. The property owner shall occupy either the principal or accessory dwelling as their permanent residence in the R-SF district.
 - b. Accessory dwellings shall be registered annually with the City finance director, and verify that the requirements of Chapter 18, Springfield City Code and the conditions of this section are met.

D. Home Occupation.

1. Generally. Home occupations ~~may be~~ **are considered** accessory to a primary residential use and shall meet all of the following additional standards **unless specifically exempted in subsection 2:**

- 1a.** 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.
- 2b.** 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.
- 3c.** No traffic, utility impacts, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
- 4d.** 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.
- 5e.** 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).
- 6f.** Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
- 7g.** No alteration of the exterior of the building or site shall be made which changes the

- 8h. residential character of the building or site.
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.
- 9i. In-home daycare as an accessory home occupation is subject to the standards of ~~Section 10.##; Chapter 38, Article## IX. –site whether current Chapter 36, Article XI ends up in Article 10 with P&Z or in Chapter 38 with bds/business licensing.~~

2. No-Impact, Home-Based Business. Pursuant to Section 71.990, RSMo., no-impact, home-based businesses are not subject to the requirements listed in subsection 1. A “no-impact, home-based business” is a home occupation that:

- a. Involves the sale of lawful goods and services;**
- b. Occurs inside the residential dwelling or in the yard of the residential dwelling;**
- c. Is not visible from the street;**
- d. Does not cause a substantial increase in traffic through the residential area;**
- e. Does not violate any parking regulations; and**
- f. Does not violate any narrowly tailored regulation established to:**
 - (1) protect the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control;**
 - (2) ensure that the business activity is compliant with state and federal law; and**
 - (3) ensure that the business is paying all applicable taxes.**

3. Licensing. All home-based businesses must obtain any business license required by the Code pertaining to the specific nature of the occupation but are not required to obtain a separate license to operate a home-based business.

- E. **Outdoor Display & Service Areas.** Outdoor display and service areas accessory to a permitted commercial use are allowed subject to the following conditions:
1. Outdoor display and service areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of street front buildings.
 2. A 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 in Chapter 38 of the Springfield Municipal Code. They may be permitted beyond the standards as specified below through a conditional use permit according to Section 2.04. Any renewable energy facility that does not meet the limits of this section or cannot qualify as an accessory special use permit shall be considered a public utility service use and only allowed as permitted in Table 4-3 as a principal use of land.

Table 4-5: Accessory Renewable Energy Facilities		
	Accessory Use by Building Permit	Accessory Use by Conditional Use Permit
Solar		
<i>Building Mounted</i>	8" max. off and parallel with pitched roof 3' max. off a flat roof - Any facility projecting more than 2' off a flat roof shall be screened from ground level or adjacent property by a parapet, or other architectural screen integral to the design of the building.	6' max. off a roof or building wall
<i>Ground Mounted</i>	6' high max. 10' setback min. - Screened from adjacent property and ROW the same as all other mechanical equipment.	10' <u>high</u> max <u>high</u>
Wind		
<i>Building Mounted</i>	4' max. above roof (residential buildings) 8' max. above roof (non-residential buildings)	12' max. above roof (residential buildings) 20' max. above roof (non-residential buildings)

Ground Mounted	30' max. height (residential districts) 45' max. height (nonresidential districts)	45' max. height (residential districts) 60' max. height (nonresidential districts)
----------------	---	---

H. Temporary Storage Containers.

1. **General Standards.** All temporary storage containers shall meet the following standards:
 - a. All temporary storage containers are subject to all applicable public health and safety codes with respect to their placement, operation, and contents.
 - b. Temporary storage containers shall be located at least 15 feet from the right-of-way, at least 10 feet from any other lot line, and outside any sight triangle affecting any intersection or access point.
 - c. Temporary storage containers shall be located in the least prominent and practical location of the site considering:
 - (1) ~~P~~arking, access, and circulation;
 - (2) ~~V~~isibility from adjacent property, including the visibility from building frontages along a streetscape;
 - (3) ~~L~~andscape buffers and open spaces; and
 - (4) ~~A~~ny other easements and access needs.

All locations are considered “at risk” by the applicant, and may be forced to relocate in response to any rights of access to easements or other problems associated with the location.
2. **Exemptions.** The standards in this section do not apply to:
 - a. Permitted outdoor storage uses as a principal use;
 - b. Permanent installations that meet the accessory building size, design, and location standards of the applicable zoning district;
 - c. Containers in the public or railroad right-of-way placed by the entity with control over the right-of-way; and
 - d. Storage containers associated with a valid construction permit for up to 30 days from the expiration of the permit. Storage containers associated with a construction project that does not require a permit shall comply with the temporary storage limits of this section.
3. **Nonresidential Limits.** Storage containers in nonresidential districts are subject to the following additional limitations:
 - a. ~~Up to~~ A maximum of 3 containers per premises, totaling ~~and~~ no more than 800 square feet, or 8,000 cubic feet in size; and
 - b. Not onsite more than 120 days in any 12-month period.
4. **Residential Limits.** Storage containers in residential districts are subject to the following additional limitations.
 - a. Containers used for loading and unloading may be placed in the frontage area of the lot, including a driveway or legal parking space, and are limited to:
 - (1) ~~Up to~~ A maximum of 3 containers per premises, totaling ~~and~~ no more than 500 square feet, or 4,000 cubic feet in size;
 - (2) No more than 72 hours onsite per occurrence; and
 - (3) No more than three ~~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 shall be located outside of the frontage area of the lot and are limited to:
 - (1) No more than 1 container and no more than 300 square feet and 2,400 cubic feet;
 - (2) No more than 60 days onsite per occurrence; and
 - (3) No more than 2 occurrences in a 12-month period;
 - (4) ~~Storage containers shall be located outside of the frontage area of the~~

lot.

I. Chickens.

The keeping or raising of six or less chicken hens are permitted as an accessory use in all zoning districts provided such use complies with all applicable sections of this code, including sections 18-12, 18-23, 18-24, 18-25, 18-59, and 78-113.

J. Beekeeping.

Beekeeping (domestic honeybees, Apis Mellifera) is permitted as an accessory use in any zoning district provided:

1. No more than two hives, with only one colony in each hive, are allowed on lots of 5,000 square feet or larger. One additional hive is permitted on each additional 5,000 square feet.
2. Hives shall only be located in the rear yard. Hives shall be located at least five feet from all property lines.
3. Hives shall be located within a fenced enclosure. Said fence shall be at least 42 inches high.
4. Hives that are located within 20 feet of a property line shall be screened at the property line by a six-foot solid fence, wall or other barrier, which may be vegetative. The screen shall extend at least 20 feet in both directions from the point on the property line, or lines, where the hive is the closest to the property line. Vegetative screening shall be planted or maintained so as to form a continuous, unbroken, solid screen prior to the establishment of the hive.

4.05 District Performance Standards

- A. **General Operation & Performance Standards.** All principal and accessory uses shall be operated in a manner that meets the performance standards in Table 4-6, ~~District Performance Standards~~.

Table 4-6: District Performance Standards					
	R-SF, R-MX1, R-MX2, R-MHC	R-MX3, C- MX1	GI, C-MX2	GC, CC, LIC	HM
<i>Daytime Noise.</i> Noise levels during business hours (7AM - 7PM). [1]	55 db	65 db	65 db	70 db	75 db
<i>Evening Noise.</i> Noise levels outside general business hours (7PM - 12AM). [1]	50 db	55 db	65 db	70 db	75 db
<i>Nighttime Noise.</i> Noise levels during quiet hours (12AM - 7AM). [1]	45 db	45 db	55 db	60 db	65 db
<i>Impacts Outside the Building.</i> No odor, glare, vibration, smoke, or similar impacts shall be produced that is observable outside a building.	☑	☑	☑		
<i>Impacts Beyond the Property Line.</i> 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].	☑	☑	☑	☑	
<i>Impacts to Health or Property.</i> No particulate matter, or noxious or toxic matter shall be produced that could become damaging to humans or property beyond the property line.	☑	☑	☑	☑	☑
<i>Lighting.</i>	See Section 8.076, 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 8.076, Outdoor Lighting.

4.06 General Use Restrictions

A. Retail Liquor Sales.

1. Applicability. No license shall be issued for the sale of intoxicating liquor at retail in any form notwithstanding that the proposed establishment is within the zoning district appropriate therefore under this chapter nor shall any such use be conducted in any zone of the city unless the following procedures shall be followed.
2. Location with regard to R-SF, R-MX1, R-MHC, or PD Districts. Whenever any application shall be received by the City for the establishment of a place for the sale of intoxicating liquor at retail in any form, it shall be determined by the officer charged with the responsibility of issuing such licenses whether or not the proposed establishment is located within 200 feet of any property zoned R-SF, R-MX1TH, R-MHC, or designated for single-family or two-family residential use in a PD district under this chapter. In the event there shall be no such property within 200 feet from the proposed location and the application shall otherwise be appropriate and authorized by the laws of the City, then the license may be issued.
3. Application Fee. If the proposed establishment is within 200 feet of property zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, then the person charged with the responsibility of accepting applications for such establishments on behalf of the city shall require to be filed there with a fee 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-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, and which is within 200 feet of the proposed establishment a notice setting forth the proposed application and advising that persons within said 200 feet owning or occupying property zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, shall have the right within 21 days from the date that the notice shall first be posted in which to protest the granting of a license for the establishment and the use of the land therefore, including instructions for filing said protest. In addition, said notice shall be mailed to all persons within said 200 feet owning or occupying property zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential

use in a PD district, said mailing to occur by first-class mail no later than three days prior to the posting described herein. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with the mailing notice requirement. 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% of the owners and/or occupants of the land so zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, and located within 200 feet of the proposed establishment, then the application shall be forwarded to City Council for its resolution in favor or against said application. If, however, no such protest shall be filed within 21 days or if the same shall be insufficient, thereupon the license may issue, all other requirements of the law of the City of Springfield having been met and complied with.
 - a. For the purpose of this section, only one signature per land parcel, whether property owner or occupant, shall be counted in determining whether the 50% threshold for protest has been satisfied. In the event of conflict between the owner and occupant, the owner shall prevail. In the event that an occupant files a protest, but the owner does not, the owner shall be notified of said protest. The notice shall be mailed by first-class mail no later than three days after the deadline to file a protest. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with this notice requirement. The owner shall have seven days from the date of mailing to file with the officer of the city charged with receiving applications for liquor licenses a withdrawal of the occupant's protest.
 - b. The official of the City of Springfield charged with the responsibility of accepting applications for licenses for the sale of intoxicating liquor at retail shall have the authority from time to time to prepare forms to implement this section including protest forms, application forms, and forms for notice, forms for proof of ownership and/or occupancy, and other appropriate requirements. Forms of protest shall in any event be acknowledged by some person other than a protesting owner or occupant located within the 200 feet area acknowledging the signatures of the persons contained thereon to be the free act and deed of the persons so signing. In determining those persons entitled to be counted in such protest, only those persons who are owners or occupants of the land of record on the date that the application shall have been filed shall be entitled to protest.
 - c. Notwithstanding the provisions of this section, the Finance Director may issue a license for the same location to any purchaser of a retail liquor establishment which was duly licensed at the time of the purchase providing the purchaser makes proper application and is qualified and eligible to hold a license and providing that the provisions of Section 10-36 of the Springfield City Code shall have been complied with; nor shall the provisions of this section prohibit the reissuance of licenses for previously existing duly licensed establishments.
6. Exemption From Notice. The applicant shall be exempted from the notice and publication requirements herein, and only those requirements, if 100% of all owners and occupants of residential property as set forth herein, file a notarized waiver of protest setting forth the case or license number, address of establishment, and indicating they have no opposition to the proposed use, and the license may issue providing the applicant has complied with all other applicable requirements.

B. Utilities.

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

- b. All other new and relocated electric power lines of 13,200 volts or less, telephone lines, fiber optic cables, or any other wires, cables or conduits for conveyance of electrical power or the communications of messages, data or signals, and appurtenant equipment, shall, according to the utilities policies, be placed underground to the maximum extent practical.
- c. Utility poles utilized for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables, and located within the right-of-way or utility easements that serve as support structures for wireless telecommunications facilities. No attachment for wireless communications devices shall be attached on a pole closer than 400 feet from another pole attachment for wireless communications devices as measured along either side of the easement or right-of-way. Such utility poles shall be placed in accordance with the following matrix based on the zoning classification in which the utility pole is located.

<u>Zoning Classification</u>	<u>Easement ⁽¹⁾</u>	<u>ROW</u>
<u>Residential (R-SF, R-MX1, R-MX2, R-MX3, and R-MHC)</u>	<u>50 feet</u>	<u>60 feet</u>
<u>institutional (GI)</u>	<u>70 feet</u>	<u>80 feet</u>
<u>Commercial (C-MX1, C-MX2, GC, CC, and COM)</u>	<u>80 feet</u>	<u>90 feet</u>
<u>Industrial (LIC and HM)</u>	<u>90 feet</u>	<u>100 feet</u>
<u>Planned Development/Planned Zoning (based on use)</u>	<u>Individual case basis</u>	<u>Individual case basis</u>

- d. Any equipment placed on the utility pole must be located at a sufficient height to meet any federal or state requirements or occupy no more than a 20 square foot area on the ground adjacent to the pole and not occupy any sight restrictions for adjacent driveways, access points and right-of-way.
- e. Existing poles exceeding the matrix height criteria shall be considered conforming and may be replaced as needed with another pole of like size.
- f. This section, 10.08, shall not apply to wireless telecommunications facilities used for internal utility operations.

2. Utility Substation Facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:

- a. All utility substation facilities are exempt from the height requirements of this chapter but shall meet all other lot size, bulk, and open space requirements of this chapter.
- b. When the facility is not contained within an enclosed building, a fence or wall at least 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.

3. Utility Transmission Facilities. Utility transmission facilities shall be exempt from the requirements of this chapter.

4. Other Facilities.

- a. Exemptions. The following utility uses are exempt from the requirements of this chapter provided the use meets the design requirements of the City of Springfield and its location is approved by the City of Springfield.
1. Facilities for the detention or collection of stormwater
 2. Civil defense warning sirens

5. Lot Size Requirements and Bulk Regulations. Notwithstanding any other provision of this chapter, none of the following public utility or public service uses shall be required to comply with the lot size requirements or bulk regulations of the zoning district in which they are located.
- a. Water standpipes, and elevated, and ground-level, water storage tanks
 - b. Stormwater detention, retention, and treatment facilities
- C. Economic and Housing Access Calamity.
- 1. During such time that City Council has declared an Economic and Housing Access Calamity for the working poor and unemployed within the city of Springfield, Missouri, individuals, agencies, or churches that are able to meet building, safety, and health codes for such a use may establish facilities during the pendency of the calamity to provide food and lodging to the unemployed and working poor, who are without a permanent residence or dwelling, and such shall not be considered a "transitional/emergency shelter" as that term is defined in Section 11.01, and are excepted from the general requirements of the city's building, zoning, health, and fire codes herein.
 - 2. The departments of Fire, Health, and Building Development Services shall determine the applicability of the various city codes and whether a facility meets such code provisions, as well as whether any codes may be adjusted administratively on a site-by-site basis to meet the intent of this section.
 - 3. In accordance with the goals and intent of this subsection, the BDS Director together with the departments of fire and health may exempt, modify or adjust existing codes after due consideration for (including, but not limited to) venue, density of population, intensity of use, ingress-egress, exit travel, fire safety, hours of operation, sanitary services and adjacent properties.
 - 4. Any individuals, agencies or churches desiring to operate a facility under this subsection shall apply to the BDS Director for a certificate of occupancy at no cost and showing compliance or exceptions from certain code requirements. Such certificate must be renewed annually. Such applications shall be made on a form provided by the BDS Director.
 - 5. Under no event shall a Certificate of Occupancy be issued for a shelter herein if it is less than 1,000 feet from an elementary or secondary school, unless said shelter is given written consent of the governing body of such school.
 - 6. Upon the expiration of the declared economic and housing access calamity, all permitted shelters shall cease operations within 90 days.
- D. Residential Occupancy.
- 1. Intent. This section is intended to reasonably regulate the number of persons who can live in a residential dwelling unit. Such regulation is needed to provide density control; preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children; protect safety and welfare; and maintain property values. Such limits are also needed to ensure that there are adequate public and private facilities including adequate off-street parking, utilities, and adequate lot size to accommodate the residents of each dwelling unit without impairing the character of the neighborhood. The city also finds there are a number of residential living arrangements other than the traditional biological family arrangement. This section is intended also to accommodate those alternative living arrangements.
 - 2. Occupancy. A dwelling unit may not be occupied by more persons than one of the following family living arrangements:
 - a. One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in any district.
 - b. Three or less unrelated persons or two unrelated persons, plus their biological, adopted or foster children, or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit, in any district.
 - c. Four persons or less living as a single housekeeping unit in the R-MX1, R-MX2, R-MX3 districts and nonresidential districts which permit multifamily dwellings provided the off-street parking requirements of this chapter are met, otherwise three persons or less are permitted.
 - 3. Exclusions. A single housekeeping unit shall not be construed to mean a fraternity, sorority, club, or institutional group.
- E. Travel Trailer, Camper, Recreational Vehicle, and other Trailer Parking.
The parking of a travel trailer, camper, or recreational vehicle for overnight accommodations or dwelling purposes in any district shall be prohibited except when such travel trailer, camper, or recreational

vehicle is located in a licensed campground or recreational vehicle park. The parking or storing of a travel trailer, camper or recreational vehicle other than a mobile home in any district not in a licensed campground or recreational vehicle park, shall be permitted provided that no living quarters shall be maintained while such travel trailer, camper or recreational vehicle is parked or stored. No travel trailer, camper, recreational vehicle or any other trailer shall be parked in the required front yard of a lot or tract of land in any residential district or a lot or tract of land used for residential purposes in any other district except in a driveway leading to a required off-street parking space for a detached house, duplex, multi-unit house, townhouse, small-format house, or manufactured home on an individual lot.

F. Commercial Vehicle Parking.

The storage or parking of a van, bus, truck, tractor or trailer or other vehicle used for commercial purposes with a gross vehicle weight of more than 19,500 pounds, or any single unit with more than one drive axle, in a residential district is prohibited. Any vehicle shall be exempted from this provision while providing repairs, deliveries or other services to the premises in the district. Also exempted shall be all emergency vehicles, utility company vehicles, and vehicles on city or official government business.

G. No Public Water or Public Sewer.

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

Article 5. Residential Development & Design

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

5.01 Intent

The Residential Development & Design standards have the following intent.

- A. Enhance the appearance and livability of neighborhoods through thoughtful neighborhood design, including streetscapes, parks and trails, and other focal points that shape neighborhood character.
- B. Strengthen the unique character and identity of distinct neighborhoods including suburban and urban contexts.
- C. Provide housing variety throughout the city and a compatible mix of building types within neighborhoods.
- D. Restore and revitalize neighborhoods with appropriate-scale infill and rehabilitation projects.
- E. Foster “complete neighborhoods” by ensuring proximity and access to neighborhood-supporting uses and housing integrated into mixed-use districts and corridors.
- F. Promote lasting and sustained investment in neighborhoods with quality design.

5.02 Applicability

- A. The standards in this article shall apply to all development in the R-SF, R-MX1, R-MX2, R-MX3, and R-MHC districts, except where sections state applicability only to specific districts or specific circumstances.
- B. The standards shall apply to any redevelopment or rehabilitation of existing residential projects permitted in nonresidential districts. In these cases, the standards of the applicable building type shall apply.
- C. The standards of the R-MX2 district shall apply to any new residential projects permitted in a nonresidential districts or where a building is primarily (more than 50%) residential.
- D. Modifications or additions to buildings or sites shall meet these standards to the extent of the modification or addition.
- E. The standards shall not apply to routine maintenance of existing buildings, provided the maintenance to any building may not occur in a manner that creates additional, substantial noncompliance with these standards.

- F. The standards do not apply to previously established PDs, except that any amendments to the standards of existing PDs shall be brought into conformance with the standards of this code.
- G. The standards do not apply to previously established UCDs, except that amendments to the standards of existing UCDs and new similar planned developments shall use these standards as a base line but may modify or add additional standards through the planned zoning process in Section 2.06.
- H. The Neighborhood Design standards in Section 5.04 are basic city-wide design standards to implement the Center City Neighborhoods, Mixed Residential, and Traditional Neighborhoods place-types in the comprehensive plan. These standards do not preclude the application of additional supplemental design guidelines for a particular area or building type, except that no guideline may be used to modify or amend the application of a requirement in this code, except as specified in the planned zoning process in Section 2.06. Specific guidelines shall be listed in Appendix A.

5.03 Development & Dimension Standards

- A. **Building Types & Lot Standards.** The development standards for residential districts shall be based on the different building types permitted in each district, specified in Table 5-1, [Residential Building & Lot Standards](#).

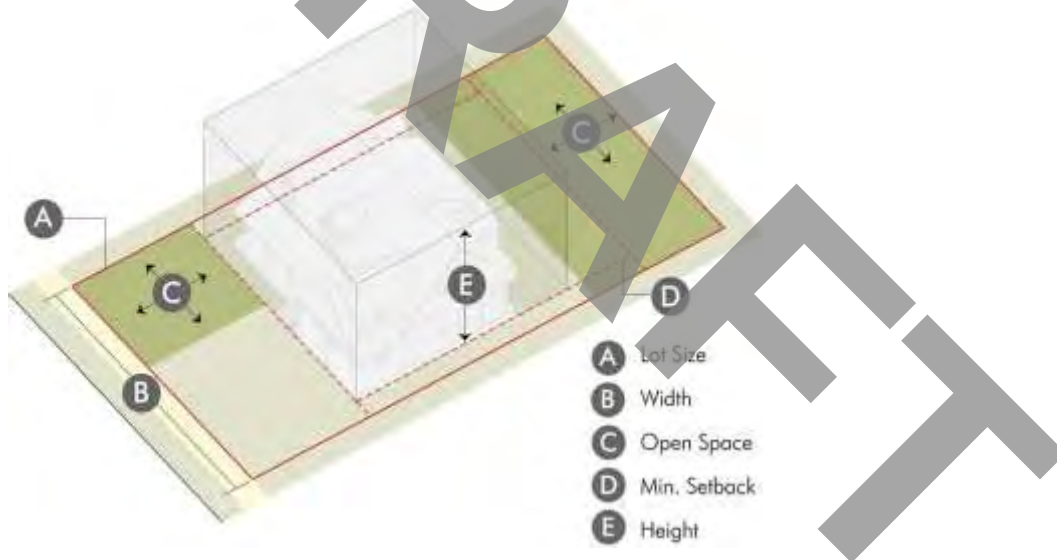


Figure 5-1 Building Types

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

Table 5-1: Residential Building & Lot Standards

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

^[1] Smaller or narrower lots may require between 5' and 10' additional width on corner lots to allow proper building placement and orientation according to Section 5.03.C.2.

^[2] Front setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 5.04.B, [Frontage Design](#).

^[3] Any portion of a multi-unit building taller than 32' shall be setback at least 15' when property adjoins an R-SF district, and any apartment building taller than 32' shall comply with the 45-degree bulk plane when property adjoins ~~and~~ R-SF district.

DRAFT

- B. **Accessory Buildings – Residential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 5-2, ~~Residential Accessory Structures~~, and to the following additional limitations:-

Table 5-2: Residential Accessory Structures				
Type	Quantity	Size	Height	Setbacks
Minor Structure (small shed, playhouse, and similar structures)	1 / each 3k s.f.; of lot - Maximum of 4	200 s.f. max.	12' max. 16' if roof pitch is 4:12 or greater.	3' side and rear; except accessory structures that share a common wall or abut for their entire length on a lot line. - Behind the front of the principal structure
Secondary Building (detached accessory building, guest house, and similar structures)	1 / principal building	No more than 1/2 of principal building footprint	22' max., but no higher than principal structure.	3' from side and rear; - Behind the front of building line of the principal structure
Any building over 16' high or more than 200 square feet shall meet the design standards in Section 5.03.B.5.				

- 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

- b. shall be platted with a party wall meeting standards of the building code. 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.23.
 - b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, provided they:
 - (1) Are no closer than 2 feet from any lot line; and
 - (2) Are limited to no more than 20% of the total area of a building elevation.

- c. Unenclosed and un-roofed decks or patios at or below the first-floor elevation may extend into the rear or side setback up to 15 feet but no closer than 5 feet from any street side lot line and 3 feet to any other lot line.
- d. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided they:
 - (1) Are no taller than 4 feet high;
 - (2) Extend no more than 6 feet from the principal building, and no closer than 3 feet to the lot line; and-
 - (3) Are screened from public right-of-way 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 5.032.B., shall have a setback of at least one-half its height from the property line.

43. 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 5-43, and be applied based on the context of the neighborhood and block.

Frontage design standards shall be applied to any building facade 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 buildings along a block. Subsections following the table provide specific design strategies and techniques to meet the standards.

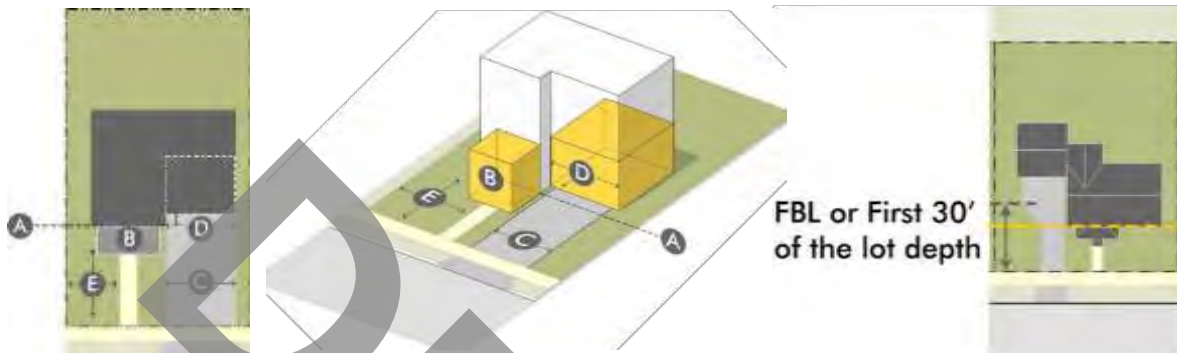


Figure 5-3 Frontage Design Standards

This diagram illustrates the key elements of frontage design in Table 5-3: (A) front building line; (B) front entry features; (C) driveway widths (applies to the first 30' of frontage depth or up to the front building line); (D) garage limitations; and (E) frontage landscape areas. These elements determine the relationship between the building, the lot, and the streetscape, and affect the character of the area when applied across multiple lots on a block.

Table 5-3: Residential Frontage Types & Design Standards				
Frontage Element	Terrace Frontage	Neighborhood Frontage	Suburban Frontage	
Front Building Line	10' – 25'	25' – 50'	25' +	
Front Entry Feature	Required, See Section 5.04.B.2	Required, See Section 5.04.B.2	Optional	
Maximum Driveway Width (max)	15% of lot width, up to 22'	20% of lot width, up to 22'	40% of lot width, up to 22'	
Garage Limitations	20% of facade; 35% if 12' + behind FBL	30% of facade; 45% if 12' + behind FBL	50% of facade; - No limit if 50' + setback	
Frontage Landscape	75% minimum	60% minimum †	45% minimum	
Application	R-SF	■	□	
	R-MX1	■	□	
	R-MX2	□	■	
	R-MX3	□	■	
	R-MHC	■	□	

■ Permitted default standard.

□ Alternative standard to be applied based on context through Minor Modification.
Blank is only applicable through a Major Modification.





Terrace Frontage



Neighborhood Frontage



Suburban Frontage

1. **Front Building Line.** Front building lines create a consistent pattern along a block framing streetscapes. Front building lines shall be established within the front building line ranges and applicable frontage types in Table 5-3 with the following exceptions:
 - a. Front building lines may be modified to reflect specific patterns on a block.
 - b. Frontage types and design should be similar for all buildings along a block but may gradually transition to different building placements between lots.
 - c. The front building line of adjacent buildings shall not differ by more than 5 feet unless more than 20 feet exists between the buildings.
 - d. Front entry features designed according to Section 5.04.B.2 may extend beyond the front building line.
 - e. Frontages and the required landscape in Table 5-3 shall meet the landscape design standards in Section 8.03, Required Landscape for the specified percentage between the front building line and the front lot line.
2. **Front Entry Features.** Front entry features create consistent human-scale massing elements that relate buildings to the block frontage, provide outdoor social spaces that activate streetscapes, and establish subtle variations in design and style among similar buildings along a block. The following front entry feature design strategies and techniques shall be used where entry features are required by Table 5-4, and are otherwise recommended to achieve the intent of this article and design objectives of this section.

Table 5-4: Residential Front Entry Features

Type	Width (Min.)	Depth (Min.)	Area (Min.)
Porch	10', but at least 25% of front elevation	6'	80 s.f.
Stoop	8'	5'	60 s.f.
Entry Court	12', but no more than 50% of front elevation	10'	200 s.f.

- a. Front entry features shall be oriented to the lot front and have a sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk. For suburban frontage types or frontages without a public sidewalk, this can connect via a driveway.
- b. Front eEntry features shall be integrated into the overall building design including compatible materials, roof pitch and forms, and architectural style and details.
- c. Front eEntry features shall be single story, and any roof structure and ornamentation shall be between 8 feet and 14 feet above the floor level of the entry feature. If not roofed, a canopy, pediment, transom windows, enlarged trim or molding shall be used to emphasize the entry.
- d. Front eEntry features shall be unenclosed buty may include a decorative

- e. wall or railing between 2.5 feet and 4 feet high along the perimeter.
Front eEntry features of adjacent buildings shall differ in one or more of the following ways to provide streetscape variation, particularly for the same building type or models:
- (1) Different entry feature types (i.e. porch, stoop, or courtyard);
 - (2) Different location (i.e. centered, shifted – left/right, side, or wrapped);
 - (3) Different extent (i.e. full or half);
 - (4) Different roof type (i.e. shed, hip, flat, gabled, arched, trellis, or no roof); **or**
 - (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 facade longer than 250 feet, and which is permitted within 30 feet of the street shall have **one** entry feature for every 100 linear feet of building fronting the street.
- g. **Front e**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.



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.

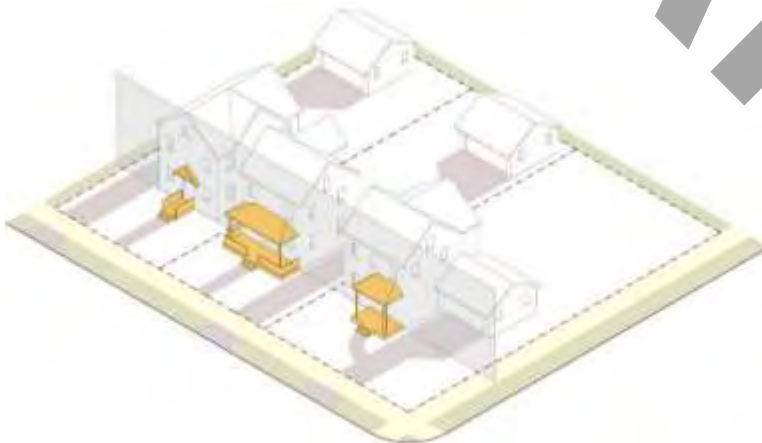


Figure 5-5 Primary Entry Feature - Encroachments

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)

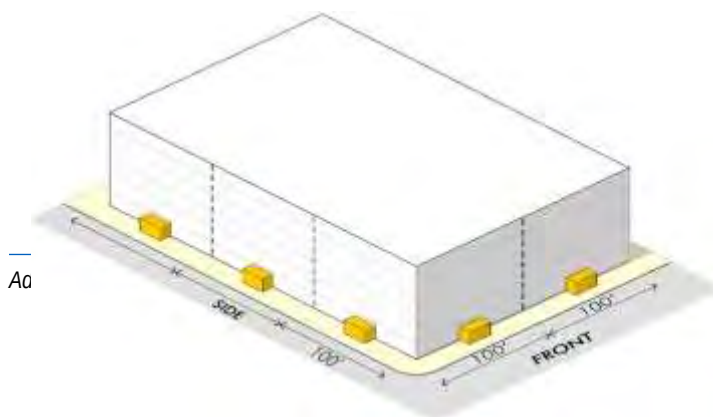


Figure 5-6 Primary Entry Feature - Large Buildings

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 effects from narrower lots or buildings placed closer to the street. The following driveway and garage design strategies and techniques shall be used to meet the standards. The following driveway and garage standards shall be approved by the City Traffic Engineer.
 - 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.BA-34.a).

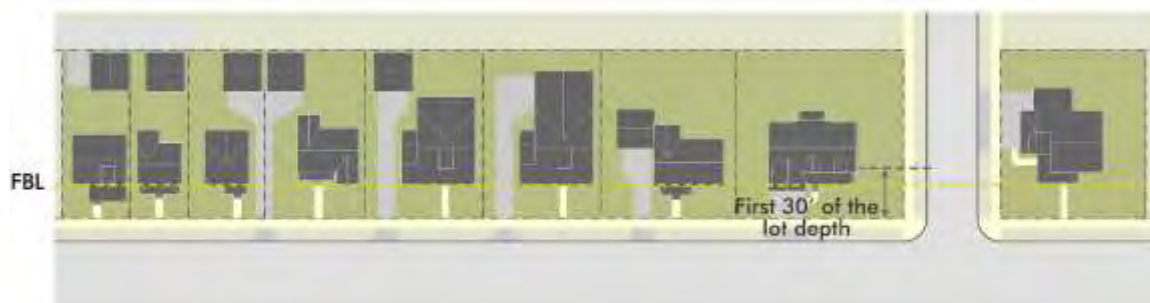
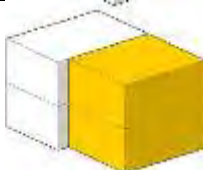
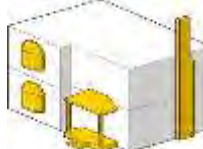


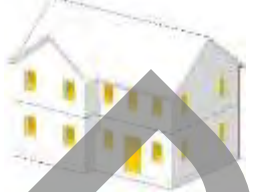
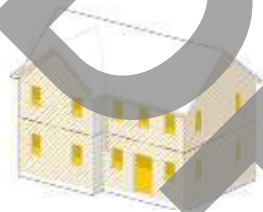
Figure 5-8 Driveway & Garage Options

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.AB.3.c.)

- C. **Building Design.** Buildings shall be designed according to the standards in Table 5-5, and be applied based on specific building type. Buildings may have multiple frontages in which case the standards shall apply to each frontage. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 5-5: Residential Building Design Standards

Design Detail	Building Type	Detached House (all), Duplex	Multi-Unit House, Townhouse 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

<i>Roof Plane Limits.</i> Maximum roof plane without an offset of at least 2', complex planes, dormers, or gables.		n/a	600 s.f. or 50 linear feet	1,000 s.f. or 70 linear feet Does not apply to flat roofs provided there is a parapet, cornice or other defined edge at the roof line
<i>Minimum window and door openings per elevation</i>		25% on all street-facing facades; 15% on all non-street-facing facades-		30% on all street-facing facades; 20% on all non-street facing facades; 50% on first story if ground floor is non-residential
<i>Materials</i>		Primary Material – at least 55% Secondary Material -20% - 30% (limit 2) Accent Material - 5% - 15% Limit – 3 materials total Detached house and Duplex see 5.04.C..4.a Multi-unit House, <u>TownRow</u>House – same as apartments		Primary – 55 – 80% Secondary – 20 - 30% Accent - 5 – 15% Limit – 3 materials total

1. **Wall Plane Limits.** Massing uses changes in the building footprint, height, or shifts in wall or roof planes to break down larger volumes into smaller parts and refine the scale and form of the building. Building elevations that exceed the wall plane limits in Table 5-5, either in square footage or in linear feet, shall be broken into components differentiated by one or more of the following design techniques.
 - a. Break the building into distinct masses (primary mass, secondary mass, and wings), where portions of the building are offset from the main mass by at least 8 feet or are otherwise noticeably smaller and subordinate to the main mass.
 - b. Step back portions of the building footprint or upper stories by at least 4 feet in association with meaningful outside space, such as a balcony, deck, patio, or entry court.
 - c. Use cantilevers on upper stories that provide at least a 2 feet overhang of other portions of the wall plane.
 - d. Provide single-story entry feature that projects 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 any street-facing facade ~~facing the street~~. Building height cannot exceed the overall width of the right-of-way without a minimum of a 4-~~fooeet~~ setback. This is encouraged to provide a strong sense of enclosure. Buildings can exceed the street wall height by introducing step backs.
2. **Blank Wall Limits.** Facade composition uses materials, ornamental details, and subtle variations in the wall plane to break up the blank wall and add visual interest to buildings. Uninterrupted elevations that exceed the blank wall limits in Table 5-5, either in square footage or in linear feet, shall use one or more of the following design

techniques to modulate the elevation and avoid expanses of blank walls.

- a. Create projections in the wall planes with bay windows, balconies, awnings, or canopies that project at least 2 feet from the wall plane.
- b. Create voids in the wall plane with step-backs of upper stories or balconies that recess at least 4 feet from the wall plane.
- c. Differentiate stories, roofs, or other masses with prominent trim materials and/or incorporate material changes on different modules of the building. Significant trim or ornamentation used to break up blank walls or wall planes shall project between 2 inches and 2 feet from the wall and be at least 8 inches wide.
- d. Use color changes and accent materials to emphasize distinct components of the facade. Material and color changes should wrap corners and occur at the inside corner of a massing element or occur in association with a significant trim or ornamentation to give a finished and unified appearance to the facade component.
- e. Break up remaining large expanses of blank walls with facade composition that considers the location and grouping of windows, doors, or architectural details.

3. **Transparency.** Windows and doors provide connections to active outdoor spaces and add visual rhythm and detail to the facade with the location, pattern, and proportions of openings. Building elevations shall meet the required transparency in Table 5-5 for any street-facing facade. This can be achieved through one or more of the following design techniques.

- a. Create relationships with outdoor spaces near buildings with the location, pattern, and proportions of windows and doors.
- b. Incorporate distinct and visually significant windows and doors (size, orientation, and ornamentation) to emphasize key locations on the facade or to relate to important social spaces.
- c. Locate windows and doors to create a coordinated facade composition considering the entire facade as a whole, and considering where facades are broken into different components with the grouping of windows and doors.
- d. Locate and design windows strategically in relation to privacy concerns in adjacent spaces and buildings but maintain consistent exterior patterns and facade composition. High-bank windows, transom windows, opaque windows, and window treatments that are adaptable and user-controlled 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 windows 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, and create visual interest while reflecting high-quality construction and detailing. Building elevations shall apply the material standards in Table 5-5, through one or more of the following design techniques.

- a. Primary materials shall consist of natural elements such as painted or natural finished wood siding, brick, or comparable synthetic alternative that offers similar durability and aesthetic quality. Synthetic alternates to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design, and aesthetic goals. Materials such as vinyl siding, aluminum siding, and metal siding shall be prohibited as primary material for in multi-unit buildings and apartment building types 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 three 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, creates unique identities for different neighborhoods, and provides focal points for building and development. The block and lot open space requirement complements this system and ensures that each building has access to useable outdoor space and creates a common amenity for multi-unit buildings.
1. **Required Site Open Space.**
 - a. Each lot and building type shall provide the open space specified in Table 5-1.
 - b. Lot open spaces may be designed to also meet a landscape or buffer requirement. To the extent that Article 8, 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 in Article 8 with additional open and landscaped areas.
 - c. Lots platted through a final plat with common open space meeting the design standards in Section 3.042 may credit the common open space towards the lot open space requirement, provided it meets the following criteria:
 - (1) The space is public or remains accessible to the public; or
 - (2) If private or common space, the lot applying the credit has access to the space through ownership or other agreement, and the space is otherwise dedicated and reserved from future development.
 - (3) The space shall be on the same lot, on the same block, or on an adjacent block within 1,000 feet of the lot and connected by a trail or public sidewalk
 2. **Open Space Design.** Different open space types maximize the value of unbuilt portions of the site for ecological, aesthetic, and functional purposes. Open space shall be designed according to one of the types in Table 5-6.

Table 5-6: Open Space Design

Permitted Open Space	Design
Frontages	- Designed according to <u>16-5-4.B5.04B</u>, - Excludes any permitted for driveways or parking area
Yards	- Minimum 15' in all directions - Minimum 400 s.f. of area
Open & Uncovered Decks or Patios	- Minimum 12' in all directions - Minimum 200 s.f. - Must be at or below first floor elevation - Limited to 25% of required open space
Private Balconies or Patios (Apartment / Mixed-use Buildings only)	- Minimum 6' in all directions; 15' if common area shared by multiple dwelling units - Minimum 80 square feet (individual); 300 s.f. if shared by multiple dwelling units- - Limited to 25% of required open space
Common Courtyard	Designed according to Section 5.05.D-

Public or Common Open Space

- Designed according to Section 3.042

E. **Modifications.** Modifications to the standards in Section 5.04, ~~Neighborhood Design~~ may be authorized according to the site plan modification process and criteria in Section 2.03, and any of the following applicable additional criteria.

1. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.
2. An alternative design allows the building, garage, and access to be sited in a way that preserves topography or other natural features on the site.
3. The requirement is not consistent with the architectural style selected for the building based on reputable resources documenting the style.
4. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and the design or characteristics are desirable to retain and reinforce.
5. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.
6. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner.
7. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this ~~Section~~, and there are no negative impacts on other design standards applicable to the building or site.

5.05 Alternative Patterns

A. **Intent.** Alternative housing patterns in this section permit different arrangements for housing to provide greater amenities for residences organized around common open spaces; allow flexibility for smaller lots and smaller format housing; maintain community design standards that allow projects to be better integrated into the context; and improve housing attainability through flexibility and efficiency in the patterns.

B. **Courtyard Pattern.**

1. *Design Objective.* A courtyard pattern can integrate multi-building projects into the neighborhood pattern by integrating formal open space into part of the street frontage. It is an effective infill strategy or appropriate on deeper lots and blocks. Residential buildings and lots may be designed to front on a courtyard based on additional design and development standards in this section.
2. *Applicability.* The courtyard pattern is appropriate where:
 - a. Courtyards are designed and visible as an extension of the public streetscape and open space system for the neighborhood;
 - b. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
 - c. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.
 It is specifically applicable through the site plan review in association with residential zoning where the proposed building types are permitted, or in association with rezoning applications where different building types are proposed.

3. **Eligible Building Types.** The following building types, if permitted in the applicable zoning district according to Table 5-1, are eligible for the courtyard pattern, subject to the limitations stated:
 - a. Small Apartments, up to five buildings or 36 units, whichever is less.
 - b. Row-Houses, up to four buildings or 24 units, whichever is less.
 - c. Duplex, Multi-unit Houses, and Detached Houses, up to 12 buildings or 18 units, whichever is less.

4. **Design Standards and Exceptions.**
 - a4. Lots may front on a common courtyard, rather than along a street.
 - b2. 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.
 - c3. 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.
 - d4. 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.
 - e5. The front setback may be reduced to 5 feet from the courtyard boundary.
 - f6. 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.
 - g7. Vehicle access and parking shall be coordinated for all lots and buildings, and be designed in a way that minimizes the impact on the public street and the courtyard. Access for the project shall meet all frontage standards along the public street.

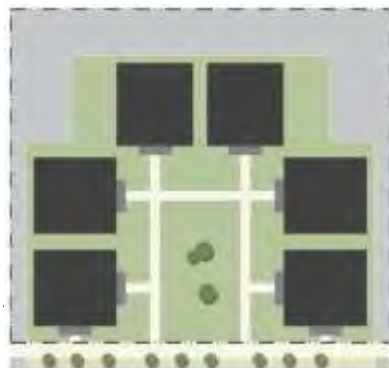
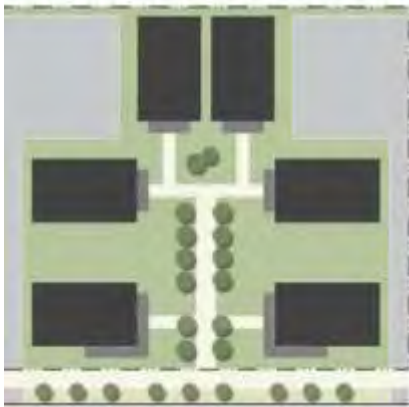


Figure 5-9 Courtyard Pattern

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 a focal point and community amenity, and provides benefits from a greater variety and concentration of housing on developed areas.
2. **Applicability.** The ~~cluster 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 the R-SF zoning district. It requires a Planned Zoning 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	<u>None</u>	36 units on 7 – 8 ac. <u>res</u>
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 <u>and</u> <u>Zoning</u> 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 3.042

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 Townhouse (all types)
5. **Open Space.** Open space shall meet the design criteria of Section 3.042 for nNatural oOpen sSpace, tTrail, 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; and
 Application of the small-format housing **community** pattern requires a **Planned Zoning** application as outlined in Section 2.06.
3. **Community Plan.** All small-format home communities shall be supported by a community plan meeting the standards in Table 5-8, unless otherwise modified through the **Planned Zoning** procedures and criteria in Section 2.06.

Table 5-8: Small Format Housing Community Plan

Project Size	3 acres minimum; 150' minimum frontage on an arterial or collector
Project Intensity	15 units per acre, maximum
Useable Open Space	20% of project areas

Table 5-8: Small Format Housing Community Plan

Lot & Building Standards	- Detached house – small-format standards in Table 5-1 apply - All home sites shall front on a public street, common internal street, or common open space with street or alley access to the rear-
Perimeter Setbacks	25' feet minimum from any public street boundary or property perimeter

Exception	If the common usable open space is increased to 25% the following exceptions may be granted: - Project Size: 1 ac. to min. imum, 100' frontage on arterial - Project Intensity: 20 units per acre max. imum - Home Sites: 1.2K s.f.; 20' width min. imums
-----------	--

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 3.034:
 - (1) 20 feet wide where no parking is permitted;
 - (2) 24 feet wide where parking is permitted on one side;
 - (3) 28 feet wide where parking is permitted on both sides; and
 - (4) 12 – 18 feet 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 3.032 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(1). 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(2). Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 360 square feet, is located behind the residential dwelling, and but is in no case larger than the dwelling unit.
 - c(3). 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 3.034.
 - d(4). Home sites that have streets or access drives on multiple sides shall locate the

- e(5). driveway and parking on the least prominent street, access drive, or alley. 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.

DRAFT

Article 6. Nonresidential Development & Design

- 6.01 Intent
 - 6.02 Applicability
 - 6.03 Development & Dimension Standards
 - 6.04 Community Design
 - 6.05 SpecificSpecial 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 Zonings developments shall use these standards as a base line but may modify or add additional standards through the Planned Zoning process in Section 2.06.

- F. The Community Design standards in Section 6.04 are basic city-wide design standards to implement the mixed-use and nonresidential zoning districts. These standards do not preclude the application of additional supplemental design guidelines for a particular area or building type, except that no guideline may be used to modify or amend the application of a requirement in this code, except as specified in the planned zoning process in Section 2.06. Specific guidelines shall be listed in Appendix A.

6.03 Development & Dimension Standards

- A. **District Lot and Building Standards.** The lot and building standards for nonresidential districts are specified in Table 6-1.
1. Front and street side setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 6.04.B.
 2. Non-street setbacks indicated as “n/a” shall be as specified by the building code for each class of building. However, greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular district, use, or building.
 3. Non-residential districts and or structures abutting R-SF are required to have a 30-degree bulk plane.

Table 6-1: Nonresidential District Lot & Building Standards

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

- B. **Accessory Buildings – Nonresidential.** Accessory buildings in nonresidential districts are subject to the same lot and building standards as the principal buildings except that they shall not be located in front of the established front building line of the principal building, shall not be taller than the principal building and are clearly incidental and subordinate to the principal building. If the accessory building is 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; and
 - (2) Are no closer than 5 feet from any common property line, except on the frontage where they may project into the right-of-way, subject to an encroachment agreement on file with the City, but no closer than 2 feet from any curb.
 - c. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setbacks provided they:
 - (1) Are no taller than 6 feet high;
 - (2) Extend no further than 10 feet from the side of the buildings; and
 - (3) Are screened from adjacent property, 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 ~~facade~~, public or private, shall designate a specific frontage type, meet the frontage requirements, and be treated equally in regards to materials, transparency, height, setbacks, and blank wall limits. Frontage design types may modify the required front setbacks in Table 6-1 to create a consistent frontage design and streetscape relationships with other lots and building along a block. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 6-2: Nonresidential Frontage Design				
	Frontage A	Frontage B	Frontage C	Frontage D
Front Building Line (build-to range)	0' – 15'	0' – 30'	30' – 90'	90' +
Required Front Building Line	80% +	60% +	40% +	n/a
Maximum Access Width (max.)	26'	26'	32'	40'
Access Spacing	Frontage designs and access shall be coordinated with requirements of Section 7.03			
Minimum Parking Setback (min.)	Behind rear of building	Behind front building line	6' min. See Section 7.05.B	20' min.
Maximum Extent of Parking Frontage (max.)	0%	35%	n/a	n/a
Maximum Extent of Garage Bays	Prohibited	10% of facade	25% of facade	Limited only by screening in Section 8.04
Landscape	See Sections 3.031 and 3.042			
Applicability	CC, C-MX2	■	□	
	C-MX1	□	■	□
	GC, GI, LIC		■	□
	HM		□	■

■ Permitted default standard.

□ Alternative standard to be applied based on context through Minor Modification.

Blank is only allowed through Major Modification.

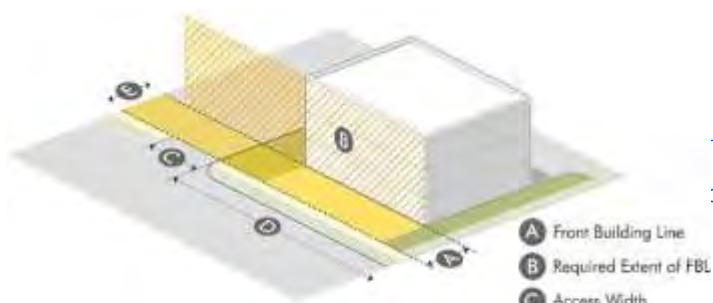


Figure 6-1 Frontage Design

Frontage types are differentiated based on the location of the front building line (FBL), the extent of the front building line occupied by the building (Required FBL), access widths, and

Development Code

parking location and extent along frontage. Coordinating frontage design of multiple buildings and sites along a block impacts the character of the

streetscape and the block. 6.043.A.2

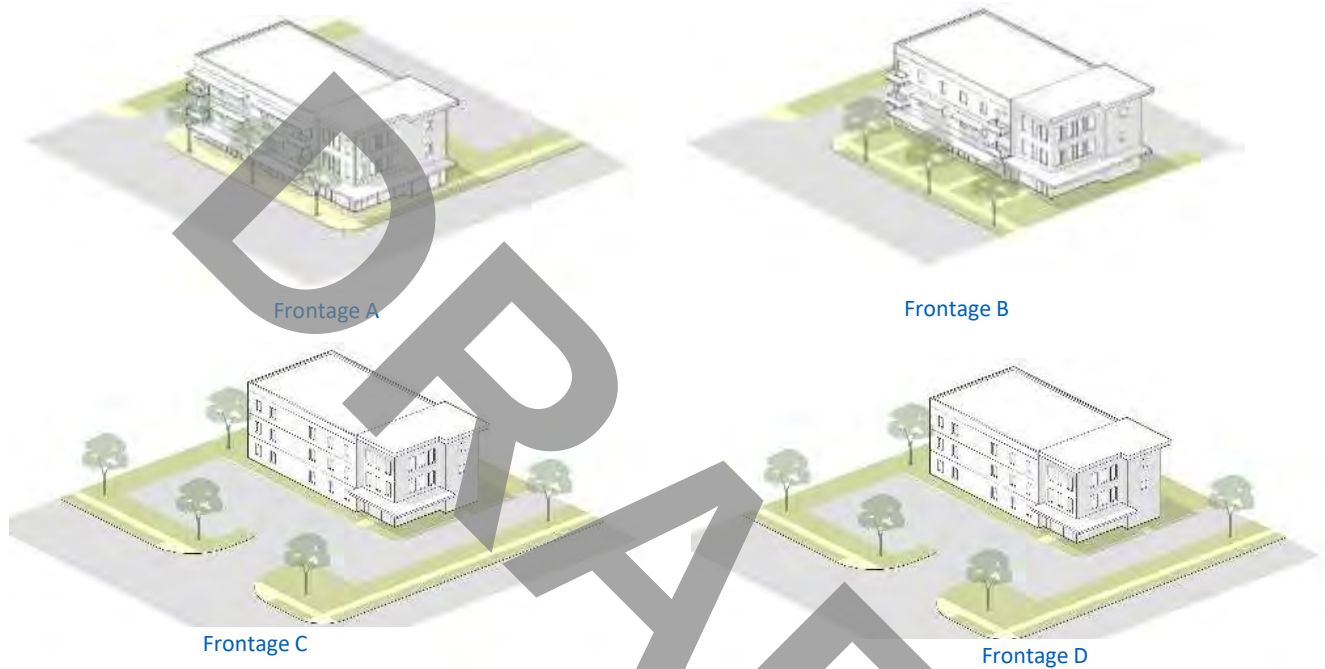


Figure 6-2 Frontage Types

The relationship between private development and the public realm determines the character of different districts. Building placement, parking and access locations, and landscape and streetscape design distinguish different frontage type designs. Social spaces and human-scale architectural features are emphasized in more pedestrian-oriented contexts, and landscape screens and setbacks are emphasized in more car-oriented areas. 6.043.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 3.034.B.2.d shall use the internal access streets for the purpose of applying frontage standards.

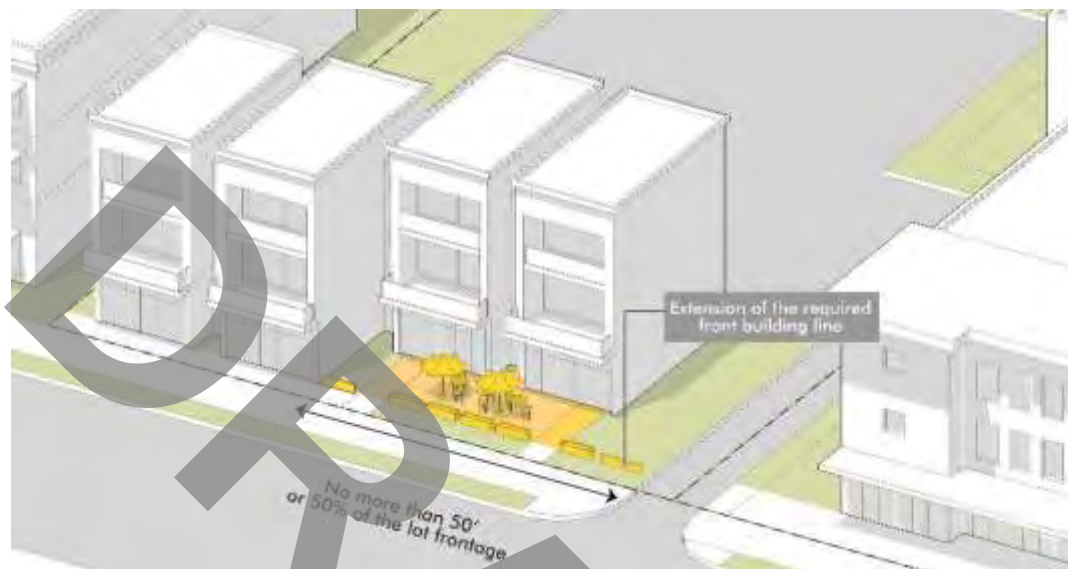


Figure 6-3 Required Front Building Line

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 set back 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 3.031.
 - 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 facade composition and architectural details. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 6-3: Nonresidential Building Design				
	<i>Frontage A</i>	<i>Frontage B</i>	<i>Frontage C</i>	<i>Frontage D</i>
<i>Massing & Modulation</i>	50' / 500 s.f.	100' / 1K-000 s.f.	150' / 2K-000 s.f.	200' / 4K-000 s.f.
<i>Entry Feature Spacing</i>	50' max.	75' max.	150' max.; 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

Minimum Upper Story Transparency		25%	20%	15% ₁ n/a for industrial buildings in LIC, HM	15% ₁ n/a for industrial buildings in LIC, HM
Applicability	CC, C-MX2	■	□		
	C-MX-1	□	■	□	
	GC, GI, LIC			■	□
	HM			□	■

■ Permitted default standard

□ Alternative standard to be applied based on context through Minor Modifications
Blank is only allowed through Major Modification

1. **Massing & Modulation.** Massing and modulation use changes in the building footprint, height, or shifts in wall or roof planes to break down larger volumes into smaller parts and refines the scale and form of the building with architectural features on each component. Building elevations that exceed square footage or in linear feet massing and modulation limits in Table 6-3, shall be broken into smaller components by one or more of the following design techniques:
 - a. Emphasize bays and vertical breaks at regular intervals with visible features such as columns, pillars, pilasters, or other details and accents that are between 6 and 48 inches wide, and project between 4 and 24 inches off the facade.
 - b. Define horizontal elements with projections between 2 feet and 4 feet from the wall associated with entrance features or differentiating stories, such as balconies, awnings, canopies, cantilevers, or similar horizontal elements.
 - c. Break the volume of the building into distinct components with:
 - (1) Step-backs of upper stories of at least 10 feet; or
 - (2) Recesses of the building footprint greater than 4 feet.
 - (3) ~~Deviations should encompass at least 20% wall planes of the entire elevation.~~
 - d. Horizontal differentiation of a base, body and top of buildings with materials and architectural details.
 - (1) For buildings less than ~~three~~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 ~~three~~3 to ~~six~~6 stories, the first floor should be clearly differentiated from upper stories to establish the base and an embellished roof structure.
 - (3) For buildings ~~seven~~7 stories or more, the first two floors may be clearly differentiated from upper stories to establish the base, and the upper ~~stories~~iesy 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 6.043.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.

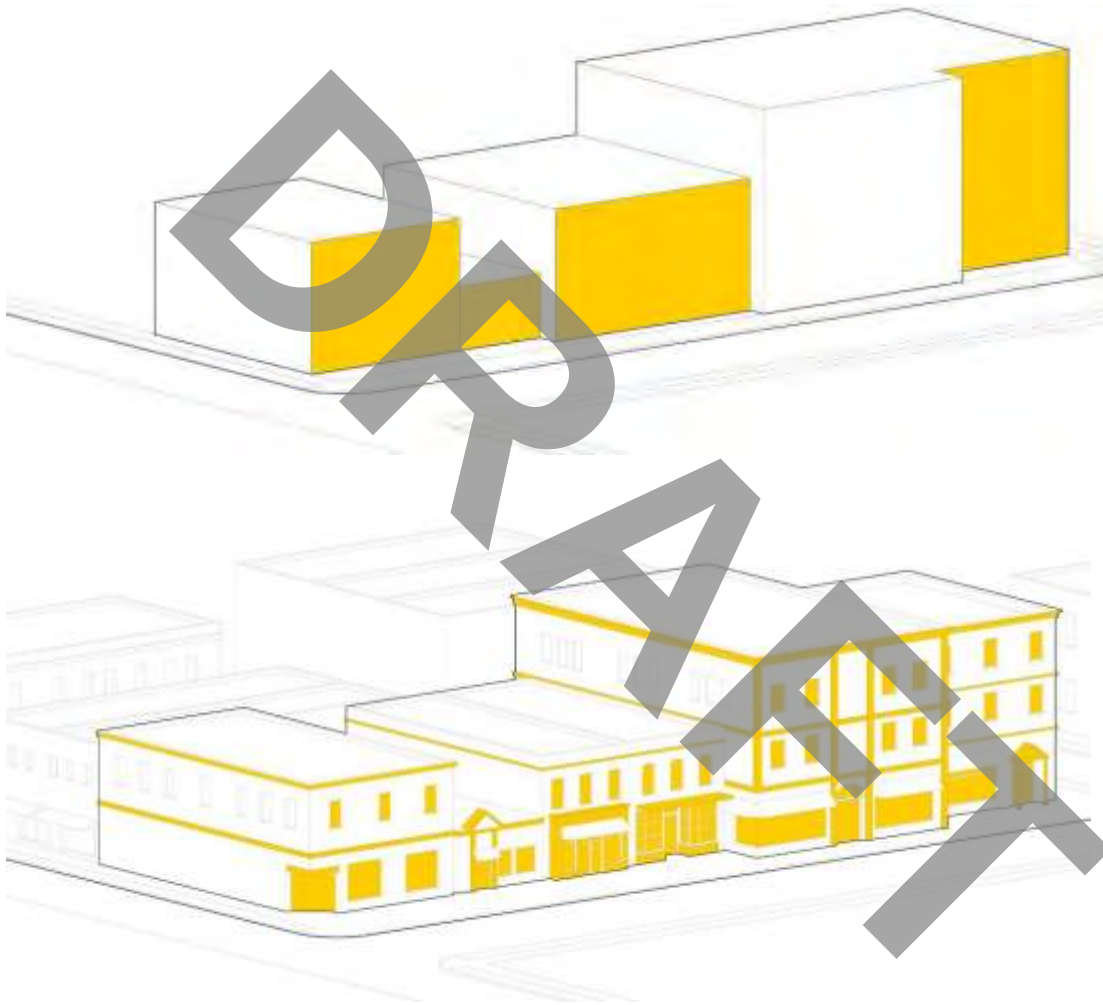


Figure 6-5 Massing & Modulation

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 shown in 6.043.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.

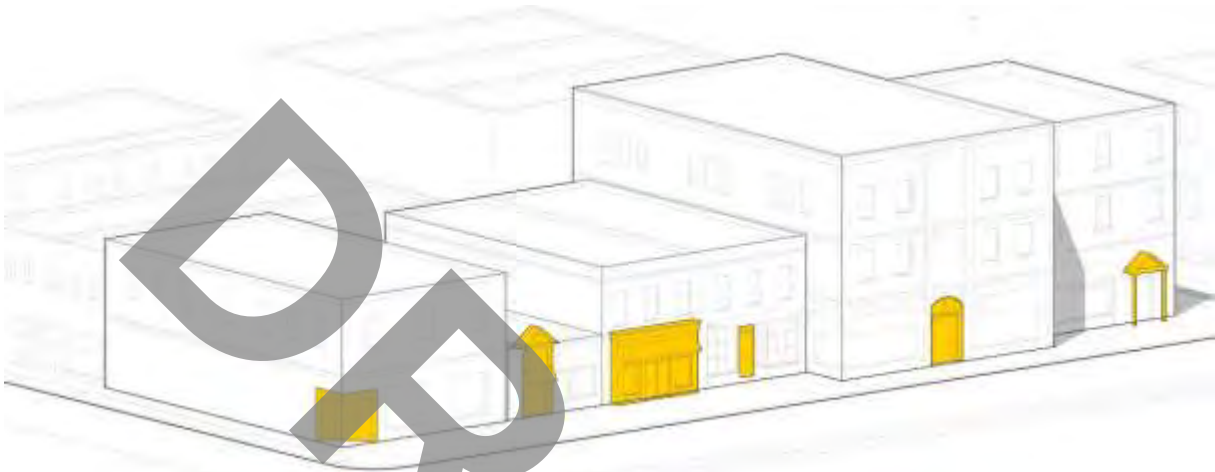


Figure 6-6 Primary Entry Features.

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 [as referenced in 6.043.C.2.](#)

3. **Transparency.** Windows and doors provide connections to active outdoor spaces and add visual rhythm and detail to the facade with the location, pattern, and proportions of openings. Building elevations shall meet the required transparency on any street facing elevation in Table 6-3 through one or more of the following design techniques:
 - a. Where expressed as a first story requirement the percentage shall be measured between two feet and eight feet above the sidewalk grade, or within ten feet above the first-floor elevation if the building is set back more than 15 feet from the street.
 - b. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
 - c. All required first story windows shall provide direct views to the building's interior or to a lit display area extending a minimum of three feet behind the window.
 - d. For industrial and civic buildings set back more than 30 feet from the street, clerestory windows may meet the first or upper story window requirements.
 - e. Locate windows and doors in conjunction with massing and modulation standards in subsection C.1., including:
 - (1) Coordinate the facade composition considering the elevation as a whole, and to break up large expanses into different components with the grouping of windows and doors.
 - (2) Use projecting trim and ornamentation around windows to create depth, texture, and shadows on the facade.
 - (3) Emphasize openings or combine groups of openings in association with ornamental details and architectural projections or recessions.



Figure 6-7 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. 6.043.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 3.042;
 3. Civic amenities or social spaces such as courtyards, patios, or plazas, provided they are at least 20 feet **wide** in all directions and integrated with the design and function of the building and/or connected as an extension of the streetscape; or
 4. Landscape areas and buffers designed according to the standards of Section 8.04.
 5. For any mixed-use building, ~~the following may count~~ open spaces **shall be** 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 ~~s~~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 be refined and further specified based on a specific area plan for multiple properties and owners. The plan shall use the design standards in Section 6.04 and apply them on a block-by-block basis, but may modify or supplement the standards based on the specific plans. The plan shall be approved by the ~~C~~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 ~~T~~raffic ~~A~~ccess ~~A~~ssessment.
 - 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~~ accompanying 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 ~~D~~riveway ~~S~~safety ~~S~~tudy.
 - i. The City Traffic Engineer may determine that a ~~T~~raffic ~~I~~mpact ~~S~~tudy 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. ~~D~~riveway ~~S~~safety ~~S~~tudies shall be completed, signed, and sealed by a Professional Engineer registered in Missouri.
 - c. *Traffic Impact Study.* A ~~T~~raffic ~~I~~mpact ~~S~~tudy 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 Specifications, or when any project increases the number of trips as outlined below in Table 7-1/ If the City Traffic Engineer determines that the adjacent street network has deficiencies or safety concerns, a TIS may be required for any project. ~~T~~raffic ~~I~~mpact ~~S~~tudies shall be completed, signed, and sealed by a Professional Engineer registered in Missouri.

Table 7-1: Traffic Impact Study Thresholds

Street Typology	Trip Threshold
-----------------	----------------

Expressway / High-Type Arterial	150 peak hour / 1,500 daily
Medium-Type Arterial / Low-Type Arterial	100 peak hour / 1,000 daily
System Collector	90 peak hour / 900 daily
Subdivision Collector / Local-High Activity	85 peak hour / 850 daily
Local-Low Activity	80 peak hour / 800 daily

2. **Alleys & Internal Circulation.** Alleys are encouraged for primary access to all blocks in conjunction with Sections ~~3.034~~ and 3.053, 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 eCity’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 eCity 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 3.034.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 ~~60~~ 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 ~~20 twenty-~~ 24 twenty-four (24) feet wide and two-way access gates shall be a minimum of ~~12 twelve~~ 24 twenty-four (24) feet wide. A clear width of ~~12 twelve~~ 24 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~~ **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 ~~D~~driveway ~~S~~safety ~~S~~study, ~~T~~traffic ~~I~~mpact ~~S~~study, or displays the potential to produce a public safety risk as determined by the City Traffic Engineer, modifications may be required to the access including but not limited to restricting directional access or other public improvements. Any existing, non-compliant access point must be removed at the appropriate time as determined by the City Traffic Engineer if not specifically defined elsewhere.
2. *Administrative Subdivisions:* All Administrative Subdivisions shall have access points to public streets or alleys that fully comply to the current standards or will fully comply when developed as determined by the Access Plan for each new lot. Administrative Subdivisions creating new R-SF lots with residential uses may have non-compliant access points as per Item 4(b) of this section.
3. *Existing Access:* If a lot has an existing access, the existing access may remain but shall be corrected, removed, or reconstructed prior to issuance of the certificate of occupancy and/or final approval of the subdivision activity when any of the following occurs:
 - a. ~~A~~~~When a~~ site plan, public improvement plans, or driveway permits are required.
 - b. ~~A~~~~When an~~ 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 ~~D~~driveway ~~S~~safety ~~S~~study, or ~~T~~traffic ~~I~~mpact ~~S~~study ~~Analysis~~ that identifies required corrections to the access.
4. *Access for ~~Residential~~ Single-Family Residential Lots:*
 - a. *With a New Building Permit:* If an existing lot cannot accommodate an access meeting all requirements and alternate access does not exist, the access point shall be placed at the most reasonable location as determined by the City Traffic Engineer. No shared access or cross access easements are required for an existing individual ~~residential~~ single-family residential lot on a street classified as 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 residential use may remain if the existing access :
 - i. ~~the existing access~~ is on a street classified as a residential collector or below;
 - ii. ~~is~~ is not within 50 feet of an arterial street; or
 - iii. ~~or~~ poses no public safety risk as determined by the City Traffic Engineer.
 - iv. If the existing access is within 50 feet of an arterial street or deemed a public safety risk, the aAccess plan will be required to analyze future shared access, cross-access easements, and/or the applicability of the removal or modification of current access points.
 - v. 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 ~~c~~Certificate of ~~o~~ccupancy (CO) or ~~t~~emporary ~~c~~Certificate of ~~o~~ccupancy.

D. Sidewalks

1. **Generally.** Development sites shall include direct sidewalk connections and circulation at the same or greater frequency as provided for vehicles. Sidewalks shall connect public entrances of buildings and sites to the following, in the most direct manner practical:
 - a. Sidewalks in the public right-of-way or along internal access lanes.
 - b. Parking areas and any perimeter or internal sidewalks in the parking areas.
 - c. Civic or open space, or other common areas designed for active use.
 - d. Transit stops, stations, or park and ride locations – existing or anticipated.
 - e. Where connections by way of the public street is not reasonable or practical, sites shall provide direct connections to any of the above areas on adjacent sites.

2. **Sidewalk Width.** Internal sidewalks shall meet the requirements of Table 7-2: ~~Internal Sidewalk Widths~~.

Table 7-2: Internal Sidewalk Widths	
Location	Minimum Width
Any residential property, generally	5'
Any residential property with more than 10 units Any mixed-use or nonresidential property, generally	6'
Along the front or to the primary entrance of a nonresidential building < 10,000 s.f.	8'
Along the front or to the primary entrance of a nonresidential building 10,000 s.f. or more Any access designed for both pedestrians and bicycles.	12'
Along any parking area with vehicle overhangs;	+ 2' to other required widths

3. **Pedestrian Amenities.** Internal sidewalks shall be designed to emphasize pedestrian priority and conform with the following:
 - a. Separate sidewalks from driving surfaces by changes in the texture, raised surfaces, landscape edges, and similar distinguishing features, except for designated cross walks which may be painted or shared streets.
 - b. Provide adjoining landscaped areas that include trees, shrubs, flower beds, and ground covers along at least 50% of the walkways meeting the landscape design standards in Section 8.03.
 - c. Lighting fixtures along all walkways meeting the landscape outdoor lighting design standards in Section 8.076.

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.

Table 7-3: Required Parking

Use Category / Specific Use	Required Parking
Residential	
Household Living – One-unit and Manufactured Dwellings (detached house, duplex, townhouse)	2 / per unit
Household Living – Multi-unit, Small-format, and Accessory Dwellings Multiple-unit Dwellings	1 / unit (micro-efficiency or studio unit) 1.5 / unit (1 - 2 bedroom unit) 2 / unit (3+ bedroom unit)
Dwellings (detached, manufactured)	2 / unit
Group Living (residence hall, senior living, group home)	2 per each 3 occupants (non-staffed) 1 per each 2 beds + 1 per employee (staffed)
Public / Civic	
Assembly and Event/Entertainment Venue	1 / 4 seats (with fixed seats) 1 / 3 persons based on designed maximum capacity (w/o fixed seats) + accessory uses at applicable rates (e.g. restaurant, retail, etc.)
Cultural Facility – Small (<10K) Library	1 / 350 s.f.
Cultural Facility – Large (>10K) Museum	1 / 1,000 s.f. + accessory uses at applicable rates (e.g. restaurant, assembly, etc.)
Cemetery, Crematorium, and Funeral Home	1 / 4 seats + 1 / employee
Open Space and Cemetery (Parks, Playgrounds, and Athletic Fields)	1 / 5,000 s.f. or 1 / 4 seats for assembly areas, whichever is greater
School – Elementary and Junior High	2 / class room or 1 / 5 seats of largest assembly, whichever is greater
School – High School	2 / class room or 1 / 5 seats of largest assembly, whichever is greater + 1 / 8 students
School – College / University and Vocational	1 / per employee + 2 per each 3 students
Commercial	
Retail – Small (under ≤ 3K)	1 / 500 s.f.
Retail – General ly (>3K+)	1 / 250 s.f.
Retail – Grocery Store	1 / 250 s.f.
Retail – Bulk or Outdoor (i.e.g. furniture store, car dealer, plant nursery, etc.) Outside Sales	1 / 500 s.f. + 1 per 3,000 s.f. open sales lot
Service - Generally	1 / 350 s.f. (See Section 4.04-B-### for any drive-through service requirements)
Personal Service – barber, hair/nail salon	1 / 100 s.f.
Service – Medical - Outpatient	1 / 250 s.f.
Service – medical – in-patient	1 per bed + 1 per employee
Service – automobile service stations or repair	1 / 250 s.f. + 2 per service bay

Lodging	first 20 rooms = 1 / guest room first 20 21 – 40 rooms = 1 / 2 guest rooms (over 20) > 40 rooms 1 / 4 guest rooms (over 40) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Office	1 / 350 s.f.
Restaurant, bar, or night club	1 / 100 s.f. – general 1 / 75 s.f. – fast food (See Section 4.04.B.### for any drive-through requirements requiring areas)
Health and Fitness Center	1 / 200 s.f. of workout areas 1 / 500 s.f. of open court areas 1 / 350 s.f. of general service facilities (i.e. reception, locker or community rooms, etc.)
Entertainment & Recreation and Entertainment	1 / 350 s.f. generally (indoor); 1 / 5,000 s.f. generally (outdoor) 1 / 4 seats of fixed seating areas 1 / active patron station (i.e 4 per lane - bowling; 4 per hole - golf course; etc.) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
Industrial	
General Manufacturing and Warehousing	1 / 500 s.f. (artisan/limited/limited/artisan or light) 1 / 1,000 or 1 per 1.5 employees, whichever is greater (all others) Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
Self storage Warehouse & Storage	1 per 25 units + 1 per employee

- B. **Maximum Parking.** Nonresidential uses shall not provide more than 150% of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 120% of the minimum shall require mitigation of the potential impacts of additional parking through one or more of the following strategies:
- Utilize all eligible parking reductions permitted in Section 7.043.C. ~~Parking Reductions.~~
 - Provide shared parking for other uses on the block or adjacent blocks according to this Section 7.03.D.
 - 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.
 - 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.
 - Provide at least a 20% increase in the amount of landscape material required for the parking and allocate it appropriately within required open spaces.
 - Design all parking areas over the 100% minimum as dual-purpose space, such as plazas, playgrounds, or similar event areas for regular and active use of the space during non-peak parking times.
- C. **Parking Reductions.** The parking required by Table 7-3 4: Required Parking may be reduced depending on context and according to the following strategies:
- Exempt Districts.** The following zoning districts are exempt from required vehicle parking in Table 7-3:
 - CC – City Center ~~City (exempt for all projects up to the first 10,000 square feet).~~
 - COM – Commercial Street
 - 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 7.043.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 site plan clearly indicates the location, pattern, and circulation to access the deferred parking area, and
 - c. The deferred parking area shall be brought to finished grade, have ground cover that eliminates dust and erosion, and shall not be used for building, storage, loading or other purposes.
 - d. The approval of the 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 6 AM
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 6 AM
Employment	100 %	10 %	5 %	5 %	5 %

Use	6 AM to 5 PM	5 PM to 1 AM	6 AM to 5 PM	5 PM to 1 AM	1 AM to 6AM
Retail or Service	75 %	75 %	100 %	90 %	5 %
Restaurant	50 %	100 %	75 %	100 %	25 %
<u>Employment</u>	<u>100 %</u>	<u>10 %</u>	<u>5 %</u>	<u>5 %</u>	<u>5 %</u>
Entertainment & Recreation	30%	100 %	75 %	100 %	5 %
Place of Worship	5 %	25 %	100 %	50 %	5 %
School	100 %	10 %	10 %	10 %	5 %
Dwellings	25 %	90 %	50 %	90 %	100 %
Lodging	50 %	90 %	75 %	100 %	100 %

- E. **Accessible Parking.** Accessible vehicle parking spaces shall be provided in accordance with the applicable building codes and the Americans with Disabilities Act (ADA) guidelines for quantity, design, and location.
- F. **Bicycle Parking.** All nonresidential and multi-unit residential buildings shall provide bicycle parking spaces according to Table 7-5, Bicycle Parking.

Table 7-5 Bicycle Parking	
Activity	Required Spaces
Multi-unit Residential Buildings (3+ units)	1 space per 1 dwelling unit <u>with two or fewer bedrooms</u> ; 2 spaces per dwelling units with three or more <u>three or more</u> bedrooms or more . Facilities where 75% or more of the units are designed for or occupied by persons 60 years or older shall provide 3% of the required vehicle parking.
Recreation, community facilities, or schools	10% of the required vehicle parking, but at least 6 spaces
Retail or office uses	5% of the required spaces, but at least 4 spaces
Other institutional, employment, industrial, or entertainment uses	3% of required spaces, but at least 4 spaces.
Exempt locations	Areas exempt from required vehicle parking are not required to provide bicycle parking except any uses that are community destinations (museum, auditorium, convention halls) shall provide bicycle parking at a rate of 3% the vehicle parking that would otherwise be required if not in an exempt location
Reduction or Waiver	For uses or site designs that are automobile oriented or unlikely to generate bicycle trips (i.e. car wash, furniture store, recycling center) or other contexts that are remote from any existing or planned bicycle infrastructure the Director may reduce or waive the bicycle parking requirement.

Bicycle parking shall be designed according to the following standards:

1. Bicycle parking areas shall generally have clear areas of 2 feet by 6 feet to maneuver and store the bicycle.
2. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, support a bike at two points of contact to prevent damage to wheels or frames.
3. Bicycle parking spaces or areas shall be separated from vehicle parking or circulation

4. areas by a physical barrier such as curbs, wheel stops, or bollards.
4. Bicycle parking for nonresidential uses shall be located within 100 feet of the primary entrance unless the PD Director approves an alternative location based on the site design and overall vehicle, bicycle, and pedestrian circulating for the site.
5. Bicycle parking for residential uses may be incorporated into storage areas within the units or common areas of the buildings.
6. Residential bicycle parking or bicycle parking for longer terms such as employment locations should incorporate other secured and weather-proof elements into the design.
7. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may be approved by the Director through site plan review.

7.05 Parking Design

- A. **Design Objectives.** The layout, location, and design of parking areas shall meet the following design objectives:
1. Locate parking and circulation in ways that minimize negative impacts on public streetscapes or adjacent sites.
 2. Use landscape, building placement, and other site design strategies to improve the appearance and relationship of parking areas.
 3. Incorporate sustainable practices into parking design to minimize runoff, decrease heat island effects, incorporate low-impact design features, and otherwise reduce environmental impacts.
 4. Encourage smaller and dispersed parking areas to reduce visibility and impacts.
- B. **Landscape Areas.** The landscape area standards in Table 7-6, ~~Parking Lot Landscape~~ apply to surface parking lots and are based on the size of the parking area (# of spaces) and the location of the parking area relative to the principal building (front, side, or rear). Where possible, landscape areas shall be multi-functional and designed to meet stormwater requirements for the site according to the City's Flood Control and Water Quality Protection Manual.

Table 7-6: Parking Lot Landscape		
Spaces per Parking Block	Front [1]	Side & Rear
201 or more	Prohibited – must be broken into smaller parking blocks	10' perimeter buffer; and 8% internal islands
101 or 200	20' front setback buffer 10' perimeter buffer 8% internal island	6' perimeter buffer 5% internal islands
30-100	10' front setback buffer 6' perimeter buffer 5% internal islands	6' perimeter buffer
Under 30	6' front setback buffer 6' perimeter buffer	6' perimeter buffer, except where abutting an alley

[1] Any surface parking lot for residential uses or nonresidential uses permitted in residential districts shall be behind the front building line or setback at least 30' from the front lot line, whichever is less.



Figure 7-1 Parking Design

Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-7 is based on

larger parking areas and parking in the frontage area requiring greater limits or landscape design mitigation than smaller parking areas or parking in the rear of buildings.

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

1. The perimeter landscape areas shall be continuous, except for where driveways or sidewalks directly access-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.
6. The use of Silva cells or structural soil technology that contains a mixed medium of rock, clay loam soil, and water absorbing polymer should be used around islands and peninsulas to increase the available soil volume and allow for large trees to be grown.

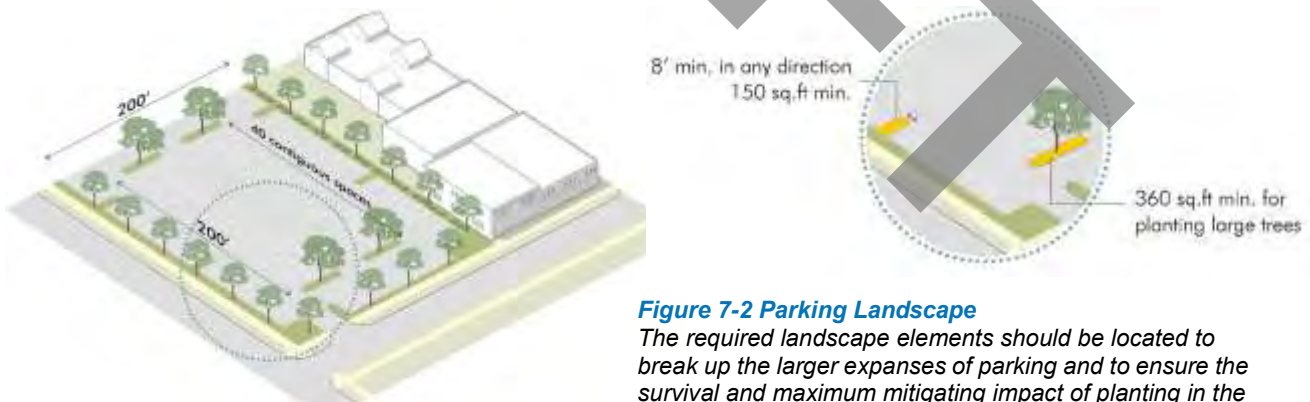


Figure 7-2 Parking Landscape

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

- C **Sidewalks.** In meeting the standards of Sections 7.03.C and 7.04.B, a sidewalk connection shall be provided from the perimeter of the parking lot to the building entrance or building frontage. For parking areas with over 200 spaces, a sidewalk connection shall be provided through the parking areas. Sidewalks meeting this standard may be located internal to the parking lot if separated from the surface parking, in perimeter landscape area or landscape median, or along internal access lanes.
- D. **Parking Dimensions.** Parking areas shall be designed to meet the dimension specifications in

Table 7-7: ~~Parking Dimensions.~~

Table 7-7: Parking Dimensions							
Parking Angle Width (A)	Width (B)	Length (C)	Depth to Curb (D)	Curb Width (E)	Aisle Width -- One-way (F)	Aisle Width -- Two-way (G)	Bumper Overhang*
0°	7.0'	22'	7.0'	22'	12'	20'	n/a
30°	8.5'	20'	18'	17'	15'	20'	1.5'
45°	8.5'	20'	20'	12'	15'	20'	1.5'
60°	9.0'	19'	21'	10.5'	18'	24'	2.0'
90°	9.0'	18'	18'	9.0'	20'	24'	2.0'

* Amount of Depth to Curb dimension that may overhang landscape area, sidewalk, or wheel stop block. If overhanging sidewalk, this amount shall be added to the required minimum sidewalk width.

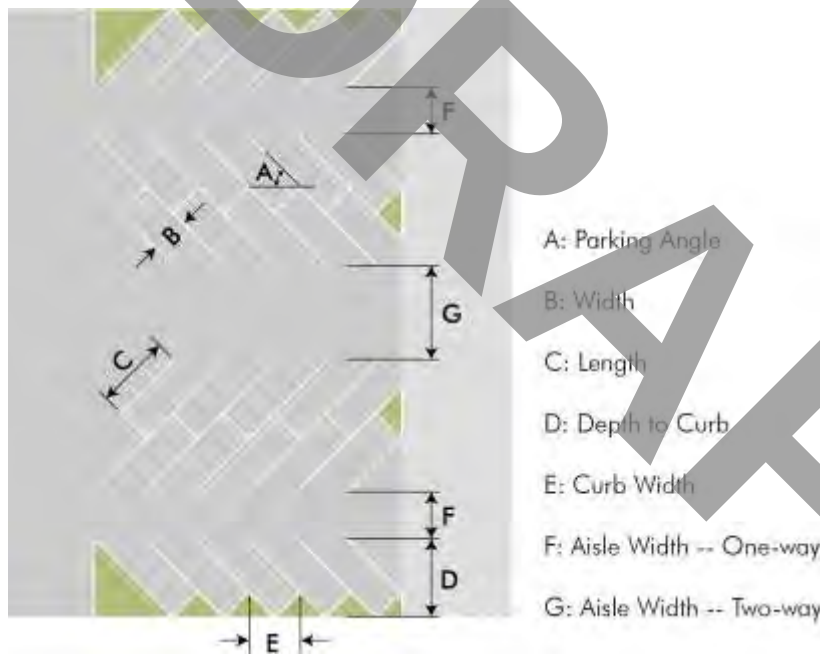


Figure 7-3 Parking Dimensions
Dimensions standards of Table 7-7, applied to typical parking layouts.

E. General Design Standards.

1. All required parking shall be on-site except as specifically provided in this article for credits or shared parking sections. Additionally, the PD Director may allow for a portion of required parking off-site through a site plan review subject to the following specific considerations:
 - a. The parking is within 600 feet of the lot for industrial and manufacturing uses or district and 300 feet of the lot for office, business, commercial or residential uses or districts.;
 - b. It is in the same or comparable zoning district;
 - c. The presence of the off-site lot does not negatively impact potential development on that lot or in the vicinity.
 - d. There are no pedestrian barriers or other access constraints between the parking and use, and safe connections are provided between each.
 - e. An agreement demonstrating rights and control of the off-site property is provided.

2. No parking space shall be located where it backs into a street except:
 - a. Residential parking in driveways accessing buildings and lots with ~~six~~ 6 units or less; or
 - b. On-street parking on public streets or private streetscapes according to the standards in Section 3.0~~3~~4.
 3. Required parking areas shall be used solely for parking of vehicles in operating condition for patrons, occupants, or employees of the use, unless specifically authorized otherwise by provisions in this code.
 4. Parking and access areas shall be designed and graded to adequately address drainage and runoff, including curb, gutters, inlets, pervious pavement, bioretention, and green infrastructure strategies approved by the PW Director to support stormwater control measures that minimize runoff and promote infiltration of storm water.
 5. All driveway approaches in the right-of-way from the street edge to the property line shall be concrete.
 6. Vehicle parking, storage, maneuvering areas, and driveways on private property shall have an all-weather, hard surface that prevents the release of dust, mud, or silt, including asphalt or concrete. Acceptable surfaces include:
 - a. Asphalt
 - b. Concrete
 - c. Pervious or permeable pavement with approval by the PW Director and subject to industry standards or performance specifications.
 - d. Ribbon driveways consisting of two-wheel tracks may be acceptable for residential drives for access to less than ~~three~~ 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 ~~City~~ District or as permitted in F.~~6~~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 8.0~~4~~3.
 6. In any areas, projects, or zoning district designed to promote pedestrian activity, or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted by the Director. Alternate loading standards may include sharing of loading spaces among multiple smaller tenants, using side streets, on-street parking, or alleys – particularly where there is sufficient space during off hours for loading or deliveries, or other similar strategies that avoid designing sites for large vehicle access.

Table 7-8: Loading Areas

Gross Floor Area	Required Loading Area and Size
Under 10,000 s.f	N/A, or may be shared per 7.04.F. 6 5
10,001 – 25,000 s.f	1 space; 10' x 25'

25,001 – 50,000 s.f.	2 spaces; at least one of which is increased to 10' x 50'
50,001 or more s.f.	3 spaces, plus 1 for every 50,000 s.f. over 100,000; at least two of which shall be increased to 10' x 50'

7.06 Modifications

The PD Director or the Planning [and Zoning](#) 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 2.034, 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 **Preservation and** 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 structure 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 right-of-way;
2. Perimeter landscape and buffers;
3. Interior parking and site landscape.
4. Other lot open spaces

The site shall be brought closer to compliance by meeting at least 50% of the required planting standard in the applicable portions of the site, and in no case shall the reduction be below the minimum necessary to address the documented constraint.

8.03 Required Landscape

- A. **Design Objectives.** Landscape plans shall meet the following design objectives:
1. Frame important streets and emphasize gateways with thoughtfully placed street trees, massed plantings, and vertical elements that enhance the character of each district or corridor.
 2. Provide comfort, spatial definition, and visual interest to outdoor spaces such as walkways, civic spaces, parks, trails, and plazas to support vibrant and active community gathering places.
 3. Design landscapes to serve multiple purposes, including aesthetic appeal, screening, environmental enhancement, stormwater management, and recreational opportunities, promoting efficient and holistic site design.
 4. Strategically locate plants and landscape features to improve resource and energy efficiency with arrangements that consider wind blocks, heat mitigation, water conservation, solar access, and other elements inherent to the site.
 5. Prioritize storm water management and green infrastructure to prevent erosion through natural landscape elements that intercept, infiltrate, store, or convey precipitation and runoff.
 6. Prioritize the protection and adaptive reuse of healthy, established plants, trees, and natural features that contribute to site functionality and ecological balance, minimizing unnecessary removal or replacement.
 7. Use native and regionally adapted species to enhance biodiversity, provide habitat for local wildlife, and create resilient landscapes that reflect the Ozarks Bioregion.
- B. **Planting Requirements.** The required landscape shall be based on different elements of the site according to Table 8-1, ~~Plant Requirements~~.

Table 8-1: Plant Requirements			
Site Element	Trees	Evergreen Trees	Shrubs
Streetscape: The landscape area in the ROW or along the lot	1 overstory tree per 40' of lot frontage;	n/a	n/a

Table 8-1: Plant Requirements			
Site Element	Trees	Evergreen Trees	Shrubs

line immediately abutting the right of way.	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement. Constrained right-of-way or streetscapes may substitute one-1 understory tree per 20.'		
Frontage & Foundation. The area between the building line and ROW along a street, including street sides of corner lots.	One-1 understory tree per 40' of lot frontage for buildings set back more than 10' from the front lot line; AND One-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 one-1 for one-1 , and for large trees at a rate of two-2 for one-1 , for up to 50% of the requirement.	1 shrub per 5' of building frontage for buildings setback more than 10' from the front lot line. 3 ornamental grasses may be substituted for 1 shrub up to 50% of the requirement.
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement		
Parking. Landscape areas on the perimeter or interior of parking.	One-1 overstory tree per 10 parking spaces	Evergreen trees may be substituted for overstory trees at a rate of two-2 for one-1 , for up to 50% of the requirement	One-1 shrub per 10' of perimeter. [1] Type I buffer for any parking area within 30' of a street or internal access street. (See Section 8.04.)
	Understory trees may be substituted for overstory trees at a rate of two-2 for one-1 up to 50% of the requirement		
Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.	See Section 8.04 3		
Civic and Open Spaces. Areas of the site designed as part of a broader system of formal and natural open spaces.	See Section 3.0 4-2		
Other.	All other unbuilt or unpaved areas of a site shall require a combination of ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces.		
	Up to 20% of the landscape area consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers, or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff in association with planting areas and compliments the landscape design.		

- [1] Parking lot perimeter shall be the linear edge of any parking area or driveway within 100' of a property line or internal access street where there is not building in between the parking and the boundary.

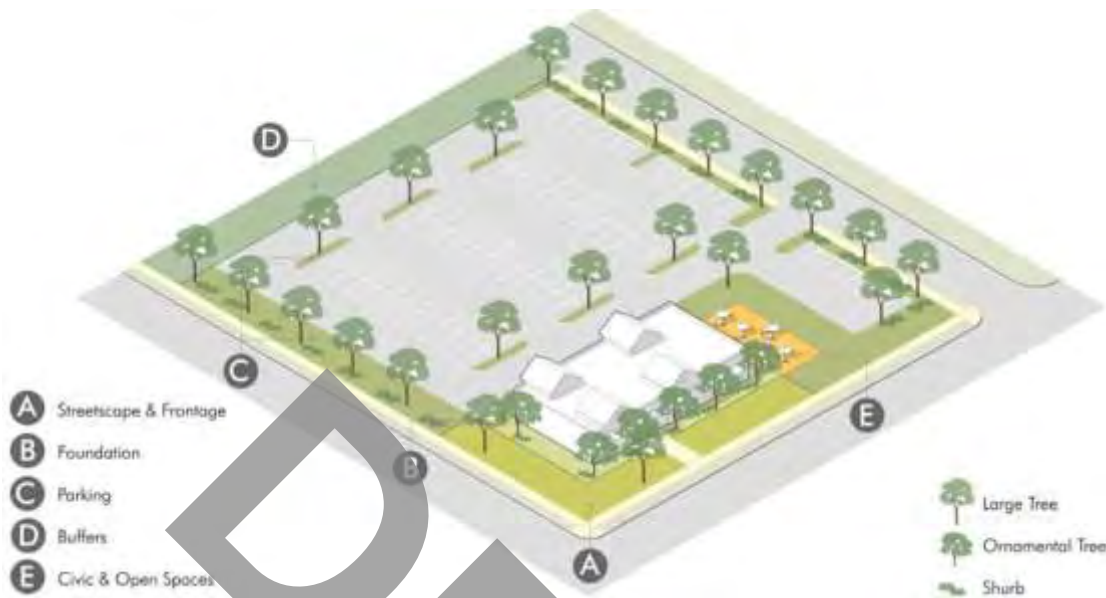


Figure 8-1 Landscape Design

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

- C. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and desirable species, or which equally or better meets the intent or design objective for landscape on a specific portion of the site, may count for landscape requirements provided measures are taken to ensure the survival through construction and all other location and design standards are met.
1. An inventory of all existing trees or significant woody vegetation including size, health, species, and any proposed for removal shall be provided by an arborist certified by the Society of American Foresters or International Society of Arboriculture.
 2. Credits shall be based on
 - a. 1 for 1 basis provided it meets the minimum specifications for new plants.
 - b. 2 for 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,~~ 7.06, ~~7.07 Parking and Access; Modifications,~~ and 2.0 ~~3.C of this chapter 6. 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~~ 8 ~~fooeet~~ wide 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; and
- e. Understory trees may be substituted for overstory street trees only in situations where no other alternative is available due to constraints of the site or right-of-way conditions. Understory trees should be used where trees are to be located within 10 feet of any overhead wires or in landscape areas between 4 and 6 feet wide.

2. *Frontage & Foundation Trees & Shrubs.* Foundation and frontage plantings shall be located in open spaces near the building or in planting beds associated with the design of any hardscape along the building frontage.

- a. Understory and evergreen trees shall be located within 25 feet ~~from~~ of the building.
- b. Shrubs and other plantings shall be located within 6 feet of the foundation.
- c. Where planting beds are used within hardscape around a foundation, they should be at least 4 feet deep, at least 60 square feet, and concentrated along at least 50% of the building frontage.
- d. Use larger and vertical landscape elements to frame entries, anchor the corners of buildings, or break up and soften large building elevations.

3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planted in perimeter buffers and 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 ~~3600~~ square feet shall have one overstory tree or two understory trees per ~~3600~~ 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 8.04~~3~~ may also contribute to a parking area perimeter requirement, or a parking area perimeter may also contribute to a streetscape requirement, where the design can satisfy the greater of both requirements. Approval shall be subject to the PD Director determining that the design objectives of this section and intent of this article are achieved.

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.

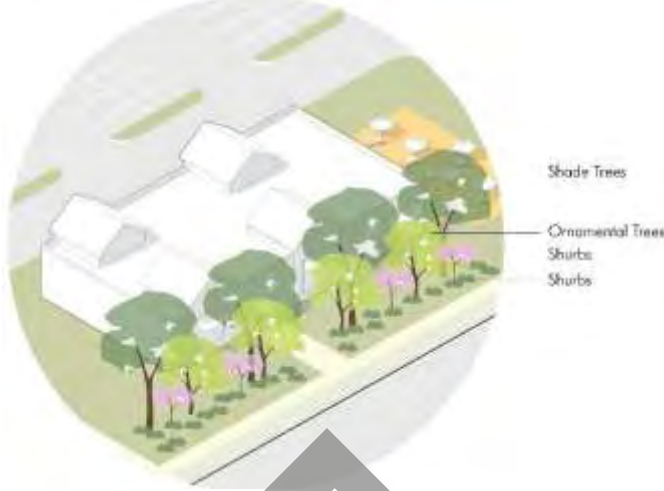


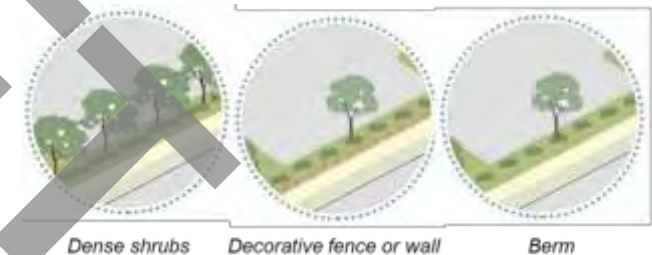
Figure 8-2 Buffer Layers

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
<i>Type I – A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian oriented streetscapes.</i>	Width: 6' min. Planting: 1 overstory tree per 40' or 1 understory per 20'; and 1 shrub per 5' Variation: the shrub rate may be reduced by 50% in combination with the following: ▪ A 2.5' to 4' decorative wall or fence in constrained areas or along the streetscape; or ▪ 3' berm in areas that are at least 10' wide. ▪ Parking areas abutting public sidewalks that are at least 10' wide in the CC district, the buffer width may be reduced to 2', provided a 2.5' to 4' decorative wall or fence is used and the landscape is planted in tree wells within the parking area or right-of-way at required intervals.



<i>Type II – A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.</i>	Width: 10' min. Planting: 1 overstory tree per 40'; 1 understory or evergreen tree per 25'; and 1 shrub per 10'; and Variation: The shrub and understory/evergreen tree rate may be reduced by 50% and the width reduced to 5' with the following: 4' to 6' high fence with at least 50% opacity	 Shrubs and evergreens  6' fence or wall
<i>Type III – A densely planted area intended to mitigate noise and create a visual screen for potentially incompatible land use adjacencies, or for large scale or intense uses along collector or arterial streets.</i>	Width: 20' min. Planting: 1 overstory tree per 40'; and 1 understory per 25'; and 1 evergreen tree per 25'; and 1 shrub per 10' Variation: The shrub and evergreen tree rate may be reduced by 50% in combination with the following: - A 6' solid wall or fence; or - A 3' high berm and 4' high fence with 50% opacity.	 Separation + Planting  6-7' fence or wall  Berm

Table 8-2 Buffer Planting Requirements

Type and Applicability	Buffer Planting Requirement
<i>Type IV - A densely planted area intended to separate incompatible situations or high-intensity uses.</i>	Width: 40' min. Planting: 1 overstory tree per 40'; and 1 understory tree per 25'; and 1 evergreen per 15' Variation: The evergreen and understory tree requirement may be reduced by 50% where a combination of berms, fences, and/or shrubs accommodate the understory screening. The width may be decreased to 20' with a 25% increase in the plant rates.  



Figure 8-3 Buffer Types & Context
Application of the specific buffer type

should be based on context and the adjacent site or projects.

DRAFT

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

Table 8-3: Buffer Application	
Intensity of Adjacent Site	Intensity of Proposed Development
	Low Medium High Very High
Low	-- Type II Type III Type IV
Medium	Type II -- Type II Type III
High	Type III Type II -- Type II
Very High	Type IV Type III Type II --
Use Intensity	Low Residential: detached house; multi-unit house; townhouse row house; and small-lot apartment types
	Medium - Residential: medium- and large-lot apartment; or apartment complexes - Nonresidential: churches, schools, or similar institutional uses; neighborhood retail (under 5K s.f.); office uses (under 2 stories); artisan or small manufacturing (under 10K s.f.); or similar uses that do not operate between 10PM and 7AM
	High Nonresidential: general commercial uses that may be larger scale (over 5K s.f.); light manufacturing; or other higher intensity uses that operate beyond 10PM
	Very High Nonresidential: heavy commercial uses (over 150K s.f.); uses with significant outside activity or storage; or heavy industrial and manufacturing uses
Other Applications	- Parking areas within 20 feet of any public street or internal access street shall have a Type I buffer - Any lots that back to a collector or arterial street require a Type III buffer, which may be incorporated into the right-of-way landscape. (See Sections 3.01 and 3.02 for better approach to design blocks and lots in association with street networks and open spaces, and not back to streets.) - Any lots adjacent to a highway or expressway shall require a Type IV buffer for residential and Type III buffer for nonresidential

- 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.

- Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.
- Permanent or temporary outdoor storage areas.
- Trash enclosures, and similar collection facilities for recycling or household goods.
- Utility stations or fixtures.
- Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
- Any continuous blank wall greater than 50 feet in length ~~ef or~~ 500 square feet in area that is visible from public streets, public spaces, common areas, or other sensitive boundaries

such as residential zones, parks, or civic spaces. These wall shall incorporate a buffer to mitigate the visual impact and ensure compatibility with surrounding environments.

7. Nonresidential parking or residential parking lots with over 10 spaces adjacent to residential lots.

- E. **Fences & Walls.** Fences and walls for individual property shall be located according to Table 8-4, Fence & Wall Standards.

Table 8-4: Fence & Wall Standards		
	Residential	Commercial & Industrial
Front	▪ 3.5' high ▪ 4.5' high if at least 50% open	▪ 3' high ▪ 4' high if at least 50% open
Side & Rear	▪ 6' if behind the front building line	▪ 8' if behind the front building line
Setbacks	▪ All fences shall be at least 18 inches from any public sidewalk, except front fences meeting the front fence design standards may be built on the property line even if abutting a sidewalk.	
Generally	▪ <u>Ornamental enhancements such as a trellis or an arch associated with an entry or gateway may be up to 8' high.</u> ▪ <u>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.</u> ▪ <u>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.</u>	

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; ~~or-~~
 - f. Steel or aluminum woven wire designed for fencing. Barbed or other sharp wire shall only be permitted to the side or rear of commercial and industrial fences and only if all portions of barbed wire are above 6 feet high.
2. **Sports & Recreation Fences.** Fences for sports and recreation facilities, or for any other similar public facility, may be up to 10 feet generally; or up to 14 feet for tennis, pickleball, or similar sport courts if at least 50% open above 7 feet high; and taller to serve the functional need for backstops or golf course protection.
3. **Sight Distances.** All fences, walls or screening shall be located out of the sight distances in Section 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 Department of 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.
 4. Are not listed as a "Do not plant" species in Appendix A
- 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" <u>Caliper DBH</u> Mature height of at least 30'; Deciduous tree
Understory Tree	1.0" <u>Caliper DBH</u> ; 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 <u>2 two</u> growing seasons.
General	At least 30% of plantings in any landscape project shall consist of plant species native to Missouri

DBH — Diameter at breast height

- D **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

Table 8-6: Tree Diversity	
Required Trees	Diversity
1 - 4	No specific requirement, but trees should be diversified from existing trees in the vicinity.
Table 8-6: Tree Diversity	
5 - 10	- At least 2 genus - No more than 50% of any one species
11 - 20	- At least 3 genus; and - At least 4 species - No more than 40% of any one species
21 or more	- At least 3 genus; and - At least 5 species - No more than 33% of any one species

* Street trees may be uniform species to implement a streetscape design or existing pattern on a block, and diversity should be achieved through variation of site trees or by street tree diversity on broader block scale through streetscape master plans.

- E. **Planting & Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods. At a minimum landscape plans shall demonstrate the following:
- 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 National Standards Institute: Tree Care Standards 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-two-year period or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered by the PD Director to be removed and replaced.
 - 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 Preservation and Protection

- A. **Design Objectives.** The tree protection standards in this section have the following design objectives:
1. To preserve the city's character by preventing indiscriminate removal or destruction of trees.
 2. To improve property values through implementation and management of street trees, and through maintaining an acceptable tree canopy over all property.
 3. To increase the environmental performance of streetscapes and site design, recognizing the air quality, stormwater filtering and infiltration, habitat maintenance, and energy reduction benefits provided by mature trees.
 4. To enhance compatibility of different projects with established buffers that mitigate impacts of development or other natural ambient conditions.
 5. To retain high priority trees and limit unnecessary tree removal on redeveloped or undeveloped sites.
 6. To establish tree protection measures during development and reward tree protection efforts with flexible development standards.
 7. To preserve exceptional trees that are unique, native, possess exceptional aesthetic value, or are otherwise considered a valuable community resource.
- B. **Applicability.** The provisions of this section shall specifically apply to:
1. All public right-of-way or other municipal property, including parks, open spaces and municipal grounds.
 2. All development that requires a landscape plan according to Section 8.02.
 3. The following additional development activities:
 - a. Any ~~plat that disturbs disturbance of~~ more than 5,000 square feet of land;
 - b. Any new residential structure ~~that~~ is built on a vacant lot ~~and not zoned R-SF~~;
 - c. Any clearing of existing trees with a DBH of 6 inches or greater, by any means where the clearing activity will cover an area of land of 5,000 square feet or greater; or
 - d. Any activity requiring a land disturbance permit~~demolition or grading on an existing lot;~~

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

Table 8-7: Protected Trees				
Location	Protected Tree	Mitigation If Removed	Priority Trees [1]	Mitigation If Removed
Area 1: Street Trees	--	--	All trees	1 Tree for every 6" caliperDBH removed - Maximum 4 to 1 replacement-
Area 2: Frontage Trees	4" – 6" DBH	1 to 1 replacement	> 6" DBH	1 Tree for every 6" caliperDBH removed - Maximum 3 to 1 replacement-
Area 3: Lot Trees	4" – 20" DBH	1 to 1 replacement	> 20" DBH	1 Tree for every 12" caliperDBH removed - Maximum 3 to 1 replacement-
Area 4: Buildable Area Trees	6" – 30" DBH	1 to 1 replacement	> 30" DBH	1 Tree for every 12" caliperDBH removed - Maximum 2 to 1 replacement-
Any Area	--	--	Any Missouri State Champion Tree	1 Tree for every 6" caliperDBH removed - Maximum 4 to 1 replacement-

[1] Priority trees may only be removed as provided in Section 8.06 D.F. DBH – Diameter at breast height

1. Area 1: ~~Area 1, "Street trees"~~ includes any tree that is 4" DBH or more, and in the public right-of-way.
2. Area 2: ~~Area 2, "Frontage trees"~~ includes any tree that is 4" DBH 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" caliperDBH 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" caliperDBH or more, and in the buildable area determined by the zoning setbacks applicable to the principal building.

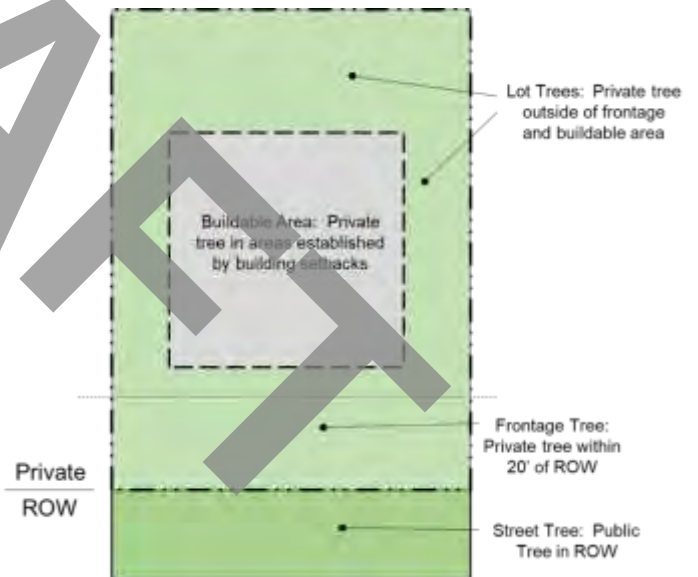


Figure 8-4 Tree Protection Areas. Tree protection provisions and required mitigation is based on the area of the lot and the size of trees in particular areas.

- D. **Exceptions – Authorizations for Removal.** The PD Director may consider an exception to remove a tree prohibited from removal under Section 8.06.C. only upon a written request

indicating the specific tree and documentation establishing justification for removal. The PD Director ~~shall may 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, or identified on the Do Not Plant list found in Appendix A.~~ 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.

Table 8-8: Protective Fencing	
Tree Size	Fenced Area (lessor of)

> 30" DBH	20' from center of tree	Fencing protecting <u>100 at least 75%</u> of the drip line <u>on all sides of the tree</u>
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 Ceity 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 of lightning protection or structural support~~ shall be attached to any tree.
 - d. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.
 - e. No grade changes ~~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 ~~shall~~ould be avoided within the limits of the drip line or otherwise protected root zone, and no new work shall be permitted in a manner which may be expected to severely damage or kill a tree.
 - g. No other act by which soil is removed and land changed that may result in the movement of sediments, and may include tilling, clearing, excavation, or removal of vegetation that may cause unmanaged stormwater runoff and drainage in the direct path of the drip line.
- F. **Violation and Enforcement.** Removal, damage or impairment of any protected tree, except as provided in this section, is a violation of this ordinance, enforceable as provided in Section 1.07, and each tree shall be considered a separate incident. Any fines and penalties shall be in addition to the mitigation measures required in sub-section C. for removal of protected trees.

8.07 Outdoor Lighting

- A. **Design Objectives.** Outdoor lighting of sites and buildings shall meet the following design objectives:

1. Provide safety and security in publicly accessible areas.
2. Create comfort and atmosphere with softer and warmer lighting in gathering spaces, social places, and pedestrian-oriented areas and streetscapes.
3. Limit backlight, uplight, glare, or other impacts that outdoor lighting could have on adjacent sites.
4. Accent the architectural features of buildings, gateways, or other portions of sites visible from the streetscape or other public spaces.
5. Design the appropriate scale, location, and type of light fixtures considering pedestrian-oriented or vehicle-oriented portions of sites, and the context and character of distinct areas.
6. Reduce light pollution and comply with the “dark sky” principles for responsible outdoor lighting, including useful, targeted, controlled, low-level, and color-appropriate lighting.
7. Develop energy efficient lighting strategies in balance with other site lighting objectives.

- B. **Mounting Height.** All exterior lighting shall be limited to the mounting heights specified in the following table:

Table 8-9: Maximum Light Mounting Height	
Driveways and Parking Areas	▪ 20' in residential districts; ▪ 25' within 100' of a residential use or residentially zoned property or within 25' of any street; and; ▪ 35' in all other districts or situations. ▪ The maximum permitted average illumination of all parking arelets is 5 footcandles.
Pedestrian Walkways, Plazas or Courtyards, and Pedestrian-oriented Streetscapes	▪ 16'
Facade Lights	▪ Below the eave or cornice line, provided the light is directed downward or otherwise designed and located to limit up-lighting beyond the facade; and;
Other Site Lighting	▪ 12' nonresidential; and ▪ 7' residential
Building Mounted Security Lights	▪ May be mounted at heights required to provide adequate security provided all efforts be made to mitigate off-site impacts including dimmers, timers, sensors, shields or other technology; and;
General	▪ Light poles shall be setback from adjacent property at least 1/3 of the height; and;

- C. **Shielding.** All exterior fixtures shall be shielded and installed so that the direct illumination shall be confined to the property boundaries of the source and use shields according to Table 8-10.

Table 8-10 Required Shielding			
Wattage or Mounting Height	Shield Type		
	Full Cutoff ^a	Cutoff ^b	Semi-cutoff ^c
Lights mounted above 25'; or Lights above 5,000 lumens	Required	Prohibited	Prohibited
Lights between 2,400 and 5,000 lumens and mounted below 25'.	Permitted	Required	Prohibited
Lights below 2,400 lumens and mounted between 12' and 25'	All shielding types permitted		
Lights below 2,400 lumens and mounted less than 12'	No shielding required		

Decorative lighting below 200 lumens at any height	No shielding required
a Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.	
b Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.	
c Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.	

- D. **Design & Performance Standards.** In addition to the height and location standards, exterior site lighting shall meet the following performance standards:
1. Light locations, illumination levels, and fixtures shall be designed to minimize backlighting, uplighting, and glare.
 2. Light levels at the perimeter of property shall not exceed:
 - a. 0.3 footcandle in or abutting residential zoning districts for lights less than 15 feet high
 - b. 0.5 footcandle in or abutting residential zoning districts for all other lights; and
 - c. 1.0 footcandle along any other property boundary.
 3. All outdoor lighting shall have a correlated color temperature (CCT) of no more than 3,000K to minimize blue light emission glare.
 4. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site and building.
 5. Lighting shall be designed to meet the functional and security needs of the site, without adversely affecting adjacent properties. Performance and operational characteristics such as dimming interfaces or timers that reduce lights to minimal security levels for off hours should be used.
 6. No lighting shall be permitted in required buffer in Section 8.04, except if the buffer yard includes a publicly accessible sidewalk or trail.
 7. Lighting plans shall demonstrate compliance with industry standards and guidelines for environmental and energy performance, including the fixture types, light source, and energy source.
 8. A photometric plan prepared by a qualified professional may be required by the PD Director for large-scale uses or where certain compatibility and adjacency issues exist because of anticipated lighting.
- E. **Exemptions.** The following are exempt from the specific lighting specifications and standards, but still may be subject to general landscape and sight design standards or other conditions and industry standards to mitigate impacts as much as practical:
1. Outdoor recreational uses
 2. Emergency warning or automated security lighting that is only activated during specific events
 3. Temporary holiday lights

8.087 Modifications

The PD Director or the Planning and Zoning 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).

DRAFT

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.

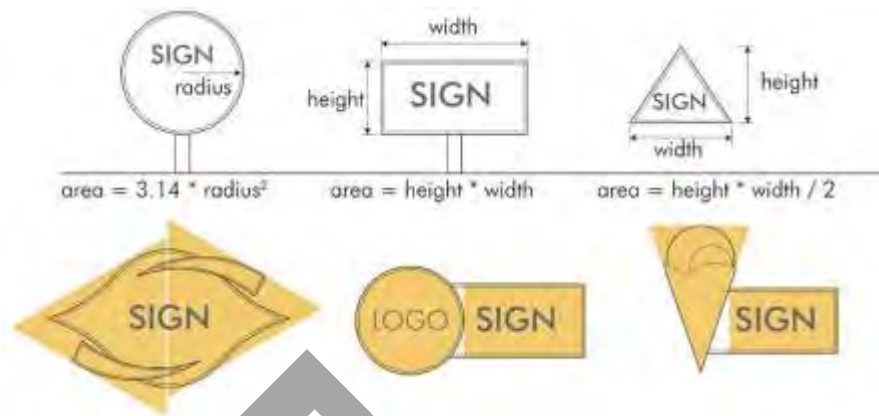


Figure 9-1 Sign Measurements

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.]

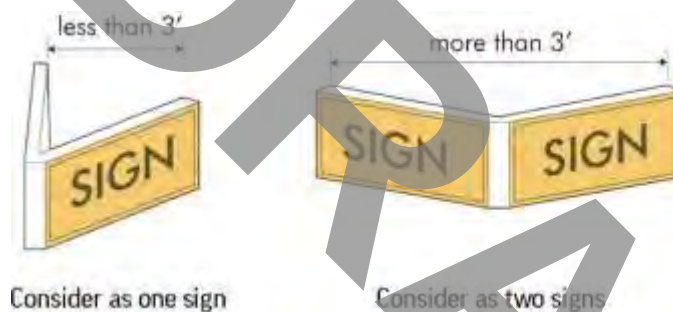


Figure 9-2 Double Faced signs

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-2~~ feet and ~~10ten~~ 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 9.05 ~~5.6.D.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.

DRAFT

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 pPlanned zZoning applications containing a residential component shall follow these standards, unless specifically amended by the approved rRegulating pPlan in Section 2.06.

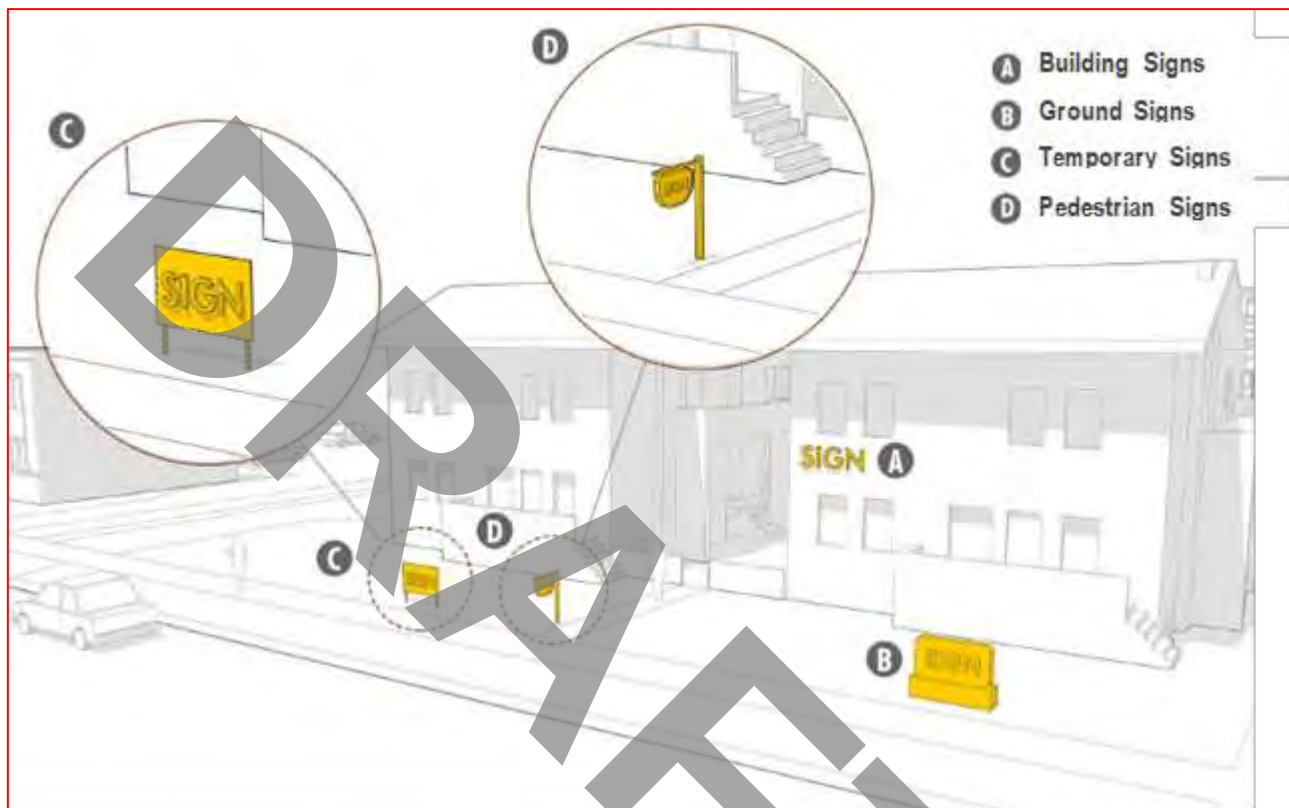


Figure 9-3 Residential Sign Types

Table 9-1: Residential Sign Allowances

Ground Signs	
Total Allowance	- Permitted for principal non-residential or multi-unit residential buildings 1 s.f. per lineal foot of street frontage.
Maximum Size	100 s.f. on local and collector streets 200 s.f. on secondary arterial streets 250 s.f. on primary arterial streets, freeways, or expressways
Quantity	1 per lot, but lots with more than 425' of frontage may have 2
Maximum Height	25' ±
Location	25' setback from all property lines 300' separation from another ground signs
Other standards	See Section 9.05.A, and Neighborhood Identification signs in Section 9.06.A, for additional ground sign allowances.
Building Signs	
Total Allowance	- Permitted for principal non-residential or multi-unit residential buildings 1 s.f. per lineal foot of wall along the street frontage. 2 s.f. per lineal foot of wall along the street frontage if site has no ground sign.
Maximum Size	n/a – subject to overall allowance
Quantity	1 per street-facing wall or other wall facing internal common areas
Maximum Height	- At least 1 foot below the top of the wall it is mounted on for flat roof buildings - At least 1 foot below the roof deck or eave line for pitched roof buildings.
Other Standards	See Section 9.05.B
Pedestrian Signs	
Total Allowance	- Permitted for principal non-residential or multi-unit residential buildings 1 sign for each public building entrance
Maximum Size	10 square feet <u>f.</u>
Maximum Height	14' if mounted on a wall 6' if mounted on the ground
Other Standards	See Section 9.05.C.
Incidental Signs	
Total Allowance	- Permitted for principal non-residential or multi-unit residential buildings 12 s.f. per lot; or 25 s.f. per <u>ac.±</u>, whichever is greater
Maximum Size	6 s.f. ± or -12 s.f. for lots more than 1 <u>ac.±</u> and if setback at least 50' from property line
Maximum Height	14' high if mounted on a building 4' high if ground mounted, or 8' high if setback at least 50' from property line.
Location	Signs shall be setback at least 6' from any front lot line, and 10' from any other property line.
Temporary Signs	
Total Allowance	15 s.f. ± or 0.15 s.f. per 1 lineal foot of street frontage, whichever is greater, up to a maximum allowance of 48 square feet.

<i>Quantity</i>	n/a ; subject to total allowance and duration limits in Section 9.05.D.
<i>Maximum Size</i>	6 s.f. on local or collector streets 12 s.f. on secondary arterial streets 24 s.f. on primary arterial, expressway, or freeway
<i>Maximum Height</i>	20' or below the top of the wall plane, whichever is less if mounted on a wall 4' if mounted on the ground
<i>Other Standards</i>	See Section 9.05.D.

DRAFT

- B. **Nonresidential Signs.** The following signs are permitted in nonresidential districts (C-MX1, C-MX2, CC, GC, GI, and HM₇), and for any overlays of these districts that do not specifically modify sign standards. All ~~p~~Planned ~~z~~Zoning applications containing a nonresidential component shall follow these standards, unless specifically amended by the approved ~~r~~Regulating ~~p~~Plan in Section 2.06.

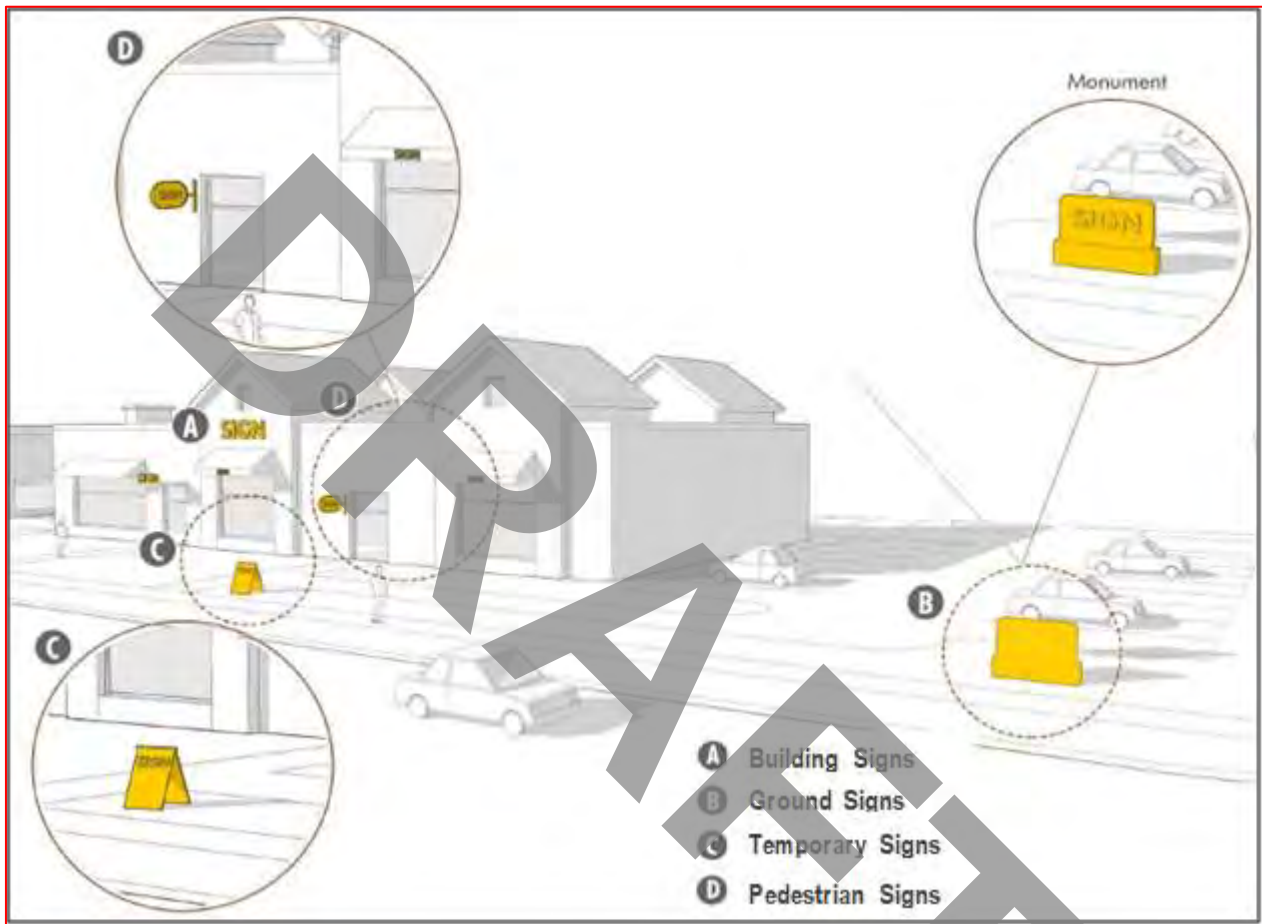


Figure 9-4 Nonresidential Sign Types

Table 9-2: Nonresidential Sign Allowances

Ground Signs	
Total Allowance	1 s.f. per 1 lineal foot of street frontage on local, collector, or secondary arterial street. 2 s.f. per 1 lineal foot of street frontage on primary arterial, expressway, or freeway.
Maximum Size	250 s.f. for lots fronting on a local, collector, or secondary arterial; or any lot that contains a state licensed off-premises sign. 400 s.f. for lots fronting on primary arterial, expressway, or freeway.
Quantity	1 per lot, - Plus 1 additional sign per each 425' of lot frontage on a primary arterial, expressway, or freeway.
Maximum Height	25'; 60' if located in areas near interstates noted in Section 9.05.A.5
Location	25' setback from all property lines 300' separation from any other ground sign; 100' separation from and state permitted off-premises sign. - The PW Director may require additional setback from centerlines of streets or for utility easements when a plan

	for expansion of any public facility is planned and could be built within two 2 years.
Other Standards	See Section 9.05.A
Building Signs	
Total Allowance	2 s.f. per 1 lineal foot of wall length
Maximum Size	n/a – limited by total wall allowance for each wall
Quantity	n/a – limited by total wall allowance for each wall
Maximum Height	- At least 1 foot below the top of the wall it is mounted on for flat roof buildings - At least 1 foot below the roof deck or eave line for pitched roof buildings.
Other Standards	See Section 9.05.B
Pedestrian Signs	
Quantity	1 sign per each 50' of building frontage - Plus, one sign for each public building entrance
Maximum Size	6 square feet f. 10 square feet f. if associated with the primary building entrance on each elevation.
Maximum Height	14' if mounted on a wall 5' if mounted on the ground
Other Standards	See Section 9.05.C.
Incidental Signs	
Total Allowance	16 s.f. per lot; or 40 s.f. per ac. fe ac., whichever is greater
Maximum Size	8 s.f.; or 16 s.f. for lots more than 1 ac. fe ac. and if setback at least 50' from property line
Maximum Height	14' high if mounted on a building 4' high if ground mounted, or 8' high if setback at least 50' from property line.
Location	Signs shall be setback at least 6' from any front lot line, and 10' from any other property line.
Temporary Signs	
Total Allowance	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 f.
Quantity	n/a ; subject to total allowance and duration limits in Section 9.05.D
Maximum Size	12 s.f. on local or collector streets 24 s.f. on secondary arterial streets 48 s.f. on primary arterial, expressway, or freeway
Maximum Height	20' or below the top of the wall plane, whichever is less if mounted on a wall 5' if mounted on the ground
Other Standards	See Section 9.05.D

9.05 Standards for General Sign Types

- A. **Ground Signs.** Ground signs are subject to the following additional standards:
- 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 criteria 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); or
 - (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 McClemon 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; and
 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 two temporary signs are displayed on a property shall be limited to 120 days per calendar year.
 6. The PD Director may require the removal of any temporary sign that pertains to a past or expired event, or may refrain from enforcement of the duration or time limits for any temporary sign related to an event that has been extended beyond the control of the owner.

9.06 Standards for Specific Sign Types

- A. **Neighborhood Identification Signs.** Residential projects with more than 25 lots or more than 5 acres and with multiple blocks or internal streets are permitted gateway signs in addition to the permitted ground sign allowances subject to the standards in Table 9-3:

Table 9-3: Neighborhood Identification Signs	
Ground Signs	
Allowance	▪ Up to 2 <u>per</u> entrance from a collector or arterial street ▪ 25 s.f. <u>per</u> entrances on a collector street (may be allocated between <u>two</u> signs) ▪ 50 s.f. <u>per</u> entrances on an arterial street (may be allocated between <u>two</u> signs)
Location	▪ 6' setback from all property lines
Maximum Height	▪ 5' – monument signs only; unless mounted on a retaining wall or accessory structure incorporated into the landscape design and approved through the site plan process.
Other Standards	▪ Neighborhood Identification signs shall be located in a common area owned and controlled by a property owner association to ensure on-going maintenance of the sign and landscape.

- B. **Off-premises Signs.** Off premises signs shall only be permitted as follows:
1. **General Allowance:** Off-premises signs are only permitted within 660 feet of an interstate or primary highways where the city is required to allow off premises signs according to RSMo Chapter 226.500 to 226.000. Where intersecting streets are not state controlled the sign shall not be located in a right triangle formed by 660 feet from the intersection along the non-state right-of-way, 660 feet from the intersection along the state-controlled

right-of-way and the diagonal line connecting those two end points. Off-premises signs on state right-of-way shall meet the Missouri Department of Transportation's outdoor advertising permit standards.

2. **Standards.** State licensed signs shall meet the size and location standards in Table 9-4.

Table 9-4: Off-Premises Signs

<i>Total Allowance</i>	▪ Off premises signs shall be limited by the applicable ground sign allowance unless otherwise authorized by state permit. ▪ Detached signs otherwise permitted by Table 9-2: Nonresidential Sign Allowances shall be further restricted on any site with an off-premises sign to - o 1 additional detached sign; - o 250 s.f. maximum area or applicable property allowances, whichever is less; - o 25' maximum height; and - o 100' separation from any other detached sign.
<i>Location</i>	▪ 25' setback from all rights-of-way or other property lines. ▪ 125' setback from any property residential zoning district. ▪ 1,500' separation from any other off-premises sign, except on I-44 where the required separation shall be 2,500'. ▪ The PW Director may require additional setback from centerlines of streets or for utility easements when a plan for expansion of any public facility is planned and could be built within 2 years.
<i>Maximum Height</i>	▪ 25'
<i>Other Standards</i>	▪ Applicants for off-premises signs shall obtain a state permit prior to submitting an application to the city. ▪ Signs with a valid state-issued permit may contain off-premises or on-premises information

3. **Scenic Corridors.** Off-premises signs in scenic corridors shall conform to the following additional standards:

- a. **Location.** Scenic corridors are 660 feet from the edge of right of way on the following corridors:
 - (1) James River Freeway (U.S. 60)
 - (2) West By-Pass and U.S 160; and
 - (3) Kansas Expressway north of the nearest paved portion of I-44 and ~~the~~ south of the nearest paved area of the James River Freeway (U.S. 60).
- b. **Limitations.**
 - (1) Off-premises signs shall not be oriented towards or have copy visible from the listed scenic corridors but may be located on property and oriented to street other than the designated scenic corridor.
 - (2) Off-premises signs shall be separated by at least 2,500 feet from other off-premises sign.
 - (3) The maximum area shall not exceed 128 square feet and the maximum height shall not be more than 20 feet above the highest paved portion of the right-of-way.

- C. **Drive-Through Service Signs.** Signs for drive through services shall be reviewed in coordination with the accessory use standards for drive throughs in Section 4.04. Drive through accessory uses shall generally permit the following signs:

1. One menu board per drive through service station, up to 32 square feet and no more than 8 feet high.

2. Signs shall be set back at least 20 feet from any adjacent property, and incorporated into the building, circulation plans to otherwise minimize impacts on the streetscape or adjacent property.
3. Menu board signs shall meet all other monument sign design standards.
4. Deviations from these standards may only be approved in association with the site plan review or any conditional review required according to Section 4.03.E, ~~and~~ provided they equally or better meet the review criteria associated with the site plan or permit review.

9.07 General Standards – All Signs

A. Public Health, Safety, & Maintenance.

1. All signs shall be designed, constructed, located, and maintained in a manner that is compliant with all electrical, fire, and building codes, and any other industry standards so that the sign does not present any potential risk to public safety.
2. No sign shall be designed or located in a way where it can obscure, imitate, or be confused with an official government sign for traffic direction or any other public safety symbol.
3. Signs shall not obstruct visibility of pedestrians and vehicles with sight triangles, as defined by Section 3.03.B.7, ~~Sight Distances~~.
4. Any sign projecting over a walkway, active area in front of a building, or other area where people may pass shall maintain at least 7.5 feet vertical clearance and 14 feet vertical clearance if it is accessible to vehicles.
5. No sign, sign structure, or associated grounds shall present any dilapidated state or condition that may negatively impact the relationship to or appearance from the public right-of-way or adjacent property.

B. Specific Designs Prohibited.

1. No sign shall be placed on any vehicle or trailer visible from the right-of-way, where the sign and the vehicle or trailer is located to avoid the standards or criteria for permitted permanent signs in this article.
2. No sign shall be attached to any public utility pole, placed in any utility easement, or installed within the public right-of-way, except:
 - a. Official government signs exempt from these standards according to Section 9.03.B;
 - b. Signs attached to and projecting from buildings and meeting the standards in section 9.05.B.1; ~~or~~
 - c. Signs otherwise licensed by the city through special events or management of the design and use of the right-of-way, apart from this code.
 - d. Signs located in a utility easement shall require written approval of the utility provider.
3. Grouping or arranging signs to have the effect of a larger permitted sign or increase visibility to the public beyond size or quantity limits is prohibited
4. No sign shall include balloons, streamers, pennants, 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 ~~10 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 ~~10 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

3. other similar architectural features.
 3. Signs shall not be placed where they obstruct any significant building design feature, including windows, architectural details, trim, and ornamentation.
- C. **Durability & Appearance.** All permanent signs shall be designed to convey durability and a quality appearance according to the following principles:
1. Materials, particularly for the frames, casings or bases of signs, should be chosen to complement the architecture of the building, and coordinate with other accent materials or architectural details of the building and site.
 2. Simple 2- and 3-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.
 3. Buildings and sites that have that have multiple building or ground signs should coordinate all signs using one or more consistent coordinating elements, such as similar fonts, colors, sign scale or shapes, backgrounds, or casing and framing material.
- D. **Multi-tenant Buildings & Sites.** Buildings and sites that have multiple wall or ground signs, or multiple tenant components on a single sign shall coordinate all signs for the building or site. Coordination may be established by combinations of two or more of the following:
1. The same or similar fonts, in terms of color, scale, and style. However, a primary and secondary font may be incorporated into signs.
 2. The same sign background in terms of material and color or coordinated colors.
 3. The same casing or framing in terms of materials and style, provided it is prominent enough to be a visible coordinating element across multiple signs.
 4. A consistent scale, orientation, shape or placement of signs. For example, all oval signs, or all signs located within a sign band across storefronts.
 5. Pedestrian signs or portions of principal signs that are less than 33% of the sign areas, may deviate from coordinating elements to account for logos, icons, or branding unique to the tenants.

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 and Zoning Commission.
-

DRAFT

Article 10. Supplemental Districts & Standards

10.01	Airport Overlay
10.02	Historic Designations <u>Commercial Street District</u>
10.03	Wireless Telecommunication Facilities <u>Midtown Urban Conservation District</u>
10.04	Marijuana Facilities <u>Phelps Urban Conservation District</u>
10.05	Short-Term Rentals <u>Rountree Urban Conservation District</u>
10.06	Retail Liquor Sales <u>Walnut Street – East Urban Conservation District</u>
10.07	Chickens <u>Walnut Street – West Urban Conservation District</u>
10.08	Utilities <u>Short-term Rentals</u>
10.09	Economic and Housing Access Calamity <u>Marijuana & Medical Marijuana Uses</u>
10.10	Residential Occupancy <u>Wireless Telecommunication Facilities</u>
10.11	Travel Trailer, Camper, Recreational Vehicle, and Other Trailer Parking
10.12	Commercial Vehicle Parking
10.13	Established Frontage on Street
10.14	No Public Water or Public Sewer
10.15	Annexation
10.16	Tiny Home Communities

10.01 Airport Overlay

- A. **Intent.** The intent of the Airport Overlay District is to:
1. Regulate the development of noise-sensitive land uses;
 2. Promote compatibility between the Springfield-Branson National Airport and surrounding land uses;
 3. Protect the Springfield-Branson National Airport from incompatible development; ~~and~~
 4. Promote the health, safety, and general welfare of all property uses in the vicinity of the airport.
- B. **Applicability.** The standards in this section apply to the following sub-districts indicated in Figure 10-1, and overlaid 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.

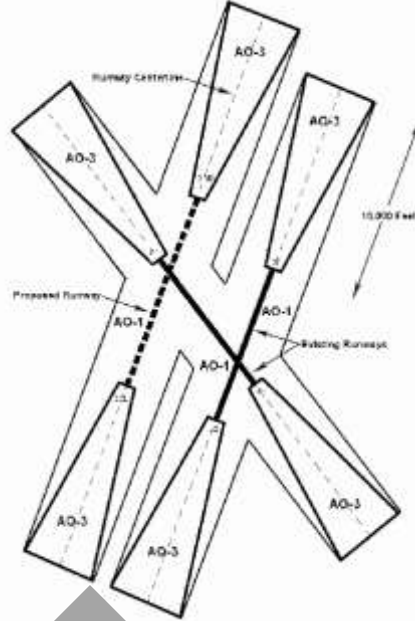


Figure 10-1 Airport Overlay Zones
AO-1 and AO-3.

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 uses ~~uses~~ groups – all
 - b. Schools – ~~including~~ Primary/Secondary and ~~C~~ollege / ~~U~~niversity.
 - c. Assembly uses ~~uses~~ groups – all
 - d. ~~Entertainment Event~~ venue uses ~~uses~~ group – all
 - e. Medical ~~S~~services uses ~~uses~~ group – all
 - f. Cultural ~~F~~aciilities. ~~uses~~ - all
 - g. Daycare ~~uses~~ uses – all
 - h. Entertainment & ~~regulation~~ Recreation uses ~~uses~~ 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 uses ~~uses~~ group – all
 - b. Transportation – ~~C~~ommercial ~~P~~arking ~~L~~ot.
 - c. Accessory off-street parking in a structure. Accessory off-street parking lots or facilities open to the sky are allowed.
 4. **Conditional Uses.** The following uses may be permitted by a conditional use permit in the AO-1 or AO-3 zone:
 - a. Open Space ~~uses~~ - all 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 following additional conditions and criteria in the AO districts:
 - (1) No use may be closer than 1.5 miles (7,920 feet) from the ultimate end of an existing or planned runway as approved by the Federal Aviation Administration (~~FAA~~).
 - (2) Upon receiving an application for a conditional use permit in the AO-1 or AO-3 districts, the ~~D~~epartment of ~~P~~lanning and ~~D~~evelopment 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 ~~SS~~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 Commercial Street District

(1) Purpose. This district is intended to be a mixed-use district that accommodates a variety of residential,

commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The city has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

(2) Permitted uses.

(a) The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit.

1. Accessory uses, as permitted by Section 4.04, accessory structures and uses.
2. Athletic clubs, fitness centers, and indoor sports facilities.
3. Auction sales and flea markets entirely within enclosed buildings.
4. Banks and financial institutions, including automatic teller machines.
5. Catering businesses.
6. Colleges, universities, and business colleges.
7. Commercial amusements, including bowling alleys, dance halls, video game arcades, billiard parlors, roller skating and ice skating arenas, and motion picture theaters, excluding drive-in theaters.
8. Day care centers in accordance with Chapter 38, Article IX, Springfield City Code.
9. Educational, cultural, public, or nonprofit institutions such as museums, art galleries, and libraries, but not including elementary and secondary schools and correctional institutions.
10. Overnight shelters and soup kitchens legally conforming at the time of the passage of said ordinance provided that a use permit is obtained for any expansion of said use.
11. Glass and mirror sales.
12. Governmental buildings and uses.
13. Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an existing elementary or secondary school, or within 200 feet of an existing child day care center or church and as prescribed and subject to all other requirements in Section 10.09.
14. Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within an existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed

and subject to all other requirements in Section 10.09.

15. Offices, administrative, business, finance, and professional.

16. Offices, medical and dental.

17. Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.

18. Pet stores and pet grooming.

19. Police and fire stations.

20. Recording studios.

21. Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.

22. Retail sales use group excluding convenience stores with gas pumps.

23. Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.

24. Schools, business.

25. Taverns and cocktail lounges.

26. Temporary uses, as permitted by Section 4.03.J.

27. Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public rights-of-way with a six-foot tall barrier that is in conformance with Section 8.04. No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.

28. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

(b) The following uses are only permitted above the first floor or in the second layer of the first floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit for the use set out in this subsection. The first layer of the first floor is the first 50 feet of lot depth measured from the front of the lot. The second layer is located behind the first 50 feet of lot depth measured from the front of the lot. An entrance and hallway through the first layer to provide access to the second layer or upper floors is permitted.

1. Any commercial establishment that provides supplies and/or services primarily to commercial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.

2. Bed and breakfasts.

3. Commercial off-street parking lots and structures.

4. Community center, nonprofit.

5. Cultural centers.

6. Medical and dental clinics.

7. Medical and dental laboratories and research facilities, not including the manufacture of pharmaceutical or other products for general sale or distribution, provided no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, are utilized in the research operations.

8. Office equipment repair.

9. Private clubs and lodges.

10. Repair shops, home appliance.

11. Residential uses.

12. Restricted production and repair establishments (for retail sale on the premises only), including the following types of activities: Custom tailoring and alteration of clothing, jewelry from precious metals, watches, dentures, and optical lenses.

13. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.

14. Short-term rental type 3 in accordance with Section 10.08.C, and subject to conditions in subsection 10.08.C.2, if applicable.

(3) Conditional uses.

(a) The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, Section 2.04 of this article and the requirements of this subsection 10.02(3):

1. Any manufacturing, production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products which is not allowed as a permitted use.

2. Automobile service garages.

3. Automobile service stations.

4. Awning and canvas sales and rental.

5. Banks and financial institutions, including automatic teller machines, with drive-thru facilities.

6. Boarding, rooming, and lodging houses.

7. Bus stations.

8. [Repealed by G.O. 6173.]

9. Construction equipment storage yards or other outdoor storage in COM-2 district only.

10. Convenience stores with gas pumps.

11. Reserved.

12. Funeral homes and mortuaries.

13. Group homes, custodial.

14. Hospitals with ambulance services as accessory uses.

15. Hotels, motels, and inns.

16. Household resource recovery collection centers, screened from all residential districts and public rights-of-way in conformance with Section 8.04.

17. Public service and public utility uses, as follows:

a. Tier I wireless facilities in accordance with Section 10.10.

b. Tier III wireless facilities in accordance with Section 10.10, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.

c. Tier IV wireless facilities in accordance with Section 10.10, provided wireless towers are setback from any residential district at least two feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater. Repair shops, home appliance, located in the first layer of the floor of buildings that front on Commercial Street and Boonville Avenue.

d. Tier V wireless facilities in accordance with Section 10.10.

18. Restaurants with drive-in, vehicular pick-up window, and drive-thru facilities.

19. Schools or development centers for persons with handicaps or development disabilities.

20. Structures greater than three stories in height.

21. Substance abuse treatment facilities for 50 or fewer residents, provided the facility:

a. Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and

b. A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.

22. Television and radio studios with transmitting facilities.

23. Towers, other than wireless facilities, and related facilities, in accordance with Springfield City Code.

24. Transitional service shelter.

25. Warehouses, storage and distribution centers.

26. The following uses located in the first layer of the first floor of buildings that front on Commercial Street and Boonville Avenue:

- a. Any commercial establishment that provides supplies and/or services primarily to commercial customers, including janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
- b. Bed and breakfasts.
- c. Cultural centers.
- d. Medical and dental clinics.
- e. Medical and dental laboratories and research facilities, not including the manufacture of pharmaceutical or other products for general sale or distribution, provided no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, are utilized in the research operations.
- f. Office equipment repair.
- g. Private clubs and lounges.
- h. Residential uses.
- i. Restricted production and repair establishments (for retail sale on the premises only), including the following types of activities: custom tailoring and alteration of clothing, jewelry from precious metals, watches, dentures, and optical lenses.

27. Any use allowed in the district and involved in development projects greater than 10,000 square feet of total building floor area, whether new construction, rehabilitation of an existing structure or a combination of new construction and rehabilitation. A development project is typically a development where the property is under single ownership or management. A development project may include a single use or multiple uses and may be in a single building or multiple buildings, on one lot or multiple lots. The ARC shall determine if a development project with multiple uses meets the criteria to require a conditional use permit. Expansion of a development project, existing at the date of adoption of this district, shall not require a conditional use permit provided the expansion does not involve more than 2,000 square feet of total building floor area.

(b) In addition to all other requirements for review and approval of a conditional use permit, the following shall apply:

- 1. The proposed use shall generally conform to the goals and policies of the commercial street strategy for success and any other plans or policies in place at the time of approval of the conditional use permit.
- 2. For development projects greater than 10,000 square feet, the applicant shall submit plans to provide parking and security for customers/occupants of the development project. City council may waive the requirement for one or both plans, at the time of approval, if one or both plans are deemed unnecessary.
- 3. The following organizations, and similar organizations that may be formed in the future, shall be notified of a conditional use permit application in conformance with the notification requirements of Section 2.01.F:

- a. Commercial club.
- b. Commercial Street community improvement district board.
- c. Midtown neighborhood association.
- d. Grant Beach neighborhood association.
- e. Woodland Heights neighborhood association.
- f. Urban districts alliance.

(4) Use limitations.

(a) All activities and permitted uses except for the following shall be conducted entirely within a completely enclosed building.

- 1. Automobile servicing, but not repair.
- 2. Drive-in, pick-up window, or drive-thru facilities.
- 3. Occasional sidewalk sales.
- 4. Off-street parking and loading facilities.
- 5. Outdoor eating and drinking facilities.
- 6. Outdoor live or amplified music provided a permit for such activity has been obtained from the city manager pursuant to chapter 2, article I, section 2-10, permits for outdoor music and any regulations promulgated by the city manager and on file with the city clerk.
- 7. Playgrounds associated with a school or day care center.
- 8. Street vendors licensed by the City of Springfield.

(b) No vibration, glare, or heat shall be detectable at the lot line.

(c) No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.

(d) All uses shall operate in accordance with the noise standards contained in Section 4.05.

(e) All flammable petroleum products and petrochemicals shall be stored in a fireproof enclosure and no more than 50 gallons of such products shall be so stored except at automobile service stations.

(f) No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X, Springfield City Code.

(g) Uses on parcels not served by public water and public sewer shall meet the requirements of subsection Section 4.06.G.

(5) Bulk regulations.

(a) Maximum structure height: Three stories unless a conditional use permit for more stories is approved.

(b) Yard requirements (additional bufferyard may be required by subsection (8)):

1. Front yard: None.

2. Side yard: None.

3. Rear yard: None.

(6) Open space requirements. None.

(7) Design requirements.

(a) A site plan meeting the requirements of Section 2.03, shall be submitted and approved.

(b) If required, a landscape plan, meeting the requirements of Section 8.03 and Section 7.05 shall be submitted and approved.

(c) All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with Section 8.04.

(d) Refuse storage areas shall be screened from view in accordance with Section 8.04.

(e) Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with Section 8.04.

(f) Lighting shall be designed to reflect away from any adjacent residential area and in accordance with Section 8.07.

(g) Accessory buildings and structures shall meet the requirements of Section 4.04.

(h) The COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:

1. Building façades. All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building façade or wall:

a. Changes in color, texture, and material; or

b. Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or

c. Groupings of windows or fenestration.

2. On each lot, the building façade shall be built to the district minimum setback line for at least 80 percent of the street frontage. This does not include Blaine Street frontage.

3. The building façade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.

4. The portions of the building façade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.

5. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.

6. Fenestration on the ground floor facades shall comprise at least 40 percent, but not more than 90 percent of the façade area, measured as a percentage of the façade between floor levels.

7. Fenestration on the upper floor facades shall comprise at least 20 percent, but not more than 60 percent of the façade area, measured as a percentage of the façade between floor levels.

8. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.

9. The maximum story height for the ground story is 20 feet.

10. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.

11. Building materials and colors.

a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15 percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:

(i) Customary brick masonry;

(ii) Natural or cast stone;

(iii) Oversized brick;

(iv) Split-faced block;

(v) Architectural pre-cast concrete; and

(vi) Accent materials such as glass block and ceramic tiles.

b. Façade colors shall have low reflectance. High-intensity, metallic, black, or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.

12. The use of galvanized chain link fencing shall be prohibited. The use of vinyl-coated chain-link fencing shall be allowed in green, black, and brown. No fencing shall be allowed in the front yard of the building.

(8) Bufferyard requirement. Whenever any development in the COM district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with Section 8.04.

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 these 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>
--	----------------------	-----------------------------

Nomination	- By resolution of LB, PC, or CC; or [1] - By owner	- By resolution of LB, PC, or CC; - By owner; or - By verified petition (district only) [2]
Notice	Certified mail to all property owners at least 15 days prior to a formal application to the Planning and Development Department. Forms supplied by city, and mailing done by city, but applicant shall supply letter, envelopes, and postage.	
Landmarks Board Hearing and Recommendations	- Public hearing 2.01.G - Action according to 2.01.H at or within 28 days of hearing - Recommendations to designate forwarded to City Council (see B.1 below) - Failure to recommend designation is only forwarded to City Council on applicant's initiative and within 10 days of Landmarks Board action.	
City Council Declaration of Intent to Designate	n/a	- Considered at its next regularly scheduled meeting - Action according to 2.01.H (See B.2 below for effect of decision)
Planning & Zoning Commission Public Hearing / Recommendation	n/a	- Considered at its next regularly scheduled meeting; public hearing according to 2.01.G - Action according to 2.01.H - A protest may be filed according to 2.05.C
City Council Decisions	- Considered at its next regularly scheduled meeting; public hearing according to 2.01.G. - Action according to 2.01.H (see B.3 below for effect of decisions) - A protest may be filed according to 2.05.C.8.	
Notification of Designation	n/a	- Registered letter to all owners - Notice to landmarks board and city departments. - City clerk shall file certified notification with Greene County Recorder of Deeds

[1] Owner consent is not a requirement prior to listing on the Springfield Historic Register.

[2] A verified petition of the owners or authorized agent requires at least 30% of the owners within a proposed district as measured by the land area of the property.

1. ~~Landmarks Board Recommendation.~~ The Landmarks Board recommendation to designate property shall include at a minimum the following items:
 - a. ~~A statement that the nominated property does or does not meet the criteria for designation;~~
 - b. ~~A statement of the attributes of the area or site as such attributes relate to and comply with the designation criteria;~~
 - c. ~~A statement of the significant exterior architectural features of the nominated historic site or historic landmark or interior landmark or types of significant exterior architectural features of structures within a nominated historic district that should be protected;~~
 - d. ~~A statement of whether, in the board's review, the designation is in compliance with prior actions of the City Council approving plans and programs. It shall be the duty of the PD Director to report to the Landmarks Board as to the existence of such plans and programs which might have application to the property proposed for designation and, further, to offer a professional opinion as to whether the proposed designation is in accordance with such plans and programs;~~
 - e. ~~A statement of the relationship of the nominated historic site, historic landmark, interior landmark, or historic district to the ongoing effort of the Landmarks Board to identify and nominate all potential areas and structures that meet the criteria for designation;~~
 - f. ~~A map showing the location of the nominated historic site, historic landmark, interior landmark, or the boundaries of the nominated historic district;~~
 - g. ~~A picture or pictures of the nominated historic site, historic landmark, interior~~

- landmark, or historic district;
- h. ~~A list of property owners of the historic site, historic landmark, interior landmark, or historic district and a statement that all owners of record have been notified of the Landmarks Board's consideration of the property for designation. Any correspondence pro or con concerning property owners' stance on designation shall also be attached; and~~
- i. ~~A recommendation that the property should or should not be listed as a historic site, historic landmark, interior landmark, or historic district.~~

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

- a. ~~No building or demolition permit shall be issued by the BDS Department for any alteration, construction, demolition, or removal of a nominated landmark or property within a nominate district until the final disposition of the nomination according to Table 10-1.~~
- b. ~~The BDS Department may approve permits necessary for the public health, safety, and according to sections C. or D.~~
- c. ~~This delay and interim limitation shall not be longer than 180 days from the declaration of intent to designate.~~

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

3. ~~*Effect of Designation.* Upon the designation of a site, landmark, or district, no alteration of property or demolition shall occur without a permit approved by the BDS Director and either:~~

- a. ~~A certificate of appropriateness granted by the Landmarks Board according to subsection D;~~
- b. ~~A certificate of economic hardship granted by the Landmarks Board according to subsection E; or~~
- c. ~~The expiration of 60 days from an application for a certificate to the Landmarks Board.~~

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

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

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

D. ~~Certificate of Appropriateness.~~

- 1. ~~*Applicability.* A certificate of appropriateness shall be required for exterior work on any new or existing structure or site designated as a historic site, landmark, or district, including:~~
 - a. ~~Construction, alteration, or removal that requires a building or demolition permit.~~
 - b. ~~A material change to the exterior appearance or significant exterior feature such as additions, reconstruction, or alteration, based on documentation designating the landmark or district.~~
 - c. ~~Application of paint to previously unpainted brick or masonry surfaces or the~~

- 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 appropriateness or otherwise does not have any effect on the designation; or~~
 - (2) ~~The work is for items that the Landmarks Board designated for administrative actions as part of the designations.~~
 - (3) ~~Administrative certificates of appropriateness are in addition to all other applicable permits required by the city.~~
 - b. ~~Denial of an administrative certificate may be appealed to the Landmarks Board, or if the PD Director determines that the work is beyond the authority 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~~~~

Adoption Draft – February 2025

10-9

- ~~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 certificate issued by the Landmarks Board authorizing an alteration, construction, removal or demolition even though a certificate of appropriateness has previously been denied or may be denied.~~

~~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 Midtown Urban Conservation District

(1) That the following described property is designated as Urban Conservation District Number 3, to be known as the Mid-Town Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

MID-TOWN URBAN CONSERVATION DISTRICT LEGAL DESCRIPTION

Beginning at the Northeast corner of Lot 29, Grove Hill Addition, being a point on the Southern Right-of-way of an alley between Commercial and Blaine Streets, thence Westerly along the said Right-of-way as it currently exists crossing Hampton Avenue to the Northwest corner of Lot 3, Nixon's Addition, thence West-southwesterly crossing Texas Avenue to the Northeast corner of Lot 56, Frisco Addition being a point on the Southern Right-of-way of an alley between Commercial and Pacific Street, thence West-southwesterly along the said Right-of-way as it currently exists crossing Sherman, Clay, Summit, Washington, Benton, Jefferson, and Robberson Avenues to the Northwest corner of Lot 2, Block 30, North Springfield Addition, being a point on the Eastern Right-of-way of Boonville Avenue, thence southerly along the said Right-of-way as it currently exists crossing Pacific, Court, Locust, Division, Lynn, Calhoun, Webster, Scott and Central Streets to the Northern Right-of-way of Chestnut Expressway, thence Easterly along said Right-of-way as it currently exists crossing Jefferson, Benton, and Washington Avenues to the Western Right-of-way of the Burlington Northern

Railroad, thence Northeasterly along the said Right-of-way as it currently exists to the Western Right-of-way of National Avenue, thence Northerly along the said Right-of-way as it currently exists crossing Division, Locust, Pacific and Blaine Streets to the Northeast corner of Lot 29, Grove Hill Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: Area bounded generally on the north by Blaine Street including properties on both sides of Blaine Street between Texas and National Avenues, on the west by Boonville Avenue, on the south by Chestnut Expressway and on the east by the Burlington Northern Railroad Right-of-way and National Avenue.)

(2) The following sub-districts are hereby established within the Mid-Town Urban Conservation District, to be known as Areas A, B, C, D and E which are described as follows:

Area A Benton Avenue Area

Beginning at the Northeast corner of Lot 44, Ozark Land Addition, thence Westerly along the Northern line of said Lot 219' M/L, thence Southerly to a point 219' M/L Westerly of the Southeast corner of Lot 40 of said Addition, being a point on the Northern Right-of-Way of Webster Street as it currently exists, thence Southeasterly crossing said Street to a point on the Southern Right-of-Way of said Street 195' M/L Westerly of the Southwest corner of Webster Street and Benton Avenue as it currently exist, thence Southerly 85' M/L, thence Westerly 85' M/L, thence Southerly 292' M/L following the Eastern line of Root and Bowerman's Addition East of Jefferson, thence Easterly 277' M/L to the Western Right-of-Way of Benton Avenue to a point 376' M/L Southerly of the Southwest corner of Webster Street and Benton Avenue as it currently exists, thence Northerly along the Western Right-of-Way of Benton Avenue as it currently exists crossing Webster Street to the Northeast corner of Lot 44, Ozark Land Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: West side of North Benton Avenue -- Calhoun Street to a point south of Webster Street.)

Area B Benton/Calhoun Corner

All of lot 38 and the south 50 feet of Lot 37 in Ozark Land Company's Addition to the City of Springfield, Greene County, Missouri. Section 13, Township 29, Range 22.

Area C

Drury Student Housing - Calhoun and Summit

All of Lots 152, 153, and 154 in the Amended Plat of M.H. Merriman's Second Addition to the City of Springfield, Greene County, Missouri. All being in Section 13, Township 29, Range 22.

Area D

Drury Parking - Clay and Summit

A tract of land lying in Section 13, Township 29, Range 22 in the City of Springfield, Greene County, Missouri, more particularly described as follows. Beginning at the Northwest corner of Lot 132 in the Amended Plat of M.H. Merriman's Second Addition, thence Easterly along the South ROW of Webster Street to the Northeast corner of Lot 106 in the Subdivision of Block A of Merriman's Second Addition, thence Southerly along the West ROW of Clay Avenue to the Southeast corner of Lot 118 in the Subdivision of Block A of Merriman's Second Addition, thence continuing Southerly to the Southwest corner of the intersection of Pythian Street and Clay Avenue, being a point on the North line of Block 9 of J. D. Fairbanks Addition, thence Westerly along the South ROW of Pythian Street to the Northwest corner of Lot 7 of Block 4 of J. D. Fairbanks Addition, thence Northerly to the Southwest corner of Lot 120 in the Amended Plat of M.H. Merriman's Second Addition, thence continuing Northerly along the East ROW of Summit Avenue to the Point of Beginning except for Lots 129, 130, and 131 of M. H. Merriman's Second Add. Amended.

Area E
(Reserved)

Beginning at the Northwest corner of Lot 1.8 Frisco Addition, being the Southeast corner of Summit Avenue and an alley between Commercial and Pacific Streets, thence East- northeasterly along the Southern Right-of-way of said alley as it currently exists crossing Clay and Sherman Avenues to the Northeast corner of Lot 56, Frisco Addition, thence East-northeasterly crossing Texas Avenue to the Northwest corner of Lot 3, Nixon's Addition, being a point on the Southern Right-of-way of an alley between Commercial and Blaine Streets, thence Easterly along said Right-of-way as it currently exists crossing Hampton Avenue to the Northeast corner of Lot 25, Grove Hill Addition, being a point on said Right-of-way, thence Southerly along the Eastern line of said Lot 25 corner of Lot 56, Frisco Addition, thence to the Southeast corner of said Lot 25, thence Southeasterly crossing Blaine Street to a point on the Southern Right-of-way of said Street 136.5' M/L Easterly of the Southeast corner of Hampton and Blaine, thence southerly 313' M/L to a point on the Northern Right-of-way of Pacific Street 209' M/L Easterly of the Northeast corner of Hampton Avenue and Pacific Street, thence Southerly crossing Pacific Street to the Northeast corner of Lot 1, Carrs Addition, thence Southerly along the Eastern line of said Lot 1 to the Southeast corner of said Lot 1, thence Southeasterly crossing an alley between Pacific and Locust Streets as it currently exists to a point on the Southern Right-of-way of said alley 200' M/L Easterly of the Southeast corner of Hampton Avenue and said alley, thence Southerly 169' M/L to a point on the Northern Right-of-way of Locust Street 200' M/L Easterly of the Northeast corner of Hampton Avenue and Locust Street, thence South-southwesterly to a point on the Southern Right-of-way of Locust Street 186.5' M/L Easterly of the Southeast corner of Hampton Avenue and Locust Street, thence Southerly 179' M/L to a point on the Northern Right-of-way of an alley between Locust and Division Streets 186.5' M/L Easterly of the Northeast corner of Hampton Avenue and said alley, thence Westerly along the Northern Right-of-way of said alley as it currently exists 186.5' M/L crossing Hampton and Frisco Avenues to a point on the Eastern line of Lot 3, Block 1, North Springfield Addition 25' M/L Northerly of the Southeast corner of said Lot 3, thence Southerly along the Eastern line of Lot 3 and 4 of said Block and Addition to the Southeast corner of said Lot 4, thence Westerly along the Southern line of said Lot 4 to the Southwest corner of said Lot 4, thence Westerly crossing Sherman Avenue to the Southeast corner of Lot 4, Block 2 of said Addition, thence Westerly along the Southern line of Lots 4 and 11 of said Block and Addition to the Southwest corner of said Lot 11 being a point on the Eastern Right-of-way of Clay Avenue, thence Northerly along said Right-of-way to the Southeast corner of Clay Avenue and Locust Street, thence Northwesterly to the Northwest corner of Clay Avenue and Locust Street, thence Westerly along the Northern Right-of-way of Locust Street to the Northeast Corner of Summit Avenue and Locust Street, thence Northerly along the Eastern Right-of-way of Summit Avenue crossing Pacific Street to the Northwest corner of Lot 18, Frisco Addition, being the point of beginning, all in Springfield, Greene County, Missouri

(Location: Area north of Division and south of Commercial and between Summit and National Avenues.)

AND

Beginning at the Southwest corner of Lot 120, Merrimans 2nd Addition Amended, thence Northerly along the Western line of Lots 120 through 140 crossing Webster and Calhoun Streets to the Northwest corner of said Lot 140, thence Northwesterly crossing: Commit Avenue to the Southeast corner of Lot 152 of said Addition, thence Northerly 30' M/L along the Eastern line of said Lot 152, thence Westerly to a point on the Western line of said Lot 152 30' M/L Northerly of the Southwest corner of said Lot 152, thence Northerly along the Western line of Lots 152, 151, 150, 149, and 148 of said Addition to the Northwest corner of said Lot 148, thence North-northwesterly crossing Lynn Street to the Southeast corner of Lot 7, Ozark Land Company Addition, thence Northerly along the Eastern line of Lots 7, 6, 5, 4, 3, 2, and 1 of said Addition to the Northeast corner of said Lot 1, thence Northerly crossing Division Street to the Southwest corner of Lot 6, Block 4, North Springfield Addition, thence Northerly along the Western line of Lots 6, 5, 4, 3, 2, and 1 of said Block and Addition to the Northwest corner of said Lot 1, thence Easterly along the Northern line of said Lot 1 to the Northeast corner of said Lot 1, thence Southerly along the Eastern line of Lots 1 through 6 of said Block and Addition to the Southeast corner of said Lot 6, thence Easterly cross Summit Avenue to the Southwest corner of Lot 9, Block 3 of said Addition, thence Easterly along the Southern line of said Lot 9 to the Southeast corner of said Lot 9,

thence Southeasterly crossing Division Street to the Northwest corner of Lot 48, Merrimans 1st Addition, thence Southerly along the Western line of Lots 48 & 47 of said Addition to the Northwest corner of Lot 46 of said Addition, thence Easterly along the Northern line of Lots 46, 27, 22 & 3 (of said Addition crossing Clay and Sherman Avenues to the Northeast corner of said Lot 3, thence Northerly 25' M/L to the Northwest corner of Lot 3, Bigelows Addition, thence Easterly along the Northern line of Lots 3, 15, 27, 39 of said Addition crossing Texas and Frisco Avenues to the Northeast corner of said Lot 39, thence Southeasterly crossing an alley, as it currently exists between Frisco and Hampton Avenues to the Northwest corner Lot 25, A. E. Mitchells Addition, thence Easterly along the Northern line of Lots 25 through 27 of said Addition to the Northeast corner of said Lot 27, thence Southerly along the Eastern line of Lots 27 through 35 of said Addition to the Southeast corner of said Lot 35, thence Westerly 190' M/L to the Northeast corner of Lot 1, Catlin's 2nd Addition, thence Westerly along the Northern line of Lots 1, 2 and the East 10' M/L of Lot 3 of said Addition to the Northwest corner of the East 10' M/L of Lot 3 of said Addition being the Eastern Right-of-way of Frisco Avenue, thence Westerly crossing Frisco Avenue to the Northeast corner of Lot 21, Catlin's 2nd Addition, thence Westerly along the Northern line of Said Lot 21 to the Northeast corner of said Lot 21, thence Southerly along the Western line of said Lot 21 to the Southwest corner of said Lot 21, thence Southerly crossing Lynn Street to the Southwest corner of Lynn Street and Frisco Avenue, thence Easterly crossing Frisco Avenue to the Southeast corner of Lynn Street and Frisco Avenue being the Northwest corner of Lot 18, Catlin's 2nd Addition, thence Easterly along the Northern line of Lots 18 through 20 to a point 101' Easterly of the Northeast corner of said Lot 20 being a point on a vacated alley adjacent and East of said Lot 20, thence Southerly following a line 10' M/L Easterly of the Eastern line of said Lot 20 to a point 10' Easterly of the Southeast corner of said Lot 20, thence Southerly 10' M/L, thence Westerly 10' M/L to a point 10' Southerly of the Southeast corner of said Lot 20 being a point on the center line of a vacated alley adjacent and Southerly of said Lot 20, thence Westerly following said center line of vacated alley located 10' M/L Southerly of said Lots 20, 19, & 18 to a point on the Eastern Right-of-way of Frisco Avenue 10' M/L Southerly of said Lot 18, thence Southeasterly crossing Frisco Avenue to the Northeast corner of Block C, Lamblets Addition, thence Southerly along the Eastern line of said Block C to the Southeast corner of said Block C, thence Westerly along the Southern line of said Block C to the Southwest corner of said Block C, thence Northerly along the Western line of said Block C to the Northwest corner of said Block C, thence Northwesterly crossing Texas Avenue to the Southern line of the Northern half of an alley adjacent North of Block A, Lamblets Addition, thence Westerly along the Southern line of the Northern half of said alley to a point on the Eastern line of Lot 26, Merrimans 2nd Addition 25' M/L Southerly of the Northeast corner of said Lot 26, thence Southerly along the Eastern line of Lots 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 14 & 13 of said Addition crossing Calhoun Street to the Southeast corner of said Lot 13, thence South-southeasterly crossing Webster Street to the Northwest corner of Lot 6, Block 15, J. Fairbank's Addition, thence Easterly along the Northern line of said Lot 6 to the Northeast corner of said Lot 6, thence Southerly along the Eastern line of Lots 6 & 5 of said Addition to a point 10' M/L Southerly of Northeast corner of said Lot 5, thence Westerly 140' M/L, thence Southerly 50.5' M/L to a point on the Southern line of said Lot 5, thence Westerly 43' M/L to the Southwest corner of said Lot 5, thence Southerly along the Western line of Lots 4, 3, 2, & 1 of said Block and Addition to the Northwest Right-of-way of the Burlington Northern Railroad as it currently exists, thence Southwesterly along the said Right-of-way crossing Sherman Avenue to the Southeast corner of Lot 60, Merrimans 2nd Addition Amended, thence Westerly along the Southern line of said Lot 60 to the Southeast corner of Lot 61, Block A, Merrimans Subdivision, thence Northerly along the Eastern line of Lots 61 through 63 of said Subdivision to a point 10' M/L Northerly of the Southeast corner of said Lot 63, thence Westerly to a point on the Western line of said Lot 63, 10' M/L Northerly of the Southwest corner of said Lot 63, thence Westerly crossing Clay Avenue to the Northwest corner of Lot 117 of said Subdivision, thence Southerly along the Eastern line of Lots 117 and 118 of said Subdivision to the Southeast corner of said Lot 118, thence Westerly along the Southern line of said Lot 118 to the Southeast corner of Lot 120, Merrimans 2nd Addition Amended, thence Westerly along the Southern line of said Lot 120 to the Southwest corner of said Lot 120 being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: Area south of Division Street and North of Pythian Street between Summit and Hampton Avenues.)

Except for any part of:

All of Lots 152, 153, and 154 in the Amended Plat of M.H. Merriman's Second Addition to the City of

Springfield, Greene County, Missouri. All being in Section 13, Township 29, Range 22 (Area C)

AND

A tract of land lying in Section 13, Township 29, Range 22 in the City of Springfield, Greene County, Missouri, more particularly described as follows. Beginning at the Northwest corner of Lot 132 in the Amended Plat of M.H. Merriman's Second Addition, thence Easterly along the South ROW of Webster Street to the Northeast corner of Lot 106 in the Subdivision of Block A of Merriman's Second Addition, thence Southerly along the West ROW of Clay Avenue to the Southeast corner of Lot 118 in the Subdivision of Block A of Merriman's Second Addition, thence continuing Southerly to the Southwest corner of the intersection of Pythian Street and Clay Avenue, being a point on the North line of Block 9 of J. D. Fairbanks Addition, thence Westerly along the South ROW of Pythian Street to the Northwest corner of Lot 7 of Block 4 of J. D. Fairbanks Addition, thence Northerly to the Southwest corner of Lot 120 in the Amended Plat of M.H. Merriman's Second Addition, thence continuing Northerly along the East ROW of Summit Avenue to the Point of Beginning except for Lots 129, 130, and 131 of M. H. Merriman's Second Add. Amended (Area D).

(3) District Regulations.

A. General Provisions. Notwithstanding any other provisions of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urban Conservation District No. 3, known as the Mid-Town Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Mid-Town Urban Conservation District.

B. Definitions.

1. The following definition shall apply to Urban Conservation District No. 3, the Mid-Town Urban Conservation District:

University student housing: A dwelling or dwellings, owned and operated by a university and located on a lot(s); each dwelling containing one (1) or more dwelling units each of which is totally separated from the others.

2. The following definitions shall apply to Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area B:

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings but not including parking or loading spaces for motor vehicles. The gross floor area shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, whether closed or enclosed and shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

Guest: Persons who are visiting Drury University on a temporary basis and who are:

- a. alumni of Drury University;
- b. faculty;
- c. staff;
- d. consultants;
- e. friends of faculty or staff; or

f. persons with an interest in the development or growth of Drury University and their immediate families.

Guests may also include no more than two non-Greene County resident students for no more than a total of seven (7) days in any one academic year when other student housing is temporarily unavailable. Guests do not include other people who are enrolled in any class, seminar, camp or other similar learning experience or function of the college regardless of duration.

C. Permitted and Conditional Uses. The underlying zoning districts shall govern all permitted and conditional uses in the Mid-Town Urban Conservation District unless otherwise stated within Sections 4, 5, and 6 of this Ordinance.

D. Non-conforming Uses. Any existing use in the Mid-Town Urban Conservation District non-conforming under General Ordinance Number 4040 shall have been registered with the Director of Building Development Services by June 1, 1990, or shall otherwise be presumed to be illegal. All non-conforming uses shall adhere to Section 1.06.B of the Zoning Ordinance.

E. Parking.

1. Off-Street Parking Requirements. All users shall adhere to the off-street parking requirements in Section 7.04 Section 5-1500 of the Zoning Ordinance with the exception that no less than three (3) off-street parking spaces shall be provided for each duplex.

2. Parking Lot Landscaping. Parking lots shall be landscaped according to the standards of Section 7.05 6-4200 of the Zoning Ordinance with the exception that interior landscaping requirements shall apply to parking lots of twenty (20) or more spaces. This provision is applicable to new parking lots or an expansion of an existing parking lot that results in a parking lot that contains twenty (20) or more spaces. Landscaping provisions shall only apply to the expanded portion of existing parking lots.

F. Site Plan Review.

1. Review and approval of a site plan by the Administrative Review Committee shall be required for any new use or a conversion except single-family uses in a single-family dwelling. Notice of any meeting at which such site plan shall be reviewed shall be given to the Mid-Town Neighborhood Association President and representatives of such Association shall be permitted to provide comment on any such site plan prior to any action to approve such site plan by the Committee.

2. Site plans shall be reviewed for their conformity with the following review criteria:

- a. All fire, health, building, plumbing, and electrical requirements of the City of Springfield are met.
- b. The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private rights-of-way.
- c. The proposed site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
- d. The circulation elements of the proposed site plan do not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.

- e. The proposed site plan will not result in a large increase in traffic through the residential neighborhood.
- f. The screening of the site provides adequate shielding for nearby uses which may be incompatible with the proposed use.
- g. The proposed structures or landscaping do not lack amenity in relation to, or are not incompatible with, nearby structures and uses.
- h. The proposed site plan does not create drainage or erosion problems on or off the site.
- i. Efforts are made to preserve existing trees on the development site.
 - j. For non-residential developments in proximity to existing residential developments, the following design considerations should be addressed:
 - (i) Structures are constructed using materials, surface textures, and colors similar in nature to surrounding residential development.
 - (ii) Roofs are peaked with the same slope as typical surrounding residential development.
 - (iii) Consideration is given to the scale, orientation, and proportion of surrounding development.

3. Projects whose site plans fail to comply with the criteria, or which will have an adverse impact on the area, shall not be issued a building or occupancy permit until the adverse conditions are mitigated.

(4) Area A Regulations.

A. Applicability. In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area A.

B. Permitted Uses.

1. Single-family detached, duplex, and single-family semi-detached dwellings.
2. Accessory apartments in owner-occupied single-family detached dwellings, in accordance with Section 4.04.C Section 5-2400 of the Zoning Ordinance.
3. Accessory uses, as permitted by Section 5-1000 of the Zoning Ordinance.
4. Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters and temporary outdoor revivals, on a minimum of two (2) acres of land, to provide sufficient land area for off-street parking, buffer yards, and proper site design to lessen the impact on adjoining residential neighborhoods.
5. Day care homes in accordance with Chapter 38, Article IX, Springfield City Code.
6. Group homes, custodial.
7. Home occupation uses, as permitted by Section 4.04.D Section 5-1100.

8. Public and private parks, playgrounds.

9. Temporary uses, as permitted by Section 4.03.J Section 5-1100.

10. Non-commercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners' associations, and maintenance facilities operated by a neighborhood or community organization or a property owners' association in accordance with the provisions of Section 5-2700.

11. Transitional housing.

C. Conditional Uses. The following conditional uses may be permitted, provided they meet the provisions of, and a Conditional Use Permit ("CUP") is issued pursuant to Section 2.04 Section 3-3300 of the Zoning Ordinance:

1. The following uses, provided the existing structure is preserved and was built before January 1, 1940:

- a. Offices, administrative, business, financial, and professional.
- b. Art galleries, libraries, and museums.
- c. Studios for art, dancing, music, photography, interior decorating, or similar course of study.
- d. Day care centers in accordance with Chapter 38, Article IX, Springfield City Code.
- e. Antique shops.
- f. Book or stationery stores.
- g. Clothing boutiques or ready-to-wear shops.
- h. Dry goods or notions stores.
- i. Florists or gift shops.
- j. Tailors.
- k. Bed and breakfast inns.

2. The following uses, provided the use is located on property zoned R-MD:

- a. University student housing.
- b. Multi-family dwellings.

D. Refuse Storage. In addition to the standards of Section 6-1002.B of the Zoning Ordinance, refuse storage shall adhere to the following:

- 1. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices approved for use in the City of Springfield shall be placed on the site in a location where they are least visible from a public right-of-way, other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device shall be visible from public rights-of-way (except alleys) or from adjoining properties.

E. Signs. All signage shall meet the standards of Article 9 Section 5-1400 of the Zoning Ordinance unless otherwise modified herein:

1. Size. A maximum of sixteen (16) square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed sixteen (16) square feet. A single-sided detached sign shall not exceed sixteen (16) square feet.

2. Height. No detached sign shall exceed a height of five (5) feet above the ground area upon which it is located.

3. Location. Wall signs shall be attached in a manner and in a location which does not obscure significant architectural features of the structure.

4. Sign Types. Only on-premises signs are allowed in Area A.

(5) Area B Regulations.

A. Applicability. In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area B.

B. Permitted Uses.

1. Administrative and faculty offices.

2. Classrooms.

3. Meeting rooms.

4. Galleries and studios.

5. Religious services.

6. Social activities.

7. Parking as an accessory use to other permitted uses.

8. The existing house may be used as housing for guests, not students, of the College.

9. Churches.

C. Use Limitations.

1. All activities or permitted uses, except vehicle parking, shall be conducted within a completely enclosed building.

2. Screening and fencing shall be provided in accordance with Section 8.04 Section 6-1000 of the Zoning Ordinance.

3. The existing house is a contributin structure in the Mid-Town National Register Historic District. Exterior modifications to it shall meet the Secretary of Interior's standards for historic preservation.

a. Hours of operation for classes shall be from 7:00 A.M. until 8:00 P.M.

b. A resident manager shall be provided for the guest house.

D. Intensity of Development. The maximum amount of gross floor area shall not exceed what exists at the time of the passage of this Ordinance as shown on Exhibit 1.

E. Bulk, Area, and Height Requirements. All structures, drives, parking, open space, and pedestrian facilities shall be situated in conformance with their locations at the time of passage of this amendment. There shall be no reductions in the amount of open space that is shown on Exhibit 1.

F. Access to Public Thoroughfares. Access to the adjoining public thoroughfares shall be situated in conformance with Exhibit 1.

G. Off-Street Parking.

1. No additional parking is required, and the number of existing parking spaces shall not be reduced to below what exists at the passage of this Ordinance. It is the intent of this Ordinance that any additional parking required for this property shall be provided by Drury University's other parking facilities.

2. Parking shall be restricted by permit issued by Drury University and shall be limited to those in attendance at activities on this property permitted by this Ordinance. Parking for the guest house shall be limited to those spaces north of that building.

H. Signs. All signage shall meet the standards of Article 9 Section 5-1400 of the Zoning Ordinance unless otherwise modified herein:

1. Drury University is permitted one (1) freestanding site identification sign. Maximum effective area is fifty (50) square feet and maximum height is eight (8) feet above finished grade.

I. Refuse Storage. In addition to the standards of Section 6-1002.B of the Zoning Ordinance, refuse storage shall adhere to the following:

1. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of sight-proof fence or wall shall be provided. These devices may not occupy the parking spaces required by this exhibit.

J. Exterior Lighting. All exterior lighting shall meet the standards of Section 8.07 Section 6-1400 of the Zoning Ordinance, and the developers shall submit a lighting plan with the final development plan demonstrating compliance with said section.

K. Amendments. Amendments to Area B's final development plan are not permitted more often than once every sixty (60) months. In addition to the requirements of Sections 3-3700 and 3-3800 of the Zoning Ordinance, written notice of any proposed amendment shall be provided by first class mail at the cost of the property owner for each record owner of all property within one thousand (1,000) feet of the property within this Area.

L. Final Development Plan.

1. No building or other permits may be issued for development permitted in Area B until the final development plan has been approved in the manner described in this subsection.

2. A final development plan showing conformance with the requirements of this section shall be submitted to the Planning and Development Department and approved in the manner described below prior to the issuance of any building permits or prior to the commencement

of any uses or improvements permitted or required by this exhibit.

3. The Administrative Review Committee is hereby authorized to, acting jointly, approve the final development plan(s) provided such plan substantially conforms to the provisions of this Ordinance.

4. The Administrative Review Committee is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:

- a. Any uses with the Area other than those specifically prescribed by the Ordinance.
- b. Any increase in the intensity of use permitted within the Area.
- c. Any deviation from the height and setback standards prescribed by the Ordinance.
- d. Any reduction in the required parking prescribed by the Ordinance.

(6) Area C Regulations.

A. Applicability. In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area C:

B. Permitted Uses.

- 1. University student housing.
- 2. Single-family detached dwellings.

C. Design Considerations. Design of the residential structures in this area shall be of a scale consistent with single-family development in the neighborhood. Large apartment buildings are inappropriate. Development of this area shall consist of detached structures with one or more dwelling units per structure, not to exceed the overall permitted density of the underlying zoning district.

(7) Area D Regulations.

A. Applicability. In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area D:

B. Access. Vehicular access to parcel(s) in Area D shall be limited Summit Avenue. Vehicular access to said parcels shall not be permitted from Clay Avenue or Webster Street. The standards in this subsection are not applicable to any parcels that are developed for single-family use and have frontage on Clay Avenue or Webster Street.

C. Buffer Yards.

- 1. Parcels abutting Clay Avenue and separated from a single-family use or zoning district by a street right-of-way shall, at a minimum, adhere to the standards of Buffer yard Type D as established in Section 6-1200 of the Zoning Ordinance. The buffer yard shall be installed when a building permit is issued for said parcel(s).
- 2. Parcels abutting Webster Street and separated from a single-family use or zoning district

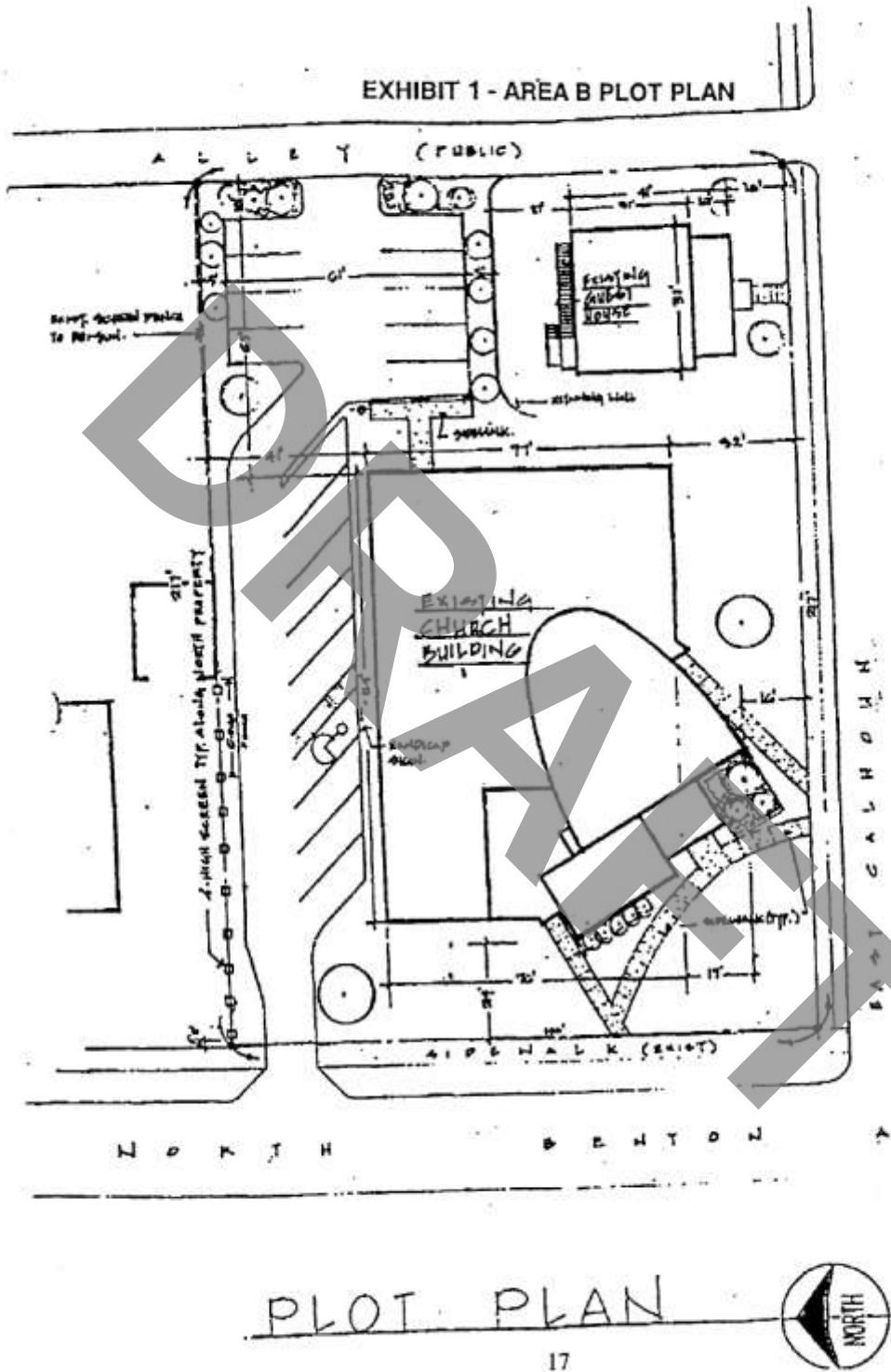
by a street right-of-way shall, at a minimum, adhere to the standards of Bufferyard Type S-3 as established in Section 6-1200 of the Zoning Ordinance. The bufferyard shall be installed when a building permit issued for said parcel(s).

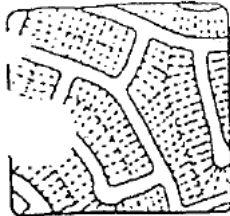
3. The standards in this subsection are not applicable to any parcels that are developed for single-family use.

(8) Exhibit 1.

SUMMARY OF ORDINANCES

<u>G.O. #</u>	<u>DATE</u>	<u>SUBJECT</u>
<u>4040</u>	<u>06/05/89</u>	<u>Created Urban Conservation District #3, the Mid-Town Urban Conservation District</u>
<u>4060</u>	<u>07/31/89</u>	<u>Designated Area B and enacted regulations allowing accessory apartments in Area B.</u>
<u>4762</u>	<u>12/15/97</u>	<u>Designated Area C and enacted special regulations for the use and development of land in Area C.</u>
<u>5216</u>	<u>09/23/02</u>	<u>Repeals all previous ordinances and enacts a new Urban Conservation District #3, the Mid-Town Urban Conservation District including sub-areas, A,B,C,D and E.</u>





Zoning & Subdivision Report

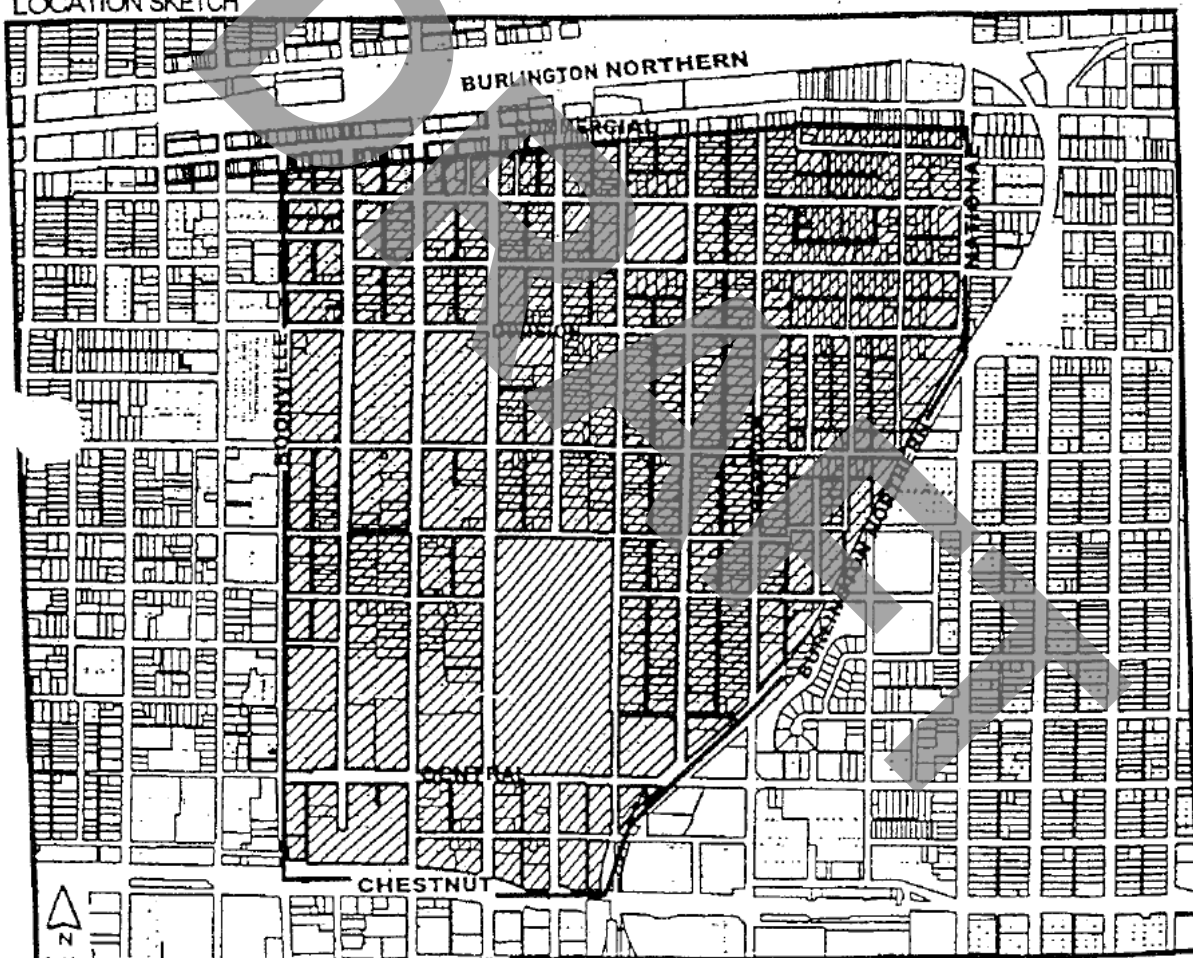
Planning & Development - 417/864-1611
840 Boonville Avenue - Springfield, Missouri 65801

Zoning Case Z-19-2002 (Amending Mid-Town Urban Conservation District)

Location: 2-1100 blocks E. Chestnut Expressway and Commercial, 8-1700 blocks N. Boonville and National

Existing Zoning: UCD #3

LOCATION SKETCH



 - Area of Proposal

D - Dwelling B - Business O - Office M - Manufacturing V - Vacant A - Agriculture

1000 0 1000 Feet

(9) Exhibit 2.

**Exhibit 2
Z-19-2002
Mid-Town UCD
Sub Areas**



Planning & Development Department
City of Springfield, Missouri
8-12-2022

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
Tier I	Wireless facilities and antennas mounted on buildings or other structures, including existing towers, public buildings and structures, school buildings and structures, and churches.

<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: a. Not of a stealth or monopole design; or b. 100' + in height and not setback from any residential district at least two feet for every one foot of height; or c. Not able to collocate at least 1 additional provider if the tower height is 100' + or at least 2 additional providers' facilities if the tower height is 120' +.

2. ~~Telecommunications Facilities. Any telecommunications facilities which are not attached to a tower shall be a permitted accessory use to any commercial, industrial, professional, institutional, or multifamily structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located and without having to obtain any prior authorization from the city, provided that the person making such accessory use files a written certification with the city establishing the following:~~
 - a. ~~That the total height of the antenna support structure and telecommunications facilities do not exceed the structural height limitations in the applicable zoning district under this chapter by more than 20 feet;~~
 - b. ~~That the antenna support structure and telecommunications facilities comply with the city building code and any applicable state law, does not encroach on the public rights of way, and a building permit has been obtained from the department of building development services;~~
 - c. ~~That any telecommunications facilities and antennas located on the roof of a building shall comply with setbacks required by the city building code, if any, and do not extend more than 50 inches in the horizontal plane from the side of such an antenna support structure unless the purpose of said protrusion is to permit signal coverage in an area that will not receive such coverage but for an extension beyond 50 inches. Any extension beyond 50 inches must be approved by the Administrative Review Committee of the city prior to construction of said antenna and such approval shall be dependent upon a showing that coverage is unavailable but for the extension, the extension does not violate any other building code of the city, state, or federal law that is applicable, encroach upon public rights of way, and does not pose any danger to the traveling public; and~~
 - d. ~~That the telecommunications facilities will utilize camouflaging techniques or will be side-mounted to an antenna support structure in order that the telecommunications facilities harmonize with the character and environment of the area in which they are located if technically feasible and such techniques will not degrade or distort the service signal. Antennas and support structures shall be painted to blend with the color of the building if such painting will not interfere with functioning of the antenna or support structure.~~

E. ~~Co-location.~~

1. ~~Co-location of facilities. New towers constructed within the city with height in excess of 60 feet should be capable of accommodating two additional carriers or telecommunications facilities for more than one other provider of communications services (hereinafter referred to as "additional capacity"). Such additional capacity, if any, shall be designated on the application and site plans presented to the city prior to construction of the tower.~~
2. ~~Co-location or installation.~~
 - a. ~~Any licensee whose tower in excess of 60 feet which is constructed after the~~

~~effective date of this section and which has been built in accordance with setbacks and special conditions granted to towers with co-location capabilities under this Article, and has available additional capacity for installation or co-location of telecommunications facilities as demonstrated at the time the application for construction was granted, shall agree to allow other persons to install or collocate telecommunications facilities on such a tower subject to reasonable terms and conditions negotiated between the parties including the suitability, the credit worthiness, and the technical abilities of the proposed tenant. However, in no event shall a licensee be required to allow co-location of facilities if to do so would result in technical interference with the delivery of licensee's service. Failure to permit co-location or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for co-location may result in any enforcement action as permitted in Section 1.07 or termination of utilities following a hearing as permitted in subsection E of this section.~~

~~b. For the purpose of co-location of antennas, a legal nonconforming tower may be used.~~

~~c. Failure to comply with the provisions of this subsection E.2 constitutes a material violation of this section, for the purposes of subsection J of this section.~~

~~3. *Exception from Height & Bufferyards/Requirements for Co-location.*~~

~~a. A licensee of an existing tower may modify the height of its tower to accommodate co-location of additional telecommunications facilities as long as the total height of the tower and telecommunications facilities attached thereto do not exceed the maximum height allowed in the applicable zoning district under the code by more than 20 feet.~~

~~b. Permission to exceed the maximum permitted height pursuant to this section shall not require an additional distance separation as set forth in subsection F.3.e, nor additional bufferyards or landscaping above that required for the original tower. The tower's premodification height shall be used to calculate such distance separations.~~

~~4. *Same Tower Type.* A tower which is modified to accommodate the co-location of additional telecommunications facilities shall be of the same tower type as the existing tower. However, a different type of tower may be permitted by the approval of the Administrative Review Committee if it is demonstrated that permitting a different tower type will not exceed the height permitted in subsection E.3 and will permit the co-location of more carriers than could be accomplished by the modification of the same tower type as the existing tower.~~

~~5. *Movement of Tower.*~~

~~1. A tower which is being rebuilt to accommodate the co-location of additional telecommunications facilities may be moved on the same premises as it was constructed on, or an adjacent premises, within 50 feet of its existing location as long as required setbacks and bufferyards are maintained.~~

~~2. A tower that is relocated pursuant to subsection E.5.a shall continue to be measured from the original tower site for the purpose of calculating the separation distances between towers pursuant to subsection F.3.e. The relocation of a tower under this subsection shall in no way be deemed to cause a violation of subsection F.3.e.~~

~~3. A tower that is relocated on the same premises it was constructed on which comes within the separation distances established in subsection F.3.e shall only be permitted when notarized written consent is obtained from affected residential property owners.~~

6. ~~*Appeal Process.* Any applicant who is denied a tower application, or who is determined by the BDS Directorto be in violation of this section shall have the right to a hearing before an administrative hearing examiner appointed by the city manager and mutually agreeable to the applicant or tower owner. Said hearing examiner shall set the hearing date no later than 20 days following the denial of an application, or the determination of a violation and shall consider, in addition to a determination of whether a violation exists or the application was improperly denied, the question of the technical or economic feasibility of compliance with this section. In the event the hearing examiner finds that the tower was constructed in accordance with setback and other provisions relating to towers designed for co-location, and said tower is not being made available for joint use or co-location as indicated at the time of application, the hearing examiner shall order utilities disconnected until such time as the tower is used jointly for co-location as originally stated in the application. The hearing examiner's final decision shall be subject to review pursuant to Chapter 536, RSMo. Any appeal under said chapter shall be filed within 30 days from the date of the hearing examiner's decision. Enforcement of the decision of the hearing examiner may be stayed by the posting of a supersedeas bond in an amount determined by the hearing examiner to be sufficient under the facts of the case to protect the interests of the public and any third party in the matter whose rights would be adversely affected by such a stay as demonstrated during any hearing on a request for said bond.~~

~~F. **Construction Standards.**~~

1. ~~*Setbacks.*~~
- a. ~~All towers shall be set back a distance equal to:~~
 - (1) ~~Fifty percent of the height of the tower up to 100 feet, plus one foot for each foot over 100 feet in height; or~~
 - (2) ~~The distance between the tower base and guy wire anchors, whichever is greater, with the guy wire anchors set back at least 25 feet from adjoining residential districts, public property, or a street or at least the rear yard setback from adjoining land in other districts, unless the tower is designed for co-location.~~

~~In the event a tower is capable of being used for co-location for at least two additional carriers, the setbacks for structures in the zoning district where the tower is located shall be complied with for the tower base and any guy wire anchors.~~
 - b. ~~Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.~~
2. ~~*Structural Requirements.* All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the city's building code, any applicable state and federal laws, and other standards outlined in the City Code. A building permit must be obtained before construction may begin.~~
3. ~~*Separation or Buffer Requirements.*~~
- a. ~~Towers shall be separated from the types of areas and comply with the minimum standards established in the table set forth below unless: (1) constructed on the same site as another tower designed for the same purpose, (2) the second tower is permitted by the zoning district, and (3) the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located:~~

Table 10-3: Tower Separation & Buffer

Designated Area	Separation Distance
-----------------	---------------------

Single-family or duplex residential units in a residential district [1]	300'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	300'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant unplatted residentially zoned land and residential units in nonresidential zoned districts [3]	200' or 100% of tower [2], whichever is greater.
Existing multifamily residential units greater than duplex units	100' or 100% 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			
	Lattice or Guyed 150'±	Lattice or Guyed < 150'	Monopole Towers 75'±	Monopole Towers < 75'
Lattice	3,000'	2,500'	1,500'	750'
Guyed	3,000'	2,500'	1,500'	750'
Monopole 75'±	1,500'	1,500'	1,500'	750'
Monopole < 75 ft. in height	750'	750'	750'	750'

~~For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the center of the existing tower and the center of the proposed tower.~~

- ~~4. **Method of Determining Tower Height.** The height of the tower shall be measured as the vertical distance between the highest point of the tower and the natural grade below this point.~~
- ~~5. **Illumination.** Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA) and provisions of the City Code, except that seasonal lighting may be permitted as approved by the city. At time of construction of a tower, dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower which is equal to three times the proposed height of the tower.~~
- ~~6. **Finished Color & Tower Markings.** Towers not requiring FAA painting or marking shall have either a galvanized steel finish or be painted an off-white, light gray, silver, or white finish. No commercial signs or advertising shall be allowed on any towers or telecommunications facilities.~~
- ~~7. **Fencing & Screening.** Fences must be constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities and shall be constructed in accordance with Section 8.04 of this chapter.~~
- ~~8. **Bufferyard & Landscape.** All landscaping on parcels containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable bufferyard requirements in the zoning district where the tower, antenna support structure, or telecommunications facilities are located. Existing vegetation shall be maintained to the extent possible. However, the city may require additional landscaping if to do so would make the tower, antenna support structure, or telecommunications facility more reasonably compatible with the surrounding area, but in no event shall additional landscaping exceed any bufferyard requirements as set out in Section 8.04 and, if a conditional use permit is required, Section 2.04. All vegetation used in the landscaping shall be located outside any fenced area.~~
- ~~9. **Security.** All towers must be secured to protect against trespass or unauthorized use of the property, tower, or telecommunications facilities.

 - ~~a. If high voltage is necessary for the operation of a tower or telecommunications facility and it is presented in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located~~~~

- every 25 feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE: DANGER"
- b. ~~Identification tags or signs shall be posted on all communications towers and telecommunications facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, the latitude and longitude of the tower, and the name, address, and telephone number of the tower owner. The identification tags shall be posted on the perimeter fence and shall be constructed of durable materials.~~
10. ~~Access. All parcels upon which towers are located must provide access to at least two vehicular parking spaces located within 100 feet of the tower. Traffic associated with the facility shall not adversely affect traffic on adjacent streets.~~
11. ~~Interference with Public Safety Radio Services. In order to ensure that the city's public safety radio services will be free from objectionable technical interference, all applicants requesting a permit to site a tower or telecommunications facility shall agree:~~
- a. ~~To demonstrate compliance with good engineering practices;~~
- b. ~~To provide the city a copy of all intermodulation studies submitted to the FCC;~~
- c. ~~Not to induce objectionable technical interference to the city's public safety radio services;~~
- d. ~~To comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI);~~
- e. ~~In the case of colocation of telecommunications facilities either in the same location or on the same tower as the city's, to not cause or permit to be caused by its transmissions or other activities on the premises, objectionable technical interference of any kind whatsoever to the broadcasting transmission, reception, or electromagnetic communications of the city;~~
- f. ~~To pay for any studies requested by the city manager to determine if the applicant's telecommunications facilities are causing objectionable technical interference;~~
- g. ~~Upon notification by the city manager, if the operations of the applicant are causing objectionable technical interferences, to immediately undertake all steps necessary to determine the cause of and eliminate such interference at the cost of the applicant. If said interference continues for a period in excess of 48 hours after notice from the city manager, the city shall have the right to cause the applicant to cease operating the equipment that is causing the objectionable technical interference or to reduce the power sufficiently to ameliorate the objectionable technical interference until the condition causing said interference has abated.~~
12. ~~Certifications & Inspections:~~
- a. ~~All towers shall be certified by a structural engineer to be structurally sound and in conformance with the requirements of the city building code and all other construction standards set forth by the City's Code and federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to subsection G.2.a and every ten years thereafter; for existing monopole towers, such certification shall be submitted within 60 days of the effective date of said ordinance and then every ten years thereafter; for new lattice or guyed towers, such certification shall be submitted with an application pursuant to subsection G.2.a and every ten years thereafter; and for existing lattice or guyed towers, such certification shall be submitted within 60 days of the effective date of said ordinance and then every ten years thereafter. The tower owner may be required by the city to submit more frequent certifications should~~

~~there be reason to believe that the structural and electrical integrity of the tower is or has been jeopardized.~~

- ~~b. The city and its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the city's building code and all other construction standards provided by the City's Code and federal and state law.~~
- ~~c. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the city shall be borne by the tower owner.~~

~~13. **Maintenance.**~~

- ~~a. Licensees shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.~~
- ~~b. Licensees shall install and maintain towers, telecommunications facilities, wire, cables, fixtures, and other equipment in compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.~~
- ~~c. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.~~

~~14. **Drainage.** All parcels upon which towers are located must contain adequate drainage facilities, which are approved by the PW Director.~~

~~15. **Stealth Design.** All licensees shall make every reasonable effort to design and construct new towers and telecommunications facilities to blend into the character and environment of the area in which they are located, including the use of camouflage techniques, path-array antennas, and side mounting antennas unless such use shall create a hazard for the traveling public or it is not technically feasible to use such design and collocate other facilities on the tower.~~

G Licensing Requirement.

- ~~1. **License Required.** No person may own or operate a tower, or place wireless telecommunications facilities on a tower, without first obtaining from the city a license to do so pursuant to this section (herein referred to as "tower license" or "license"). This requirement applies both to new towers and to existing towers or nonconforming structures on the date of original passage of this section. Unless otherwise expressly provided elsewhere in this section, the license required by this section is in addition to the procedures and approval required pursuant to this chapter of the City Code pertaining to zoning and development and the requirement for a building permit to construct the tower itself. A license may be denied if the applicant is not in compliance with section 20-146 or any other provision of the Springfield City Code regarding the use or provision of towers, telecommunications services or public property, health, or safety. The license required under this section shall not be in lieu of a license to conduct business in the City of Springfield, Missouri. A license shall be for a term of not more than five years. A renewal must be made in compliance with this section 36-466, telecommunication towers, and an applicant must demonstrate an existing tower or telecommunications facility is needed and reasonable alternatives will not meet their needs for continued service capability. Owners of existing towers without an active license shall have six months from passage of said ordinance to obtain a license as required by this subsection; all licenses active at~~

~~the passage of this section shall remain valid until natural expiration.~~

- ~~2. Applications. In order to construct and operate a tower after the effective date of this section, a person must file the following applications:~~

~~The application shall also provide the following:~~

- ~~a. License Application. Prior to the construction of any tower, a license application and fee as set forth in the schedule of fees shall be submitted to the Finance Director. This is an initial license application fee and an additional fee shall be due from the applicant should the city's actual costs of approval of the license exceed the fee as set forth in the schedule of fees. The city reserves the right to employ an outside consultant to review any application. The applicant shall submit a fee in the amount of the city's estimated expense related to such review as an additional application fee prior to the city incurring such expenses. All tower license applications shall include the following information and documentation:~~

- ~~(1) The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner, and the name, address, and telephone number of the owner, shall be evidenced in the application. The application shall also contain an affirmative statement indicating that both the owner and applicant are aware of and agree to comply with the provision of subsection J regarding abandonment.~~
- ~~(2) An affirmative statement of whether the applicant will be developing the tower for its own use or for the use of others.~~
 - ~~(a) If for applicant's use, the following is required:~~
 - ~~(i) A description of the use.~~
 - ~~(ii) A description of the network the proposed tower will be part of.~~
 - ~~(iii) A description of the technological design proposed and description of alternatives.~~
 - ~~(iv) Evidence of drive-by tests or other studies relating to the proposed tower which support location on the proposed property.~~
 - ~~(v) Construction date or schedule.~~
 - ~~(b) If the applicant is developing the proposed tower for the use of another, in addition to the information required in paragraph "a," the applicant will identify whether the intended tower use is based on a lease or other contract or for speculation. The city may require evidence of the schedule for implementing the use of a tower and commitments for its use.~~
- ~~(3) The legal description, parcel identification number, and address of the parcel of land upon which the tower is to be situated.~~
- ~~(4) The names, addresses, and telephone numbers of all owners of other towers or useable antenna support structures which are capable of providing a location to construct the telecommunications facilities that are planned to be housed or located on the tower within a 3,000-foot radius of the proposed new tower site, including city-owned property.~~
- ~~(5) Written documentation that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on city-owned towers or useable antenna support structures or made diligent, but unsuccessful efforts to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by other persons.~~
- ~~(6) Written documentation containing the following information:~~
 - ~~(a) Whether the applicant's telecommunications facilities are~~

- ~~technically capable of being installed or collocated on another person's tower or useable antenna support structure.~~
- ~~(b) If the applicant asserts that its telecommunications facilities are economically or technically infeasible of being installed or collocated on another person's tower or useable antenna support structure, a written statement from the applicant setting forth in detail the reason(s) with regard to each person contacted, why such installation or co-location is technically or economically infeasible. "Technically infeasible" for the purpose of this subsection means that the co-location or installation of applicant's telecommunications facilities on another person's tower or useable antenna support structure would not comply with sound engineering principles, would materially degrade or unreasonably impair the tower or useable antenna support structure's current or planned use, or interfere operationally with applicant's planned use. The city may require additional evidence of co-location being technically infeasible if, in the opinion of the Board of AdjustmentA that additional information is necessary to determine that co-location is technically infeasible. "Economic infeasibility" for purposes of this section shall mean that the cost of co-location is not a reasonable business decision from an economic standpoint when all factors are considered.~~
- ~~(c) If the tower is designed to accommodate one or more additional carriers or capacity for the location of telecommunications facilities other than that of the applicant and, if so, the application shall designate the nature, quality, and location of the co-location that will be accommodated.~~
- ~~(d) An affidavit submitted with written technical evidence from a radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within the search area and must be located at the proposed site in order to avoid prohibiting or effectively prohibiting the provision of personal wireless service by the applicant.~~
- ~~(e) Written technical evidence from a structural engineer that the proposed structure meets the standards set forth in this section 36-466, telecommunication towers, and the applicable requirements of the Department of Building Development Services.~~
- ~~(f) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed facilities meet the standards set forth in this section and the applicable requirements of the Department of Building Development Services.~~
- ~~(g) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.~~
- ~~(h) Written technical documentation of any Federal Aviation Administration (FAA) approvals and lighting requirements and, if applicable, documentation of approval or denial of dual mode lighting as provided in this section and a statement whether an~~

- FAA "Determination of No Hazard to Aviation" is required by 47 C.F.R. Part 17 of the tower. If such a determination is required, no building permit for the tower shall be issued until a copy of the determination is filed with the city.
- ~~(7) A map of the city and the first one-half mile of all bordering communities showing the design of the applicant's entire existing or proposed wireless telecommunications network. Such map shall, at minimum, indicate the exact location of all proposed or existing tower and antenna sites, their dimensions and specifications, and signal area coverage.~~
 - ~~(8) A site plan drawn to scale specifying the location of tower(s), its planned height, guy anchors (if any), transmission building(s), all telecommunications facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences, and zoning designation of adjacent land.~~
 - ~~(9) Two alternative camouflaging techniques or stealth designs for the proposed tower and all associated telecommunications facilities if technically feasible and any explanation as to why the use of same would be technically or economically infeasible.~~
 - ~~(10) Color photo simulations showing the proposed site of the tower with a photo realistic representation of the proposed tower as it would appear viewed from the closest residential property or properties and from adjacent roadways.~~
 - ~~(11) The identity of all adjacent property owners.~~
 - ~~(12) If the proposed tower is sited within Central Springfield, evidence that:~~
 - ~~(a) Sites outside Central Springfield will not accommodate the proposed tower, considering size, topography, and physical features; or~~
 - ~~(b) The proposed equipment or its equivalent on a tower outside Central Springfield cannot function effectively or at least in parity with other similar equipment in place or approved by City Council.~~
 - ~~(c) For the purposes of these restrictions, Central Springfield is defined as the area of Springfield containing the central business district and most of the historically and architecturally significant resources of the city, specifically defined by the south boundary of the railroad right-of-way north of Commercial Street on the north, Glenstone Avenue on the east, Grand Street on the south, and Kansas Expressway on the west.~~
 - ~~(13) A maintenance bond in the amount of ten percent of the cost of construction of the tower to ensure that the tower is maintained in a condition that complies with all applicable building standards and regulations, including, but not limited to, the provisions of said ordinance.~~
 - ~~(14) A bond or irrevocable letter of credit in an amount determined by the city manager to ensure that, should the tower be abandoned, pursuant to this section removal of said tower will be guaranteed.~~
 - ~~(15) An applicant shall only be required to maintain one maintenance bond pursuant to subparagraph m and one removal bond pursuant to subparagraph n for all of the applicant's towers in the city; provided, however, the applicant must maintain the initial level of such bonds if drawn upon by the city for any reason.~~
 - ~~(16) Proof of general liability insurance for claims for injury or death and property damage in an amount approved by the city, but not less than \$300,000.00 per occurrence for personal injury and \$300,000.00 per occurrence for property damage with the city listed as an additional insured.~~

- ~~(17) — A statement that the applicant has no outstanding and overdue debt to the city.~~
- ~~(18) — An acknowledgment that, by signing a permit application, the applicant agrees to indemnify and hold harmless the city consistent with indemnification language in the application.~~
- ~~(19) — The tower and/or landowner shall promptly notify the city by certified or registered mail of the sale, transfer, or assignment of any tower or telecommunications facility. Each sublease shall be conditioned upon the sublease obtaining the necessary approvals for the subject facility or site from the city prior to siting such facility.~~

~~Within 45 days after a license application for a tower not requiring a conditional use permit or a tower other than a Tier II tower is filed with the Finance Director, the PD Director shall approve or deny the application if the Finance Director determines that the applicant meets all the requirements of subsection G.2. If the application is for a Tier II tower or a tower requiring a use permit, the license application shall be approved or denied within 14 days of the granting of a Tier II or conditional use permit for said tower. If the application is approved, the Finance Director shall issue the license itself after all requirements for the tower are complete.~~

- ~~b. — *Conditional Use Permit Application.* If the zoning district in which the tower is proposed to be located requires a conditional use permit, a conditional use permit application and fee shall be submitted to the PD Director in accordance with Article 2 of this chapter.~~
- ~~c. — *Tier II Tower Permit Application.* An application for a Tier II tower shall be reviewed by the City Council and approved or denied by ordinance following a publication of notice in the same manner as for a conditional use permit application and a public hearing before Council. The application shall include the stealth technology being used, a site plan showing the location of the tower(s) on the premises in relation to existing structures and adjacent residential uses, and the landscaping plan, and shall demonstrate that the granting of a permit will not have any adverse impact on adjacent property uses or functions. No public hearing shall be held before City Council until a complete application containing all required information and a \$100.00 deposit for costs has been filed. No Tier II permit shall be issued until the costs to the city of review of such permit is paid by the applicant. The City Council may grant a Tier II tower application upon the applicant demonstrating to the satisfaction of the City Council that:~~
 - ~~(1) — The tower is to be located on a premises or parcel where public buildings, facilities or structures, school buildings or facilities, church buildings or a noncommercial, not-for-profit residential neighborhood facilities are located; and~~
 - ~~(2) — The tower height will not exceed 60 feet; and~~
 - ~~(3) — The stealth design blends into the surrounding area and the structures existing on the premises where the tower is to be located; and~~
 - ~~(4) — The site plan minimizes the impact of the presence of the tower on adjacent uses; and~~
 - ~~(5) — If there is to be more than one tower on a premises, the presence of more than one tower structure (if more than one is to be built) on the same site or premises is a part of the overall stealth design to be utilized on the premises such as, but not limited to, a series of light standards utilized as tower structures; and~~
 - ~~(6) — A request for reduction of the separation requirements of subsection F.3.e for towers on the same premises is a part of the stealth design to~~

- be utilized on said site; and
- (7) ~~A request for reduction of the separation requirements of subsection F.3.e for towers not located on the same premises is necessary for providing service to an area of the city, the separation requirements constitute a barrier to entry into the marketplace by the applicant, or will constitute a technical or economic hardship on the applicant; and~~
- (8) ~~Any light or noise from the tower will not violate light and noise standards of the Land Development Code or other codes of the city; and~~
- (9) ~~The landscaping plan minimizes the impact of the tower location on the appearance of the premises or site on which the tower is to be located.~~
- d. ~~*Building Permit Application.* After a conditional use or Tier II tower permit has been approved or, if such a permit is not required, a building permit application and fee shall be submitted to the BDS Director. The application shall include sealed plans prepared by an engineer licensed in the State of Missouri for the tower construction and site. The tower site plan included with the building permit application shall show the design for, or present existence of, adequate drainage facilities which have been approved by the PW Director. The applicant shall also provide evidence that the applicant has all required licenses. The application shall also include items a through s listed above under subsection G.2 The application shall also include items (1) through (19) listed in subsection G.2.a above.~~
3. ~~*Applications for Wireless Facilities on Towers.* No person shall construct or maintain a wireless facility on a tower without first obtaining a license from the Finance Director for such wireless facilities. An application shall include the name and address of the applicant, a statement by a qualified engineer or other professional that the addition of such wireless facilities meets all conditions of the City Code, the location of the tower and the location on the tower itself where the wireless facilities will be located, the location on the site for any supporting equipment and utility for said wireless facility, and the approximate length of time the applicant plans to use the tower to locate its wireless facilities. The fee for this license as set forth in the schedule of fees shall be required and shall be renewable every five years in accordance with subsection G.7.~~
4. ~~*Inspections.* By applying for a conditional use permit, Tier II permit, building permit, or tower license, an applicant grants the city authority to enter onto its property to inspect the tower for the purpose of determining whether it complies with the applicable state law and all other construction standards provided by the City Code and federal law. The city reserves the right to conduct such inspections at any time.~~
5. ~~*Filing Requirement.* A licensee shall certify in writing that its tower is structurally sound and conforms to the requirements of the applicable state law and all other construction standards set forth by the City Code, federal, and state law every five years by filing, by January 1 of every fifth year following the date of the grant of its tower license a sworn statement by the licensee or his representative to that effect. All licensees or owners of towers in existence on the effective date of this section shall submit a statement by December 15, 1997, and by January 1 every five years thereafter that said tower is free from hazards and that the tower does not pose an imminent threat to the surrounding area or public health and safety. Together with this statement, every licensee shall provide a certificate of liability insurance for no less than \$300,000.00 coverage for injury to persons or and an additional \$300,000.00 coverage for property as a result of any tower failure or malfunction or defect which lists the city as an additional insured. Licensee shall list city as a party who must be notified should this insurance be canceled or discontinued for any reason 30 days before the expiration of coverage.~~
6. ~~*Discontinuance of Use.* In the event the licensed use of a tower is discontinued by the~~

~~licensee, the licensee shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.~~

- ~~7. **License Renewal Fee.** On or by January 1 of every fifth year following the granting of an initial tower or wireless telecommunications facilities license for a new or existing tower or facilities placed on a new or existing tower, each licensee shall submit license renewal fee as set forth in the schedule of fees. In no event shall a license be revoked or considered expired for failure to pay the fee unless the licensee has received at least 30 days' written notice of the proposed action.~~

~~H. **Revocation of License.** The city may at any time revoke a tower license for failure to comply with the provisions of this section, or any other city code or state or federal law. To properly revoke a tower license, the city must comply with the procedures set forth below:~~

- ~~1. The Finance Director shall provide licensee with written notice of all causes for revocation and the intent to revoke and shall allow licensee 60 days subsequent to receipt of the notice in which to correct the violations or to provide adequate assurance of performance in compliance with said ordinance. Together with the notice required herein, the Finance Director shall provide licensee with written findings of fact which are the basis of the revocation.~~
- ~~2. The city shall provide the licensee with the right to a public hearing before the hearing examiner appointed for that purpose by the city manager and mutually agreed to by the parties, which public hearing shall follow the 60-day notice required in subsection H.1. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.~~
- ~~3. After the public hearing, the hearing examiner shall, within 30 days after the public hearing date, issue a written order setting forth his findings of fact and conclusions of law forming the basis for his decision.~~
- ~~4. Upon written determination by the hearing examiner to revoke a license, the licensee may appeal the decision to a court of competent jurisdiction pursuant to Chapter 536, RSMo. The hearing examiner may provide for a supersedeas bond in an amount deemed by said examiner to be sufficient to protect the interests of the public, and such third parties whose interests were identified during any hearing on such a request to post a bond, to permit the stay of enforcement of any revocation or enforcement action by the city.~~
- ~~5. Upon satisfactory correction by licensee of the violation upon which said notice was given as determined in the Finance Director's sole discretion, the initial notice shall become void.~~
- ~~6. Upon licensee's failure to correct a violation as found by the hearing examiner, the city manager or his designee may issue an order to disconnect utilities to said tower to any utility company providing same unless a supersedeas bond in an amount determined by the hearing examiner under subsection H.4 is provided. As long as said bond is in full force and effect, and an appeal is pending under Chapter 536, RSMo., no order to disconnect utilities shall be made. Said order shall not be issued prior to 30 days from the date of the hearing examiner's written determination. Said order shall be served upon the chief executive officer thereof, together with the licensee at the last known address, and have attached to it the findings of the hearing examiner.~~

~~I. **Transfer of License.** A tower license may not be sold, transferred, leased, or assigned to any other person, without the consent of the Finance Director, such consent not to be unreasonably withheld.~~

~~J. **Abandonment of Tower.**~~

- ~~1. In the event the use of any tower has been discontinued for a period of one year, or in the event that a licensee has taken no action within 180 days after the revocation of a tower license pursuant to subsection H to appeal the decision of the hearing examiner or to remedy or correct the violations resulting in the revocation, such tower shall be deemed~~

abandoned.

- ~~2. The city shall provide the tower owner three months' notice and an opportunity to be heard before a hearing examiner appointed by the city manager for the purpose and agreeable to the tower owner if he/she may be located, before initiating such action. After such notice has been provided, the city shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the then fair market value, to approve the sale of the tower to a third party, or in the alternative, order the demolition of the tower and all appurtenances.~~
- ~~3. The city shall provide the tower owner with the right to a public hearing before the hearing examiner, which public hearing shall follow the three-month notice required in subsection J.2. All interested parties shall be allowed an opportunity to be heard at the public hearing.~~
- ~~4. After a public hearing is held pursuant to subsection J.1.b, the hearing examiner may order the forfeiture to the city or demolition of the tower. The city may draw upon any maintenance bond as provided in subsection G.2.a.(14) or performance bond or letter of credit filed pursuant to subsection M or may otherwise require licensee to pay for all expenses necessary to acquire or demolish the tower. The tower owner may stay such a draw or enforcement of an order of abandonment if he/she posts a supersedeas bond in an amount set by the hearing examiner sufficient to protect the interests of the public.~~

~~However, in no event shall the removal of a tower which is determined to create a danger to the public or adjacent property be stayed due to the filing of such a bond.~~

~~K. **Variances & Special Exceptions.** Any request to deviate from any of the requirements of this section shall require either a variance approval in conformance with the procedures set forth in this chapter or the granting of a special exception under subsection F.3.d.~~

~~L. **Location of Towers on City-owned Property.** The city manager or his designee may authorize any person to locate a tower, antenna support structure, or telecommunications facilities on publicly owned property, subject to the application process set forth in subsection G and subject to the terms and conditions of any lease agreement executed between the city and such person, provided no tower shall be permitted on public right of way.~~

~~M. **Miscellaneous.**~~

- ~~1. **Dangerous structures.** All towers within the city limits of Springfield, Missouri, shall be subject to the procedure set forth in chapter 26, article III of the Springfield City Code. Should the city have to take action under said code provision to remove a dangerous structure or abate a nuisance or health hazard, then a tax bill may be assessed in the same manner as for a building that is demolished or for the abatement of a nuisance. In addition, the city may draw upon any bond or letter of credit on file with the city for payment of the costs of such abatement or removal.~~

- ~~2. **Non-waiver.** Nothing in this section shall preclude the city from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this section.~~

~~N. **Enforcement & Reservation of Rights.**~~

- ~~1. The provisions of this section shall be enforced against all owners as operators of towers or telecommunications facilities within the city and all owners of land upon which towers or telecommunications facilities are sited within the city. The city shall have the right to withhold any approvals with respect to any application by any such party in the event that it shall find that the party is not in compliance with the provision of this until such noncompliance has been cured.~~
- ~~2. The city reserves the right to impose any other reasonable conditions it determines are necessary for the proper placement, construction, or modification of towers or telecommunications facilities, and to impose any other reasonable conditions on the issuance of a permit or conditional use permit issued by the city for placement,~~

~~construction, or modification of a tower or telecommunications facilities.~~

~~Q. **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 Phelps Urban Conservation District

(1) The following described property is designated as Urban Conservation District No. 4, to be known as the Phelps Grove Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

PHELPS GROVE URBAN CONSERVATION DISTRICT LEGAL DESCRIPTION

Part of Section 25, Township 29 North, Range 22 West, in the City of Springfield, Greene County, Missouri described as follows:

All of Waverly Place Addition except Block A and Lots 8, 10, 11, 12, 13, 14, and 15 of Block B; All of Normal Park Addition except Block 1, and Lots 9 and 10 of Block 4; All of Roanoke Subdivision; All of Morningside Subdivision; All of Marlborough Subdivision; All of Amended Plat of Jefferson Place Subdivision; All of Blocks A, B, C, D, and E of Phelps Park Terraces; All of Plot A, all of Plot C, and all of Lots 9 through 14 and Lot 18 of Phelps Grove Park Subdivision; And all of Colonial Place Addition. AND ALSO, Beginning 562 feet South of the Northeast Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 25, Township 29, Range 22; thence South 132 feet to the Northeast corner of Lot 1 in Block "D" of Waverly Place Addition, thence West 330 feet along the north line of said Block "D" to a point 23 feet west of the Northwest corner of Lot 10 of said Block "D", thence North 132 feet, thence East 330 feet to the. point of beginning.

(2) District Regulations. Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urbann Conservation District No. 4, known as the Phelps Grove Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Phelps Grove Urban Conservation District.

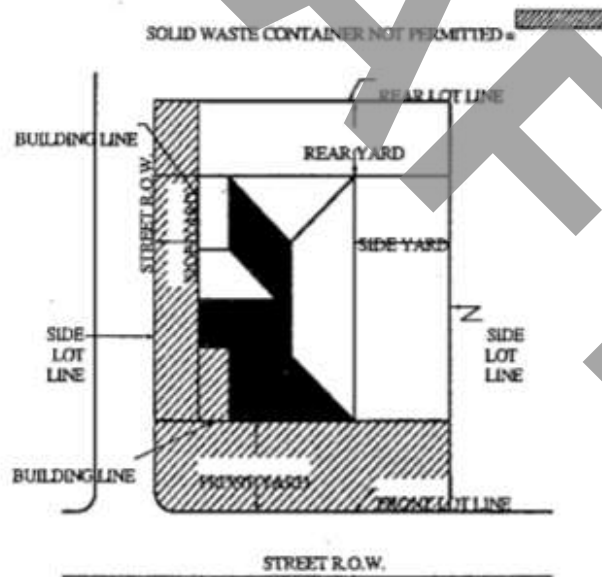
A. Renting Sleeping Rooms and Serving Meals. Renting sleeping rooms and serving meals to not more than two (2) persons not members of the family owning and occupying the dwelling unit, provided one (1) off-street parking space is provided for each person, is a permitted home occupation.

B. Accessory Apartments. Accessory apartments are prohibited.

C. Solid Waste Containers.

1. Solid Waste Containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within twenty-four (24) hours after being placed at the curb. The person placing the Solid Waste Container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection.
2. Solid Waste Containers, unless placed at the curb for collection in accordance with Subsection 2.C.1, are prohibited from the front yard (Figure 1).
3. Solid Waste Containers, unless placed at the curb for collection in accordance with Subsection 2.C.1, or visually screened by a solid fence or wall not less than the height of the Solid Waste Container, are prohibited from the following additional portions of a lot or tract of land (Figure 1):
 - a. Any portion of a lot between the street and a side building line, and extending from the front yard to the rear lot line.
 - b. Any portion of a lot located between a front yard, a side yard adjacent to a street, and a recessed portion of a building facade.

Figure 1



D. Non-Conforming Lots of Record. In the R-SF, Single-Family Residential District, notwithstanding the regulations imposed by any other provision of this article, a single-family detached dwelling which complies with the restrictions in **Section 36-457(2)(b)** of the Springfield Zoning Ordinance may be erected on a lot that:

1. Is shown by a recorded plat or deed to have been created prior to December 5, 1956, when the

creation of a lot of such dimension at such location would not have been prohibited by this article;
and

2. Fronts on a local or collector street or can be provided with vehicular access via an alley or an
access easement; and

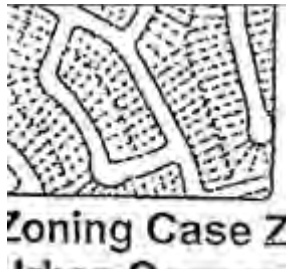
3. Is not less than forty (40) feet in width and that consists entirely of a tract of land, or an
existing single-family dwelling sited on a tract of land less than forty (40) feet in width, may be
replaced per the non-conforming Section 36-457. Off-street parking shall not be required
when on-street parking is available within 200 feet of the subject property on a street with a
minimum pavement width of 24 feet.

E. Enforcement. Any person who shall occupy a premises as lessee or licensed operator shall be
jointly and severally responsible for compliance with the provisions of this Ordinance in the same
manner as the owner.

(3) Exhibits

SUMMARY OF ORDINANCES

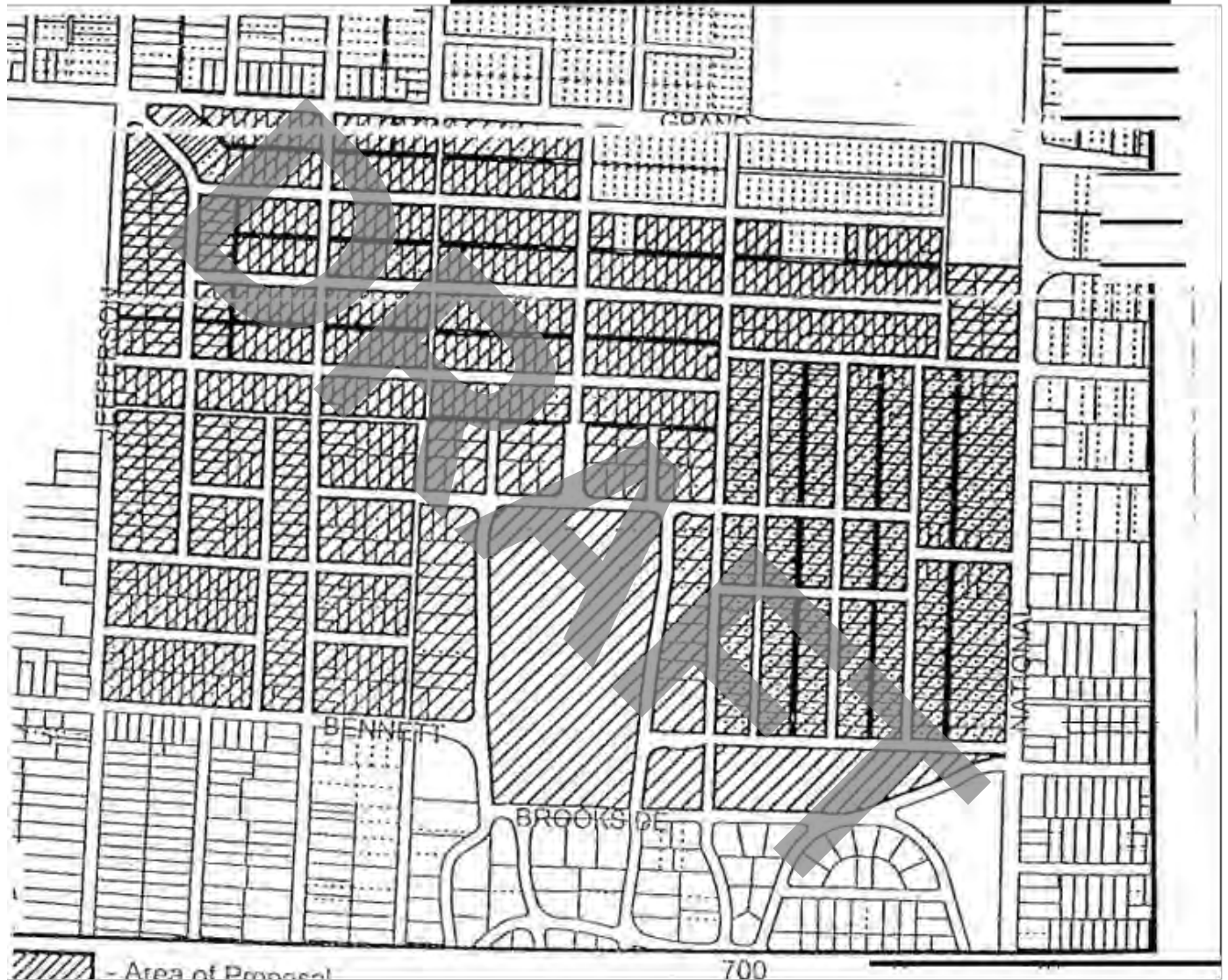
<u>G.O.#</u>	<u>DATE</u>	<u>SUBJECT</u>
<u>4679</u>	<u>03/03/97</u>	<u>Created Urban Conservation District #4,</u> <u>the Phelps Grove Urban Conservation</u> <u>District.</u>
<u>5082</u>	<u>05/29/01</u>	<u>Repealed G.O. #4679. Revised the Urban</u> <u>Conservation District to conform with</u> <u>City Code.</u>
<u>6517</u>	<u>04/22/19</u>	<u>Replaced G.O. #5082. Amended the</u> <u>Urban Conservation District to create a</u> <u>new subsection D, regarding minimum</u> <u>lot width for non-conforming lots of</u> <u>record.</u>



Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville Avenue - Springfield, Missouri 65801

**Zoning Case Z-f:l-2001 (Amending Phalp5 Grove
Urban Conservation District)**



Location: 1000-1300 blocks S. National and Jefferson, 400-1100 blocks E. Grand and Bennett
Existing Zoning: UCO #4

~~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	§	CMX	§	LC	##
Medical, comprehensive, or microbusiness-dispensary facility	1,000' from elementary or secondary school or place of worship. 200' from a child daycare	P	P	P	P	P
Medical or comprehensive marijuana infused-product manufacturing Type 2 extraction	1,000' from elementary or secondary school or place of worship. 200' from a child daycare	P	P	P	P	P
Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility	1,000' from elementary or secondary school, place of worship, or child daycare			P/C	P/C	P/C
Marijuana testing facility	1,000' from elementary or secondary school, place of worship, or child daycare				P	P
Medical or comprehensive marijuana infused-product manufacturing Type 1 extraction	1,000' from elementary or secondary school, place of worship, or child daycare					P/C

~~C – Conditional use permit required if adjacent to or across the street from residential uses; use is subject to the process and criteria in Section 2.04 in addition to the standards and criteria of this section.~~

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

~~- 1. A business license shall be obtained annually, and the marijuana and medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- 2. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including engineering controls, such as system design and operational processes. The plan shall be reviewed and certified by a professional engineer or a certified industrial hygienist to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
- 3. The location and separation measures of Table 10-## shall be applied as follows:
 ~~- a. In the case of a freestanding facility, the distance between the facility and the protected use shall be measured from the closest external wall of the facility structure to the closest point of the property line of the protected use.
 - b. If the protected use is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the protected use.
 - c. If the facility is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured from the facility's closest entrance or exit to the property line of the protected use.
 - d. If the facility and the protected use are both part of a larger complex or campus, the distance shall be measured between the entrances of the facility and the protected use.
 - e. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.~~
- 4. No marijuana or medical marijuana facility shall be located in a building that contains a residence.
- 5. All marijuana and medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m. No persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises.~~

during that time.

- ~~6. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana facility.~~
- ~~7. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.~~
- ~~8. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.~~

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

~~*Child Daycare.* A childcare facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.~~

~~*Comprehensive Facility.* A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana infused products manufacturing facility.~~

~~*Comprehensive Marijuana Cultivation Facility.* A facility licensed by the state to acquire, cultivate, process, package, store on-site or offsite, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.~~

~~*Comprehensive Marijuana Dispensary Facility.* A facility licensed by the state to acquire, process, package, store on-site or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, primary caregiver, or consumer, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer, and consistent with the limitations in Article XIV of the Missouri State Constitution and Springfield City Code, to a comprehensive facility, a marijuana testing facility, or a medical marijuana facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but such facility shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV of the Missouri State Constitution and Springfield City Code. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.~~

~~*Comprehensive Marijuana-infused Products Manufacturing Facility.* A facility licensed by the state to acquire, process, package, store, manufacture, and transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.~~

- ~~(1) Type 1 extraction facility: A facility which uses combustible gases, CO₂, or other hazardous substances in the marijuana extraction process.~~
- ~~(2) Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO₂, or other hazardous substances.~~

~~*Elementary or Secondary School.* Any public school, as defined in Section 160.011 RSMo., or~~

~~any private school giving instruction in a grade or grades not higher than the twelfth grade, but not including any private school in which education is primarily conducted in private homes.~~

~~*Flowering Marijuana Plant.* A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.~~

~~*Marijuana or Marihuana.* Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.~~

~~*Marijuana Facility.* A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness marijuana dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the state pursuant to Article XIV, Section 2 of the Missouri State Constitution. Marijuana facilities do not include medical marijuana facilities licensed pursuant to Article XIV, Section 1 of the Missouri State Constitution.~~

~~*Marijuana-infused Products.* Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.~~

~~*Marijuana Microbusiness Facility.* A facility licensed by the state as a microbusiness marijuana dispensary facility or microbusiness wholesale facility, as defined in this section.~~

~~*Marijuana Testing Facility.* A facility certified by the state to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility.~~

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

~~*Medical Marijuana Cultivation Facility.* A facility licensed by the state to acquire, cultivate, process, package, store onsite or off-site, transport to and from, and sell marijuana, marijuana seeds, and marijuana 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, CO₂, or other hazardous substances in the marijuana extraction process.~~

~~(2) *Type 2 Post-extraction Facility.* A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO₂, or other hazardous substances.~~

~~*Microbusiness Marijuana Dispensary Facility.* A facility licensed by the state to acquire, process, package, store on-site or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, qualifying patient, or primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with state and local law, a microbusiness wholesale facility or a marijuana testing facility. Microbusiness marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.~~

~~*Microbusiness Wholesale Facility.* A facility licensed by the state to acquire, cultivate, process, package, store on-site or off-site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.~~

~~*Place of Worship.* A permanent building primarily and regularly engaged in organized services for religious worship open to the public or a specific congregation of members or participants.~~

~~*Preroll or Infused Preroll.* A consumable or smokable marijuana product, generally consisting of:~~

~~(1) A wrap or paper;~~

~~(2) Dried flower, buds, and/or plant material; and~~

~~(3) A concentrate, oil, or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.~~

10.05 Rountree Urban Conservation District

(1) The property described in this section is designated as Urban Conservation District No. 2. Urban Conservation District No. 2 shall also be known as and depicted on maps as the Rountree Urban Conservation District. Property in the Rountree Urban Conservation District shall be subject to the provisions herein and in Section 36-403, Urban Conservation District, of the Springfield Land Development Code. The Rountree Urban Conservation District is described as follows:

Rountree Urban Conservation

District Legal Description

Beginning at the northwest corner of Lot 5 in O.H. Mitchell's Addition, as recorded, being on the east right-of-way line of National Avenue; thence east along the north line of Lots 5 through 9 in said O.H. Mitchell's Addition and its easterly extension, to a point 4.5 feet east of the northeast corner of said Lot 9 in O.H. Mitchell's Addition; thence south along a line 4.5 feet east of the east line of said Lot 9 to a point 170.5 feet north of the north right-of-way line of Elm Street; thence east along a line 170.5 feet north of said north right-of-way line of Elm Street to a point 104.5 feet east of the east line of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 160.0 feet north of said north right-of-way line of Elm Street; thence east along a line 160.0 feet north of said north right-of-way line of Elm Street, to a point 68.0 feet west of the west line of Lot 13 of Block 1 in Chamberlain's Addition, as recorded; thence north to a point 244.5 feet north of said north right-of-way line of Elm Street; thence east 68 feet to the east line of Lot 12 of Block 1 in said Chamberlain's Addition; thence south along the west line of said Block 1 in Chamberlain's Addition, to the northwest corner of Lot 13 of Block 1 in said Chamberlain's Addition being on the south line of an alley; thence east along the south line of said alley to the northeast corner of Lot 15 of Block 1 in said Chamberlain's Addition; thence north to the southwest corner Lot 9 of Block 1 in said Chamberlain's Addition; thence north 100.0 feet along the west line of said Lot 9; thence east to the east line of Lot 7 of Block 1 in said Chamberlain's Addition, to a point 100.0 feet north of the southeast corner of said Lot 7, being on the west right-of-way line of Fremont Avenue; thence south along said west right-of-way line to the northeast corner of Lot 18 of Block 1 in said Chamberlain's Addition; thence east to the northwest corner of Lot 20 of Block 1 in Chamberlain's Addition, being on the east right-of-way line of Fremont Avenue; thence east along the north line of Lots 20 through 25 of Block 1 in said Chamberlain's Addition, to the northeast corner of said Lot 25, being on the westerly right-of-way line of the Burlington Northern and Santa-Fe Railway Company; thence northeasterly, perpendicular from said westerly right-of-way line a distance of 25.0 feet; thence southeasterly to a point on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company, said point being the westerly extension of the north line of Lot 7 in Arlington Heights, as recorded; thence east along said westerly extension of the north line of said Lot 7, to the northwest corner of said Lot 7; thence north along the west line of Lot 6 in said Arlington Heights to the north line of the south 130.5 feet of said Lot 6; thence east along the north line of the south 130.5 feet of said Lot 6 and the south 130.5 feet of the west 46.0 feet of Lot 5 in Arlington Heights to the west right-of-way line of Weller Avenue; thence south along said west right-of-way line of Weller Avenue to a point 50.0 feet north of the south line of said Lot 5 in Arlington Heights; thence east along a line 50.0 feet north of the south line of Lot 5, Lot 4 and the west half of Lot 3 in said Arlington Heights; thence south along the east line of the west half of said Lot 3 to the north line of Lot 10 in said Arlington Heights; thence east along the north line of Lots 10 through 12 and its easterly extension to the northwest corner of Lot 36 in East Elm Street Addition, as recorded; thence south along the west line of said Lot 36 in East Elm Street Addition, to a point on the north line of the south 180.0 feet of said Lot 36; thence east along the north line of the south 180.0 feet of said Lot 36 and Lot 35 to a point 10.0 feet east of the west line of said Lot 35 in said East Elm Street Addition; thence south along the east line of the west 10.0 feet of said Lot 35 to the north line of the south 160.0 feet of said Lot 35; thence east along the north line of the south 160.0 feet of Lots 35 through 31 to the east line of said Lot 31; thence north along the east line of said Lot 31 to the northeast corner of said Lot 31; thence east along the north line of Lots 30 through 23 to the northeast corner of said Lot 23 in East Elm Street Addition; thence east to the northwest corner of Lot 20 in said East Elm Street Addition; thence east along the north line of Lots 20 and 19 and its easterly extension to a point 105.5 feet east of the northeast corner of said Lot 19 in said East Elm Street Addition; thence south to a point 105.5 feet east of the northeast corner of Lot 54 in said East Elm Street Addition, being on the south right-of-way line of Elm Street; thence east along said south right-of-way line to a point 210.0 feet west of the west right-of-way line of Glenstone Avenue; thence south along a line 210.0 feet west of the west right-of-way line of Glenstone Avenue to the north right-of-way line of Cherry Street; thence south to a point 15.0 feet west of the northeast corner of Lot 21 in Burks' Subdivision, as recorded, being on the south right-of-way line of Cherry Street; thence west along said south right-of-way line to the northeast corner of Lot 5 in the Amended Plat of Dundee Reserve Addition, as recorded; thence south along the east line of Said Lot 5 to the southeast corner of said Lot 5; thence east along the south line of Lot 4 in said Amended Plat of Dundee Reserve Addition to the southeast corner of

said Lot 4; thence southeasterly along the northeasterly lines of Lots 8 through 10 to the northeastern corner of said Lot 10; thence east to the southeast corner of Lot 2 in said Amended Plat of Dundee Reserve Addition; thence south along the east line of Lots 11 through 13 in said Amended Plat of Dundee Reserve Addition to the northerly right-of-way line of Kentwood Avenue; thence southeasterly along said northerly right-of-way line of Kentwood Avenue to the intersection of the north right-of-way line of Monroe Street; thence southeasterly to the northwest corner of Lot 17 in said Burk's Subdivision being on the south right-of-way line of Monroe Street; thence east along said south right-of-way line of Monroe Street to the northeast corner of said Lot 17 in Burk's Subdivision; thence south along the east line of Lots 17 through 12 in said Burks's Subdivision to the southeast corner of said Lot 12; thence west along the south line of said Lot 12 to the southwest corner of said Lot 12 being on the east right-of-way line of Kentwood Avenue; thence south along said east right-of-way line of Kentwood Avenue to the northerly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence southwesterly to the intersection of the southerly right-of-way line of said Burlington Northern and Santa Fe Railway Company and the south right-of-way line of Madison Street; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right-of-way line to the intersection with the easterly extension of the north line of Lot 1 in Second Addition to Parkhazel, as recorded; thence west along said westerly extension, to a point 40.0 feet east of the northeast corner of Lot 1 in said Second Addition to Parkhazel; thence south on a line 40.0 feet east of said Second Addition to Parkhazel to the northwest corner of Lot 101 in First Addition to Parkhazel, as recorded; thence east along the north line of said Lot 101 to the northeast corner of said Lot 101; thence south along the east line of said Lot 101 to the southeast corner of said Lot 101, being on the north right-of-way line of Lombard Street; thence southeasterly to the northeast corner of Lot 73 in Parkhazel Addition, as recorded, being on the south right-of-way line of Lombard Street; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition and its southerly extension to the northeast corner of Lot 79 in said Parkhazel Addition, being on the south right-of-way line of Belmont Street; thence east along said south right-of-way line to the centerline of an alley vacated by Ordinance #383; thence south along said centerline to an intersection with the easterly extension of the north line of Lot 82 in said Parkhazel Addition; thence west along said easterly extension and the north line of said Lot 82 to a point on the east line of the west 107.5 feet of said Lot 82; thence south on the east line of the west 107.5 feet of Lots 82, 83, and 84 in said Parkhazel Addition to the south line of said Lot 84, being on the north right-of-way line of Grand Street; thence southeasterly to the to the northeast corner of Lot 4 in Grand View, as recorded, on the south right-of-way line of Grand Street; thence south along the east line of said Lot 4 in Grand View to the southeast corner of said Lot 4; thence west along the south line of Lots 4 through 6 in said Grand View to the southwest corner of said Lot 6, being on the east right-of-way line of Kentwood Avenue; thence west to a point on the west right-of-way line of Kentwood Avenue, being on the east line of Lot 6 in Country Club District, as recorded, said point being 150.0 feet south of the south right-of-way line of Grand Street; thence west to a point on the west line of Lot 13 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 13, being on the east right-of-way line of Delaware Avenue; thence southwesterly to the northeast corner of Lot 3 in Hawthorn Place, as recorded, on the west right-of-way line of Delaware Avenue; thence west along the north line of said Lot 3 to the intersection with the southerly extension of the east line of Lots 2 and 3 in said Hawthorn Place; thence north along said southerly extension to the southeast corner of said Lot 2; thence west along the south line of said Lots 2, 23 and 26 in said Hawthorn Place to the southwest corner of said Lot 26, being on the east right-of-way line of Pickwick Avenue; thence southwesterly to the southeast corner of Lot 4 in Home Place, as recorded, on the west right-of-way line of Pickwick Avenue; thence west along the south line of Lot 4 and 12 in said Home Place Addition to the southwest corner of said Lot 12, being on the east right-of-way line of Fremont Avenue; thence northwesterly to the southeast corner of Lot 13 of Block 1 in Sanford Place, as recorded, on the west right-of-way line of Fremont Avenue; thence west along the south line of said Lot 13 and Lots 1 through 6 of Block 1 in said Sanford Place to the southwest corner of said Lot 6, being on the east right-of-way of Kickapoo Avenue; thence north along said east right-of-way line of Kickapoo Avenue to the northwest corner of said Lot 6 of Block 1 in said Sanford Place; thence north to a point on the north right-of-way line of Grand Street, said point lying 11.25 feet west of the southwest corner of Lot 17 in Dream-Wold Place, as recorded, being the on the east right-of-way line of Kickapoo Avenue; thence westerly along said north right-of-way line of Grand Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

(2) The following subareas are hereby established within the Rountree Urban Conservation District, to be known as Subareas A, B, C, D, E, and F. These subareas are described as follows:

Subarea A

Beginning at the northwest corner of Lot 5 in O.H. Mitchell's Addition, as recorded, being on the east right-of-way line of National Avenue; thence east along the north line of Lots 5 through 9 in said O.H. Mitchell's Addition and its easterly extension, to a point 4.5 feet east of the northeast corner of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 4.5 feet east of the southeast corner of said Lot 9 in O.H. Mitchell's Addition, being on the north right-of-way line of Elm Street; thence south to the northeast corner of Lot 9 in Elmwood Ralph Walkers Subdivision as recorded, being on the south right-of-way line of Elm Street; thence south along the east line of Elmwood Ralph Walkers Subdivision to the southeast corner of Lot 8 in said Elmwood Ralph Walkers Subdivision, being on the north right-of-way line of Cherry Street; thence southeasterly to the northeast corner of the west 86.3 feet of the east 345.2 feet of the north 208.33 feet of Lot 12 in George M. Jones 1st Addition, as recorded, being on the south right-of-way line of Cherry Street; thence south along the east line of the west 86.3 feet of the east 345.2 feet of the north 208.33 feet of said Lot 12 in George M. Jones 1st Addition to the north line of Lot 3 in Noland Subdivision, as recorded; thence west along the north line of said Noland Subdivision, to a point 3.75 feet west of the northeast corner of Lot 1 in said Noland Subdivision; thence south to a point 3.75 feet west of the southeast corner of said Lot 1, being on the north right-of-way line of Harrison Street; thence west along said north right-of-way line of Harrison Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

And also the following:

Beginning at a point 80.0 feet east of the northwest corner of Lot 8 in George M. Jones 1st Addition, as recorded, being on the east right-of-way line of National Avenue, and the south right-of-way line of Page Street; thence east along said south right-of-way line of Page Street, to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue; thence south to a point on the north line of the south 208.33 feet of said Lot 8; thence west along said north line to a point 456.0 feet west of the east right-of-way line of National Avenue; thence south to a point 456.0 feet west of the west right-of-way line of National Avenue on the north right-of-way line of Belmont Street; thence southwesterly to the northeast corner of Lot 12 in Normal View Place, as recorded, being on the south right-of-way line of Belmont Street; thence south along the east line of said Lot 12 to the southeast corner of said Lot 12; thence south to the northeast corner of Lot 17 in said Normal View Place; thence east along the easterly extension of the north line of said Lot 17 to a point on the west line of Lot 21 in said Normal View Place; thence south along the west line of said Lot 21 and Lot 20 in said Normal View Place, to the northwest corner of Lot 19 in said Normal View Place; thence east along the north line of said Lot 19 to the northeast corner of the west 49.83 feet of said Lot 19; thence south to a point 49.83 feet east of the southwest corner of Lot 18 in said Normal View Place, on the north right-of-way line of Grand Street; thence westerly along said north right-of-way line of Grand Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

Subarea B

Beginning at the northwest corner of Lot 1 in Wells Place, as recorded, being on the east right-of-way line of National Avenue, and the south right-of-way line of Harrison Street; thence east along said south right-of-way line of Harrison Street, to the northeast corner of said Lot 1 in Wells Place; thence south along the east line of Lots 1 through 8 in said Wells Place to the southeast corner of said Lot 8, also being the northeast corner of Lot 1 in Lena V. Taylor Addition, as recorded; thence south along the east line of Lots 1 through 4 in said Lena V. Taylor Addition to the southeast corner of said Lot 4, also being the northeast corner of Lot 1 in Madison Place, as recorded; thence south along the east line of Lots 1 through 4 in said Madison Place to the southeast corner of said Lot 4, being on the north right-of-way line of Madison Street; thence south to the northeast corner of Lot 1 in Andrus Place, as

recorded, being on the south right-of-way line of Madison Street; thence south along the east line of Lots 1 through 6 in said Andrus Place to the southeast corner of said Lot 6, also being the northwest corner of Lot 10 in said Andrus Place; thence east along the north line of said Lot 10 to the northeast corner of said Lot 10, being on the west right-of-way line of McCann Avenue; thence south along said west right-of-way line to the southeast corner of Lot 9 in said Andrus Place, being on the north right-of-way line of Page Street; thence west along said north right-of-way line of Page Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

Subarea C

Beginning at the northwest corner of Lot 20 of Block 1 in Chamberlain's Addition, as recorded, being on the east right-of-way line of Fremont Avenue; thence east along the north line of Lots 20 through 25 of Block 1 in said Chamberlain's Addition, to the northeast corner of said Lot 25, being on the westerly right-of-way line of the Burlington Northern and Santa-Fe Railway Company; thence perpendicular, northeasterly from said westerly right-of-way line a distance of 25.0 feet; thence southeasterly, parallel with said westerly right-of-way line, a distance of 140.0 feet; thence southwest 25.0 feet perpendicular to said westerly right-of-way line; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right-of-way line, to a point on the west right-of-way line of Weller Avenue, said point being the northeast corner of Lot 1 of Block 2 in Pickwick Place, as recorded; thence south along said west right-of-way line of Weller Avenue, to the southeast corner of Lot 2 of Block 2 in said Pickwick Place; thence west along the south line of said Lot 2 to the centerline of the alley vacated in Book 29 at Page 491 in said Block 2 ; thence south along the centerline of said vacated alley to the intersection of the easterly extension of the south line of Lot 18 of Block 2 in said Pickwick Place; thence west along said south line of said Lot 18 of Block 2 and its easterly extension, to the southwest corner of Lot 6 of Block 3 in said Pickwick Place; thence north along the west line of Lots 6, 5, and 4 of Block 3 in said Pickwick Place, to the northwest corner of said Lot 4; thence west to the southeast corner of Lot 15 of Block 3 in Pickwick Place; thence west along the south line of said Lot 15 to the southwest corner of said Lot 15, on the east right-of-way line of Fremont Avenue; thence north along the east right-of-way line of Fremont Avenue to the northwest corner of Lot 13 of Block 3 in said Pickwick Place, on the south right-of-way line of Cherry Street; thence northwesterly to the southwest corner of Lot 12 of Block 2 in Chamberlain's Addition, being on the north right-of-way line of Cherry Street; thence north along the west line of said Block 2 in said Chamberlain's Addition to the northwest corner of Lot 14 in said Chamberlain's Addition, being on the south right-of-way line of Elm Street; thence northeasterly to the southwest corner of Lot 20 of Block 1 in said Chamberlain's Addition, on the north right-of-way line of Elm Street and the east right-of-way line of Fremont Avenue; thence north along said east right-of-way line to the point of beginning.

Subarea D

Beginning at a point 4.5 feet east of the southeast corner of Lot 9 in O.H. Mitchell's Addition, as recorded, being on the north right-of-way line of Elm Street; thence north along a line 4.5 feet east of the east line of said Lot 9 to a point 170.5 feet north of said north right-of-way line of Elm Street; thence east along a line 170.5 feet north of said north right-of-way line of Elm Street to a point 104.5 feet east of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 160.0 feet north of said north right-of-way line of Elm Street; thence east along a line 160.0 feet north of said north right-of-way line of Elm Street, to a point 68.0 feet west of the west line of Lot 13 of Block 1 in Chamberlain's Addition, as recorded; thence north to a point 244.5 feet north of said north right-of-way line of Elm Street; thence east 68 feet to the east line of Lot 12 of Block 1 in said Chamberlain's Addition; thence south along the west line of said Block 1 in Chamberlain's Addition, to the northwest corner of Lot 13 of Block 1 in said Chamberlain's Addition being on the south line of an alley; thence east along the south line of said alley to the northeast corner of Lot 18 of Block 1 in said Chamberlain's Addition, on the west right-of-way line of Fremont Avenue; thence south along said west right-of-way line to the southeast corner of said Lot 18, on the north right-of-way line of Elm Street; thence southeasterly to the northeast corner of Lot 1 in the Amended Plat of Walkers Second Subdivision, as recorded, being on the south right-of-way line of Elm

Street; thence south along the east line of said Amended Plat of Walkers Second Subdivision to the southeast corner of Lot 14 in said Amended Plat of Walkers Second Subdivision, being on the north right-of-way line of Cherry Street; thence southwesterly to the intersection of the south right-of-way line of Cherry Street and the west right-of-way line of Fremont Street; thence south along said west right-of-way line of Fremont Avenue to the northeast corner of Lot 23 in Zobeth, as recorded; thence west along the north line of Lots 23 through 11 and its westerly extension to a point 11.25 feet west of the northwest corner of said Lot 11 in Zobeth, being on the east right-of-way line of Kickapoo Avenue; thence northwesterly to a point 164.0 feet south of the north line of Lot 12 in George M. Jones First Addition, as recorded, being on the west right-of-way line of Kickapoo Avenue; thence west along the south line of the north 164.0 feet of said Lot 12 to a point 111.75 feet west of the west right-of-way line of Kickapoo Avenue; thence south to a point 184.0 feet south of the north line of said Lot 12; thence west along the south line of the north 184.0 feet of said Lot 12 to a point on the west line of the west 200.0 feet of said Lot 12; thence south to the northeast corner of Noland Subdivision, as recorded; thence west along the north line of said Noland Subdivision, to a point on the west line of the east 259.9 feet of the north 208.33 feet of said Lot 12 in George M. Jones First Addition; thence north to a point 259.9 feet west of the north east corner of said Lot 12 in George M. Jones First Addition, being on the south right-of-way line of Cherry Street; thence northwesterly to the southeast corner of Lot 8 in Elmwood Ralph Walkers Subdivision, as recorded, being on the north right-of-way line of Cherry Street; thence north along the east side of said Elmwood Ralph Walkers Subdivision to the northeast corner of Lot 9 in said Elmwood Ralph Walkers Subdivision, being on the south right-of-way line of Elm Street; thence north to the point of beginning.

Subarea E

Beginning at the northwest corner of Lot 16 of Block 3 in Pickwick Place, as recorded, on the east right-of-way line of Fremont Avenue; thence east along the north line of said Lot 16 and its easterly extension to the northwest corner of Lot 4 of Block 3 in said Pickwick Place; thence south along the west line of Lots 4, 5 and 6 of said Block 3 to the northwest corner of Lot 7 of said Block 3; thence east along the north line of said Lot 7 and the north line of Lot 19 of Block 2 in said Pickwick Place and its easterly extension to the centerline of an alley vacated in Book 29 at Page 491 in said Block 2; thence north along said centerline to the westerly extension of the south line of Lot 2 of said Block 2; thence east along said westerly extension and south line of Lot 2 to the southeast corner of said Lot 2, on the west right-of-way line of Weller Avenue; thence northeasterly to the intersection of the west line of Lot 14 of Block 1 in said Pickwick Place and the westerly right-of-way line of the Burlington Northern and Santa Fe Railway Company, being on the east right-of-way line of Weller Avenue; thence southeasterly, along said westerly right-of-way line to the intersection with the north line of the south 150.0 feet of the east 50.0 feet of Lot 7 of Block 1 in Philips' Addition, as recorded; thence west along said north line to a point on the west line of the east 50.0 feet of said Lot 7; thence south along said west line to a point 50.0 feet west of the southeast corner of said Lot 7, on the north right-of-way line of Monroe Terrace; thence southeasterly to a point 30.0 feet west of the northeast corner of Lot 19 of Block 2 in said Philips' Addition, on the south right-of-way line of Monroe Terrace; thence south to a point 30.0 feet west of the southeast corner of said Lot 19; thence west along the south line of said Lot 19 to a point 20.0 feet east of the northwest corner of Lot 7 of Block 2 in said Philips' Addition; thence south to a point 20.0 feet east of the southwest corner of said Lot 7, on the north right-of-way line of Madison Street; thence southeasterly to the northeast corner of Lot 5 in Rollston-Luster Place, on the south right-of-way line of Madison Street; thence south along the east line of said Lot 5 to the southeast corner of said Lot 5; thence west along the south line of said Lot 5 to a point 250.0 feet east of the east right-of-way line of Delaware Street; thence south to a point to a point 250.0 feet east of the east right-of-way line of Delaware Street on the north right-of-way line of Page Street, a private street; thence southeasterly to a point on the south right-of-way line of Page Street, being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence south to a point on the north side of a 15.0 foot alley as shown on First Addition to Parkhazel Addition, being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence southwesterly, to the northwest corner of Lot 117 in said First Addition to Parkhazel Addition, on the south side of said 15.0 foot alley; thence south along the west line of said Lot 117 to the southwest corner of said Lot 117, on the north right-of-way line of Lombard Street; thence southeasterly to the northeast corner of Lot 24 in Parkhazel Addition, as recorded, on the west right-of-way line of Fairway Avenue; thence south along said west right-of-way line to the southeast corner of Lot 13 in said

Parkhazel Addition, on the north right-of-way line of Grand Street; thence south to the northeast corner of Lot 11 in Country Club District, as recorded, on the south right-of-way line of Grand Street; thence south along the east line of said Lot 11 to a point on the south line of the north 150.0 feet of said Lot 11; thence west to a point on the west line of Lot 13 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 13, being on the east right-of-way line of Delaware Avenue; thence southwesterly to the northeast corner of Lot 3 in Hawthorn Place, as recorded, on the west right-of-way line of Delaware Avenue; thence west along the north line of said Lot 3 to the intersection with the southerly extension of the east line of Lots 2 and 3 in said Hawthorn Place; thence north along said southerly extension to the southeast corner of said Lot 2; thence west along the south line of said Lots 2, 23 and 26 in said Hawthorn Place to the southwest corner of said Lot 26, being on the east right-of-way line of Pickwick Avenue; thence southwesterly to the southeast corner of Lot 4 in Home Place, as recorded, on the west right-of-way line of Pickwick Avenue; thence west to the southwest corner of said Lot 12, being on the east right-of-way line of Fremont Avenue; thence northwesterly to the southeast corner of Lot 13 of Block 1 in Sanford Place, as recorded, on the west right-of-way line of Fremont Avenue; thence west to the southwest corner of said Lot 6, being on the east right-of-way of Kickapoo Avenue; thence north along said east right-of-way line of Kickapoo Avenue to the northwest corner of said Lot 6 of Block 1 in said Sanford Place; thence north to a point on the north right-of-way line of Grand Street, said point lying 11.25 feet west of the southwest corner of Lot 17 in Dream-Wold Place, as recorded, being on the east right-of-way line of Kickapoo Avenue; thence westerly along said north right-of-way line of Grand Street to a point 49.83 feet east of the southwest corner of Lot 18 in Normal View Place; thence north to a point 49.83 feet east of the northwest corner of Lot 19 on said Normal View Place; thence west along the north line of said Lot 19 to the northwest corner of said Lot 19; thence north along the west line of Lot 19 through 24 to the northwest corner of said Lot 24, on the south right-of-way line of Belmont Street; thence northeasterly to a point on the north right-of-way line of Belmont Street, being 161.25 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point on the north line of the south 208.33 feet in Lot 8 of George M. Jones Addition, being 161.25 feet west of the west right-of-way line of Kickapoo Avenue; thence east along said north line to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue on the south right-of-way line of Page Street; thence northwesterly to the southeast corner of Lot 24 in Andrus Place, as recorded, on the north right-of-way line of Page Street; thence west along said north right-of-way line to the southeast corner of Lot 9 in said Andrus Place, on the west right-of-way line of McCann Avenue; thence north along said west right-of-way line to the northeast corner of Lot 10 in said Andrus Place; thence west along the north line of said Lot 10 to the northwest corner of said Lot 10; thence north along the west line of Lots 11 through 16 in said Andrus Place to the northwest corner of said Lot 16 on the north right-of-way line of Madison Street; thence north to the southwest corner of Lot 5 in Madison place, as recorded, on the north right-of-way line of Madison Street; thence north along the west line of Lots 5 through 8 in said Madison Place to the northwest corner of said Lot 8, also being the southwest corner of Lot 5 in Lena V. Taylor Addition, as recorded; thence north along the west line of Lots 5 through 8 in said Lena V. Taylor Addition to the northwest corner of said Lot 8, also being the southwest corner of Lot 9 in Wells Place, as recorded; thence north along the west line of Lots 9 through 16 in Wells Place to the northwest corner of said Lot 16, on the south right-of-way line of Harrison Street; thence north to the southwest corner of Lot 41 in said Wells Place, on the north right-of-way line of Harrison Street; thence east along said north right-of-way line to a point 3.75 feet west of the southeast corner of said Lot 1 in Noland Subdivision; thence north to a point 3.75 feet west of the northeast corner on the north line of said Noland Subdivision; thence east along said north line to the northeast corner of Lot 4 in said Noland Subdivision; thence north to the south line of the north 184.0 feet of Lot 12 in George M. Jones First Addition, as recorded, being 211.25 feet west of the west right-of-way line of Kickapoo Avenue; thence east along the south line of the north 184.0 feet of said Lot 12 to a point 111.75 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point 164.0 feet south of said Lot 12; thence east along the south line of the north 164.0 feet of said Lot 12 to the west right-of-way line of Kickapoo Avenue; thence southeasterly to a point 11.25 feet west of northwest corner of Lot 11 in Zobeth, as recorded, being on the east right-of-way line of Kickapoo Avenue; thence east to the northeast corner of Lot 23 in said Zobeth, on the west right-of-way line of Fremont Avenue; thence northeasterly to the point of beginning.

Subarea F

Commencing at the northwest corner of Lot 7 in Arlington Heights, as recorded; thence west on a line of the westerly extension of the north line of said Lot 7, to a point on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company, for the point of beginning; thence east along said westerly extension of the north line of said Lot 7, to the northwest corner of said Lot 7; thence north along the west line of Lot 6 in said Arlington Heights to the north line of the south 130.5 feet of said Lot 6; thence east along the north line of the south 130.5 feet of said Lot 6 and the south 130.5 feet of the west 46.0 feet of Lot 5 in Arlington Heights to the west right-of-way line of Weller Avenue; thence south along said west right-of-way line of Weller Avenue to a point 50.0 feet north of the south line of said Lot 5 in Arlington Heights; thence east along a line 50.0 feet north of the south line of Lot 5, Lot 4 and the west 52.0 feet of Lot 3 in said Arlington Heights; thence south along the east line of the west 52.0 feet of said Lot 3 to the north line of Lot 10 in said Arlington Heights; thence east along the north line of Lots 10 through 12 and its easterly extension to the northwest corner of Lot 36 in East Elm Street Addition, as recorded; thence south along the west line of said Lot 36 in East Elm Street Addition, to a point on the north line of the south 180.0 feet of said Lot 36; thence east along the north line of the south 180.0 feet of said Lot 36 and the north line of the west 10.0 feet of Lot 35 in said East Elm Street Addition; thence south along the east line of the west 10.0 feet of said Lot 35 to the north line of the south 160.0 feet of the east 40.0 feet of said Lot 35; thence east along the north line of the south 160.0 feet of Lots 35 through 31 to the east line of said Lot 31; thence north along the east line of said Lot 31 to the northeast corner of said Lot 31; thence east along the north line of Lots 30 through 23 to the northeast corner of said Lot 23 in East Elm Street Addition; thence east to the northwest corner of Lot 20 in said East Elm Street Addition; thence east along the north line of Lots 20 and 19 and its easterly extension to a point 105.5 feet east of the northeast corner of said Lot 19 in said East Elm Street Addition; thence south to a point 105.5 feet east of the southeast corner of said Lot 19, being on the north right-of-way line of Elm Street; thence south to a point 105.5 feet east of the northeast corner of Lot 54 in said East Elm Street Addition, being on the south right-of-way line of Elm Street; thence east along said south right-of-way line to a point 210.0 feet west of the west right-of-way line of Glenstone Avenue; thence south along a line 210.0 feet west of the west right-of-way line of Glenstone Avenue to the north right-of-way line of Cherry Street; thence south to a point 15.0 feet west of the northeast corner of Lot 21 in Burks' Subdivision, as recorded, being on the south right-of-way line of Cherry Street; thence west along said south right-of-way line to the northeast corner of Lot 5 in the Amended Plat of Dundee Reserve Addition, as recorded; thence south along the east line of Said Lot 5 to the southeast corner of said Lot 5; thence east along the south line of Lot 4 in said Amended Plat of Dundee Reserve Addition to the southeast corner of said Lot 4; thence southeasterly along the northeasterly lines of Lots 8 through 10 to the northeastern corner of said Lot 10; thence east to the southeast corner of Lot 2 in said Amended Plat of Dundee Reserve Addition; thence south along the east line of Lots 11 through 13 in said Amended Plat of Dundee Reserve Addition to the northerly right-of-way line of Kentwood Avenue; thence southeasterly along said northerly right-of-way line of Kentwood Avenue to the intersection of the north right-of-way line of Monroe Street; thence southeasterly to the northwest corner of Lot 17 in Burk's Subdivision, as recorded, being on the south right-of-way line of Monroe Street; thence east along said south right-of-way line of Monroe Street to the northeast corner of said Lot 17 in Burk's Subdivision; thence south along the east line of Lots 17 through 12 in said Burks's Subdivision to the southeast corner of said Lot 12 in Burks's Subdivision; thence west along the south line of said Lot 12 to the southwest corner of said Lot 12 being on the east right-of-way line of Kentwood Avenue; thence south along said east right-of-way line of Kentwood Avenue to the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence southwesterly to the intersection of the westerly right-of-way line of said Burlington Northern and Santa Fe Railway Company and the south right-of-way line of Madison Street; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right-of-way line to the intersection with the easterly extension of the north line of Lot 1 in Second Addition to Parkhazel, as recorded; thence west along said westerly extension, to a point 40.0 feet east of the northeast corner of Lot 1 in said Second Addition to Parkhazel; thence south on a line 40.0 feet east of said Second Addition to Parkhazel to the northwest corner of Lot 101 in First Addition to Parkhazel, as recorded; thence east along the north line of said Lot 101 to the northeast corner of said Lot 101; thence south along the east line of said Lot 101 to the southeast corner of said Lot 101, being on the north right-of-

way line of Lombard Street; thence southeasterly to the northeast corner of said Lot 73 in Parkhazel Addition, as recorded, being on the south right-of-way line of Lombard Street; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition and its southerly extension to the northeast corner of Lot 79 in said Parkhazel Addition, being on the south right-of-way line of Belmont Street; thence east along said south right-of-way line to the centerline of an alley vacated by Ordinance #383; thence south along said centerline to an intersection with the easterly extension of the north line of Lot 82 in said Parkhazel Addition; thence west along said easterly extension and the north line of said Lot 82 to a point on the east line of the west 107.5 feet of said Lot 82; thence south on the east line of the west 107.5 feet of Lots 82, 83, and 84 in said Parkhazel Addition to the south line of said Lot 84, being on the north right-of-way line of Grand Street; thence southeasterly to the northeast corner of Lot 4 in Grand View, as recorded, on the south right-of-way line of Grand Street; thence south along the east line of said Lot 4 in Grand View to the southeast corner of said Lot 4; thence west along the south line of Lots 4 through 6 in said Grand View to the southwest corner of said Lot 6, being on the east right-of-way line of Kentwood Avenue; thence west to a point on the west right-of-way line of Kentwood Avenue, being on the east line of Lot 6 in Country Club District, as recorded, said point being 150.0 feet south of the south right-of-way line of Grand Street; thence west to a point on the west line of Lot 11 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 11; thence north along the west line of said Lot 11 to the northwest corner of said Lot 11, being on the south right-of-way line of Grand Street; thence northeasterly to the intersection of the north right-of-way line of Grand Street and the east right-of-way line of Fairway Avenue, being the southwest corner of Lot 72 in said Parkhazel Addition; thence north along said east right-of-way line of Fairway Avenue to the south right-of-way line of Lombard Street, being the northwest corner of Lot 25 in said Parkhazel Addition; thence north to the north right-of-way line of Lombard Street, being on the south line of Lot 116 in First Addition to Parkhazel; thence west along said north right-of-way line to the southwest corner of Lot 117 in said First Addition to Parkhazel; thence north along the west line of said Lot 117 to the south line of a 15.0 foot alley on the north side of said First Addition to Parkhazel, being the northwest corner of said Lot 117; thence northeasterly to a point on the north line of said 15.0 foot alley, said point being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence north to a point on the south line of Page Street, a private street, being 280.0 feet east of said Delaware Avenue; thence northwesterly to a point on the north line of Page Street, a private street, being 250.0 feet east of the east right-of-way line of Delaware Street; thence north to a point being 250.0 feet east of the east right-of-way line of Delaware Street on the south line of Lot 5 in Rollston-Luster Place, as recorded; thence east along the south line of said Lot 5 in Rollston-Luster Place to the southwest corner of Lot 6 in said Rollston-Luster Place; thence north along the west line of said Lot 6 to the northwest corner of said Lot 6 on the south right-of-way line of Madison Street; thence northwesterly to the southwest corner of the east 40.0 feet of Lot 7 of Block 2 in Philips' Addition, as recorded, being on the north right-of-way line of Madison Street; thence north along the west line of the east 40.0 feet of said Lot 7 of Block 2 in Philips' Addition to a point on the north line of said Lot 7, being 40.0 feet west of the northeast corner of said Lot 7; thence east along the north line of said Lot 7 to a point 30.0 feet west of the northeast corner of said Lot 7; thence north along the west line of the east 30.0 feet of Lot 19 of Block 2 in said Philips' Addition to a point 30.0 feet west of the northeast corner of said Lot 19, being on the south right-of-way line of Monroe Terrace; thence northwesterly to a point 50.0 feet west of the southeast corner of Lot 7 of Block 1 in said Philips' Addition, on the north right-of-way line of Monroe Terrace; thence north along the west line of the east 50.0 feet of the south 150.0 feet of said Lot 7 of Block 1 in said Philips' Addition; thence east along the north line of the east 50.0 feet of the south 150.0 feet of said Lot 7 to the intersection with the westerly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence northeasterly and perpendicular to the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence along said easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company to the point of beginning.

And also the following:

All of the south 100.0 feet of Lots 7 through 9 of Block 1 in Chamberlain's Addition, as recorded.

(3) Rountree Urban Conservation District Zoning Regulations

A. Applicability.

- 1. The regulations in this district shall have the same force and effect as the Zoning Code – Urban Conservation District regulatory framework set forth in Section 36-403 and with the L and Development Code as a whole.**
- 2. The extent to which compliance with the regulations herein is required shall be as follows:**
 - a. All new development requires full and complete compliance with all applicable regulations;**
 - b. Expansion or enlargement of an existing building (not to exceed 30% of the total floor area) shall be exempt from the building and lot standards and design standards;**
 - c. Redevelopment which replaces an existing building in the same footprint (within 10%) shall not be required to meet parking setback requirements within Subarea C;**
 - d. Any change of use of a property requires compliance with all parking and loading, screening, fencing, and signage standards;**
 - e. Facade changes to existing building require compliance with all applicable facade regulations;**
 - f. In the event that a dwelling existing as of June 5, 2023, is subsequently destroyed or damaged, that dwelling may be reconstructed or repaired in substantial conformance with its location on the lot, size, and general appearance prior to such destruction or damage without requiring compliance with these regulations, provided that such plans for the reconstruction or repair must be submitted to the Director of Planning and Development for determination of such substantial conformance.**

B. General Provisions. These regulations shall supplement the Zoning Ordinance and shall, together with the Zoning Ordinance, govern and control the use and development of land throughout the Rountree Urban Conservation District. In the event of a conflict between these regulations and the Zoning Ordinance for property in the Rountree Urban Conservation District, these regulations shall control. In the event of a conflict between these regulations and provisions in an individual planned development district in the Rountree Urban Conservation District, the provisions of the planned development shall control.

C. Permitted and Conditional Uses. Only those uses stated within Sections 4 and 5 herein shall be permitted by right or conditional use permit.

D. Non-Conforming Uses. Any use in the Rountree Urban Conservation District non-conforming under General Ordinance 3645 shall have been registered with the Director of Building Development Services by July 1, 1986. Any uses not registered by that date shall be presumed illegal. Non-conforming uses shall adhere to Section 36-457 of the Zoning Ordinance.

E. Site Plan Review.

- 1. Applicability. The site plan review and approval process set forth in Section 36-360 shall be required for any permitted, accessory, or conditional uses in the Rountree Urban Conservation District. No activities or uses, except for temporary uses allowed in the District, shall be exempt from this requirement.**

2. Submittal Requirements. In addition to the requirements set forth in Section 36-360(5), the applicant shall be required to submit a building elevation plan showing the height, facade, exterior building materials, signage, and window specifications for all proposed building within Subareas A through D.

3. Review Criteria. In addition to the review criteria set forth in Section 36-360(7), the site plan review process shall include a review of whether the proposed development aligns with the Rountree Neighborhood Plan, including conformity with the following review criteria:

- a. Existing buildings proposed to be converted to another use must meet all fire, health, building, plumbing, and electrical requirements of the City.
- b. The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private rights-of-way.
- c. The proposed site plan is not injurious to or detrimental to the use and enjoyment of surrounding property.
- d. The circulation elements of the proposed site plan do not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconveniences to vehicular and pedestrian travel.
- e. The screening of the site provides adequate shielding for nearby uses which may be incompatible with the proposed use.
- f. The proposed structures or landscaping are not lacking amenity in relation to, or are not incompatible with, nearby structures and uses.
- g. The proposed site plan does not create drainage or erosion problems on or off the site.

4. Registration of Rental Property. All owners of rental housing in the Rountree Urban Conservation District must register said property with the City Manager as required by City Code Sections 74-351 and 74-352, as amended from time to time.

(4) Subarea A through D Regulations

A. Permitted and Conditional Uses. The following key is to be used in the interpretation of Table 1, Permitted and Conditional Uses Subareas A through D, in this section:

- 1. Permitted Uses. Uses which are marked as “P” in the table shall be allowed in a subarea subject to all applicable regulations herein.
- 2. Conditional Uses. Uses which are marked as “C” in the table shall be allowed in a subarea upon the approval of a Conditional Use Permit as detailed in Section 36-363.
- 3. Uses Not Listed. If a proposed use is not listed in the table, the Administrative Review Committee shall determine if the use is substantially similar to a use listed in the table. If it is, the proposed use shall be treated in the same manner as the substantially similar use. If not, the use shall be prohibited.
- 4. Conversions. Structures existing at the time of the adoption of these regulations may be converted to any use permitted in that subarea.

5. Additional Regulation. If uses have specific standards, such standards are referenced in this

column. Use-specific standards shall apply to permitted and conditional uses. Where specific standards conflict with Rountree Urban Conservation District subarea standards, subarea standards shall be followed. use-
the

Subareas A through D Uses – Table 1		Subareas			
Use	Use Specific Regulations	A	B	C	D
Residential Uses					
Dwelling, Multifamily, stand alone		P	P	P	P
Dwelling, Multifamily above ground floor as part of a mixed use		P	P	P	P
Dwelling, Single Family Attached		P	P	P	P
Dwelling, Single Family Detached existing		P	P	P	P
Dwelling, Single Family Detached new development					P
Group Home		P	P	P	P
Day Care Home		P	P	P	P
Churches		P	P	P	P
Schools		P	P	P	P
Parks		P	P	P	P
Non-Profit Neighborhood Community Centers			P		P
Lodging Uses					
Short Term Rental Type 3		P	P	P	P
Bed and Breakfast				P	P
Commercial Retail Uses					
Retail sales use group, stand alone		P	P	P	
Retail sales use group as part of a mixed use		P	P	P	P
Entertainment Oriented use group, stand alone < 5,000 sq ft		P			
Entertainment Oriented use group as part of a mixed use		P			
Package Liquor		P		P	
Adult Oriented uses					
Pawn Shop					
Artisan Manufacturing		P	P	P	
Personal Service and Office Uses					
Daycare		P	P	P	P
Personal Service use group, stand alone		P	P	P	
Personal Service use group as part of a mixed use		P	P	P	P
General Office use group, stand alone		P	P	P	
General Office use group as part of a mixed use		P	P	P	P
General Office, conversion	B.1 below				P
Medical Office use group, stand alone		P	P	P	
Medical Office use group as part of a mixed use		P	P	P	P
Title Loan/Short Term Lending					
Eating and Drinking Uses					
Restaurants, stand alone		P	P	P	
Restaurants as part of a mixed use		P	P	P	P
Breweries and tasting rooms		P		P	
Drive-thru accessory to a restaurant use		P			

Vehicle Oriented Uses					
<u>Commercial off-street parking lots</u>	<u>B.2. below</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Commercial off-street parking structures above ground floor as part of a mixed use</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Car Sales/Rental</u>					
<u>Gas Station</u>		<u>P</u>			
Temporary Uses					
<u>Farm Stand</u>	<u>B.3. below</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Food Truck</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Accessory Uses					
<u>Outdoor display/sale of merchandise, temporary</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Outdoor display/sale of merchandise, permanent</u>					
<u>Seasonal sales</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Accessory Uses and Structures					
<u>Accessory Uses and Structures</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Home Occupations</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Outdoor dining</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

B. Use-Specific Standards.

1. 1. General Office Conversion.
2. -

(a) Applicability. Single-family dwellings may be converted to general office(s) uses in accordance with the standards set forth below. The office space(s) shall be located only in the existing structure, additions shall not be built to provide office space(s).

(b) Location of Entrances. Only One (1) entrance shall be located on the front facade of the structure. the front facade of the structure shall face Cherry or Elm Streets.

(c) Exterior Alterations. No exterior alterations that would change the single-family character of the dwelling, other than those necessary to ensure the safety of the structure, shall be made.

(d) Signs. General office conversion uses shall be permitted one (1) monument sign in accordance with the standards set forth below.

1. Area. The monument sign shall not exceed six (6) square feet in area.

2. Height. The monument sign shall not exceed four (4) feet in height.

3. Location. The monument sign shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; shall not be placed on any sidewalk or pedestrian walkway; and shall not be located in a clearance sight triangle.

4. Sign Base. The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face. The base of the monument sign shall be constructed from masonry, stone, or similar high-quality materials in keeping with the exterior cladding materials and design of the primary building.

5. Landscape. The monument sign shall have a landscape area equal to the area of the

sign surrounding the sign base. A minimum of eighty (80) percent of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.

3.

2. Commercial Off-Street Parking Lots. Commercial off-street parking lots adjacent to public rights-of-way, excluding alleys, shall provide the following:

i. (a) A fully opaque wall or fence with a height of four (4) feet shall be used in conjunction with required parking lot perimeter landscaping contained in this section. Plant materials shall be installed between the sidewalk and the wall or fence to provide a softening effect.

of (b) Four (4) understory trees shall be planted for every one hundred (100) lineal feet frontage adjacent to right-of-way, excluding alley right-of-way and additional plantings shall be clustered at points of pedestrian ingress and egress.

(c) Points of pedestrian ingress and egress, outside of vehicular curb cuts, shall be provided.

(d) To the greatest extent possible, the screening standards established above shall provide safe site distance where driveway access intersects public right-of-way.

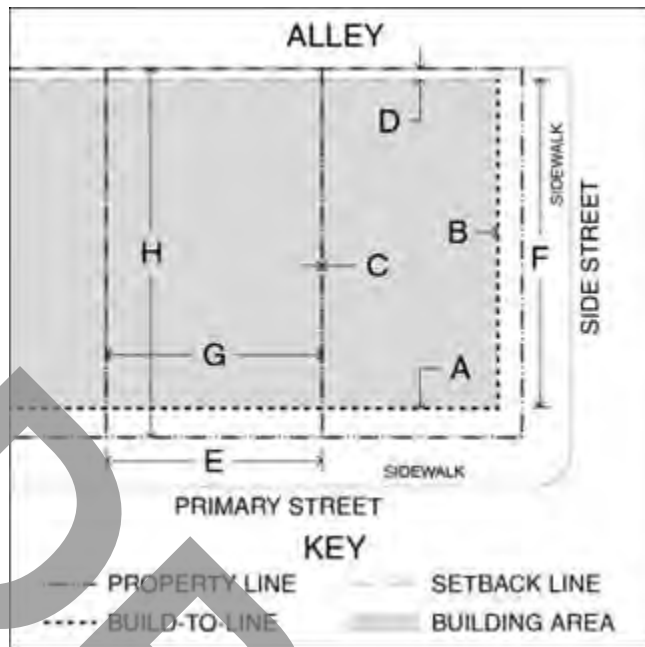
3. Farm Stand.

(a) Farm products sold. Only farm products or value-added farm products grown and/or processed on the parcel on which the farm stand is located may be sold at a farm stand. The sale of non-agricultural items or products produced off site is prohibited.

(b) Farm stand structure. A structure associated with a farm stand shall not have a floor area greater than one hundred (100) square feet.

C. Building and Lot Standards.

1. Subarea A. This subarea is characterized by a mix of non-residential and multi-family development and bookends the development along National Avenue. The intent of the regulations for this subarea is to regulate the physical form in order to facilitate quality redevelopment of these higher intensity nodes along the neighborhood edge. This subarea is designated to provide for sensitive and respectful development that allows for walkability and concentrated density to support National Avenue as a future Public Transportation Corridor in the neighborhood.



a. Build-to-Line:

Primary Street: Fifteen (15) feet [A]

Side Street: Ten (10) feet [B]

*** To match average front facade line of the block face**

b. Setbacks:

Side Setback: Zero (0) foot minimum; Ten (10) foot maximum [C]

*** Applicable to principal and accessory structures**

Rear Setback: Five (5) foot minimum [D]

*** Applicable to principal structure only**

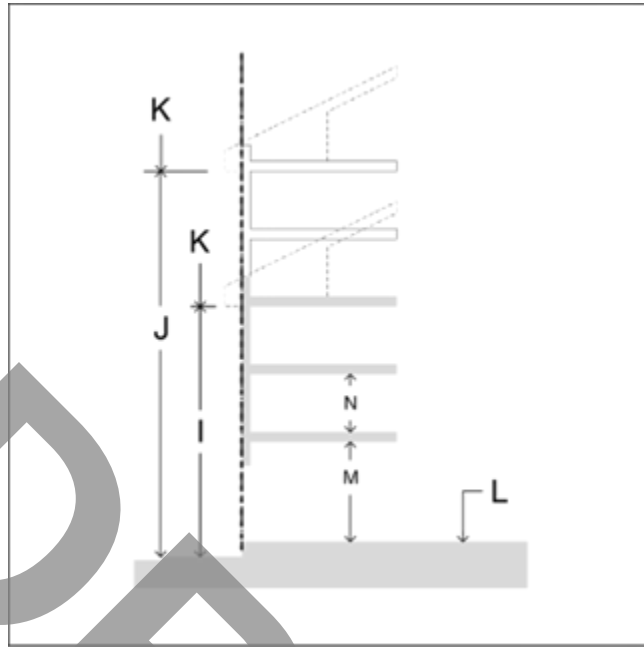
c. Building Form:

Primary Street: At least eighty-five (85) percent of Build-to-Line [E]

Side Street: At least eighty-five (85) percent of Build-to-Line [F]

Lot Width: Per existing [G]

Lot Depth: Per existing [H]



d. Building Height:

Minimum: Two (2) stories or Thirty-two (32) feet [I]

Maximum: Five (5) stories or sixty-eight (68) feet [J]

*** Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story**

*** All structures shall remain below a 30-degree bulk plane as measured from boundary of any R-SF or R-TH District.**

the

e. Maximum from Bottom of Eave to Top of Parapet or Roof: Fifteen (15) feet maximum [K]

*** Finished Ground Floor Level: Six (6) inch maximum, however, if residential the first floor must be at least three (3) to six (6) feet [L]**

on

*** Measured from elevation of back of sidewalk or adjacent lot level**

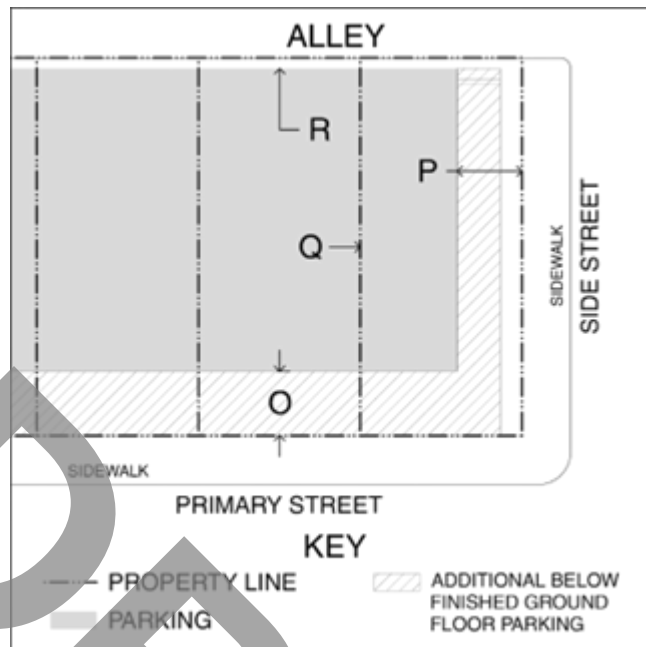
f. Ceiling Heights:

First Floor: Twelve (12) feet minimum; Fifteen (15) feet maximum (floor to floor)

[M]

Upper Floors: Eight (8) feet minimum; Twelve (12) feet maximum (floor to floor)

[N]



g. Parking Location:

Primary Street Setback: Fifty (50) feet maximum [O]

Side Street Setback: Ten (10) feet maximum [P]

Side Setback: Zero (0) feet if surface lot [Q]

Rear Setback: Five (5) feet minimum [R]

*** Above-grade parking garages must match build-to-line and setbacks**

*** At-grade parking lots must match the parking location requirements above**

*** Below-grade parking garages must match build-to-line and setbacks**

*** Per principal structure if structured parking**

h. Required Spaces:

Non-residential office uses:

*** <7,500 square feet: No off-street parking required**

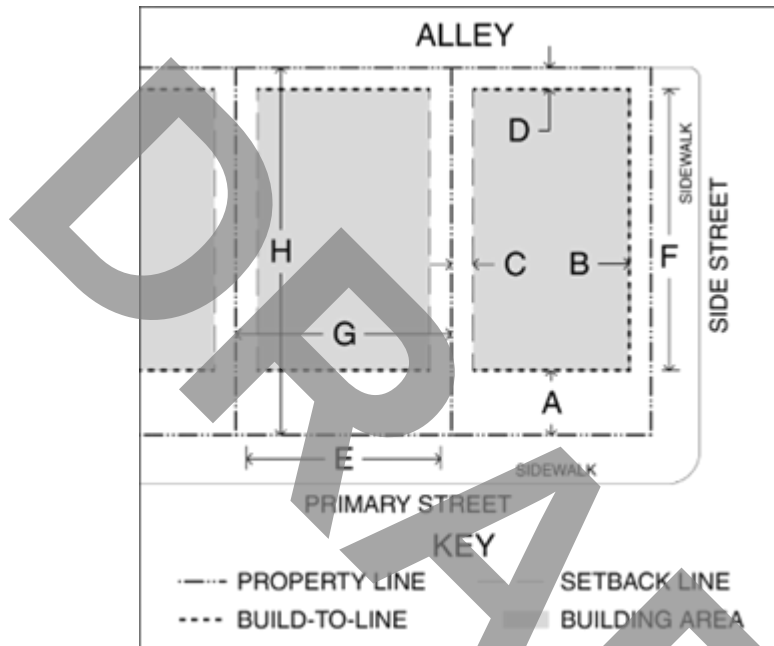
*** >7,500 square feet: One (1) off-street parking space per 1,250 sf over 3,000**

Residential uses:

*** One (1) off-street parking space per dwelling unit**

i. Signs. Signage shall conform to the requirements found in Section 36-454 of the Zoning Ordinance except that only one (1) detached sign shall be permitted per premise.

2. Subarea B. This subarea is characterized by a mix of non-residential and multi-family development along the National Avenue corridor. The intent of the regulations for this subarea is to regulate the physical form of development along the corridor in order to preserve and enhance the integrity and quality of this edge of the neighborhood. This subarea is designed to provide for sensitive and respectful infill development which is of a complementary scale and character and serves as a transition to the single-family homes found in the neighborhood along McCann Avenue.



a. Build-to-Line:

Primary Street: Fifteen (15) feet minimum; Fifty (50) feet maximum [A]

*To match average front façade line of the block face

Side Street: Ten (10) feet minimum [B]

- * To match average front façade line of the block face

b. Setbacks:

Side Setback: Five (5) feet minimum [C]

Rear Setback: Thirty (30) feet minimum [D]

* Applicable to principal structure only

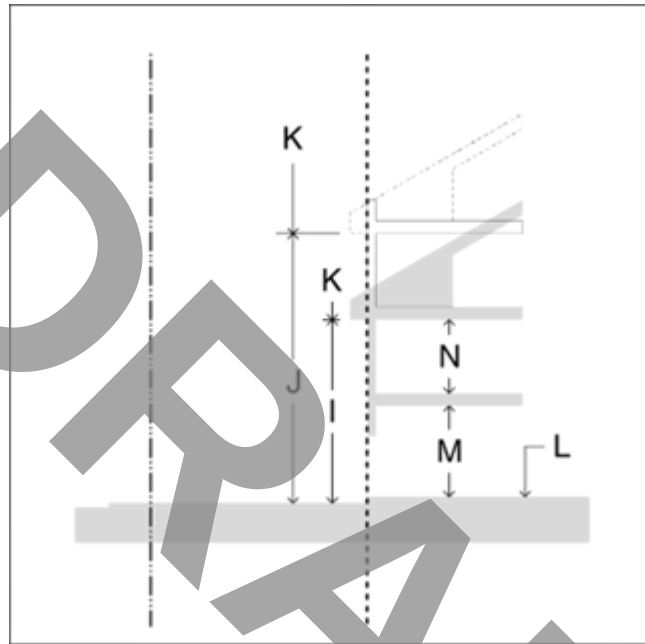
c. Building Form:

Primary Street: At least thirty (30) percent of Build-to-Line [E]

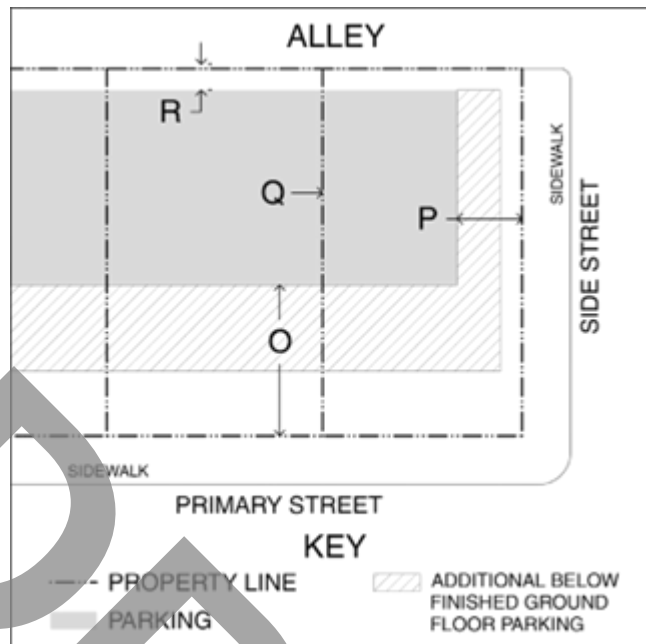
Side Street: At least twenty-five (25) percent of Build-to-Line [F]

Lot Width: Per Existing [G]

Lot Depth: Per Existing [H]



- d. Building Height:
- Minimum: Two (2) stories or thirty-two (32) feet [I]
Maximum: Four (4) stories or fifty-five (55) feet [J]
* Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story
- e. Maximum from Bottom of Eave to Top of Parapet or Roof: Fifteen (15) feet maximum [K]
- f. Finished Ground Floor Level [L]:
- Minimum: One (1) foot Maximum: Four (4) feet
*Measured from elevation of back of sidewalk or adjacent lot level
- g. Ceiling Heights:
First Floor: Twelve (12) feet minimum; Fifteen (15) feet maximum (floor to floor) [M]
Upper Floors: Eight (8) feet minimum; Twelve (12) feet maximum (floor to floor) [N]



h. Parking Location:

Primary Street Setback: Sixty (60) feet minimum [O]

Side Street Setback: Ten (10) feet minimum [P]

Side Setback: Zero (0) foot setback if surface lot; per principal building if structured parking [Q]

Rear Setback: Five (5) feet minimum [R]

- * Above-grade parking garages must match build-to-Line and Setbacks
- * At-grade parking lots must match requirements above
- * Below-grade parking garages must match Build-to-Line and Setbacks

i. Required Spaces:

Non-residential office uses:

- < 7,500 square feet: No off- street parking required
- >7,500 square feet: One (1) off-street parking space per 1,250 sf over 7,500

Non-residential retail uses:

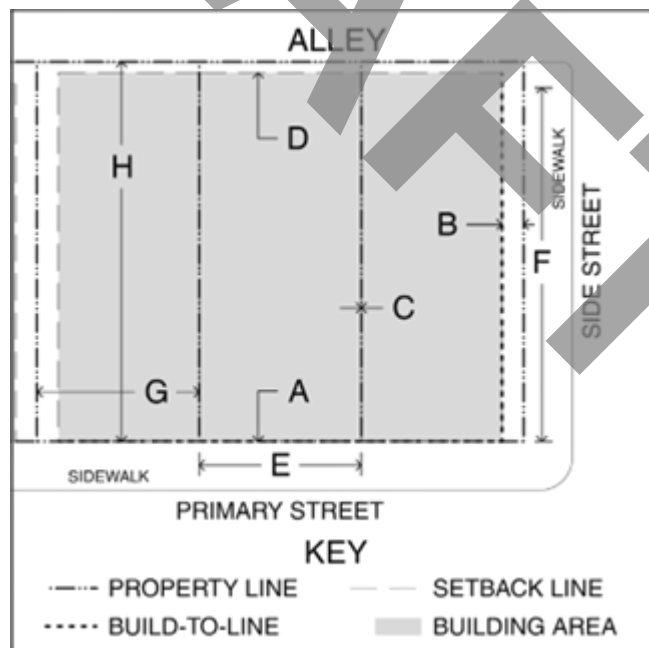
- < 3,000 square feet: No off-street parking required

- > 3,000 square feet: One (1) off-street parking space per 1,250 sf over 3,000

Residential uses:

- One (1) off-street parking space per dwelling unit
- j. Signs. All signage shall meet the standards of Section 36-454 of the Zoning Ordinance unless other modified herein:
 - Size: A maximum of twenty (20) square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed fifteen (15) square feet.
 - Height: No detached sign shall exceed a height of seven (7) feet as measured from the street grade.
 - Sign Types: Only on-premise signs are permitted in Subarea B.

3. Subarea C: This subarea is characterized by a mix of low intensity non-residential, multi-family and some single-family residential development. The intent of the regulations for this subarea is to regulate the physical form of the neighborhood center subarea in order to preserve and enhance the integrity and quality of the Cherry Pickwick Business District and serve as a primary gathering place in the neighborhood. This subarea is designated to provide for sensitive and respectful infill development which allows for the dense, urban, mixed-use development appropriate for this vibrant neighborhood commercial center found in the neighborhood.



a. Build-to-Line:

Primary Street: Zero (0) foot minimum; Ten (10) feet maximum [A]

Side Street: Zero (0) foot minimum; Ten (10) feet maximum [B]

- To match average front façade line of the block face

b. Setbacks:

Side Setback: Zero (0) foot minimum; Ten (10) feet maximum [C]

Rear Setback: Five (5) feet minimum [D]

- Applicable to principal building only

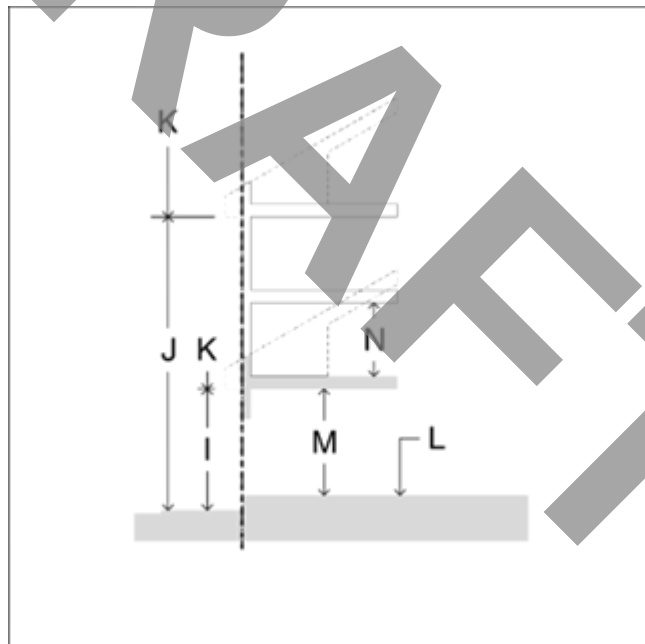
c. Building Form:

Primary Street: At least eighty (80) percent of Build-to-Line [E]

Side Street: At least forty (40) percent of Build-to-Line [F]

Lot Width: Per Existing [G]

Lot Depth: Per Existing [H]



d. Building Height:

Minimum: One (1) story or fifteen (15) feet [I]

Maximum: Three (3) stories or forty-one (41) feet [J]

* Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story

e. Bottom of Eave to Top of Parapet or Roof: Maximum: Fifteen (15) feet [K]

f. Finished Ground Floor Level: Maximum: Six (6) inches [L] or

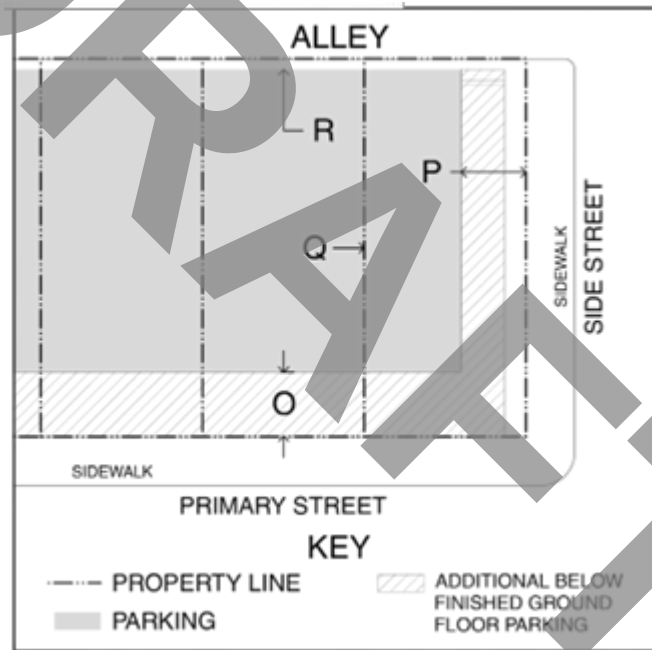
* Four (4) feet with a pedestrian-oriented frontage and a minimum building setback of at least four (4) feet. The frontage shall be used as pedestrian-oriented space along the facade of the building.

* Measured from elevation of back of sidewalk or adjacent lot level

g. Ceiling Height:

First Floor: Twelve (12) feet minimum; Fifteen (15) feet maximum (floor to floor) [M]

Upper Floors: Eight (8) feet minimum; Twelve (12) feet maximum (floor to floor) [N]



h. Parking Location:

Primary Street Setback: Thirty (30) feet minimum [O]

Side Street Setback: Ten (10) feet minimum [P]

Side Setback: Zero (0) feet if surface lot; per principal building if structured parking [Q]

Rear Setback: Five (5) feet minimum [R]

i. Required Spaces:

Non-residential office uses:

< 7,500 square feet: No off- street parking required

> 7,500 square feet: One (1) off-street parking space per 1,250 sf over 7,500

Non-residential retail uses:

< 3,000 square feet: No off-street parking required

> 3,000 square feet: One (1) off-street parking space per 1,250 sf over 3,000

Residential uses:

One (1) off-street parking space per dwelling unit

j. Signs. All signage shall meet the standards of Section 36-454 of the Zoning Ordinance unless modified herein.

* Number: Each premises shall be permitted to use one detached sign and one wall sign. Roof signs are not permitted. One projecting sign may be substituted for the permitted detached sign.

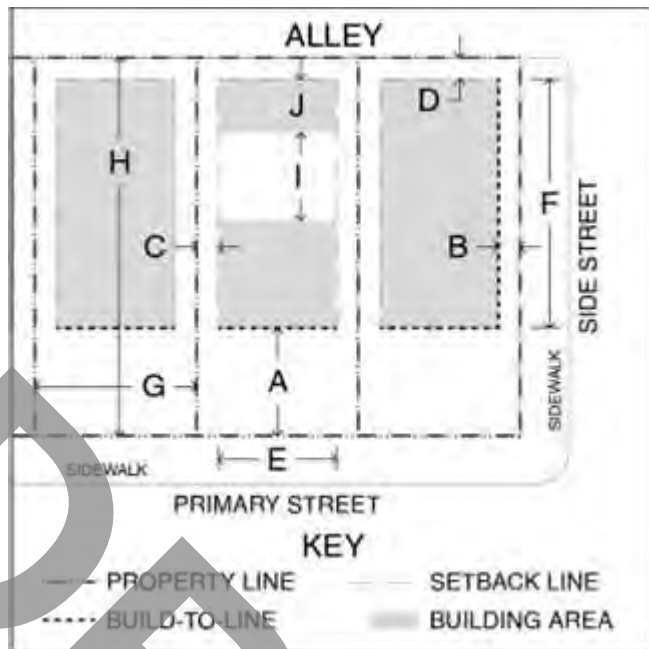
* Size: Each premise is allowed two (2) square feet of effective sign area for each lineal foot of building frontage on a public street. Detached signs shall not exceed twenty (20) square feet of effective area.

* Height: No detached sign shall exceed a height of seven (7) feet as measured from the street grade.

* Sign Lighting: No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons, spotlights, or strobe lights shall be permitted.

* Sign Types: Only on-premises signs are permitted in Subarea C.

4. Subarea D: This subarea is characterized by a mix of primarily multi-family and single- family development along Cherry and Elm Streets. The intent of the regulations for this subarea is to regulate the physical form within this subarea to allow for neighborhood mixed-use in conjunction with multi-family development. The regulations are intended to preserve and enhance the integrity and quality of the development along the Cherry and Elm Street corridors as a neighborhood front door. The subarea is designated to provide for sensitive and respectful infill development which allows for a greater range of housing types and a mix of uses mixed-use that is compatible and complementary to the neighborhood.



Build-to-Line:

Primary Street: Fifteen (15) feet minimum; Fifty (50) feet maximum [A]

To match average front façade line of the block face

Side Street: Ten (10) feet [B]

Applicable to principal and accessory building

To match average front fade line of the block face

Building Setback:

Side Setback: Five (5) feet minimum; Fifteen (15) feet maximum [C]

Applicable to principal building and accessory building

Rear setback: Five (5) feet minimum; One-hundred-twenty (120) feet maximum [D]

*** Applicable to principal building only**

Rear Setback: Five (5) feet [D]

*** Applicable to accessory building only with rear alley access**

c. Building Form:

Primary Street: At least fifty (50) percent of Build-to-line [E]

* Thirty (30) percent for detached single-family dwelling, lot width >100 ft Side Street: At least sixty (60) percent of Build-to-line [F]

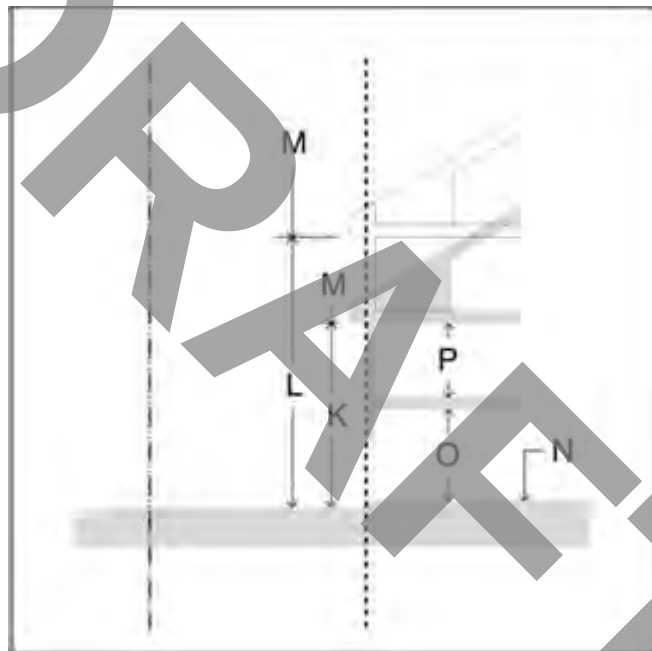
* Twenty-five (25) percent for detached single family dwelling

Lot Width: Per existing [G]

Lot Depth: Per existing [H]

Distance between buildings: Twenty-five (25) feet minimum [I] when accessory building is located partially or completely behind the principal building; ten (10) feet minimum when accessory building is located anywhere other than completely behind the principal building

Depth of Accessory Building: Thirty (30) feet maximum [J]



d. Building Height:

Minimum: Two (2) stories or thirty-two (32) feet [K]

Maximum: Three (3) stories or forty-five (45) feet [L]

*Two (2) stories and twenty-five (25) feet for rear garages and carriage houses; and in no case shall they be taller than the principal building

* Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story

e. Maximum from Bottom of Eave to Top of Parapet or Roof: Fifteen (15) feet maximum [M]

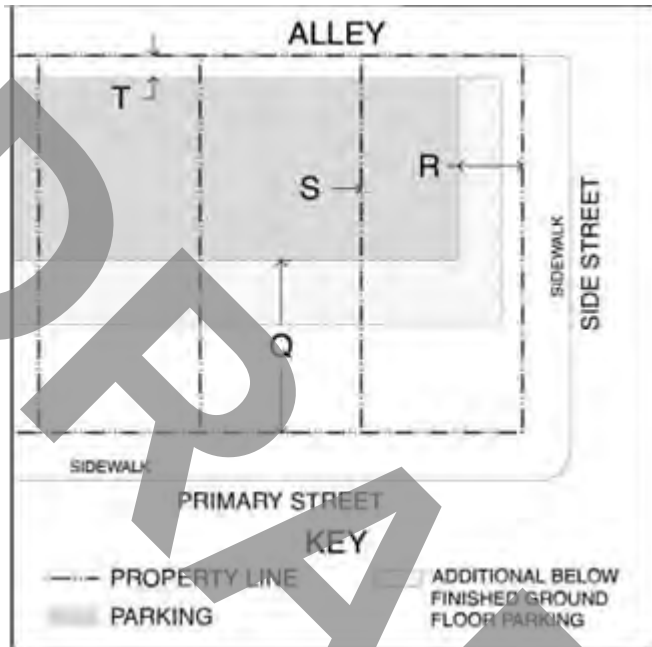
f. Finished Ground Floor Level: [N] Minimum: One (1) foot Maximum: Four (4) feet

* Measured from elevation of back of sidewalk or adjacent lot level

g. Ceiling Heights:

First Floor: Twelve (12) feet minimum; Fifteen (15) feet maximum (floor to floor) [O]

Upper Floors: Eight (8) feet minimum; Twelve (12) feet maximum (floor to floor) [P]



h. Parking Location:

Primary Street Setback: Primary Street Build-to-line [A], plus fifty (50) feet minimum [Q]

Side Street Setback: Ten (10) feet minimum [R]

Side Setback: Zero (0) foot, if surface lot; per principal building if structured parking

Rear Setback: Five (5) feet minimum

* Above-grade parking garages are prohibited

* At-grade parking lots must match above requirements

* Below grade parking garages must match build-to-lines and setbacks

i. Required Spaces:

Non-residential office uses:

< 7,500 square feet: No off- street parking required

> 7,500 square feet: One (1) off-street parking space per 1,250 sf over 7,500

Non-residential retail uses:

< 3,000 square feet: No off-street parking required

> 3,000 square feet: One (1) off-street parking space per 1,250 sf over 3,000

Residential uses:

One (1) off-street parking space per dwelling unit

j. Signs. All signage shall meet the standards of Section 36-454 of the Zoning Ordinance unless modified herein.

Size: A maximum of twenty (20) square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed fifteen (15) square feet. A single-sided, detached sign may not exceed twenty (20) square feet.

Height: No detached sign shall exceed a height of seven (7) feet as measured from the street grade.

Sign Types: Only on-premises signs are permitted within Subarea D.

D. Building Orientation, Materials, Siting and Design. The following regulations shall apply to all principal structures within Subareas A through D, except for single-family detached dwelling units which shall conform to the requirements of Section 5 herein.

Building Orientation: All principal buildings shall have a primary entrance that has a relationship toward and engages the public street. For corner lots, the primary entrance must engage and have a relationship toward the higher classification street.

Exterior Building Cladding Materials:

Exterior building cladding materials shall be masonry, stone veneer systems, stucco, or other time and weather tested materials approved by the Administrative Review Committee.

The ground level must offer pedestrian interest along sidewalks and pedestrian paths through the use of contrasting exterior building cladding materials and architectural elements.

In no instance shall the finish of non-natural materials utilize mimic or match the texture of the natural materials utilized.

A maximum of three (3) exterior building cladding materials may be used.

Vinyl and steel clapboard siding and/or adhered thin veneer exterior building materials are prohibited.

Roof Finishing:

Eaves may expose rafters.

Gutters and downspouts may not discharge upon public rights-of-way.

Transparency:

i. Ground Level Transparency. The ground level of nonresidential or mixed-use buildings must offer pedestrian interest along sidewalks and pedestrian paths through the placement of windows and doors. Therefore, the first floor of any building façade facing a public right-of-way, except for alleys, shall include at least forty (40) percent of the subject façade in transparent clear glass windows and/or doors arranged so that the uses inside are visible from and/or accessible to the street. Windows and/or doors with reflective or tinted glass that impede views into a building are prohibited.

ii. All Stories Transparency. All stories of building facades, including the ground level, that face a public right-of-way, except for alleys, shall include at least forty (40) percent of the subject façade in windows or doors. The Administrative Review Committee may waive transparency requirements by up to twenty (20) percent for medical and dental office uses.

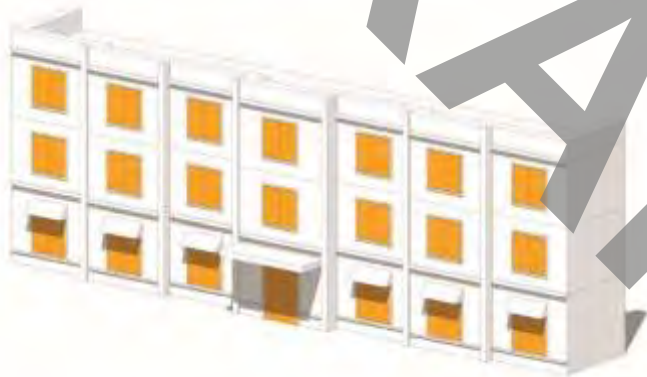


Figure 13: Transparency

e. Awnings and Canopies: Building awnings, canopies or similar weather protection devices are encouraged on the first floor of non-single-family development facing a public right-of-way. If provided, awnings or canopies shall project a minimum of three (3) feet and a maximum of ten (10) feet.



Figure 14: Awnings and Canopies

f. Articulation: The ground level must offer pedestrian interest along sidewalks and pedestrian paths that face a public right-of-way, except for alleys, through the use of contrasting elements. Facades shall be articulated with a sense of depth by including design elements that create shadow lines, change color or materials, or incorporate other details that breakdown large expanses of flat, unembellished surfaces.



Figure 15: Articulation

E. Access, Parking, and Loading. The following regulations shall apply to all development within subarea A through D except for single-family detached dwelling units, which shall conform to the regulations contained in Section 5 herein.

1. In addition to the standards of Section 36-483, Parking and Loading, the following standards shall apply:

a. Any off-street parking that is provided must be located behind the building or within or under the building.

b. When the depth of the lot is insufficient to permit required parking to the rear of the building, parking may be located to the side of the building, provided that it is screened from view of the street by a wall of primary building material, between 36 and 48 inches in height. Screening is not required in Subarea C.

Parking shall not exceed the minimum required parking by more than one space per 1,000 square feet of building area unless any such extra spaces are provided in an enclosed parking garage.

Access shall be provided from a side street, alley, or access easement where possible.

Vehicular Cross Access Drives:

- a. Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the development's vehicle parking facilities and vehicle parking facilities in an adjoining non-single-family development or to the boundary of adjoining vacant land.
- b. Required vehicular cross access between the adjoining lots shall be provided through the use of a single two-way maneuvering lane or two one-way maneuvering lanes in conformance with Public Works Design Standards to accommodate traffic by automobiles, service vehicles, and emergency vehicles.
- c. The Administrative Review Committee may waive or modify the requirements for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area, or would create unsafe conditions.
- d. Easements allowing cross access to and from properties served by a vehicular cross-access drive, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Greene County Recorder's Office before issuance of a building permit for development.

Pedestrian Walkways:

- a. ADA accessible pedestrian walkways shall be provided from the perimeter public sidewalk to the primary building entrance and from the parking lot to the primary building entrance and shall be along direct routes that do not require significant out-of-direction travel.
- b. ADA accessible walkways must be distinguished from driving surfaces through the use of raised curbs or contrasting materials to enhance pedestrian safety. Examples of acceptable contrasting materials include, but are not limited to, stamped asphalt, special pavers, bricks, or scored concrete.

F. Screening:

1. Used Frying Oil, Trash, and Recycling Receptacles. The following screening requirements shall apply to all non-single-family development.

- a. Used frying oil, trash, and recycling receptacles shall be screened on three (3) sides with a solid, opaque material with a minimum height of six (6) feet and a maximum height of eight (8) feet.
- b. Materials used for screening shall complement the exterior building cladding materials of the primary building.
- c. Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.

- d. If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
- e. Shrubs shall be installed every three (3) feet along the exterior of the enclosure, except for enclosure openings, to provide a softening effect.
- f. Enclosure openings shall be gated with an opaque material.
- g. Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
- h. Property owners shall be responsible for ensuring that used frying oil, trash, and recycling receptacles are placed in the enclosure at all times other than when such receptacles are being accessed.
- i. Access drives shall be constructed of materials and to a thickness in conformance with Public Works Design Standards. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
- j. Enclosures shall be of an adequate size to accommodate expected receptacles. The enclosure shall be designed to be expandable to accommodate future additional containers.
- k. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.
- l. Used frying oil, trash, and recycling receptacle enclosures shall not occupy areas used for required parking spaces.



Figure 16: Used Frying Oil, Trash and Recycling Receptacle Screening

Ground Mounted Mechanical Units

Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts. Ground mounted mechanical units are prohibited within the front yard, regardless of whether screening is provided.

Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.

Materials used for screening shall be designed and established so that the area or element being

screened is no more than twenty (20) percent visible through the screen.

Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

Roof Mounted Mechanical Units

Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts.

Roof mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be completely screened from public view.

Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.

Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not mandate the screening requirements.

Additional screening may be required due to topographic differences in the adjoining properties.

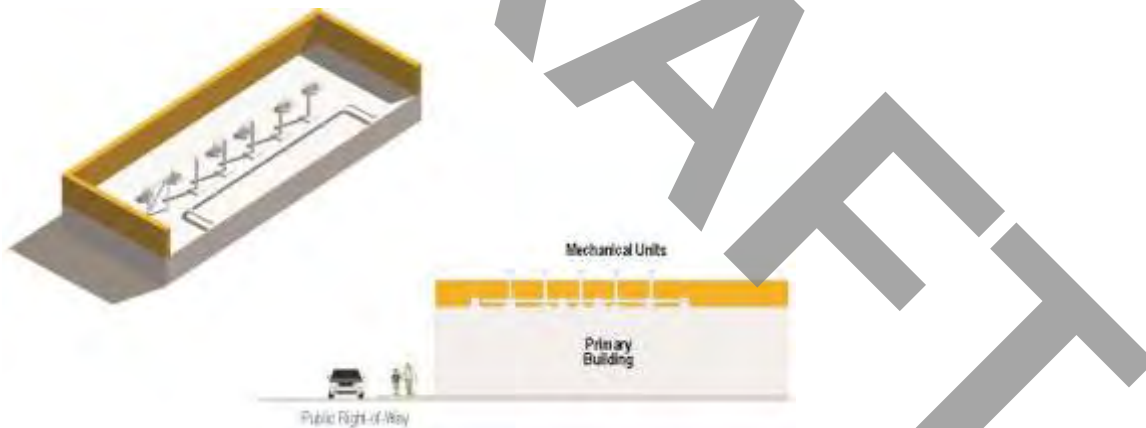


Figure 18: Roof-Mounted Mechanical Unit Screening

Fencing

No fence or wall over six (6) feet shall be erected on any lot within the Rountree Urban Conservation District.

No fence over forty-eight (48) inches in height shall be erected within twenty (20) feet of National Avenue, Cherry Street, Elm Street or Pickwick Avenue.

Fences within eighty (80) feet of National Avenue, Cherry Street, Elm Street and Pickwick Avenue shall be at least eighty (80) percent transparent.

Chain link, vinyl, metal sheeting and plastic fencing are prohibited within twenty (20) feet of National Avenue, Cherry Street, Elm Street and Pickwick Avenue.

Chain link shall not be used to satisfy landscaping and screening requirements.

The finished side of the fence or wall must face the adjacent property or the street.

At- and below-grade patios shall be enclosed by a fence or wall between 36" to 48".

G. Landscaping and Bufferyards

1. Bufferyards: Bufferyards shall be required along interior property lines of all non-single-family development when adjacent to single-family uses. It is not anticipated that the bufferyard will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics.

a. Applicability: Bufferyards are required in the following situations:

- i. The construction or installation of any new primary building or primary use; and
- ii. The expansion of any existing primary building that results in an increase in gross floor area by more than five (5) percent or one thousand (1,000) square feet, whichever is greater. In the case of expansions that trigger compliance with the bufferyard requirements, bufferyards are only required in proportion to the degree of expansion. The Administrative Review Committee is authorized to allow the bufferyard plantings to be established adjacent to the area of expansion.

b. Bufferyard Standards:

- i. Width: The bufferyard shall have a minimum width of seven (7) feet. Required yard setbacks may be utilized for the bufferyard.
- ii. Fences: The exterior line of the bufferyard shall be improved with a fence meeting the following standards:
 - a. Height: The fence shall be six (6) feet in height.
 - b. Materials: The material of the fence shall be pressure treated wood (chemically treated or naturally resistant to decay) or wood Composites.
 - c. Design: The finished side of the fence shall face the adjacent property.
 - d. Location: Fences shall be in line with the fences of adjacent properties, shall provide safe site distance where driveway curb cuts intersect public rights-of-way, and shall not extend beyond the front elevation of the primary building.

c. Landscape Elements: The bufferyard shall, at a minimum, be improved with the following landscape elements:

- i. Canopy/Evergreen Trees: Four (4) canopy and/or evergreen trees shall be planted

per every one hundred (100) lineal feet of bufferyard.

ii. Shrubs/Native Grasses: Ten (10) shrubs/native greases shall be planted per every one hundred (100) lineal feet of bufferyard.



Figure 19: Buffer Area Landscape

d. Installation and Maintenance of Landscape Areas:

i. All installed landscape shall conform to the most recently approved American Standard for Nursery Stock (ANSI Z60.1) published by the American National Standards Institute.

ii. All new landscape areas shall be installed prior to the occupancy or use of the building or premises, or substantial completion of the building to allow for occupancy; or if the weather conditions are not conducive to planting, the developer shall apply to the Administrative Review Committee for a delay in landscape installation. The delay in landscape installation request shall identify a date certain by which all required landscape materials shall be installed or the developer shall be subject to a fine.

iii. A total cost estimate of landscaping for the construction must be given in January 1 dollars for the current calendar year. Twenty (20) percent of the total landscaping costs must be deposited in escrow with the City before building permits are granted. The twenty (20) percent landscaping deposit will be held in escrow for a period of one (1) year past the time of planting and will be refunded on approval of the City.

iv. Dead plant materials shall be replaced within sixty (60) days, taking into consideration the season of the year, and shall have at least the same quantity and quality of landscape elements as initially approved. If the particular project is constructed in more than one phase, the sixty (60) day timeframe shall apply to each individual phase.

v. All landscape shall be maintained in a healthy, neat, trimmed, clean and weed- free condition. With the exception of surface areas in vegetated stormwater management areas where mulch is not specified, the ground surface of landscape areas shall be covered with either turf and/or other types of pervious groundcover located beneath and surrounding trees and shrubs.

vi. For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of eighteen (18) months following City approval of installation. During this guarantee period, the landowner

shall supply water as necessary to promote successful establishment and growth.

vii. Any required landscape area not intended for stormwater management that is greater than one hundred and fifty (150) square feet in area shall be provided with an underground irrigation system or shall be provided with a portable water supply within fifty (50) feet of said landscape areas. No part of an irrigation system may be installed in City rights-of-way.

viii. All plantings required under this Subsection G shall be maintained perpetually and replaced if they die or are substantially weakened or damaged. If plantings die, they shall be replaced with more culturally suitable species of the same type (e.g. tree, shrub, groundcover).

(4) Subarea E and F Regulations. Subareas E and F of the Rountree Urban Conservation District are known as the Rountree Single-Family Neighborhood Area. Subareas E and F are characterized by a diverse single-family housing stock. The regulations in this Section are intended to promote the continued status of these subareas as single-family residential and off-set the potential adverse impact of adjacent land uses to the character of these subareas.

A. Permitted and Conditional Uses: The following key is to be used in the interpretation of Table 2. Permitted and Conditional Uses Subareas E and F, in this section :

Permitted Uses: Uses which are marked as “P” in the table shall be allowed in a subarea subject to all application regulations of this district.

Conditional Uses: Uses which are marked as “C” in the table shall be allowed in a subarea upon the approval of a Conditional Use Permit as detailed in Section 36- 363.

Uses Not Listed: If a proposed use is not listed in the table, the Administrative Review Committee shall determine if the use is substantially similar to a use listed in the table. If it is, the proposed use shall be treated in the same manner as the substantially similar use. If not, the use shall be prohibited.

Additional Regulations: If uses have additional regulations, such standards are referenced in this column. Additional regulations shall apply to permitted and conditional uses. Where additional regulations conflict with Rountree Urban Conservation District subarea standards, the subarea standards shall be followed.

<u>Subareas E and F Uses - Table 2</u>		<u>Additional Regulations</u>		<u>Subare as</u>	
<u>Use</u>				<u>E</u>	<u>F</u>
<u>Residential Uses</u>					
<u>Dwelling, Single Family Detached</u>				<u>P</u>	<u>P</u>
<u>Dwelling, Single Family Semi-Detached</u>		<u>Section 36-361</u>		<u>P</u>	<u>P</u>
<u>Day Care Homes</u>				<u>P</u>	<u>P</u>
<u>Group Homes, residential</u>		<u>Section 36-465</u>		<u>P</u>	<u>P</u>
<u>Other Uses</u>					
<u>Churches (min 2 acres of land)</u>				<u>P</u>	<u>P</u>
<u>Adaptive use of non-residential structures</u>		<u>Section 36-</u>		<u>C</u>	<u>C</u>

	<u>363(10)(b)</u>		
<u>Non-commercial, not-for-profit residential neighborhood facilities</u>	<u>Section 36-467</u>	<u>C</u>	<u>C</u>
<u>Public museums and libraries (min 2 acres of land)</u>		<u>C</u>	<u>C</u>
<u>Accessory Uses</u>			
<u>Accessory Uses</u>	<u>Section 36-450</u>	<u>P</u>	<u>P</u>

B. Building and Lot Standards

<u>Subareas E and F Building and Lot Standards – Table 3</u>	
	<u>Areas E and F</u>
<u>Lot Standards</u>	
<u>Lot Area</u>	<u>Per R-SF, Residential Single-Family Residential District</u>
<u>Lot Width</u>	<u>Minimum per R-SF, Residential Single-Family Residential District Maximum of one-hundred (100) feet; except that lots existing as of June 5, 2023 are exempt from the one-hundred (100) foot maximum lot width restriction</u>
<u>Lot Depth</u>	<u>Per R-SF, Residential Single-Family Residential District</u>
<u>Yard Setbacks (build to line)</u>	
<u>Front, minimum (ft)</u>	<u>25 (Primary Street)</u> <u>5 (Side Street)</u> <u>Exception: 15 for parcels fronting McCann Avenue and Belmont Street in Area E and the south side of Cherry Street east of Fairway Avenue in Area F</u>
<u>Front, maximum (ft)</u>	<u>50 (Primary Street)</u> <u>10 (Side Street)</u>
<u>Side, minimum (ft)</u>	<u>5 (Primary building)</u> <u>3 (Accessory building)</u>
<u>Side, maximum (ft)</u>	<u>15 (Primary Building)</u>

C. Design Standards:

Pedestrian Access: A hard-scaped pedestrian path shall be provided from the primary pedestrian entrance of a single- family home to the driveway and/or sidewalk.

Building Entrance: The primary pedestrian entrance to a new single-family residential home, or home to be rehabilitated, shall be located off the front porch, front stoop, or side porch.

Individual Identity: To the extent possible, single-family homes constructed adjacent to each other should exhibit unique characteristics, regardless of whether they utilize the same floor plan. Acceptable alternatives may include varying roof pitches and orientation, window arrangement, porch arrangement, materials, and other building elements, provided that such alternatives shall not conflict with other design elements addressed in these regulations.

Porches:

Single-family residential homes shall include a front porch, stoop, or side porch.

- b. When a front porch is provided, the porch shall be at least eight (8) feet in depth and, shall span at least twelve (12) feet in width or approximately fifty (50) percent of the front building façade, whichever is greater.

Garages:

A garage is not a required building element. When utilized, attached or detached garages shall be located on the parcel in a manner consistent with most of single-family homes in the vicinity, except that it is preferable to remove the garage from the front building façade where possible

Attached garages located on front building facades shall be recessed a minimum of twenty (20) feet behind the front building line (including the porch). The total garage opening facing the street shall not exceed eighteen (18) feet in width.

Detached garages shall be of a similar height as garages on adjacent lots, shall have a roof pitch like that of garages on adjacent lots and shall be of a scale such that the garage is clearly accessory to the principal residential structure.

No metal carports or metal storage buildings shall be visible from the public street (alleys excluded).

Roof:

The principal structure's roof pitch and the orientation of the roof ridge shall be compatible with homes in the vicinity. This requirement does not disallow roof line alterations, if necessary, for structures subject to rehabilitation so long as the alteration is reasonably consistent with the surrounding neighborhood.

The roof style, including gables and dormers, shall be consistent with homes in the vicinity. False dormers may be permitted to ensure consistency of roof style.

Exposed fastener metal roofs are not permitted.

Fencing: Chain link and other wire fences shall not be permitted in front of the building face.

Utility Placement: Electric and gas meters serving new construction shall not be placed on a street-facing building façade. Every effort shall be made to locate or re-locate electric and gas meters to a non-street facing building façade of a dwelling unit to be rehabilitated.

Circular Drives: Circular driveways are permitted if sufficient frontage is available and if approved by the City Traffic Engineer.

Solid Waste Containers:

Solid waste containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within twenty-four (24) hours after being placed at the curb. The person placing the solid waste container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection (11).

Solid waste containers, unless placed at the curb for collection in accordance with subsection (a) above, are prohibited in the front yard.

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.~~

~~3. 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 Walnut Street – East Urban Conservation District

(1) The following ordinance was adopted by the Springfield City Council on September 17, 1984:

A. That the following property, to wit:

WALNUT STREET URBAN CONSERVATION DISTRICT – EAST LEGAL DESCRIPTION

Beginning at a point 20' East of the SW cnr. of Lot 3, O.H. Mitchell's Add., thence E to the SE cnr. of

Lot 10 Mitchell's Add., thence S 49.5', thence E 110.5', thence S 8', thence E 578.65' M/L, thence N 83.5', thence E 68' to the SW cnr. of Lot 12 Chamberlain's Add., thence E along the S line of Lot 12 through 10 of Chamberlain's Add. to the SE corner of Lot 10, thence N 101.5' along E line of said Lot 10, thence E 200' to a pt. on the E Row of Fremont Ave., thence S 101.5' to the SW cnr. of Lot 5 Chamberlain's Add., thence E along the S line of Lots 1 through 5 of said Add. to the SE cnr. of said Lot 1 being a pt. on the SW ROW of Burlington Northern RR, thence continuing E 220' S of and parallel to Walnut St. to a pt. on the W line of Lot 6, Arlington Heights Add., thence N along the w line of said Addition 120', thence E 202' to a pt. on the E ROW line of Weller, thence S 80', thence E 162' M/L, thence S 50.5' to a pt. 52' W of the SE cnr. of Lot 3 Arlington Heights Add., thence continue E across 14.5' vacated alley (Delaware) to SW cnr. Lot 1 E Elm St. Add., thence continue E along s line of Lots 1 through 14, E Elm St. Add., thence continue E 100' to SW cnr. of Lot 17 E. Elm St. Add., thence continue E 100' to SE cnr. of Lot 18 said Add., thence continue E 52.18', thence N 231' to the S ROW of Walnut St., thence W along the S ROW of Walnut St. to a pt. 60' S of the SE cnr. of Lot 176 Kennedy Heights Sub., thence N to the SE cnr. of said Lot 176, thence continuing N along the E line of said Lot 176 to the NE cnr. of said lot, thence W along the N line of Lots 176 through 172 Kennedy Heights Sub., said pt. being 15' W of the SE cnr. of Lot 163 Kennedy Heights Sub., thence N 53' along the W line of said Lot 163, thence 10' W along the S line of said Lot 163, thence continuing W along the S line of Lots 164 through 171 Kennedy Heights Sub. 200' to the SW cnr. of said Lot 171, thence S 27' to a pt. 210' N of N ROW of Walnut St., thence w 204.3', thence S 3', thence W 80', thence N 18', thence W 97.5', thence S 17', thence W 80' to a pt. on the E ROW of vacated alley (Delaware) 181.8' N of the N ROW of Walnut St., thence S 41.8', thence W across vacated alley (Delaware) 14.5' to the NE cnr. of Lot 8, Block 9 Frisco Heights Add., thence continuing W along the N line of Lots 8 through 14, Block 9 said Add. to the NW cnr. of Lot 14, Block 9 Frisco Heights Add. and being a pt. on the E ROW line of Weller Ave., thence continue w 40' across Weller Ave. to the NE cnr. of Lot 7, Block 8, Frisco Heights Add., thence N 10' to center line of vacated alley, thence W along center line of vacated alley to a pt. on the E ROW line of Pickwick Ave. 10' N of the NW cnr. of Lot 12, Block 8, Frisco Heights Add., thence continue W across Pickwick 50' to a pt. on the W ROW line of Pickwick, the pt. being the NE cnr. of Lot 2, Block 7, Frisco Heights Add., thence continue W 46' to the SE cnr. of Lot 1, Pickwick Terrace Add., thence continue W along the S line of Lots 1 through 7 Pickwick Terrace to the SW cnr. of said Lot 7, a pt. on the NE ROW of the Burlington-Northern RR, thence continue W to a pt. on the W ROW line of said RR 150' N of N ROW line of Walnut St., thence northwesterly along the RR ROW to a pt. 270' N of the N ROW line of Walnut St. thence W across that portion of vacated Fremont Ave. and continuing W along the center line of vacated alley to a pt. 10' N of the NW cnr. of Lot 1 Whiteheads Sub., thence continue W across Kickapoo Ave. to a pt. 270' N of the N ROW line of Walnut St., thence N along the W ROW line of Kickapoo Ave. to the S ROW line of McDaniel St., the pt. being the NE cnr. of Lot 10, L.C. Hubble's Sub., thence W along S ROW of McDaniel St. 213' to the NW cnr. of Lot 8, L.C. Hubble's Sub., thence S 93.5', thence W 125' to a pt. on the E line of Lot 1, Hawthorne Add. 93.5' S of the S ROW line of McDaniel St., thence S 118.5' to a pt. 10' S of the SE cnr. of Lot 1, Hawthorne Add., being the center line of vacated alley, thence w 166' to a pt. 212' S of the S ROW of McDaniel St., being apt. on the E line of Lot 8, Hawthorne Add., thence South along E. line of Lots 8 and 9 to the SE cnr. Lot 9 said Add., thence West 84' along S line of said Lot 9 to a point N of the E line of Lot 10 Hawthorne Add., thence to SE cnr. of said Lot 10, thence SWly across Walnut Street to a point 20' E of NW cnr. of Lot 3, O.H. Mitchell's Add., thence to point of beginning.

(Location: Walnut Street -- Point east of National to point west of Glenstone).

The /same is hereby rezoned from R-1, Single-Family District, and R-3, Multi-Family District, to Urban Conservation District No. 1, known as the East Walnut Street Urban Conservation District, and Chapter 36, Article I, Zoning, of the Springfield City Code, Section 80.030 thereof, Zoning Maps, is hereby amended, changed and modified accordingly; which district shall be subject to the regulations set forth in Section 80.1150, Urban Conservation District, and the regulations set forth in Sections 2 and 3 of this ordinance.

B. The following regulation shall govern and control the use and development of land in East Walnut Street Urban Conservation District No. 1, which regulations are as follows:

1. Uses Permitted: The following uses shall be permitted:

A. All uses permitted by right in the “R-1” One-Family District as set forth in Section 80.100

~~10.06—Retail Liquor Sales~~

- ~~I.—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.~~
- ~~II.—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.~~
- ~~III.—3. **Application fee.** If the proposed establishment is within 200 feet of property zoned R-SF, R-TH, R-MHC, or designated for single family or two family residential use in a PD district, then the person charged with the responsibility of accepting applications for such establishments on behalf of the city shall require to be filed therewith a fee of \$107.00 plus the actual costs of publications 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.~~
- ~~IV.—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, 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.~~
- ~~V.—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 foot area acknowledging the signatures of the persons owner, 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 Walnut Street – West Urban Conservation District

10.07 Chickens

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

10.08 Short-term Rentals

A. Short-term Rental Type 1.

1. This section (1) shall apply to a short-term rental use that:

a. Is rented for periods of less than 30 consecutive days;

b. Is located within a R-SF or R-MX1 zoning district; and

c. Is a residential dwelling that is the primary residence of the short-term rental owner or operator.

2. The following provisions shall apply to a short-term rental type 1:

a. A short-term rental type 1 shall only be located in the primary structure or an accessory dwelling unit per Section 4.04.C;

b. Annual business license shall be obtained; and

c. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 1 which is not in compliance with the provisions of this section.

B. Short-term Rental Type 2.

1. This section (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 500 feet of another short-term rental type 2, as measured by the shortest distance between the two closest property lines;

b. A short-term rental type 2 shall only be located in the primary structure or an accessory dwelling unit:

c. No exterior alterations that would change the single-family residential character of the short-term rental type 2, other than those necessary to ensure the safety of the structure, shall be made;

d. No residential structure shall be removed for parking or to expand the short-term rental type 2;

e. A short-term rental type 2 shall not be rented for receptions, parties, weddings, or any similar activities on the property;

f. The owner of a short-term rental type 2 shall provide notification as required by Section 10.085.D;

g. A certificate of occupancy shall be obtained in accordance with Article I, Division 6 of

Chapter 38, Building Development Codes;

h. An annual business license shall be obtained; and

i. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 2 which is not in compliance with the provisions of this section.

3. A short-term rental type 2 permit shall be required for short-term rental type 2 uses.

a. An application fee as set forth in the schedule of fees, shall accompany any short-term rental type 2 application and is in addition to the permit and certificate of occupancy fee required by this section. The additional fee shall be for the costs of processing the application.

b. Applicant(s) shall hold a neighborhood meeting at the property involved in the application or in the immediate vicinity. Notice of the meeting shall be sent by first-class mail, postage paid, at least 10 days prior to the meeting, to the owner of each real property within 500 feet of the short-term rental property, as shown on the records of the county assessor, to the occupant of each real property within 500 feet of the short-term rental property, which may be addressed to "occupant" and mailed to the physical address, and to the president or other association officer(s) of any neighborhood association(s) as on file with the PD Director.

c. Notice of the neighborhood meeting shall be posted by the applicant at least 10 days prior to the meeting and 21 days after for a total of at least 31 days in conspicuous places on or in the immediate vicinity of the property which is the subject of the short-term rental type 2. One sign shall be posted on each street frontage of the subject property. Additional signs or alternate posting locations may be required at the discretion of the PD Director. Such notice shall be at least 18 inches in height and 24 inches in width and shall contain the words "NEIGHBORHOOD MEETING" and in addition the date, time, and place of the public meeting, and a telephone number where additional information can be secured.

d. It is recommended the meeting be held early enough to provide time for the applicant to consider any neighborhood input, allow any changes to be evaluated by staff, and to resolve any issues if possible. The meeting shall be scheduled from 4:00 p.m. to 6:30 p.m.

e. The mailing shall be performed by the Department of Planning and Development; however, the letters and envelopes themselves must be prepared, and postage placed on same by the applicant. The neighborhood letters shall be submitted to the Department of Planning and Development for mailing, in sufficient time to allow for mailing for at least 10 days prior to the date of the neighborhood meeting. A file copy of the letter shall be provided to the Department of Planning and Development. The notice letter shall contain the following at a minimum and any additional information as required by the PD Director:

(1) Description and details of proposed short-term rental operation including number of days per month to be rented and any other proposed changes;

(2) Meeting date, time and location;

(3) Applicant or their representative's contact information; and

(4) Information sheet provided by the city, including notice that an owner of residential real property within 500 feet of the short-term rental property has 10 days from the date of the neighborhood meeting to submit a letter objecting to the short-term rental.

f. No more than 10 days following the neighborhood meeting, the applicant shall submit a summary of the meeting to the Department of Planning and Development using the following format as set forth below ("meeting summary"):

(1) Meeting date, time, and location;

(2) Number of individuals in attendance with an attached sign-in sheet;

(3) List of issues raised and any verbal comments received and how the applicant plans to respond; and

(4) Additional information, such as comment cards and letters, shall be attached to the summary.

g. If the applicant does not submit a complete meeting summary within 10 days of the neighborhood meeting, the application shall be considered incomplete, and the applicant will be required to conduct a new meeting.

h. If at least two or at least 30%, whichever is greater, of adjacent owners of residential real property, including those adjoining and immediately across the street, submit a letter of objection no more than 10 days after the neighborhood meeting, the application shall be denied. If the application is denied for this reason, an applicant may file an appeal to the Planning and Zoning Commission for a resolution to approve the application. An appeal must be filed within 10 days of denial. The decision of the Planning and Zoning Commission shall be final for the purposes of Chapter 536, RSMo.

i. If the applicant submits a complete meeting summary and less than two or less than 30%, whichever is greater, of adjacent owners of residential real property, including those adjoining and immediately across the street, submit a letter of objection, the application shall be approved, provided that all other requirements have been satisfied.

j. The city shall have the authority from time to time to prepare forms to implement this section including application forms, forms for notice, forms for proof of ownership, and other appropriate requirements.

C. Short-term Rental Type 3.

1. This section (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 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 10.085.D;
- d. A certificate of occupancy shall be obtained in accordance with Article I, Division 6 of Chapter 38, Building Development Codes;
- e. Annual business license shall be obtained; and
- f. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 3 which is not in compliance with the provisions of this section.

D. Short-term Rental Notification Requirements.

1. The owner of a short-term type 2 or short-term rental type 3 shall post, conspicuously in each rental unit the following information:

- a. The names and contact information of the person or persons responsible for the day-to-day operations of the short-term rental;
- b. The certificate of occupancy and business license number;
- c. The restrictions on noise applicable under Section 4.05, including limitations on the use of amplified sound;
- d. Any applicable parking restrictions;
- e. Trash collection schedule; and
- f. That the short-term rental unit may not be rented for receptions, parties, weddings or other similar activities on the property.

E. Short-term Rental Revocation, Suspension, or Denial of a Permit.

1. The PD Director may immediately revoke or suspend a permit, or deny either the issuance or renewal thereof, if it is found that:

- a. The owner or operator failed to comply with the short-term rental requirements in this section or any other city codes and ordinances. The PD Director may suspend, revoke, or deny an application to renew a short-term rental permit for a period of 12 months. During that time, another short-term rental may be established pursuant to this section and cause the

revoked or denied short-term rental from being re-established due to the density limitation.

b. The PD Director may, in writing, suspend, deny, or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact, fraud, or noncompliance with this section.

c. When a short-term rental permit is denied by the PD Director, written notice shall be given of the denial to the owner, together with a brief written statement of the reason for the denial. Such denials shall have referenced the section of this section or other pertinent code used as a standard for the basis of denial.

d. If the PD Director denies, suspends, or revokes a permit, the owner may file an appeal request to the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be final for the purposes of Chapter 536, RSMo.

F. Transferability/Renewal.

1. The owner of a permitted short-term rental may transfer the property along with the permitted use to another within 30 days of the change in property ownership, subject to the transferee completing an application and providing all required information to the city. This transfer does not trigger a new certificate of occupancy inspection by virtue of the transfer alone.

2. Nonconforming permitted short-term rentals are eligible for transferring of business ownership in the event of a change of property ownership. This will need to take place within 30 days of the change in property ownership.

3. Nonconforming short-term rentals will be eligible for business license renewal provided they meet all of the other requirements of this section except the density limitations. Renewal of short-term rentals will be conducted by the Licensing Division of the Finance Department.

G. Implementation.

1. For the purpose of the implementation of the short-term rental uses and fairness in dealing with potential conflicts based on density limitations. Applications for short-term rentals shall commence two weeks after the passage of this ordinance.

2. Implementation and suspension of density limitations. Applicants filing an application for a short-term rental type 2 within the first 30 days following passage of this ordinance shall not be subject to the density limitations set forth in Section 10.085.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 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.

10.08 Utilities

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

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

Zoning Classification	Easement (1)	ROW
Residential (R-SF, R-TH, R-LD, R-MD, R-HD, WC-2, WC-3 and R-MHC)	50 feet	60 feet
Office/institutional (O-1, O-2 and GI)	70 feet	80 feet
Commercial (LB, GR, HC, CS, CC, WC-1, COM1 and COM2)	80 feet	90 feet
Industrial (RI, LI, GM, HM, and IC)	90 feet	100 feet
Planned development (based on use)	Individual case basis	Individual case basis

4. ~~Any equipment placed on the utility pole must be located at a sufficient height to meet any federal or state requirements or occupy no more than a 20-square foot area on the ground adjacent to the pole and not occupy any sight restrictions for adjacent driveways, access points and rights-of-way.~~
5. ~~Existing poles exceeding the matrix height criteria shall be considered conforming and may be replaced as needed with another pole of like size.~~
6. ~~This section 36-303 shall not apply to wireless telecommunications facilities used for internal utility operations.~~

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

1. ~~All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.~~
2. ~~When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.~~

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

(d) ~~**Other facilities.**~~

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

- a. ~~Facilities for the detention or collection of stormwater.~~
- b. ~~Civil defense warning sirens.~~

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

- a. ~~Water standpipes, and elevated, and ground level, water storage tanks.~~
- b. ~~Stormwater detention, retention, and treatment facilities.~~

10.09 Marijuana & Medical Marijuana Uses

A. Intent. The intent of this section is to allow marijuana and medical marijuana uses while minimizing any possible adverse effects of these uses on the surrounding neighborhood. Marijuana-related uses are subject to additional district- or use-specific standards in this section.

B. Applicability. In association with the use table in Section 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 and Medical Marijuana Uses and Districts

Use Type	Separation	<u>CC</u>	<u>C-MX2</u>	<u>GC</u>	<u>LIC</u>	<u>HM</u>
<u>Medical, comprehensive, or microbusiness dispensary facility</u>	<u>1,000' from elementary or secondary school or place of worship.</u> <u>200' from a child daycare</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Medical or comprehensive marijuana infused product manufacturing Type 2 extraction</u>	<u>1,000' from elementary or secondary school or place of worship.</u> <u>200' from a child daycare</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility</u>	<u>1,000' from elementary or secondary school, place of worship, or child daycare</u>			<u>P / C</u>	<u>P / C</u>	<u>P / C</u>
<u>Marijuana testing facility</u>	<u>1,000' from elementary or secondary school, place of worship, or child daycare</u>				<u>P</u>	<u>P</u>
<u>Medical or comprehensive marijuana infused product manufacturing Type 1 extraction</u>	<u>1,000' from elementary or secondary school, place of worship, or child daycare</u>					<u>P / C</u>

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 10-5 shall be applied as follows:**
 - a. In the case of a freestanding facility, the distance between the facility and the protected use shall be measured from the closest external wall of the facility structure to the closest point of the property line of the protected use.**
 - b. If the protected use is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the protected use.**
 - c. If the facility is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured from the facility's closest entrance or exit to the property line of the protected use.**
 - d. If the facility and the protected use are both part of a larger complex or campus, the distance shall be measured between the entrances of the facility and the protected use.**
 - e. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.**
- 4. No marijuana or medical marijuana facility shall be located in a building that contains a residence.**
- 5. All marijuana and medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m. No persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises, during that time.**
- 6. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana facility.**
- 7. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.**
- 8. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.**

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

Child Daycare. A childcare facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.

Comprehensive Facility. A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

Comprehensive Marijuana Cultivation Facility. A facility licensed by the state to acquire, cultivate, process, package, store on-site or offsite, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

Comprehensive Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, primary caregiver, or consumer, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer, and consistent with the limitations in Article XIV of the Missouri State Constitution and Springfield City Code, to a comprehensive facility, a marijuana testing facility, or a medical marijuana facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but such facility shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV of the Missouri State Constitution and Springfield City Code. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Comprehensive Marijuana-infused Products Manufacturing Facility. A facility licensed by the state to acquire, process, package, store, manufacture, and transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

- (1) **Type 1 extraction facility:** A facility which uses combustible gases, CO₂, or other hazardous substances in the marijuana extraction process.
- (2) **Type 2 post-extraction facility:** A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO₂, or other hazardous substances.

Elementary or Secondary School. Any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth grade, but not including any private school in which education is primarily conducted in private homes.

Flowering Marijuana Plant. A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

Marijuana or Marihuana. Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

Marijuana Facility. A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness marijuana dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the state pursuant to Article XIV, Section 2 of the Missouri State Constitution. Marijuana facilities do not include medical marijuana facilities licensed pursuant to Article XIV, Section 1 of the Missouri State Constitution.

Marijuana-infused Products. Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

Marijuana Microbusiness Facility. A facility licensed by the state as a microbusiness marijuana dispensary facility or microbusiness wholesale facility, as defined in this section.

Marijuana Testing Facility. A facility certified by the state to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility.

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

Medical Marijuana Cultivation Facility. A facility licensed by the state to acquire, cultivate, process, package, store onsite or off-site, transport to and from, and sell marijuana, marijuana seeds, and marijuana 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, CO₂, or other hazardous substances in the marijuana extraction process.
- (2) **Type 2 Post-extraction Facility.** A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO₂, or other hazardous substances.

Microbusiness Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, qualifying patient, or primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with state and local law, a microbusiness wholesale facility or a marijuana testing facility. Microbusiness marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness Wholesale Facility. A facility licensed by the state to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

Place of Worship. A permanent building primarily and regularly engaged in organized services for religious worship open to the public or a specific congregation of members or participants.

Preroll or Infused Preroll. A consumable or smokable marijuana product, generally consisting of:

- (1) A wrap or paper;
- (2) Dried flower, buds, and/or plant material; and
- (3) A concentrate, oil, or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

10.09 Economic and housing access calamity.

~~(a) During such time that City Council has declared an economic and housing access calamity for the working-poor and unemployed with 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 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 right-of-way, rather than on private utility easements or fee simple title interests, are a danger to the traveling public and an interference with the use and enjoyment of the right-of-way by abutting landowners and members of the public.

B. **Legislative Purposes.** The general purpose of this section is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Springfield.

Specifically, the purposes of this section are:

1. To direct the location of towers and telecommunications facilities in the city;
2. To protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
3. To minimize adverse visual impacts of towers and telecommunications facilities through careful design, 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; and
8. To create a licensing process which allows the city to more efficiently administer this section.

C. Applicability.

1. All towers, antenna support structures, and telecommunications facilities, any portion of which are located within the city of Springfield, are subject to this chapter. All towers within the city of Springfield, Missouri, at the time of passage of said ordinance, or are annexed at a later date, shall be registered with the city Finance Director within 60 days from the effective date hereof together with the height, width, and location thereof and a registration fee as set forth in the schedule of fees. Failure to register an existing tower shall raise a presumption that said tower was not a legal nonconforming use on the date of passage of said ordinance. However, said ordinance shall not apply to tower structures used, or to be used, solely for services provided pursuant to a broadcast radio or television license issued by the FCC; to towers and antennas used for private telecommunications services when the equipment is located on the premises of the entity using said private telecommunication service; or the towers and antennas, support structure, or masts that are located on the primary business premises of a provider of communications services if used to monitor the provider's services and the equipment used by the broadcaster, private telecommunicator, or provider is in compliance with any federal, state, or local laws, and does not encroach on the public 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 Telecommunication Towers	
Tier	Descriptions
Tier I	Wireless facilities and antennas mounted on buildings or other structures, including existing towers, public buildings and structures, school buildings and structures, and churches.
Tier II	Cell towers of a stealth design that are not greater than 60' in height, located on the same premises or parcel as public buildings and structures, school buildings and facilities, church buildings and noncommercial, not-for-profit residential neighborhood facilities and approved by ordinance.

Tier III	Cell tower of a monopole or stealth design that are <100' in height.
Tier IV	Cell towers of a stealth or monopole design that are ≥100'-in height.
Tier V	Cell towers that are: a. Not of a stealth or monopole design; or b. ≥100'-in height and not setback from any residential district at least two feet for every one foot of height; or c. Not able to collocate at least 1 additional provider if the tower height is ≥100' or at least 2 additional providers' facilities if the tower height is ≥120'.

2. **Telecommunications Facilities.** Any telecommunications facilities which are not attached to a tower shall be a permitted accessory use to any commercial, industrial, professional, institutional, or multifamily structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located and without having to obtain any prior authorization from the city, provided that the person making such accessory use files a written certification with the city establishing the following:
- a. That the total height of the antenna support structure and telecommunications facilities do not exceed the structural height limitations in the applicable zoning district under this chapter by more than 20 feet;
 - b. That the antenna support structure and telecommunications facilities comply with the city building code and any applicable state law, does not encroach on the public right-of-way, and a building permit has been obtained from the Department of Building Development Services;
 - c. That any telecommunications facilities and antennas located on the roof of a building shall comply with setbacks required by the city building code, if any, and do not extend more than 50 inches in the horizontal plane from the side of such an antenna support structure unless the purpose of said protrusion is to permit signal coverage in an area that will not receive such coverage but for an extension beyond 50 inches. Any extension beyond 50 inches must be approved by the BDS Director prior to construction of said antenna and such approval shall be dependent upon a showing that coverage is unavailable but for the extension, the extension does not violate any other building code of the city, state, or federal law that is applicable, encroach upon public 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 section, and has available additional capacity for installation or co-location of telecommunications facilities as demonstrated at the time the application for construction was granted, shall agree to allow other persons to install or collocate telecommunications facilities on such a tower subject to reasonable terms and

- conditions negotiated between the parties including the suitability, the credit worthiness, and the technical abilities of the proposed tenant. However, in no event shall a licensee be required to allow co-location of facilities if to do so would result in technical interference with the delivery of licensee's service. Failure to permit co-location or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for co-location may result in any enforcement action as permitted in Section 1.07 or termination of utilities following a hearing as permitted in subsection H of this section.
- b. For the purpose of co-location of antennas, a legal nonconforming tower may be used.
 - c. Failure to comply with the provisions of this subsection E.2 constitutes a material violation of this section, for the purposes of subsection H of this section.
3. **Exception from Height & Bufferyards/Requirements for Co-location.**
 - a. A licensee of an existing tower may modify the height of its tower to accommodate co-location of additional telecommunications facilities as long as the total height of the tower and telecommunications facilities attached thereto do not exceed the maximum height allowed in the applicable zoning district under the code by more than 20 feet.
 - b. Permission to exceed the maximum permitted height pursuant to this section shall not require an additional distance separation as set forth in subsection F.3.e, nor additional bufferyards or landscaping above that required for the original tower. The tower's premodification height shall be used to calculate such distance separations.
 4. **Same Tower Type.** A tower which is modified to accommodate the co-location of additional telecommunications facilities shall be of the same tower type as the existing tower. However, a different type of tower may be permitted by the approval of the BDS Director if it is demonstrated that permitting a different tower type will not exceed the height permitted in subsection E.3 and will permit the co-location of more carriers than could be accomplished by the modification of the same tower type as the existing tower.
 5. **Movement of Tower.**
 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 Director to be in violation of this section shall have the right to a hearing before an administrative hearing examiner appointed by the City Manager and mutually agreeable to the applicant or tower owner. Said hearing examiner shall set the hearing date no later than 20 days following the denial of an application, or the determination of a violation and shall consider, in addition to a determination of whether a violation exists or the application was improperly denied, the question of the technical or economic feasibility of compliance with this section. In the event the hearing examiner finds that the tower was constructed in accordance with setback and other provisions relating to towers designed for co-location, and said tower is not being made available for joint use or co-location as indicated at the time of application, the hearing examiner shall order utilities disconnected until such time as the tower is used jointly for co-location as originally stated in the application. The hearing examiner's final decision shall be subject to review pursuant to Chapter 536, RSMo. Any appeal under said chapter shall be filed within 30 days from the date of the hearing examiner's decision. Enforcement of the decision of the hearing examiner may be stayed by the posting of a supersedeas bond in an amount

determined by the hearing examiner to be sufficient under the facts of the case to protect the interests of the public and any third party in the matter whose rights would be adversely affected by such a stay as demonstrated during any hearing on a request for said bond.

F. Construction Standards.

1. Setbacks.

- a. All towers shall be set back a distance equal to:
 - (1) 50% of the height of the tower up to 100 feet, plus one foot for each foot over 100 feet in height; or
 - (2) The distance between the tower base and guy wire anchors, whichever is greater, with the guy wire anchors set back at least 25 feet from adjoining residential districts, public property, or a street or at least the rear yard setback from adjoining land in other districts, unless the tower is designed for co-location.

In the event a tower is capable of being used for co-location for at least two additional carriers, the setbacks for structures in the zoning district where the tower is located shall be complied with for the tower base and any guy wire anchors.
- b. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.

2. **Structural Requirements.** All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the city's building code, any applicable state and federal laws, and other standards outlined in the City Code. A building permit must be obtained before construction may begin.

3. Separation or Buffer Requirements.

- a. Towers shall be separated from the types of areas and comply with the minimum standards established in the table set forth below unless: (1) constructed on the same site as another tower designed for the same purpose, (2) the second tower is permitted by the zoning district, and (3) the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located:

Table 10-3: Tower Separation & Buffer

Designated Area	Separation Distance
Single-family or duplex residential units in a residential district [1]	300'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	300'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant unplatted residentially zoned land and residential units in nonresidential zoned districts [3]	200' or 100% of tower [2], whichever is greater.
Existing multifamily residential units greater than duplex units	100' -or 100% t height of tower, whichever is greater.
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply.
Approved heliports	100' -or 100% of the height of tower, whichever is greater.

[1] Includes modular homes and mobile homes used for living purposes. Separation from a unit for purposes of this chart is to be measured from the edge of the building or structure itself.

[2] Separation measured from the center of the tower to closest building setback line.

[3] Includes any unplatted residential use properties without a valid preliminary plat or valid development plan approval and any multifamily residentially zoned land greater than duplex.

- b. The minimum tower separation distances above listed shall be calculated and applied

- irrespective of city and county jurisdictional boundaries.
- c. Measurement of tower separation distances for the purpose of compliance with this section shall be measured from the center of a tower to the closest point of a designated area as specified in the table above.
 - d. Separation distances from other uses set forth in this subsection may be reduced for towers designed for the co-location of telecommunications facilities of other carriers by obtaining a conditional use permit, which will require demonstrating that the separation distances will:
 - (1) Have the effect of preventing service to an area of the city; or
 - (2) Constitute a barrier to entry into the marketplace by the applicant; or
 - (3) Will constitute a technical or economic hardship on the applicant.
 Additionally, the applicant must demonstrate that (1) the location, shape, appearance, or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located, and that landscaping techniques will be used to screen the tower from any adjacent residential use, and (2) the proposed tower will accommodate at least two additional carriers of various telecommunications services. The City Council shall consider the information presented by the applicant and determine if a special exception would conflict with the purposes of this section, would create a blight on adjacent property, or would interfere with adjacent uses within the separation area. If the tower requires a use permit, then said showing shall be made to the Planning and Zoning Commission and City Council as a part of the conditional use permit process.
 - e. Proposed towers must meet the following minimum separation requirements from towers existing at the time a license is granted pursuant to this section, unless constructed for the purpose of providing co-location capacity on the same site as another tower designed for the same purpose, the second tower is permitted by the zoning district, and the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located. However, an exception from separation distances between towers may be obtained from City Council if the applicant can demonstrate that such an exception is necessary for the engineering design of the system the tower is to be a part of, or that no other option is available to provide coverage for the service area. An exception to the separation requirements shall be approved or denied by ordinance.

Table 10-4: Separation From Other Towers				
Proposed Towers / Types	Existing Towers / Types			
	<i>Lattice or Guyed</i> ≥ 150' ±	<i>Lattice or Guyed</i> < 150'	<i>Monopole Towers</i> ≥ 75' ±	<i>Monopole Towers</i> < 75'
<i>Lattice</i>	3,000'	2,500'	1,500'	750'
<i>Guyed</i>	3,000'	2,500'	1,500'	750'
<i>Monopole</i> ≥ 75' ±	1,500'	1,500'	1,500'	750'
<i>Monopole</i> < 75 ft. in height	750'	750'	750'	750'

For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the center of the existing tower and the center of the proposed tower.

4. **Method of Determining Tower Height.** The height of the tower shall be measured as the vertical distance between the highest point of the tower and the natural grade below this point.
5. **Illumination.** Towers shall not be artificially lighted except as required by the Federal Aviation Administration and provisions of the City Code, except that seasonal lighting may be permitted as

- approved by the city. At time of construction of a tower, dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower which is equal to three times the proposed height of the tower.
6. **Finished Color & Tower Markings.** Towers not requiring FAA painting or marking shall have either a galvanized steel finish or be painted an off-white, light gray, silver, or white finish. No commercial signs or advertising shall be allowed on any towers or telecommunications facilities.
 7. **Fencing & Screening.** Fences must be constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities and shall be constructed in accordance with Section 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 City Code and federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to subsection G.2.a and every ten years thereafter; for existing monopole towers, such certification shall be submitted within 60 days of the effective date of said ordinance and then every ten years thereafter; for new lattice or guyed towers, such certification shall be submitted with an application pursuant to subsection G.2.a and every ten years thereafter; and for existing lattice or guyed towers, such certification shall be submitted within 60 days of the effective date of said ordinance and then every ten years thereafter. The tower owner may be required by the City to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is or has been jeopardized.
- b. The city and its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the city's building code and all other construction standards provided by City Code and federal and state law.
- c. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.

13. *Maintenance.*

- a. Licensees shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- b. Licensees shall install and maintain towers, telecommunications facilities, wire, cables, fixtures, and other equipment in compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.
- c. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

14. *Drainage.* All parcels upon which towers are located must contain adequate drainage facilities, which are approved by the PW Director.

15. *Stealth Design.* All licensees shall make every reasonable effort to design and construct new towers and telecommunications facilities to blend into the character and environment of the area in which they are located, including the use of camouflage techniques, path array antennas, and side mounting antennas unless such use shall create a hazard for the traveling public or it is not technically feasible to use such design and collocate other facilities on the tower.

G **Licensing Requirement.**

1. *License Required.* No person may own or operate a tower, or place wireless telecommunications facilities on a tower, without first obtaining from the city a license to do so pursuant to this section (herein referred to as "tower license" or "license"). This requirement applies both to new towers and to existing towers or nonconforming structures on the date of original passage of this section. Unless

otherwise expressly provided elsewhere in this section, the license required by this section is in addition to the procedures and approval required pursuant to this chapter of the City Code pertaining to zoning and development and the requirement for a building permit to construct the tower itself. A license may be denied if the applicant is not in compliance with Section 20-146 or any other provision of City Code regarding the use or provision of towers, telecommunications services or public property, health, or safety. The license required under this section shall not be in lieu of a license to conduct business in the city of Springfield, Missouri. A license shall be for a term of not more than five years. A renewal must be made in compliance with Section 10.03, and an applicant must demonstrate an existing tower or telecommunications facility is needed and reasonable alternatives will not meet their needs for continued service capability. Owners of existing towers without an active license shall have six months from passage of said ordinance to obtain a license as required by this subsection; all licenses active at the passage of this section shall remain valid until natural expiration.

2. **Applications.** In order to construct and operate a tower after the effective date of this section, a person must file the following applications:
The application shall also provide the following:
 - a. **License Application.** Prior to the construction of any tower, a license application and fee as set forth in the schedule of fees shall be submitted to the Finance Director. This is an initial license application fee and an additional fee shall be due from the applicant should the City's actual costs of approval of the license exceed the fee as set forth in the schedule of fees. The City reserves the right to employ an outside consultant to review any application. The applicant shall submit a fee in the amount of the city's estimated expense related to such review as an additional application fee prior to the City incurring such expenses. All tower license applications shall include the following information and documentation:
 - (1) The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner, and the name, address, and telephone number of the owner, shall be evidenced in the application. The application shall also contain an affirmative statement indicating that both the owner and applicant are aware of and agree to comply with the provision of subsection J regarding abandonment.
 - (2) An affirmative statement of whether the applicant will be developing the tower for its own use or for the use of others.
 - (a) If for applicant's use, the following is required:
 - (i) A description of the use.
 - (ii) A description of the network the proposed tower will be part of.
 - (iii) A description of the technological design proposed and description of alternatives.
 - (iv) Evidence of drive-by tests or other studies relating to the proposed tower which support location on the proposed property.
 - (v) Construction date or schedule.
 - (b) If the applicant is developing the proposed tower for the use of another, in addition to the information required in paragraph "a," the applicant will identify whether the intended tower use is based on a lease or other contract or for speculation. The City may require evidence of the schedule for implementing the use of a tower and commitments for its use.
 - (3) The legal description, parcel identification number, and address of the parcel of land upon which the tower is to be situated.
 - (4) The names, addresses, and telephone numbers of all owners of other towers or useable antenna support structures which are capable of providing a location to construct the telecommunications facilities that are planned to be housed or located on the tower within a 3,000-foot radius of the proposed new tower site, including city-owned property.
 - (5) Written documentation that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on city-

- owned towers or useable antenna support structures or made diligent, but unsuccessful efforts to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by other persons.
- (6) Written documentation containing the following information:
- (a) Whether the applicant's telecommunications facilities are technically capable of being installed or collocated on another person's tower or useable antenna support structure.
 - (b) If the applicant asserts that its telecommunications facilities are economically or technically infeasible of being installed or collocated on another person's tower or useable antenna support structure, a written statement from the applicant setting forth in detail the reason(s) with regard to each person contacted, why such installation or co-location is technically or economically infeasible. "Technically infeasible" for the purpose of this subsection means that the co-location or installation of applicant's telecommunications facilities on another person's tower or useable antenna support structure would not comply with sound engineering principles, would materially degrade or unreasonably impair the tower or useable antenna support structure's current or planned use, or interfere operationally with applicant's planned use. The City may require additional evidence of co-location being technically infeasible if, in the opinion of the Board of Adjustment that additional information is necessary to determine that co-location is technically infeasible. "Economic infeasibility" for purposes of this section shall mean that the cost of co-location is not a reasonable business decision from an economic standpoint when all factors are considered.
 - (c) If the tower is designed to accommodate one or more additional carriers or capacity for the location of telecommunications facilities other than that of the applicant and, if so, the application shall designate the nature, quality, and location of the co-location that will be accommodated.
 - (d) An affidavit submitted with written technical evidence from a radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or useable antenna support structure located within the search area and must be located at the proposed site in order to avoid prohibiting or effectively prohibiting the provision of personal wireless service by the applicant.
 - (e) Written technical evidence from a structural engineer that the proposed structure meets the standards set forth in Section 10.03, and the applicable requirements of the Department of Building Development Services.
 - (f) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed facilities meet the standards set forth in this section and the applicable requirements of the Department of Building Development Services.
 - (g) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
 - (h) Written technical documentation of any Federal Aviation Administration (FAA) approvals and lighting requirements and, if applicable, documentation of approval or denial of dual mode lighting as provided in this section and a statement whether an FAA "Determination of No Hazard to Aviation" is required by 47 C.F.R. Part 17 of the tower. If such a determination is required, no building permit for the tower shall be issued until a copy of the determination is filed with the City.
- (7) A map of the city and the first one-half mile of all bordering communities showing the

design of the applicant's entire existing or proposed wireless telecommunications network. Such map shall, at minimum, indicate the exact location of all proposed or existing tower and antenna sites, their dimensions and specifications, and signal area coverage.

- (8) A site plan drawn to scale specifying the location of tower(s), its planned height, guy anchors (if any), transmission building(s), all telecommunications facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences, and zoning designation of adjacent land.
- (9) Two alternative camouflaging techniques or stealth designs for the proposed tower and all associated telecommunications facilities if technically feasible and any explanation as to why the use of same would be technically or economically infeasible.
- (10) Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property or properties and from adjacent roadways.
- (11) The identity of all adjacent property owners.
- (12) If the proposed tower is sited within Central Springfield, evidence that:
 - (a) Sites outside Central Springfield will not accommodate the proposed tower, considering size, topography, and physical features; or
 - (b) The proposed equipment or its equivalent on a tower outside Central Springfield cannot function effectively or at least in parity with other similar equipment in place or approved by City Council.
 - (c) For the purposes of these restrictions, Central Springfield is defined as the area of Springfield containing the central business district and most of the historically and architecturally significant resources of the city, specifically defined by the south boundary of the railroad right-of-way north of Commercial Street on the north, Glenstone Avenue on the east, Grand Street on the south, and Kansas Expressway on the west.
- (13) A maintenance bond in the amount of 10% of the cost of construction of the tower to ensure that the tower is maintained in a condition that complies with all applicable building standards and regulations, including, but not limited to, the provisions of said ordinance.
- (14) A bond or irrevocable letter of credit in an amount determined by the City Manager to ensure that, should the tower be abandoned, pursuant to this section, removal of said tower will be guaranteed.
- (15) An applicant shall only be required to maintain one maintenance bond pursuant to subparagraph m and one removal bond pursuant to subparagraph n for all of the applicant's towers in the city; provided, however, the applicant must maintain the initial level of such bonds if drawn upon by the city for any reason.
- (16) Proof of general liability insurance for claims for injury or death and property damage in an amount approved by the city, but not less than \$300,000.00 per occurrence for personal injury and \$300,000.00 per occurrence for property damage with the city listed as an additional insured.
- (17) A statement that the applicant has no outstanding and overdue debt to the City.
- (18) An acknowledgment that, by signing a permit application, the applicant agrees to indemnify and hold harmless the City consistent with indemnification language in the application.
- (19) The tower and/or landowner shall promptly notify the city by certified or registered mail of the sale, transfer, or assignment of any tower or telecommunications facility. Each sublease shall be conditioned upon the sublease obtaining the necessary approvals for the subject facility or site from the city prior to sitting such facility.

Within 45 days after a license application for a tower not requiring a conditional use permit or a tower other than a Tier II tower is filed with the Finance Director, the PD

Director shall approve or deny the application if the Finance Director determines that the applicant meets all the requirements of subsection G.2. If the application is for a Tier II tower or a tower requiring a use permit, the license application shall be approved or denied within 14 days of the granting of a Tier II or conditional use permit for said tower. If the application is approved, the Finance Director shall issue the license itself after all requirements for the tower are complete.

- b. *Conditional Use Permit (CUP) Application.* If the zoning district in which the tower is proposed to be located requires a conditional use permit, a conditional use permit application and fee shall be submitted to the PD Director in accordance with Article 2 of this chapter.
- c. *Tier II Tower Permit Application.* An application for a Tier II tower shall be reviewed by the City Council and approved or denied by ordinance following a publication of notice in the same manner as for a conditional use permit application and a public hearing before City Council. The application shall include the stealth technology being used, a site plan showing the location of the tower(s) on the premises in relation to existing structures and adjacent residential uses, and the landscaping plan, and shall demonstrate that the granting of a permit will not have any adverse impact on adjacent property uses or functions. No public hearing shall be held before City Council until a complete application containing all required information and a \$100.00 deposit for costs has been filed. No Tier II permit shall be issued until the costs to the city of review of such permit is paid by the applicant. The City Council may grant a Tier II tower application upon the applicant demonstrating to the satisfaction of the City Council that:
 - (1) The tower is to be located on a premises or parcel where public buildings, facilities or structures, school buildings or facilities, church buildings or a noncommercial, not-for-profit residential neighborhood facilities are located; and
 - (2) The tower height will not exceed 60 feet; and
 - (3) The stealth design blends into the surrounding area and the structures existing on the premises where the tower is to be located; and
 - (4) The site plan minimizes the impact of the presence of the tower on adjacent uses; and
 - (5) If there is to be more than one tower on a premises, the presence of more than one tower structure (if more than one is to be built) on the same site or premises is a part of the overall stealth design to be utilized on the premises such as, but not limited to, a series of light standards utilized as tower structures; and
 - (6) A request for reduction of the separation requirements of subsection F.3.e for towers on the same premises is a part of the stealth design to be utilized on said site; and
 - (7) A request for reduction of the separation requirements of subsection F.3.e for towers not located on the same premises is necessary for providing service to an area of the city, the separation requirements constitute a barrier to entry into the marketplace by the applicant, or will constitute a technical or economic hardship on the applicant; and
 - (8) Any light or noise from the tower will not violate light and noise standards of the Land Development Code or other codes of the city; and
 - (9) The landscaping plan minimizes the impact of the tower location on the appearance of the premises or site on which the tower is to be located.
- d. *Building Permit Application.* After a conditional use or Tier II tower permit has been approved or, if such a permit is not required, a building permit application and fee shall be submitted to the BDS Director. The application shall include sealed plans prepared by an engineer licensed in the State of Missouri for the tower construction and site. The tower site plan included with the building permit application shall show the design for, or present existence of, adequate drainage facilities which have been approved by the PW Director. The applicant shall also provide evidence that the applicant has all required licenses. The application shall also include items a through s listed above under subsection G.2. The application shall also include items (1) through (19) listed in subsection G.2.a above.

on a tower without first obtaining a license from the Finance Director for such wireless facilities. An application shall include the name and address of the applicant, a statement by a qualified engineer or other professional that the addition of such wireless facilities meets all conditions of the City Code, the location of the tower and the location on the tower itself where the wireless facilities will be located, the location on the site for any supporting equipment and utility for said wireless facility, and the approximate length of time the applicant plans to use the tower to locate its wireless facilities. The fee for this license as set forth in the schedule of fees shall be required and shall be renewable every five years in accordance with subsection G.7.

4. **Inspections.** By applying for a conditional use permit, Tier II permit, building permit, or tower license, an applicant grants the City authority to enter onto its property to inspect the tower for the purpose of determining whether it complies with the applicable state law and all other construction standards provided by the City Code and federal law. The city reserves the right to conduct such inspections at any time.
5. **Filing Requirement.** A licensee shall certify in writing that its tower is structurally sound and conforms to the requirements of the applicable state law and all other construction standards set forth by the City Code, federal, and state law every five years by filing, by January 1 of every fifth year following the date of the grant of its tower license a sworn statement by the licensee or their representative to that effect. All licensees or owners of towers in existence on the effective date of this section shall submit a statement by December 15, 1997, and by January 1 every five years thereafter that said tower is free from hazards and that the tower does not pose an imminent threat to the surrounding area or public health and safety. Together with this statement, every licensee shall provide a certificate of liability insurance for no less than \$300,000.00 coverage for injury to persons or and an additional \$300,000.00 coverage for property as a result of any tower failure or malfunction or defect which lists the city as an additional insured. Licensee shall list city as a party who must be notified should this insurance be canceled or discontinued for any reason 30 days before the expiration of coverage.
6. **Discontinuance of Use.** In the event the licensed use of a tower is discontinued by the licensee, the licensee shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.
7. **License Renewal Fee.** On or by January 1 of every fifth year following the granting of an initial tower or wireless telecommunications facilities license for a new or existing tower or facilities placed on a new or existing tower, each licensee shall submit license renewal fee as set forth in the schedule of fees. In no event shall a license be revoked or considered expired for failure to pay the fee unless the licensee has received at least 30 days' written notice of the proposed action.

H. **Revocation of License.** The City may at any time revoke a tower license for failure to comply with the provisions of this section, or any other city code or state or federal law. To properly revoke a tower license, the city must comply with the procedures set forth below:

1. The Finance Director shall provide licensee with written notice of all causes for revocation and the intent to revoke and shall allow licensee 60 days subsequent to receipt of the notice in which to correct the violations or to provide adequate assurance of performance in compliance with said ordinance. Together with the notice required herein, the Finance Director shall provide licensee with written findings of fact which are the basis of the revocation.
2. The City shall provide the licensee with the right to a public hearing before the hearing examiner appointed for that purpose by the City Manager and mutually agreed to by the parties, which public hearing shall follow the 60-day notice required in subsection H.1. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.
3. After the public hearing, the hearing examiner shall, within 30 days after the public hearing date, issue a written order setting forth their findings of fact and conclusions of law forming the basis for their decision.
4. Upon written determination by the hearing examiner to revoke a license, the licensee may appeal the decision to a court of competent jurisdiction pursuant to Chapter 536, RSMo. The hearing examiner

may provide for a supersedeas bond in an amount deemed by said examiner to be sufficient to protect the interests of the public, and such third parties whose interests were identified during any hearing on such a request to post a bond, to permit the stay of enforcement of any revocation or enforcement action by the City.

5. Upon satisfactory correction by licensee of the violation upon which said notice was given as determined in the Finance Director's sole discretion, the initial notice shall become void.
6. Upon licensee's failure to correct a violation as found by the hearing examiner, the City Manager or their designee may issue an order to disconnect utilities to said tower to any utility company providing same unless a supersedeas bond in an amount determined by the hearing examiner under subsection H.4 is provided. As long as said bond is in full force and effect, and an appeal is pending under Chapter 536, RSMo., no order to disconnect utilities shall be made. Said order shall not be issued prior to 30 days from the date of the hearing examiner's written determination. Said order shall be served upon the chief executive officer thereof, together with the licensee at the last known address, and have attached to it the findings of the hearing examiner.

I. **Transfer of License.** A tower license may not be sold, transferred, leased, or assigned to any other person, without the consent of the Finance Director, such consent not to be unreasonably withheld.

J. **Abandonment of Tower.**

1. In the event the use of any tower has been discontinued for a period of one year, or in the event that a licensee has taken no action within 180 days after the revocation of a tower license pursuant to subsection H to appeal the decision of the hearing examiner or to remedy or correct the violations resulting in the revocation, such tower shall be deemed abandoned.
2. The City shall provide the tower owner three months' notice and an opportunity to be heard before a hearing examiner appointed by the City Manager for the purpose and agreeable to the tower owner if he/she may be located, before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the then-fair market value, to approve the sale of the tower to a third party, or in the alternative, order the demolition of the tower and all appurtenances.
3. The city shall provide the tower owner with the right to a public hearing before the hearing examiner, which public hearing shall follow the three-month notice required in subsection J.2. All interested parties shall be allowed an opportunity to be heard at the public hearing.
4. After a public hearing is held pursuant to subsection J.1.b, the hearing examiner may order the forfeiture to the city or demolition of the tower. The City may draw upon any maintenance bond as provided in subsection G.2.a.(14) or performance bond or letter of credit filed pursuant to subsection M or may otherwise require licensee to pay for all expenses necessary to acquire or demolish the tower. The tower owner may stay such a draw or enforcement of an order of abandonment if he/she posts a supersedeas bond in an amount set by the hearing examiner sufficient to protect the interests of the public. However, in no event shall the removal of a tower which is determined to create a danger to the public or adjacent property be stayed due to the filing of such a bond.

K. **Variances & Special Exceptions.** Any request to deviate from any of the requirements of this section shall require either a variance approval in conformance with the procedures set forth in this chapter or the granting of a special exception under subsection F.3.d.

L. **Location of Towers on City-owned Property.** The City Manager or their designee may authorize any person to locate a tower, antenna support structure, or telecommunications facilities on publicly owned property, subject to the application process set forth in subsection G and subject to the terms and conditions of any lease agreement executed between the City and such person, provided no tower shall be permitted on public right-of-way.

M. **Miscellaneous.**

1. *Dangerous structures.* All towers within the city limits of Springfield, Missouri, shall be subject to the procedure set forth in Chapter 26, Article III of the Springfield City Code. Should the city have to take action under said code provision to remove a dangerous structure or abate a nuisance or health

hazard, then a tax bill may be assessed in the same manner as for a building that is demolished or for the abatement of a nuisance. In addition, the City may draw upon any bond or letter of credit on file with the city for payment of the costs of such abatement or removal.

- 2, *Non-waiver.* Nothing in this section shall preclude the city from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this section.

N. **Enforcement & Reservation of Rights.**

1. The provisions of this section shall be enforced against all owners as operators of towers or telecommunications facilities within the city and all owners of land upon which towers or telecommunications facilities are sited within the city. The city shall have the right to withhold any approvals with respect to any application by any such party in the event that it shall find that the party is not in compliance with the provision of this until such noncompliance has been cured.
2. The city reserves the right to impose any other reasonable conditions it determines are necessary for the proper placement, construction, or modification of towers or telecommunications facilities, and to impose any other reasonable conditions on the issuance of a permit or conditional use permit issued by the city for placement, construction, or modification of a tower or telecommunications facilities.

O. **Definitions.** For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

Act. The federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may, from time to time, be amended.

Antenna Support Structure. Any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities.

Applicant. Any person that applies for a tower license pursuant to subsection G of this section.

Application. The process by which an applicant submits a request and indicates a desire to be granted a license to construct, own, or operate a tower within the city. An application includes all written documentation made by an applicant to the city concerning such a request.

City. The City of Springfield, a municipal corporation, in the State of Missouri, acting by and through its City Manager or their designee.

Code. The City of Springfield Code of Ordinances.

Communications or Telecommunications. The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.

Engineer. Any engineer licensed by the State of Missouri.

FCC. The Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

Licensee. Any person who has lawfully obtained a tower license pursuant to subsection G.

Person. Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.

Site. The actual location of a tower, which may be only part of a larger parcel or 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 FCC. A tower does not include utility poles that are owned by a utility provider and are primarily utilized for the support of electrical, telephone, cable television, street lighting, or other similar cables or wireless telecommunications facilities, are located on public right-of-way or easements for that purpose, and are a part of a system of such utility poles throughout the city of Springfield, Missouri.

~~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:~~

- ~~1. One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in any district.~~
- ~~2. Three or less unrelated persons or two unrelated persons, plus their biological, adopted or foster children, or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit, in any district.~~
- ~~3. Four persons or less living as a single housekeeping unit in the R-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 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.~~

Article 11. Definitions

- 11.01 Definitions
 - 11.02 Description of Uses
 - 11.03 Glossary of Design Terms
-

11.01 Definitions

All terms used in this code shall have their plain and commonly accepted meaning, based upon the context of their use in the code. The following terms shall have the meaning given below, except where more specifically described, limited, or qualified within the standards of this code. Some may have specific definitions of terms that have a more specific or technical meaning only for that article.

Abandon. The relinquishment of a property or cessation of a use of a building or property without actions that further the transfer of rights to another person, or where a lack of transfer, continuation, or reinitiation of use has occurred for a specified period.

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

Activity Centers. A dense area with significant pedestrian and vehicle traffic area that serves as an anchor, attracting people for shopping, employment, school, recreation, and socialization.

Adaptive Reuse. The process of reusing an existing building for a purpose other than which it was originally built or designed for.

Adjacent. A lot or parcel of land that shares a common boundary line or is separated from a property by right-of-way, easements, or other public, common, or shared space serving abutting properties.

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

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

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

Agriculture Lands. Land used for the production, keeping, or maintenance of plants and animals for sale, lease, or personal use. This includes but is not limited to, forages, sod crops, grains, dairy animals and products, poultry and products, livestock (such as cattle, sheep, swine, and goats) bees and apiary products, fur animals, trees, fruits, vegetables, and nursery or greenhouse products. It also encompasses

lands involved in soil conservation or forestry management programs. However, it excludes feedlots, stockyards, animal slaughterhouses, and facilities related to marijuana or medical marijuana.

Airport Runway. A surface used for landing or taking off of aircraft which is shown on a duly adopted airport master plan of the City of Springfield and includes all such runways 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 of parts of a sign.

Annex/Annexation. To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

Area Plan. A collection of plans submitted in support of a Planned Zoning application.

Automobile Sales. The sale, leasing, or rental of new or used vehicles.

Basement. Any level of a building where more than one-half of the vertical distance between floor and ceiling is below the grade of the site.

Bedroom. Any room intended and used principally for sleeping purposes with at least one window per International Residential Code (IRC).

Berm. A mound of earth typically located in a buffer, and in association with landscape or structural screens designed to shield or block noise, lights, views, or other potential negative impacts

Bicycle Parking. A designated area in which bicycles are stored when not in use, including but not limited to racks, lockers, and stalls.

Block. A group of lots, tracts, or parcels bounded by platted streets, public parks, railroad rights away, waters, and/or other barriers to the continuity of development and connectivity of the street network.

Block Face. A lot or group of lots fronting on one side of a block between street intersections. Significant deviations in the pattern of a block or the continuity of a streetscape can also determine the block face.

Brownfield. An urban site for potential development having had previous development on it. May be affected by real or perceived environment contamination. An area with abandoned, idle, or under-used industrial and commercial facilities where expansion, redevelopment, or reuse is complicated by real or perceived environmental contamination.

Buffer. An area of a site used to promote separation and enhance compatibility between land uses of different intensities, and using space, landscape, or the arrangement of buildings and structures, or any combination of these to create separation or mitigate impacts.

Building. Any structure having a roof supported by columns or walls on a fixed foundation or pad for the housing or enclosure of persons, animals or chattels.

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

Building, Accessory. A building that is subordinate, incidental, and on the same lot as a principal building.

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

Building, Detached. A building that does not have any party wall in common with another building.

Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by the maximum height regulations, yard setbacks, and any applicable bulk plane standard. When referencing the massing of a building, the building envelope shall be the actual and constructed three-dimensional space the building occupies.

Building Floor Area, Gross Leasable. In multitenant buildings, the total building floor area excluding non-leasable areas such as hallways, lobbies, malls, and restrooms.

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

Building Footprint (or Coverage). The horizontal area or portion of a lot which is occupied or covered by a building and defined by the ground level foundation elements of exterior walls. Building coverage may be expressed as a percentage of the lot for defining outer regulatory limits or square-foot when describing actual building footprints.

Building Materials. The physical characteristics which create the aesthetic and structural appearance of the resource, including a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete, or stucco.

Building, Principal. The main building on the lot, typically in terms of size and priority, in which the principal use of the property is conducted.

Building Types (Residential). Residential building types are further distinguished by lot and building development standards unique to each type, which affect the scale and form of residential buildings. The types are specifically:

- (a) **Detached House.** A residential building designed for one principal dwelling unit situated on a single lot in a neighborhood setting. It may accommodate accessory buildings or an accessory dwelling unit subject to meeting additional criteria, lot standards, and building design standards.

Variants of this type are based primarily on the lot size required in different zoning districts or development contexts.

- (b) **Duplex / Multi-unit House.** A residential building designed to accommodate two to four primary dwelling units on a single lot in a neighborhood setting. This building type has the scale, massing, and appearance of a detached house, and the accommodations for multiple units such as entrances, parking, or garages are minimized in the design of the building. Configuration of units may vary (up/down, front/back, side/side), and these variations typically prevent platting of individual units and lots (see Townhouse). Variants of this type include and are commonly referred to as duplex, tri-plex, or quad-plex.
- (c) **Townhouse.** A residential building type designed to accommodate two or more dwelling units, in

a neighborhood or mixed-density setting. Each unit is separated by a common side wall with a side-by-side configuration, and each has its own private entrance. It is distinguished from a multi-unit house in that each unit may be platted on its own lot and may appear as distinct and separate units through entrances, façade designs, and other building form elements. Variants of this type include are based primarily on lot size and unit configurations.

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

Bulk Plane. A theoretical plane beginning at a lot line, or other location specified in this chapter, and rising over a slope determined by a specific angle measured up from the starting point, and above which no building shall extend.

Capital Improvement. Permanent improvement of a public asset to extend, enhance, or otherwise improve the longevity or useful life for the public good.

Charter City. A city that is incorporated under its own charter rather than the general laws of the state. Charter cities have broader powers than do general law cities in matters that are “municipal affairs” (as opposed to matters of “statewide concern”).

Civic / Institutional Buildings. Buildings designed for a public or semi-public use but not limited to schools, hospitals, or educational institutions.

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

Cluster. A development design technique that concentrates buildings on smaller, and sometimes individual lots in specific areas on a site to provide more remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commercial. Relating to the sale of goods or services.

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

Complete Streets. Streets designed to accommodate all modes of travel and enable safe access for all users; pedestrians, bicyclists, motorists and bus riders of all ages and abilities.

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

Concept Plan. A preliminary plan, diagram, or sketch used during the early stages of development that outlines the general layout and intended use of a site.

Conditional Use. A user permitted in a particular zoning district only upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of such use as a specified in this article and authorized by the City Council Planning and Zoning Commission.

Conditional Use Permit. A permit that provides flexibility for different uses within a zoning district and

allows the potential for additional uses subject to specific conditions.

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

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

Courtyard Pattern. Residential buildings that front on a shared open space.

Corner Orientation. A structure on a corner lot that fronts two or more intersecting public streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side lot lines with no rear lot line.

Cul-de-sac. A short street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

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

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

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

Development. The activity of initiating a change of landscape, buildings, access, use, or operation on a property through activities such as grading, paving, excavating, construction, erection, repair, or rehabilitation of existing physical elements of property.

Development Pattern. The physical layout of blocks, streets, open spaces, lots and uses where common attributes or associated elements define distinct areas of the community by the scale, intensity, or other physical barriers or transitions.

Director. The department director of Planning and Development, unless otherwise stated, or their designee of the City of Springfield, Missouri.

Drive-through, Accessory. An accessory site design and building design component of any business in which the provision of services or the sale of food or merchandise to the customer in a motor vehicle

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

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

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

Driveway Spacing. The distance from the center of a driveway to the center of an adjacent driveway on either side of the street/roadway.

Driveway Study. An engineering evaluation focused on evaluating the design and placement of access points, such as driveways, intersections, or entrances, to ensure safe and efficient connectivity to public

roadways.

Dwelling. Any building or portion of building that is used as the residence of one or more households, but not including visitor accommodations, clubs, hospitals, tents, or similar uses providing transient or temporary accommodation.

Dwelling Unit. One or more rooms and a single kitchen and at least one bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single household, for residential occupancy (i.e., sleeping, living, cooking, and sanitary purposes).

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

Dwelling, Accessory. The use of a building or portion of a building for a dwelling unit that is subordinate, incidental, and on the same lot as a principal dwelling unit.

Dwelling, Principal. The primary building used as a dwelling unit, or group of units, that is the main use of the lot in terms of location, size, and/or priority of the building.

Easement. A grant of one or more of the property rights by the property owner to and/or for the use of the public, a corporation or another person or entity.

Economic and Housing Access Calamity. A declared period of crisis where 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 an 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 be provided as available resources permit and streets and highways will be planned to handle urban populations.

Use, Accessory. A use of land, buildings, or structures that is subordinate, incidental, and on the same lot as a principal use.

Use, Principal. The primary purpose or activity of a lot or building.

Variance. Provides relief from a strict interpretation of the zoning and site design and development standards of this chapter, which when applied to a particular property in a specific context limits all reasonable use of the property. This application shall only apply to the design, dimension, and other site development standards of this chapter and shall not be used to authorize a use that is prohibited by the applicable zoning district.

Vibration. The effect produced by any physical process characterized by a periodic, and usually rapid, oscillatory motion sufficient to cause annoyance or discomfort, however, excluding blasting operations for quarries and temporary construction activities.

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

Yard, Front. That portion of a lot extending across the full width of the lot between the front lot line and the nearest line or point of the principal building and between any accessory buildings.

Yard, Rear. That portion of a lot extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

Yard, Side. That portion of a lot extending from the front yard to the rear yard between the side lot line and the nearest line or point of the principal building.

Zoning. The division of a city or county by legislative regulations into areas, or zones, that specify allowable uses for real property and size restrictions for buildings within these areas.

11.02 Description of Uses

This section provides descriptions of uses of land and buildings associated with Table 4-2: Permitted Uses. It is organized by categories and types of uses. Categories are general groupings of uses with similar characteristics, and types are based on common physical or operational characteristics, such as typical scale, format, or intensity of activity. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the PD Director shall make an interpretation on the most equivalent described use category and/or type, considering:

1. The similarity of the use in terms of scale, impact, and operations to other described uses;
2. The typical building format and site design associated with the use from existing examples; and
3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district, and the ability to complement and be compatible with other permitted uses.

Any uses that may not be interpreted as equivalent to a use in Table 4-3 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

A. Residential Uses.

Household Living. Residential occupancy of a dwelling unit by a household, with tenancy arranged on a monthly or longer basis. Household living occurs in a variety of types based on the scale and format of buildings, arrangement of dwelling units, and household accommodations.

Household Living - One-unit Dwelling. A residential building designed for one primary dwelling unit. One-unit dwellings include variations based on the lot size.

Household Living - Multi-unit Dwelling. A residential building designed for two or more principal dwelling units. Multi-unit dwellings include variations based on the building type and scale, including duplexes, multi-unit houses, row houses, or apartments.

Household Living - Live / Work Dwelling. A combination of residential commercial activity located in a dwelling unit or sharing the same building as a dwelling sharing a common wall or with direct access between the residential and commercial elements, and where each is intended as a principal use.

Household Living - Mixed-use Dwelling. A residential use in a building designed for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

Household Living - Small Format Dwelling. A parcel of land planned and designed for multiple home sites for the placement of manufactured or other small homes, and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems, and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

Existing Residential. Any residential building and use, legally established when it originated but where new development of the same use or similar building type is no longer permitted in the zoning district. These uses shall be permitted so that continued use and further investment in the building and use is not discouraged, and if the use is destroyed beyond the protections of its legal nonconforming status could be built back to a similar extent based on the most applicable residential building type standards from residential districts.

Group Living. Residential occupancy of a structure by a group of people that do not meet the definition of a household, with tenancy arranged on a monthly or longer basis. Group living structures typically have a common eating area or social areas for residents, and they may receive some level of care, training, or services associated with their residency. Group living occurs in a variety of types based on the scale and format of buildings, arrangement of dwelling units, and the degree or intensity of associated services.

Group Living – Dormitory. A residential or institutional building offering seasonal and long-term residency for a discrete population based on membership or attendance at a school, instructional or training institution. Typical examples include student housing on a campus, or convent or seminary residences.

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

Group Living - Group home, Custodial. A dwelling in which unrelated mentally or physically handicapped, or otherwise mentally or physically impaired persons reside with house parents or guardians.

Group Living - Boarding House, Small. A residential building occupied by the owner or a resident manager, with 3 to 11 tenant rooms where non-household members may share residency on a monthly or longer basis. The owner / resident manager and/or service staff may provide housekeeping, meals, or other management of shared living facilities as an accessory service to the dwelling. Typical examples include houses or small apartments offering single-room occupancy, or co-housing courtyard or small complex

Group Living - Boarding House, Large. A residential building occupied by the owner or a resident manager, 12 or more tenant rooms where non-household members may share residency on a monthly or longer basis. The owner / resident manager and/or service staff may provide housekeeping, meals, or other management of shared living facilities as an accessory service to the dwelling. Typical examples include larger co-housing complexes, medium to large apartment buildings offering single-room occupancy, or a fraternity or sorority house.

- B. **Civic Uses.** The Civic use category is the use of land and buildings to serve public or community interest, and to support or enhance the daily cultural, social, or recreation needs for residents and neighborhoods. It can include public and institutional uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. The civic use category includes the following types:

Assembly. An institutional use designed to serve the community for regular or periodic membership activities and events, including worship, civic, recreation, or entertainment activities, and accessory uses associated with organized activities, including child care, concession

services, community events

Assembly – Small (< 400 capacity and < 2.5 acre). A place of public or community assembly designed and located to serve adjacent uses and nearby neighborhoods, or be accessory to other immediately abutting uses, and designed for less than 400 people capacity. All

buildings and facilities are located on a lot of less than 2.5 acres. Examples include a small neighborhood association clubhouse or recreation center, common meeting rooms or meeting hall, or small religious facilities.

Assembly – Medium (400-800 occupants or and < 4 acres). Places of public or community assembly designed and located to serve community or civic needs of a broad vicinity and designed for 400 – 800 people capacity. All buildings and facilities fit on a lot or area arranged in a small campus of between 1 and 4 acres. Examples include a community/recreation center, small event center, or large religious facility.

Assembly – Large (800+ occupants or >4 acres). Places of public and community assembly designed and located to serve community or civic needs of a wide area – typically city-wide and designed for more than 800 people capacity. Buildings and facilities require large lots or campuses that are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations as a major destination. Examples include an auditorium, large event hall, major community worship hall or campus, or convention and conference center.

Cemetery. Property used for the interring of deceased humans, including mausoleums.

Crematorium. A building used to process and reduce deceased humans into tiny particles resembling ash, through exposure to flames, intense heat, or other industrial processes.

Cultural Facility. The use of land and buildings to serve public or community interest through government or non-profit agencies through cultural, social, or education offerings, or for the administration operations of organizations providing these services. This includes the use, but not sale, of literary, musical, artistic, or reference materials; the exhibit or repository of a collection for natural, scientific, artistic, or other cultural activities. This use may include the accessory sales related to the subject matter or accessory services to support the activity such as gift shops or cafes.

Event Venue. An institutional or commercial use designed to host spectators for performances or events, or rent facilities and grounds to host large gatherings. This use does not include facilities or events that are accessory to an otherwise permitted civic or commercial use. Event venue uses are further refined by scale, intensity, and format based on the following:

Event Venue – Small (< 1K capacity). An event venue designed for less than 1,000 people capacity, such as a small auditorium, banquet hall, or amphitheater. This use may be accessory to and included with a school or assembly use.

Event Venue – Medium (1K – 3K capacity). An event venue designed for between 1,000 and 3,000 people capacity, such as a large event hall or small stadium. This use may be accessory to and included with a large school.

Event Venue – Large (> 3K capacity). An event venue designed for greater than 3,000 people capacity, such as an arena, fairgrounds, race track, or large stadium. This use may be accessory to and included with a college / university use in a campus format.

Funeral Home & Mortuary (Accessory Crematorium). A building used for services to honor and memorialize deceased humans, and associated activities and facilities related to services such as

a chapel or crematorium, provided they only support and are incidental to on-site services and have no equipment or structures that alters the appearance of the building as a civic use.

Open Space. Any parcel or area of land or water unimproved with any residential, commercial, or industrial uses and dedicated or reserved for public and/or private community use and enjoyment.

Open Space - Athletic Field. Land designed for outdoor games and sports such as lacrosse, baseball, football, and soccer, and which may attract more structured and organized activities and periodically have more intense use due to participants and fans. Athletic fields may include accessory structures and uses for equipment storage, concessions, or other supporting activities. These lands are typically managed by a government or non-profit entity for a broader community benefit.

Open Space – Open & Civic Space. A public, common, or private open areas designed and used for both active or passive recreation and integrated into the development patterns and block structure of the neighborhood or district. (See Section 3.02 for specific design types in appropriate contexts.)

Open Space - Recreation Center & Grounds. Open spaces and associated facilities for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain or is otherwise owned and managed by a property owners association as a focal point for a neighborhood. Examples include a community gym, pool, club, golf course, or similar recreational facilities that serve as an organizing element or focal point for surrounding development.

Public Safety. Public uses that supports the health, safety and security of the community at large through preventative measures, protective measures, emergency response measures, or similar government functions.

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

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

Public Safety – Police & Fire. Stations and associated living, administrative, and dispatch facilities that provide patrols and emergency response services provide to neighborhoods districts, and businesses.

School. A public or private institutional use designed to provide structured, seasonal, or year-round education opportunities. Schools are typically integrated into the surrounding context and development pattern as a civic amenity with public and civic spaces, but the format and format may differ based on the scale of the facilities and educational mission.

School - College/University. A school dedicated to post-secondary education and typically at a scale and capacity that involves multiple buildings and facilities organized on a large complex or campus pattern. The use includes classroom, laboratory and administration buildings, lecture halls, libraries, dormitories, dining halls, student centers, auditoriums,

chapels, gymnasiums, stadiums, fraternities, sororities and other similar buildings and structures.

School – Primary / Secondary. A school that is part of a system of public or private education of at least kindergarten through 12th grade, but which may be divided into smaller campuses or facilities by district, neighborhood, or discrete age groups within the system. Primary schools are more neighborhood-oriented and integrated into the block structure and open space systems in more walkable patterns, and secondary schools tend to be larger, more intense, and concentrated facilities requiring more careful siting within the community or requiring a more civic-oriented campus pattern.

School – Vocational Business. An establishment which provides instruction and training in office, clerical, managerial, sales, information technology, administrative skills or trades such as beauty school, barber college, beautician school or similar skills or trades. Vocational Business Schools typically require facilities more similar to commercial businesses and may be located or integrated into commercial areas and buildings at a variety of scales and formats.

School – Vocational Industrial or Trade: An establishment which provides instruction and training in a skilled trade such as mechanics, carpentry, plumbing, service, construction, industrial or other skill related to assembling, processing, manufacturing, repair or similar skills or trades. Vocational Industrial or Trade Schools typically require facilities associated with industrial activities and may be located or integrated into more intense commercial or industrial areas and buildings at a variety of scales and formats.

Transportation . A use category supporting the movement of people or freight, including accommodating navigation, access, and storage of vehicles involved in the transportation system.

Transportation - Airport. Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities, navigation and communication, and housing of aircraft.

Transportation – Bus Station. A transportation facility designed for the transfer, pick-up and drop-off of passengers traveling by bus with buildings or associated passenger convenience facilities, distinguished from public stops accommodated in the design of the right-of-way.

Transportation – Commercial Parking Lot. A parcel of land where the principal use is to park vehicles in a structure or on a lot for a fee, which may be operated by a public, community, or private entity.

Transportation –Heliport. Any area of land or portion of a building used for the landing and take-off of helicopters for business or commercial purposes, including the landing pad, any communication or navigation facilities and instruments, and areas to accommodate the interchange of passengers or cargo.

Transportation - Motor or Rail Terminal. An area and/or building where storage and transfer of cargo occurs, and where vehicles may be stored and maintained for further deployment in shipping, or any other similar high-intensity activities associated with freight or public transportation.

Utility. A use category for services owned by a governmental entity, or any entity defined as a public utility for any purpose by the state public utilities commission, and for the delivery of

energy, water, communication, or municipal services. All utilities may be further limited by site design and landscape standards of this code, or more specifically regulated and permitted by licensing agencies, franchise agreements, or specific conditions and design requirements of any easement or right-of-way authorizing the location of facilities. Utility facilities are further classified in the development code as follows.

Utilities – Minor. Any electric, gas, water, and sewer facility that exceeds the standard transmission lines, pipes or conduits in the right-of-way and easements, and where a dedicated parcel or lot is needed to support utility systems in the immediate area. Structures and facilities are necessary to reduce the bulk quantity from larger transmission facilities into distribution and service facilities to serve the immediate area. Examples include water tanks or reservoirs, sub-stations, gas regulator stations, water and sewage pumps and lift stations.

Utilities – Major. A facility using manufacturing processes for generating, storing, or distributing energy, water, wastewater, or other utility products or services for use beyond the immediate vicinity, including any other facility used in the transmission or distribution of large utility flows between generating or treatment areas and substations or transmission lines. Examples include power plants, water treatment plants, solar energy or wind energy farms, or regional transmissions and pipelines.

Utilities – Wireless Communication Facilities. Towers, structures, and related equipment and grounds used for communication. These facilities are further defined by “tiers” and height limits in the specific wireless communication facility standards in **Article 10, Section 10.##.XY.**

C. Commercial Uses.

Adult Entertainment. An establishment featuring live or recorded media, or a store with a substantial portion of its merchandise, with an emphasis on specified sexual activities or displaying specified anatomical areas, including: (a) less than a completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered; (c) human genitals in a state of sexual stimulation or arousal; (d) acts of human masturbation, sexual intercourse, or sodomy; and (e) fondling of other erotic or touching of human genitals, pubic region, buttock, or female breast. Examples include adult motion picture theaters, adult video stores or booths, adult book stores, strip clubs or bars featuring topless or go-go dancers, or other exotic or erotic performances.

Animal Care. Commercial service or retail use that provides the sale, care, or boarding of domesticated animals that is further refined by the scale and intensity of the operations, as follows:

Animal Care - Limited (< 5K, no boarding). A small office or shop providing animal care or sales. The use involves less than 5,000 square feet of commercial area, and all activities occur indoors (except routine daily pet care). Examples include a veterinary office, small pet store, or small pet grooming or training,

Animal Care – Small (2K – 10K or limited boardings). An office or store providing animal care or sales, and where any overnight boarding is limited to that necessary for medical care or observation. The use involves between 5,000 and 10,000 square feet of commercial space and limited outdoor activity areas necessary to accommodate the care animals. Examples include a veterinary clinic, large pet store, or large pet grooming or training, or small kennel with no outside keeping of animals.

Animal Care – General (>10K or boarding (or outdoor care)). A large facility providing animal

care or sales, or any use offering routine daily care for animals, whether less than 24 hours or overnight boarding. The use involves more than 10,000 square feet of commercial space, or in the case of routine daily animal care involves any combination of indoor and outdoor space where multiple animals are cared for daily. Examples include a pet super-store, large grooming or training facility, animal hospital, or any animal daycare, kennel, or boarding service with significant need for outside care.

Daycare. A commercial service use offering non-residential care on a daily, weekly, or other regular basis for children or other individuals in need of non-medical, non-therapeutic, or non-custodial supervision.

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

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

Entertainment and Recreation. A commercial service use providing daily or regularly scheduled activities for entertainment, leisure, training and instruction, or recreation, offered to the public, offered by membership, or offered by group arrangements. This use type is further refined by the scale, format and intensity as follows:

Entertainment & Recreation – Small (< 5K). An indoor entertainment and recreation use that involves a building less than 5,000 square feet. Examples include a small bowling alley, billiard hall, a small theater, or dance or yoga studio.

Entertainment & Recreation - Medium (5K - 10K). An indoor entertainment and recreation use that involves a building that is between 5,000 and 10,000 square feet or more. Examples include a larger arcade or game center, a fitness center or gym, or small theater,

Entertainment & Recreation - Large (10K - 50K). An indoor entertainment and recreation use that involves a building that is between 10,000 and 50,000 square feet or more. Examples include a small sports and recreation center, large arcade or game center, 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 CARE.

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 areas). 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 completed secondary materials. Products may be finished or semi-

finished, and are typically stored and shipped to other areas for distribution to businesses, consumers or retail outlets, although limited accessory sales, display, or customer service areas may be provided.

Manufacturing – Limited / Artisan (<10K). A small-scale manufacturing use producing primarily finished products with limited need for storage of materials or finished products with a building size less than 10,000 square feet. The use produces no negative byproducts such as smoke, odor, dust or noise discernable from outside of the building, and deliveries and distribution are made by general commercial delivery services requiring no special large truck access. Products or services are often made available to the public on premises generating customer activity. Examples include artists' studios, small bakery, brewpub, small wood or metal shops, or similar craft manufacturing.

Manufacturing – Small (10K – 30K). Manufacturing predominantly from previously prepared materials of finished products or parts within a building size less than 30,000 square feet. The activities produce little or no byproducts such as smoke, odor, dust, or noise discernable from outside of the building; and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakery, non-retail laundry services, or similar businesses that provide products for support of other businesses.

Manufacturing – Medium (30K – 100K). A manufacturing use that produces little or no byproducts such as smoke, odor, dust, or noise discernable from beyond the property within a moderate-sized building between 30,000 and 100,000 square feet. Limited outside storage may be necessary, and distribution and delivery or distribution needs require occasional large truck access. Examples include research labs or facilities, small equipment or commodity assembly, non-retail laundry services, commercial bakery, or food and beverage processing.

Manufacturing – Large (>100K). Manufacturing from previously prepared materials or raw materials into other materials or finished products requiring a large building over 100,000 square feet. The activities may produce byproducts such as noise, dust, smoke, or odor, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale manufacturing or fabrication plants, large equipment assembly,

food production and manufacturing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

Manufacturing – Heavy (any size). Manufacturing or compounding processes with raw materials, including some that may be hazardous, noxious, or combustible. The activities capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site, or where hazardous materials may be stored, used or produced as a typical part of the business, and distribution involves heavy truck, freight and machinery access. Examples include chemical, wood or metal storage and production, quarries and mining, fuel refining and storage, pressing and dying plants, asphalt or cement production, large-scale animal processing for food and byproducts, or similar heavy or hazardous manufacturing operations.

Warehouse & Storage. An industrial use engaged in the business of keeping goods and products for interim or long-term periods for personal or business uses, or for the distribution to other businesses and industries, including any logistic services related to this business such as labeling, bulk packaging, inventory control, or light assembly. Warehouse and storage uses are refined further based on the scale, format and intensity as follows:

Warehouse & Storage –Indoor, Small(< 20K). A storage use where individuals store personal property in units or space leased or rented on a periodic basis and where all storage are accessed from within the principal building. Interior storage space is limited to less than 20,000 square feet. Examples include small indoor self-storage or small commercial warehouse.

Warehouse & Storage – Indoor, Medium (20K – 100K). A storage use for businesses or larger personal products where all items are stored indoors. Interior storage space is limited to between 20,000 and 100,000 square feet. Examples include large indoor self-storage, commercial warehouses, small distribution centers, warehouse outlets for bulk items such as furniture or appliances, and long-term garages for vehicles or recreation equipment.

Warehouse & Storage – Indoor, Large (>100K). A large-scale facility for long-term storage or products or supplies, or where goods are stored on-site temporarily for the purpose of delivery to other business outlets or final destination, and where the nature of the operation has frequent daily truck traffic. Interior storage space is greater than 100,000 square feet. Examples include large commercial or industrial storage facilities, commercial warehouse, or distribution centers.

Warehouse & Storage –Outdoor, Small (< 2.5 acres). A use for the public where individuals store personal property in units leased or rented on a periodic basis and where all storage is inside but individual units may be accessed directly from the outside. Lot sizes for storage buildings, storage yards, and all associated access is limited to under 2.5 acres. Examples include small outdoor self-storage mini warehouses or small equipment storage yard.

Warehouse & Storage – Outdoor Large (> 2.5 acres). A use for the public or supporting other businesses and industries where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot. Lot sizes to accommodate this use are greater than 2.5 acres. Examples include large outdoor self-storage mini warehouse, boat or RV storage, building supply lots, or similar industrial supply storage yards.

Warehouse & Storage – Chemicals, Waste, or Hazardous Materials. The use of grounds for storing, processing, disposal or distribution of any industrial waste, chemicals, or hazardous materials.

Waste Management. Facilities used to collect, process, repurpose, transfer, and dispose of waste created by all other uses in the city.

Waste Management – Hazardous Waste Facility. Any facility that deals with the final disposition, or the storing and preparation for final disposition of any hazardous materials.

Waste Management – Landfill. A large-scale disposal point for non-recyclable or non-reusable material, which may include aggregation, separation, and/or compaction of solid waste to delivery at other locations, or the management and operation of final disposition of solid waste in the landfill.

Waste Management - Recycling Center. A large-scale disposal point for recyclable or reusable material, where longer-term storage or processing of materials may occur on site.

Waste Management – Scrap and Salvage Yard. An outdoor facility for storage, dismantling, repurposing and description of parts, and disposal of large equipment.

Waste Management – Sewage Treatment Plant. A facility used to treat and process water and wastewater for further distribution or disposal.

- E. **Urban Agriculture Uses..** The cultivation, processing, and marketing of food within an urban environment, with a primary emphasis on operating as a business enterprise.

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

Market Garden. The growing and cultivation of fruits, vegetables, herbs, flowers, or other plants for commercial purposes, including on-site sales and distribution to local markets, restaurants, or consumers. Market gardens operate on a scale smaller than traditional farms and may involve intensively managed plots in urban or peri-urban areas.

11.03 Glossary of Design Terms

This section is a glossary of architecture and design terms that explains concepts, strategies, and techniques used to affect building and site design.

- A. **Architectural Style.**

When used generally, architectural style refers to a distinctive manner of expression, fashion or composition of building elements at a specific time.

When used specifically, architectural style refers to a prevalent local or historical style that is documented with common or typical techniques in assembling building elements and form, and where variations within the style follow common rules of application for materials, massing or composition of the details. (i.e. Art Deco, Colonial Revival, Craftsman, Mid-Century Modern, Mission, Spanish Colonial Revival, Tudor Revival, Victorian, etc.)

- B. **Urban Design.** The process of giving form, shape, and character to the arrangement of buildings on specific sites, in whole neighborhoods, or throughout a community. Urban design blends architecture, landscaping, and city planning concepts to make an urban area accessible, attractive, and functional.

- C. **Building Elements.** Buildings are made up of vertical elements, horizontal elements, details, and ornamentation that break up the building elevations into distinct components and establish the form and scale of the building. Building elements include:

1. *Awning.* A sloped or rounded framed projection attached to a wall and extended over a window or door to provide protection from the elements.
2. *Bay (window).* A bump out in the facade typically associated with an element of the interior floor plan but located to provide balance and relief to the massing on the exterior facade. A bay is usually associated with a window.
3. *Belt Course.* A continuous row or layer of stones, brick or other primary building material set in a wall and in line with changes in stories, changes in materials, or window sills. Belt courses make a visually prominent horizontal line to break up a wall plane by using a distinct material and/or implementing a pronounced and distinct pattern of the material.
4. *Bracket.* A projecting support placed under an eave or other projection with design qualities and details that add emphasis to the roof structure or massing element.
5. *Canopy.* A flat roofed projection attached to a wall and extended over a window, door, or

- walkway, or a freestanding structure over walkway or service area that gives protection from the elements.
 6. *Clerestory Window.* A window high on a wall section above eye level and used to permit light or air into areas that otherwise do not have windows due to functional constraints of the building.
 7. *Column.* A supporting pillar, especially one consisting of design qualities and details that add emphasis and ornamentation to a portion of the facade, or any roof structure or area it supports.
 8. *Cornice.* An ornamental topping projecting from the wall with design qualities and details that crowns a structure along the top near the roof, with an emphasis that is compatible with but more elaborate than other similar details and ornamentation on the building.
 9. *Eaves.* A projecting lower edge of a roof structure overhanging a wall, where larger eaves can increase the prominence of the roof as a “cap” to the building and protect portions of the facade (particularly windows) from the elements.
 10. *Facade.* 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 facade.
 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.

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 of the city of Springfield and its residents and businesses. Specifically, the regulations have the following purposes:

- A. Implement the comprehensive plan, and other plans and programs authorized under the guidance of the comprehensive plan, and in particular the different contexts for planning, design, and development of the city.
- B. Ensure long-term value and the physical, social, and economic well-being of residents and businesses through coordinated public and private investment in development and infrastructure.
- C. Promote planning and community design that emphasizes distinct places and unique characteristics throughout Springfield.
- D. Secure proper arrangement and design of streets to form efficient development patterns, implement multimodal networks, coordinate with existing and planned streets, improve mobility and access, and provide safe, reliable, and efficient movement of people, goods and services.
- E. Provide parks, trails, natural areas, and civic spaces and organize development around systems of connected open spaces in a variety of design contexts.
- F. Divide the city into zoning districts that promote the character, intensity, and development patterns of distinct places identified in the comprehensive plan.
- G. Regulate and restrict the development and use of buildings and land within each zoning district to create compatibility within districts and transitions between complementary districts, uses, and buildings.
- H. Secure adequate provisions for water, storm drainage, wastewater, utilities, communication facilities, streets, and other public improvements based upon local, state, and federal requirements and specifications.
- I. Provide public safety, community services, and other necessary services and facilities concurrent

with development and in a manner that apportions the costs and long-term maintenance of these facilities and services in an equitable manner.

These purposes are further defined by the intent or design objectives associated with specific articles, sections, or subsections of this chapter.

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 Permits.* Any use operating under a conditional use permit (CUP) or

other approval that may be limited to a specific duration or conditions under prior regulations may continue for that specified duration or according to the conditions. Any changes or subsequent approvals of these uses upon expiration of that period shall be processed according to this chapter. An existing use 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. In any case where there is a conflict between the zoning district and a CUP approved prior to the adoption of this chapter, except for where a CUP has modified the regulations of a zoning district prior to the approval of this chapter, the more restrictive of the two shall govern.

5. *Planned Developments.* All planned developments (PDs) approved under the previous zoning regulations shall remain in effect. Applicants may propose changes to the standards of prior approved PDs through a rezoning application and 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. In any case where there is a conflict between the new zoning district and approved COD, except for where a COD has modified the regulations of a zoning district prior to the approval of this chapter, the more restrictive of the two shall govern.
- E. **Severability.** The several provisions of this chapter are separable, based on the following rules:
1. If any court of competent jurisdiction shall adjudge any provision of this chapter to be unconstitutional, invalid, or illegal, the judgement shall not affect any other provisions of this chapter.
 2. If any court of competent jurisdiction shall adjudge the application of any provisions of this chapter to a particular property, building, structure, or use to be unconstitutional, invalid, or illegal, the judgement shall not affect the application of the provision to any other property, building, or structure.

1.04 Administration

- A. **Staff.** The following city staff positions are responsible for administering specific aspects of this chapter.
1. ***Director of Planning & Development.*** The Director of Planning & Development (PD Director) is responsible for the administration, interpretation, and enforcement of this chapter. The PD Director may consult with any other department or relevant outside agencies to coordinate any plans, policies, and programs of the city that impact the comprehensive plan. The PD Director shall specifically:
 - a. Prepare and provide development application forms, submittal requirements, and support material to aid in application and administration of this chapter;
 - b. Oversee the application, review, and administration processes, and prepare presentations, reports, and other technical assistance for review bodies;
 - c. Coordinate planning and development reviews with corresponding review by other departments for compliance with technical codes, specifications, or related permits and certificates;
 - d. Set the dates for meetings and hearings before the Planning and Zoning Commission, Board of Adjustment, and Landmarks Board;

- e. Issue official interpretations of this chapter when applied to a specific site or context- based on professional planning and community design principles;
 - f. Approve the use of other resources, guides, and industry standards used in interpreting and administering this chapter;
 - g. Make all final interpretations of the procedures and standards of these regulations; and
 - h. Initiate enforcement actions.
2. **Director of Building Development Services.** The Director of Building Development Services (BDS Director) is responsible for the interpretation and administration of all building codes in Chapter 38. The BDS Director shall coordinate with the PD Director on all zoning, subdivision, and site design interpretation and enforcement issues, and shall coordinate with the PW Director on all public facility interpretation and enforcement issues.
3. **Director of Public Works.** The Director of Public Works (PW Director) is responsible for the interpretation and administration of all public improvement standards and specifications, and the coordination of private improvements with public improvements. The PW Director shall coordinate with the PD Director on all zoning, subdivision, and site design interpretation and enforcement issues, and shall coordinate with the BDS Director on all building code interpretation and enforcement issues.
4. **Administrative Review Committee.** The Administrative Review Committee (ARC) shall perform a secondary review of any administrative decision that is appealed under this chapter and any other review that is directed under this code and issue a final administrative decision by a majority vote. The committee includes the PD Director, BDS Director, PW Director, and may include other representatives in an advisory capacity from Parks, public safety (Police / Fire), Public Health, Environmental Services, City Utilities, or other relevant departments or agencies on a project-specific basis.
- B. **Planning & Zoning Commission.** The Planning and Zoning Commission (Commission) is the appointed body of the City responsible for long-range and comprehensive planning, as well as review, recommendations, and decisions on implementation of the comprehensive plan. The Planning and Zoning Commission is established according to Article XI, Section 11.1 of the Springfield City Charter and in compliance with RSMo. 89.320. In addition to all other general planning authority granted by statute, the charter, local ordinance, or bylaws, the Planning and Zoning Commission shall have the specific review responsibilities and authority granted to it under the procedures and standards of City Code.
- 1. **Membership.** The Planning and Zoning Commission shall be constituted in accordance with the Springfield City Charter. Members shall hold office for a term of four years, as set forth in RSMo. 89.320. Members may be reappointed for a maximum of two terms.
 - 2. **Procedure.** All meetings of the Planning and Zoning Commission shall be open to the public except as otherwise provided by law. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every recommendation or decision of the Commission shall be in writing and shall contain the findings of the commission in each case, which shall be immediately filed in the office of the commission and shall be a public record.
 - 3. **Conduct of Hearings by Planning and Zoning Commission.** Public hearings conducted by the Planning and Zoning Commission on any matter over which it has jurisdiction

shall be subject to the following procedural rules and the Commission's adopted rules of procedure:

- a. Parties in interest, neighborhood and civic organizations, and members of the public shall be afforded an opportunity to appear and be heard at the public hearing, subject to the limitations set forth in the commission's rules of procedure.
 - b. Members of the Commission shall base their consideration of matters on which the Commission conducts a public hearing upon the following:
 - (1) Information and comments presented at the hearing, and not upon direct or indirect communication with any party or representative of such party made outside of the hearing;
 - (2) Reports, memoranda, and other materials prepared by the PD Director, BDS Director, PW Director, and other employees of the City of Springfield, or consultants in connection with the application and made a part of the record at the time of hearing;
 - (3) Inspections of the site;
 - (4) The Springfield Comprehensive Plan and adopted goals, objectives and policies related to community development; and
 - (5) The knowledge of matters of fact held by members of the Commission, provided any such factual matters shall be made a part of the record at the time of the hearing; and any party to the hearing.
 - c. The Commission shall adopt, and may from time to time amend, such additional procedural rules as it may deem necessary or desirable for the efficient and orderly conduct of its business. Copies of such rules shall be available in the office of the PD Director.
- C. **Board of Adjustment.** The Board of Adjustment (Board) is established by Article XI, Section 11.4, of the Springfield City Charter and in compliance with RSMo. 89.080, according to the following provisions.
- 1. *Membership.* The Board shall consist of five members and up to three alternates, nominated by the City Manager and appointed by the City Council.
 - a. Members shall serve without compensation.
 - b. Alternates may serve in the absence of, or upon the disqualification of, any regular member.
 - c. Members and alternates shall serve five-year terms.
 - d. The PD Director shall be an ex officio member without the power to vote and shall act as the secretary for the Board.
 - 2. *Procedure.* Meetings of the Board shall be held at the call of the chairman and at other regular meeting times established by the Board.
 - a. All meetings shall be open to the public, except as provided by law.
 - b. The Board shall keep minutes of the meetings, showing the vote of each member upon each question, and keep records of its examinations and all other official actions.
 - c. Every final decision of the Board on an application shall be in writing and contain a record of the findings for the case, which shall be filed in the office of the Board and be a public record.
 - d. The secretary shall make all proceedings and final decisions on applications available to the City Council, Planning and Zoning Commission, Landmarks Board, and other city departments.

3. *Authority.* The Board shall have the following roles under this chapter:
 - a. To hear and decide appeals where it is alleged that there is an error in any final order, requirement, or decision made by an administrative official in the application or enforcement of this chapter according to the procedures and criteria in Section 2.08.
 - b. To grant variances from the strict application of the terms of this chapter according to the procedures and criteria in Section 2.07.
 - c. To hear any other matters specifically delegated to the Board by ordinance.
- D. **Landmarks Board.** The Landmarks Board was established on June 14, 1993, with the merging of historical site board and historic district review board in compliance with RSMo. 253.415, according to the following provisions:
 1. *Membership.* The Landmarks Board shall consist of nine members appointed by the City Council.
 - a. Members shall serve without compensation.
 - b. At least one member shall be an architect with a professional design degree in architecture plus at least two years of full-time experience in architecture, or a state license to practice architecture.
 - c. At least one member shall be a licensed real estate agent.
 - d. At least one member shall be a historian or architectural historian.
 - e. At least one representative shall be a resident, merchant, or property owner from each historic district – Mid-town Historic District, Walnut Street Historic District, and Commercial Street Historic District, or employed full time as an architect, real estate agent, or historian or architectural historian within the district. The historic district representatives may also satisfy one of the other mandatory member requirements.
 - f. If more than three historic districts are established by the City Council, one member for each additional district shall be added to the original nine members.
 - g. Members shall serve three-year terms, and may be reappointed; however, no person shall be appointed for more than two consecutive three-year terms. Members may be appointed to fill the remainder of vacant terms.
 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 2.11.B;
 - d. Recommend plans and policies with regard to historic preservation;
 - e. Prepare written recommendations to the City Council regarding designation of historical or architectural resources
 - f. Recommend to the City Council the adoption of ordinances designating historic landmarks and historic districts;
 - g. Keep a register of all properties and structures which have been designated as historic sites, historic landmarks, or historic districts, including all information required for each designation. This register shall be known as the Springfield Historic Register;
 - h. Prepare, keep current, and publish a map or maps showing the locations and exact boundaries of both proposed and designated historic sites, historic landmarks, and historic districts except that the board shall have the authority to exclude from the map or maps the location of archaeological sites or other prehistoric, historic, or natural features considered to be susceptible to damage, defacement, or destruction;
 - i. Conduct a periodic review of the status of designated historic sites, historic

- landmarks, and historic districts and provide periodic reports on the findings of such review, along with any resolutions or ordinances for action, as considered appropriate, to City Council;
- j. Recommend the promulgation of standards for architectural review in addition to those cited in Section 2.11.B.
 - k. Consider applications for and to approve or disapprove certificates of appropriateness pursuant to Section 2.11.D and prepare written reasons pursuant to that action;
 - l. Consider applications for and issue or deny certificates of economic hardship pursuant to Section 2.11.E and prepare written reasons pursuant to that action;
 - m. Increase public awareness of the value of historical and architectural resources by developing and participating in public information programs, and by placing monuments and markers at historic sites, historic landmarks, and historic districts designated under this chapter;
 - n. Advise and assist owners of historic sites, historic landmarks, and properties or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse, and procedures for inclusion on the National Register of Historic Places;
 - o. Review, evaluate, and comment on proposed zoning amendments, applications for conditional use permits, or applications for zoning variances that affect proposed or designated historic landmarks and historic districts. The PD Director shall send such applications for use permits, rezonings, or zoning variances to the Landmarks Board for comment prior to the date of hearing by the Planning and Zoning Commission or Board of Adjustment;
 - p. Evaluate, comment on, and make recommendations concerning actions undertaken by other non-city public agencies with respect to the effect of such actions upon historical and architectural resources, including, but not limited to, reviewing applications for demolition permits for structures 50 years or older, or having historic significance as determined by the Landmarks Board;
 - q. Evaluate, comment on, and make recommendations concerning actions undertaken by other city agencies with respect to the effect of such actions upon historical and architectural resources, including, but not limited to, reviewing applications for demolition permits for structures 50 years or older prior to issuance, or having historic significance as determined by the Landmarks Board;
 - r. Make recommendations to City Council concerning grants from federal and state agencies, private groups, and individuals and the utilization of budget appropriations to promote the preservation of historic and architectural resources;
 - s. Make recommendations to City Council concerning the acquisition by gift, purchase, grant, bequest, devise, lease, or otherwise of the fee, any lesser interest, development right, easement (including scenic easement) covenant, or other contractual right, including conveyance on conditions or with limitations or revisions, in any property in the city;
 - t. Investigate complaints, conduct hearings, and recommend the commencement of actions to enforce the provisions of this section; and
 - u. Carry out any other action or activity necessary or appropriate to the implementation of this section or which may be specified by City Council.

1.05 Interpretation

- A. **Rules of Construction.** The following rules shall be used in the application and interpretation of these regulations, except when the context clearly requires otherwise:
- 1. All words shall have the customary meaning using the Merriam-Webster dictionary, unless specifically defined in these regulations.
 - 2. The present tense includes the future tense, and the future tense includes the present tense.

3. The singular includes the plural, and the plural includes the singular.
 4. Lists of examples prefaced by “including the following,” “such as,” or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.
 5. The conjunctive “and” in a list means that all apply; the conjunctives “or” and “and/or” mean the provisions may apply singly or in any combination; and the conjunctive “either...or” means the provisions apply singly but not in combinations.
 6. When calculations to determine a requirement of something that cannot be divisible (i.e. parking space, trees) results in fractions, such fractions shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement and rounded down to the nearest whole number if the standard is expressed as a maximum allowance.
 7. “Shall,” or “must” is mandatory; “should” or “may” is permissive but a recommended method to best meet the standard or achieve the intent of the standard.
 8. A reference to an administrative official shall refer to that official, or their designee, and all references to specific city officials may also include any other designee of the City Manager.
 9. Any reference to other official local, state, or federal government rules or regulations shall be to the current versions of those regulations except where any official adoption or reference indicates a specific version.
 10. References to a person includes individuals, partnerships, agencies, corporations, or other legal entities and the owner and any other legal, contractual, or authorized representatives of any legal entity.
 11. The day of the act that commences a time period shall not be counted and the last day of the time period shall be included, unless it is a Saturday, Sunday or legal city holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal city holidays count in the time period.
- B. **Conflicts.** All provisions in this chapter shall be considered the minimum requirements to promote the public health, safety, and welfare. In case of a conflict between these regulations and any other adopted and applicable rule, regulation, standard, or limitation, the higher standard shall apply. In deciding the higher standard, the PD Director may consider which is more specific; which is more consistent with the comprehensive plan; which is more consistent with the purposes, intent, and design objectives of these regulations; and which best promotes the public health, safety, and welfare.
1. *Other City Codes.* Other city codes apply in conjunction with these regulations and the higher standard shall control.
 2. *Other State & Federal Regulations.* State and Federal regulations may apply independent of these regulations, provided they remain binding on the city. Where such regulations are non-binding or otherwise can be interpreted in conjunction with these regulations, they may apply provided they support the purposes, intent, and design objectives of these regulations.
 3. *Private Restrictions.* These regulations shall not impair or interfere with any private restrictions placed on property by deed, covenant, or other private agreement; however, no private agreement shall authorize a violation of these regulations.
- C. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:

1. Boundaries approximately following streets, other right-of-way, rivers, or streams; the centerlines or extension of these centerlines shall be the boundaries.
 2. Boundaries indicated as approximately following property lines; the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.
 3. Boundaries approximately following city limits: the actual city limits shall be interpreted as the boundaries.
 4. Boundaries that split any platted lots; the lot shall be interpreted in the district designated to the majority of the lot. In the case of an equal split, the PD Director shall determine the appropriate zoning based on consideration of the comprehensive plan, the context, the surrounding existing uses, and the likelihood of change in context or existing uses in the future.
 5. Boundaries that split any unplatted property; zoning may be interpreted as the actual platted boundary provided the future platting approximately follows the zoning boundary. Where any resulting lots have significant discrepancies with mapped zoning boundaries, rezoning may be required.
- D. **Non-regulatory Provisions.** Intent statements, design objectives, graphics, and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards and criteria. In the event of a conflict between these non-regulatory provisions and a specific standard, the specific standard shall control.
- E. **Resources, Guides, & Industry Standards.** Resources, guides, and industry standards that are recognized as a reputable authority in the planning, development, and urban design professions, may be used to supplement interpretation of this chapter. They shall be subject to the approval of the PD Director upon a determination that the content is consistent with the policies of the comprehensive plan and the purposes, intent, and design objectives of these regulations. Any resource, guide, or industry standard approved by the PD Director shall be listed in Appendix A, and at least one copy shall be kept on file with the Department of Planning and Development. These guides shall only be used to aid interpretation and application of the standards, and shall not be used to otherwise modify or conflict with any specific standard in this chapter.

1.06 Nonconformities

- A. **Intent.** The City permits existing uses, buildings, and lots that were created legally and in conformance with then-applicable requirements, but which do not conform to the current applicable requirements of this chapter, to continue to be put to productive use. The intent of this section is to:
1. Bring as many aspects of these nonconformities into compliance with current regulations as is reasonably practical.
 2. Recognize different degrees of nonconformity have different impacts, both in terms of the type and the extent of deviation from the standards.
 3. Balance the interests of property owners in past investments and the community or adjacent property owners' interest in investment consistent with the comprehensive plan and this chapter.
 4. Discourage or prohibit investment that expands, reinforces, or unnecessarily extends nonconforming situations.
- B. **Nonconforming Uses.** Uses that were legally initiated or established prior to the adoption or amendment of this chapter, but which could otherwise not be continued under the current terms

of this chapter, may continue to exist subject to the following:

1. The use shall not be expanded beyond the specific area of the site or lot where the use was legally established, beyond any existing building or structure in which the use is located, or within any building or structure where any structural changes expand the exterior footprint of a building or structure. The PD Director may consider an exception based on the following findings:
 - a. The expansion is part of routine or ordinary business operation rather than an investment in a change or increase in the physical capacity of the site or building;
 - b. Any enlargements of the structure or buildings is only to facilitate conforming uses or activities, and does not otherwise allow, encourage, or promote expansion or increase of the nonconforming use; and
 - c. Any expansions on the lot and site conform with all site development standards and can easily accommodate other future conforming uses.
 2. If active and continuous operations are not carried on during a period of one year, the use shall not be reestablished and all subsequent uses shall be in conformance with the provisions of this chapter.
 - a. Intent to resume active and continuous uses shall not count towards reestablishing the use. Evidence of a continuous business license is not sufficient to maintain use for this purpose. A business use must be operational to be considered active.
 - b. A nonconforming home occupation shall be considered abandoned if the occupants of the dwelling who were conducting the use discontinue either their occupancy of the dwelling or the nonconforming home occupation.
 - c. Continuation of an accessory use absent the operation of a principal nonconforming use shall not avoid any abandonment period.
 - d. A change of operator or sale of use shall not be considered discontinued, provided that neither the previous or current business or owner combined to cease operation for one year or more.
 3. Any change of use shall be to a conforming use, and at that time the nonconforming use shall be abandoned. The PD Director may consider and authorize a change to a 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 assessed value of the structure shall be permitted.
 2. If damaged by 50% or less of its total assessed value, the structure may be restored to its original condition if a permit is obtained within 180 days and work is completed prior

to expiration of the permit.

3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this chapter, or is otherwise damaged and the cost of improvement or restoration is more than 50% of the current assessed value, the right to maintain the nonconformance shall terminate.
 4. Structures granted variances from the dimensional standards are not considered nonconforming and are not subject to the limitations of this section, provided that the structure and owner comply with any terms of the variance and the circumstances surrounding the variance have not substantially changed.
- D. **Nonconforming Site Conditions.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space, or other non-building site characteristic) in existence prior to these regulations, but which are not compliant with the standards of these regulations, may continue to exist subject to the following:
1. Any change of use or expansion of use shall require compliance with the current development standards up to the maximum extent possible, considering the level of investment needed to support the new use and the extent of area being impacted by work to support the new use.
 2. Any site development activity on a portion of a site shall require compliance with the current standards up to the proportion that is subject to the development activity. For example, a site that is not compliant with the landscape standards must meet the landscape standards prorated to the portion of the site where development activity occurs, but the remainder of the site may remain nonconforming.
 3. Any change of use, building, or site design element that triggers a screening requirement shall require 100% compliance with all screening standards applicable to the site.
 4. Expansion of a building by more than 50% of its gross floor area measured prior to the expansion; tear-down and reconstruction of a building; or development of a vacant parcel proposed for development shall require full compliance with all provisions of the Land Development Code.
 5. Expansion of a building by 25% to 50% of its gross floor area, measured prior to the expansion; or increase in parking requirements of more than 20% of the number required by this Land Development Code, calculated based on the condition prior to the expansion shall require full compliance with the bufferyards and screening requirements of the land development code. Landscaping shall be required within any new parking lot areas for the number of spaces required.
 6. Expansion of a building up to, but less than 25% of its gross floor area, measured prior to the expansion, or increase in parking requirements of up to and including 20% of the number required by this Land Development Code, calculated based on the condition prior to the expansion shall require either streetscape landscaping in the rights-of-way or frontage and foundation landscaping. If buffering or screening is required, then the area within and around the perimeter of the property shall meet the buffering and screening requirements.
 7. The site condition and proposed continued use does not present any other apparent risks to the public health, safety or welfare.
- E. **Nonconforming Lots.** Any lots platted legally prior to the adoption or amendment of this chapter, but which could not be platted under the current requirements of this chapter, may continue to exist and be used for the uses permitted in the current zoning district, provided development can meet other development standards, or any other criteria for relief from those standards included in this chapter.

- F. **Nonconforming Signs.** Existing signs which do not conform to the specific provisions of these regulations are designated as nonconforming signs. Nonconforming signs must be brought into compliance with this chapter or must be removed when any of the following conditions exist:
1. When the property or premises upon which the sign is located is vacant for a period of at least 180 days.
 2. When a sign and/or sign structure is abandoned for more than 180 days, including empty frames.
 3. When a sign and/or sign structure is damaged or destroyed and restoration exceeds 50% of its total replacement cost.
 4. When the condition of the sign is a violation of any public safety or property maintenance code, and where compliance with those codes would extend the life of the nonconforming sign.
 5. When the sign is relocated, replaced, or altered in any way except into compliance with this chapter. This does not refer to the change of copy or normal maintenance.
 6. When a structure upon which the sign is placed is relocated, replaced, or altered in any way except in compliance with this chapter.
 7. When there is a zoning change initiated by the business or property owner.

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

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

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 any or all of the following:
1. Withhold any permits or licenses, or revoke or suspend any permits or licenses previously granted;
 2. Conduct inspections of land and buildings, and exercise a right of entry where there are reasonable grounds to suspect a violation exists or where part of systematic inspection programs;
 3. Issue stop work orders, cease action on pending development application or permits;
 4. Initiate legal proceedings to prevent the continuance of unlawful actions or conditions;
 6. Withhold any public improvements;
 7. Correct or abate the violation if it is not complied with within the time specified by the notice; or
 8. Penalize and levy fines, and assess all costs including actual costs, incidental and administrative costs, inspection fees, attorney's fees, and court costs.
- 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 section.

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
 - 2.10 Annexation
 - 2.11 Historic Designations
-

Table 2-1: Summary of Procedures

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

2.01 General – All Applications

A. Applications & Fees.

1. *Forms.* Applications required under this chapter shall be submitted to the Department of Planning & Development (PD) on forms supplied by the Department. The PD Director is authorized to establish application forms and submittal requirements to ensure all applications can be evaluated for conformance with this chapter. The PD Director may waive the requirement for any information on standard forms at the time of application, due to the routine nature of the application or due to the context of a particular application making the information inapplicable for review against the criteria.
2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the city's current Fee Schedule. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the staff on behalf of the Planning and Zoning Commission or City Council.
3. *Eligible Applicants.* Table 2-1 indicates applicants eligible for each particular application under this chapter, which may include the following:
 - a. *Owner.* The record owner of property that is the subject of the application or that owner's agent authorized by written permission of the owner.
 - b. *Planning and Zoning Commission.* The Planning and Zoning Commission, acting on its own initiative or through recommendations brought to it by city staff.
 - c. *City Council.* The City Council, acting on its own initiative or through recommendations brought to it by city staff.

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

1. The information required for each type of application is similar or can be easily coordinated between each application.
2. The notice, timing, procedures, meetings, and review bodies required for each application are similar or can be easily coordinated between each application.
3. The ability of the staff and review bodies to make effective decisions under the review criteria when reviewing the applications concurrently.

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

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

1. *Applicability.* In addition to the requirements in Table 2-1, pre-application meetings are required for any residential development of two or more units, and any new non-residential construction or additions (commercial, mixed-use, or industrial buildings, site improvement plans, or parking lots). A required pre-application meeting may be waived at the PD Director's discretion for any application that is routine in nature and where the topics can be addressed by general correspondence. Pre-application 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, and specifically applicants shall hold a neighborhood meeting prior to the Planning and Zoning Commission public hearing on rezonings, Planned Zonings, vacations of public right-of-way (that are not initiated by the PW Director), and conditional use permits:
1. A neighborhood meeting shall be held at least 21 days prior to the Planning and Zoning Commission public hearing.
 2. Notice of the meeting shall be sent by first-class mail, postage paid, at least 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 Department of Planning and Development; however, the letters and envelopes including postage shall be prepared by the applicant. The neighborhood letters shall be submitted to the Department of Planning and Development for mailing one business day prior to the deadline as set forth in paragraph 2. A file copy of the letter shall be provided to the Department of Planning and Development. The notice letter shall contain the following and any additional information as required by the PD Director:
 - a. Description of existing conditions or zoning and proposed changes or proposed zoning.
 - b. Meeting date, time and location.
 - c. Applicant or their representative's contact information.
 - d. Development review notice and comment cards.
 5. The meeting shall be held on the property involved in the application or in the immediate vicinity. The meeting shall be scheduled from 4:00 to 6:30 p.m.
 6. Following the neighborhood meeting and at least ten days prior to the Planning and Zoning Commission public hearing, the applicant shall submit a summary of the meeting to the Department of Planning and Development including the following in order:
 - a. Development application;
 - b. Meeting date, time, and location;

-
- c. Number of invitations that were sent and how the mailing list was generated;
 - d. Number of neighbors in attendance with an attached sign-in sheet;
 - e. List of issues raised, any verbal comments and how the applicant plans to respond; and
 - f. Additional information, such as comment cards, letters from neighbors, shall be attached to the summary.
 7. If the applicant does not submit the information listed above at least ten days prior to the Planning and Zoning Commission public hearing, the application shall be considered incomplete and the commission shall table the case and may continue the public hearing to the next meeting or a later meeting agreed to by the applicant. The applicant shall be responsible for all fees related to notifying the neighbors that the application will automatically be tabled. This notice of tabling will be sent by the Department of Planning and Development.
- E. **Staff Review.** Upon receipt of an application or resubmittal, the PD Director shall take the following steps:
1. *Determination of Complete Application.* If an application is determined incomplete, the PD Director shall notify the applicant of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the PD Director may determine that the incomplete application is withdrawn. If an application is complete it shall be processed for formal review.
 2. *Staff Review.*
 - a. The PD Director shall coordinate review by the Department of Planning and Development Department after a complete application, and consult with the Department of Building and Development Services, the Department of Public Works, and other appropriate departments the PD Director determines may be impacted by the application.
 - b. The PD Director may require review by the Administrative Review Committee (ARC) as established in Section 1.04.
 - c. The PD Director may determine if other referral agencies are appropriate based on the application and has discretion to add any other relevant or applicable agency to the list. The following agencies may be requested to review and comment:
 - (1) Adjacent county and municipal governments;
 - (2) State of Missouri department offices;
 - (3) Gas and electric utility providers;
 - (4) Telecommunications and cable providers;
 - (5) Public safety agencies (Police, Fire, EMS, Health);
 - (6) School districts;
 - (7) Water and sewer utility providers; and
 - (8) Other special district, local, state, or federal government agencies or impacted entities.
 - d. Failure to receive comments from referral agencies shall not be considered approval by the agencies and may allow the PD Director to delay the application. However, if the applicant demonstrates sufficient due diligence in attaining comments, the PD Director may allow the application to proceed.
 - e. The applicant shall be responsible for coordinating all subsequent requirements, plan amendments, or fees required to satisfy agency requirements, and for notifying any agency prior to final review of any changes that may affect their comments on initial plans.
 3. *Staff Comments.* The PD Director shall coordinate staff comments on a complete application and may provide the applicant the following information in writing:
 - a. Comments or recommended changes based on the results of any referral agency comments, neighborhood meetings, or staff review.
 - b. A list of any additional information necessary to support the application or address any comments or recommended changes.

-
- c. If the applicant chooses not to address any comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and provide reasonable rationale why the comment cannot be addressed. The applicant may request to schedule the application for official review based on this rationale.
 - d. If the applicant fails to submit revisions or otherwise address any comments from the PD Director in writing for more than 120 days, the PD Director may:
 - (1) Postpone the application based on the applicant's request and any reasonable justification for a delay in addressing comments; or
 - (2) Determine the application withdrawn and the review terminated. Any further action will require a new application and fees.
 - 4. *Scheduling.* Applications that have completed staff review and addressed any comments or recommended changes, shall be scheduled for further review or processing according to these regulations.
 - 5. *Staff Report.* The PD Director shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the appropriate policies, plans, regulations, and review criteria, and identify relevant facts of the application. The PD Director shall publish or otherwise make the report available to the applicant and public prior to the review body meeting, in association with the public meeting agenda and packet.
- F. **Notice.** Notice shall be provided for each application as indicated in Table 2-1, which shall provide the date, time, place of the meeting, and general information on the application including the location, type of application, and where additional details may be found.
- 1. *Published.* Where published notice is required, notice shall be published in an official newspaper or a newspaper of general circulation in the city of Springfield at least 15 days prior to the public hearing or meeting.
 - 2. *Posted.* Where posted notice is required, notice shall be posted by the applicant on the property or near the proposed site, visible to surrounding properties and the general public from adjacent public ways, according to the following:
 - a. The PD Director shall determine the number, type, size, content, and specific location of signs based on the context of the property and to provide visible and clear notice to the public. One sign shall be posted for each 150 feet of street frontage up to a maximum of three signs, and at least one sign on each street frontage.
 - b. The applicant shall ensure that signs are posted at least 10 days prior to the public hearing or meeting.
 - c. The applicant shall make a reasonable, good-faith effort to maintain posted notice throughout the proceedings.
 - 3. *Mailed.* Where mailed notice is required, the City shall mail notice at least 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.
 - d. A concise and accurate description of the nature of the request.
 - e. The date, time, and place of the public hearing or meeting, and whether it includes the right to testify (e.g. public hearing).

-
- f. The place at which further information on the application may be obtained and examined.
 5. **Failure of Notice.** Any failure of published, posted, or mailed notice shall not invalidate any subsequent process or decision in the PD Director's discretion. In making this decision, the PD Director shall consider whether:
 - a. Good faith efforts were made to comply with notice, and the failure of notice was beyond the applicant's or City's control;
 - b. Technical errors in the notice were made, but constructive and actual notice was available to all interested parties; or
 - c. The failure of notice is not otherwise influential to the proceedings, criteria, or record established for the decision.
- G. **Public Hearings.** Where public hearings are required by Table 2-1, the following procedures apply:
1. The hearing shall be conducted and a record of the proceedings shall be preserved.
 2. Any interested person or party may appear and be heard in person or by agent, and the review body may require that this testimony and any evidence or exhibits be under oath or by affirmation.
 3. The review body may request testimony or a report on the application from any government official or agency, experts, or any other person with information pertinent to the application.
 4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this section if the specific date, time, and place of the continued hearing is announced at the original hearing.
 5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body.
 6. A review body is authorized to establish meeting procedures and bylaws regarding specific conduct and management of public hearings, within the parameters of these regulations.
- H. **Action by Review Bodies.** Required review bodies are indicated in Table 2-1. A review body may take any action on the application consistent with notice given or criteria in these regulations, or recommend such action when the review body is a recommending body, including the following:
1. Approve the application.
 2. Approve the application with conditions or modifications that make it more consistent with the standards and review criteria. Any modification to plans prepared by a licensed professional shall require review and consent by the licensed professional.
 3. Deny the application, with specific reasons for the denial.
 4. Continue the application to allow further analysis. The continuation period shall not be more than 60 days from the initial meeting without the consent of the applicant.
 5. In the case of City Council, remanding of the application to the recommending body, e.g., the Planning and Zoning Commission, shall occur when either (1) the applicant has requested a remand to make a substantive change to the application at issue; or (2) new evidence has been presented to City Council that was not presented to the recommending body, provided that good cause for such omission is established.
 - a. Such remand shall be issued in a written order that includes the following parameters as guidance from City Council:
 - (1) The issue prompting the application to be remanded;

- (2) The specific question(s) City Council desires the recommending body to answer;
 - (3) Any specific evidence or testimony that City Council desires to be provided before the recommending body issues its new recommendation; and
 - (4) Any limitations on additional evidence and testimony City Council desires to restrict.
 - b. Following the completion of all steps included in the written remand order, the recommending body will issue a new recommendation to City Council. If no action is taken on the remanded item, the same recommendation will be deemed made and will be sent back to the City Council.
 - c. Such remand shall be placed on the agenda of the next regular meeting of the recommending body following completion of all necessary steps.
 - d. New notice and publication of the public hearing on the remanded item shall be required, to be paid by the applicant unless otherwise specified by City Council.
- I. **Appeals.** Where no appeal process is designated in Table 2-1, the decision shall be final and only appealed as authorized by law. Any final decision made under this chapter by an administrative official may be appealed according to Section 2.08. Where a review body is designated as the appellate body in Table 2-1, the following appeal procedures apply:
 1. Appeals shall be filed with the PD Director within 15 days of the final decision by a public review body or 30 days of the final decision by any administrative official.
 2. Appeals shall identify the exact provisions in dispute and whether it is incorrect due to one or more of the following:
 - a. It was against specific standards of this chapter;
 - b. It was an unreasonable interpretation or application of the standards or review criteria;
 - c. It was erroneous, based on the record and facts reviewed by the decision-making body; or
 - d. It was otherwise clearly contrary to law.
 3. The following persons and entities shall have standing to appeal the action of the review body:
 - a. The applicant;
 - b. The City Manager, on behalf of any public official, department, or public body; or
 - c. Any other person who 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, right-of-way, or public infrastructure or community facilities, which typically require a comprehensive review through preliminary plat and final plat procedures.

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

1. *Eligibility.* The following situations are eligible for administrative subdivision processes:
 - a. *Administrative Property Line Adjustment.* Only in instances of a property line dispute, a minor encroachment, or a court-ordered and certified survey to confirm the alteration of legal boundaries of previously platted lots or legally established tracts of record prior to March 26, 1956. Absent a court-ordered and certified

- survey, only a single lot line may be adjusted as part of an administrative property line adjustment.
- b. *Administrative Lot Combination.* A certified survey to confirm the combination of previously platted lots or legally established tracts of record prior to March 26, 1956, into fewer lots.
 - c. *Administrative Plat.* A certified survey to confirm the alteration or the division of one or more platted or un-platted parcels or of legally established tracts of record prior to March 26, 1956, into no more than five additional lots from the parent parcel.
 - d. *Administrative Condominium Plat.* A certified survey to confirm the legal boundaries of a unit or structure on a platted lot of record that could only be determined post-construction, such as for duplexes, townhouses, or for residential or non-residential condominiums where the units and lots are individually owned, and the property is on a lot of record in common ownership.
 - e. *Administrative Plat Correction.* A certified survey or other legal instrument acceptable to record that corrects a tract, parcel, or lot was legally established and corrects an error or omission from prior legal instruments that results in no observable impacts on the development pattern or potential development.
 - f. *Administrative Tract Certification.* A certified survey or other legal instrument acceptable to record that confirms a tract or parcel as legally established in the present configuration prior to annexation into the city, under a prior code at the time of its recording, or prior to March 26, 1956.
2. *Review Criteria.* An administrative subdivision may be approved by the PD Director if the PD Director determines that all of the following are met:
- a. Each lot meets the standards of this chapter and can meet the design and development standards of the applicable zoning district;
 - b. No new streets or public dedications are needed for the application, except that dedications of additional right-of-way on existing streets or alleys or new easements may be included provided they are formally accepted and deeded to the City;
 - c. Each lot is already served by public sewer and public water and only extensions of facilities internal to the block or lot are necessary to serve future development;
 - d. No significant impact on public infrastructure nor interference with existing service levels will result from potential development, and adequate services to the proposed lots can be accomplished at the time of development; and
 - e. Each lot has the necessary improvements required by this code or can provide these facilities in coordination with and at the time of development, including access, utilities, and stormwater requirements.
 - f. For condominium plats, the development meets all physical standards and patterns for development of the lot(s) and building(s), except for the individual ownership of units within the lot(s) or building(s) and complies with the final plat establishing the lot(s) of record for the project and the applicable state condominium laws.
 - g. Any application not classified as an administrative subdivision or not meeting these criteria shall be processed as a major subdivision.
3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements apply to administrative subdivision applications.
- a. If the PD Director determines at any point in the process that the application is not eligible for an administrative subdivision or is otherwise trying to evade the major subdivision process, the PD Director may deny the application and require the applicant submit a new application as a major subdivision.
 - b. The PD Director shall make the final decision on administrative subdivisions, and the decision may be appealed to the Planning and Zoning Commission.
 - c. The PD Director shall inform the applicant of a decision in writing within 30 days of the determination of a complete application.
 - d. The applicant may appeal a final decision by the PD Director to the Planning and Zoning Commission after a secondary review by the Administrative

Review Committee.

4. *Effect of Decision.*
 - a. The applicant shall submit the approved administrative subdivision and all other required documents and certificates in the proper format to the City for execution of signatures.
 - b. The City shall record the administrative subdivision and executed documents with the Greene County Recorder of Deeds.
 - c. The administrative subdivision shall become effective after recording, and the applicant may proceed with building permits and all other applicable permits consistent with the approved subdivision.
 - d. An administrative subdivision not recorded within one year shall expire and any further action shall require a new application.
- C. **Major Subdivision – Preliminary Plat.** Any subdivision not eligible as an administrative subdivision is a major subdivision that shall require approval of a preliminary plat. A preliminary plat shall be processed according to the following specific procedures.
 1. *Applicability.* The preliminary plat provides detailed planning review of development patterns, street networks and design types, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans. The PD Director may allow a preliminary plat and final plat to be processed simultaneously for more routine applications, provided the submittal requirements and criteria for both applications can be met.
 2. *Review Criteria.* A preliminary plat shall be reviewed according to the following criteria:
 - a. The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
 - b. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations.
 - c. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district, including lot and development standards, frontage design standards, and access standards.
 - d. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
 - e. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
 - f. Any impacts identified by specific studies or technical reports, including a review of storm water, traffic impacts, and access management are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
 - g. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
 - h. The recommendations of professional staff or any other public entity or review agencies asked to officially review the preliminary plat.
 3. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 2.01, 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.
 - e. The approval of a new preliminary plat prior to the expiration of a previously approved preliminary plat shall automatically render any previously approved preliminary plat invalid.
- D. **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.
1. *Review Criteria.* A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.
 - a. The layout and design of the final plat substantially conforms with the approved preliminary plat considering:
 - (1) The number and size of lots and tracts;
 - (2) The block layout, street designs and access;
 - (3) The open space systems and civic design elements;
 - (4) The location and capacity of infrastructure systems; and
 - (5) Any phasing of the development, improvements, and community amenities.
 - b. The required public improvement plans have been formally accepted.
 - c. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
 - d. The recommendations of professional staff or any other public entity asked to officially review the final plat.

- e. Deviations in the final plat may be considered to substantially conform to an approved preliminary plat and may be approved if the change:
 - (1) Is justified by greater details in planning, design, and engineering in furtherance of the preliminary plat;
 - (2) Complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards;
 - (3) Does not increase the impact of any development on required improvements beyond the capacity for required improvements identified in the preliminary plat;
 - (4) Does not impact any condition of the Planning and Zoning Commission or City Council associated with the approval of the preliminary plat;
 - (5) Is consistent with development concepts in the preliminary plat in terms of land uses, scale, and intensity of development, and in no case changes the number of lots, dwelling units, buildings, or sizes of blocks and open spaces by more than 10%; and
 - (6) If technical studies were required with the preliminary plat, the author of the study shall submit an amendment noting that the change does not impact any findings of the study.
 - f. Any other changes to the preliminary plat, including significant changes in the phasing or dedication of public land and right-of-way, may require approval by the Planning and Zoning Commission and acceptance of the City Council.
2. *Review Procedure.* In addition to the general requirements in Table 2-1 and Section 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 3.06. A building permit shall not be issued until the completion, inspection, and acceptance of all required improvements, unless otherwise agreed to in writing with the City.

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 or owner's representative. 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 three or more buildings are proposed;
 3. Expansion or alterations to an existing multifamily or nonresidential building that change the footprint by more than 10% or significantly alter the form of the building envelope or character of exterior elevations on more than 25% of the exterior;
 4. Any site development activity that adds impervious surfaces greater than 5% of the lot;
 5. A change of use that is potentially more intense than the existing use, or that could otherwise trigger associated site development activity, such as parking, access, traffic circulation or intensity, landscape, or screening;
 6. Any other changes to existing buildings or site that significantly alter the exterior appearance, or that impact access, circulation, or abutting streetscape designs. This excludes ordinary maintenance to any existing building, structure, or site design element; or
 7. Any development that meets the criteria for a nonconformity in Section 1.06.
- B. **Review Criteria.** 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:
- A. **Generally.**
1. The plan meets all applicable standards and meets the criteria for any performance standard, guidelines, exceptions, or modification permitted in this chapter.
 2. The plan is consistent with any conditions on prior approvals by the Planning and Zoning Commission or City Council associated with the property.
 3. The application can reasonably be assumed capable of meeting the criteria for all subsequent permits and authorizations needed to build the project as proposed.
 4. 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.
 5. 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.
- B. **Site Design and Engineering.**
1. The plan provides safe access and internal circulation and appropriately balances vehicle, bicycle, and pedestrian needs based on the context and street type.
 2. 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.
 3. The plan provides adequate management of storm water and utilizes green infrastructure practices when possible.
 4. 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.
- C. **Landscape and Open Space Design.**
1. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and other nearby public, civic, or common spaces.
 2. The plan enhances the environmental and ecological functions of un-built portions of the site and makes effective use and conservation of natural resources.
 3. 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.

D. Building Design.

1. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
2. The selection and application of materials will promote proper maintenance and quality appearances over time.
3. 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:

- A. Conditions of the site make strict compliance with the standard impractical or ineffective.
- B. A proposed alternative equally or better meets the intent and design objectives of the applicable standard.
- C. The modification is the minimum necessary to address the conditions, and is within any other limitations established for the applicable standards.
- D. The modification does not undermine or conflict with other applicable site or building standards, or result in negative impacts on adjacent sites.
- E. The modification is not strictly for the convenience of a specific project, but is justified under any of the following broader community benefits:
 1. Aesthetic considerations that permit better coordination of the lot and building with the established character of the immediate area;
 2. Improved environmental performance, considering stormwater, energy use, building performance, landscape design, or operational impacts of the use;
 3. Increased pedestrian or bicycle accommodations;
 4. Enhanced civic design considering the relationship of the site and building to streetscapes and open spaces;
 5. 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
 6. Better serves public health and safety considerations.
- F. The modification may be based on any additional conditions or requirements reflected in the plan, including stricter compliance or increases in other relevant standards (e.g. setback reduction considered in association with greater building height limitations; etc.).
- G. The modification is limited in degree as specified in Table 2-2.

Table 2-2: Site Plan Modifications		
Site Design Element	Minor Modifications (Staff Discretion)	Major Modification (Planning & Zoning Commission Discretion)
Article 5 & 6: Development & Dimension Standards (5.03 Residential; 6.03 Nonresidential)		
Lot Area	10%	15%
Lot Width	5%	10%

Building Setback	20%	40%
Building Coverage	10%	20%
Building Height	15%, up to 5' max.	30%, up to 1 story max.
Article 5: Residential Design Standards (Section 5.04)		
Frontage Design, Building Design, Open Space Design	Based on general criteria in this section and specific criterial in Section 5.04	
Article 6: Nonresidential Design Standards (Section 6.04)		
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 a street classified as a major collector or higher.
Internal Sidewalks	15%	25%
Required Parking	10%	25%
Parking Landscape	10%	15%
Parking Dimensions	5%	n/a
Loading Requirements	25%	50%
Article 8: Landscape & Site Design		
Required Landscape	15%	25%
Buffers Dimension	5%	10%
Buffer Planting	10%	15%
Fences & Walls	10%	15%
Table 2-2: Site Plan Modifications		
Site Design Element	Minor Modifications (Staff Discretion)	Major Modification (Planning & Zoning Commission Discretion)
Outdoor Lighting	5%	15%
Article 9: Signs		
Size & Height	n/a	5%
Location	n/a	10%
Quantity	n/a	n/a

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

- D. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, 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 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 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. A site plan may be required to accompany applications that require review by other review bodies, such as conditional use permits, rezonings, or variances.
 6. Except for applications requiring review by other review bodies, the PD Director shall make the final decision within 45 days of a complete application, and may condition the decision on meeting the requirements of other departments subject to the standards and specifications of all required permits.
 7. The PD Director shall notify the applicant of a decision in writing, either by returning a set of plans stamped “approved” or otherwise indicating other conditions for a decision or reasons for a denial.
 8. The applicant may appeal a final decision by the PD Director to the Planning and Zoning Commission after a secondary review by the Administrative Review Committee.
- E. **Effect of Decision.** Approval of a 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 (CUP) provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions. These uses are not generally appropriate throughout the district, but due to the specific design, operational characteristics, or context of the application, the use may be appropriate based on a case-specific discretionary review. Conditional use permits may be initiated by the property owner for uses identified as conditional uses in the zoning district, according to Table 4-3.
- B. **Review Criteria.** Conditional use permits shall be reviewed according to the following criteria:
1. All criteria for 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 of other uses and structures in the area, and any potential changes in character or uses occurring in the area.
 5. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, reassess the use against changing conditions in the area, or require periodic reporting or review of the permit.
 6. The recommendations of professional staff or other technical reviews associated with the application.
 7. Whether any additional site- or use-specific conditions are necessary to meet these

criteria.

- C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements apply to conditional use permit applications.
1. Applications shall be accompanied by a 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, business licenses, and other applicable development or construction permits.
 2. Approval of a conditional use permit shall be valid for 18 months, and the PD Director may grant one extension for up to one additional year if justified by reasons beyond the applicant's control and where surrounding conditions or applicable standards have not changed. Any application not acted upon through issuance of a building permit or occupancy permit according to the approval and conditions within this period shall be void.
 3. A conditional use permit may be revoked or modified with additional conditions by the City through the same procedures approving the permit, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this chapter.
 4. Minor changes to an approved conditional use permit may be approved by the PD Director limited to the following:
 - a. A change of ownership provided all conditions and criteria of the permit are met, and provided the new owner demonstrates the likelihood to continue to comply with all standards.
 - b. Any change to any associated 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 city staff on behalf of these city entities.

- B. **Review Criteria.** Review, recommendations, and decisions for a proposed rezoning shall be based on evaluating and balancing the following criteria:
1. The proposed district is consistent with the goals and objectives of the comprehensive plan and any other plan, policy or guidance adopted pursuant to that plan.
 2. Whether the area has changed since the existing zoning has been in place, or it is changing to a degree that it is in the public interest to rezone the property.
 3. The proposed district will enable development in character with existing or anticipated development in the area considering:
 - a. The design of streets, civic spaces, and other open space;
 - b. The mix, density, or intensity of potential uses;
 - c. The pattern, scale, and format of buildings and sites enabled by district standards;
 - d. The compatibility with and transition to other districts, development, or uses in the vicinity; and
 - e. Any reasonably anticipated negative impacts can be mitigated by applicable development standards or planning, design, and engineering practices applicable to the site.
 - f. Any rezoning application conditioned on a site plan may be evaluated based on that plan; otherwise, the entirety of what may be enabled by the zoning district shall be considered with the above criteria.
 4. The City or other agencies can provide services, facilities, and infrastructure that may be necessary for anticipated uses in the proposed district, including capacity of the surrounding street network and access on specific street frontages.
 5. Reasonable viable economic use of the subject property will be precluded if the proposed rezoning is denied.
 6. The recommendations of any professional staff or advisory review bodies, and any additional testimony or evidence on the record.
 7. Any relevant information submitted or presented at the public hearing.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, 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 2.05.B cannot be adequately evaluated absent some type of plan framing the extent and characteristics of future development beyond what is generally allowed in the district.
 2. Applicants may propose that a rezoning request be conditioned on a 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.B.
 - b. The Planning and Zoning Commission may recommend and the City Council may approve the request based on any specific elements, conditions, or limitations proposed in that plan, including uses, scale, and intensity of development.
 - c. Any such rezoning shall be designated by a “-C” on the 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.
 7. In case of a valid protest against a proposed change, approval shall require a favorable vote by two-thirds of all members of the City Council. A valid protest shall:
 - a. Be filed with the City Clerk at least 24 hours prior to the Council regular meeting for consideration, and be verified by the City Clerk prior to the meeting;
 - b. Be signed by the owners of 30% or more of either the areas to be included in the proposed change, or of the area within 185 feet of the boundary, excluding right-of-way and alleys.
 8. Approval of a rezoning shall be by ordinance approved by the City Council.

D. Effect of Decision.

1. The PD Director shall make the change on the official zoning map by an actual change or other record identifying the ordinance and affected property.
2. The zoning shall remain in effect unless changed by the City Council according to the procedures in these regulations.
3. All subsequent development shall occur according to the district standards and subject to site plan, building permit, or other applicable development review and permitting processes.
4. In the case of a rezoning that is approved contingent on a site plan:
 - a. All elements of the site plan shall be considered binding unless specifically excluded by the Planning and Zoning Commission in its recommendation or the City Council in its decision and ordinance.
 - b. Any other elements not depicted on the site plan or elements specifically identified as non-binding are still subject to all standards of this code. Compliance with generally applicable standards shall be indicated on an updated plan prior to building permits.
 - c. Modifications to site plans shall only be permitted according to the standards

- and criteria in Section 2.03.C., except the modification shall be evaluated based on the extent modified from the plan rather than from the applicable standards.
- d. No modifications shall be allowed to any specific conditions in the City Council ordinance or if any elements of the site plan are specifically called out by the Planning and Zoning Commission recommendation and City Council decision as ineligible for modifications.
 - e. The Planning and Zoning Commission may recommend, and the City Council may require any of the following conditions to meet the rezoning and site plan criteria:
 - (1) Restrict uses beyond those otherwise allowed in the zoning district;
 - (2) Increase landscape, bufferyards, or open space beyond what is required by this chapter;
 - (3) Limit building scale and location more strictly than otherwise permitted by the development standards;
 - (4) Increase the district performance standards beyond those required by this chapter regarding operations, noise, lighting, compatibility, or other mitigation of off-site impacts;
 - (5) Timing and concurrency of any offsite improvements necessary to support the intensity of development and according to associated technical studies; and
 - (6) Any other design or development standards depicted on the site plan, included by notes on the site plan, or included in the ordinance adopting the rezoning.
5. No application for rezoning, other than an application initiated by the City Council or the Planning and Zoning Commission, shall be filed or allowed prior to the expiration of six months from the time that the City Council shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel of ground, unless the application previously acted upon was initiated by the City Council or the Planning and Zoning Commission, or, during said six months interval, property adjoining or abutting the lot, tract or parcel of land or within 185 feet of the lot, tract or parcel of land shall have been rezoned by the City Council.

2.06 Planned Zoning

A. Applicability.

1. *General Applicability.* Planned zoning applications are integrated plans and codes to implement projects based on development and design plans for a specific area. The plans establish more refined distribution and relationships of land uses, more specific arrangement of building types and development intensity, or more detailed application of design and development standards than otherwise provided by the comprehensive plan and this code. The process enables flexibility in the otherwise applicable development and design standards based on the plans, but offers predictability for city departments, community stakeholders, and private entities engaged in development and redevelopment activities. Planned zoning is a type of rezoning initiated by the City Council, Planning and Zoning Commission, or property owners, provided that property owner initiation requires the participation and authorization of all property owners in the plan.
2. *Specific Applicability.* Planned zonings shall require a sufficient area to implement planning and design concepts that generate broader community or public benefits, and not simply to facilitate individual projects or to permit adjustments or deviations on a site-specific basis. The development plan shall generally include at least 5 acres; however, the PD Director may permit smaller applications based on any of the following circumstances:
 - a. The application is an addition to a previously approved planned development

- b. and is effectively an extension of those areas or projects;
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, 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, and building design.
 - e. Any specific development review processes applicable to implementing future development according to the plans and regulations.

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

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

1. The 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 and Section 2.01, the following specific procedures shall apply to planned zoning applications.
1. The planned zoning application is a type of rezoning and shall follow the procedures in Section 2.06.C.
 2. The planned zoning process involves at least two steps: the area plan establishing the zoning and any necessary deviations (existing conditions, vision and development plan, public space plan, and regulating plan); and site plans for development of specific components of the development plan. Platting may also be required.
 3. Based on the complexity of projects and extent of advanced planning and urban design necessary to support the development, the PD Director may require, or the applicant may elect, breaking the review of the elements of an area plan in subsection B. into more than two steps to review concepts and preliminary designs prior to approval of the full area plan and proposal of regulation adjustments.
 4. In cases where new development is proposed, land may need to be subdivided or streets and public lands dedicated in order to carry out an area plan. The platting process is a separate process but may run concurrently with the planned zoning process, as specified in Section 2.01.B.
 5. All development in planned zoning districts shall require site plan review according to Section 2.03. 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, 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 site plan and a final plat if required. In addition to all other information and criteria required for those applications, submittals under an approved planned zoning shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the area plan have been met.

2.07 Variance

A. Applicability.

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

B. Review Criteria.

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

- e. The design variance will not adversely affect the rights of adjacent property owners or residents; and
 - f. The design variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.
 2. A use variance shall be reviewed and approved only on the finding that all of the following conditions are met:
 - a. Unique physical conditions not ordinarily found in the same zoning district and that are not created by the property create unnecessary hardship in meeting the standard;
 - b. The strict application of the regulations constitutes an unnecessary hardship upon all permitted use of the property, i.e., no permitted use of the property can be made absent a use variance;
 - c. The use variance will not adversely affect the public safety or general welfare;
 - d. The use variance will not undermine the purpose of the ordinance, the intent of the zoning district or standards, or any other required professional design standard or specification;
 - e. The use variance will not adversely affect the rights of adjacent property owners or residents; and
 - f. The use variance is the minimum necessary to relieve the conditions and permit any reasonable use of the property.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to both design and use variance applications.
 1. The Board of Adjustment shall hold a hearing at its next regularly scheduled meeting 28 days after the PD Director determination of a complete variance application.
 2. The Board may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
 3. The Board shall document all decisions in writing, including the grounds for its decision based on findings of fact regarding all criteria, within 30 days after the public hearing. The decision shall be filed with the PD Director, who shall provide the decision to the applicant, other persons requested to be notified
 4. The concurring vote of four members of the Board shall be necessary to grant a design or use variance.
 5. The PD Director will record the decision with the Greene County Recorder of Deeds.
- D. **Effect of Decision.**
 1. An approved variance shall become effective when recorded with the Greene County Recorder of Deeds. The PD Director shall record the written approval, and upon recording the applicant may proceed with any necessary building permits, licenses, or other permits authorized in the variance.
 2. Any decision not acted on within one year of the decision by the Board shall expire.
 3. A variance recorded and acted upon shall run with the land to the extent the zoning of the subject property remains in place, unless vacated by the Board through the same procedures and criteria for granting the variance.
 4. Any person aggrieved by a final decision of the Board may appeal the decision to the district court within 30 days of the Board's vote on the final decision.

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 city staff on behalf of these entities.
- B. **Review Criteria.** A text amendment shall be reviewed according to the following criteria:
1. It is consistent with the comprehensive plan.
 2. It furthers the purposes of these regulations in Section 1.02 and has been considered for both its long-range effects as well as immediate impacts.
 3. Whether it is necessitated by a change in conditions in the zoning district or specific areas impacted by the change.
 4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.
 5. Any relevant information submitted or presented at the public hearing.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements shall apply to text amendment applications.
1. Applications may be accompanied by a related comprehensive plan amendment, or a more specific plan, provided that amendment or plan has met all of the legal and policy requirements for plan approvals independent of the proposed text amendment.
 2. The City Council may recommend the application be returned to the Planning and Zoning Commission for further study or additional information at its next regular meeting. Failure by the Planning and Zoning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
- D. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance. The PD Director shall incorporate approved amendments into this chapter by reference to the specific amending ordinance, and indicate the newly applicable provisions and the replaced provisions, or by recodification of the official code that incorporates the approved amendment.

2.10 Annexation

- A. **Applicability.** The City of Springfield may annex property in compliance with RSMo. 71.012.
- B. **Review Criteria.** A request for annexation shall be reviewed according to the following criteria:
1. The annexation is reasonable and necessary for the proper development of the city; and
 2. The City has the ability to furnish normal municipal services to the area to be annexed within a reasonable time.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, a notarized petition shall be submitted requesting annexation and shall be signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed.
- D. **Effect of Decision.** Annexations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance.

1. *Zoning Classification.* Upon annexation into the City of Springfield, such annexed territory shall retain its county zoning classification until City Council has had an opportunity to reclassify the territory properly under this chapter. Such zoning reclassification shall occur within 6 months of annexation.
2. *Building Permits.* The owner, lessee, or any other person, firm, or corporation owning, controlling, constructing, supervising, or directing the construction of any building or structure in the process of construction and which is incomplete at the time the land upon which it is situated is annexed into the City of Springfield may proceed with the construction, alteration, or completion thereof without obtaining a building permit from the Department of Building Development Services of the City of Springfield, provided a building permit has been legally obtained from the county in which the property is located and all conditions and requirements of the permit are met. If construction has not commenced prior to annexation, a permit shall be obtained from the Department of Building Development Services.

2.11 Historic Designations

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

1. Promote the designation and use of historic sites, historic landmarks, interior landmarks, and historic districts for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of buildings, sites, monuments, structures, interiors, and areas of historic interest or importance within the city of Springfield;
2. Safeguard the city's historic, aesthetic, and cultural heritage as embodied and reflected in such improvements, landscape features, and districts;
3. Preserve and enhance the aesthetic quality of neighborhoods;
4. Stabilize, improve, and sustain property values;
5. Strengthen the city's economic base by the stimulation of conservation and reuse of historic structures;
6. Ensure the harmonious, orderly, and efficient growth and development of the municipality;
7. Foster civic pride in the beauty and the noble accomplishments of the past; and
8. Establish a visual archive of buildings, sites, monuments, structures, interiors, and areas of historic interest or importance within the city of Springfield which are slated to be removed from the landscape.

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

1. Has significant character, interest, or value as part of the city, region, state, or nation's history, or is associated with the life of a personality significant to the past.
2. Is the site of a historic event with a significant effect upon the development, heritage, or cultural characteristics of the city, region, state, or nation.
3. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

-
4. Portrays the environment in the era of history characterized by a distinctive architectural style.
 5. Embodies those distinguishing characteristics of an architectural type or engineering specimen.
 6. Is the work of a designer or architect or contractor whose individual work has influenced the development of the city, region, state, or nation.
 7. Contains elements of design, detail, materials, or craftsmanship which represent a style unique to the past.
 8. Is a part of or related to a square, park, or other distinctive area and thus should be developed and preserved.
 9. Represents an established and familiar visual feature of the neighborhood, community, or skyline, owing to its unique location or singular physical characteristics.
 10. Is part of or related to a distinctive geographical area which should be developed or preserved according to a plan based on cultural, historic, or architectural motif.
 11. Has yielded, based upon physical evidence, or is likely to yield information important to history or prehistory.
 12. In addition, the Landmarks Board shall consider the site, structure, object, or district in light of its integrity of:
 - a. Location;
 - b. Design;
 - c. Setting;
 - d. Materials;
 - e. Workmanship;
 - f. Feeling;
 - g. Association; and
 - h. Its suitability for preservation and reuse.
- C. **Designation.** In addition to general application procedures in Section 2.01, the specific procedures in Table 2-3 apply to designations of historic properties.

Table 2-3: Designation of Historic Property

	Historic Site	Landmark or District
<i>Nomination</i>	- By resolution of LB, PC, or CC; or [1] - By owner	- By resolution of LB, PC, or CC; - By owner; or - By verified petition (district only) [2]
<i>Notice</i>	Certified mail to all property owners at least 15 days prior to a formal application to the Department of Planning and Development. Forms supplied by city, and mailing done by city, but applicant shall supply letter, envelopes, and postage.	
<i>Landmarks Board Hearing and Recommendations</i>	A. Public hearing 2.01.G - Action according to 2.01.H at or within 28 days of hearing - Recommendations to designate forwarded to City Council (see C.1 below) - Failure to recommend designation is only forwarded to City Council on applicant's initiative and within 10 days of Landmarks Board action	
<i>City Council Declaration of Intent to Designate</i>	n/a	- Considered at its next regularly scheduled meeting - Action according to 2.01.H (See C.2 below for effect of decision)
<i>Planning & Zoning Commission Public Hearing / Recommendation</i>	n/a	- Considered at its next regularly scheduled meeting; public hearing according to 2.01.G - Action according to 2.01.H - A protest may be filed according to 2.05.C.
<i>City Council Decisions</i>	- Considered at its next regularly scheduled meeting; public hearing according to 2.01.G - Action according to 2.01.H (See C.3 below for effect of decisions) - A protest may be filed according to 2.05.C.8.	
<i>Notification of Designation</i>	n/a	- Registered letter to all owners - Notice to Landmarks Board and city departments. - City Clerk shall file certified notification with Greene County Recorder of Deeds.

[1] Owner consent is not a requirement prior to listing on the Springfield Historic Register.

[2] A verified petition of the owners or authorized agent requires at least 30% of the owners within a proposed district as measured by the land area of the property.

1. **Landmarks Board Recommendation.** The Landmarks Board recommendation to designate property shall include at a minimum the following items:
 - a. A statement that the nominated property does or does not meet the criteria for designation;
 - b. A statement of the attributes of the area or site as such attributes relate to and comply with the designation criteria;
 - c. A statement of the significant exterior architectural features of the nominated historic site or historic landmark or interior landmark or types of significant exterior architectural features of structures within a nominated historic district that should be protected;
 - d. A statement of whether, in the board's review, the designation is in compliance with prior actions of the City Council approving plans and programs. It shall be the duty of the PD Director to report to the Landmarks Board as to the existence of such plans and programs which might have application to the property proposed for designation and, further, to offer a professional opinion as to whether the proposed designation is in accordance with such plans and programs;
 - e. A statement of the relationship of the nominated historic site, historic landmark, interior landmark, or historic district to the ongoing effort of the Landmarks Board to identify and nominate all potential areas and structures that meet the criteria for designation;
 - f. A map showing the location of the nominated historic site, historic landmark, interior landmark, or the boundaries of the nominated historic

- district;
 - g. A picture or pictures of the nominated historic site, historic landmark, interior landmark, or historic district;
 - h. A list of property owners of the historic site, historic landmark, interior landmark, or historic district and a statement that all owners of record have been notified of the Landmarks Board's consideration of the property for designation. Any correspondence – for or against – concerning property owners' stance on designation shall also be attached; and
 - i. A recommendation that the property should or should not be listed as a historic site, historic landmark, interior landmark, or historic district.
2. *Effect of Declaration of Intent to Designate a Landmark or District.* The declaration by the City Council of an intent to designate a historic landmark or district shall have the following affect:
- a. No building or demolition permit shall be issued by the BDS Director for any alteration, construction, demolition, or removal of a nominated landmark or property within a nominate district until the final disposition of the nomination according to Table 2-3.
 - b. The BDS Director may approve permits necessary for the public health, safety, and according to sections D or E.
 - c. This delay and interim limitation shall not be longer than 180 days from the declaration of intent to designate.
This provision shall not apply to permits granted prior to the designation of a historic site or the declaration of intent to designate a historic landmark or district and shall not apply to interior alterations.
3. *Effect of Designation.* Upon the designation of a site, landmark, or district, no alteration of property or demolition shall occur except as permitted in Section 2.11.D.4.
- This provision shall not apply to permits granted prior to the designation of a historic site or the declaration of intent to designate a historic landmark or district and shall not apply to interior alterations.
4. *Landmark & District Designation.* The designation of a historic district or landmark is intended to be an overlay zoning district and shall generally follow rezoning procedures after the declaration of intent to designate by the City Council. Designations may be accompanied by additional guidelines or standards specific to the landmark or district. The regulations imposed by the district shall be in addition to those regulations of the underlying zoning district.
5. *Rescind or Amendment of Decisions.* Any amendment or rescinding of a historic designation may occur in the same manner as the designation.

D. Certificate of Appropriateness.

1. *Applicability.* A certificate of appropriateness shall be required for exterior work on any new or existing structure or site designated as a historic site, landmark, or district, including:
- a. Construction, alteration, or removal that requires a building or demolition permit.
 - b. A material change to the exterior appearance or significant exterior feature such as additions, reconstruction, or alteration, based on documentation designating the landmark or district.
 - c. Application of paint to previously unpainted brick or masonry surfaces or the application of stucco or siding.
 - d. Construction or enlargement of a driveway or parking area, or the erection of fencing.
 - e. Any public improvement which the PD Director determines would affect the landmark or historic district, whether conducted by a private party, the city, or other agency.

- f. A material change to the interior appearance of existing structures, if a significant interior feature was listed in the nomination or designation, including additions, reconstruction or alterations.
 - g. This section shall not apply to:
 - (1) Ordinary maintenance or repair;
 - (2) Any structure or building less than 100 square feet on the premises of a landmark or in a district, such as animal enclosures, gazebos, playhouses, greenhouses, and similar accessory structures; or
 - (3) Temporary structures associated with a temporary event permit, provided it is removed at the conclusion of the event.
- 2. *Review Procedure.* Prior to any work on a designated site, landmark, or district an applicant shall consult with the PD Director to determine if a certificate of appropriateness is required.
 - a. If required, an application shall be submitted to the PD Director. The PD Director may authorize the work administratively if:
 - (1) The work does not require a certificate of appropriateness or otherwise does not have any effect on the designation; or
 - (2) The work is for items that the Landmarks Board designated for administrative actions as part of the designations.
 - (3) Administrative certificates of appropriateness are in addition to all other applicable permits required by the City.
 - b. Denial of an administrative certificate may be appealed to the Landmarks Board, or if the PD Director determines that the work is beyond the authority of an administrative certificate, the PD Director shall forward the application to the Landmarks Board.
 - c. The PD Director shall schedule a hearing at the next scheduled Landmarks Board meeting at least 15 days from a complete application or a determination that an action is not eligible for an administrative certificate.
 - d. Notice shall be posted according to 2.01.F.2.
 - e. The Landmarks Board shall review and take action according to 2.01.H. If the Landmarks Board denies the application, specific reasons shall be indicated in writing to the applicant with suggestions for appropriate changes.
- 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.

-
- (2) for a site, at which time the demolition permit shall be issued. 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 Section 2.08.

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 placetypes.
- C. Establish standards and ensure performance criteria for proper capacity of infrastructure including streets and transportation facilities, emergency services, stormwater drainage, water, sewerage, parks, and schools.
- D. Comply with other federal and state laws impacted by development, including flood control and flood loss mitigation, historic preservation, and environmental protections.
- E. Coordinate different development projects into efficient and compatible development patterns across areas and over time, so that all are capable of being served with adequate public facilities and services.

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 safe and reliable traffic flow while accounting for safety and access of all potential users of the streets, including pedestrians, bicycles, automobiles, trucks, and transit.
 7. Coordinate open and civic spaces with street networks to leverage valuable development patterns and maximize the civic design impacts of infrastructure investments.
 8. Incorporate stormwater infrastructure in landscaped areas to retain, infiltrate, and filter stormwater runoff from streets and sidewalks.
- B. Street Network.** Streets shall be laid out according to the city’s policies for development, streets, and open spaces. In the absence of more specific or updated guidance in these plans or from specific area plans, the following standards shall apply to all new street networks, public or private:
1. *Blocks & Connectivity.* Streets shall be laid out to provide a network of streets and blocks based on the planning context and development pattern as identified in Table 3-1:

Table 3-1: Block Sizes & Street Connectivity

Planning Context	Block Size	Closed-End Street Limits
Compact, Walkable – High Connectivity <i>Downtown, near downtown areas, and walkable commercial and mixed-use areas, typically in the following placetypes: Downtown; Mixed Use; Mixed Residential.</i>	150’ min. 500’ max. 4 ac. max.	Prohibited
General Neighborhoods & Corridors – Moderate Connectivity <i>Walkable mixed-density urban and suburban neighborhoods and other areas supporting commercial corridors or employment areas outside walkable centers, typically in the following place types: Traditional Residential Neighborhood, Center City Neighborhood, Mixed Residential, City Corridor, Institutional & Employment Center.</i>	200’ min. 800’ max. 7.5 ac. max.	800’ per Exceptions in Section B.2 only
Campus, Rural, or Remote Areas – Low Connectivity <i>Limited to areas of low intensity/density uses with limited access needs or large-scale uses with internal circulation, where disrupting the development patterns and street network is justified, typically in the following place-types: Institutional & Employment Center, Business Flex, Industry & Logistics, rural/undeveloped areas, or to account for large urban green space & recreation areas.</i>	250’ min. 1,320’ max. 12 ac. max.	800’ max.



Figure 3-1 Connectivity & Block Sizes. Street networks shall be based on maximum block sizes (length between centerlines of perimeter streets and area) and stub to adjacent property at a frequency sufficient to create connected networks unless exceptions justify not connecting.

2. **Exceptions.** Street connectivity and blocks may only exceed the acre or block length maximums in Table 3-1 based on the following exceptions:
 - a. **Natural Features, Open Spaces, or other Civic Spaces.** Blocks or parcels abutting or containing important natural features, topographical constraints, or open spaces may be modified provided the proposed street layout preserves these features and integrates them into public or community open space design for the area.
 - b. **Regional Transportation Routes.** Blocks or parcels abutting significant regional transportation routes that impede local network connectivity, such as highways or rail right-of-way, may be modified provided the street layouts and development patterns achieve local connectivity in all other ways possible, including street stubs, bike routes, and pedestrian paths.
 - c. **Rural Parcels.** Tracts divided into lots of at least three acres for rural, agriculture, or very low-intensity development may exceed the block limits, provided they are designed to allow future streets in compliance with these regulations and permit a logical pattern of re-subdivision with minimal disruption of existing or planned buildings, utilities, and other structures.
 - d. **Oversized Parcels.** Where oversized parcels are platted for special land uses or development patterns that accommodate large-scale buildings, such as campuses, employment centers, or regional commercial areas, platted blocks may be larger provided private internal access lanes match the block structure of Table 3-1. Private internal access lanes shall provide streetscape and design 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.3].



Figure 3-2 Private Streetscapes Private internal access lanes shall be used to mimic public street networks and streetscapes for over-sized parcels and large-scale development (3.03.B.2.d).

- e. **Closed-end Streets.** In any case where streets are not required to connect by these standards or are justified by these exceptions, alternative designs such as loops, courtyard layouts, or closes are preferred over dead ends and cul-de-sacs. In all cases, closed-end streets shall be no more than 800' and have no more than 30 dwelling units per access point. All streets that end in dead end shall have a cul-de-sac or turnaround as required by Chapter 98 and the applicable Public Works Design Standards and Technical Specifications, or as required to meet any public safety requirement.

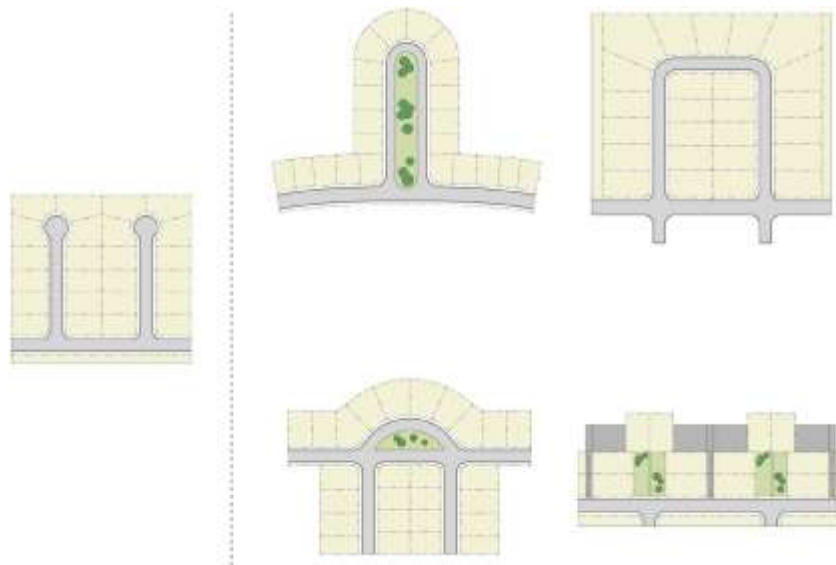


Figure 3-3 Disconnected Street Options. Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (3.03.B.2.e)

- f. **Area Plans.** A specific street network plan approved by the City through the planned zoning process in Section 2.06 or similar planning initiative for a connected local network for a significant area beyond individual projects may provide different connectivity provided there are sufficient external connections to the surrounding transportation system and the design meets the intent and design objectives of this section.

3. *Pedestrian & Bicycle Connections.* In any case where exceptions for larger blocks apply, or any other area where pedestrian and bicycle connections are important, the City may require walkways, passages or trails through blocks or at the end of any closed end streets to provide pedestrian or bicycle connections to important destinations such as schools, parks, trail systems, community centers, or similar destinations. Connections shall meet either the pedestrian and bicycle portions of the streetscape standards in subsection C, or the civic and open space standards in Section 3.04.



Figure 3-4 Walkways and Bicycle Routes Where streets will not connect or where larger blocks are platted, connections for pedestrians or bikes may be required through blocks or at the ends of disconnected streets. (3.03.B.3).

4. *Street Connections.* Streets shall be planned to provide continuation to adjacent areas at intervals that result in blocks meeting the standards in Table 3-1, unless justified by an exception in subsection B.2.
 - a. The City may require dedication of right-of-way and construction of streets extended to the boundary line of the property to be subdivided. Alternative arrangements for location of streets to coordinate with anticipated future development of adjacent areas, and timing of construction of streets may be delayed to the time of development if all lots have frontage and access to public streets and alleys.
 - b. Subdivisions that are a portion of a larger development area or adjacent to potential future development shall require a mapped conceptual street network for the larger development area or adjacent property with a preliminary plat. The mapped conceptual street network shall address connection of major or connector streets, potential layout of local streets and blocks, and the position of external connections to the property.
5. *Intersections.* Intersections of streets, corner curb radii, and crosswalks shall be designed according to the Public Works Design Standards and Technical Specifications and any other formal guidance, plans, or manuals approve by the PW Director, and shall be implemented according to context and placetypes to balance multiple modes of transportation and urban design characteristics.
 - a. Streets shall be laid out to intersect as near as possible to right angles, and intersections less than 75 degrees are generally not acceptable.
 - b. Diagonal or irregular streets should curve to align with appropriate angles for at least 100 feet approaching intersections.
 - c. Intersections should be aligned with existing cross streets on the opposite side

- of the street. When not applicable the PW Director shall determine the acceptable street alignments in accordance with governing documents.
- d. Intersections of more than two streets at one point are not acceptable, except where alternative configurations better correspond to topography and natural features, implement traffic calming (such as roundabouts or other verified techniques), or create gateways and focal points in the network.

6. *Right-of-Way Widths.* The minimum right-of-way widths required shall be as follows:

Table 3-2: Right-of-Way Widths	
Street Type	Minimum Width*
<i>Expressways</i>	130'
<i>Arterials</i>	100'
<i>System Collectors</i>	70'
<i>Residential Collectors / Local High-Activity</i>	60'
<i>Local Low-Activity</i>	50'
<i>Alleys</i>	20'
<i>Downtown Streets</i>	**

* If no subdivision activity is taking place and the existing right-of-way is less than the minimum requirement, all new improvements shall be at least 50% of the required width from the centerline of the existing right-of-way.

** Right-of-way may be required as necessary to accommodate public infrastructure as per a street typology, adopted street plan, or planned capital improvement.

7. *Sight Distances.* Where a driveway intersects a public or private right-of-way or where property abuts the intersection of two public or private right-of-way, clear sight distance must be provided within the sight triangle area on the property adjacent to the intersection as specified in the Public Works Design Standards and Technical Specifications.
 - a. *Sight Distance Analysis for Site Plans.* For all developments requiring a site plan, the applicant shall have a Professional Engineer perform a field analysis and determine the sight distance in accordance with the applicable standards.
 - b. *Sight Distance for Standalone Driveway Permits.* As part of the permitting of driveways, the City Traffic Engineer shall determine the sight distance in accordance with the applicable standards.
 - c. *Obstruction Prohibited.* No structures, fences, landscaping or any other object within the sight triangle area can obstruct or obscure sight distance visibility by more than 25% of the total view in the vertical plane within the sight triangle area between a height of 2.5 and 8 feet above the roadway surface.
 - (1) No building, ground sign, or other type of solid physical obstruction shall be placed within the triangle.
 - (2) Fences that maintain the required transparency may be permitted within the triangle.
 - (3) Street trees, light poles, hydrants, or other limited narrow obstructions are allowed within the sight triangle provided they do not have any high- profile appendages, foliage, limbs, or other obstructions between 2.5 and 8 feet and are spaced to not collectively create an obstruction.
 - (4) Landscape, plants, and groundcover may be planted in the triangle, provided it does not exceed 2.5 feet from the elevation of the adjacent street surface.
 - (5) The 25% requirement may be reduced if the PW Director determines that additional sight distance visibility is needed to protect public safety.
 - d. *Controlled Intersections.* Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above

- sight triangle standards if site conditions warrant and based upon a recommendation of the PW Director.
- e. **Easements Required.** For all commercial zoned developments and any developments on arterials, the sight distance triangle shall be placed in a sight distance easement or clear sight easement allowing the City to access and remove any physical items prohibited or causing a reduction in sight distance.
 - f. **Right-of-Way Triangles.** Right-of-way triangles are required to be dedicated at the time of any subdivision activity at the intersection of streets and alleys as specified in Table 3-3. If no subdivision activity is taking place, all new improvements shall be outside the required right-of-way triangle. The site distance easement may overlap the right-of-way triangles.

Table 3-3: Right-of-Way Triangle Requirements

Intersection of	Expressway	Arterial	System Collector	Residential Collector / Local High-Activity	Local Low-Activity / Alley
Expressway	A	A	A	B	B
Arterial	A		A	B	B
System Collector	A		B	B	C
Residential Collector / Local, High-Activity	B		B	C	C
Local, Low Activity	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 3.03.B.6

8. **Stormwater.** Green infrastructure strategies such as bioretention, permeable paving, and other similar strategies shall be integrated with the design of the street.
- C. **Street Design & Street Types.** New and reconstructed streets shall reinforce the placetype, reflect the character of the area, and support the anticipated land uses on abutting blocks and lots. Design and construction must comply with the Public Works Design Standards and Technical Specifications. This section establishes a context-based approach that coordinates planning and urban design with engineering standards through Street Design Types and the Streetscape Kit of Parts. Street types complement, and do not override, the functional classifications and access management requirements of Chapter 98 of the City Code.
1. **Street Design Types.** Each functional classification may apply one or more Street Design Types, as outlined in the Public Works Design Standards and Technical Specifications, so that streetscape and operational features support the surrounding context, intended use, and area character. Numeric dimensions, material specifications, and performance targets, including the target operating speed, are set in the Public Works Design Standards and Technical Specifications. The PW Director may approve alternatives that demonstrate equal or better safety and access outcomes and document the basis for the decisions.

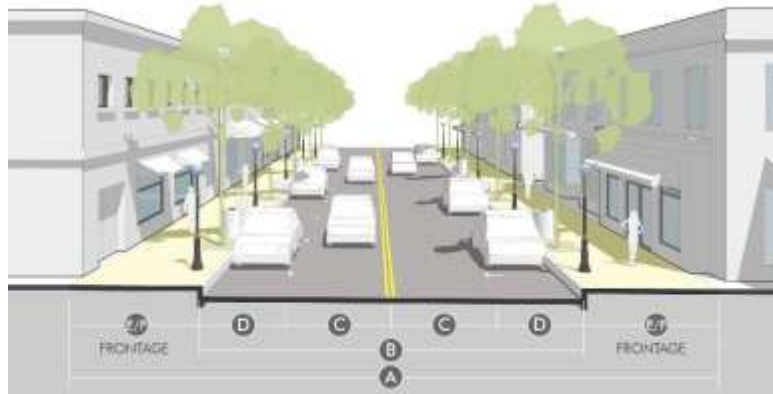
Table 3-4: Street Design Types & Classification

<i>Street Design Type</i>	<i>Expressway</i>	<i>High Type Arterial</i>	<i>Mid Type Arterial</i>	<i>Low Type Arterial</i>	<i>System Collector</i>	<i>Residential Collector</i>	<i>Local Street</i>	<i>Alley</i>
<i>Pedestrian / Mixed Use</i>	NU	NU	NU	LU	AU	AU	AU	AU
<i>Parkway / Bikeway</i>	NU	LU	LU	LU	AU	AU	AU	NA
<i>Neighborhood</i>	NU	NU	NU	LU	AU	AU	AU	NA
<i>Standard / Trafficway</i>	LU	AU	AU	AU	AU	LU	LS	NA

No use allowed	NU	Not allowed in typical street classification
Limited Use	LU	Limited use in specific application, based on context and specific localized transportation plan
Applicable Use	AU	Applicable for use in most instances, but must be based on context and specific transportation plan
Not Applicable	NA	Street type is not applicable for street classification in most typical applications.

- a. *Pedestrian / Mixed-use.* Streets that prioritize walking and frontage activity in areas with a well-connected network and active ground floor uses. Designs use speed management, continuous sidewalks, frequent and safe crossings, and amenity zones that support businesses and street life. Parking and loading are provided where needed to support adjacent uses, but they do not reduce pedestrian, bicycle, or transit priority. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.
 - (1) *Required Elements.*
 - (a) Sidewalk on both sides with accessible connections
 - (b) Amenity and furnishing zone on both sides that supports trees, lighting, street furniture, art, and other public amenities.
 - (c) Frequent marked and enhanced pedestrian crossings and safety measures
 - (d) Speed management and traffic calming treatments to achieve a target speed that is reasonably safe for pedestrian interactions and proximity to vehicular traffic.
 - (e) Bicycle accommodation appropriate to the network plan, separated where volumes or speeds warrant. Bicycle docks or limited bicycle areas near heavy pedestrian movements is appropriate.
 - (2) *Conditional Elements.*
 - (a) On street parking or signed loading in designated curb zones where it supports frontage uses. Parking is not considered a priority in this street type and
 - (b) Curb extensions at intersections and midblock where feasible
 - (c) Transit stop amenities where routes operate, including accessible pads and shelters
 - (d) Green infrastructure in medians or furnishing zones where site conditions allow.
 - (3) *Access and Operations.*
 - (a) Driveways shall be very limited and consolidated where appropriate.
 - (b) Curb use managed to prioritize pedestrian movement, bicycle safety, transit, and loading, in that order
 - (c) Any exception must document equal or better safety and

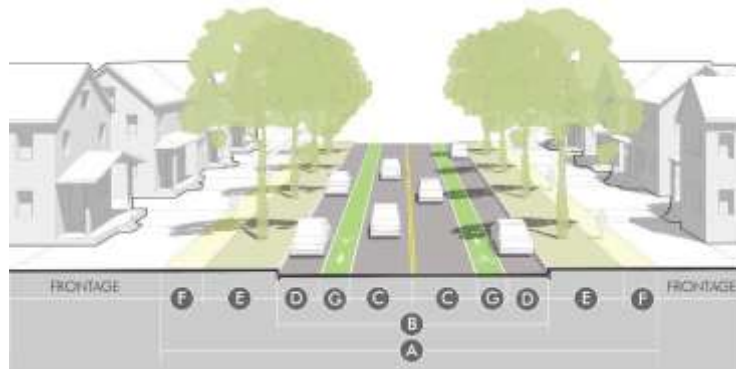
access outcomes and be approved by the PW Director.



Pedestrian / Mixed-use

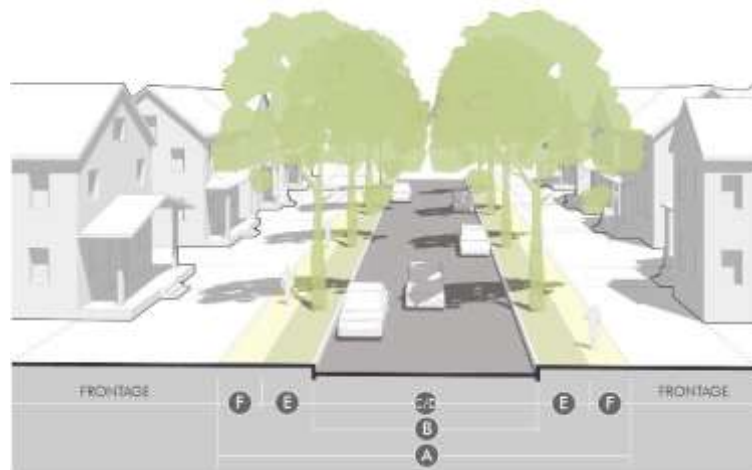
- b. *Parkway / Bikeway.* Multimodal corridors with a higher level of civic design and landscape that connect gateways and signature routes. Designs provide continuous and separated bicycle and pedestrian facilities, strong access management, and speed control that supports safe and comfortable travel for all users. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.
 - (1) *Required Elements.*
 - (a) High comfort bicycle facility that is physically separated from traffic, or a shared use sidepath, continuous along the corridor and connected at intersections
 - (b) Sidewalk on both sides, or one sidewalk plus a shared use sidepath, with accessible connections
 - (c) Target operating speed established with geometric design that supports that target speed for appropriate uses and traffic volumes
 - (d) Signature landscape in medians, parallel to the street, and significant to the total section of street right of way.
 - (e) Access management with median control and driveway spacing to promote multimodal functionality and safety.
 - (f) Marked crossings with refuge islands or other protection that promotes pedestrian activity and connectivity
 - (g) Pedestrian scale and roadway lighting that supports visibility and personal security.
 - (2) *Conditional Elements.*
 - (a) Transit stop pads, shelters, and where applicable, bus bulbs or floating stops adjacent to separated bikeways
 - (b) Roundabouts or other intersection forms where they improve safety and gateway character
 - (c) Green infrastructure within medians or furnishing zones where site conditions allow
 - (d) Wayfinding, public art, and gateway features at designated locations
 - (e) On street parking only in defined nodes where it does not reduce safety or the function of separated facilities
 - (3) *Access and Operations.*
 - (a) Curb use managed to prioritize bicycle and pedestrian safety, transit operations, loading, then general parking
 - (b) Driveways limited, consolidated, and designed for slow entry to prevent multimodal conflict points

- (c) Design must accommodate emergency and necessary freight vehicles without degrading safety for people walking or bicycling.



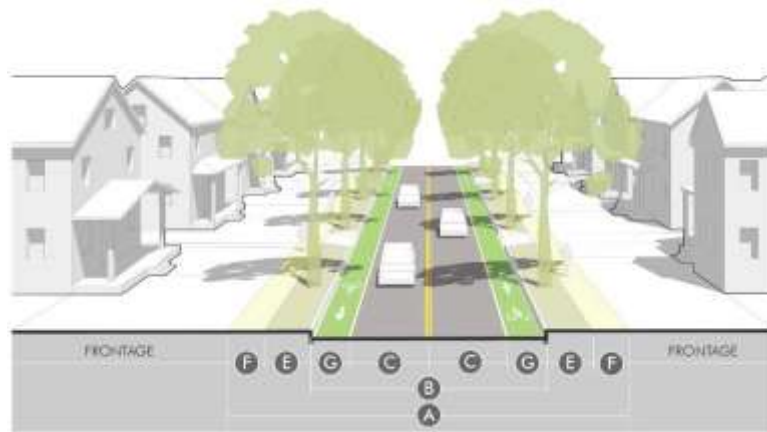
Parkway / Bikeway

- c. **Neighborhood.** Streets that support neighborhood livability by keeping speeds low, providing continuous sidewalks, and establishing a comfortable walking environment. Designs balance walkability, landscape, and local vehicle access, using traffic calming and managed curb use to maintain a quiet, low stress street. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.
- (1) **Required Elements.**
 - (a) Sidewalk through zone on at least one side of the street with accessible connections
 - (b) Street trees incorporated throughout and desired to line both sides of the street
 - (c) Speed management and traffic calming treatments to achieve the target operating speed
 - (d) Bicycle accommodation appropriate to the network plan, shared lanes on very low speed local streets or separated facilities on neighborhood collectors as warranted
 - (2) **Conditional Elements.**
 - (a) On street parking on one or both sides where it supports neighborhood needs and maintains emergency access
 - (b) Curb extensions, mini circles, chicanes, speed humps, speed cushions, or other practical traffic calming to slow speed and add quality of place.
 - (c) Green infrastructure within furnishing zones or curbside modules where site conditions allow
 - (d) On street accessible spaces where warranted
 - (3) **Access and Operations.**
 - (a) Driveways limited and consolidated
 - (b) Intersections designed for compact turning with clear sight and yield control to prioritize pedestrian safety, bicycle comfort, and access for residents and services
 - (c) On street parking supports neighborhood activity but is not intended to be the sole parking supply for residences



Neighborhood

- d. *Standard / Trafficway.* General purpose corridors that provide movement and access where no other design type applies. Designs provide pedestrian access, bicycle accommodation per the network plan, and safe and efficient operations for all users. Dimensions and performance targets are set in the Public Works Design Standards and Technical Specifications.
 - (1) *Required Elements.*
 - (a) Sidewalk on both sides of the street
 - (b) Bicycle accommodation per the network plan, which may include buffered or separated lanes or a shared use sidepath as warranted by volumes and speed
 - (c) Target operating speed established in the Standards with geometry that supports that target speed
 - (d) Access management with driveway spacing, median control, and turn management per Chapter 98 and the Standards
 - (e) Marked crossings and traffic control per MUTCD with visibility and protection features as warranted
 - (f) Roadway and pedestrian scale lighting that supports visibility and personal security
 - (2) *Conditional Elements.*
 - (a) Medians, turn pockets, or two way left turn lanes where safety and access require
 - (b) Transit stop pads, shelters, and related amenities where routes operate
 - (c) On street parking only where it does not reduce safety or operations and where curb use is managed
 - (d) Green infrastructure and street trees where site conditions allow and sight distance is maintained
 - (e) Freight and emergency design accommodations per the Standards
 - (3) *Access and Operations.*
 - (a) Curb use managed to prioritize safe pedestrian and bicycle movement, transit operations, loading, then general parking
 - (b) Driveways limited and consolidated. New or modified driveways must allow slow entry and exit and preserve pedestrian and bicycle priority where applicable



Standard / Trafficway

2. **Complete Street Guidelines.** Based on actual right-of-way conditions and functional class needs, specific street cross sections shall be assembled using the Complete Street Guidelines in Table 3-5. The table identifies general performance characteristics for each street element and identifies the design types to which each is most applicable. Final approval and application of cross sections is subject to approval of the PW Director.

Table 3-5: Compete Street Guidelines

			Key: ■ Typically applied to this design type O Optional; applied based on space allowances and specific priorities L Limited; generally not applied but may be used to specific circumstances - Generally avoid.			
Street Element	Size	Context & Application	Pedestrian / Mixed-use	Parkway / Bikeway	Neighborhood	Standard /Trafficway
Travel Lanes	>12'	High-speed/volume; generally, avoid on city streets	-	-	-	L
	11'	Applicable on major streets or routes with frequent truck or transit vehicles	-	L	-	■
	10'	Generally applicable on all city streets with through traffic	■	■	L	■
	9'	Limited to low-volume streets, slow-speed streets, or constrained ROW	L	-	■	-
	12' – 17' yield lanes	Limited to slow, low-volume streets in well-connected networks, where occasional queuing areas allow two cars to pass	-	-	■	-
Bicycle Lanes	n/a	Low-speed/volume streets where bicycles can mix with travel lanes. (< 20 mph)	■	-	■	-
	4' – 6' lane	Low-speed streets or constrained ROW (< 35 mph)	L	■	■	L
	7'-10' protected lane	Important bike routes or higher speed streets (typically >35 mph); 2' – 4' protected buffer; 4' – 8' bicycle travel way	-	■	-	■
	Off street	High-speed/volume (typically >45 mph); or portions of trail systems-	O	■	O	■
Parking	6' – 7'	Limited to low-volume residential streets	L	L	■	-
	7' – 8'	Generally applicable to all residential and commercial areas where parking is necessary-	■	C	L	L
	14' – 22' angled	Limited to high-activity streets to maximize parking; depth depends on angle of parking and other traffic circumstances	■	L	-	-
Landscape Area	2' – 8' amenity zone / attached sidewalk	Walkable areas (typically paired with on-street parking) where hardscape, landscape, and street furniture extend sidewalks	■	L	L	-
	>8' amenity zone / attached sidewalk	Used for high-activity streets that prioritize social space in streetscapes (e.g. sidewalk dining, mini-courtyards)	■	L	-	-
	1' – 4' landscape area	Avoid – difficult to grow and maintain plants or trees	-	-	-	-

Table 3-5: Complete Street Guidelines

			Key: ■ Typically applied to this design type O Optional; applied based on space allowances and specific priorities L Limited; generally not applied but may be used to specific circumstances - Generally avoid.			
Street Element	Size	Context & Application	Pedestrian / Mixed Use	Parkway / Bikeway	Neighborhood	Standard /Trafficway
	5’ – 6’ tree strip	Limited to constrained ROW; understory trees only	L	L	L	L
	7’ – 8’ tree strip	Generally applicable, sufficient for large shade trees	C	■	■	■
	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 3.04.)	L	■	■	■
	10’ – 20’ Median	Signature streets for enhanced landscape; can be accompanied with turn lanes and/or mid-street pedestrian refuge at intersections	C	O	O	O
	>20’ Median	Signature streets or to add amenity to major high-volume streets; may meet Open & Civic Space system credits (See 3.04.)	C	O	O	O
Sidewalks	4’ or one side	Avoid – constrained ROW only	-	-	-	-
	5’	Minimum, generally applicable standard; typical on neighborhood streets	-	-	■	L
	6’ – 8’	Minimum for non-residential streets (if combined with amenity zone), and priority routes in neighborhoods (e.g. routes to schools, parks, or other destinations)	L	■	■	■
	8’ – 10’	Typical on non-residential streets; minimum for walkable areas (if combined with amenity zone); or higher density neighborhoods	■	■	■	■
	>10’	Signature streets in walkable areas, where social spaces are desired in streetscapes, or as a multi-use bicycle / pedestrian path in other contexts	■	■	O	O

3. *Typical Cross Sections.* The cross sections found in Appendix A are typical and examples of the design types applied to each functional classification. These typical examples are illustrative for planning purposes. Actual street design shall be based on the applicable Public Works Design Standards and Technical Specifications and application of the Complete Street Guidelines to specific situations.

- D. **Private Streets.** A private street is privately owned and maintained, constructed to all applicable City standards and specifications, and provides the primary means of vehicular ingress and egress from a public street to any dwelling unit, lot, parcel or principal building. Private streets, driveways, and all other incidental items shall be designed, constructed, inspected, and accepted in the exact manner of public streets including all applicable processes and fees.
1. Private streets shall only be considered in very limited circumstances and where absolutely necessary. To be considered as a private street by City Council, the following items shall be verified by the PD Director and the PW Director prior to any subsequent council action for approval.
 - a. The proposed private street shall be classified as a local residential or local commercial only.
 - b. The proposed private street shall meet all requirements of a dead-end street or terminates at both ends at a public street.
 - c. The proposed private street shall ensure that future connectivity standards of the subdivision regulations can be met and does not adversely impact adjacent properties.
 - d. The proposed private street shall not lessen the ability of public emergency service to access the property.
 2. No private street may be permitted without the consent of the City Council. The City Council shall have sole discretion to determine when a private street may be permitted and exclusive jurisdiction to grant any variance from the conditions of this article. Such consent or variance shall only be granted by approval of a preliminary plat for a new development showing the private street(s), or the passage of a resolution when the development or subdivision pre-exists the request for a private street. City Council may review a request for a variance in accordance with the procedures and standards set forth in Section 2.07, but shall not be bound by the provisions of said section in its determination or exercise of its discretion.
 3. *Deeds and Restrictive Covenants.* Deeds and restrictive covenants to contain the following conditions:
 - a. All private streets shall be deemed to be common areas and subject to all requirements set forth in Section 3.04. Additionally, a property owners' association shall be required for all lots or residential units served by a private street or vehicular access point to the public street system. The property owners association may not be dissolved without the consent of the City.
 - b. Each owner of any lot or part thereof within the subdivision or development area to be served by the private street shall be jointly and severally liable to indemnify and hold harmless, the City of Springfield, Missouri, any governmental entities, medical providers and public utilities, their agents, officers and all employees for all sums for which such persons and entities shall be obligated to pay by reason of liability imposed by law and expenses and costs of defense for any and all claims arising out of the existence of a private street including, but not limited to, damages of all kinds. This obligation may be enforced as a personal debt of the property owner, or through a lien on the property itself, or both, at the discretion of the City Council. This requirement for indemnity shall be contained in the covenants of any community and shall be written in such a way as to make each lot subject to the terms of this subsection. This portion of the covenants may not be altered without the consent of the City.
 - c. A covenant running with the land containing the language of the requirement to indemnify and hold harmless the city, its officers, agents and employees, other governmental entities, medical personnel and public utilities, in addition to language complying with the specific requirements of Section 3.04.B.3 required to be on the final plat by subsection 3.03.D.4, shall be recorded. Nothing herein shall require the city to enter and repair any portions of the private street and the city does not assume a duty to do so by approval of any private street.
 - d. The covenant referred to in subsection 3.03.D.3.c shall also contain a requirement that for a private street to continue to be private, the owners of the benefitted lots shall pay to the city a user fee set by the City Council for the additional costs, if any, of providing services within the private street area such as police, fire, dispatch and rescue operations, utility or sewer service, which are the direct result of the private street's presence. This fee shall be set by the City Council in the same manner as other fees

for recovery of costs.

4. **Requirements of Plat.**
 - a. **Hold Harmless.** On the subdivision final plat shall be language whereby the property owners' association, as owner of the private streets and appurtenances, and the individual lot owners agree to release, indemnify, defend and hold harmless, from liability imposed by law, the city, governmental entity, medical services provider or public utility, and their respective employees, officials and agents, for damages and injury (including death), arising from the condition or use or the existence of a private street; for damages and injury (including death) arising out of the use by the city, governmental entity or public utility, their respective employees, officials and agents, or emergency medical personnel of any private street or entrance; and for damages and injury (including death) arising out of the use of the subdivision by the city, governmental entity, medical personnel or public utility of any private street or entrance. Further, such language shall provide that all lot owners shall release the city, governmental entities, public utilities, their respective employees, officials and agents, and medical personnel for such damages and injuries. The indemnifications contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity, medical personnel or public utility, or their representatives, officers, employees or agents.
 - b. **Waiver of Service.** The subdivision final plat, property deeds, and property owner association documents shall note that certain city services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports. All private traffic regulatory signs shall conform to the City of Springfield Standards for Traffic Control Devices. Depending on the characteristic of the proposed development, other services may not be provided.
 5. No private street will be later accepted as a public street unless the street had been originally inspected and accepted by the PW Director at the time of construction, and the street has been properly maintained, with documentation, as determined by the sole discretion of the PW Director.
- E. **Engineering & Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets, utilities, stormwater, landscape, irrigation, and other public improvements shall be in accordance with Chapter 98 and the applicable Public Works Design Standards and Technical Specifications approved by the PW Director.

3.04 Civic & Open Spaces

- A. **Design Objectives.** Civic and open space design shall have the following design objectives:
1. Emphasize open and civic spaces as an important element of Springfield's community image and a factor in distinguishing the unique identity of different places within Springfield.
 2. Coordinate open and civic spaces with street networks to leverage valuable development patterns and maximize the civic design impacts of infrastructure investments.
 3. Value the design, function, and appropriate location of different types of open space, rather than solely the quantity of space, including formal and natural spaces.
 4. Consider the context and multiple functions that open spaces can serve to support development including ecological, recreation, aesthetic, and urban design functions.
 5. Promote good civic design and create focal points for the community, neighborhoods, and development projects.

6. Integrate natural systems into the design of common or public open spaces to improve stormwater management, protect water resources, preserve natural features, and enhance ecosystems.

B. Required Open & Civic Space.

1. *Dedication or Reservation of Land.* The City may require the dedication of land to the City or other government entity with jurisdiction over public and community facilities, for parks, trails, school, or other public or community facilities.
 - a. The dedication shall be based on an adopted plan identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review.
 - b. The dedication may be included on the preliminary plat or a condition of approval of the preliminary plat, at the discretion of the applicant or as a requirement where directly related to the projects impact on the required facility.
 - c. Acceptance of the dedication shall be agreed to in writing by the entity having jurisdiction over the site or facility prior to approval of the final plat. Upon dedication the applicant may be eligible for credits towards open space requirements or reimbursement of other development fees.
 - d. Where dedication is not offered or required, the City may require reservation of the land for no more than one year, unless otherwise agreed to by the applicant, to permit acquisition of the land by the appropriate public entity. The applicant may include contingency plat for property subject to the reservation if the property is not acquired by the appropriate public entity, but the contingency plat and any surrounding preliminary plat shall not be designed in any way that undermines potential use of the property for the planned public improvement.
2. *Common Open Spaces.* The requirement for dedication or reservation of open and civic spaces is not intended to replace, discourage or prohibit the design of common or private open and civic spaces as community amenities. Provisions of these facilities should be included on a plat and designed to integrate public streetscapes, trails, and parks with other community facilities in accordance with the standards in subsection C.
3. *Ownership & Maintenance.* Open and civic space platted as part of a development shall require specific designation on the final plat as a separate out lot. Options for ownership and maintenance of open and civic space include:
 - a. Creation of or dedication to a non-profit entity capable of carrying out the ownership and maintenance;
 - b. Creation of a homeowners', leaseholders' and/or property owners' association that owns the space in common and is capable of carrying out the ownership and maintenance; or
 - c. Dedication to a public entity as part of the right-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.
 - d. All open and civic space shall require documentation recorded with the final plat that outlines the ongoing maintenance plans, as well as administrative and financial management of the space according to these standards. Documents such as covenants for a homeowners' association, bylaws or charter for a non-profit entity, or similar agreements and guarantees, shall be filed with the clerk and recorder's office with the plat designating the open space, prior to any building permits.
4. *Credits & Modifications.* Any public or common open space provided through the subdivision process may enable credits or modifications of site-specific open space standards in Articles 5, 6, or 8.

C. Open & Civic Space Design.

1. *Types.* Table 3-6 specifies the type, size, and service areas of different open and civic spaces that may meet the open space requirement.

Table 3-6: Open & Civic Space Types				
Type	Size [1]	Service Area	Application	
			Public	Common
Natural Open Space / Stream Buffer	3 ac. min.; 100' min. width; >20 ac optimal or significant continuity with adjacent areas	n/a	■	■
Park - Regional	>20 ac.	w/in 3 miles	■	
Park - Community	8 – 20 ac.	w/in 0.5 mile	■	
Park - Neighborhood	3 – 8 ac.	w/in 0.25 mile	■	■
Park – Small	0.5 – 3 ac.	w/in 0.25 mile		■
Trail	20' wide, min. easement; 30' if integrated as a linear park; 8' – 16' trail	w/in 500' of trail or 1000' of trail-head	■	■
Community Garden	5K s.f. – 3 ac.	w/in 0.25 miles		■
Civic Space - Green	1 – 3 ac.	w/in 0.25 miles		■
Civic Space - Square	5K s.f. – 1 ac.	w/in 500'		■
Civic Space – Plaza / Courtyard	1K – 5K s.f.	abutting lots or on the same block		■

2. **Location Criteria.** The following location criteria shall be considered to better integrate different open space types with the context, placetype, and best support surrounding development with a system of open and civic spaces:
 - a. Connect and integrate open spaces with public streetscapes and other civic destinations, such as schools, to improve visibility and access.
 - b. Preserve natural features (particularly for natural open spaces/stream buffers, parks, or trails), including protection of groves of trees, prairie, streams, unusual and attractive topography, and other desirable natural landscape features and views.
 - c. Design formal civic spaces (green, square, plaza / courtyard) as gathering places and focal points for compact, walkable places, located as an extension of the streetscapes at highly traveled and visible locations.
 - d. Create spaces that reinforce character of the area or create gateways and transitions to distinct places.
 - e. The distribution of spaces so that all development has similar proximity to open and civic spaces appropriate to its context.
 - (1) All residential lots should be within the service area of two different types of open or civic spaces.
 - (2) High-density residential, mixed-use, and commercial or employment lots should be within the service area of at least one formal open space.
3. **Stormwater Facilities.** Stormwater facilities shall be designed and integrated into the street network and open or civic space in order to avoid redundant and inefficient facilities on individual lots. Areas used to meet stormwater requirements may be counted towards the open space requirement provided they meet the definition of *Open Space* and the PW Director approves of the secondary use.
4. **Open & Civic Space Design Guidelines.** Open and civic spaces shall be designed according to the following guidelines for each specific type:

Natural Open Space / Stream Buffer

The size, location and design of a Natural Open Space / Stream Buffer is dependent on the inherent characteristics of the land and the presence of valuable natural amenities and ecological resources worthy of protection. The ability to provide contiguity with similar features on adjacent sites is important to the design and location of development and preserved areas. See Flood Control and Water Quality Protection Manual for specific requirements for Stream Buffers.

Size: 3 contiguous acres (min.); 100' wide minimum; ideally, ability to connect 10+ acres of contiguous natural lands or agricultural lands.

Service Area:

n/a except where integrated with trails and linear parks, service areas are according to those types.



Design Elements & Guidelines

- ❑ Natural Open Space / Stream Buffer includes any area of existing or restored open lands such as riparian corridors and wetlands, unique geological formations, important habitats, or substantial groupings of important plant and tree types. The goal is to protect the edges and to maximize intact and undisturbed spaces that provide valuable ecosystem services for the community, support preservation goals, or enhance the aesthetics and amenities of the area. Active recreation such as trails and paths can be a part of these areas provided, they do not disrupt the essential natural character and ecological functions.

Park

Variations: Size / Service Area

Regional – >20 ac / >3 miles

Community – 8 – 20 ac / 0.5 mile

Neighborhood – 3 - 8 ac / 0.24 miles

Mini - 0.5 – 3 ac / 0.25 miles



Design Elements & Guidelines

- ❑ Any park planned for public dedication shall be designed according to official plans and policies of the City.
- ❑ Parks should be at least 200' wide in all directions (100' for Mini Park).
- ❑ Fronts on one or more public streets for 400' or more (100' for Mini Park); exception to street frontage if designed abutting part of a public trail system.
- ❑ One 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' wide, and wider in places that incorporate natural features or significant vegetation.
- ☐ One shade tree for every 40' of trail length; and one understory tree or small evergreen tree for every 25' of trail length.
- ☐ Trails corridors located along right-of-way may be integrated into the streetscape design to create the optimal multi-modal design for the street and trail, particularly along major and minor arterial streets.

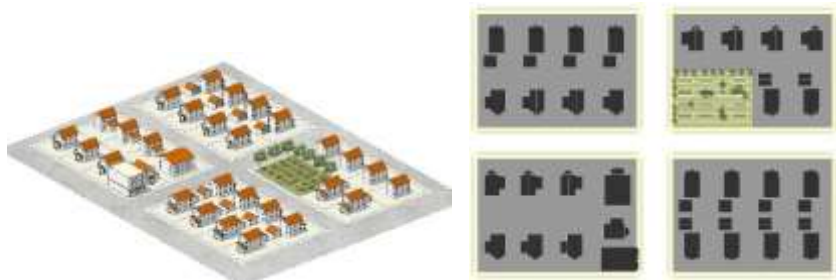
Community Garden

Size

5K s.f. – 3 ac

Service Area

0.25 miles



Design Elements & Guidelines

- ☐ All street frontages shall have landscape and streetscape designs that are compatible with the surrounding area.
- ☐ Structures shall be subject to the accessory building standards of the district, except building coverage shall be no more than 25% of the area and located on the rear 50% of the lot or block.
- ☐ Community gardens shall be subject to all other development, property maintenance, and nuisance standards including stormwater, lighting, noise, signs, odor, and refuse standards and codes.
- ☐ No parking is required unless the cultivated area exceeds 1 acre in size, then a minimum of two spaces per acre shall be provided (which may include on-street parking).
- ☐ Hours of operation shall be limited to one-half hour before sunrise until one-half hour after sunset.
- ☐ Depending on the size and zoning district, community gardens may require special use standards or permits (See Article 4).

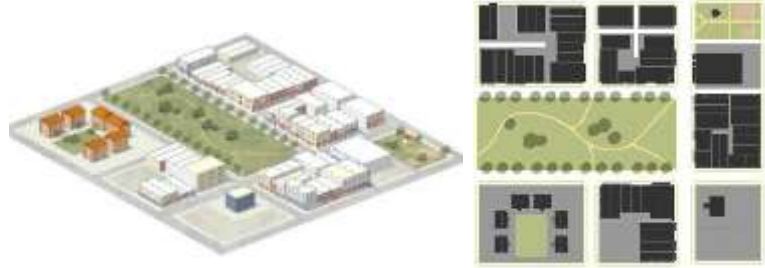
Civic Space

Variations: Size / Service Area

Green – 1 – 3 ac. / 0.25 miles

Square – 5K s.f. – 1 ac / 1,000'

Plaza / Courtyard – 1K - 5K s.f. / abutting lots or on same block



Design Elements & Guidelines

- ❑ Civic space should have frontage on a public street (or internal access lanes) with direct pedestrian access to the streetscape and sidewalk, subject to the following:
 - Greens along at least three sides and at least 75% of the perimeter;
 - Squares along at least two sides and 60% of the perimeter;
 - Plazas along at least one side and at least 30% of the perimeter; and
 - Courtyards along at least 15% of the perimeter, or an entrance from a gateway and passage along the street.
- ❑ Buildings should front on and frame the civic space, and be designed with frequent entrances, transparency, and outdoor seating areas to create activity in the space and make physical and visual connections between the buildings and the space.
- ❑ Civic spaces should have a balance of formal gathering places (hardscape, seating, public art, etc.) and landscape (gardens, lawns, planting beds, etc.) generally within the following:
 - Green: formal = 15% - 50%; landscape = 85% - 50%
 - Square: formal = 50% - 75%; landscape = 25% - 50%
 - Plaza: formal = 75% - 85%; landscape = 15% - 25%
 - Courtyard: formal = 25% - 50%; landscape = 50% - 75%
- ❑ One shade tree for every 25' of street frontage and one understory 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 open spaces, and block patterns.
3. Arrange blocks and lots in a manner that is least disruptive to existing topography and capitalizes on inherent natural characteristics of the land as defining features.
4. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
5. Promote appropriate site, building, and frontage designs in relation to street design types or other civic and open spaces that lots may front on.
6. Ensure that all lots are buildable according to this code and that all non-developed tracts or other parcels serve community functions in relation to the overall development pattern.

B. **Block & Lot Arrangement.**

1. *General Layout.* All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on regional transportation routes.

2. **Block Size & Patterns.** The maximum block length shall be based on the street connectivity standards and specific context as identified in Section 3.03.B and Table 3-1.
3. **Lot Patterns.**
 - a. Lot size, width, depth, and shape shall meet the applicable zoning district standards and accommodate appropriate building location, orientation, and site design. Corner lots or irregular shaped lots may need additional space beyond minimum dimensions to account for appropriate building placement.
 - b. All lots shall front on a public or private street, or on an alternative access or common open space where specifically allowed by these regulations.
 - c. All side lot lines shall be as close as practical to perpendicular to front lot lines, or radial to any curves along the front lot lines. Other irregular lot patterns shall only be permitted where they are used to integrate patterns of buildable lots into the overall block structure and to provide consistent relationships of lots and buildings to the streetscape.
 - d. Any undeveloped lands, remnant spaces between blocks, or land area below the minimum developable lot sizes shall either be designated as open space meeting the requirements of Section 3.04 or be incorporated into the abutting lot.
4. **Access.** Access for all lots shall be coordinated at the largest scale possible and according to the following priorities in order to preserve the function of the street network and the design of streetscapes and frontages. Access shall be based on the thresholds of applicability included in Section 7.03.B.
 - a. Internal block access shared among multiple lots through alleys or internal access lanes.
 - b. Cross-access easements serving multiple lots through a system of consolidated access points and easements.
 - c. Common access shared among abutting lots and meeting the frontage design standards and options.
 - d. Individual access points are subject to the frontage design standards and any modifications provided in this chapter, and requirements of the PW Director per Chapter 98 and the applicable Public Works Design Standards and Technical Specifications.
5. **Easements.** All blocks shall include easements for all utilities, required improvements, access, and open spaces necessary to serve each lot. Easements shall be granted by the owner to the appropriate entity. All easements shall be accessible from the public right-of-way and graded to within 6 inches of final grade before improvements are installed. Unless otherwise specified through the development review process, easements shall be as specified in Table 3-7.

Table 3-7: Minimum Easement Widths

Common rear lot lines	10', 5' on each lot
Rear lots along an alley	None, provided the alley is at least 12' wide and can accept utilities
Perimeter rear lot lines w/o common boundary	10'
Cross access	18' (residential use - 2 units or less); 24' (all other uses)
Side easements, where necessary	5'
Front easements (if necessary due to other site / ROW constraints	10'

6. **Drainage.** Where a subdivision is traversed by a natural watercourse, drainageway, or stream, blocks shall be laid out in coordination with these features, and they shall be integrated into the civic and open space systems.
 - a. Natural channels and karst features such as sinkholes, springs, and caves are regulated by Chapter 96, but may be integrated into the block structure and open

- b. and civic space systems as common open space. Blocks and lots should otherwise be arranged so drainage is generally along the right-of-way lines and integrated into streetscape design or along the rear of lots in the mid-block area.
- c. Additional right-of-way or easements may be necessary to account for drainage, which may be integrated into the open and civic space system and dedicated to the city or other appropriate entity maintaining the system.

3.06 Required Improvements

A. **Design Objectives.** The required improvements standards have the following design objectives:

1. Ensure that all public improvements necessary to serve lots and buildings are constructed, inspected, or otherwise assured of completion prior to approval of a final plat, issuance of building permits, other final approvals.
2. Integrate the design and construction of public, common, and private improvements with development in the most effective and efficient manner.
3. Prevent undue burden on public infrastructure, streets, utility systems, and community facilities from the improper location, design, or timing of subdivisions or development projects.
4. Provide appropriate apportionment of construction and maintenance costs for public facilities serving development.
5. Protect against subdivisions or development projects where streets, structures, soil, subsoil, or flooding conditions would create potential dangers to property, infrastructure investments, or public health and safety.
6. Coordinate construction of required improvements with other anticipated improvements and with future growth.

B. **Applicability.** The standards and procedures of this section shall apply to:

1. All subdivisions that require public improvements.
2. Any zoning approval, 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 tracts 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;
 - 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. Single-family residential 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 right-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 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 that triggers the requirement of fee in lieu of sidewalk.
 - ii. The portion of the fee will be directly proportional to 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 equal to 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 water and electric service for each lot. Other facilities and services, such as gas and communications may be required subject to coordination with the individual provider.

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 3.06. If an agreement to apportion the appropriate share cannot be reached, and necessary off-site improvements are not otherwise installed, the City may deny the application until public facilities are in place.
- D. **Improvements to Existing Infrastructure.** For any development project where required public improvements in subsection C are existing, the applicant is required to upgrade the public facilities for the site and for all right-of-way on the project frontage as follows:
1. In addition to any other requirements, any element of a public improvement that is in disrepair shall be repaired or replaced in accordance with the following:
 - a. Not suitable to support any function of the proposed development including but not limited to:
 - (1) Insufficient street pavement cross section or pavement condition to support increased traffic volume or the use of commercial trucks or transportation.
 - (2) Insufficient lane widths to support proposed traffic or any other major safety deficiencies.
 - (3) Any pedestrian facilities not in compliance with the Public Right-of-Way Accessibility Guidelines (PROWAG) requirements.
 - (4) Any drainage or stormwater issue that could cause further deterioration of the street or drainage structures.
 2. Any deficiency in capacity based on a traffic or engineering study shall be accounted for with new capacity to accommodate the proposed development.
 3. Sidewalks and streetscape designs shall be included based on the applicable street design type; however, where the right-of-way or the current condition of streetscape design on the remainder of the block does not accommodate or coordinate with the typical standard, the PW Director may accept improvements that bring the streetscape into conformance with the block face required street design type.
 4. Where a public improvement is identified in a city capital improvements plan or program that anticipates a more complete or comprehensive approach to the public improvement, the City may require a payment of the applicants proportionate share of that project and/or require that the project be expedited to accommodate the proposed development.
 5. In all cases upgrades of public improvements shall be to the engineering and construction specifications necessary for the facility to support the proposed development.
- E. **Construction Prior to Final Plat or Building Permit.** Public improvement plans shall be accepted and permitted for construction by the PW Director. All constructed improvements shall be inspected and accepted by the PW Director prior to approval of a final plat or issuance of a building permit. The PW Director may provide formal guidance of all public improvement plan processes on the City's website.
1. *Plan Submittal and Review.* A public improvement plan shall be submitted in compliance with the preliminary plat, the applicable Public Works Design Standards and Technical Specifications, this chapter, and any other associated development plan. All improvements shall be submitted in one plan set. However, projects with only sidewalk and/or driveways as the only improvements on right-of-way may be placed in the building or site plans. Proper permits will need to be issued by the Department of Public Works prior to construction in the right-of-way.
 2. *Acceptance of Plans.* Acceptance of public improvement plans is based on a cursory review

and does not imply or constitute approval of the plans. Any errors, omissions, or other items that are found needing correction after acceptance are the responsibility of the applicant. Any items in the plans not specifically in compliance with all requirements must be approved in writing by the PW Director and noted on the plan sheets.

3. *Fees.* Fees will be provided in the annual fee study approved by the City Council.
 4. *Drawings and Inspection.* Following construction the applicant shall submit “as built” drawings of the improvement and certifications that the improvements were built according to plans and city standards and specifications.
 5. *Acceptance of Improvements.* Following inspection or correction of any deficiencies the City may accept the public improvements. Upon acceptance of all required public improvements the City may:
 - a. Release all portions of any security for improvements according to subsection E.
 - b. Approve the final plat or issue any building permits, unless otherwise issued according to subsection E.
- F. **Performance Guarantee & Security.** As an alternative to construction and acceptance of improvements prior to approval of a final plat or authorization of a building permit, the PW Director may accept a performance guarantee and security. Performance guarantees shall only be considered when public improvement plans are reviewed and accepted by the City as ready for construction. The performance guarantees shall ensure funding is in place to cover the cost of completing any improvement and ensure that all necessary improvements to serve the development are in place within a reasonable time after approvals according to the following:
1. *Term.* The term of the performance guarantee may not exceed 1 year from approval of a building permit or 2 years from approval of the final plat. If the developer has not completed the required public improvement within this period, or alternate period approved in writing by the PW Director, the City may exercise any actions authorized from default on the security. The PW Director may extend the time frame for completion if in the best interest of the city and/or the scope of the completion of the work may require additional time to reasonably complete.
 2. *Amount and Form.* The security may be in the form of a bond, escrow agreement, letter of credit, or other appropriate security approved by the City. The estimated total cost of any required improvement shall be itemized by improvement type and certified by the applicant’s registered engineer and/or contractor’s official bid for the work. The amount of the security may be determined by the City based on assessing cost estimates, duration, risk, and other contingencies from the improvement, which shall typically be no less than 150% of the estimated total cost.
 3. *Default and Use of Security.* If the applicant fails to properly install the required improvement within the term of the guarantee, or any authorized extensions, the guarantee shall be in default. The City is authorized to draw upon the security to fund completion of the improvement. If the costs of completing the improvement, including any associated design, consulting, administrative, construction, or other costs associated with completing the work, exceed the security amount, the applicant is liable for all excess cost. The City may withhold any future approvals relating to the property and seek any other enforcement remedies for violation of the development code.
 4. *Release of Security.* The security shall be released within 30 days after all of the following occur:
 - a. The release of funds is requested in writing by the applicant.
 - b. The conditions of the performance guarantee have been completed and approved by all agencies with jurisdiction over improvements.
 - c. Any required maintenance obligations have been provided.
 - d. A final inspection has been conducted by the city or other written acceptance of infrastructure by any other owners of facilities.
 - e. Written documentation of the facilities “as built” and certification of construction according to City standards and specifications has been submitted.
 - f. The City may release the security for completion of each category of improvement or

phases of any improvements and may retain up to 5% of the total cost of any portion until the final acceptance of all improvements.

5. **Other Deferrals.** The following required improvements may be deferred to more specific schedules in coordination with development:
 - a. **Private Stormwater.** Construction of private storm water drainage or detention facilities may be deferred to the time of development and prior to the issuance of a building permit or Certificate of Occupancy, provided that preliminary design plans are approved and sufficient to show the appropriate function of the facilities as proposed and in association with other related drainage systems.
 - b. **Sidewalks with Other Public Improvements.** Sidewalks required as part of a subdivision in conjunction with a public improvement plan for a street improvement may be guaranteed in accordance with requirements for public improvements.
 - c. **Sidewalks Independent of Other Public Improvements.** Sidewalks required but not part of a subdivision or public improvement plan may be included with a site plan or building permit and shall be constructed prior to an occupancy permit.
- G. **Reimbursement Agreements.** Applicants constructing required improvements for their property within their project or through undeveloped areas to serve their project shall be responsible for the entire cost of the improvements. Whenever any portions of the required public improvements are part of a planned future facility for the City, serving an area larger than the subdivision and its impact, the City may require, and the applicant may enter into an upsizing agreement. The City and the applicant shall negotiate the following aspects of the agreement prior to approval of the preliminary plat:
 1. The applicant shall construct the facilities as planned by the City for future capacity as part of the subdivision and development process.
 2. The applicant shall be responsible for the portion of the costs required to serve the proposed subdivision based on actual total cost to build the facilities absent any upsizing agreement.
 3. The City shall be responsible for any incremental costs to expand the facility to the planned capacity, beyond the capacity to serve the subdivision. The City's participation may be based on the applicant bidding the project with bid alternates: one alternate to build the minimum required facility to serve the subdivision or development and the second bid alternate being for the upsized facility planned by the City.
 4. The City may coordinate its reimbursement schedule to the applicant with fees assessed to other property in coordination with any future development of land benefitting from the improvements, but in no case may this period be extended beyond 5 years from the date the improvement is made, unless specifically agreed to by the applicant.
 5. The agreement shall be subject to approval by the City Council.

Article 4. Districts & Uses

- 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
- 4.06 General Use Restrictions

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>District & Intent</i>	<i>Applicable Placetypes</i>
R-SF – Single-family Residential. The R-SF district provides residential living in lower-density suburban or walkable neighborhood settings with access to supporting uses such as schools, churches, parks, and other public facilities. The character of these areas emphasizes low intensity activities and access to amenities and recreation, with proximity to daily needs.	▪ Traditional Neighborhood ▪ Center City Neighborhoods ▪ Mixed Residential (Limited Applicability)
R-MX1 – Mixed-density Neighborhood - Low. The R-MX1 district provides residential living in compact, walkable neighborhood settings, allowing a mix of housing types and supporting non-residential uses. The character of these areas emphasizes human-scale, moderate intensity uses and access to amenities, recreation, and daily needs. The predominant building types are low-scale single- and multi-unit buildings. Well-designed streetscapes, open and civic spaces provide the focal point to integrate a variety of building types with a consistent neighborhood character.	▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration) ▪ Mixed Residential ▪ Mixed Use (Limited Applicability)
R-MX2 – Mixed-density Neighborhood – Medium. The R-MX2 district provides residential living in compact, walkable neighborhood settings and along corridors, allowing strategic location of moderate density housing near supporting uses. The character of these areas emphasizes human-scale, moderate intensity uses and access to amenities, recreation, and daily needs. The predominant building types are moderate-scale and multi-unit buildings. Well-designed streetscapes, open and civic spaces provide the focal point to integrate a variety of building types with a consistent neighborhood character.	▪ Center City Neighborhood (Transition Areas) ▪ Mixed Residential ▪ Mixed Use (Limited Applicability) ▪ City Corridor
R-MX3 – Mixed-density Neighborhood - High. The R-MX3 district provides residential living in high-density patterns in urban areas or larger-scale multi-family projects in suburban areas where there are appropriate transitions and buffers between neighborhoods and supporting uses along corridors. The character of these areas emphasizes high-activity environments with proximity to or integration with other uses in walkable formats. The predominant building type is large-scale, multi-unit buildings in compact formats in urban areas, or large-scale multi-building complexes in suburban areas. Well-designed urban streetscapes and civic spaces provide amenities for residents.	▪ Traditional Neighborhood (Transition Areas) ▪ City Corridor ▪ Downtown (Strategic Integration)

Table 4-1: Zoning Districts & Intent

<i>District & Intent</i>	<i>Applicable Placetypes</i>
R-MHC – Residential Manufactured and Small-format Housing Community. The R-MHC district provides residential living in manufactured or other small-format housing, in a planned development pattern that share common amenities. Variations in housing patterns include courtyard patterns, pocket neighborhoods, or larger planned communities. Low intensity recreation amenities or well-designed internal streets and common spaces provides focal points to support the compact arrangement of small housing units.	▪ Limited to planned applications in a variety of residential settings according to the development patterns and design criteria in Section 5.05.D.
C-MX1 – Commercial Mixed-use Neighborhood. The C-MX1 district provides for small-scale and low-intensity uses that complement and support surrounding neighborhoods or which may support more intense commercial or industrial districts. It includes neighborhood serving uses that meet the daily needs of surrounding residents in small-scale buildings and formats. It may be integrated into urban neighborhoods with compact, walkable patterns and human-scale design; or alternatively may support more suburban neighborhoods if limited in scale and intensity and the impacts of automobile-oriented formats and access are mitigated with appropriate transitions and site design.	▪ Mixed Use ▪ City Corridor ▪ Business Flex (Limited Applicability) ▪ Institution & Employment Center (Limited Applicability) ▪ Traditional Neighborhood (Transition Areas) ▪ Center City Neighborhood (Strategic Integration)
C-MX2 – Commercial Mixed-use Community. The C-MX2 district provides a mix of neighborhood, community-scaled commercial, entertainment, and/or employment uses and supporting residential and civic uses. The predominant building type is small- and moderate scaled mixed-use buildings, which are supported by strategic urban residential and commercial buildings. The character of this area emphasizes a high level of civic design, walkable urban patterns, and a concentration of diverse, small- and moderate-scale uses; however some higher intensity or larger format commercial or employment uses may be integrated into the pattern as anchors to support the overall mixed-use environment. It is primarily intended for the transformation of automobile-oriented corridors into walkable, mixed-use areas through the integration of a walkable street network and formal civic spaces as the framework for redevelopment.	▪ Mixed Use ▪ City Corridor
CC – Center City. The CC district provides an integrated mix of retail, service, entertainment, office, and civic uses, and supporting residential uses or limited light industrial uses, in a compact and walkable format. This district serves as the central business district and core of Springfield's economic, social, and government activities. The character of this area emphasizes a high level of civic design, walkable urban patterns, and a concentration of diverse, small- and moderate-scale uses. Sub-districts can accommodate larger or more intense supporting uses that may be strategically located on edges of the district or on side streets that do not disrupt urban frontages and patterns.	▪ Downtown ▪ Institution & Employment Center (Limited Applicability)
COM – Commercial Street. The COM district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to Commercial Street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development.	▪ Mixed Use
GC – General Commercial. The GC district provides a mix of moderate and large-scale, high- intensity commercial uses (retail, service, office) that can serve as anchors to support adjacent districts and corridors, or which have a community-wide reach and are therefore located on busier corridors in non-urban contexts. The character of the area includes large-scale buildings and sites which feature monumental gateways or entrances at key locations, and automobile-oriented features are mitigated by streetscape designs and landscape buffers.	▪ City Corridors ▪ Business Flex (Limited Applicability) ▪ Institution & Employment Center (Limited Applicability)
GI – Government & Institutional. The GI district provides for the concentrated location of federal, state, or local government activities, major public or private institutions, or large medical facilities. These uses are not limited to this district, but the district provides a concentrated area for where these uses are comparatively intensive and require substantial buildings and land areas.	▪ Institutional & Employment Center ▪ Downtown

Table 4-1: Zoning Districts & Intent

<i>District & Intent</i>	<i>Applicable Placetypes</i>
LIC – Light Industrial / Commercial. The LIC district provides primarily service, employment, manufacturing, and distribution uses at a scale, intensity, and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses characteristic of mixed- and flex-use business areas.	▪ Business Flex ▪ Institution & Employment Center ▪ Industry & Logistics
HM – Heavy Manufacturing. The HM district provides primarily manufacturing uses at a scale, intensity, and format that could impact adjacent uses or where specific land resources, distribution facilities or other supporting infrastructure is needed. It may include limited applications of support service, employment or distribution uses. This district is generally located remote from residential or mixed-use areas, or requires significant buffers and sensitive site design transitions to minimize impacts on these areas.	▪ Industry & Logistics
OS – Open Space. The OS District is intended for outdoor recreation facilities and or other civic or community uses requiring large open land areas which, by reason of topographic features, proximity to a natural drainage courses or other natural or man-made features, may be either unsuitable for customary density of construction or use or are otherwise more suitable for preservation, design, or development as a community or public asset.	▪ Urban Green Space & Recreation ▪ Institution & Employment Center
Special purpose district includes areas of the city that require specific planning to address unique development and design issues. These may facilitate development projects based on a focused planning effort or address specific policies or topics for a general area. Examples include “planned” zoning districts that modify the base district standards or “overlay” districts that either blend areas of different zoning to create compatibility, or special topic districts such as Planned Zonings, Historic Designations, or Airport Overlays. (See Sections 2.06, 2.11, and 10.01 respectively)	▪ Specific planned applications' special purpose districts

Limited Applicability – The zoning district may not apply to every situation or property. There may be specific conditions or circumstances which make the zoning district applicable within the specific placetype.

Transition Areas – Typically, there is a one-to-two block transition zone on either side of where two different placetypes come together. The zoning district may be appropriate within a transition area between the designated placetype and another placetype or along the edge of a neighborhood, commercial area, or roadway within the specified placetype. In transition areas both the primary and supporting land uses from either placetype could be appropriate.

Strategic Integration – The zoning district may be located within the placetype in a deliberate and coordinated way to further the goals of ForwardSGF, land use policies, infrastructure investments, and community development goals.

- B. **Official Zoning Map.** The boundaries of the districts are shown on the official zoning map, which together with all explanatory information is adopted by reference as part of this chapter. The map shall be kept on file with the City Clerk and Department of Planning & Development. Electronic copies and files of this map shall reference the “Official Copy”, but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map. Changes to this map shall occur through the procedures specified in Article 2.
- C. **Transition of Previous Districts.** The zoning districts under the previous code match the zoning districts in this chapter as specified in Table 4-2. The Official Map under the previous code shall transition and be interpreted according to the corresponding zoning districts in this table, and all further zoning changes shall follow the districts in this chapter.

Table 4-2: Zoning Districts Transitions	
Previous Code	This Code
<i>R-SF – Single-family Residential</i>	<i>R-SF – Single-family Residential</i>
<i>R-TH – Residential Townhouse</i>	<i>R-MX1 – Mixed-density Neighborhood - Low</i>
<i>WC-3 – West College Residential Sub-area 3</i>	
<i>LWO – Live Work Overlay</i>	
<i>R-LD – Low-density Multifamily Residential</i>	<i>R-MX2 – Mixed-density Neighborhood - Medium</i>
<i>R-MD – Medium-density Multifamily Residential</i>	
<i>WC-2 – West College Live/work Sub-area 2</i>	
<i>R-HD – High-density Multifamily Residential</i>	<i>R-MX3 – Mixed-density Neighborhood - High</i>
<i>UN – University Combining</i>	
<i>R-MHC – Manufactured Home Community</i>	<i>R-MHC – Residential Manufactured & Small-format Housing Community</i>
<i>GI – Government and Institutional Use</i>	<i>GI – Government and Institutional</i>
<i>LB – Limited Business</i>	<i>C-MX1 – Commercial Mixed-use Neighborhood</i>
<i>O-1 – Office</i>	
<i>O-2 – Office</i>	
<i>WC-1 – West College Mixed-use Subarea 1</i>	
<i>(NEW)</i>	<i>C-MX2 – Commercial Mixed-use Community</i>
<i>CC – Center City</i>	<i>CC – Center City</i>
<i>GR – General Retail</i>	<i>GC – General Commercial</i>
<i>HC – Highway Commercial</i>	
<i>CS – Commercial Service</i>	<i>LIC – Light Industrial / Commercial</i>
<i>RI – Restricted Industrial</i>	
<i>LI – Light Industrial</i>	
<i>IC – Industrial Commercial</i>	
<i>GM – General Manufacturing</i>	<i>HM – Heavy Manufacturing</i>
<i>HM – Heavy Manufacturing</i>	
<i>(NEW)</i>	<i>OS – Open Space</i>

- A. **Legacy Districts.** The following districts or special approvals occurred under standards and procedures that have been changed in this chapter. However, the approvals, conditions, and entitlements on these properties are preserved and apply to each property as they did under the previous code, until the established district regulations are changed under the provisions of this chapter.
1. Conditional overlay districts approved according to Section 36-407 of the previous code.
 2. Planned development districts approved according to Section 36-405 of the previous code.
 3. Urban conservation districts, overlays, or other special districts approved under the

previous code, specifically:

- a. Airport Overlay District (See Section 10.01)
- b. Commercial Street district (COM) (See Section 10.02)
- c. Midtown (See Section 10.03)
- d. Phelps Grove (See Section 10.04)
- e. Rountree (See Section 10.05)
- f. Walnut Street (east and west) (See Sections 10.06 and 10.07)
- g. Grant Avenue Parkway (see Section 10.11)

4.02 Permitted Uses (Use Table)

- A. **Use Table.** Table 4-3 establishes permitted uses for each zoning district. The uses are established to implement the intent of each district, and along with the development and design standards permit a compatible range of uses within each district and facilitate complementary transitions between districts.

1. The table identifies uses as:
 - a. Permitted uses (P) subject to general district and building standards and review procedures.
 - b. Conditional uses (C) subject to the review process and criteria for a conditional use permit in Section 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.
3. Other accessory or temporary uses not listed in the table may be permitted according to Section 4.04.
4. Uses in the table are more specifically described in Section 11.02. Where a proposed use is not generally listed or appears to meet the description of more than one use, the PD Director shall interpret the most equivalent described use considering:
 - a. The similarity of the use in terms of scale, impact, and operations to other described uses;
 - b. The typical building format and site design associated with the use based on existing relevant examples; and
 - c. The compatibility of the use with other permitted uses in the district, and the potential contribution of the use to the intent of the district.

Any uses that may not be interpreted as equivalent to a use in Table 4-3 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

Table 4-3: Permitted Uses

<i>P</i> = Permitted use <i>C</i> = Conditional use permit Use	R-SF	R-MX1	R-MX2	R-MX3	R-MHC	C-MX1	C-MX2	CC	COM	GC	GI	LIC	HM	OS	
Residential Uses															
Household Living – One-unit Dwelling	P	P	P	P	P				See Section 10.1						
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	C	C	P	P	P										
Household Living – Manufactured Dwelling					P										
Household Living – Mixed-use Dwelling			C	C		P	P	P		P					
Household Living – Accessory Dwelling	See Section 4.04.C.														
Existing Residential				P		P		P		P	P	P	P	P	
Group Living – Group Home, Residential	P	P	P	P	P										
Group Living – Group Home, Custodial			P	P											
Group Living – Boarding House Small (3-11 bedrooms)		C	C	P		C		P		P	P				
Group Living – Boarding House Large (12+ bedrooms)			C	P								P			
Group Living – Dormitory				C							P				
Civic Uses															
Assembly – Small (<400 capacity; <2.5 ac.)	P	P	P	P	P	P	P	P	See Section 10.1	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	P	C	P		
Cemetery								P		P	P	P	P	P	
Crematorium													P		
Cultural Facility Small (<10K)	C	C	C	C	C	P	P	P		P	P	P			
Cultural Facility – Large (>10K)						C	P	P		P	P	P			
Event Venue – Small (<1K capacity)						C	P	P		P	P	P	P		
Event Venue – Medium (1K – 3K capacity)							P	P		P	P	P	P		
Event Venue – Large (>3K capacity)								P		P		P			
Funeral Home and Mortuary (accessory crematorium)						C	P	P		P	P		P		
Open Space – Athletic Field												P			P
Open Space – Open & Civic Space (See Section 3.04)	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Open Space – Recreation Center & Grounds	P	P	P	P	P	P									P
Public Safety – Community Corrections Facility												C		C	
Public Safety – Jail												C		C	
Public Safety – Police & Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P		

Table 4-3: Permitted Uses

P = Permitted use C = Conditional use permit Use	R-SF	R-MX1	R-MX2	R-MX3	R-MHC	C-MX1	C-MX2	CC	COM	GC	GI	LIC	HM	OS	
School – Primary / Secondary	P	P	P	P			P	P	See Section 10.1		P				
School – Vocational Business							P	P		P	P				
School – Vocational Industrial or Trade							C	C		C	P	P	P		
Transportation - Airport											P		P		
Transportation – Commercial Parking Lot							C	P		P	P	P	P		
Transportation – Bus Station								P		P		P	P		
Transportation – Heliport											C		P		
Transportation – Motor or Rail Freight Terminal													P		
Utility – Minor	C	C	C	C	C	P	P	P		P	P	P	P	P	P
Utility – Major												C	C	P	
Utility – Wireless Telecommunication Facility (See Section 10.10)	C	C	C	C	C	P/C	P/C	P/C		P/C	P/C	P/C	P/C		
Commercial Uses															
Adult Entertainment									See Section 10.1	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	P	
Animal Care / Sales – Heavy (>10K; boarding (or outdoor care)							C			C	C		P	P	
Daycare – Commercial (See Chapter 38 Article IX)			C	C		P	P	P		P	P	P	P		
Entertainment & Recreation – Small (<5K)				C		P	P	P		P	P	P	P	P	
Entertainment & Recreation – Medium (5K – 10K)							P	P		P	P	P	P	P	
Entertainment & Recreation – Large (10K – 50K)							C	C		P	C	P	P	P	
Entertainment & Recreation – Complex (>50K)								C		P		P	P	P	
Entertainment & Recreation – Outdoor										C	C		C	C	
Food & Beverage Establishment – Small (<3K, or <10% of mixed – use building)		C	C	P		P	P	P		P	P	P	P		
Food & Beverage Establishment – General (3K – 8K)				C		C	P	P		P	P	P	P		
Food & Beverage Establishment – Large (>8K)							C	P		P	P	P			
Food & Beverage Establishment – Drive- through										P					
Lodging – Bed and Breakfast (<5 guest rooms)	C	C	C	P		C	P	P		P	P	C			
Lodging – Small / Inn (5 – 12 guest rooms)						C	P	P		P	P	P	P		
Lodging – Hotel / Motel, Medium (13 – 80 guest rooms)							P	P		P	P	P	P		
Lodging – Hotel / Motel, Large / Conference Center (>80 guest rooms)							C	P	P	P		P			
Lodging – Short-term Rental (See Section 10.08)	P	P	P	P	P	P	P	P	P	P	P	P	P		

Table 4-3: Permitted Uses

P = Permitted use C = Conditional use permit Use	R-SF	R-MX1	R-MX2	R-MX3	R-MHC	C-MX1	C-MX2	CC	COM	GC	GI	L/C	HM	OS
Marijuana & Medical Marijuana Uses (See Section 10.09)	See Section 10.09													
Medical Service – Small (<10K)				P		P	P	P	See Section 10.1	P	P	P		
Medical Service – Medium (10K – 30K)							P	P		P	P	P		
Medical Service – Large (30K – 100K)								P		P	P	P		
Medical Service – Campus / Complex (>100K)								P		C	P	P		
Office – Small (<10K)				C		P	P	P		P	P			
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	P		
Residential Care – Transitional Housing								P		C	P			
Residential Care – Transitional Shelter								C		C	P	C	C	
Residential Care – Treatment Facility								P		C	P	P	P	
Retail – Small (<5K; <10% of mixed-use building)			C	P		P	P	P		P	P	P	P	
Retail – Medium (5K – 10K)						C	P	P		P	P	P		
Retail – Large (10K – 50K)							P	P		P	P	P		
Retail – Extra Large (>50K)										P		P		
Retail – Grocery Store, Small (<10K)						P	P	P		P		P		
Retail – Grocery Store, Medium (10K – 40K)							P	P		P		P		
Retail – Grocery Store, Large (>40K)							C	C		P		P		
Retail – Outside Sales, Small (<0.5 ac.)						C	C	C		P		P		
Retail – Outside Sales, Medium (0.5 – 2.5 ac.)										P		P	P	
Retail – Outside Sales, Large (>2.5 ac.)										C		P	P	
Vehicle Service – Car Wash							C			P		P		
Vehicle Service – Gas Station, Small (<5 service areas)						C	P	C		P		P		
Vehicle Service – Gas Station, Medium (5 – 12 service areas)							C	C		P	P	P	P	
Vehicle Service – Gas Station, Large (13 – 24 service areas)										P	P	P	P	
Vehicle Service – Gas Station, Extra-large (>24 service areas)										C		P	P	
Vehicle Service & Repair – Small (<0.5 ac.; <4 service bays)						C	C	C		P			P	
Vehicle Service & Repair – Medium (0.5 – 1.5 ac.; 4 – 8 service bays)							C	C		P	P	P	P	

Table 4-3: Permitted Uses

P = Permitted use C = Conditional use permit Use	R-SF	R-MX1	R-MX2	R-MX3	R-MHC	C-MX1	C-MX2	CC	COM	GC	GI	LIC	HM	OS
Vehicle Service & Repair – Large (>1.5 ac.; >8 service bays)									See Sect 10.1	C		P	P	
Industrial Uses														
Industrial & Business Service – Limited (<10 vehicle fleet)							P	P	See Section 10.1	P	P	P	P	
Industrial & Business Service – General (11 - 25 vehicle fleet)							C	C		P	C	P	P	
Industrial & Business Service – Heavy (>25 vehicle fleet)												C	P	
Manufacturing – Limited / Artisan (<10K)				C		P	P	P		P	P	P	P	
Manufacturing – Small (10K – 30K)							C	C		P		P	P	
Manufacturing – Medium (30K – 100K)										C		P	P	
Manufacturing – Large (>100K)												C	P	
Manufacturing – Heavy (any size)													C	
Warehouse & Storage – Indoor, Small (<20K)							C	C		C		P	P	
Warehouse & Storage – Indoor, Medium (20K – 100K)										C		P	P	
Warehouse & Storage – Indoor, Large (>100K)												C	P	
Warehouse & Storage – Outdoor, Small (<2.5 ac.)										C		P	P	
Warehouse & Storage – Outdoor, Large (>2.5 ac.)										C		C	P	
Warehouse & Storage – Chemicals, Waste, or Hazardous Materials													C	
Waste Management – Hazardous Waste Facility													C	
Waste Management – Landfill											C			
Waste Management – Recycling Center													P	
Waste Management – Scrap and Salvage Yard													C	
Waste Management – Sewage Treatment Plant											C			
Urban Agriculture Uses														
Community Garden	P	P	P	P	P	P	P	P	See Section 10.1	P	P			P
Market Garden – Small (<1 ac.)	P	P	P	P	P	P	P	P		P	P	P		
Market Garden – Medium (1 - 3 ac.)			P	P	P	P	P	P		P	P	P		
Market Garden – Large (>3 ac.)			C	C	C	P	P	P		P	P	P		

4.03 Specific Use Standards

- A. **Adult Entertainment.** In order to avoid perceived secondary effects or impacts on property values documented in national studies, adult entertainment uses shall be limited as follows:
1. Adult entertainment uses shall be at least 2,000 feet from any residential zoning district, school, park, or assembly use, or any platted subdivision where 75% or more of the lots are developed for residential purposes.
 2. Adult entertainment uses shall be at least 1,000 feet from any other adult entertainment use.
- B. **Bed & Breakfast.** All bed and breakfast lodging uses shall comply with the following to be compatible with surrounding uses and the character of the district.
1. Bed and breakfasts are limited to frontages on arterial streets in the R-SF district, and only on arterial or collector streets in other residential zoning districts.
 2. The use shall be located in a building meeting the development and design criteria of other permitted buildings in the district, and alterations to support the use that are inconsistent with the building development and design standards are prohibited.
 3. One additional parking space for each lodging room shall be provided. However, parking shall be located and designed in a manner that is compatible with site designs of all other uses and sites in the district. The City may adjust any parking requirement or reduce the permitted occupancy to meet this compatible location and design requirement per Section 7.04.
 4. Food and accessory services shall only be provided for guests, and no outside or non-guest events shall be included as part of this use, unless otherwise permitted as a principal use in the district. No individual cooking facilities shall be permitted in the guest rooms.
 5. In residential districts, one additional non-illuminated sign shall be permitted. The sign shall be limited to 12 square feet and located within 15 feet of the primary entrance. The sign shall be limited to 6 feet high if ground mounted, and 14 feet high if mounted on the building.
 6. A bed and breakfast shall be separated from another bed and breakfast by at least 500 feet, except that the City may waive this requirement within 1,000 feet of any mixed-use, community or civic destination that is a transition between the mixed-use area and neighborhoods.
 7. A business license shall be required annually, demonstrating compliance with these standards.
- C. **Civic Uses in Residential Districts.** Nonresidential civic uses and buildings in residential districts shall meet the following conditions to promote the neighborhood character and be compatible with residential uses:
1. Lots shall front on a collector or arterial street.
 2. All buildings and structures shall meet the applicable development standards for the districts. Facilities that require larger lots than are typical or permitted for residential uses in the district may be proposed, provided adequate open space, landscape, setbacks, and building design and orientation is demonstrated according to the site plan criteria in Section 2.03.
 3. Outdoor uses shall generally not be permitted between 10:00 p.m. and 8:00 a.m.
 4. Any existing non-residential structure in a residential district that is no longer used for its designed purpose may be adapted and reused for other uses compatible with the neighborhood. The proposal for adaptive reuse shall be through a conditional use permit process in Section 2.04, and the following additional criteria:
 - a. Uses shall be either permitted uses in the district, a multi-unit residential conversion, or uses otherwise permitted (P) in the C-MX1 district by Table 4-3, provided any proposed

use is otherwise determined to be neighborhood-serving for the specific context. Any additional limits on the design or operation of the use may be included in the conditional use permit to ensure compatibility with the area and specific location.

- b. Expansions of buildings shall be limited to 20% of the existing building or 1,000 square feet, whichever is less.

D. **Dwelling, Live-Work.** In districts where live-work dwellings are allowed, the following standards and conditions apply to ensure compatibility with the context:

1. The commercial occupancy shall be accessory to the residential dwelling. The resident and the principal occupant of the commercial area shall be the same and the commercial occupancy shall be limited to no more than 50% of the building. However, the commercial occupancy is not limited to the home occupation standards.
2. No portion of the live-work unit may be separately rented or sold.
3. The commercial occupancy is limited to small-scale retail, office, personal service, or limited/artisan manufacturing uses. In districts where live-work dwellings are permitted (P), the commercial component shall not require a conditional use permit.
4. Any permitted commercial activity shall occur on the ground floor and be directly accessible from the adjacent public street, sidewalk, or other publicly accessible common or public space.
5. In residential districts, no more than two non-resident employees are permitted for the nonresidential portion of the unit.
6. In residential districts, one additional non-illuminated sign shall be permitted. The sign shall be limited to 12 square feet and located within 15 feet of the primary entrance. The sign shall be limited to 6 feet high if ground mounted, and 14 feet high if mounted on the building.
7. Off-street parking shall be based on the nonresidential use portion of the buildings. However, parking and access shall be located and designed in a manner that is compatible with site designs of adjacent uses and sites. The City may adjust any parking requirement or restrict the permitted occupancy to meet this compatible parking and access design requirement per Section 7.04.

E. **Dwelling, Mixed-use.** In districts where mixed-use dwellings are allowed uses, the following standards shall apply to a building or structure with two or more different uses, one of which shall be residential in residential districts, mixed-use dwellings shall be limited to collector or arterials streets, or corner lots at focal points within the neighborhood:

1. In residential districts, ground level nonresidential uses may be limited beyond those otherwise permitted in the zoning district to those that are compatible with upper-level residential uses or adjacent residential areas.
2. In nonresidential districts, at least 30% of the ground level and 100% of the frontage of a mixed-use building shall be a nonresidential use, except for a limited portion to provide a separate access form the frontage to residential uses.
3. In nonresidential districts, residential uses on the ground level street front may be permitted by a conditional use permit in Section 2.04 and the following additional criteria:
 - a. The street frontage is not an important commercial frontage street, and additional residential uses will help support other commercial uses in the vicinity.
 - b. The building and street-level frontage is not significantly redesigned exclusive to residential uses, and could be adapted for nonresidential uses in time.
 - c. The nonresidential portion of the building is likely to remain vacant or put to marginal use if not converted to residential.
 - d. The design of the building meets all other applicable design standards that reinforce the pedestrian nature and human-scale design intended for mixed-use buildings.

F. **Group Homes.** In districts where group homes (custodial or residential) are allowed, they shall meet the

following conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character of neighborhoods:

1. Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in that it does not alter the appearance as a single-unit detached house.
2. In the R-SF and R-MX1 districts, no group home shall be located less than 1,320 feet from another existing group home.
3. Group homes shall be supervised at all times, and may include up to two resident care-givers.
4. Group homes shall be licensed by, operated by, or owned by a governmental agency or non-profit qualified to provide care and supervision.
5. Group homes shall not include alcoholism or drug treatment facilities, work release facilities or other housing facilities qualifying as commercial residential care uses.

G. Jails & Community Corrections Facilities. All jails and community corrections facilities shall meet the following additional requirements:

1. Jails and corrections facilities shall be located at least 2,000 feet from any other jail or corrections facility, except where separate facilities are on the same property or operated as a coordinated and joint facility.
2. Jails and community correctional facilities shall be located at least 750 feet from any primary or secondary school, residential zoning district, or park.
3. All facilities shall be setback at least 50 feet from any right-of-way.

H. Landfills. All Landfills shall meet the following additional requirements:

1. Landfills shall be located at least 1,000 feet from any residential zoning district;
2. Landfills shall be located on at least 160 acres; and
3. All activities and facilities shall be set back at least 100 feet from any right-of-way.

I. Residential Care. Transitional housing, transitional shelters, treatment facilities, and other similar social services shall be subject to the following standards to prevent undue concentration of facilities or other negative secondary effects on nearby property or districts.

1. Individual uses shall be limited to services or lodging for no more than 50 beds within 1,320 feet.
 - a. The distance and bed requirement apply only to a particular facility type, e.g., there cannot be more than 50 beds used for substance abuse treatment within a 1,320-foot radius, but there can be 50 beds used for substance abuse treatment within 1,320 feet of 50 beds used for transitional housing.
 - b. The 1,320-foot separation is measured from property line to property line. If any part of a property used for a particular type of facility is within 1,320 feet of another such property, all beds included on that property are counted toward the 50-bed limit. This measurement metric applies to all relevant measurements in this section.
2. Uses approved by a conditional use permit shall only be located on a primary or secondary arterial street, except uses may also be located on a collector street in the HM district.
3. Buildings shall meet all development and design standards applicable in the particular district, and any to support the residential care or social service use shall only be done in compliance with the district standards.
4. Uses shall be separated from a primary or secondary school by at least 1,000 feet, unless said

use is given written consent of the governing body of such school.

5. Uses, except those approved by a conditional use permit, shall be separated from residential zoning districts by at least 500 feet. In all cases, whether in nonresidential districts or in residential districts by conditional use permits, design and operational limits and conditions may be used to protect any nearby residential uses.
6. An operation plan shall be submitted and kept on file with the Department of Planning and Development, including administrative contact information, on-site supervision and staffing, patron access and occupancy requirements, hours of operation for different functions, and security measures.
7. A business license shall be renewed annually that demonstrates compliance with the operation plan and all applicable standards and conditions.

J. Urban Agriculture Uses.

1. *Purpose.* The intent of these regulations is to enable urban agriculture, market gardens, and community gardens while ensuring compatibility with surrounding neighborhoods. These uses promote local food production, access to fresh and healthy foods, agribusiness opportunities, and neighborhood revitalization in alignment with the comprehensive plan.
2. *Performance Standards.* Urban agriculture, market gardens, and community gardens shall comply with all regulations of this article, subject to the following modifications:
 - a. *Use and Scale-Based Intensity Standards.*
 - (1) Small-scale (under 1 acre):
 - (a) Permitted in all zoning districts by right.
 - (b) On-site sales limited to seasonal farm stands (up to 3 days per week).
 - (c) No parking requirements.
 - (2) Medium-scale (1-5 acres):
 - (a) Permitted in most zoning districts with additional management plan addressing noise, odor, parking, and sales impacts.
 - (b) On-site sales allowed, including periodic market events.
 - (c) Minimum of two off-street parking spaces per acre.
 - (3) Large-scale (over 5 acres):
 - (a) Requires an operational plan addressing traffic, parking, and environmental impact mitigation.
 - (b) Regular on-site sales allowed, subject to parking, traffic, and lighting standards.
 - b. *Structures and Setbacks.*
 - (1) Structures shall comply with accessory structure standards (Section 5.03.B).
 - (2) If no principal structure exists, the combined area of all structures shall not exceed 40% of the lot area.
 - (3) Permanent structures must meet front and side yard setback requirements. Rear yard setbacks shall be a minimum of 3 feet.
 - c. *Environmental and Maintenance Standards.*
 - (1) Compliance with stormwater, sediment, and erosion control standards.
 - (2) No excessive odor emissions that create a nuisance (per Springfield City Code).
 - (3) Site must be maintained free of high weeds and grass.
 - (4) Compost bins and material storage areas must be maintained to prevent attraction of insects, vermin, or nuisance animals
3. *Operational Standards.*
 - a. Operating hours: From one-half hour before sunrise to one-half hour after sunset daily.
 - b. Lighting: Must comply with Section 8.07.
 - c. Noise: Must comply with Section 4.05.
 - d. Signage: Must comply with Article 9.
 - e. Vision obstruction: Must comply with Article 8
4. *Parking Requirements.*
 - a. No parking required for cultivated areas under 1 acre.
 - b. Areas 1 acre or more require a minimum of two off-street spaces per acre.

-
5. *Bufferyards.*
 - a. Not required for urban agriculture uses.
 6. *Compliance and Enforcement.*
 - a. All urban agriculture operations must comply with Springfield City Code and zoning regulations.
 - b. If a site creates adverse impacts, enforcement actions may be taken.
- L. **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,

- e. safety, and welfare requirements.
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.
- 5. 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

- b. demonstrate visual and noise impacts are mitigated. 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 3.03. (Pedestrian / Mixed-use street design types). Access from alleys, internal access, and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.
 5. The PD Director may require any other drive-through service area that does not clearly meet these standards and criteria to be reviewed subject to the procedures and criteria for conditional use permits in Section 2.04.
- C. **Accessory Dwelling.** Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:

1. Accessory dwelling units may be allowed on a lot with a principal detached house as follows:

Table 4-4: ADU Allowances			
ADU Type	Zoning District	Principal Building Type	
ADU (attached or detached)	R-SF	Detached house – >6K s.f. lot	P
ADU (detached or attached)	R-MX1, R-MX-2, R-MX-3	Detached house – >6K s.f. lot	P
		Detached house – <6K s.f. lot	C
		Multi-unit house – any size lot	P
		Townhouse – any size lot	P
Multiple ADUs (2 to 3)	All districts	Detached house – >10K s.f. lot	C

P = Permitted by right subject to this section

C = Permitted by conditional use permit subject to this section and the process and criteria in Section 2.04

2. The accessory dwelling shall not exceed 60% 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.

1. *Generally.* Home occupations are considered accessory to a primary residential use and shall meet all of the following additional standards unless specifically exempted in subsection 2:
 - a. The occupation shall be limited to residents of the dwelling and no more than one additional non-resident employee. If the resident applicant is not the homeowner, the homeowner shall provide a notarized authorization with the permit application.
 - b. All activity shall be conducted within an enclosed principal building or permitted accessory building, and limited to no more than 50% of the floor area of any one floor in the principal building.
 - c. No traffic, utility impacts, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood.
 - d. Customer or patron visits shall be limited to between the hours of 7 a.m. and 7 p.m. All parking necessary for the use shall be confined to the garage, driveway, or street directly in front of the dwelling.
 - e. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or sales events are transacted no more than once per week. Incidental sales of products associated with commercial services shall be permitted (e.g. instructional books sold in conjunction with music lessons).
 - f. Any materials or equipment used in the home occupation shall be stored within an enclosed structure.
 - g. No alteration of the exterior of the building or site shall be made which changes the residential character of the building or site.
 - h. Signs for the business shall be limited to 1 non-illuminated sign, no more than 2 square feet, and within at least 10 feet of the primary entrance.
 - i. In-home daycare as an accessory home occupation is subject to the standards of Chapter 38, Article IX.
2. *No-impact, Home-based Business.* Pursuant to Section 71.990, RSMo., no-impact, home-based businesses are not subject to the requirements listed in subsection 1. A “no-impact, home-based business” is a home occupation that:
 - a. Involves the sale of lawful goods and services;
 - b. Occurs inside the residential dwelling or in the yard of the residential dwelling;
 - c. Is not visible from the street;
 - d. Does not cause a substantial increase in traffic through the residential area;
 - e. Does not violate any parking regulations; and
 - f. Does not violate any narrowly tailored regulation established to:
 - (1) protect the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control;
 - (2) ensure that the business activity is compliant with state and federal law; and
 - (3) ensure that the business is paying all applicable taxes.
3. *Licensing.* All home-based businesses must obtain any business license required by the Code pertaining to the specific nature of the occupation but are not required to obtain a separate license to operate a home-based business.

E. Outdoor Display & Service Areas. Outdoor display and service areas accessory to a permitted commercial use are allowed subject to the following conditions:

1. Outdoor display and service areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of street front buildings.
2. A 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 right-of-way, and otherwise located in a manner to limit adverse impacts on adjacent property and the public streetscape.
 7. The facility shall accept only non-perishable recyclable waste, or be a collection point for donation of reusable, non-perishable household items such as books or clothing.
 8. No processing or other power-driven mechanical devices are permitted.
 9. Containers shall be constructed and maintained with durable waterproof and rustproof material, and shall have sufficient capacity according to a collection schedule. All material shall be stored in the unit and shall not be left outside of the unit or exposed to elements when unattended.
 10. Containers shall be clearly marked to identify the type of material that may be deposited, identify the name and contact information of the facility operator, a notice stating that no material shall be left outside the containers.
- G. **Renewable Energy Facilities.** Small renewable energy facilities may be an accessory use to another permitted use subject to the following additional standards, and provided they meet the qualifications for a building permit in Chapter 38 of the Springfield Municipal Code. They may be permitted beyond the standards as specified below through a conditional use permit according to Section 2.04. Any renewable energy facility that does not meet the limits of this section or cannot qualify for a conditional use permit shall be considered a public utility service use and only allowed as permitted in Table 4-3 as a principal use of land.

Table 4-5: Accessory Renewable Energy Facilities		
	Accessory Use by Building Permit	Accessory Use by Conditional Use Permit
Solar		
<i>Building Mounted</i>	8" max. off and parallel with pitched roof 3' max. off a flat roof - Any facility projecting more than 2' off a flat roof shall be screened from ground level or adjacent property by a parapet, or other architectural screen integral to the design of the building.	6' max. off a roof or building wall
<i>Ground Mounted</i>	6' high max. 10' setback min. - Screened from adjacent property and ROW the same as all other mechanical equipment.	10' high max.
Wind		
<i>Building Mounted</i>	4' max. above roof (residential buildings) 8' max. above roof (non-residential buildings)	12' max. above roof (residential buildings) 20' max. above roof (non-residential buildings)
<i>Ground Mounted</i>	30' max. height (residential districts) 45' max. height (nonresidential districts)	45' max. height (residential districts) 60' max. height (nonresidential districts)

H. Temporary Storage Containers.

1. **General Standards.** All temporary storage containers shall meet the following standards:
 - a. All temporary storage containers are subject to all applicable public health and safety codes with respect to their placement, operation, and contents.
 - b. Temporary storage containers shall be located at least 15 feet from the right-of-way, at least 10 feet from any other lot line, and outside any sight triangle affecting any intersection or access point.
 - c. Temporary storage containers shall be located in the least prominent and practical location of the site considering:
 - (1) Parking, access, and circulation;
 - (2) Visibility 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; and
 - d. Storage containers associated with a valid construction permit for up to 30 days from the expiration of the permit. Storage containers associated with a construction project that does not require a permit shall comply with the temporary storage limits of this section.
3. **Nonresidential Limits.** Storage containers in nonresidential districts are subject to the following additional limitations:
 - a. A maximum of 3 containers per premises, totaling no more than 800 square feet, or 8,000 cubic feet in size; and

Impacts Outside the Building. No odor, glare, vibration, smoke, or similar impacts shall be produced that is observable outside a building.	☒	☒	☒		
Impacts Beyond the Property Line. No odor, glare, vibration, smoke, dust, fumes, or heat shall be produced that is perceptible beyond the property line which could become a nuisance to adjacent uses. [2]:	☒	☒	☒	☒	
Impacts to Health or Property. No particulate matter, or noxious or toxic matter shall be produced that could become damaging to humans or property beyond the property line.	☒	☒	☒	☒	☒
Lighting.	See Section 8.07				

[1] Noise levels in this table are operational and intensity standards for the district to achieve land use compatibility and shall not prohibit enforcement of any other noise standard for public health, safety, or anti-nuisance reasons. Noise levels shall be measured at the property line.

[2] Pollution and general nuisance standards shall be enforced in accordance all other health, sanitation, and nuisance standards of the Springfield Municipal Code.

B. Exemptions. The following activities are not subject to the performance standards:

1. Construction activity shall not be subject to the noise, impact, or lighting standards during daytime hours, or at other times specifically authorized by a valid construction permit due to necessity or public purposes to permit construction during non-business hours.
2. Ambient noise from traffic in the public right-of-way, or railroads and air travel operating according to applicable industry standards.
3. Noise caused by safety signals, warning devices, or otherwise resulting from emergency situations.
4. Noise associated with large public events otherwise permitted in the zoning district, or for any special events authorized by the city.
5. Noise may exceed levels by up to 10 decibels for no more than 15 minutes during any time period.

C. Conditions & Compatibility. The City may impose conditions upon the approval of any development application or any permit to ensure that it is compatible with adjacent uses and compliant with the district performance standards. Conditions may include:

1. Hours of operation, or limitations on specific activities such as outdoor seating, deliveries, or other higher-intensity activities that could impact adjacent property.
2. Location, design, and screening of outdoor activity areas, mechanical equipment, or other site activities that generate potential adverse impacts to adjacent uses.
3. Placement of facilities that require regular service of large or utility vehicles, such as trash receptacles or loading areas.
4. Location of outdoor speakers, communication, or other amplification systems.
5. Light height, intensity, shield and design, and hours of partial and full illumination beyond the design standards in Section 8.07.

4.06 General Use Restrictions

A. Retail Liquor Sales.

1. *Applicability.* No license shall be issued for the sale of intoxicating liquor at retail in any form

notwithstanding that the proposed establishment is within the zoning district appropriate therefore under this chapter nor shall any such use be conducted in any zone of the city unless the following procedures shall be followed.

2. *Location with regard to R-SF, R-MX1, R-MHC, or PD Districts.* Whenever any application shall be received by the City for the establishment of a place for the sale of intoxicating liquor at retail in any form, it shall be determined by the officer charged with the responsibility of issuing such licenses whether or not the proposed establishment is located within 200 feet of any property zoned R-SF, R-MX1TH, R-MHC, or designated for single-family or two-family residential use in a PD district under this chapter. In the event there shall be no such property within 200 feet from the proposed location and the application shall otherwise be appropriate and authorized by the laws of the City, then the license may be issued.
3. *Application Fee.* If the proposed establishment is within 200 feet of property zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, then the person charged with the responsibility of accepting applications for such establishments on behalf of the city shall require to be filed there with a fee 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-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, and which is within 200 feet of the proposed establishment a notice setting forth the proposed application and advising that persons within said 200 feet owning or occupying property zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, shall have the right within 21 days from the date that the notice shall first be posted in which to protest the granting of a license for the establishment and the use of the land therefore, including instructions for filing said protest. In addition, said notice shall be mailed to all persons within said 200 feet owning or occupying property zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, said mailing to occur by first-class mail no later than three days prior to the posting described herein. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with the mailing notice requirement.
5. *Protest Requirements.* If within the 21 days aforesaid there shall be filed with the officer of the city charged with receiving applications for liquor licenses a protest to granting the license for the proposed establishment signed by at least 50% of the owners and/or occupants of the land so zoned R-SF, R-MX1, R-MHC, or designated for single-family or two-family residential use in a PD district, and located within 200 feet of the proposed establishment, then the application shall be forwarded to City Council for its resolution in favor or against said application. If, however, no such protest shall be filed within 21 days or if the same shall be insufficient, thereupon the license may issue, all other requirements of the law of the City of Springfield having been met and complied with.
 - a. For the purpose of this section, only one signature per land parcel, whether property owner or occupant, shall be counted in determining whether the 50% threshold for protest has been satisfied. In the event of conflict between the owner and occupant, the owner shall prevail. In the event that an occupant files a protest, but the owner does not, the owner shall be notified of said protest. The notice shall be mailed by first-class mail no later than three days after the deadline to file a protest. Deposit in the United States mail, with postage prepaid, shall constitute proof of compliance with this notice requirement. The owner shall have seven days from the date of mailing to file with the officer of the city charged with receiving applications for liquor licenses a withdrawal of the occupant's protest.
 - b. The official of the City of Springfield charged with the responsibility of accepting applications for licenses for the sale of intoxicating liquor at retail shall have the authority from time to time to prepare forms to implement this section including protest forms, application forms, and forms for notice, forms for proof of ownership and/or occupancy, and other appropriate requirements. Forms of protest shall in any event be acknowledged by some person other than a protesting owner or occupant located

within the 200 feet area acknowledging the signatures of the persons contained thereon to be the free act and deed of the persons so signing. In determining those persons entitled to be counted in such protest, only those persons who are owners or occupants of the land of record on the date that the application shall have been filed shall be entitled to protest.

- c. Notwithstanding the provisions of this section, the Finance Director may issue a license for the same location to any purchaser of a retail liquor establishment which was duly licensed at the time of the purchase providing the purchaser makes proper application and is qualified and eligible to hold a license and providing that the provisions of Section 10-36 of the Springfield City Code shall have been complied with; nor shall the provisions of this section prohibit the reissuance of licenses for previously existing duly licensed establishments.

6. *Exemption From Notice.* The applicant shall be exempted from the notice and publication requirements herein, and only those requirements, if 100% of all owners and occupants of residential property as set forth herein, file a notarized waiver of protest setting forth the case or license number, address of establishment, and indicating they have no opposition to the proposed use, and the license may issue providing the applicant has complied with all other applicable requirements.

B. Utilities.

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

Table 4-7: Utility Pole Placement

Zoning Classification	Easement ⁽¹⁾	ROW
<i>Residential (R-SF, R-MX1, R-MX2, R-MX3, and R-MHC)</i>	50 feet	60 feet
<i>Government & Institutional (GI)</i>	70 feet	80 feet
<i>Commercial (C-MX1, C-MX2, GC, CC, and COM)</i>	80 feet	90 feet
<i>Industrial (LIC and HM)</i>	90 feet	100 feet
<i>Planned Development/Planned Zoning (based on use)</i>	Individual case basis	Individual case basis

[1] Any easement utilized must adjoin right-of-way.

- d. Any equipment placed on the utility pole must be located at a sufficient height to meet any federal or state requirements or occupy no more than a 20 square foot area on the ground adjacent to the pole and not occupy any sight restrictions for adjacent driveways, access points and right-of-way.
 - e. Existing poles exceeding the matrix height criteria shall be considered conforming and may be replaced as needed with another pole of like size.
 - f. This section, 10.08, shall not apply to wireless telecommunications facilities used for internal utility operations.
2. **Utility Substation Facilities.** Utility substation facilities shall be permitted in any district and shall comply with the following requirements:
 - a. All utility substation facilities are exempt from the height requirements of this chapter but shall meet all other lot size, bulk, and open space requirements of this chapter.
 - b. When the facility is not contained within an enclosed building, a fence or wall at least 8 feet high shall be provided. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.
 3. **Utility Transmission Facilities.** Utility transmission facilities shall be exempt from the requirements of this chapter.
 4. **Other Facilities.**
 - a. **Exemptions.** The following utility uses are exempt from the requirements of this chapter provided the use meets the design requirements of the City of Springfield and its location is approved by the City of Springfield:
 - (1) Facilities for the detention or collection of stormwater; and
 - (2) Civil defense warning sirens.
 - b. **Lot Size Requirements and Bulk Regulations.** Notwithstanding any other provision of this chapter, none of the following public utility or public service uses shall be required to comply with the lot size requirements or bulk regulations of the zoning district in which they are located:
 - (1) Water standpipes, and elevated, and ground-level, water storage tanks; and
 - (2) Stormwater detention, retention, and treatment facilities.

C. Economic and Housing Access Calamity.

1. During such time that City Council has declared an Economic and Housing Access Calamity for the working poor and unemployed within the city of Springfield, Missouri, individuals, agencies, or churches that are able to meet building, safety, and health codes for such a use may establish facilities during the pendency of the calamity to provide food and lodging to the unemployed and working poor, who are without a permanent residence or dwelling, and such shall not be considered a "transitional/emergency shelter" as that term is defined in Section 11.01, and are excepted from the general requirements of the city's building, zoning, health, and fire codes herein.
2. The departments of Fire, Health, and Building Development Services shall determine the applicability of the various city codes and whether a facility meets such code provisions, as well as whether any codes may be adjusted administratively on a site-by-site basis to meet the intent of this section.
3. In accordance with the goals and intent of this subsection, the BDS Director together with the departments of fire and health may exempt, modify or adjust existing codes after due consideration for (including, but not limited to) venue, density of population, intensity of use, ingress-egress, exit travel, fire safety, hours of operation, sanitary services and adjacent properties.
4. Any individuals, agencies or churches desiring to operate a facility under this subsection shall apply to the BDS Director for a certificate of occupancy at no cost and showing compliance or exceptions from certain code requirements. Such certificate must be renewed annually. Such applications shall be made on a form provided by the BDS Director.
5. Under no event shall a certificate of occupancy be issued for a shelter herein if it is less than 1,000 feet from an elementary or secondary school, unless said shelter is given written consent of the governing body of such school.
6. Upon the expiration of the declared economic and housing access calamity, all permitted shelters shall cease operations within 90 days.

D. Residential Occupancy.

1. *Intent.* This section is intended to reasonably regulate the number of persons who can live in a residential dwelling unit. Such regulation is needed to provide density control; preserve and enhance residential neighborhoods as stable, quiet places for citizens to live and raise children; protect safety and welfare; and maintain property values. Such limits are also needed to ensure that there are adequate public and private facilities including adequate off-street parking, utilities, and adequate lot size to accommodate the residents of each dwelling unit without impairing the character of the neighborhood. The city also finds there are a number of residential living arrangements other than the traditional biological family arrangement. This section is intended also to accommodate those alternative living arrangements.
2. *Occupancy.* A dwelling unit may not be occupied by more persons than one of the following family living arrangements:
 - a. One or more persons related by blood, marriage, adoption, or guardianship living as a single housekeeping unit, in any district.
 - b. Three or less unrelated persons or two unrelated persons, plus their biological, adopted or foster children, or other minors for whom they have legally established custodial responsibility, living as a single housekeeping unit, in any district.
 - c. Four persons or less living as a single housekeeping unit in the R-MX1, R-MX2, R-MX3 districts and nonresidential districts which permit multifamily dwellings provided the off-street parking requirements of this chapter are met, otherwise three persons or less are permitted.
3. *Exclusions.* A single housekeeping unit shall not be construed to mean a fraternity, sorority, club, or institutional group.

- E. Travel Trailer, Camper, Recreational Vehicle, and other Trailer Parking.** The parking of a travel trailer, camper, or recreational vehicle for overnight accommodations or dwelling purposes in any district shall

- be prohibited except when such travel trailer, camper, or recreational vehicle is located in a licensed campground or recreational vehicle park. The parking or storing of a travel trailer, camper or recreational vehicle other than a mobile home in any district not in a licensed campground or recreational vehicle park, shall be permitted provided that no living quarters shall be maintained while such travel trailer, camper or recreational vehicle is parked or stored. No travel trailer, camper, recreational vehicle or any other trailer shall be parked in the required front yard of a lot or tract of land in any residential district or a lot or tract of land used for residential purposes in any other district except in a driveway leading to a required off-street parking space for a detached house, duplex, multi-unit house, townhouse, small-format house, or manufactured home on an individual lot.
- F. **Commercial Vehicle Parking.** The storage or parking of a van, bus, truck, tractor or trailer or other vehicle used for commercial purposes with a gross vehicle weight of more than 19,500 pounds, or any single unit with more than one drive axle, in a residential district is prohibited. Any vehicle shall be exempted from this provision while providing repairs, deliveries or other services to the premises in the district. Also exempted shall be all emergency vehicles, utility company vehicles, and vehicles on city or official government business.
- G. **No Public Water or Public Sewer.** No use, which requires potable water or sewage disposal to operate, shall be established on a parcel of less than three acres unless both public water and public sewer are provided.

Article 5. Residential Development & Design

- 1.01 Intent
 - 1.02 Applicability
 - 1.03 Development & Dimension Standards
 - 1.04 Neighborhood Design
 - 1.05 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 district 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 placetypes in the comprehensive plan. These standards do not preclude the application of additional supplemental design guidelines for a particular area or building type, except that no guideline may be used to modify or amend the application of a requirement in this code, except as specified in the planned zoning process in Section 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.

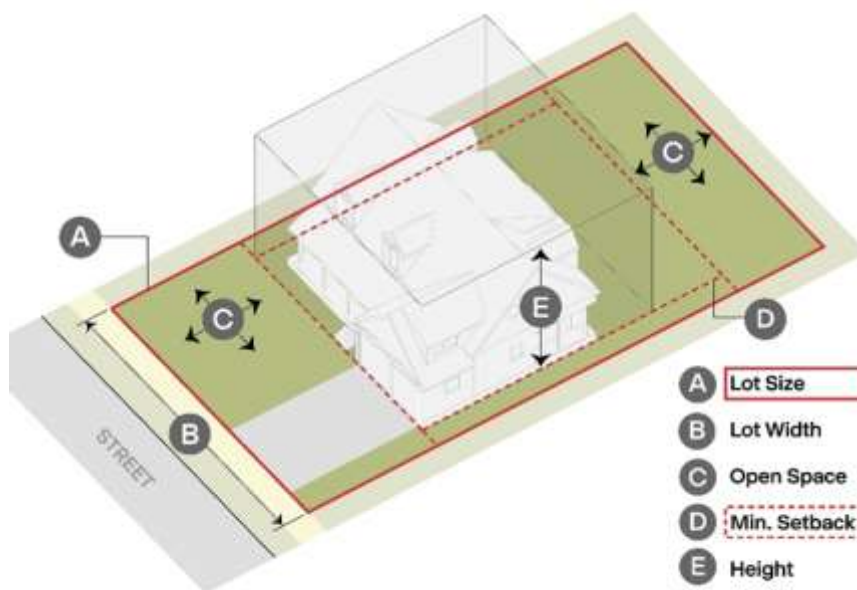


Figure 5-1 Building Types

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	Maximum Height [3]	Minimum Setbacks			R-SF	R-MX1	R-MX2	R-MX3	R-MHC
Detached House – Standard Lot	1	6K	50' +	30%	32' 2.5 stories	25'	5'	10%	P	P			
Detached House – Urban Lot	1	4K	35' – 50' [1]	30%	32' 2.5 stories	25'	3'	10%		P	P		P
Detached House – Small-format	1	2K	25' – 35' [1]	30%	25' 2 stories	25'	3'	10%	C	C	P	P	P
Detached House – Manufactured	1	2K	25' – 35'	30%	25' 2 stories	25'	3'	10%					P
Duplex / Multi-unit House	2 - 4	6K 3K / unit min	50' + [1]	20%	32' 2.5 stories	25'	5'	10%		P	P	P	
Townhouse – Large Lot	3 - 6	2.4K / unit min. 20K total max.	20' / unit min. 150' max.	20%	40' 3 stories	15' - 25'	5'	10%		P	P	P	
Townhouse – Small Lot	3 - 8	1.5K / unit min. 16K total max.	14' / unit min 125' max.	20%	40' 3 stories	15' – 25'	5'	10%		C	P	P	
Apartment – Small Lot	3 – 12	1.5K / unit min. 20K total max.	50' – 150'	20%	52' 4 stories	15' - 25'	5'	10%			P	P	
Apartment – Medium Lot	13 - 40	1.5K / unit min. ¼ block max.	100' – 200'	20%	65' 5 stories	15' – 25'	5'	10%			P	P	
Apartment – Large Lot	13 +	1.1K / unit min. ½ block max.	100' – 300'	20%	n/a	15' – 25'	5'	10%					P
Apartment - Complex	17.7 du/ac.	8.5K min/ 2.45 K / unit min.	100' +	30%	40' 3 stories	25'	5'	10%					P
Civic / Institutional Buildings (permitted nonresidential uses)	n/a	20K	200'	40%	40' 3 stories	25'	25'	10%	P	P	P	P	P

[1] Smaller or narrower lots may require between 5' and 10' additional width on corner lots to allow proper building placement and orientation according to Section 5.03.C.2.

[2] Front setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 5.04.B.

[3] Any portion of a multi-unit building taller than 32' shall be setback at least 15' when property adjoins an R-SF district, and any apartment building taller than 32' shall comply with the 45- degree bulk plane when property adjoins a R-SF district.

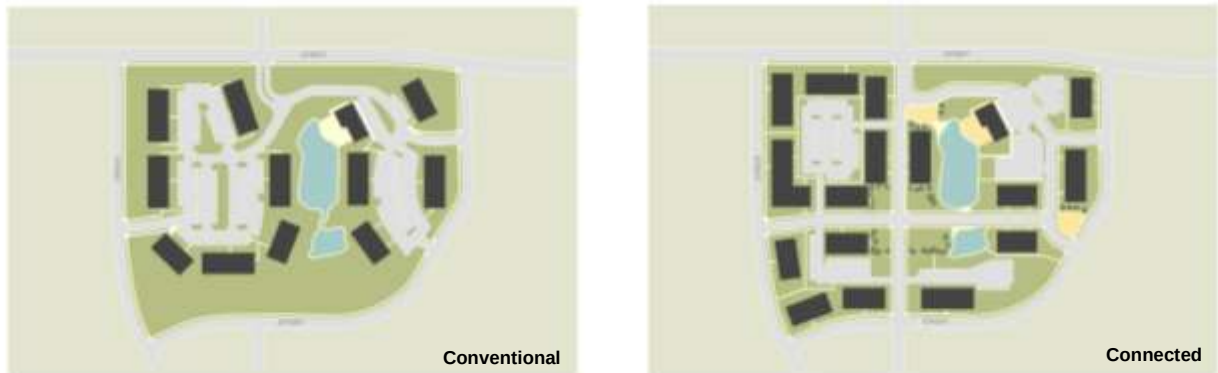


Figure 5-2 Apartment Complex Configuration: Conventional & Connected

The Conventional apartment complex faces inward toward its parking lot with a single frontage. Connected apartment complexes are organized around a connected street or drive network, mimicking public street and streetscape networks, providing access through individual street frontages. The individual buildings of the Connected complex should adhere to the development standards for Apartments – Small, Medium, and Large (Table 5-1: Residential Building & Lot Standards), depending on the development context, within the complex.

- B. **Accessory Buildings – Residential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 5-2 and to the following additional limitations:

Table 5-2: Residential Accessory Structures				
Type	Quantity	Size	Height	Setbacks
Minor Structure (small shed, playhouse, and similar structures)	1 / each 3k s.f. of lot - Maximum of 4	200 s.f. max.	12' max. 16' if roof pitch is 4:12 or greater	3' side and rear; except accessory structures that share a common wall or abut for their entire length on a lot line - Behind the front of the principal structure
Secondary Building (detached accessory building, guest house, and similar structures)	1 / principal building	No more than 1/2 of principal building footprint	22' max., but no higher than principal structure	3' from side and rear - Behind the front of building line of the principal structure
Any building over 16' high or more than 200 square feet shall meet the design standards in Section 5.03.B.5.				

- 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.

5. Secondary buildings over 200 square feet or over 16 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
 - a. The wall height shall not exceed 10 feet above the finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.
 - b. The roof peak or other top of structure shall not exceed 22 feet above finished floor for pitched roofs with a 6:12 pitch or greater, and no more than 16 feet for shed roofs or pitched roofs below a 6:12 pitch.
 - c. The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.
 - d. Secondary buildings with vehicle access directly from an alley or shared easement shall be positioned to prevent parking that encroaches in the alley or easement. They may be built with the access between 0 and 3 feet from the alley or shared easement, or with the access at least 20 feet from the alley or shared easement.
 6. Any building or structure exceeding the limits in Table 5-2 shall be treated as a second principal building and meet all lot and building design standards for a principal building.
- C. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 5-1.

1. **Lot and Building Configurations.**
 - a. Townhouses and side-by-side duplexes may have individual units platted on separate lots, provided the building meets the standards in Table 5-1 and each unit complies with any per-unit or proportional standards for each lot. The lots shall be platted with a party wall meeting standards of the building code.
 - b. Side lot easements between abutting lots may be granted in association with a plat to have the effect of “zero lot line” configurations. Easements for exclusive use of the side yard may be granted to the abutting owner to meet the lot open space requirements and design standards in Section 5.03 for the grantee, while maintaining the required setbacks from the platted lot line for each building in Table 5-1 for the grantor. Easements shall be private agreements and must account for all access and maintenance responsibility for the lots, open space, and buildings.
 - c. The front setbacks for each building may be modified according to the frontage types and Frontage Design Standards in Section 5.04.B.
 - d. Lots may be configured in a Courtyard Pattern as provided in Section 5.05.B.
 - e. Lots may be configured in a Cluster Pattern as provided in Section 5.05.C.



Figure 5-3 Side Lot Easements

Side lot easements may be used to provide more contiguous areas to meet the lot open space requirements and have the effect of a zero lot line configuration. (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.
 3. *Corner Orientation.* The building orients to both streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side setbacks and there is no rear setback.



Figure 5-4 Corner Lot Setbacks

4. *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.2.
 - b. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, provided they:
 - (1) Are no closer than 2 feet from any lot line; and
 - (2) Are limited to no more than 20% of the total area of a building elevation.
 - c. Unenclosed and un-roofed decks or patios at or below the first-floor elevation may extend into the rear or side setback up to 15 feet but no closer than 5 feet from any street side lot line and 3 feet to any other lot line.
 - d. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided they:
 - (1) Are no taller than 4 feet high;
 - (2) Extend no more than 6 feet from the principal building, and no closer than 3 feet to the lot line; and
 - (3) Are screened from public right-of-way by a solid structure and landscape.

- (4) 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 5.03.B, shall have a setback of at least one-half its height from the property line.
5. **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. Relate buildings and sites to the streetscape in a consistent manner and creating compatible massing along the block face.
4. Provide outdoor social spaces that activate the streetscape and limit the cumulative impact of frontages designed for car access.
5. Use front entry features to reinforce neighborhood character, promote unique designs, create subtle variation in building patterns, and provide human-scale connections to the streetscape.
6. Promote appropriate massing of buildings in relation to the lot and in relation to buildings and open spaces on adjacent lots.
7. Use human-scale features and details to provide visual interest and compatible designs.
8. Encourage unique architectural expressions and promote the use of key details and design characteristics inherent in the chosen style for a building.
9. Ensure access to a variety of different types of open spaces including natural areas, park and recreation amenities, and formal gathering spaces.

- B. **Frontage Design.** Neighborhood lot and building frontages shall be designed according to the types in Table 5-4, and be applied based on the context of the neighborhood and block. Frontage design standards shall be applied to any building facade facing public streets, sidewalks, bike paths, parks, and trails, including those not immediately adjacent to a street. Frontage types may modify the required front setbacks in Table 5-1 to create a consistent frontage design and streetscape relationships with other lots and buildings along a block. Subsections following the table provide specific design strategies and techniques to meet the standards.

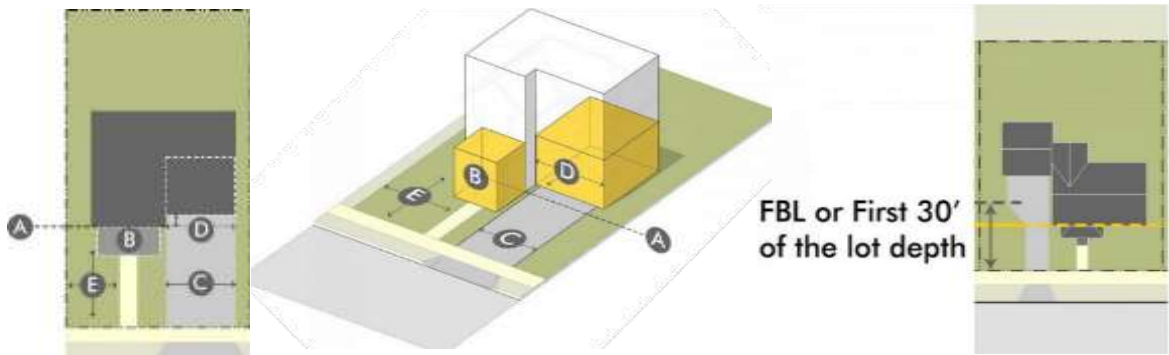


Figure 5-5-Frontage Design Standards

This diagram illustrates the key elements of frontage design in Table 5-3: (A) front building line; (B) front entry features, (C) driveway widths (applies to the first 30' of frontage depth or up to the front building line); (D) garage limitations, and (E) frontage landscape areas. These elements determine the relationship between the building, the lot, and the streetscape, and affect the character of the area when applied across multiple lots on a block.

Table 5-3: Residential Frontage Types & Design Standards				
Frontage Element		Terrace Frontage	Neighborhood Frontage	Suburban Frontage
Front Building Line		10' – 25'	25' – 50'	25' +
Front Entry Feature		Required, See Section 5.04.B.2	Required, See Section 5.04.B.2	Optional
Maximum Driveway Width		15% of lot width, up to 22'	20% of lot width, up to 22'	40% of lot width, up to 22'
Garage Limitations		20% of facade; 35% if 12' + behind FBL	30% of facade; 45% if 12' + behind FBL	50% of facade; - No limit if 50' + setback
Frontage Landscape		75% minimum	60% minimum †	45% minimum
Application	R-SF	□	■	□
	R-MX1	□	■	
	R-MX2	■	□	
	R-MX3	■	□	□
	R-MHC		■	□

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



Figure 5-6 Side Lot Easements

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 for the specified percentage between the front building line and the front lot line.

2. **Front Entry Features.** Front entry features create consistent human-scale massing elements that relate buildings to the block frontage, provide outdoor social spaces that activate streetscapes, and establish subtle variations in design and style among similar buildings along a block. The following front entry feature design strategies and techniques shall be used where entry features are required by Table 5-4 and are otherwise recommended to achieve the intent of this article and design objectives of this section. Front entry features shall be oriented to the lot front and have a 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.

Table 5-4: Residential Front Entry Features			
Type	Width (Min.)	Depth (Min.)	Area (Min.)
Porch	10', but at least 25% of front elevation	6'	80 s.f.
Stoop	8'	5'	60 s.f.
Entry Court	12', but no more than 50% of front elevation	10'	200 s.f.

- a. Front entry features shall be oriented to the lot front and have a sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk. For suburban frontage types or frontages without a public sidewalk, this can connect via a driveway.
- b. Front entry features shall be integrated into the overall building design including compatible materials, roof pitch and forms, and architectural style and details.
- c. Front entry features shall be single story, and any roof structure and ornamentation shall be between 8 feet and 14 feet above the floor level of the entry feature. If not roofed, a canopy, pediment, transom windows, enlarged trim or molding shall be used to emphasize the entry.
- d. Front entry features shall be unenclosed but may include a decorative wall or railing between 2.5 feet and 4 feet high along the perimeter.
- e. Front entry features of adjacent buildings shall differ in one or more of the following ways to provide streetscape variation, particularly for the same building type or models:
 - (1) Different entry feature types (i.e. porch, stoop, or courtyard);
 - (2) Different location (i.e. centered, shifted – left/right, side, or wrapped);
 - (3) Different extent (i.e. full or half);
 - (4) Different roof type (i.e. shed, hip, flat, gabled, arched, trellis, or no roof); or
- f. Any other significantly different architectural detail or massing elements. Any building with more than 150 feet of front facade, or any street side facade longer than 250 feet, and which is permitted within 30 feet of the street shall have one entry feature for every 100 linear feet of building fronting the street.
- g. Front entry features meeting the requirements of this section may encroach up to 10 feet into the front setback, but never closer than 5 feet to the lot line.



Figure 5-7 Front Entry Features - Types

The porch, stoop, and entry court are three distinct types of entry features that create active, social spaces and human-scale details on the residential frontages. Spaces with a minimum width (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.

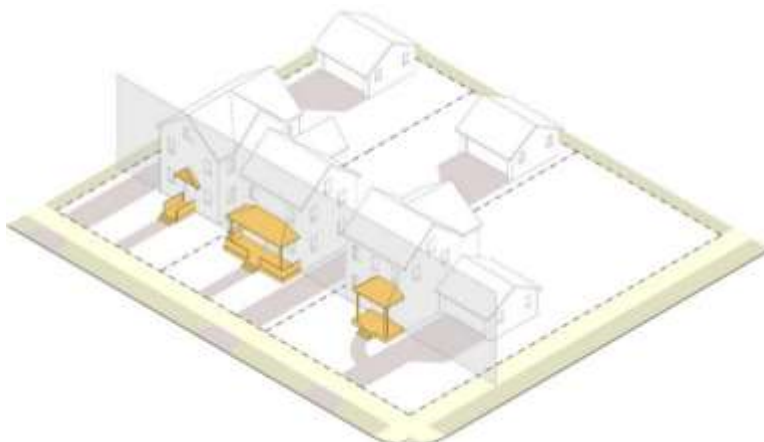


Figure 5-5 Primary Entry Feature - Encroachments Front entry features meeting the standards of this section create social spaces that help activate streetscapes, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along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

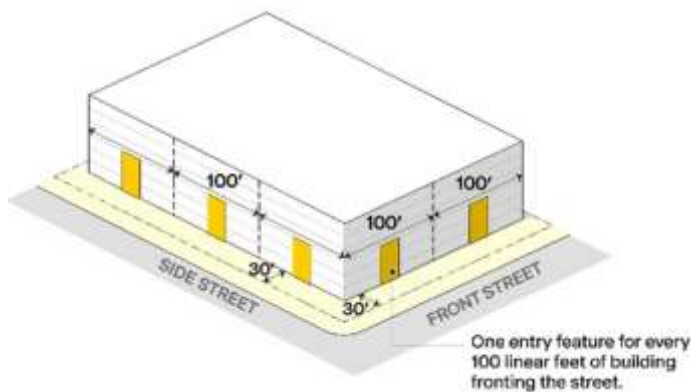


Figure 5-8 Primary Entry Feature - Large Buildings

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

3. **Driveway and Garage Limits.** Driveway and garage standards in Table 5-3 limit the impact on the neighborhood streetscape from frontages that prioritize car access and parking, particularly the cumulative effects from narrower lots or buildings placed closer to the street. The following driveway and garage design strategies and techniques shall be used to meet the standards. The following driveway and garage standards shall be approved by the City Traffic Engineer. The driveway width limits apply to the first 30 feet of lot depth, or up to the front building line, whichever is less.
 - a. Garage limits shall apply to the garage door openings, except where the garage is a distinct building mass in which case the limit shall be applied to the entire mass.
 - b. 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 5-9 Application of Driveway Limits

Driveway limits shall apply to the first 20' 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.B.3.a).

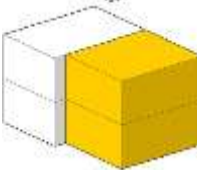
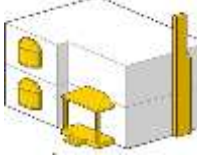
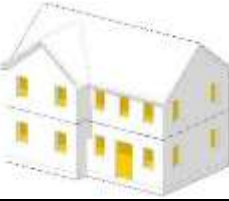


Figure 5-10 Driveway & Garage Options

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.B.3.c.)

- C. **Building Design.** Buildings shall be designed according to the standards in Table 5-5, and be applied based on specific building type. Buildings may have multiple frontages in which case the standards shall apply to each frontage. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 5-5: Residential Building Design Standards

<i>Design Detail</i>	<i>Building Type</i>	<i>Detached House (all), Duplex</i>	<i>Multi-Unit House, Townhouse</i>	<i>Apartment (all)</i>
<i>Maximum wall plane without a massing variation of 4'+ on at least 25% of elevation.</i>		250 s.f. or 25 linear feet	500 s.f. or 40 linear feet	1,000 s.f. or 50 linear feet
<i>Maximum wall plane without modulation on at least 20% of the wall plane.</i>		250 s.f. or 25 linear feet	250 s.f. or 25 linear feet	300 s.f. or 25 linear feet
<i>Roof Plane Limits. Maximum roof plane without an offset of at least 2', complex planes, dormers, or gables.</i>		n/a	600 s.f. or 50 linear feet	1,000 s.f. or 70 linear feet
<i>Minimum window and door openings per elevation</i>		25% on all street-facing facades; 15% on all non-street-facing facades		30% on all street-facing facades; 20% on all non-street facing facades; 50% on first story if ground floor is non-residential
<i>Materials</i>		Primary Material – at least 55% Secondary Material - 20% - 30% (limit 2) Accent Material - 5% - 15% Limit – 3 materials total See 5.04.C.4.a		Primary – 55 – 80% Secondary – 20 - 30% Accent - 5 – 15% Limit – 3 materials total

1. **Wall Plane Limits.** Massing uses changes in the building footprint, height, or shifts in wall or roof planes to break down larger volumes into smaller parts and refine the scale and form of the building. Building elevations that exceed the wall plane limits in Table 5- 5, either in square footage or in linear feet, shall be broken into components differentiated by one or more of the following design techniques.
 - a. Break the building into distinct masses (primary mass, secondary mass, and wings), where portions of the building are offset from the main mass by at least 8 feet or are otherwise noticeably smaller and subordinate to the main mass.
 - b. Step back portions of the building footprint or upper stories by at least 4 feet in association with meaningful outside space, such as a balcony, deck, patio, or entry court.
 - c. Use cantilevers on upper stories that provide at least a 2 feet overhang of other portions of the wall plane.
 - d. Provide single-story entry feature that projects at least 6 feet from the wall plane.
 - e. Articulate rooflines by using gables and dormers, dropping eaves, prominent

- overhangs, stepping roof lines or parapets to create offsets and projections of at least 2 feet.
- f. Where larger buildings are next to smaller buildings, or are along a block with smaller buildings, step the height of the building or offset secondary masses to create compatible massing nearest to adjacent structures.
 - g. Break in vertical wall planes along any street-facing facade. Building height cannot exceed the overall width of the right-of-way without a minimum of a 4-foot setback. This is encouraged to provide a strong sense of enclosure. Buildings can exceed the street wall height by introducing step backs.
2. *Blank Wall Limits.* Facade composition uses materials, ornamental details, and subtle variations in the wall plane to break up the blank wall and add visual interest to buildings. Uninterrupted elevations that exceed the blank wall limits in Table 5-5, either in square footage or in linear feet, shall use one or more of the following design techniques to modulate the elevation and avoid expanses of blank walls.
- a. Create projections in the wall planes with bay windows, balconies, awnings, or canopies that project at least 2 feet from the wall plane.
 - b. Create voids in the wall plane with step-backs of upper stories or balconies that recess at least 4 feet from the wall plane.
 - c. Differentiate stories, roofs, or other masses with prominent trim materials and/or incorporate material changes on different modules of the building. Significant trim or ornamentation used to break up blank walls or wall planes shall project between 2 inches and 2 feet from the wall and be at least 8 inches wide.
 - d. Use color changes and accent materials to emphasize distinct components of the facade. Material and color changes should wrap corners and occur at the inside corner of a massing element or occur in association with a significant trim or ornamentation to give a finished and unified appearance to the facade component.
 - e. Break up remaining large expanses of blank walls with facade composition that considers the location and grouping of windows, doors, or architectural details.
3. *Transparency.* Windows and doors provide connections to active outdoor spaces and add visual rhythm and detail to the facade with the location, pattern, and proportions of openings. Building elevations shall meet the required transparency in Table 5-5 for any street-facing facade. This can be achieved through one or more of the following design techniques.
- a. Create relationships with outdoor spaces near buildings with the location, pattern, and proportions of windows and doors.
 - b. Incorporate distinct and visually significant windows and doors (size, orientation, and ornamentation) to emphasize key locations on the facade or to relate to important social spaces.
 - c. Locate windows and doors to create a coordinated facade composition considering the entire facade as a whole, and considering where facades are broken into different components with the grouping of windows and doors.
 - d. Locate and design windows strategically in relation to privacy concerns in adjacent spaces and buildings but maintain consistent exterior patterns and facade composition. High-bank windows, transom windows, opaque windows, and window treatments that are adaptable and user-controlled may be used to deliver privacy as opposed to omitting windows.
 - e. Use windows and doors with projecting trim and ornamentation to create depth, texture, and shadows on the facade; to emphasize openings; or to group openings into a single feature. Openings that have projecting trim and casements (at least 1 inch off the facade and 4 inches wide) or that group windows with significant ornamental detail may count these additional features for up to 25% of the transparency requirement.
 - f. The window requirement may be waived on sides of buildings that are closer than 3 feet to the property line, if necessary to meet applicable building code requirements.
4. *Materials.* Building materials add texture and patterns, and create visual interest while reflecting high-quality construction and detailing. Building elevations shall apply the material standards in Table 5-5, through one or more of the following design techniques.
- a. Primary materials shall consist of natural elements such as painted or natural finished wood siding, brick, or comparable synthetic alternative that offers similar durability and aesthetic quality. Synthetic alternates to these natural materials may be used if

- manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design, and aesthetic goals. Materials such as vinyl siding, aluminum siding, and metal siding shall be prohibited as primary material for apartment building types.
- b. Coordinate changes in color and materials in association with changes in massing and modulation of the building.
 - c. Use changes in color or materials to differentiate the ground floor from upper floors and the main body of the building from the top or roof-structure, particularly on buildings three stories or more.
 - d. In multi-building projects, use subtle variations in building materials and colors on different buildings, within a consistent palette of materials and colors.
- D. Open Space Design.** A system of different types of open spaces shapes the character of neighborhoods, creates unique identities for different neighborhoods, and provides focal points for building and development. The block and lot open space requirement complements this system and ensures that each building has access to useable outdoor space and creates a common amenity for multi-unit buildings.
1. *Required Site Open Space.*
 - a. Each lot and building type shall provide the open space specified in Table 5-1.
 - b. Lot open spaces may be designed to also meet a landscape or buffer requirement. To the extent that Article 8 requires additional open areas for landscape and buffers that meet the standards of this section, it shall not preclude also meeting the standards in Article 8 with additional open and landscaped areas.
 - c. Lots platted through a final plat with common open space meeting the design standards in Section 3.04 may credit the common open space towards the lot open space requirement, provided it meets the following criteria:
 - (1) The space is public or remains accessible to the public; or
 - (2) If private or common space, the lot applying the credit has access to the space through ownership or other agreement, and the space is otherwise dedicated and reserved from future development.
 - (3) The space shall be on the same lot, on the same block, or on an adjacent block within 1,000 feet of the lot and connected by a trail or public sidewalk.
 2. *Open Space Design.* Different open space types maximize the value of unbuilt portions of the site for ecological, aesthetic, and functional purposes. Open space shall be designed according to one of the types in Table 5-6.

Table 5-6: Open Space Design	
Permitted Open Space	Design
Frontages	- Designed according to 5.04B, - Excludes any permitted driveways or parking area
Yards	- Minimum 15' in all directions - Minimum 400 s.f. of area
Open & Uncovered Decks or Patios	- Minimum 12' in all directions - Minimum 200 s.f. - Must be at or below first floor elevation - Limited to 25% of required open space
Private Balconies or Patios (Apartment / Mixed-use Buildings only)	- Minimum 6' in all directions; 15' if common area shared by multiple dwelling units - Minimum 80 square feet (individual); 300 s.f. if shared by multiple dwelling units- - Limited to 25% of required open space
Common Courtyard	Designed according to Section 5.05.D-
Public or Common Open Space	Designed according to Section 3.04

- E. **Modifications.** Modifications to the standards in Section 5.04 may be authorized according to the site plan modification process and criteria in Section 2.03, and any of the following applicable additional criteria.
1. The context presents a clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.
 2. An alternative design allows the building, garage, and access to be sited in a way that preserves topography or other natural features on the site.
 3. The requirement is not consistent with the architectural style selected for the building based on reputable resources documenting the style.
 4. The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area, and the design or characteristics are desirable to retain and reinforce.
 5. Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.
 6. The specific standard is not practical due to the context and location of the lot or other similar physical conditions beyond the specific building and site not created by the landowner.
 7. In all cases the deviation is the minimum necessary to address the circumstance, the alternative equally or better meets the design objectives of this section, and there are no negative impacts on other design standards applicable to the building or site.

5.05 Alternative Patterns

- A. **Intent.** Alternative housing patterns in this section permit different arrangements for housing to provide greater amenities for residences organized around common open spaces; allow flexibility for smaller lots and smaller format housing; maintain community design standards that allow projects to be better integrated into the context; and improve housing attainability through flexibility and efficiency in the patterns.
- B. **Courtyard Pattern.**
1. *Design Objective.* A courtyard pattern can integrate multi-building projects into the neighborhood pattern by integrating formal open space into part of the street frontage. It is an effective infill strategy or appropriate on deeper lots and blocks. Residential buildings and lots may be designed to front on a courtyard based on additional design and development standards in this section.
 2. *Applicability.* The courtyard pattern is appropriate where:
 - a. Courtyards are designed and visible as an extension of the public streetscape and open space system for the neighborhood;
 - b. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
 - c. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.
 - d. 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 five buildings or 36 units, whichever is less.
 - b. Townhouses, up to four buildings or 24 units, whichever is less.
 - c. Duplex, Multi-unit Houses, and Detached Houses, up to 12 buildings or 18 units, whichever is less.
4. *Design Standards and Exceptions.*
- a. Lots may front on a common courtyard, rather than along a street.
 - b. The courtyard shall be at least 25 feet wide in all directions, and at least 1,000 square feet, and shall have frontage on a public street or be accessible from the streetscape by a pedestrian passage.
 - c. Building frontage standards shall apply on the courtyard and on the public street frontage. The streetscape and frontage landscape standards in Section 8.03 for all lots shall be concentrated in the courtyard and the frontage landscape standards shall be met for the public street perimeter of the project.
 - d. The minimum lot size per building may be reduced by up to 20%, provided the courtyard is owned in common by all lots or otherwise established as a shared- space amenity.
 - e. The front setback may be reduced to 5 feet from the courtyard boundary.
 - f. Any buildings fronting the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in Section 5.04.
 - g. Vehicle access and parking shall be coordinated for all lots and buildings, and be designed in a way that minimizes the impact on the public street and the courtyard. Access for the project shall meet all frontage standards along the public street.

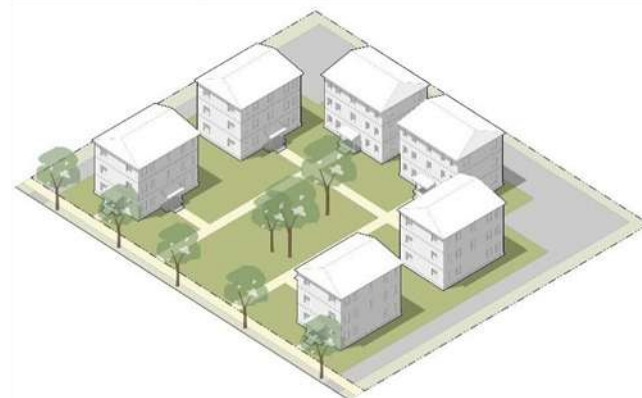
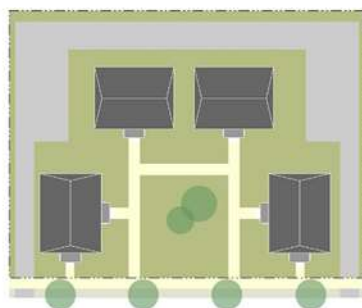
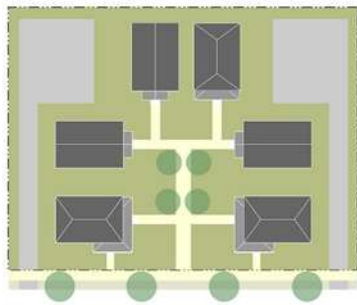


Figure 5-11 Courtyard Pattern

The courtyard pattern allows for a different configuration of buildings in specific contexts. The pattern arranges buildings on smaller lots with a common frontage on the courtyard. The courtyard and the front buildings provide to the streetscape, while other buildings may relate direction to the courtyard. Vehicle access is shared and limited to more remote or discrete portions of the project.

C. Cluster Pattern.

1. *Design Objective.* The cluster pattern allows residential lots and buildings to be arranged around an open space system that preserves greater amounts of intact open and natural spaces designed as a focal point and community amenity and provides benefits from a greater variety and concentration of housing on developed areas.
2. *Applicability.* The cluster pattern is appropriate in more remote areas where preservation of larger or natural open space is beneficial, and specifically is eligible in combination with the R-SF zoning district. It requires a Planned Zoning application as outlined in Section 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	None	36 units on 7 – 8 ac.
31% - 40%	50%	5 ac.	36 units	18 units	54 units on 6 – 7 ac.
41% - 50%	100%	5 ac.	36 units	36 units	72 units on 5 to 5.5 ac.
51% - 60%	150%	5 ac.	36 units	54 units	90 units on 4 – 5 ac.
> 60%	TBD by Planning and Zoning Commission based on plan	5 ac.	TBD	TBD	TBD on less than 4 ac.

[1] Total percentage of the project area preserved as open space meeting the Natural Open Space, Trail, or preservation of productive agriculture lands criteria in Section 3.04.

4. *Lot Sizes & Building Types.* The resulting density based on the plan after the density bonus is applied may be allocated in the developed portion of the project with the following building types. No combination of these building types may be used to allow more units than authorized by the density bonus. All other standards applicable to each building type in Table 5-1 shall apply within the developed portion of the plan.
 - a. Detached house (all types)
 - b. Duplex / multi-unit house
 - c. Townhouse (all types)
5. *Open Space.* Open space shall meet the design criteria of Section 3.04 for natural open space, trail, or include prime farmland or other existing and productive agriculture lands designed to be a focal point and community amenity. All lots shall have access to the public or common open space preserved as part of the plan within 1,000 feet, measured along pedestrian or trail routes.



Conventional Pattern



Cluster Pattern

Figure 5-12 Cluster Pattern

The cluster pattern allows both a greater number of units and a greater concentration of those units in exchange for greater quantities and more coordination of larger open spaces.

D. Small-format Housing Community.

1. **Design Objective.** The small-format housing community pattern allows large projects of smaller home sites to be organized around common amenities and provides flexibility in community design. These patterns typically provide the efficiency from manufactured or other small-format houses, and can provide high-quality, attainable housing provided the home sites and community design standards are planned in a way that integrates with the surrounding context.
2. **Applicability.** The small-format housing community pattern applies to:
 - a. Projects in the R-MHC district;
 - b. Projects implementing any detached house – small-format building type where permitted in any other district by Table 5-1; and
 - c. Application of the small-format housing community pattern requires a Planned Zoning application as outlined in Section 2.06.
3. **Community Plan.** All small-format home communities shall be supported by a community plan meeting the standards in Table 5-8, unless otherwise modified through the Planned Zoning procedures and criteria in Section 2.06.

Table 5-8: Small-Format Housing Community Plan

Project Size	▪ 3 ac. min.; ▪ 150' minimum frontage on an arterial or collector
Project Intensity	▪ 15 units per ac. max.
Useable Open Space	▪ 20% of project areas
Lot & Building Standards	▪ Detached house – small-format standards in Table 5-1 apply ▪ All home sites shall front on a public street, common internal street, or common open space with street or alley access to the rear
Perimeter Setbacks	▪ 25' min. from any public street boundary or property perimeter
Exception	If the common usable open space is increased to 25% the following exceptions may be granted: ▪ <i>Project Size:</i> 1 ac. min., 100' frontage on arterial ▪ <i>Project Intensity:</i> 20 units per acre max. ▪ <i>Home Sites:</i> 1.2K s.f.; 20' width min.

4. *Common Area Design.* All common areas not dedicated as home sites according to the development standards, shall be designed as part of the circulation and common areas for the plan. This space shall be allocated to:
 - a. Internal vehicle circulation shall be laid out to provide connectivity and continuity through the community and organize the project into blocks and lots so that all home sites and lots are served by streets. There shall be at least:
 - (1) One external connection for projects under 25 dwelling units;
 - (2) Two external connections for projects between 25 and 100 dwelling units; or
 - (3) One connection for every 50 dwelling units for projects over 100 dwelling units.
 - (4) The maximum block size shall be 2.5 acres, except blocks containing common open space may be 4 acres.
 - b. Internal roadways shall generally mimic the public streetscape standards in Section 3.03:
 - (1) 20 feet wide where no parking is permitted;
 - (2) 24 feet wide where parking is permitted on one side;
 - (3) 28 feet wide where parking is permitted on both sides; and
 - (4) 12 – 18 feet wide for alleys or lanes.
 - c. Pedestrian connections shall be integrated into all streets or provided through an off-street trail or path system at intervals and distances equal to or more extensive than the street connections. Streets, trails or paths should feature landscape areas that align with the public streetscape and open space standards in Article 3. Walkways shall be:
 - (1) 5 feet wide generally; and
 - (2) 6 to 8 feet wide when directly accessing any common areas or amenities.
 - d. Useable open space shall meet one design type specified in Section 3.03 and be designed and located in a manner that ensures adequate accessibility for all units in the community.
 - e. At least one of these spaces shall include a clubhouse, which is centrally located, for recreation, meetings, laundry facilities, or other common amenities. A storm shelter shall be provided with the clubhouse.
 - f. A common storage and utility area shall be provided within the plan including at least 100 cubic feet per unit. This area shall be screened from the project and from surrounding property according to the buffer standards in Article 8.
5. *Building and Home Site Design.*
 - a. All dwellings shall have a front entry feature, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.
 - b. Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 360 square feet, is located behind the residential dwelling, and is in no case larger than the dwelling unit.
 - c. Guest parking for each home site shall be within 300' of the unit and may be "on-street" parking where designed according to the street standards in Section 3.03.
 - d. Home sites that have streets or access drives on multiple sides shall locate the driveway and parking on the least prominent street, access drive, or alley.
 - e. Any mobile or manufactured home dwellings or similarly movable building types shall:
 - (1) Be secured to the ground by tie downs and ground anchors, and otherwise protected against wind forces in accordance with the applicable building code.
 - (2) Be skirted within 14 days after placement in the community by enclosing any open area under the unit with a material that is consistent with the exterior finish of the building and compatible with the design of the community.

Article 6. Nonresidential Development & Design

- 6.01 Intent
 - 6.02 Applicability
 - 6.03 Development & Dimension Standards
 - 6.04 Community Design
 - 6.05 Specific 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. The standards do not apply to previously established UCDs, except that amendments to the standards of existing UCDs and new similar Planned Zonings shall use these standards as a base line but may modify or add additional standards through the Planned Zoning process in Section 2.06.
- E. The Community Design standards in Section 6.04 are basic city-wide design standards to implement the mixed-use and nonresidential zoning districts. These standards do not preclude the application of

additional supplemental design guidelines for a particular area or building type, except that no guideline may be used to modify or amend the application of a requirement in this code, except as specified in the planned zoning process in Section 2.06. Specific guidelines shall be listed in Appendix A.

6.03 Development & Dimension Standards

A. **District Lot and Building Standards.** The lot and building standards for nonresidential districts are specified in Table 6-1.

1. Front and street side setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 6.04.B.
2. Non-street setbacks indicated as "n/a" shall be as specified by the building code for each class of building. However, greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular district, use, or building.
3. Non-residential districts and or structures abutting R-SF are required to have a 30-degree bulk plane.

Table 6-1: Nonresidential District Lot & Building Standards								
Zoning District	Minimum Lot Standards			Minimum Setbacks				Building Height [3]
	Size	Frontage Width	Open Space	Front [1]	Interior Side [2]	Street Side [1]	Rear [2]	
<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 s.f. or ½ block max.	25' – 150'	10%	0' - 15'	n/a	0' - 15'	n/a	65' / 5 stories
<i>CC – Center City</i>	60K s.f. 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 & Institutional</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

[1] Front and street side setbacks may be modified on a block-by-block basis, subject to the frontage design standards in Section 6.04.B.

[2] Non-street setbacks indicated as "n/a" shall be as specified by the building code for each class of building. However, greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular district, use, or building.

[3] In any district other than CC, lots abutting R-SF and R-MX1 zoning shall comply with a 45-degree bulk plane at the abutting lot line.

B. **Accessory Buildings – Nonresidential.** Accessory buildings in nonresidential districts are subject to the same lot and building standards as the principal buildings except that they shall not be located in front of the established front building line of the principal building, shall not be taller than the principal building and are clearly incidental and subordinate to the principal building. If the accessory building is within 50' of the right-of-way, it shall be constructed with consistent materials as the primary building.

C. Dimensions Exceptions.

1. **Setback and Lot Exceptions.** The following are exceptions to the lot and setback standards in Table 6-1, except that in no case shall this authorize structures that violate the provisions of any easement:
 - a. Structural projections such as bay windows, canopies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, provided they:
 - (1) Are no closer than 2 feet from any lot line, except on the frontage where they may project over the right-of-way up to 2 feet, subject to an encroachment agreement on file with the City; and
 - (2) Are limited to no more than 20% of the total area of a building elevation.
 - b. Open air balconies, awnings, canopies, and marquees may extend up to 8 feet from any wall plane provided they are:
 - (1) At least 8 feet above the grade and any sidewalk; and
 - (2) Are no closer than 5 feet from any common property line, except on the frontage where they may project into the right-of-way, subject to an encroachment agreement on file with the City, but no closer than 2 feet from any curb.
 - c. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setbacks provided they:
 - (1) Are no taller than 6 feet high;
 - (2) Extend no further than 10 feet from the side of the buildings; and
 - (3) Are screened from adjacent property, right-of-way, and other public spaces by structures or landscape according to Section 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 higher-volume / speed streets, and emphasizing compact and formal social spaces in walkable areas and along multi-modal streets.
 3. Arrange buildings and vary the massing in a way that defines streetscapes, public spaces, and other valuable active and social spaces on the site and creates appropriate transitions to adjacent areas.
 4. Refine the scale, massing, and human-scale details of buildings to a greater degree the closer they are to the streetscapes and other publicly used spaces.
 5. Use open space as an organizing element for development, creating focal points,

integrating environmental features, and establishing transitions between distinct building sites.

6. Encourage unique architectural expressions and promote the use of key details and design characteristics inherent in the chosen style for a building.
7. Strengthen the identity and economic value of distinct places by reinforcing consistent pattern and character across multiple sites.

- B. **Frontage Design.** Nonresidential lot and building frontages shall be designed according to the types in Table 6-2 and be applied based on the context of the district and corridor. Frontage design determines the relationship between private development and the public realm and affects the character of streets, blocks, and districts. Each street-facing facade, public or private, shall designate a specific frontage type, meet the frontage requirements, and be treated equally in regards to materials, transparency, height, setbacks, and blank wall limits. Frontage design types may modify the required front setbacks in Table 6-1 to create a consistent frontage design and streetscape relationships with other lots and building along a block. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 6-2: Nonresidential Frontage Design				
	Frontage A	Frontage B	Frontage C	Frontage D
Front Building Line (build-to range)	0' – 15'	0' – 30'	30' – 90'	90' +
Required Front Building Line	80% +	60% +	40% +	n/a
Maximum Access Width	26'	26'	32'	40'
Access Spacing	Frontage designs and access shall be coordinated with requirements of Section 7.03			
Minimum Parking Setback	Behind rear of building	Behind front building line	6' min. See Section 7.05.B	20' min.
Maximum Extent of Parking Frontage	0%	35%	n/a	n/a
Maximum Extent of Garage Bays	Prohibited	10% of facade	25% of facade	Limited only by screening in Section 8.04
Landscape	See Sections 3.03 and 3.04		See Section 8.03	
Applicability	CC, C-MX2	■	□	
	C-MX1	□	■	□
	GC, GI, LIC		■	□
	HM		□	■

- Permitted default standard.
 □ Alternative standard to be applied based on context through Minor Modification.
 Blank is only allowed through Major Modification.

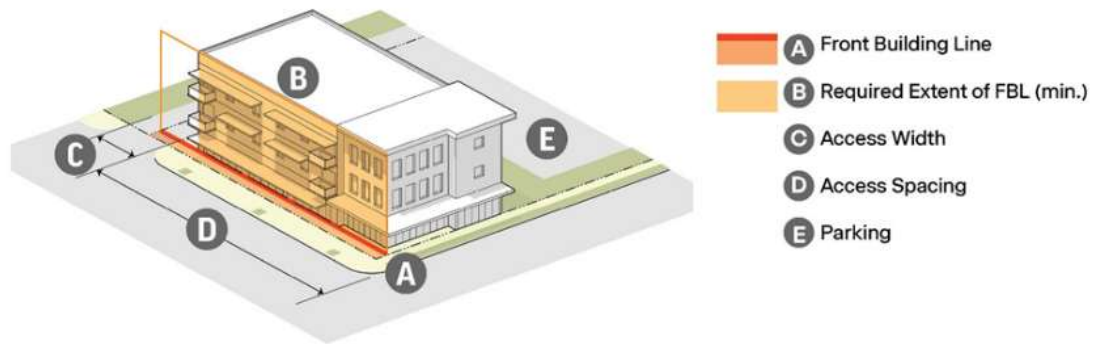


Figure 6-1 Frontage Design

Frontage types are differentiated based on the location of the front building line (FBL), the extent of the front building line occupied by the building (Required FBL), access widths, and parking location and extent along frontage. Coordinating frontage design of multiple

buildings and sites along a block impacts the character of the streetscape and the block. 6.04.A.2.

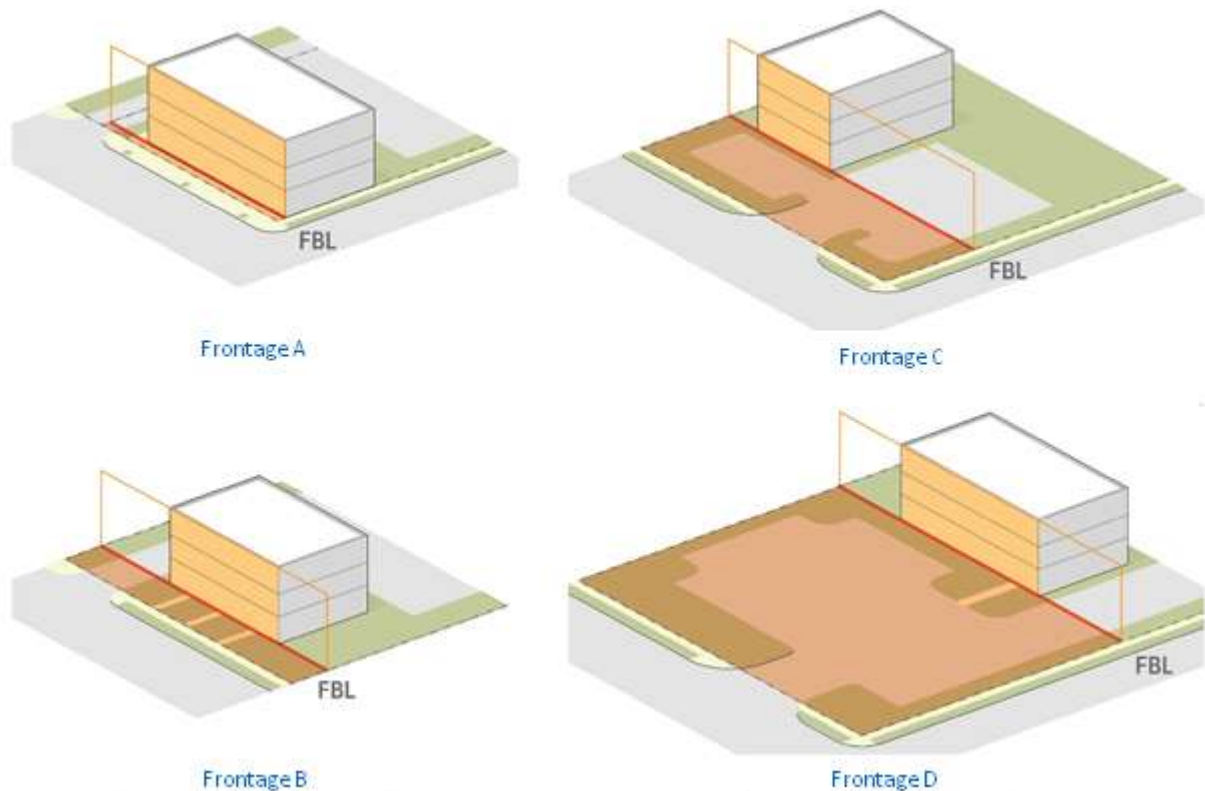


Figure 6-2 Frontage Types The relationship between private development and the public realm determines the character of different districts. Building placement, parking and access locations, and landscape and streetscape design distinguish different frontage type designs. Social spaces and human-scale architectural features are emphasized in more pedestrian-oriented contexts, and landscape screens and setbacks are emphasized in more car-oriented areas. 6.04.A.2.

1. **Front Building Line.** Front building lines create a consistent pattern along block framing streetscapes. All buildings shall establish a front building line within the range specified in Table 6-2 based on the applicable frontage types and context of the site.
 - a. The required front building line may modify any required front setback for the building type in Table 6-1 based on the appropriate frontage for the street and block.
 - b. All buildings shall occupy the minimum percentage specified for required front building line with either of the following:
 - (1) Front building facades meeting the design standards in Table 6-3; or
 - (2) Open spaces meeting the requirements of Section 6.04.D provided:
 - (a) It is limited to no more than 50 feet or 50% of the lot frontage, whichever is greater;
 - (b) There is a defined edge at the extension of the required front building line, such as decorative walls or fences, landscape features and other human scale details; and
 - (c) All building facades fronting the open space meet the standards otherwise applicable along the streetscape.
 - c. Corner lots shall meet the frontage requirement on the side street for at least 30' or 25% of the lot depth, whichever is greater.
 - d. Projects designed around internal access streets according to Section 3.03.B.2.d shall use the internal access streets for the purpose of applying frontage standards.

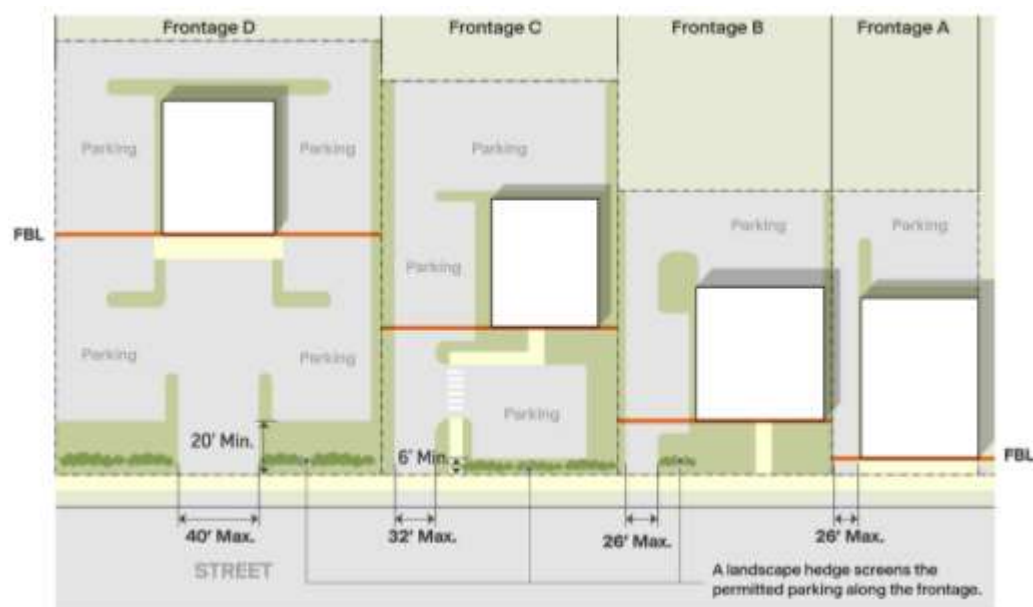


Figure 6-3 Front Building Line & Access and Parking Limits standards for different frontage types.

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

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

2. **Access and Parking Limits.** Access spacing and parking limits in Table 5-3 promote the visual priority of buildings and landscape along streetscapes, particularly where buildings are placed closer to the street. The following standards apply to the access and parking limits in Table 6-2:

- a. Access width limits apply to the first 30 feet of the lot depth, or up to the front building line, whichever is less.
 - b. Access requirements in Section 7.03 may require greater spacing based on the street classification. However, the Public Works Design Standards and Technical Specifications may specify different access standards on any particular street or lot to address traffic safety and implement access management policies.
 - c. In cases where access width and spacing limits access to a particular lot, mid-block alleys, internal access streets, common access lanes, or cross access easements for two or more lots shall be used to coordinate access on a particular block.
 - d. All parking shall be setback from the front lot line and limited only to the extent along the frontage as specified in Table 6-2.
 - e. Any garage or vehicle bays shall be located on the most remote building elevation practical, and where not limited by Table 6-2 shall be screened from public right-of-way or adjacent property according to Section 8.04.
3. **Landscape.** The remainder of the frontage between the streetscape and front building line shall include landscape and open space designs.
 - a. For any building located closer than 15 feet to the lot line, this area shall be designed to coordinate as an extension of the streetscape according to Section 3.03.
 - b. For all cases where buildings are setback 15 feet or more this area shall be designed according to the parking setback and landscape design standards in Articles 7 and 8.
 - c. On all frontage types, lot open space meeting the standards of Section 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 facade composition and architectural details. Subsections following the table provide specific design strategies and techniques to meet the standards.

Table 6-3: Nonresidential Building Design				
	Frontage A	Frontage B	Frontage C	Frontage D
<i>Massing & Modulation</i>	50' / 500 s.f.	100' / 1K s.f.	150' / 2K s.f.	200' / 4K s.f.
<i>Entry Feature Spacing</i>	50' max.	75' max.	150' max.; 1 / 100' avg	1 / 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%; n/a for industrial buildings in LIC, HM	15%; 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; or
 - (2) Recesses of the building footprint greater than 4 feet.
 - (3) Deviations should encompass at least 20% wall planes of the entire elevation.
 - d. Horizontal differentiation of a base, body and top of buildings with materials and architectural details.
 - (1) For buildings less than three stories, this can be a distinct foundation, a main facade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs.
 - (2) For buildings three to six stories, the first floor should be clearly differentiated from upper stories to establish the base and an embellished roof structure.
 - (3) For buildings seven stories or more, the first two floors may be clearly differentiated from upper stories to establish the base, and the upper stories may be distinguished as a distinct component.
 - (4) Any belt course or trim band establishing the break in base, body and top shall use a material or pattern distinct from the primary material, be 6 to 36 inches wide, and off-set from the wall plane 4 to 24 inches; or be a lessor trim associated with a material change.
 - e. Use material changes and the use of primary and secondary materials with different colors and textures to emphasize different elements of the buildings.
 - (1) Where material changes are vertical (i.e. different materials stacked above another) the transition between materials should include a belt course, trim band, sill or similar element to separate materials. Heavier and larger materials should be below lighter to smaller materials.
 - (2) Where material changes are horizontal (i.e. materials side-by-side) the transition between materials should occur at interior corners or at the trim line, architectural column, or pilaster to emphasize different structural or massing components.
 - f. Use patterns of windows and doors, meeting the transparency requirements in Section 6.04.C.2 and 3, to break up blank walls, add depth and texture to the wall, and create a rhythm and balance along the elevation.
 - g. Use ornamental architectural details complementary to the materials and architectural style and use color and material changes associated with trim or massing elements along areas where there are no windows or doors.

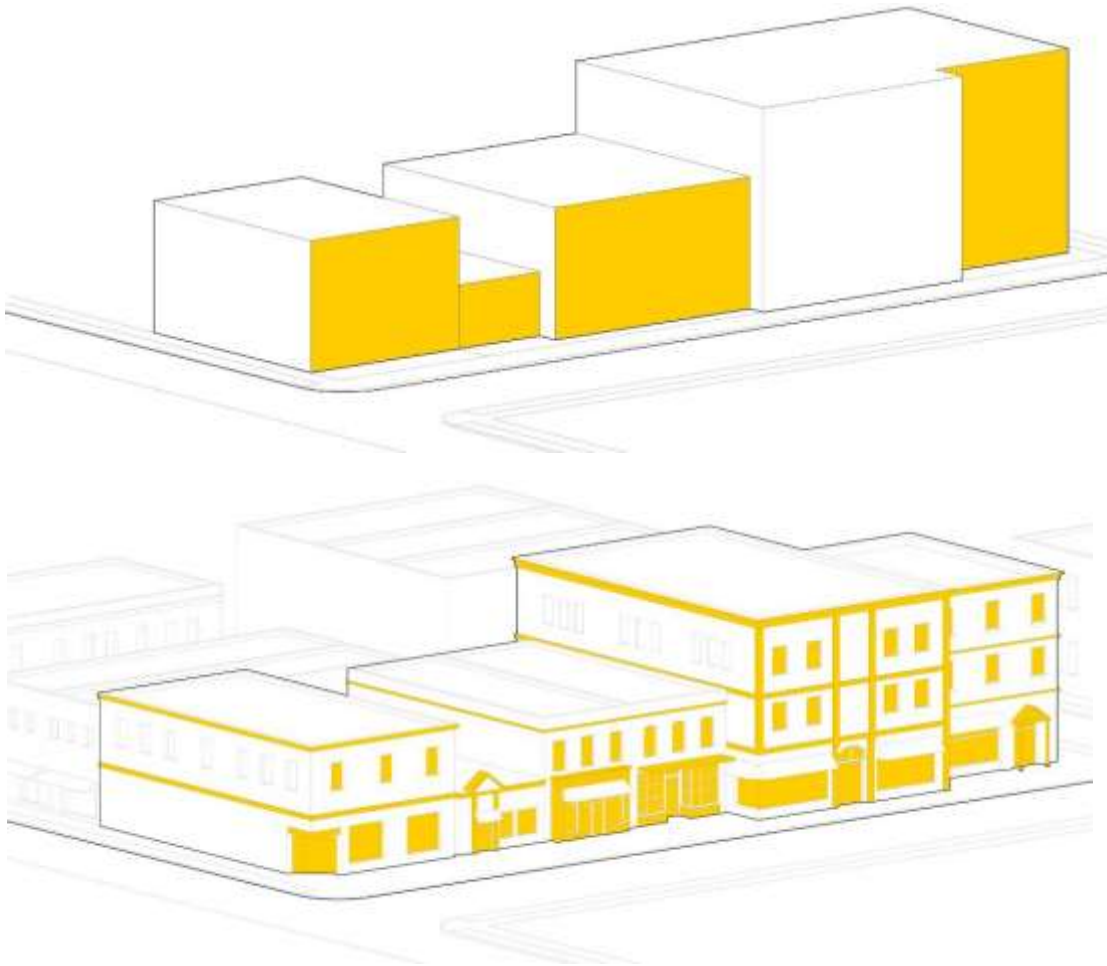


Figure 6-4 Massing & Modulation

Wall planes that exceed either the linear dimension limits or the square foot limits in Table 5-6 wall plane limits shall be broken up by massing elements and/or architectural details shown in 6.04.C.1.

2. **Entry Features.** Front entry features activate the streetscape and public spaces and create consistent human-scale massing elements along the building and block frontage. Primary public entrances shall be located on all front facades at intervals specified in Table 6-3 and be clearly defined with at least two of the following elements:
 - a. A single-story architectural emphasis such as raised parapets, gables, canopies, porticos, overhangs, pediments, arches, or recessions within the wall plane of at least three feet.
 - b. Transom or sidelight windows that frame and emphasize the entry.
 - c. Architectural details such as tile work and moldings, columns, pilasters, or other similar material changes.
 - d. Integral planters, seating, or wing walls associated with an entry court or plaza that integrates landscape and hardscape designs.
 - e. For corner buildings, any entrance feature located on the street corner may count to both sides, and may be considered located at 25 feet from each corner for the purpose of the required primary entry feature intervals.

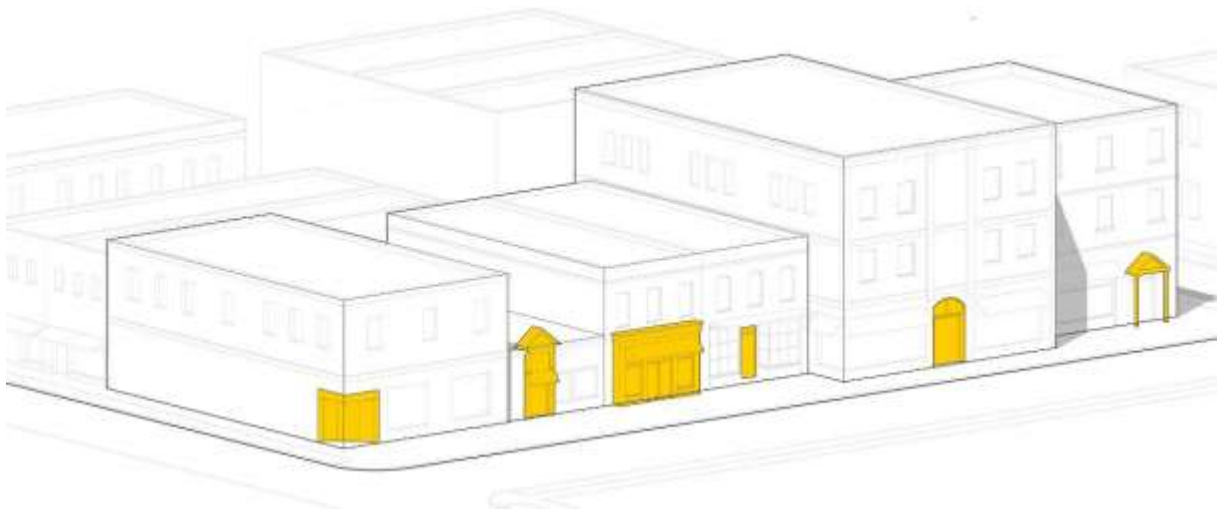


Figure 6-5 Primary Entry Features

Entrances help activate the streetscape and orient buildings to public spaces. More pedestrian-oriented blocks benefit from the activity created by smaller-scale uses and the rhythm created by more frequent entrances. More car-oriented streets may allow less frequent entrances or alternative orientations of buildings to internal access streets or common spaces as referenced in 6.04.C.2.

3. **Transparency.** Windows and doors provide connections to active outdoor spaces and add visual rhythm and detail to the facade with the location, pattern, and proportions of openings. Building elevations shall meet the required transparency on any street facing elevation in Table 6-3 through one or more of the following design techniques:
 - a. Where expressed as a first story requirement the percentage shall be measured between two feet and eight feet above the sidewalk grade, or within ten feet above the first-floor elevation if the building is set back more than 15 feet from the street.
 - b. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
 - c. All required first story windows shall provide direct views to the building's interior or to a lit display area extending a minimum of three feet behind the window.
 - d. For industrial and civic buildings set back more than 30 feet from the street, clerestory windows may meet the first or upper story window requirements.
 - e. Locate windows and doors in conjunction with massing and modulation standards in subsection C.1, including:
 - (1) Coordinate the facade composition considering the elevation as a whole, and to break up large expanses into different components with the grouping of windows and doors.
 - (2) Use projecting trim and ornamentation around windows to create depth, texture, and shadows on the facade.
 - (3) Emphasize openings or combine groups of openings in association with ornamental details and architectural projections or recessions.

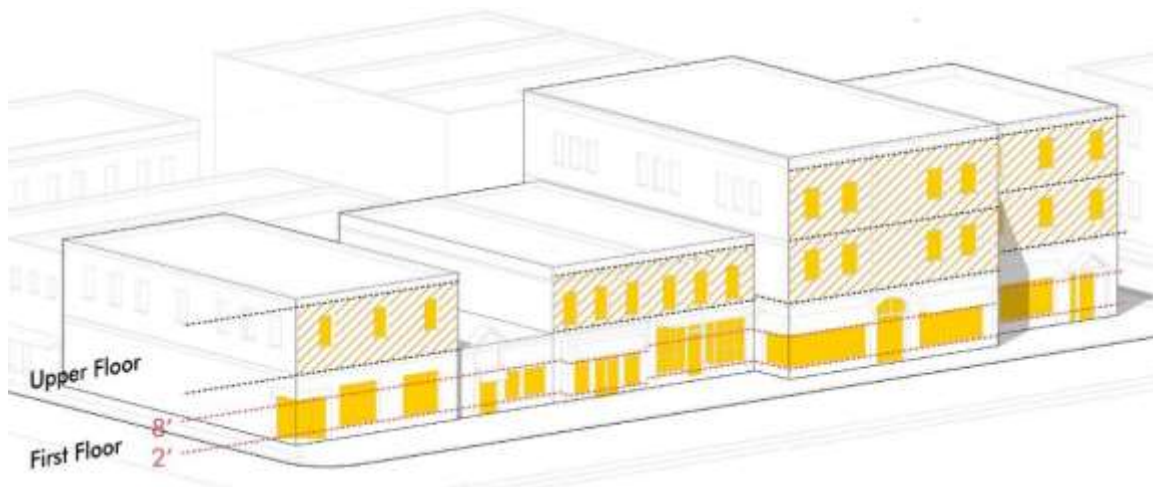


Figure 6-6 Transparency

Transparency requirements eliminate large expanses of blank walls and create physical and perceptual connections to spaces around buildings. Meeting the requirements for each story helps reduce the scale of larger buildings as referenced in 6.04.C.3.

4. **Four-sided Design.** All buildings shall incorporate four-sided design, so that that no matter what view you have of the building, the design is not interrupted, and all parts are perceived as a coordinated part of a unified whole. Specifically:
 - a. All sides shall exhibit the same quality, continuity, and durability of design including the same primary and secondary materials, although more important sides can reflect priority in the allocation of these materials.
 - b. All sides that are visible from streets, public spaces or active portions of adjacent sites shall have a similar level trim, accent material, details, and ornamentation, although the extent and details may be different to reflect the greater importance of certain areas closest to the public realm or with greater visibility, and parts not exposed to the public may be designed for utility.
 - c. Sides not meeting the four-sided design standards or designed for more utilitarian purposes should be screened and buffered from streets and public spaces according to Section 8.03.
- D. **Open Space Design.** The lot open space requirement in Table 6-1, and any other undeveloped spaces should be arranged to create a common or private amenity for the site and building. The design of open space can reinforce the character of unique districts and distinct places and space can be designed for active, social spaces that relate to public spaces; for integrated natural environmental features that serve development; or for landscape areas that buffer and mitigate undesirable relationships; or a combination of these features dependent on the context of the site. Lot open space shall be designed and arranged to create usable outdoor spaces that meet one or more of the following types:
1. Private frontage landscape areas designed according to the frontage design standards in Section 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 3.04;
 3. Civic amenities or social spaces such as courtyards, patios, or plazas, provided they are at least 20 feet wide in all directions and integrated with the design and function of the building and/or connected as an extension of the streetscape; or
 4. Landscape areas and buffers designed according to the standards of Section 8.04.

5. For any mixed-use building, open spaces shall be 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 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 be refined and further specified based on a specific area plan for multiple properties and owners. The plan shall use the design standards in Section 6.04 and apply them on a block-by-block basis, but may modify or supplement the standards based on the specific plans. The plan shall be approved by the City as a specific area plan. Alternatively, specific application of frontage types may be based on a plan approved in association with a development proposal, provided it: (1) is at least 10 acres; (2) includes at least 20% of Frontage A frontages; (3) includes at least 60% Frontage A or B standards; and (4) includes no more than 25% Frontage D standards. All 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. 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.
 - (1) No subdivision of property shall be approved without an understanding of allowable access for the entire property, including shared access and cross access. This future access plan and any access easements shall be noted on the plat accompanying ordinance as applicable.
 - (2) For any application adjacent to programmed infrastructure projects, or mapped streets as may be shown in the Major Thoroughfare Plan the right-of-way dedication shall be made equal to half the proposed future right-of-way measured from the existing centerline.
 - b. *Driveway Safety Study.* Any development, rezoning, redevelopment, change in use, building permit, site plan, or subdivision that will add 50 or more peak hour trips or 500 or more daily trips to adjacent roadways (cumulative) or that has known deficiencies or safety issues as determined by the City Traffic Engineer, shall require a driveway safety study.
 - (1) The City Traffic Engineer may determine that a traffic impact study is required if this threshold is met in situations where existing operating conditions are known to be deficient.
 - (2) All land uses identified as motor-vehicle oriented businesses shall complete a gap study for each driveway connecting to an arterial or collector street.
 - (3) Driveway safety studies shall be completed, signed, and sealed by a Professional Engineer registered in Missouri.
 - c. *Traffic Impact Study.* A traffic impact study shall be required for any development, rezoning, redevelopment, change in use, building permit, site plan, or subdivision as required by the applicable Public Works Design Standards and Technical Specifications, or when any project increases the number of trips as outlined below in Table 7-1. If the City Traffic Engineer determines that the adjacent street network has deficiencies or safety concerns, a TIS may be required for any project.

Traffic impact studies shall be completed, signed, and sealed by a Professional Engineer registered in Missouri.

Table 7-1: Traffic Impact Study Thresholds

Street Typology	Trip Threshold
Expressway / High-Type Arterial	150 peak hour / 1,500 daily
Medium-Type Arterial / Low-Type Arterial	100 peak hour / 1,000 daily
System Collector	90 peak hour / 900 daily
Subdivision Collector / Local-High Activity	85 peak hour / 850 daily
Local-Low Activity	80 peak hour / 800 daily

2. **Alleys & Internal Circulation.** Alleys are encouraged for primary access to all blocks in conjunction with Sections 3.03 and 3.05, and particularly for mixed-use development or residential blocks accommodating narrow lots.
 - a. Alleys shall connect through the block to a publicly dedicated street on each end. However, where the surrounding streets or the development patterns within a block warrant, alleys may be in “H”, “L”, “Z” or “T” configurations.
 - b. Where alleys do not exist or are not practical, common lanes that reflect increments of the potential alley configuration are encouraged to support multiple lots along a block frontage.
 - c. Where alleys exist, lots shall not have access from a public street except as permitted by the frontage design standards in Section 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 3.03.C and the applicable Public Works design standards and technical specifications, including sidewalks, landscape amenities, on-street parking and travel lanes.
 - c. Shall be treated as public streets for determining the proper location, orientation and design of sites, buildings, and utilities within the project.
 - d. Trail, greenway, or pedestrian passages meeting the standards of Section 3.04 may account for a portion of this internal circulation network, provided it connects buildings, open spaces, and internal access lanes with similar networks external to the site and presents a logical connection point for pedestrians and bicycles.
4. **Gated Access.** No public street shall be obstructed. Gated access will only be considered and allowed for private streets, approved developments, approved site plans, or other subdivision plats approved by the City Council.
 - a. **General Location Requirements.** Any gate shall be located a sufficient distance from a public street to allow three cars to line up at the gate without interfering with vehicles utilizing a public street; the minimum acceptable distance from the gate to public street shall be no less than 60 feet.
 - b. **Turnaround Area.** A turnaround area shall be provided for vehicles unable to enter the gated development. The turnaround area shall provide an area to allow vehicles to safely turnaround without backing into the public street.

- c. *Pedestrian Access.* Pedestrian access separate from the vehicular movement area shall be provided. The pedestrian access point may be gated. Sidewalk from the pedestrian access point to the public sidewalk shall be provided.
- d. *Approval of Circulation Plans.* The City Traffic Engineer and the Fire Department shall approve all circulation plans for any gated access development and may require multiple entrances.
- e. *Applicability of City Standards.* All City standards for streets, sidewalks, fire lanes, fire hydrants, and other engineering requirements shall apply to any gated access development.
- f. *Responsibilities.* All maintenance and repair of the private streets, gates, and/or fire lanes shall be the sole responsibility of the property owners within the gated development.
- g. *Minimum Gate Width.* One-way access gates shall be a minimum of 20 feet wide and two-way access gates shall be a minimum of 24 feet wide. A clear width of 12 feet shall be maintained between any islands gate equipment, guard house, landscape feature, etc.
- h. *Emergency Release Required.* An emergency release hitch pin shall be installed on the control arm of any access gate. This hitch pin, when removed, will detach the control arm from the gate and allow the gate to swing open freely with manual intervention. The loss of electrical current shall cause the gate to open and remain open until normal electric current is restored and the gate reset.
- i. *Events Requiring Open Gate Established.* Should any problem occur in the operation of the gate or any violation of any provision of this article, each access gate shall remain open and access to the development available until such time as the problem is resolved and/or the gate is repaired and tested.
- j. *Prohibition of Tire Damaging Devices.* Road spikes, barbs, or other tire damaging devices are prohibited.
- k. *Hold Harmless.* The individual property owners agree to release, indemnify, defend and hold harmless, from liability imposed by law, the City, governmental entity, medical services provider or public utility, and their respective employees, officials and agents, for damages and injury (including death), arising from the condition or use or the existence of a gated access; for damages and injury (including death) arising out of the use by the City, governmental entity or public utility, their respective employees, officials and agents, or emergency medical personnel of any gated access; and for damages and injury (including death) arising out of the use of the gated area by the City, governmental entity, medical personnel or public utility of any gated access. Further, such language shall provide that all property owners shall release the City, governmental entities, public utilities, their respective employees, officials and agents, and medical personnel for such damages and injuries. The indemnifications contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entity, medical personnel or public utility, or their representatives, officers, employees or agents.
- l. *Waiver of Service.* The property owners shall note that certain city services shall not be provided in gated areas. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports. All private traffic regulatory signs shall conform to the City of Springfield Standards for Traffic Control Devices. Depending on the characteristic of the proposed development, other services may not be provided.

- C. **Access Requirements and Triggers for Application.** Any development, rezoning, redevelopment, change in use, building permit, 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 displays the potential to produce a public safety risk as determined by the City Traffic Engineer, modifications may be required to the access, including but not limited to, restricting directional access or other public improvements. Any existing, non-compliant access point must be removed at the appropriate time as determined by the City Traffic Engineer if not specifically defined elsewhere.
2. **Administrative Subdivisions.** All administrative subdivisions shall have access points to public streets or alleys that fully comply to the current standards or will fully comply when developed as determined by the access plan for each new lot. Administrative subdivisions creating new R-SF lots with residential uses may have non-compliant access points as per Item 4(b) of this section.
3. **Existing Access.** If a lot has an existing access, the existing access may remain but shall be corrected, removed, or reconstructed prior to issuance of the certificate of occupancy and/or final approval of the subdivision activity when any of the following occur:
 - a. A site plan, public improvement plans, or driveway permits are required.
 - b. Any access is within the functional area of an intersection or deemed a public safety risk by the City Traffic Engineer.
 - c. A change in use or rezoning occurs that produces additional traffic volume to warrant a driveway safety study, or traffic impact study that identifies required corrections to the access.
4. **Access for Single-family Residential Lots.**
 - a. **With a New Building Permit.** If an existing lot cannot accommodate an access meeting all requirements and alternate access does not exist, the access point shall be placed at the most reasonable location as determined by the City Traffic Engineer. No shared access or cross-access easements are required for an existing individual single-family residential lot on a street classified as a residential collector or below.
 - b. **Existing Access with Subdivision Activity.** When an existing lot is subdivided to create new legal lots for single-family residential uses, an existing access for single-family residential use may remain if the existing access:
 - (1) Is on a street classified as a residential collector or below;
 - (2) Is not within 50 feet of an arterial street; or
 - (3) Poses no public safety risk as determined by the City Traffic Engineer.
 - (4) Is within 50 feet of an arterial street or deemed a public safety risk, the access plan will be required to analyze future shared access, cross-access easements, and/or the applicability of the removal or modification of current access points.
 - (5) If the existing access requires modification, any change in access will need to be escrowed or constructed prior to approval of the subdivision activity.
5. **Permitting and Requirements.** A driveway permit is required to be issued by the PW Director prior to the creation of or modification of any access point. If public improvement plans (PIP) are required, access will be required to be shown on the plans and if so shall be completed or escrowed in cooperation with the PIP plan prior to approval of the subdivision activity or building permit. Any driveway will need to be fully constructed, and final inspection completed prior to issuance of the certificate of occupancy (CO) or temporary certificate of occupancy.

D. Sidewalks.

1. **Generally.** Development sites shall include direct sidewalk connections and circulation at

the same or greater frequency as provided for vehicles. Sidewalks shall connect 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.

Table 7-2: Internal Sidewalk Widths	
Location	Minimum Width
▪ Any residential property, generally	5'
▪ Any residential property with more than 10 units ▪ Any mixed-use or nonresidential property, generally	6'
▪ Along the front or to the primary entrance of a nonresidential building < 10,000 s.f.	8'
▪ Along the front or to the primary entrance of a nonresidential building 10,000 s.f. or more ▪ Any access designed for both pedestrians and bicycles	12'
▪ Along any parking area with vehicle overhangs	+ 2' to other required widths

3. *Pedestrian Amenities.* Internal sidewalks shall be designed to emphasize pedestrian priority and conform with the following:
 - a. Separate sidewalks from driving surfaces by changes in the texture, raised surfaces, landscape edges, and similar distinguishing features, except for designated cross walks which may be painted or shared streets.
 - b. Provide adjoining landscaped areas that include trees, shrubs, flower beds, and ground covers along at least 50% of the walkways meeting the landscape design standards in Section 8.03.
 - c. Lighting fixtures along all walkways meeting the outdoor lighting design standards in Section 8.07.

7.04 Required Parking

- A. **Vehicle Parking Rates.** Table 7-3 provides minimum parking requirements for general categories of uses, which apply to all similar uses not specifically listed. The following criteria shall be used in interpreting the table:
 1. Square footage rates shall be based on the leasable floor area or active area dedicated to the particular use, excluding areas dedicated to accessory common or public areas, hallways, and bathrooms. Where this number is not easily determined, 85% of gross floor area may be used.
 2. A seating or capacity rate shall consider the total number of seats based on actual seating capacity, or where not readily determined industry standards for typical layouts of buildings or building codes.
 3. Employee or occupancy rates shall consider maximum number of employees or occupants likely to be on-site at one time. Where this number is not easily or readily determined, the maximum building code capacity may be used.
 4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated under most applicable rate.

5. Where a use is not similar to a general use in the table or could meet more than one category, the PD Director shall determine the appropriate classification based on industry guides or the most similar use in terms of scale, format, and operation.

Table 7-3: Required Parking	
Use Category / Specific Use	Required Parking
Residential	
<i>Group Living</i>	2 / each 3 occupants (non-staffed) 1 / each 2 beds + 1 / employee (staffed)
<i>Household Living – Accessory Dwelling, Multi-unit, or Small-format</i>	1 / unit (micro-efficiency or studio unit) 1.5 / unit (1 - 2 bedroom unit) 2 / unit (3+ bedroom unit)
<i>Household Living –Manufactured Dwelling or One-Unit</i>	2 / unit
Civic	
<i>Assembly or Event Venue</i>	1 / 4 seats (with fixed seats) 1 / 3 persons based on designed maximum capacity (w/o fixed seats) + accessory uses at applicable rates (e.g. restaurant, retail, etc.)
<i>Crematorium or Funeral Home</i>	1 / 4 seats + 1 / employee
<i>Cemetery</i>	1 / 5,000 s.f. of land area or 1 / 4 seats for assembly areas, whichever is greater
<i>Cultural Facility – Small (<10K)</i>	1 / 350 s.f.
<i>Cultural Facility – Large (>10K)</i>	1 / 1,000 s.f. + accessory uses at applicable rates (e.g. restaurant, assembly, etc.)
<i>Open Space – Generally</i>	1 / 5,000 s.f. of land area or 1 / 4 seats for assembly areas, whichever is greater 1 / 200 s.f. of workout area 1 / 500 s.f. of open court area 1 / 350 s.f. of general service facilities (i.e. reception, locker or community rooms, etc.)
<i>School – College / University or Vocational</i>	1 / employee + 2 / each 3 students
<i>School – Elementary or Junior High</i>	2 / classroom or 1 / 5 seats of largest assembly, whichever is greater
<i>School – High School</i>	2 / classroom or 1 / 5 seats of largest assembly, whichever is greater + 1 / 8 students
Commercial	
<i>Animal Care – Generally</i>	1 / 300 s.f.
<i>Daycare</i>	1 / each 5 students + 1 / employee
<i>Entertainment & Recreation - Indoor</i>	1 / 350 s.f. 1 / 4 seats of fixed seating areas 1 / active patron station (i.e. 4 per lane - bowling; etc.) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
<i>Entertainment & Recreation – Outdoor</i>	1 / 5,000 s.f. of land area 1 / 4 seats of fixed seating areas 1 / active patron station (i.e. 4 per hole - golf course; etc.) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
<i>Food & Beverage Establishment – Drive-through</i>	1 / 75 s.f. (See Section 4.04.B for any drive-through requirements)

Table 7-3: Required Parking	
Use Category / Specific Use	Required Parking
<i>Food & Beverage Establishment – Generally</i>	1 / 100 s.f. with on-site seating and no drive-through (i.e. restaurant, bar, night club, etc.) 1 / 75 s.f. –with on-site seating and drive-through (See Section 4.04.B for any drive-through requirements)
<i>Lodging</i>	First 20 rooms = 1 / guest room 21 – 40 rooms = 1 / 2 guest rooms (over 20) > 40 rooms 1 / 4 guest rooms (over 40) + accessory uses at applicable rates (i.e. restaurant, assembly, etc.)
<i>Lodging – Short-term Rental</i>	2 / unit
<i>Medical Service - Outpatient</i>	1 / 250 s.f.
<i>Medical Service – In-patient</i>	1 / bed + 1 / employee
<i>Office</i>	1 / 350 s.f.
<i>Personal Service</i>	1 / 100 s.f.
<i>Residential Care – Generally</i>	1 / 3 beds + 1 / each 2 employees
<i>Retail – Small (<3K)</i>	1 / 500 s.f.
<i>Retail – Generally (>3K)</i>	1 / 250 s.f.
<i>Retail – Grocery Store</i>	1 / 250 s.f.
<i>Retail – Outside Sales</i>	1 / 500 s.f. + 1 per 3,000 s.f. open sales lot
<i>Service - Generally</i>	1 / 350 s.f. (See Section 4.04.B for any drive-through requirements)
<i>Vehicle Service – Gas Station</i>	1 / 250 s.f. + 1 / employee
<i>Vehicle Service – Car Wash</i>	1 / employee
<i>Vehicle Service & Repair</i>	2 / service bay + 1 / employee
Industrial	
<i>Industrial & Business Service</i>	1 / 1,000 s.f. or 1 / 1.5 employees, whichever is greater Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
<i>Manufacturing – Limited / Artisan</i>	1 / 500 s.f. Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
<i>Manufacturing – Generally</i>	1 / 1,000 s.f. or 1 / 1.5 employees, whichever is greater Accessory office areas more than 20% of the overall use shall be computed separately at the office rate.
<i>Warehouse & Storage</i>	1 / 25 units + 1 / employee
Urban Agriculture	
<i>Community or Market Garden – Under 1 Acre</i>	No parking required
<i>Community or Market Garden – Over 1 Acre</i>	2 / ac. of cultivated area

- B. **Maximum Parking.** Nonresidential uses shall not provide more than 150% of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 120% of the minimum shall require mitigation of the potential impacts of additional parking through one or more of the following strategies:

1. Utilize all eligible parking reductions permitted in Section 7.04.C.
 2. Provide shared parking for other uses on the block or adjacent blocks according to this Section 7.04.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 of 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 7-3 may be reduced depending on context and according to the following strategies:
1. *Exempt Districts.* The following zoning districts are exempt from required vehicle parking in Table 7-3:
 - a. CC – Center City
 - b. COM – Commercial Street
 - c. GI – Government and Institutional
 - d. Any other public parking benefit district, provided all uses, lots, and buildings shall abide by the standards of that parking district. To the extent the parking benefit district standards only deal with parking supply, the design standards from this article shall apply to any parking that is provided.
 2. *Bicycle Parking Credit.* All bicycle parking designed and located according to Section 7.04.F may reduce the required vehicle parking at a rate of 1 space for every 2 bicycle parking spaces up to a maximum of 10% of the required parking. To be eligible for this credit, the applicant must demonstrate that it is practical to expect significant bicycle access to the site based on: the location and proximity to the broader bicycle transportation network; the design of the site; and the nature of the use and anticipated patrons.
 3. *Deferral of Spaces.* The PD Director may defer a portion of the required parking through the 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 site plan clearly indicates the location, pattern, and circulation to access the deferred parking area; and
 - c. The deferred parking area shall be brought to finished grade, have ground cover that eliminates dust and erosion, and shall not be used for building, storage, loading or other purposes.
 - d. The approval of the site plan shall specify a time, criteria, or occurrences where the PD Director may require construction of necessary parking.
- D. **Shared Parking.** Required parking may be reduced for any site containing multiple uses, or for adjacent sites with different uses according to Table 7-4.
1. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues.

2. The parking is within 600 feet of the lot for industrial and manufacturing uses or district and 300 feet of the lot for office, business, commercial or residential uses or districts. All shared parking shall have ADA compliant pedestrian facilities between each shared lot and designated locations.
3. The agreement shall be approved by the PD Director and recorded for each participating property with the County Recorder. The agreement shall state that it cannot be changed or modified without the approval and signature of the PD Director.
4. An affidavit agreeing to compliance with all provisions of the shared parking agreement shall be signed by any business or property owner participating in the agreement, and submitted to the PD Director as an amendment to the agreement.
5. A shared agreement that differs from this table may also be approved based on a joint parking study for the sites and uses demonstrating adequate parking during peak hours for all parties to the agreement.

Table 7-4: Shared Parking

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 %
Employment	100 %	10 %	5 %	5 %	5 %
Entertainment & Recreation	30%	100 %	75 %	100 %	5 %
Place of Worship	5 %	25 %	100 %	50 %	5 %
School	100 %	10 %	10 %	10 %	5 %
Dwellings	25 %	90 %	50 %	90 %	100 %
Lodging	50 %	90 %	75 %	100 %	100 %

- E. **Accessible Parking.** Accessible vehicle parking spaces shall be provided in accordance with the applicable building codes and the Americans with Disabilities Act (ADA) guidelines for quantity, design, and location.
- F. **Bicycle Parking.** All nonresidential and multi-unit residential buildings shall provide bicycle parking spaces according to Table 7-5.

Table 7-5: Bicycle Parking

Activity	Required Spaces
Multi-unit Residential Buildings	▪ 1 space per dwelling unit with two or fewer bedrooms; 2 spaces per dwelling unit with 3 or more bedrooms ▪ Facilities where 75% or more of the units are designed for or occupied by persons 60 years or older shall provide 3% of the required vehicle parking
Recreation, community facilities, or schools	10% of the required vehicle parking, but at least 6 spaces
Retail or office uses	5% of the required spaces, but at least 4 spaces

Table 7-5: Bicycle Parking	
Activity	Required Spaces
Other institutional, employment, industrial, or entertainment uses	3% of required spaces, but at least 4 spaces
Exempt locations	Areas exempt from required vehicle parking are not required to provide bicycle parking except any uses that are community destinations (museum, auditorium, convention halls) shall provide bicycle parking at a rate of 3% of the vehicle parking that would otherwise be required if not in an exempt location
Reduction or Waiver	For uses or site designs that are automobile oriented or unlikely to generate bicycle trips (i.e. car wash, furniture store, recycling center) or other contexts that are remote from any existing or planned bicycle infrastructure the PD Director may reduce or waive the bicycle parking requirement

1. Bicycle parking shall be designed according to the following standards:
 - a. Bicycle parking areas shall generally have clear areas of 2 feet by 6 feet to maneuver and store the bicycle.
 - b. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, and support a bike at two points of contact to prevent damage to wheels or frames.
 - c. Bicycle parking spaces or areas shall be separated from vehicle parking or circulation areas by a physical barrier such as curbs, wheel stops, or bollards.
 - d. Bicycle parking for nonresidential uses shall be located within 100 feet of the primary entrance unless the PD Director approves an alternative location based on the site design and overall vehicle, bicycle, and pedestrian circulation for the site.
 - e. Bicycle parking for residential uses may be incorporated into storage areas within the units or common areas of the buildings.
 - f. Residential bicycle parking or bicycle parking for longer terms such as employment locations should incorporate other secured and weather-proof elements into the design.
 - g. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may be approved by the PD Director through 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 apply to surface parking lots and

are based on the size of the parking area (# of spaces) and the location of the parking area relative to the principal building (front, side, or rear). Where possible, landscape areas shall be multi-functional and designed to meet stormwater requirements for the site according to the City's Flood Control and Water Quality Protection Manual.

Table 7-6: Parking Lot Landscape		
Spaces per Parking Block	Front [1]	Side & Rear
201 or more	Prohibited – must be broken into smaller parking blocks	10' perimeter buffer; and 8% internal islands
101 or 200	20' front setback buffer 10' perimeter buffer 8% internal island	6' perimeter buffer 5% internal islands
30-100	10' front setback buffer 6' perimeter buffer 5% internal islands	6' perimeter buffer
Under 30	6' front setback buffer 6' perimeter buffer	6' perimeter buffer, except where abutting an alley

[1] Any surface parking lot for residential uses or nonresidential uses permitted in residential districts shall be behind the front building line or setback at least 30' from the front lot line, whichever is less.

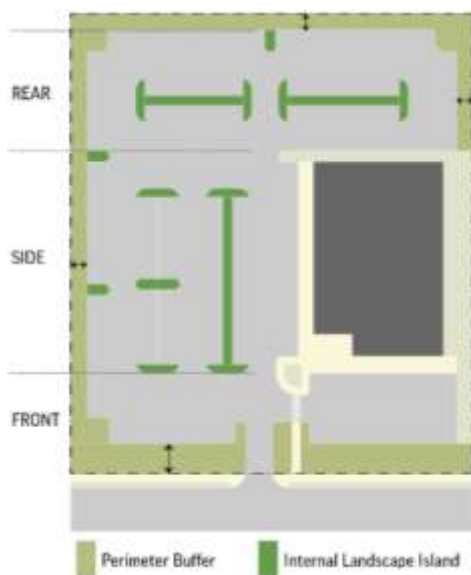


Figure 7-1 Parking Design

Design standards for parking, including buffer and landscape islands, depend on its location in relation to the building and streetscape, and on the size of the parking area. Table 7-6 is based on larger parking areas and parking in the frontage area requiring greater limits or landscape design mitigation than smaller parking areas or parking in the rear of buildings.

1. The landscape areas required by Table 7-6 shall be allocated as follows:
 - a. The perimeter landscape areas shall be continuous, except for where driveways or sidewalks directly access the parking area.
 - b. Perimeter landscape and internal islands shall be designed at regular intervals to break up larger expanses of pavement with green space, impervious surfaces, and shade trees.
 - c. Interior landscape islands shall be either:
 - (1) A peninsula extending from the perimeter landscape area at least 9 feet wide and the depth of adjacent parking spaces.
 - (2) An end cap island at the required intervals that is at least 8 feet wide and at least 280 square feet for one stall and at least 300 square feet for two stalls;

- or
- (3) A continuous “center strip” between two opposing stalls along the entire parking bank that is at least 6 feet wide.
- d. Perimeter areas and center strips that include a sidewalk shall meet both the sidewalk width and the landscape area width independently, with no landscape area being less than 6 feet wide.
- e. Perimeter and internal landscape areas shall include plant materials meeting the requirements of Section 8.03 applicable to parking areas.
- f. The use of Silva cells or structural soil technology that contains a mixed medium of rock, clay loam soil, and water absorbing polymer should be used around islands and peninsulas to increase the available soil volume and allow for large trees to be grown.



Figure 7-2 Parking Landscape

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

- C. **Sidewalks.** In meeting the standards of Sections 7.03.D 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.

Table 7-7: Parking Dimensions

<i>Parking Angle Width (A)</i>	<i>Width (B)</i>	<i>Length (C)</i>	<i>Depth to Curb (D)</i>	<i>Curb Width (E)</i>	<i>Aisle Width – One-way (F)</i>	<i>Aisle Width – Two-way (G)</i>	<i>Bumper Overhang*</i>
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.

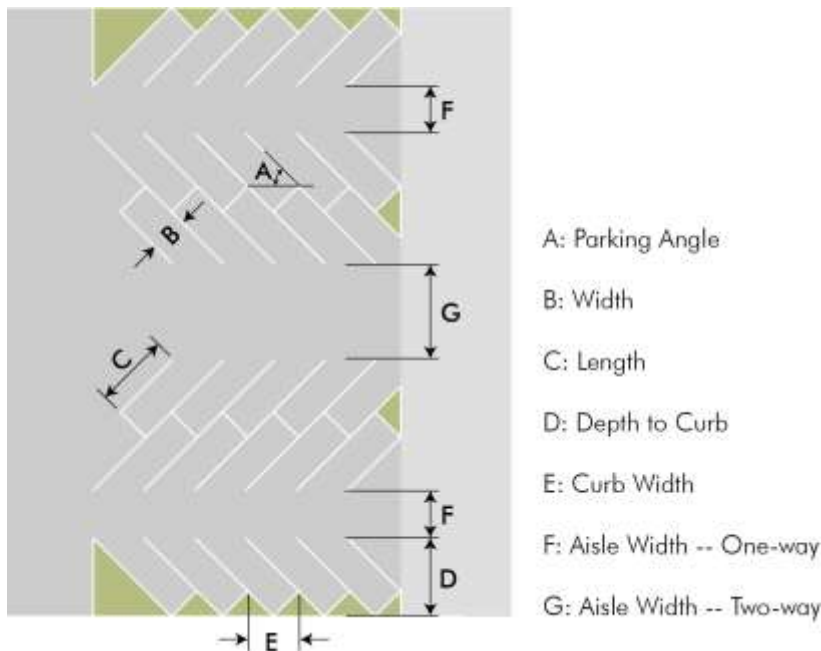


Figure 7-3 Parking Dimensions Dimension standards of Table 7- 7, applied to typical parking layouts.

E. General Design Standards.

1. All required parking shall be on-site except as specifically provided in this article for credits or shared parking sections. Additionally, the PD Director may allow for a portion of required parking off-site through a 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 six units or less;

-
- or
 - b. On-street parking on public streets or private streetscapes according to the standards in Section 3.03.
 - 3. Required parking areas shall be used solely for parking of vehicles in operating condition for patrons, occupants, or employees of the use, unless specifically authorized otherwise by provisions in this code.
 - 4. Parking and access areas shall be designed and graded to adequately address drainage and runoff, including curb, gutters, inlets, pervious pavement, bioretention, and green infrastructure strategies approved by the PW Director to support stormwater control measures that minimize runoff and promote infiltration of storm water.
 - 5. All driveway approaches in the right-of-way, from the street edge to the property line shall be concrete.
 - 6. Vehicle parking, storage, maneuvering areas, and driveways on private property shall have an all-weather, hard surface that prevents the release of dust, mud, or silt, including asphalt or concrete. Acceptable surfaces include:
 - a. Asphalt
 - b. Concrete
 - c. Pervious or permeable pavement with approval by the PW Director and subject to industry standards or performance specifications.
 - d. Ribbon driveways consisting of two-wheel tracks may be acceptable for residential drives for access to less than three dwelling units.
 - F. **Loading Requirements.** In mixed-use, commercial, or industrial districts, off-street loading shall be required as indicated in Table 7-8.
 - 1. The number and size of spaces may be revised based on the operating characteristics of the particular use and determined through site plan review.
 - 2. Loading areas shall be located on a remote portion of the building and site or internal to the block and buffered by other buildings, and are prohibited in any front or street side setback.
 - 3. Loading areas and activities shall not interfere with the use of walkways, drive aisles, stacking areas, internal access lanes, or public streets, and shall be designed to avoid any backing from or onto a public street (except in the Center City district or as permitted in F.6).
 - 4. Loading areas shall be graded for property drainage and provided with an all-weather, dust-free surface.
 - 5. Loading shall be screened from public streets or adjacent residential areas in a manner that best limits visibility and mitigates noise, according to the buffer types and design standards in Section 8.04.
 - 6. In any areas, projects, or zoning district designed to promote pedestrian activity, or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted by the PD Director. Alternate loading standards may include sharing of loading spaces among multiple smaller tenants, using side streets, on-street parking, or alleys – particularly where there is sufficient space during off hours for loading or deliveries, or other similar strategies that avoid designing sites for large vehicle access.

Table 7-8: Loading Areas	
Gross Floor Area	Required Loading Area and Size
Under 10,000 s.f.	n/a; or may be shared per 7.04.F.6
10,001 – 25,000 s.f.	1 space; 10' x 25'
25,001 – 50,000 s.f.	2 spaces; at least one of which is increased to 10' x 50'
50,001 or more s.f.	3 spaces, plus 1 for every 50,000 s.f. over 100,000; at least two of which shall be increased to 10' x 50'

7.06 Modifications

The PD Director or the Planning and Zoning Commission may consider alternative landscape and site design plans through the site plan process in Article 2. 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. 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 Preservation and 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 structure 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; or
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 deem or make full compliance impractical. Standards shall be applied according to the following order of priority areas:

1. Streetscapes and frontage areas along public right-of-way;
2. Perimeter landscape and buffers;
3. Interior parking and site landscape;
4. Other lot open spaces.

The site shall be brought closer to compliance by meeting at least 50% of the required planting standard in the applicable portions of the site, and in no case shall the reduction be below the minimum necessary to address the documented constraint.

8.03 Required Landscape

A. **Design Objectives.** Landscape plans shall meet the following design objectives:

1. Frame important streets and emphasize gateways with thoughtfully placed street trees, massed plantings, and vertical elements that enhance the character of each district or corridor.
2. Provide comfort, spatial definition, and visual interest to outdoor spaces such as walkways, civic spaces, parks, trails, and plazas to support vibrant and active community gathering places.
3. Design landscapes to serve multiple purposes, including aesthetic appeal, screening, environmental enhancement, stormwater management, and recreational opportunities, promoting efficient and holistic site design.
4. Strategically locate plants and landscape features to improve resource and energy efficiency with arrangements that consider wind blocks, heat mitigation, water conservation, solar access, and other elements inherent to the site.
5. Prioritize storm water management and green infrastructure to prevent erosion through natural landscape elements that intercept, infiltrate, store, or convey precipitation and runoff.
6. Prioritize the protection and adaptive reuse of healthy, established plants, trees, and natural features that contribute to site functionality and ecological balance, minimizing unnecessary removal or replacement.
7. Use native and regionally adapted species to enhance biodiversity, provide habitat for local

wildlife, and create resilient landscapes that reflect the Ozarks Bioregion.

- B. **Planting Requirements.** The required landscape shall be based on different elements of the site according to Table 8-1.

Table 8-1: Plant Requirements			
Site Element	Trees	Evergreen Trees	Shrubs
Streetscape. The landscape area in the ROW or along the lot line immediately abutting the right of way.	1 overstory tree per 40' of lot frontage.	n/a	n/a
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement Constrained right-of-way or streetscapes may substitute one understory tree per 20'		
Frontage & Foundation. The area between the building line and ROW along a street, including street sides of corner lots.	1 understory tree per 40' of lot frontage for buildings set back more than 10' from the front lot line; AND 1 overstory tree per 40' of lot frontage for buildings set back 30' or more from the front lot line	Evergreen trees may be substituted for understory trees at a rate of one for one, and for large trees at a rate of two for one, for up to 50% of the requirement.	1 shrub per 5' of building frontage for buildings setback more than 10' from the front lot line 3 ornamental grasses may be substituted for 1 shrub up to 50% of the requirement
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the requirement		
Parking. Landscape areas on the perimeter or interior of parking.	1 overstory tree per 10 parking spaces	Evergreen trees may be substituted for overstory trees at a rate of two for one, for up to 50% of the requirement	1 shrub per 10' of perimeter [1] Type I buffer for any parking area within 30' of a street or internal access street (See Section 8.04)
	Understory trees may be substituted for overstory trees at a rate of two for one up to 50% of the requirement		
Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.	See Section 8.04		
Civic and Open Spaces. Areas of the site designed as part of a broader system of formal and natural open spaces.	See Section 3.04		
Other.	All other unbuilt or unpaved areas of a site shall require a combination of ground cover, perennials, grasses, rock, mulch or other natural and permeable surfaces. Up to 20% of the landscape area may consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers, or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff in association with planting areas and complements the landscape design.		

[1] Parking lot perimeter shall be the linear edge of any parking area or driveway within 100' of a property line or internal access street where there is not a building in between the parking and the boundary.

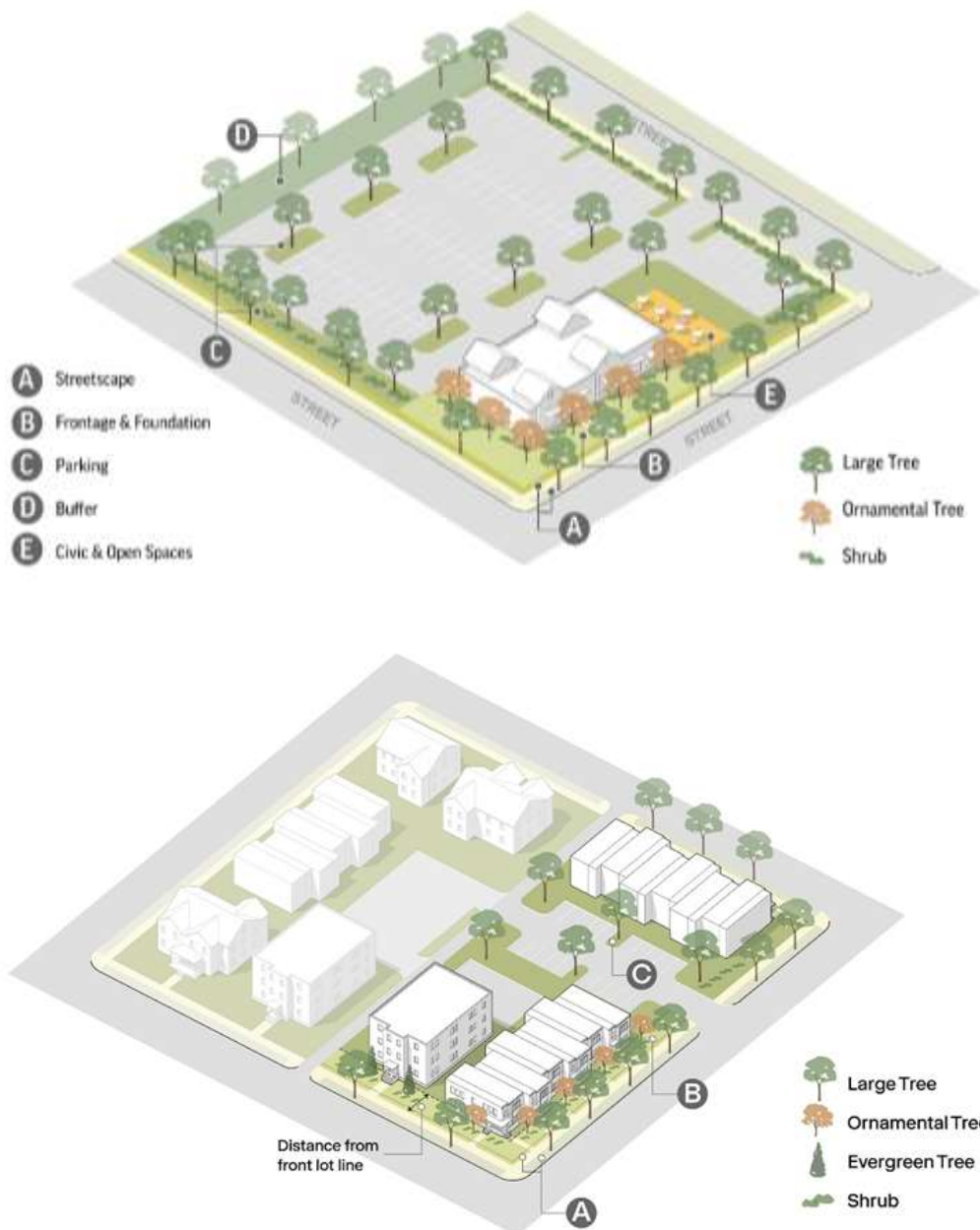


Figure 8-1 Landscape Design

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

- C. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and desirable species (as identified in Appendix A), or which equally or better meets the intent or design objective for landscape on a specific portion of the site, may count for landscape requirements provided measures are taken to ensure the survival through construction and all other location and design standards are met.

1. An inventory of all existing trees or significant woody vegetation including size, health, species, and any proposed for removal shall be provided by a Forester certified by the Society of American Foresters or an arborist certified by the International Society of Arboriculture.
 2. Credits shall be based on:
 - a. 1 for 1 basis provided it meets the minimum specifications for new plants
 - b. 2 for 1 for any tree larger than 6" DBH
 - c. 3 for 1 for any tree larger than 12" DBH
 3. Trees or other existing landscape that contributes to the standard shall be identified on a landscape plan and the critical root zone shall be protected for the entirety of construction by a construction fence. Tree protection measures shall be based on applicable industry standards and best practices to ensure survival of the landscape.
 4. Preservation of trees may provide a credit towards meeting the Water Quality Volume in accordance with the Flood Control and Water Quality Protection Manual.
 5. Preservation of existing trees may also justify additional site or landscape design modifications subject to Sections 8.07, 7.06, and 2.03.C of this chapter.
- D. **Design & Location.** The landscape required by Table 8-1 shall be arranged and designed to best achieve the design objectives of this section and intent of this article based on the context and adjacencies proposed on the site. Required plantings shall be planted in the following specific locations on the lot.
1. *Streetscape Trees.* Streetscape and frontage trees shall be located in line with other trees along the block to create a rhythm along the streetscape and promote enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted in the following locations in order of priority:
 - a. Centered between the sidewalk and curb where at least an 8 foot wide landscape area exists;
 - b. In tree wells that are at least 4 feet in all directions and at least 24 square feet located within the sidewalk (applicable on wider attached sidewalks or pedestrian-oriented commercial or mixed-use streets);
 - c. 5 to 10 feet from the back of curb where no sidewalk exists or from the sidewalk where the sidewalk is attached;
 - d. Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations; and
 - e. Understory trees may be substituted for overstory street trees only in situations where no other alternative is available due to constraints of the site or right-of-way conditions. Understory trees should be used where trees are to be located within 10 feet of any overhead wires or in landscape areas between 4 and 6 feet wide.
 2. *Frontage and Foundation Trees & Shrubs.* Foundation and frontage plantings shall be located in open spaces near the building or in planting beds associated with the design of any hardscape along the building frontage.
 - a. Understory and evergreen trees shall be located within 25 feet of the building.
 - b. Shrubs and other plantings shall be located within 6 feet of the foundation.
 - c. Where planting beds are used within hardscape around a foundation, they should be at least 4 feet deep, at least 60 square feet, and concentrated along at least 50% of the building frontage.
 - d. Use larger and vertical landscape elements to frame entries, anchor the corners of buildings, or break up and soften large building elevations.
 3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planted in perimeter buffers and internal islands planned and designed according to Section 7.05.
 - a. There shall be at least one overstory tree per 40 feet of parking lot perimeter, or one understory or evergreen tree per 25 feet of perimeter.
 - b. Evergreen trees shall only be permitted on the non-street perimeter buffer of parking areas and not in parking islands or streetscape or front buffers.

- c. There shall be at least one tree per internal island. Internal islands over 360 square feet shall have one overstory tree or two understory trees per 360 square feet.
 - d. Shrubs shall be located to define parking lot edges, screen parking from adjacent sites, or create barriers no taller than 3 feet along sidewalks, drive aisles, and internal access streets, ensuring clear visibility and maintaining sight line for pedestrians and vehicles.
 - e. Any parking within 30 feet of the street with a public sidewalk shall have a Type I buffer and any parking area within 10 feet of any other property line shall have a Type II buffer per Section 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 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% reduction in required parking. For every 167 square feet area of stream buffer or water quality stormwater control measure, a reduction of one parking space will be allowed.
 5. **Visibility at Intersections.** Screens, buffers, and landscape shall be located and designed to maintain proper lines of sight at all intersections of streets, alleys, driveways, and internal access streets as provided in Section 3.03.B.7.
 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 8.04 may also contribute to a parking area perimeter requirement, or a parking area perimeter may also contribute to a streetscape requirement, where the design can satisfy the greater of both requirements. Approval shall be subject to the PD Director determining that the design objectives of this section and intent of this article are achieved.
- 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 and Table 8-3.
 1. Mitigate impacts of parking lots or vehicle circulation near streets or property lines with landscape barriers and low-level headlight screening.

2. Buffer and screen commercial uses, parking lots, and service areas abutting residential property with a combination of dense vegetation or fences and walls.
3. Soften transitions where changes in development patterns, intensity of land uses, or building scale occur.
4. Screen service and utility areas of buildings and sites from adjacent property or streetscapes with architectural features, fences, or landscape that limits visibility or noise.
5. Create landscape clusters that soften long expanses of building walls, fences, surface parking, or other similar areas.
6. Use berms, vertical landscape, dense plantings, or other grade or spatial changes to alter views, subdue sound, and change the sense of proximity of incompatible elements.
7. Address three layers of landscape, including: 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.

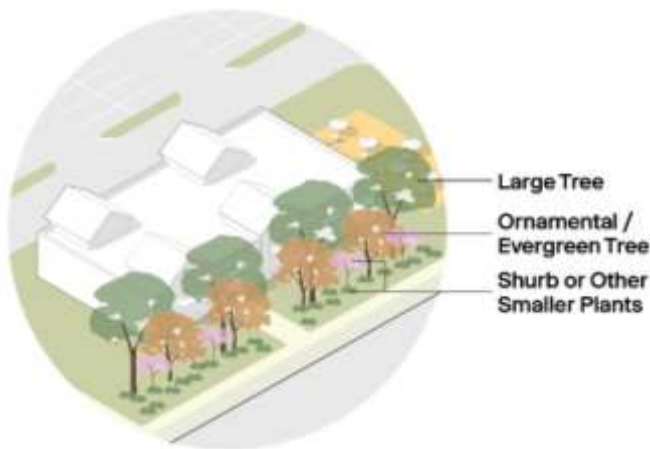
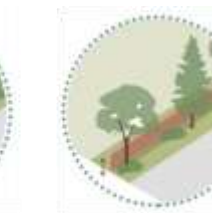
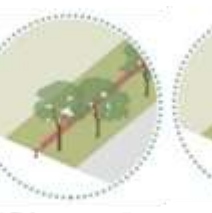


Figure 8-2 Buffer Layers

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 shall be used to buffer and screen more intense uses or elements of sites according to the design objectives of this section. The buffer width is independent of and may include any setback, parking perimeter buffer, or other open space requirement so that the larger requirement controls.

Table 8-2: Buffer Planting Requirements

Type and Applicability	Buffer Planting Requirement	
Type I – A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian-oriented streetscapes.	Width: 6' min. Planting: 1 overstory tree per 40' or 1 understory per 20'; and 1 shrub per 5' Variation: the shrub rate may be reduced by 50% in combination with the following: ▪ A 2.5' to 4' decorative wall or fence in constrained areas or along the streetscape; or ▪ 3' berm in areas that are at least 10' wide. ▪ Parking areas abutting public sidewalks that are at least 10' wide in the CC district, the buffer width may be reduced to 2', provided a 2.5' to 4' decorative wall or fence is used and the landscape is planted in tree wells within the parking area or right-of-way at required intervals.	 Dense shrubs  Decorative fence or wall  Berm
Type II – A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses, or where buffers are necessary along collector or arterial streets.	Width: 10' min. Planting: 1 overstory tree per 40'; 1 understory or evergreen tree per 25'; and 1 shrub per 10'; and Variation: The shrub and understory/evergreen tree rate may be reduced by 50% and the width reduced to 5' with the following: ▪ 4' to 6' high fence with at least 50% opacity	 Shrubs and evergreens  6' fence or wall
Type III – A densely planted area intended to mitigate noise and create a visual screen for potentially incompatible land use adjacencies, or for large scale or intense uses along collector or arterial streets.	Width: 20' min. Planting: 1 overstory tree per 40'; 1 understory or evergreen tree per 25'; 1 shrub per 10'; and Variation: the shrub and evergreen tree rate may be reduced by 50% in combination with the following: ▪ A 6' solid wall or fence; or ▪ A 3' high berm and 4' high fence with 50% opacity.	 Separation + Planting  6'-7' fence or wall  Berm

Type IV - A densely planted area intended to separate incompatible situations or high-intensity uses.

Width: 40' min.

Planting: 1 overstory tree per 40'; and 1 understory tree per 25'; and 1 evergreen tree per 15'

Variation: The evergreen and understory tree requirement may be reduced by 50% where a combination of berms, fences, and/or shrubs accommodate the understory screening. The width may be decreased to 20' with a 25% increase in the plant rates.



Type I



Type II



Type III

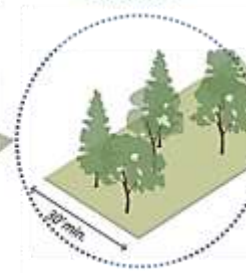


Figure 8-3 Buffer Types & Context

Application of the specific buffer type should be based on context and the adjacent site or projects.

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

Table 8-3: Buffer Application				
Intensity of Adjacent Site	Intensity of Proposed Development			
	Low	Medium	High	Very High
Low	--	Type II	Type III	Type IV
Medium	Type II	--	Type II	Type III
High	Type III	Type II	--	Type II
Very High	Type IV	Type III	Type II	--
Use Intensity	Low	Residential: detached house; multi-unit house; townhouse; and small-lot apartment types		
	Medium	- Residential: medium- and large-lot apartment; or apartment complexes - Nonresidential: churches, schools, or similar institutional uses; neighborhood retail (under 5K s.f.); office uses (under 2 stories); artisan or small manufacturing (under 10K s.f.); or similar uses that do not operate between 10PM and 7AM		
	High	Nonresidential: general commercial uses that may be larger scale (over 5K s.f.); light manufacturing; or other higher intensity uses that operate beyond 10PM		
	Very High	Nonresidential: heavy commercial uses (over 150K s.f.); uses with significant outside activity or storage; or heavy industrial and manufacturing uses		
Other Applications		- Parking areas within 20 feet of any public street or internal access street shall have a Type I buffer - Any lots that back to a collector or arterial street require a Type III buffer, which may be incorporated into the right-of-way landscape. (See Sections 3.03 and 3.04 for better approach to design blocks and lots in association with street networks and open spaces, and not back to streets.) - Any lots adjacent to a highway or expressway shall require a Type IV buffer for residential and Type III buffer for nonresidential		

C. **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.

- Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.
- Permanent or temporary outdoor storage areas.
- Trash enclosures, and similar collection facilities for recycling or household goods.
- Utility stations or fixtures.
- Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
- Any continuous blank wall greater than 50 feet in length or 500 square feet in area that is visible from public streets, public spaces, common areas, or other sensitive boundaries

such as residential zones, parks, or civic spaces. These walls shall incorporate a buffer to mitigate the visual impact and ensure compatibility with surrounding environments.

7. Nonresidential parking or residential parking lots with over 10 spaces adjacent to residential lots.

D. **Fences & Walls.** Fences and walls for individual property shall be located according to Table 8- 4.

Table 8-4: Fence & Wall Standards		
	Residential	Commercial & Industrial
Front	▪ Up to 3.5' high ▪ Up to 4.5' high if at least 50% open	▪ Up to 3' high ▪ Up to 4' high if at least 50% open
Side & Rear	▪ Up to 6' if behind the front building line	▪ Up to 8' if behind the front building line
Setbacks	▪ All fences shall be at least 18 inches from any public sidewalk, except front fences meeting the front fence design standards may be built on the property line even if abutting a sidewalk.	
Generally	▪ Ornamental enhancements such as a trellis or an arch associated with an entry or gateway may be up to 8' high. ▪ All fences or walls located in required yards and setbacks shall be designed so the most finished side faces out to the street or adjacent property. ▪ Fences or walls meeting required building setbacks can exceed the fence height limits, but may be limited by development standards, building codes, or other public health and safety standards.	

1. **Materials.** All fences and walls shall be made of the following: Masonry, including brick, stone, integrally colored concrete, textured concrete, smooth or textured concrete masonry unit (CMU), stucco, or other similar material;
 - a. Decorative metal, such as cast or wrought iron or other decorative metal;
 - b. Chain link – steel; Aluminum or vinyl clad except prohibited for any front fence in residential or commercial districts;
 - c. Wood materials designed specifically for fencing purposes. Wood fence material shall meet EPA residential use standards;
 - d. Vinyl, plastic, or composite fence products designed specifically for fencing purposes; or
 - e. 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, 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 Department of Planning and Development and listed in Appendix A. In addition to any species on these lists, alternatives may be proposed and approved as part of the site plan, provided they:
1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;
 2. Are adaptable to the climate, region, and the specific conditions in which they are proposed;
 3. Are not invasive or otherwise problematic to the overall health of the landscape; and
 4. Are not listed in Appendix A as “Do Not Plant”.
- C. **Plant Specifications.** All landscape materials shall meet the American Standards for Nursery Stock standards, and be selected for its native characteristics or survival in the climate and region. Plants shall meet the following specifications at planting:

Table 8-5: Plant Specifications	
Type	Specification
Overstory Tree	1.5" caliper; Mature height of at least 30'; Deciduous tree
Understory Tree	1.0" caliper; 8' minimum planting height for multi-stemmed; Mature height of 15' – 30'; Deciduous tree
Evergreen Tree	6' minimum planting height; Mature height of at least 10'. Evergreens with mature heights of 30' or more may be classified as overstory, evergreen, or conifer trees.
Shrub	5-gallon minimum container or 18" minimum planting height; 36" minimum mature height
Ground Cover	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within two growing seasons.
General	At least 30% of plantings in any landscape project shall consist of plant species native to Missouri.

- D. **Tree Diversity.** The required trees planted shall promote diversity with the following species selection criteria.

Table 8-6: Tree Diversity	
Required Trees	Diversity
1 - 4	No specific requirement, but trees should be diversified from existing trees in the vicinity.
5 - 10	- At least 2 genus - No more than 50% of any one species
11 - 20	- At least 3 genus; and - At least 4 species - No more than 40% of any one species
21 or more	- At least 3 genus; and - At least 5 species - No more than 33% of any one species

*Street trees may be uniform species to implement a streetscape design or existing pattern on a block, and diversity should be achieved through variation of site trees or by street tree diversity on broader block scale through streetscape master plans.

- E. **Planting & Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods. At a minimum landscape plans shall demonstrate the following:
- 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 National Standards Institute: Tree Care Standards and ensure proper soil quality and conditions.
 - All plantings shall be properly maintained. Plant materials which fail to grow within a two-year period or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered by the PD Director to be removed and replaced.
 - 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 PD Director may approve substitutions of equal or better- performing species where a specific plant on an approved plan is not available in the region due to circumstances beyond the applicants control.
 - 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 Preservation and 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.

3. To increase the environmental performance of streetscapes and site design, recognizing the air quality, stormwater filtering and infiltration, habitat maintenance, and energy reduction benefits provided by mature trees.
4. To enhance compatibility of different projects with established buffers that mitigate impacts of development or other natural ambient conditions.
5. To retain high priority trees and limit unnecessary tree removal on redeveloped or undeveloped sites.
6. To establish tree protection measures during development and reward tree protection efforts with flexible development standards.
7. To preserve exceptional trees that are unique, native, possess exceptional aesthetic value, or are otherwise considered a valuable community resource.

B. Applicability. The provisions of this section shall specifically apply to:

1. All public right-of-way or other municipal property, including parks, open spaces and municipal grounds.
2. All development that requires a landscape plan according to Section 8.02.
3. The following additional development activities:
 - a. Any disturbance of more than 5,000 square feet of land;
 - b. Any new residential structure that is built on a vacant lot and not zoned R-SF;
 - c. Any clearing of existing trees with a Diameter at Breast Height of 12 inches or greater, by any means where the clearing activity will cover an area of land of 5,000 square feet or greater; or
 - d. Any activity requiring a land disturbance permit.

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

Table 8-7: Protected Trees				
Location	Protected Tree	Mitigation If Removed	Priority Trees [1]	Mitigation If Removed
Area 1: Street Trees	--	--	> 6" DBH	▪ 1 Tree for every 6" DBH removed ▪ Maximum 4 to 1 replacement
Area 2: Frontage Trees	4" – 6" DBH	1 to 1 replacement	> 6" DBH	▪ 1 Tree for every 6" DBH removed ▪ Maximum 3 to 1 replacement
Area 3: Lot Trees	4" – 20" DBH	1 to 1 replacement	> 20" DBH	▪ 1 Tree for every 12" DBH removed ▪ Maximum 3 to 1 replacement
Area 4: Buildable Area Trees	6" – 30" DBH	1 to 1 replacement	> 30" DBH	▪ 1 Tree for every 12" DBH removed ▪ Maximum 2 to 1 replacement
Any Area	--	--	Any Missouri State Champion Tree	▪ 1 Tree for every 6" DBH removed ▪ Maximum 4 to 1 replacement

[1] Priority trees may only be removed as provided in Section 8.06.D.
DBH – Diameter at Breast Height

Area 1. “Street trees” includes any tree that is 6” DBH or more, and in the public right-of-way.

Area 2. “Frontage trees” includes any tree that is 4” DBH or more, on private property and within 20 feet of the front lot line.

Area 3. “Lot trees” includes any tree that is 6” DBH or more, on private property, but outside of the frontage or buildable area.

Area 4. “Buildable area trees” includes any tree that is 6” DBH or more, and in the buildable area determined by the zoning setbacks applicable to the principal building.

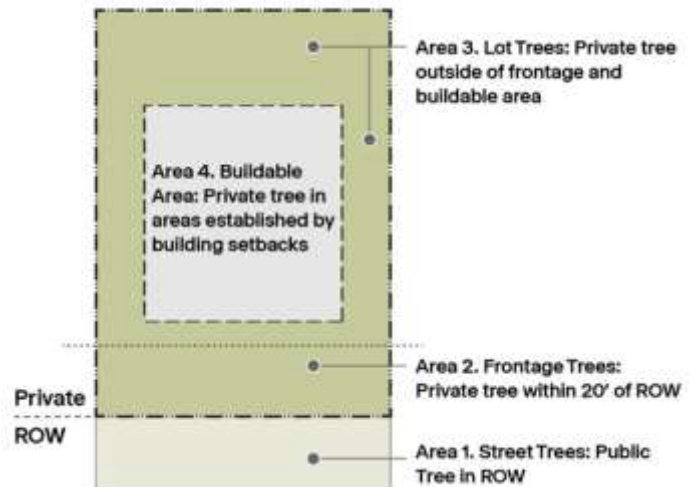


Figure 8-4 Tree Protection Areas Tree protection provisions and required mitigation is based on the area of the lot and the size of trees in particular areas.

- D. Exceptions – Authorizations for Removal.** The PD Director may consider an exception to remove a tree prohibited from removal under Section 8.06.C only upon a written request indicating the specific tree and documentation establishing justification for removal. The PD Director may grant the exception for the following reasons:
1. The tree is dead by natural or environmental causes;
 2. The tree is diseased or dying, and constitutes a threat to healthy trees, property, or public safety; or
 3. Removal of the tree is necessary for construction, development or redevelopment under the following criteria:
 - a. All reasonable efforts have been made to avoid removing the tree through comparable alternative designs;
 - b. The presence of the tree places an undue financial burden on the property owner or applicant; and
 - c. No other reasonable accommodations, including adjustments to the otherwise allowable building footprint can be made to preserve the tree.
 4. Emergency situations such as storm damage, emergency access or other safety measures make it necessary to remove or alter the tree. In such cases, no permit or authorization is needed at the time of the occurrence, but a permit and any necessary mitigation shall be processed after the emergency situation is addressed.
 5. The tree is an invasive or undesirable species or is identified on the Do Not Plant list found in Appendix A. 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 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; and
- c. Any trees are proposed to be removed as part of a building permit or associated with grading or demolition.

The tree protection and removal plan shall show all existing trees sizes and species, identify trees proposed for removal and trees to be retained, and include locations of protection fences and other protection measures required by this section.

2. **Fences.** Protective/temporary fences shall be required for all trees noted to remain on the tree protection and removal plan, or are otherwise not authorized for removal. This is to prevent infringement on the root system from any construction-related activities and shall be installed according to Table 8-8.

Table 8-8: Protective Fencing		
Tree Size		Fenced Area (lessor of)
> 30" DBH	20' from center of tree	Fencing protecting 100% of the drip line on all sides of the tree
20" – 30" DBH	15' from center of tree	
< 20" DBH	10' from center of tree	
		All required protective / temporary fencing shall be at least 4' high

- a. Fences shall be a snow fence, chain-link fence, orange vinyl construction fence, or other similar fencing.
 - b. Fenced areas shall exclude any preexisting structures, foundations, slabs, roadways, sidewalks, and driveways. The fence shall be installed along the edge of the driveways/roadways encompassing the tree to restrict access from the street side.
 - c. All fences shall appear on construction documents and be installed prior to any other construction-related activity.
 - d. The fence shall remain in place at all times until all other construction-related activity has been completed or final grade achieved.
 - e. As part of a permit or review of a tree protection and removal plan, the City may determine that areas of the site removed from construction activity and where damage to roots is not likely may not need protective fences.
3. **Prohibited Activities.** Except for work that is necessary related to utility lines or activity that merely disrupts the surface of the ground, the following activities are prohibited in relation to the protected fences around root zones of all trees.
 - a. No materials for construction or waste accumulated due to excavation, demolition, or construction shall be placed under the canopy.
 - b. No equipment shall be cleaned or other materials or liquids deposited or allowed to flow over land within the limits of the canopy, including paint, old solvents, asphalt, concrete, mortar, or similar materials.
 - c. No signs, wires or other attachments other than those of lightning protection or structural support shall be attached to any tree.
 - d. No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.
 - e. No grade changes (cut or fill) shall be allowed within the limits of the drip line.
 - f. New paving with asphalt, concrete, or other impervious materials shall be avoided

within the limits of the drip line or otherwise protected root zone, and no new work shall be permitted in a manner which may be expected to severely damage or kill a tree.

- g. No other act by which soil is removed and land changed that may result in the movement of sediments, and may include tilling, clearing, excavation, or removal of vegetation that may cause unmanaged stormwater runoff and drainage in the direct path of the drip line.

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	
<i>Driveways and Parking Areas</i>	▪ 20' in residential districts; ▪ 25' within 100' of a residential use or residentially zoned property or within 25' of any street; and ▪ 35' in all other districts or situations ▪ The maximum permitted average illumination of all parking area is 5 footcandles.
<i>Pedestrian Walkways, Plazas or Courtyards, and Pedestrian-oriented Streetscapes</i>	▪ 16'
<i>Facade Lights</i>	▪ Below the eave or cornice line, provided the light is directed downward or otherwise designed and located to limit up-lighting beyond the facade
<i>Other Site Lighting</i>	▪ 12' nonresidential; and ▪ 7' residential
<i>Building Mounted Security Lights</i>	▪ 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
<i>General</i>	▪ Light poles shall be setback from adjacent property at least 1/3 of the height.

- C. **Shielding.** All exterior fixtures shall be shielded and installed so that the direct illumination shall be confined to the property boundaries of the source and use shields according to Table 8-10.

Table 8-10: Required Shielding			
Wattage or Mounting Height	Shield Type		
	Full Cutoff ^a	Cutoff ^b	Semi-cutoff ^c
Lights mounted above 25'; or Lights above 5,000 lumens	Required	Prohibited	Prohibited
Lights between 2,400 and 5,000 lumens and mounted below 25'.	Permitted	Required	Prohibited
Lights below 2,400 lumens and mounted between 12' and 25'	All shielding types permitted		
Lights below 2,400 lumens and mounted less than 12'	No shielding required		
Decorative lighting below 200 lumens at any height	No shielding required		

^a Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.

^b Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.

^c Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

- D. **Design & Performance Standards.** In addition to the height and location standards, exterior site lighting shall meet the following performance standards:
- 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; and
 - 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:
- Outdoor recreational uses;

2. Emergency warning or automated security lighting that is only activated during specific events; and
3. Temporary holiday lights.

8.08 Modifications

- A. **Alternative Landscapes.** The PD Director or the Planning and Zoning Commission may consider alternative landscape and site design plans through the site plan process in Article 2. In addition to the general site plan criteria in Section 2.03, any proposed alternative landscape and site design shall result in one or more of the following additional benefits:
1. Better allocation of plants in relation to the following areas in order of priority of design objectives:
 - a. Mitigating any off-site impacts on adjacent property due to higher intensity activities
 - b. Relationship to streetscapes and abutting civic or open spaces-
 - c. Enhancements to active or social spaces within the site-
 2. Preserve existing, established, healthy and desirable landscape and improve the environmental performance of the site.
 3. Improve the longevity, survival, health, or general species mix of plant materials specific to the context and vicinity of the site.
 4. Lighting results in better compliance with industry standards and guidelines of the Illuminating Engineering Society and Dark Sky International (IES / IDA).

Article 9. Signs

- 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, subject to the limits and qualifications of each exemption.
 - 2. Modifications of nonconforming signs subject to the provisions of Section 1.06.
 - 3. Ordinary maintenance or repair of existing signs not involving structural changes.

4. The change of copy or content, change of sign panels, or similar changes to an existing sign that conforms to these standards.
 5. Signs, including exempt signs, may require other permits demonstrating compliance with other codes such as building codes or electrical codes, as determined by the 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 5 feet apart at any location, only one face will be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign will be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be 50% of the sum of all sign faces.
 3. *Three-dimensional Objects.* A three-dimensional object or other non-planer sign area is measured as 50% of the sum of four vertical and rectangular planes that enclose the entire object.
 4. *Height.* Sign height is measured from the existing lowest grade directly below the sign to the highest point on the sign or sign structure. Decorative elements up to 1 foot above the sign may be excluded from the height. The average grade below the sign may be used; however, if the grade differs by more than 15 feet height shall be measured from 10 feet above the low point. Exit and entrance ramps from a freeway or expressway are part of a freeway or expressway. For purposes of determining the sign height the elevation of the right-of-way line nearest the sign shall be used.

5. **Clearance.** Sign clearance is measured from the highest point of the ground directly below the sign to the lowest point on the sign structure enclosing the sign face.

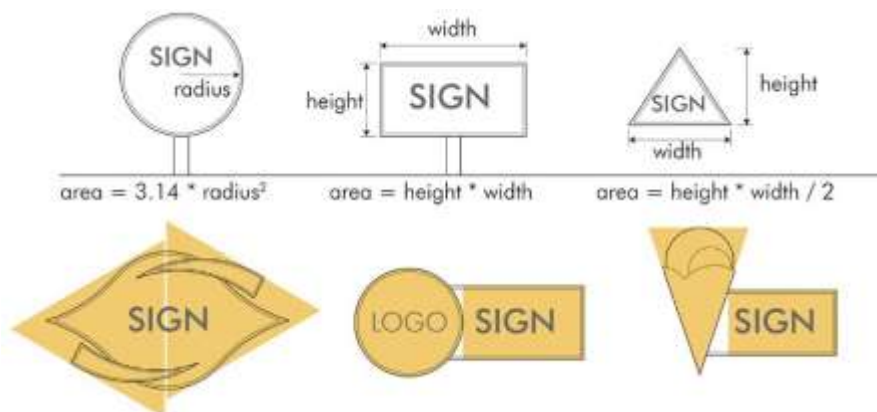


Figure 9-1 Sign Measurements The size of a sign is generally measured by the area it is mounted upon, or when mounted directly on walls or irregular shapes, the area of up to two standard geometric shapes that encompass the sign or the outer limits of the sign. [9.02.C.1.]

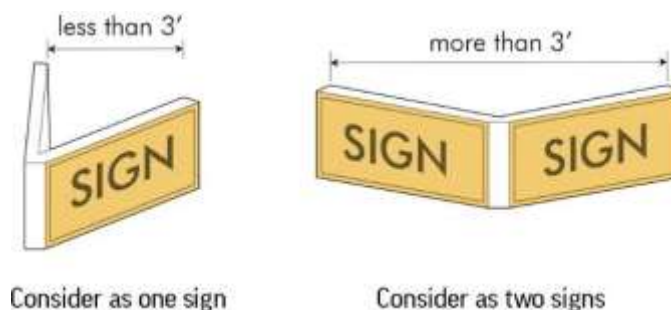


Figure 9-2 Double Faced Signs Double faced signs generally count the area of only one side as the sign area; except where they are more than 3 feet apart at any one point, then each sign face counts to the area. [9.02.C.2.]

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 2 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% of the area of all first floor windows, measured between 2 feet and 10 feet above the first floor elevation, and if at least 33% 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.
- 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 9.05.D.
- 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.

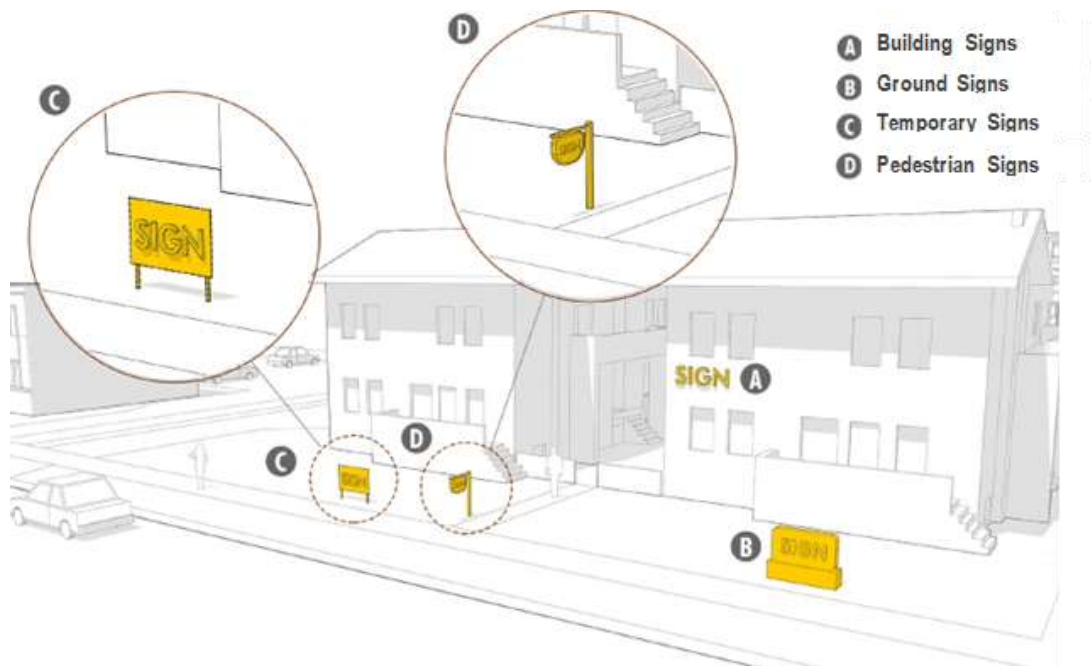


Figure 9-3 Residential Sign Types

Table 9-1: Residential Sign Allowances

Ground Signs	
<i>Total Allowance</i>	- Permitted for principal non-residential or multi-unit residential buildings 1 s.f. / lineal foot of street frontage
<i>Maximum Size</i>	100 s.f. on local and collector streets 200 s.f. on secondary arterial streets 250 s.f. on primary arterial streets, freeways, or expressways
<i>Quantity</i>	1 / lot, but lots with more than 425' of frontage may have 2
<i>Maximum Height</i>	25'
<i>Location</i>	25' setback from all property lines 300' separation from another ground signs
<i>Other standards</i>	See Sections 9.05.A and 9.06.A.
Building Signs	
<i>Total Allowance</i>	- Permitted for principal non-residential or multi-unit residential buildings 1 s.f. / lineal foot of wall along the street frontage 2 s.f. / lineal foot of wall along the street frontage if site has no ground sign
<i>Maximum Size</i>	n/a – subject to overall allowance
<i>Quantity</i>	1 / street-facing wall or other wall facing internal common areas
<i>Maximum Height</i>	- At least 1 foot below the top of the wall it is mounted on for flat roof buildings - At least 1 foot below the roof deck or eave line for pitched roof buildings
<i>Other Standards</i>	See Section 9.05.B.
Pedestrian Signs	
<i>Total Allowance</i>	- Permitted for principal non-residential or multi-unit residential buildings 1 / public building entrance
<i>Maximum Size</i>	10 s.f.
<i>Maximum Height</i>	14' if mounted on a wall 6' if mounted on the ground
<i>Other Standards</i>	See Section 9.05.C
Incidental Signs	
<i>Total Allowance</i>	- Permitted for principal non-residential or multi-unit residential buildings 12 s.f. / lot or 25 s.f. /ac., whichever is greater
<i>Maximum Size</i>	6 s.f. or 12 s.f. for lots more than 1 ac. and if setback at least 50' from property line
<i>Maximum Height</i>	14' high if mounted on a building 4' high if ground mounted, or 8' high if setback at least 50' from property line
<i>Location</i>	Signs shall be setback at least 6' from any front lot line, and 10' from any other property line
Temporary Signs	
<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>	6 s.f. on local or collector streets 12 s.f. on secondary arterial streets 24 s.f. on primary arterial, expressway, or freeway
<i>Maximum Height</i>	20' or below the top of the wall plane, whichever is less if mounted on a wall 4' if mounted on the ground
<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.

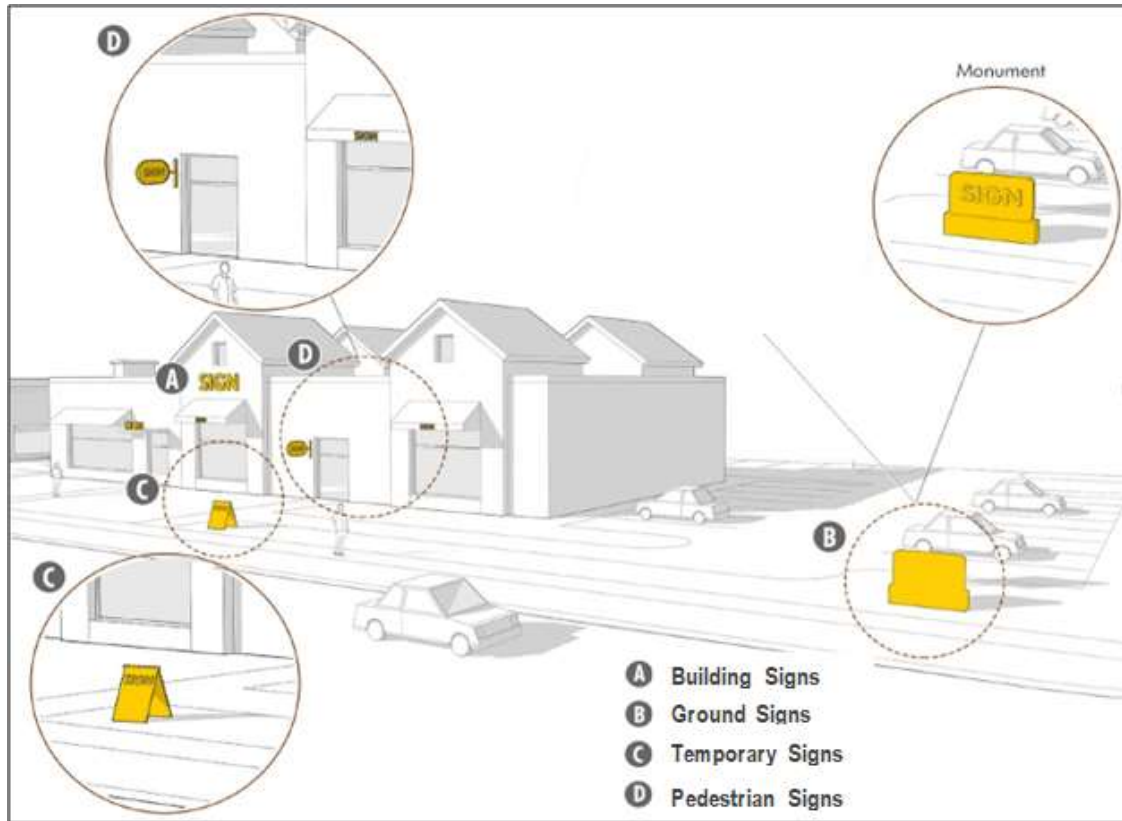


Figure 9-4 Nonresidential Sign Types

Table 9-2: Nonresidential Sign Allowances

Ground Signs	
<i>Total Allowance</i>	1 s.f. / 1 lineal foot of street frontage on local, collector, or secondary arterial street 2 s.f. / 1 lineal foot of street frontage on primary arterial, expressway, or freeway
<i>Maximum Size</i>	250 s.f. for lots fronting on a local, collector, or secondary arterial; or any lot that contains a state licensed off-premises sign 400 s.f. for lots fronting on primary arterial, expressway, or freeway
<i>Quantity</i>	1 / lot - Plus 1 additional sign per each 425' of lot frontage on a primary arterial, expressway, or freeway
<i>Maximum Height</i>	25'; 60' if located in areas near interstates noted in Section 9.05.A.5
<i>Location</i>	25' setback from all property lines 300' separation from any other ground sign; 100' separation from and state permitted off-premises sign - The PW Director may require additional setback from centerlines of streets or for utility easements when a plan for expansion of any public facility is planned and could be built within two years.
<i>Other Standards</i>	See Section 9.05.A
Building Signs	
<i>Total Allowance</i>	2 s.f. / 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>Maximum Height</i>	- At least 1 foot below the top of the wall it is mounted on for flat roof buildings - At least 1 foot below the roof deck or eave line for pitched roof buildings
<i>Other Standards</i>	See Section 9.05.B
Pedestrian Signs	
<i>Quantity</i>	1 sign / each 50' of building frontage - Plus, one sign for each public building entrance
<i>Maximum Size</i>	6 square feet s.f. 10 s.f. if associated with the primary building entrance on each elevation
<i>Maximum Height</i>	14' if mounted on a wall 5' if mounted on the ground
<i>Other Standards</i>	See Section 9.05.C
Incidental Signs	
<i>Total Allowance</i>	16 s.f. / lot; or 40 s.f. / ac., whichever is greater
<i>Maximum Size</i>	8 s.f.; or 16 s.f. for lots more than 1 ac. and if setback at least 50' from property line
<i>Maximum Height</i>	14' high if mounted on a building 4' high if ground mounted, or 8' high if setback at least 50' from property line
<i>Location</i>	Signs shall be setback at least 6' from any front lot line, and 10' from any other property line
Temporary Signs	
<i>Total Allowance</i>	25 s.f. or 0.25 s.f. / 1 lineal foot of street frontage, whichever is greater, up to a maximum allowance of 100 s.f.
<i>Quantity</i>	n/a; subject to total allowance and duration limits in Section 9.05.D
<i>Maximum Size</i>	12 s.f. on local or collector streets 24 s.f. on secondary arterial streets 48 s.f. on primary arterial, expressway, or freeway
<i>Maximum Height</i>	20' or below the top of the wall plane, whichever is less if mounted on a wall 5' if mounted on the ground
<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 criteria 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); or
 - (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 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; and

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 two 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 five acres and with multiple blocks or internal streets are permitted gateway signs in addition to the permitted ground sign allowances subject to the standards in Table 9-3:

Table 9-3: Neighborhood Identification Signs	
Ground Signs	
<i>Allowance</i>	▪ Up to 2 / entrance from a collector or arterial street ▪ 25 s.f. / entrance on a collector street (may be allocated between two signs) ▪ 50 s.f. / entrance on an arterial street (may be allocated between two signs)
<i>Location</i>	▪ 6' setback from all property lines
<i>Maximum Height</i>	▪ 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
<i>Other Standards</i>	▪ Neighborhood Identification signs shall be located in a common area owned and controlled by a property owner association to ensure on-going maintenance of the sign and landscape.

- B. Off-premises Signs.** Off premises signs shall only be permitted as follows:

1. *General Allowance.* Off-premises signs are only permitted within 660 feet of an interstate or primary highways where the city is required to allow off premises signs according to RSMo. Chapter 226.500 to 226.000. Where intersecting streets are not state controlled the sign shall not be located in a right triangle formed by 660 feet from the intersection along the non-state right-of-way, 660 feet from the intersection along the state-controlled right-of-way and the diagonal line connecting those two end points. Off-premises signs on state right-of-way shall

meet the Missouri Department of Transportation's outdoor advertising permit standards.

2. **Standards.** State licensed signs shall meet the size and location standards in Table 9-4.

Table 9-4: Off-Premises Signs

<i>Total Allowance</i>	▪ Off premises signs shall be limited by the applicable ground sign allowance unless otherwise authorized by state permit. ▪ Detached signs otherwise permitted by Table 9-2 shall be further restricted on any site with an off-premises sign to: ○ One additional detached sign; ○ 250 s.f. maximum area or applicable property allowances, whichever is less; ○ 25' maximum height; and ○ 100' separation from any other detached sign.
<i>Location</i>	▪ 25' setback from all right-of-way or other property lines ▪ 125' setback from any property residential zoning district ▪ 1,500' separation from any other off-premises sign, except on I-44 where the required separation shall be 2,500' ▪ The PW Director may require additional setback from centerlines of streets or for utility easements when a plan for expansion of any public facility is planned and could be built within 2 years.
<i>Maximum Height</i>	▪ 25'
<i>Other Standards</i>	▪ Applicants for off-premises signs shall obtain a state permit prior to submitting an application to the City. ▪ Signs with a valid state-issued permit may contain off-premises or on-premises information.

3. **Scenic Corridors.** Off-premises signs in scenic corridors shall conform to the following additional standards:
 - a. **Location.** Scenic corridors are 660 feet from the edge of right-of-way on the following corridors:
 - (1) James River Freeway (U.S. 60);
 - (2) West By-Pass and U.S. 160; and
 - (3) Kansas Expressway north of the nearest paved portion of I-44 and south of the nearest paved area of the James River Freeway (U.S. 60).
 - b. **Limitations.**
 - (1) Off-premises signs shall not be oriented towards or have copy visible from the listed scenic corridors but may be located on property and oriented to street other than the designated scenic corridor.
 - (2) Off-premises signs shall be separated by at least 2,500 feet from other off-premises sign.
 - (3) The maximum area shall not exceed 128 square feet and the maximum height shall not be more than 20 feet above the highest paved portion of the right-of-way.

- C. **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 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, 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, 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.
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; or
 - c. Signs otherwise licensed by the City through special events or management of the design and use of the right-of-way, apart from this code.
 - d. Signs located in a utility easement shall require written approval of the utility provider.
3. Grouping or arranging signs to have the effect of a larger permitted sign or increase visibility to the public beyond size or quantity limits is prohibited
4. No sign shall include balloons, streamers, pennants, 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

- b. common areas controlled by the businesses or property owners' associations; or 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 right-of-way and property. In general, any direct source of light shall not be visible from the public street or adjacent property.
2. Light from an illuminated sign shall not spill onto adjacent properties. The light reading at any point within 10 feet from an adjacent private property shall be less than one foot-candle.
3. External light sources shall be directed and shielded to conceal the light source and illuminate only the surface of the sign.
4. External illumination of signs 10 feet high or more shall only occur from the top down.
5. No light source shall cause any glare, flashing, movement, or other distraction to traffic.
6. Exposed incandescent, neon, or tube lighting, or other integral illumination where the light source is the sign, shall be limited to window signs mounted to the inside of the building, or used only as an accent of less than 10% of the sign area.

D. Digital or Electronic Message Displays. Digital or electronic message displays may be incorporated into permitted signs and are subject to the following additional limitations:

1. Digital and electronic message displays are permitted for 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.
3. Flashing is prohibited on all signs.
4. All digital or electronic displays shall be equipped with automatic dimming technology to adjust the brightness in direct response to ambient conditions.
5. No digital or electronic display shall exceed a brightness level 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.
6. 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.

- B. **Placement.** The location of all permanent building signs shall be incorporated into the architectural design of the building according to the following principles:
1. Placement of signs should be considered part of the overall facade design and composition.
 2. Sign locations should align with major architectural features such as storefront sign bands, cornices and parapets, entrance features, marquees, windows, canopies, and other similar architectural features.
 3. Signs shall not be placed where they obstruct any significant building design feature, including windows, architectural details, trim, and ornamentation.
- C. **Durability & Appearance.** All permanent signs shall be designed to convey durability and a quality appearance according to the following principles:
1. Materials, particularly for the frames, casings or bases of signs, should be chosen to complement the architecture of the building, and coordinate with other accent materials or architectural details of the building and site.
 2. Simple 2- and 3-color contrasting colors schemes should be used between the color of the background, letters, and accents to ensure legibility and quality appearances. Fluorescent colors should be limited to accents and typically less than 10% of the sign area.
 3. Buildings and sites that have that have multiple building or ground signs should coordinate all signs using one or more consistent coordinating elements, such as similar fonts, colors, sign scale or shapes, backgrounds, or casing and framing material.
- D. **Multi-tenant Buildings & Sites.** Buildings and sites that have multiple wall or ground signs, or multiple tenant components on a single sign shall coordinate all signs for the building or site. Coordination may be established by combinations of two or more of the following:
1. The same or similar fonts, in terms of color, scale, and style. However, a primary and secondary font may be incorporated into signs.
 2. The same sign background in terms of material and color or coordinated colors.
 3. The same casing or framing in terms of materials and style, provided it is prominent enough to be a visible coordinating element across multiple signs.
 4. A consistent scale, orientation, shape or placement of signs. For example, all oval signs, or all signs located within a sign band across storefronts.
 5. Pedestrian signs or portions of principal signs that are less than 33% of the sign areas, may deviate from coordinating elements to account for logos, icons, or branding unique to the tenants.

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 and Zoning Commission.

Article 10. Supplemental Districts & Standards

- 10.01 Airport Overlay
 - 10.02 Commercial Street District
 - 10.03 Midtown Urban Conservation District
 - 10.04 Phelps Urban Conservation District
 - 10.05 Rountree Urban Conservation District
 - 10.06 Walnut Street – East Urban Conservation District
 - 10.07 Walnut Street – West Urban Conservation District
 - 10.08 Short-term Rentals
 - 10.09 Marijuana & Medical Marijuana Uses
 - 10.10 Wireless Telecommunication Facilities
 - 10.11 Grant Avenue Parkway
-

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.
 - 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.

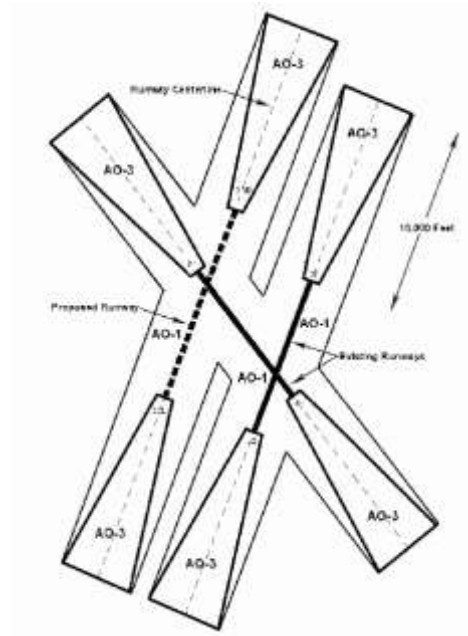


Figure 10-1 Airport Overlay Zones
AO-1 and AO-3.

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 uses – all
 - b. Schools – including Primary/Secondary and College / University
 - c. Assembly uses – all
 - d. Event venue uses – all
 - e. Medical Service uses – all
 - f. Cultural Facility uses - all
 - g. Daycare uses – all
 - h. Entertainment & Recreation uses – all
2. *Limited in AO-3.* If permitted by the underlying district, the following uses shall be limited as specified in the AO-3 district:
 - a. Residential uses – limited to detached houses on lots greater than 10 acres, except any lot that legally existing prior to initial adoption of the AO district shall be permitted on detached house.
3. *Prohibited in AO-3.* The following uses are prohibited in the AO-3 district:

- a. Lodging uses – all
 - b. Transportation – Commercial Parking Lot
 - c. Accessory off-street parking in a structure. Accessory off-street parking lots or facilities open to the sky are allowed.
4. **Conditional Uses.** The following uses may be permitted by a conditional use permit in the AO-1 or AO-3 zone:
- a. Open Space uses – all.
 - b. In addition to the general procedures and criteria for conditional use permits in Section 2.04, conditional use permits shall be subject to the following additional conditions and criteria in the AO districts:
 - (1) No use may be closer than 1.5 miles (7,920 feet) from the ultimate end of an existing or planned runway as approved by the Federal Aviation Administration.
 - (2) Upon receiving an application for a conditional use permit in the AO-1 or AO-3 districts, the Department of Planning and Development shall forward the application to the Springfield-Branson National Airport Board. In considering such an application, the airport board shall review potential impacts to the airport and shall make its recommendation(s) to the Planning and Zoning Commission. The airport board shall consider factors such as, but not limited to:
 - (a) Federal Aviation Regulations (FAR Part 77)
 - (b) Published instrument approach and departure procedures
 - (c) Outdoor lighting
 - (d) Radio signal or electric emissions
 - (e) Noise sensitive concerns
 - (f) Public safety
- D. **Additional Standards.** Any development, use, or building initiated in the AO district shall be subject to the following additional standards:
- 1. When a plat or building permit is required, the property owner shall dedicate an aviation easement to the city over and across that property. This easement shall establish a height restriction on the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the Springfield-Branson National Airport.
 - 2. No use may create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, or result in glare to pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the airport.
 - 3. No building or structure shall be constructed, nor shall any landscaping growth be maintained, which exceeds 50 feet in height in an airport overlay zoning district.
 - 4. Any permitted residential uses shall meet minimum construction standards to achieve a minimum outdoor to indoor noise-level reduction (NLR) of 30 decibels.
 - a. Customary residential construction can be expected to provide an NLR of 20 decibels, which assumes mechanical ventilation and closed windows year-round. Therefore, the minimum outdoor to indoor NLR shall be 10 decibels over standard construction.
 - b. A base airport noise level of 70 day-night average sound level (Ldn) is assumed until such time as a different base airport noise level is established based on completion of a noise study prepared by the Springfield-Branson National Airport or other individuals authorized by the board of such airport and filed with the office of the Director of Aviation of the City of Springfield, Missouri.
 - c. The BDS Director shall not issue a building permit for any structure within the AO zones unless the plans and specifications accompanying the application have been certified by a registered professional engineer or registered professional architect in the State of Missouri as meeting the NLR standards specified in this subsection. The registered

professional architect or engineer must certify that said plans and specifications shall reduce the noise impact from outdoor to indoor noise level at least the minimum specified in this section, using commonly accepted engineering and architectural acoustical practices.

- d. This subsection shall not apply to property located within the official boundaries of the Springfield-Branson National Airport as established in the airport layout plan submitted to and on file with the Federal Aviation Administration and as amended from time to time.

10.02 Commercial Street District

- A. **Purpose.** This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to a commercial street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The City has approved a commercial street redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

Two sub-zones are established by this section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 district is designed to permit new construction that is more compatible with the existing historic buildings within the landmarks district along Commercial Street. The COM-2 district is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

- B. **Permitted Uses.**

- 1. The following uses are permitted on any floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit:
 - a. Accessory uses, as permitted by Section 4.04.
 - b. Athletic clubs, fitness centers, and indoor sports facilities.
 - c. Auction sales and flea markets entirely within enclosed buildings.
 - d. Banks and financial institutions, including automatic teller machines.
 - e. Catering businesses.
 - f. Colleges, universities, and business colleges.
 - g. Commercial amusements, including bowling alleys, dance halls, video game arcades, billiard parlors, roller skating and ice-skating arenas, and motion picture theaters, excluding drive-in theaters.
 - h. Day care centers in accordance with Chapter 38, Article IX, Springfield City Code.
 - i. Educational, cultural, public, or nonprofit institutions such as museums, art galleries, and libraries, but not including elementary and secondary schools and correctional institutions.
 - j. Overnight shelters and soup kitchens legally conforming at the time of the passage of said ordinance provided that a use permit is obtained for any expansion of said use.
 - k. Glass and mirror sales.
 - l. Governmental buildings and uses.
 - m. Medical, comprehensive or microbusiness marijuana dispensary facility. No facility shall be located within 1,000 feet of an existing elementary or secondary school, or within 200 feet of an existing child day care center or church and as prescribed and subject to all other requirements in Section 10.09.
 - n. Medical or comprehensive marijuana-infused products manufacturing type 2 post-extraction facility. No facility shall be located within an existing elementary or secondary school, or within 200 feet of a then-existing child day care center or church and as prescribed and subject to all other requirements in Section 10.09.
 - o. Offices, administrative, business, finance, and professional.
 - p. Offices, medical and dental.
 - q. Personal service establishments including beauty parlors, barbershops, dry cleaning and laundry pick-up window, shoe repair, self-service laundromats, express or mailing

- r. offices and hearing aid and eye glass shops.
 - s. Pet stores and pet grooming.
 - t. Police and fire stations.
 - t. Recording studios.
 - u. Restaurants, excluding drive-in, vehicular pick-up window, and drive-thru facilities.
 - v. Retail sales use group excluding convenience stores with gas pumps.
 - w. Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study.
 - x. Schools, business.
 - y. Taverns and cocktail lounges.
 - z. Temporary uses, as permitted by Section 4.03.J.
 - aa. Veterinary clinics. Facilities may have supervised outside activities, which are defined as having a single animal under the physical control of an individual. All outside activity spaces shall be fully enclosed and screened from adjacent residential uses, districts and all public right-of-way with a six-foot tall barrier that is in conformance with Section 8.04. No outside activity spaces shall be located within 25 feet of any residential use or district, and all animal waste shall be collected and disposed of on a daily basis.
 - bb. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
- 2. The following uses are only permitted above the first floor or in the second layer of the first floor unless the development project is greater than 10,000 square feet in total floor area, which requires a conditional use permit for the use set out in this subsection. The first layer of the first floor is the first 50 feet of lot depth measured from the front of the lot. The second layer is located behind the first 50 feet of lot depth measured from the front of the lot. An entrance and hallway through the first layer to provide access to the second layer or upper floors is permitted.
 - a. Any commercial establishment that provides supplies and/or services primarily to commercial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - b. Bed and breakfasts.
 - c. Commercial off-street parking lots and structures.
 - d. Community center, nonprofit.
 - e. Cultural centers.
 - f. Medical and dental clinics.
 - g. Medical and dental laboratories and research facilities, not including the manufacture of pharmaceutical or other products for general sale or distribution, provided no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, are utilized in the research operations.
 - h. Office equipment repair.
 - i. Private clubs and lodges.
 - j. Repair shops, home appliance.
 - k. Residential uses.
 - l. Restricted production and repair establishments (for retail sale on the premises only), including the following types of activities: Custom tailoring and alteration of clothing, jewelry from precious metals, watches, dentures, and optical lenses.
 - m. Churches and other places of worship, including parish houses and Sunday schools, but excluding overnight shelters.
 - n. Short-term rental type 3 in accordance with Section 10.08.C, and subject to conditions in subsection 10.08.C.2, if applicable.

C. Conditional Uses.

- 1. The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to, Section 2.04 of this article and the requirements of this subsection 10.02(3):
 - a. Any manufacturing, production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products which is not allowed as a permitted use.
 - b. Automobile service garages.
 - c. Automobile service stations.

- d. Awning and canvas sales and rental.
 - e. Banks and financial institutions, including automatic teller machines, with drive-through facilities.
 - f. Boarding, rooming, and lodging houses.
 - g. Bus stations.
 - h. Construction equipment storage yards or other outdoor storage in COM-2 district only.
 - i. Convenience stores with gas pumps.
 - j. Funeral homes and mortuaries.
 - k. Group homes, custodial.
 - l. Hospitals with ambulance services as accessory uses.
 - m. Hotels, motels, and inns.
 - n. Household resource recovery collection centers, screened from all residential districts and public right-of-way in conformance with Section 8.04.
 - o. Public service and public utility uses, as follows:
 - (1) Tier I wireless facilities in accordance with Section 10.10.
 - (a) Tier III wireless facilities in accordance with Section 10.10, provided wireless towers 60 feet or greater in height allow collocation of at least one additional provider's facilities.
 - (b) Tier IV wireless facilities in accordance with Section 10.10, provided wireless towers are setback from any residential district at least 2 feet for every one foot of tower height and allow collocation of at least one additional provider's facilities or at least two additional providers' facilities if the tower height is 120 feet or greater. Repair shops, home appliance, located in the first layer of the floor of buildings that front on Commercial Street and Boonville Avenue.
 - (c) Tier V wireless facilities in accordance with Section 10.10.
 - p. Restaurants with drive-in, vehicular pick-up window, and drive-thru facilities.
 - q. Schools or development centers for persons with handicaps or development disabilities.
 - r. Structures greater than three stories in height.
 - s. Substance abuse treatment facilities for 50 or fewer residents, provided the facility:
 - (1) Is located at least 2,000 feet from any other substance abuse treatment facility, or 2,000 feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 - (2) A plan of operation, including, but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the Department of Planning and Development.
 - t. Television and radio studios with transmitting facilities.
 - u. Towers, other than wireless facilities, and related facilities, in accordance with Springfield City Code.
 - v. Transitional service shelter.
 - w. Warehouses, storage and distribution centers.
2. The following uses located in the first layer of the first floor of buildings that front on Commercial Street and Boonville Avenue:
- a. Any commercial establishment that provides supplies and/or services primarily to commercial customers, including janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - b. Bed and breakfasts.
 - c. Cultural centers.
 - d. Medical and dental clinics.
 - e. Medical and dental laboratories and research facilities, not including the manufacture of pharmaceutical or other products for general sale or distribution, provided no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, are utilized in the research operations.
 - f. Office equipment repair.
 - g. Private clubs and lounges.
 - h. Residential uses.
 - i. Restricted production and repair establishments (for retail sale on the premises only),

- including the following types of activities: custom tailoring and alteration of clothing, jewelry from precious metals, watches, dentures, and optical lenses.
- j. Any use allowed in the district and involved in development projects greater than 10,000 square feet of total building floor area, whether new construction, rehabilitation of an existing structure or a combination of new construction and rehabilitation. A development project is typically a development where the property is under single ownership or management. A development project may include a single use or multiple uses and may be in a single building or multiple buildings, on one lot or multiple lots. The ARC shall determine if a development project with multiple uses meets the criteria to require a conditional use permit. Expansion of a development project, existing at the date of adoption of this district, shall not require a conditional use permit provided the expansion does not involve more than 2,000 square feet of total building floor area.
- (1) In addition to all other requirements for review and approval of a conditional use permit, the following shall apply:
- (a) The proposed use shall generally conform to the goals and policies of the commercial street strategy for success and any other plans or policies in place at the time of approval of the conditional use permit.
 - (b) For development projects greater than 10,000 square feet, the applicant shall submit plans to provide parking and security for customers/occupants of the development project. City Council may waive the requirement for one or both plans, at the time of approval, if one or both plans are deemed unnecessary.
 - (c) The following organizations, and similar organizations that may be formed in the future, shall be notified of a conditional use permit application in conformance with the notification requirements of Section 2.01.F:
 - i. Commercial Club.
 - ii. Commercial Street Community Improvement District Board.
 - iii. Midtown Neighborhood Association.
 - iv. Grant Beach Neighborhood Association.
 - v. Woodland Heights Neighborhood Association.
 - vi. Urban Districts Alliance.

D. Use Limitations.

1. All activities and permitted uses except for the following shall be conducted entirely within a completely enclosed building.
 - a. Automobile servicing, but not repair.
 - b. Drive-in, pick-up window, or drive-thru facilities.
 - c. Occasional sidewalk sales.
 - d. Off-street parking and loading facilities.
 - e. Outdoor eating and drinking facilities.
 - f. Outdoor live or amplified music provided a permit for such activity has been obtained from the city manager pursuant to chapter 2, article I, section 2-10, permits for outdoor music and any regulations promulgated by the city manager and on file with the City Clerk.
 - g. Playgrounds associated with a school or day care center.
 - h. Street vendors licensed by the City of Springfield.
2. No vibration, glare, or heat shall be detectable at the lot line.
3. No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.
4. All uses shall operate in accordance with the noise standards contained in Section 4.05.
5. All flammable petroleum products and petrochemicals shall be stored in a fireproof enclosure and no more than 50 gallons of such products shall be so stored except at automobile service stations.
6. No use shall emit an odor that creates a nuisance as determined by chapter 2A, article X,

Springfield City Code.

7. Uses on parcels not served by public water and public sewer shall meet the requirements of subsection Section 4.06.G.

E. Bulk Regulations.

1. *Maximum Structure Height.* Three stories unless a conditional use permit for more stories is approved.
2. *Yard Requirements (additional bufferyard may be required by subsection (8)).*
 - a. Front yard: None.
 - b. Side yard: None.
 - c. Rear yard: None.

F. Open Space Requirements. None.

G. Design Requirements.

1. A site plan meeting the requirements of Section 2.03, shall be submitted and approved.
2. If required, a landscape plan, meeting the requirements of Section 8.03 and Section 7.05 shall be submitted and approved.
3. All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with Section 8.03.
4. Refuse storage areas shall be screened from view in accordance with Section 8.04.
5. Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with Section 8.04.
6. Lighting shall be designed to reflect away from any adjacent residential area and in accordance with Section 8.07.
7. Accessory buildings and structures shall meet the requirements of Section 4.04.
8. The COM-1 district's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 district should also promote new uses and development within the zoning district that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:
 - a. *Building Facades.* All sides of buildings visible to the public, whether viewed from the public right-of-way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each 40 horizontal feet of a building facade or wall:
 - (1) Changes in color, texture, and material; or
 - (2) Projections, recesses and reveals expressing structural bays, entrances, or other aspects of the architecture; or
 - (3) Groupings of windows or fenestration.
 - b. On each lot, the building facade shall be built to the district minimum setback line for at least 80% of the street frontage. This does not include Blaine Street frontage.
 - c. The building facade shall be built to the district minimum setback line within 30 feet of a block corner. This does not include Blaine Street frontage.
 - d. The portions of the building facade required to be built at the district minimum setback line may include jogs of not more than 18 inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
 - e. Blank lengths of wall exceeding 20 linear feet are prohibited on all street frontages.

- f. Fenestration on the ground floor facades shall comprise at least 40%, but not more than 90% of the facade area, measured as a percentage of the facade between floor levels.
 - g. Fenestration on the upper floor facades shall comprise at least 20%, but not more than 60% of the facade area, measured as a percentage of the facade between floor levels.
 - h. The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
 - i. The maximum story height for the ground story is 20 feet.
 - j. The maximum floor-to-floor story height for stories other than the ground floor is 12 feet.
 - k. *Building Materials and Colors.*
 - (1) Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed 15% of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
 - (a) Customary brick masonry;
 - (b) Natural or cast stone;
 - (c) Oversized brick;
 - (d) Split-faced block;
 - (e) Architectural pre-cast concrete; and
 - (f) Accent materials such as glass block and ceramic tiles.
 - (2) Facade colors shall have low reflectance. High-intensity, metallic, black, or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building facade and promote sustainable development.
 - l. The use of galvanized chain link fencing shall be prohibited. The use of vinyl-coated chain-link fencing shall be allowed in green, black, and brown. No fencing shall be allowed in the front yard of the building.
- H. **Bufferyard Requirement.** Whenever any development in the COM district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with Section 8.04.

10.03 Midtown Urban Conservation District

- A. That the following described property is designated as Urban Conservation District Number 3, to be known as the Mid-Town Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:
- 1. **MID-TOWN URBAN CONSERVATION DISTRICT LEGAL DESCRIPTION**

Beginning at the Northeast corner of Lot 29, Grove Hill Addition, being a point on the Southern Right-of-way of an alley between Commercial and Blaine Streets, thence Westerly along the said Right-of-way as it currently exists crossing Hampton Avenue to the Northwest corner of Lot 3, Nixon's Addition, thence West-southwesterly crossing Texas Avenue to the Northeast corner of Lot 56, Frisco Addition being a point on the Southern Right-of-way of an alley between Commercial and Pacific Street, thence West-southwesterly along the said Right-of-way as it currently exists crossing Sherman, Clay, Summit, Washington, Benton, Jefferson, and Robberson Avenues to the Northwest corner of Lot 2, Block 30, North Springfield Addition, being a point on the Eastern Right-of-way of Boonville Avenue, thence southerly along the said Right-of-way as it currently exists crossing Pacific, Court, Locust, Division, Lynn, Calhoun, Webster, Scott and Central Streets to the Northern Right-of-way of Chestnut Expressway, thence Easterly along said Right-of-way as it currently exists crossing

Jefferson, Benton, and Washington Avenues to the Western Right-of-way of the Burlington Northern Railroad, thence Northeasterly along the said Right-of-way as it currently exists to the Western Right-of-way of National Avenue, thence Northerly along the said Right-of-way as it currently exists crossing Division, Locust, Pacific and Blaine Streets to the Northeast corner of Lot 29, Grove Hill Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: Area bounded generally on the north by Blaine Street including properties on both sides of Blaine Street between Texas and National Avenues, on the west by Boonville Avenue, on the south by Chestnut Expressway and on the east by the Burlington Northern Railroad Right-of-way and National Avenue.)

B. The following sub-districts are hereby established within the Mid-Town Urban Conservation District, to be known as Areas A, B, C, D and E which are described as follows:

1. Area A Benton Avenue Area

Beginning at the Northeast corner of Lot 44, Ozark Land Addition, thence Westerly along the Northern line of said Lot 219' M/L, thence Southerly to a point 219' M/L Westerly of the Southeast corner of Lot 40 of said Addition, being a point on the Northern Right-of-Way of Webster Street as it currently exists, thence Southeasterly crossing said Street to a point on the Southern Right-of-Way of said Street 195' M/L Westerly of the Southwest corner of Webster Street and Benton Avenue as it currently exist, thence Southerly 85' M/L, thence Westerly 85' M/L. thence Southerly 292' M/L following the Eastern line of Root and Bowerman's Addition East of Jefferson, thence Easterly 277' M/L to the Western Right-of-Way of Benton Avenue to a point 376' M/L Southerly of the Southwest corner of Webster Street and Benton Avenue as it currently exists, thence Northerly along the Western Right-of-Way of Benton Avenue as it currently exists crossing Webster Street to the Northeast corner of Lot 44, Ozark Land Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: West side of North Benton Avenue -- Calhoun Street to a point south of Webster Street.)

2. Area B Benton/Calhoun Corner

All of lot 38 and the south 50 feet of Lot 37 in Ozark Land Company's Addition to the City of Springfield, Greene County, Missouri. Section 13, Township 29, Range 22.

3. Area C

Drury Student Housing - Calhoun and Summit

All of Lots 152, 153, and 154 in the Amended Plat of M.H. Merriman's Second Addition to the City of Springfield, Greene County, Missouri. All being in Section 13, Township 29, Range 22.

4. Area D

Drury Parking - Clay and Summit

A tract of land lying in Section 13, Township 29, Range 22 in the City of Springfield, Greene County, Missouri, more particularly described as follows. Beginning at the Northwest corner of Lot 132 in the Amended Plat of M.H. Merriman's Second Addition, thence Easterly along the South ROW of Webster Street to the Northeast corner of Lot 106 in the Subdivision of Block A of Merriman's Second Addition, thence Southerly along the West ROW of Clay Avenue to the

Southeast corner of Lot 118 in the Subdivision of Block A of Merriman's Second Addition, thence continuing Southerly to the Southwest corner of the intersection of Pythian Street and Clay Avenue, being a point on the North line of Block 9 of J. D. Fairbanks Addition, thence Westerly along the South ROW of Pythian Street to the Northwest corner of Lot 7 of Block 4 of J. D. Fairbanks Addition, thence Northerly to the Southwest corner of Lot 120 in the Amended Plat of M.H. Merriman's Second Addition, thence continuing Northerly along the East ROW of Summit Avenue to the Point of Beginning except for Lots 129, 130, and 131 of M. H. Merriman's Second Add. Amended.

5. Area E (Reserved)

Beginning at the Northwest corner of Lot 1.8 Frisco Addition, being the Southeast corner of Summit Avenue and an alley between Commercial and Pacific Streets, thence East-northeasterly along the Southern Right-of-way of said alley as it currently exists crossing Clay and Sherman Avenues to the Northeast corner of Lot 56, Frisco Addition, thence East-northeasterly crossing Texas Avenue to the Northwest corner of Lot 3, Nixon's Addition, being a point on the Southern Right-of-way of an alley between Commercial and Blaine Streets, thence Easterly along said Right-of-way as it currently exists crossing Hampton Avenue to the Northeast corner of Lot 25, Grove Hill Addition, being a point on said Right-of-way, thence Southerly along the Eastern line of said Lot 25 corner of Lot 56, Frisco Addition, thence to the Southeast corner of said Lot 25, thence Southeasterly crossing Blaine Street to a point on the Southern Right-of-way of said Street 136.5' M/L Easterly of the Southeast corner of Hampton and Blaine, thence southerly 313' M/L to a point on the Northern Right-of-way of Pacific Street 209' M/L Easterly of the Northeast corner of Hampton Avenue and Pacific Street, thence Southerly crossing Pacific Street to the Northeast corner of Lot 1, Carrs Addition, thence Southerly along the Eastern line of said Lot 1 to the Southeast corner of said Lot 1, thence Southeasterly crossing an alley between Pacific and Locust Streets as it currently exists to a point on the Southern Right-of-way of said alley 200' M/L Easterly of the Southeast corner of Hampton Avenue and said alley, thence Southerly 169' M/L to a point on the Northern Right-of-way of Locust Street 200' M/L Easterly of the Northeast corner of Hampton Avenue and Locust Street, thence South-southwesterly to a point on the Southern Right-of-way of Locust Street 186.5' M/L Easterly of the Southeast corner of Hampton Avenue and Locust Street, thence Southerly 179' M/L to a point on the Northern Right-of-way of an alley between Locust and Division Streets 186.5' M/L Easterly of the Northeast corner of Hampton Avenue and said alley, thence Westerly along the Northern Right-of-way of said alley as it currently exists 186.5' M/L crossing Hampton and Frisco Avenues to a point on the Eastern line of Lot 3, Block 1, North Springfield Addition 25' M/L Northerly of the Southeast corner of said Lot 3, thence Southerly along the Eastern line of Lot 3 and 4 of said Block and Addition to the Southeast corner of said Lot 4, thence Westerly along the Southern line of said Lot 4 to the Southwest corner of said Lot 4, thence Westerly crossing Sherman Avenue to the Southeast corner of Lot 4, Block 2 of said Addition, thence Westerly along the Southern line of Lots 4 and 11 of said Block and Addition to the Southwest corner of said Lot 11 being a point on the Eastern Right-of-way of Clay Avenue, thence Northerly along said Right-of-way to the Southeast corner of Clay Avenue and Locust Street, thence Northwesterly to the Northwest corner of Clay Avenue and Locust Street, thence Westerly along the Northern Right-of-way of Locust Street to the Northeast Corner of Summit Avenue and Locust Street, thence Northerly along the Eastern Right-of-way of Summit Avenue crossing Pacific Street to the Northwest corner of Lot 18, Frisco Addition, being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: Area north of Division and south of Commercial and between Summit and National Avenues.)

AND

Beginning at the Southwest corner of Lot 120, Merrimans 2nd Addition Amended, thence Northerly along the Western line of Lots 120 through 140 crossing Webster and Calhoun Streets to the Northwest corner of said Lot 140, thence Northwesterly crossing Commit Avenue to the Southeast corner of Lot 152 of said Addition, thence Northerly 30' M/L along the Eastern line of said Lot 152, thence Westerly to a point on the Western line of said Lot 152 30' M/L Northerly of the Southwest corner of said Lot 152, thence Northerly along the Western line of Lots 152, 151, 150, 149, and 148 of said Addition to the Northwest corner of said Lot 148,

thence North-northwesterly crossing Lynn Street to the Southeast corner of Lot 7, Ozark Land Company Addition, thence Northerly along the Eastern line of Lots 7, 6, 5, 4, 3, 2, and 1 of said Addition to the Northeast corner of said Lot 1, thence Northerly crossing Division Street to the Southwest corner of Lot 6, Block 4, North Springfield Addition, thence Northerly along the Western line of Lots 6, 5, 4, 3, 2, and 1 of said Block and Addition to the Northwest corner of said Lot 1, thence Easterly along the Northern line of said Lot 1 to the Northeast corner of said Lot 1, thence Southerly along the Eastern line of Lots 1 through 6 of said Block and Addition to the Southeast corner of said Lot 6, thence Easterly cross Summit Avenue to the Southwest corner of Lot 9, Block 3 of said Addition, thence Easterly along the Southern line of said Lot 9 to the Southeast corner of said Lot 9, thence Southeasterly crossing Division Street to the Northwest corner of Lot 48, Merrimans 1st Addition, thence Southerly along the Western line of Lots 48 & 47 of said Addition to the Northwest corner of Lot 46 of said Addition, thence Easterly along the Northern line of Lots 46, 27, 22 & 3 (of said Addition crossing Clay and Sherman Avenues to the Northeast corner of said Lot 3, thence Northerly 25' M/L to the Northwest corner of Lot 3, Bigelows Addition, thence Easterly along the Northern line of Lots 3, 15, 27, 39 of said Addition crossing Texas and Frisco Avenues to the Northeast corner of said Lot 39, thence Southeasterly crossing an alley, as it currently exists between Frisco and Hampton Avenues to the Northwest corner Lot 25, A. E. Mitchells Addition, thence Easterly along the Northern line of Lots 25 through 27 of said Addition to the Northeast corner of said Lot 27, thence Southerly along the Eastern line of Lots 27 through 35 of said Addition to the Southeast corner of said Lot 35, thence Westerly 190' M/L to the Northeast corner of Lot 1, Catlin's 2nd Addition, thence Westerly along the Northern line of Lots 1, 2 and the East 10' M/L of Lot 3 of said Addition to the Northwest corner of the East 10' M/L of Lot 3 of said Addition being the Eastern Right-of-way of Frisco Avenue, thence Westerly crossing Frisco Avenue to the Northeast corner of Lot 21, Catlin's 2nd Addition, thence Westerly along the Northern line of Said Lot 21 to the Northeast corner of said Lot 21, thence Southerly along the Western line of said Lot 21 to the Southwest corner of said Lot 21., thence Southerly crossing Lynn Street to the Southwest corner of Lynn Street and Frisco Avenue, thence Easterly crossing Frisco Avenue to the Southeast corner of Lynn Street and Frisco Avenue being the Northwest corner of Lot 18, Catlin's 2nd Addition, thence Easterly along the Northern line of Lots 18 through 20 to a point 101' Easterly of the Northeast corner of said Lot 20 being a point on a vacated alley adjacent and East of said Lot 20, thence Southerly following a line 10' M/L Easterly of the Eastern line of said Lot 20 to a point 10' Easterly of the Southeast corner of said Lot 20, thence Southerly 10' M/L, thence Westerly 10' M/L to a point 10' Southerly of the Southeast corner of said Lot 20 being a point on the center line of a vacated alley adjacent and Southerly of said Lot 20, thence Westerly following said center line of vacated alley located 10' M/L Southerly of said Lots 20, 19, & 18 to a point on the Eastern Right-of-way of Frisco Avenue 10' MIL Southerly of said Lot 18, thence Southeasterly crossing Frisco Avenue to the Northeast corner of Block C, Lamblets Addition, thence Southerly along the Eastern line of said Block C to the Southeast corner of said Block C, thence Westerly along the Southern line of said Block C to the Southwest corner of said Block C, thence Northerly along the Western line of said Block C to the Northwest corner of said Block C, thence Northwesterly crossing Texas Avenue to the Southern line of the Northern half of an alley adjacent North of Block A, Lamblets Addition, thence Westerly along the Southern line of the Northern half of said alley to a point on the Eastern line of Lot 26, Merrimans 2nd Addition 25' M/L Southerly of the Northeast corner of said Lot 26, thence Southerly along the Eastern line of Lots 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 14 & 13 of said Addition crossing Calhoun Street to the Southeast corner of said Lot 13, thence South-southeasterly crossing Webster Street to the Northwest corner of Lot 6, Block 15, J. Fairbank's Addition, thence Easterly along the Northern line of said Lot 6 to the Northeast corner of said Lot 6, thence Southerly along the Eastern line of Lots 6 & 5 of said Addition to a point 10' M/L Southerly of Northeast corner of said Lot 5, thence Westerly 140' MIL, thence Southerly 50.5' M/L to a point on the Southern line of said Lot 5, thence Westerly 43' M/L to the Southwest corner of said Lot 5, thence Southerly along the Western line of Lots 4, 3, 2, & 1 of said Block and Addition to the Northwest Right-of-way of the Burlington Northern Railroad as it currently exists, thence Southwesterly along the said Right-of-way crossing Sherman Avenue to the Southeast corner of Lot 60, Merrimans 2nd Addition Amended, thence Westerly along the Southern line of said Lot 60 to the Southeast corner of Lot 61, Block A, Merrimans Subdivision, thence Northerly along the Eastern line of Lots 61 through 63 of said Subdivision to a point 10' M/L Northerly of the Southeast corner of said Lot 63, thence Westerly to a point on the Western line of said Lot 63, 10' M/L Northerly of the Southwest corner of said Lot 63, thence Westerly crossing Clay Avenue to the Northwest corner of Lot 117 of said Subdivision, thence Southerly

along the Eastern line of Lots 117 and 118 of said Subdivision to the Southeast corner of said Lot 118, thence Westerly along the Southern line of said Lot 118 to the Southeast corner of Lot 120, Merrimans 2nd Addition Amended, thence Westerly along the Southern line of said Lot 120 to the Southwest corner of said Lot 120 being the point of beginning, all in Springfield, Greene County, Missouri.

(Location: Area south of Division Street and North of Pythian Street between Summit and Hampton Avenues.)

Except for any part of:

All of Lots 152, 153, and 154 in the Amended Plat of M.H. Merriman's Second Addition to the City of Springfield, Greene County, Missouri. All being in Section 13, Township 29, Range 22 (Area C)

AND

A tract of land lying in Section 13, Township 29, Range 22 in the City of Springfield, Greene County, Missouri, more particularly described as follows. Beginning at the Northwest corner of Lot 132 in the Amended Plat of M.H. Merriman's Second Addition, thence Easterly along the South ROW of Webster Street to the Northeast corner of Lot 106 in the Subdivision of Block A of Merriman's Second Addition, thence Southerly along the West ROW of Clay Avenue to the Southeast corner of Lot 118 in the Subdivision of Block A of Merriman's Second Addition, thence continuing Southerly to the Southwest corner of the intersection of Pythian Street and Clay Avenue, being a point on the North line of Block 9 of J. D. Fairbanks Addition, thence Westerly along the South ROW of Pythian Street to the Northwest corner of Lot 7 of Block 4 of J. D. Fairbanks Addition, thence Northerly to the Southwest corner of Lot 120 in the Amended Plat of M.H. Merriman's Second Addition, thence continuing Northerly along the East ROW of Summit Avenue to the Point of Beginning except for Lots 129, 130, and 131 of M. H. Merriman's Second Add. Amended (Area D).

C. District Regulations.

1. *General Provisions.* Notwithstanding any other provisions of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urban Conservation District No. 3, known as the Mid-Town Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Mid-Town Urban Conservation District.
2. *Definitions.*
 - a. The following definition shall apply to Urban Conservation District No. 3, the Mid-Town Urban Conservation District:

University Student Housing. A dwelling or dwellings, owned and operated by a university and located on a lot(s); each dwelling containing one or more dwelling units each of which is totally separated from the others.
 - b. The following definitions shall apply to Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area B:

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings but not including parking or loading spaces for motor vehicles. The gross floor area shall include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, whether closed or enclosed and shall also include all outdoor areas devoted to retail sales, storage or other activities incidental to the building.

Guest. Persons who are visiting Drury University on a temporary basis and who are:

- (1) alumni of Drury University;
- (2) faculty;
- (3) staff;
- (4) consultants;
- (5) friends of faculty or staff; or
- (6) persons with an interest in the development or growth of Drury University and their immediate families.

Guest may also include no more than 2 non-Greene County resident students for no more than a total of 7 days in any one academic year when other student housing is temporarily unavailable. Guests do not include other people who are enrolled in any class, seminar, camp or other similar learning experience or function of the college regardless of duration.

3. *Permitted and Conditional Uses.* The underlying zoning districts shall govern all permitted and conditional uses in the Mid-Town Urban Conservation District unless otherwise stated within Sections 4, 5, and 6 of this ordinance.
4. *Non-conforming Uses.* Any existing use in the Mid-Town Urban Conservation District non-conforming under General Ordinance Number 4040 shall have been registered with the Director of Building Development Services by June 1, 1990, or shall otherwise be presumed to be illegal. All non-conforming uses shall adhere to Section 1.06.B.
5. *Parking.*
 - a. *Off-Street Parking Requirements.* All users shall adhere to the off-street parking requirements in Section 7.04 with the exception that no less than three off-street parking spaces shall be provided for each duplex.
 - b. *Parking Lot Landscaping.* Parking lots shall be landscaped according to the standards of Section 7.05 with the exception that interior landscaping requirements shall apply to parking lots of 20 or more spaces. This provision is applicable to new parking lots or an expansion of an existing parking lot that results in a parking lot that contains 20 or more spaces. Landscaping provisions shall only apply to the expanded portion of existing parking lots.
6. *Site Plan Review.*
 - a. Review and approval of a site plan by the ARC shall be required for any new use or a conversion except single-family uses in a single-family dwelling. Notice of any meeting at which such site plan shall be reviewed shall be given to the Mid-Town Neighborhood Association President and representatives of such Association shall be permitted to provide comment on any such site plan prior to any action to approve such site plan by the committee.
 - b. Site plans shall be reviewed for their conformity with the following review criteria:
 - (1) All fire, health, building, plumbing, and electrical requirements of the City of Springfield are met.
 - (2) The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private right-of-way.
 - (3) The proposed site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
 - (4) The circulation elements of the proposed site plan do not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.
 - (5) The proposed site plan will not result in a large increase in traffic through the residential neighborhood.
 - (6) The screening of the site provides adequate shielding for nearby uses which may be incompatible with the proposed use.
 - (7) The proposed structures or landscaping do not lack amenity in relation to, or are not incompatible with, nearby structures and uses.
 - (8) The proposed site plan does not create drainage or erosion problems on or off the site.
 - (9) Efforts are made to preserve existing trees on the development site.

- (10) For non-residential developments in proximity to existing residential developments, the following design considerations should be addressed:
 - (a) Structures are constructed using materials, surface textures, and colors similar in nature to surrounding residential development.
 - (b) Roofs are peaked with the same slope as typical surrounding residential development.
 - (c) Consideration is given to the scale, orientation, and proportion of surrounding development.
- c. Projects whose site plans fail to comply with the criteria, or which will have an adverse impact on the area, shall not be issued a building or occupancy permit until the adverse conditions are mitigated.

D. Area A Regulations.

- 1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area A.
- 2. *Permitted Uses.*
 - a. Single-family detached, duplex, and single-family semi-detached dwellings.
 - b. Accessory apartments in owner-occupied single-family detached dwellings, in accordance with Section 4.04.C.
 - c. Accessory uses, as permitted by Section 4.04.
 - d. Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters and temporary outdoor revivals, on a minimum of 2 acres of land, to provide sufficient land area for off-street parking, buffer yards, and proper site design to lessen the impact on adjoining residential neighborhoods.
 - e. Day care homes in accordance with Chapter 38, Article IX, Springfield City Code.
 - f. Group homes, custodial.
 - g. Home occupation uses, as permitted by Section 4.04.D.
 - h. Public and private parks, playgrounds.
 - i. Temporary uses, as permitted by Section 4.03.
 - j. Non-commercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices of property owners' associations, and maintenance facilities operated by a neighborhood or community organization or a property owners' association.
 - k. Transitional housing.
- 3. *Conditional Uses.* The following conditional uses may be permitted, provided they meet the provisions of, and a conditional use permit (CUP) is issued pursuant to Section 2.04:
 - a. The following uses, provided the existing structure is preserved and was built before January 1, 1940:
 - (1) Offices, administrative, business, financial, and professional.
 - (2) Art galleries, libraries, and museums.
 - (3) Studios for art, dancing, music, photography, interior decorating, or similar course of study.
 - (4) Day care centers in accordance with Chapter 38, Article IX, Springfield City Code.
 - (5) Antique shops.
 - (6) Book or stationery stores.
 - (7) Clothing boutiques or ready-to-wear shops.
 - (8) Dry goods or notions stores.
 - (9) Florists or gift shops.
 - (10) Tailors.
 - (11) Bed and breakfast inns.
 - b. The following uses, provided the use is located on property zoned R-MX2:

- (1) University student housing.
 - (2) Multi-family dwellings.
- 4. *Refuse Storage.* In addition to the standards of Section 8.04, refuse storage shall adhere to the following:
 - a. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices approved for use in the City of Springfield shall be placed on the site in a location where they are least visible from a public right-of-way, other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device shall be visible from public right-of-way (except alleys) or from adjoining properties.
- 5. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
 - a. *Size.* A maximum of 16 square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 16 square feet. A single-sided detached sign shall not exceed 16 square feet.
 - b. *Height.* No detached sign shall exceed a height of 5 feet above the ground area upon which it is located.
 - c. *Location.* Wall signs shall be attached in a manner and in a location which does not obscure significant architectural features of the structure.
 - d. *Sign Types.* Only on-premises signs are allowed in Area A.

E. Area B Regulations.

- 1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area B.
- 2. *Permitted Uses.*
 - a. Administrative and faculty offices.
 - b. Classrooms.
 - c. Meeting rooms.
 - d. Galleries and studios.
 - e. Religious services.
 - f. Social activities.
 - g. Parking as an accessory use to other permitted uses.
 - h. The existing house may be used as housing for guests, not students, of the College.
 - i. Churches.
- 3. *Use Limitations.*
 - a. All activities or permitted uses, except vehicle parking, shall be conducted within a completely enclosed building.
 - b. Screening and fencing shall be provided in accordance with Section 8.04.
 - c. The existing house is a contributing structure in the Mid-Town National Register Historic District. Exterior modifications to it shall meet the Secretary of Interior's standards for historic preservation.
 - d. Hours of operation for classes shall be from 7:00 A.M. until 8:00 P.M.
 - e. A resident manager shall be provided for the guest house.
- 4. *Intensity of Development.* The maximum amount of gross floor area shall not exceed what exists at the time of the passage of this Ordinance as shown on Exhibit 1.
- 5. *Bulk, Area, and Height Requirements.* All structures, drives, parking, open space, and pedestrian facilities shall be situated in conformance with their locations at the time of

passage of this amendment. There shall be no reductions in the amount of open space that is shown on Exhibit 1.

6. *Access to Public Thoroughfares.* Access to the adjoining public thoroughfares shall be situated in conformance with Exhibit 1.
7. *Off-Street Parking.*
 - a. No additional parking is required, and the number of existing parking spaces shall not be reduced to below what exists at the passage of this Ordinance. It is the intent of this Ordinance that any additional parking required for this property shall be provided by Drury University's other parking facilities.
 - b. Parking shall be restricted by permit issued by Drury University and shall be limited to those in attendance at activities on this property permitted by this Ordinance. Parking for the guest house shall be limited to those spaces north of that building.
8. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
 - a. Drury University is permitted one freestanding site identification sign. Maximum effective area is 50 square feet and maximum height is 8 feet above finished grade.
9. *Refuse Storage.* In addition to the standards of Section 8.04, refuse storage shall adhere to the following:
 - a. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices shall be placed where they are least visible from a public street or adjoining properties. Screening of these devices, in the form of sight-proof fence or wall shall be provided. These devices may not occupy the parking spaces required by this exhibit.
10. *Exterior Lighting.* All exterior lighting shall meet the standards of Section 8.07, and the developers shall submit a lighting plan with the final development plan demonstrating compliance with said section.
11. *Amendments.* Amendments to Area B's final development plan are not permitted more often than once every 60 months. In addition to the requirements of Section 2.01, written notice of any proposed amendment shall be provided by first class mail at the cost of the property owner for each record owner of all property within 1,000 feet of the property within this Area.
12. *Final Development Plan.*
 - a. No building or other permits may be issued for development permitted in Area B until the final development plan has been approved in the manner described in this subsection.
 - b. A final development plan showing conformance with the requirements of this section shall be submitted to the Department of Planning and Development and approved in the manner described below prior to the issuance of any building permits or prior to the commencement of any uses or improvements permitted or required by this exhibit.
 - c. The Administrative Review Committee (ARC) is hereby authorized to, acting jointly, approve the final development plan(s) provided such plan substantially conforms to the provisions of this Ordinance.
 - d. The ARC is hereby authorized, at its discretion, to approve minor adjustments and modifications to the site plan. Such authority shall not, however, be construed to permit:
 - (1) Any uses with the Area other than those specifically prescribed by the Ordinance.

- (2) Any increase in the intensity of use permitted within the Area.
- (3) Any deviation from the height and setback standards prescribed by the Ordinance.
- (4) Any reduction in the required parking prescribed by the Ordinance.

F. Area C Regulations.

- 1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area C:
- 2. *Permitted Uses.*
 - a. University student housing.
 - b. Single-family detached dwellings.
- 3. *Design Considerations.* Design of the residential structures in this area shall be of a scale consistent with single-family development in the neighborhood. Large apartment buildings are inappropriate. Development of this area shall consist of detached structures with one or more dwelling units per structure, not to exceed the overall permitted density of the underlying zoning district.

G. Area D Regulations.

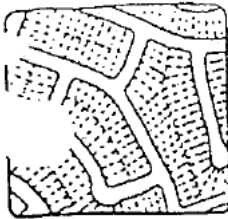
- 1. *Applicability.* In addition to the district regulations set forth in Section 3 of this Ordinance, the following regulations shall govern and control the use and development of land in Urban Conservation District No. 3, the Mid-Town Urban Conservation District, Area D:
- 2. *Access.* Vehicular access to parcel(s) in Area D shall be limited Summit Avenue. Vehicular access to said parcels shall not be permitted from Clay Avenue or Webster Street. The standards in this subsection are not applicable to any parcels that are developed for single-family use and have frontage on Clay Avenue or Webster Street.
- 3. *Buffer Yards.*
 - a. Parcels abutting Clay Avenue and separated from a single-family use or zoning district by a street right-of-way shall, at a minimum, adhere to the standards of Buffer yard Type III as established in Section 8.04. The buffer yard shall be installed when a building permit is issued for said parcel(s).
 - b. Parcels abutting Webster Street and separated from a single-family use or zoning district by a street right-of-way shall, at a minimum, adhere to the standards of Bufferyard Type II as established in Section 8.04. The bufferyard shall be installed when a building permit issued for said parcel(s).
 - c. The standards in this subsection are not applicable to any parcels that are developed for single-family use.

H. Exhibits.

Table 10-1: Mid-Town UCD Summary of Ordinances

G.O. #	Date	Subject
4040	06/05/89	Created Urban Conservation District #3, the Mid-Town Urban Conservation District
4060	07/31/89	Designated Area B and enacted regulations allowing accessory apartments in Area B.
4762	12/15/97	Designated Area C and enacted special regulations for the use and development of land in Area C.
5216	09/23/02	Repeals all previous ordinances and enacts a new Urban Conservation District #3, the Mid-Town Urban Conservation District including sub-areas A, B, C, D, and E.





Zoning & Subdivision Report

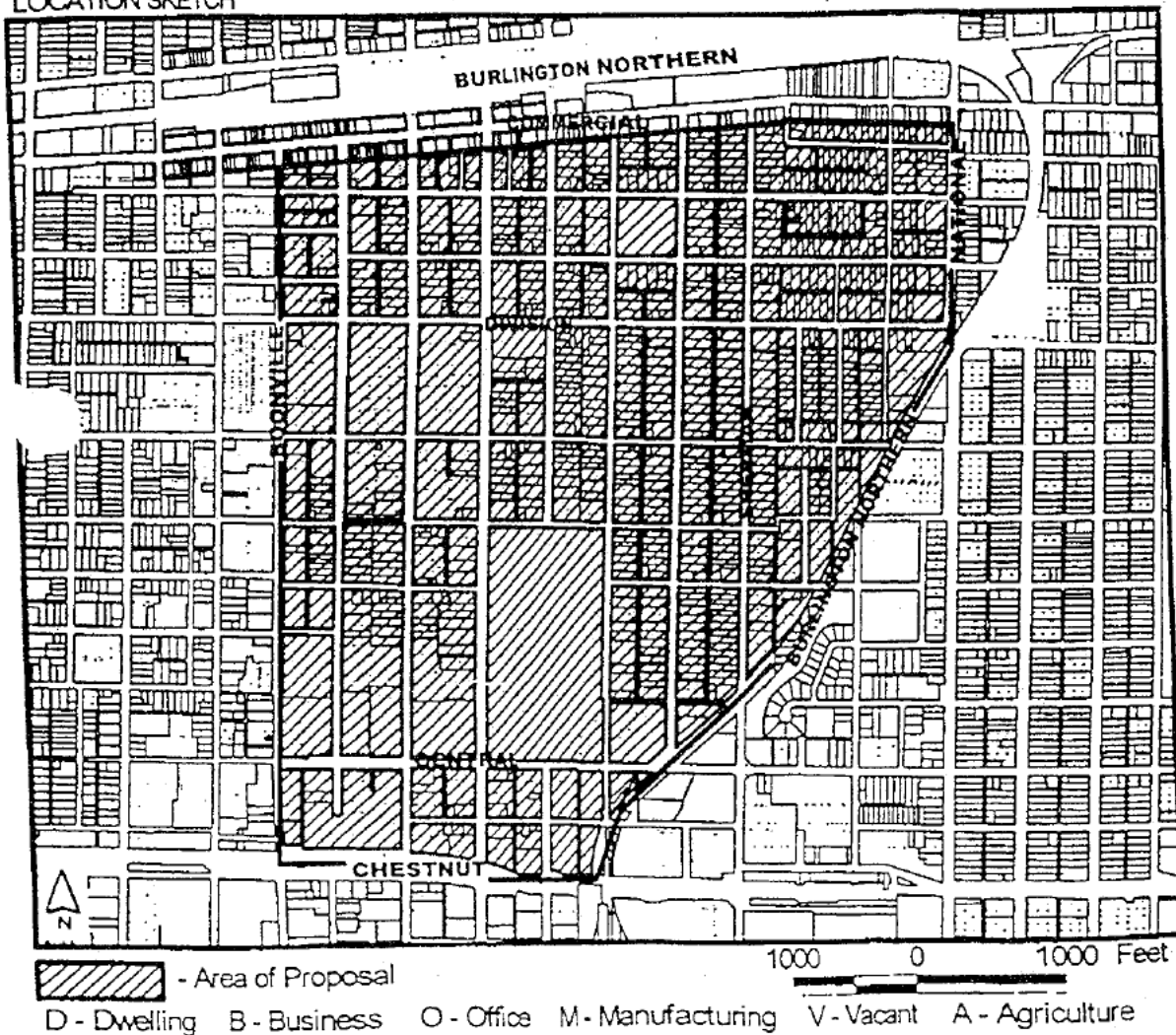
Planning & Development - 417/864-1611
840 Boonville Avenue - Springfield, Missouri 65801

Zoning Case Z-19-2002 (Amending Mid-Town Urban Conservation District)

Location: 2-1100 blocks E. Chestnut Expressway and Commercial, 8-1700 blocks N. Boonville and National

Existing Zoning: UCD #3

LOCATION SKETCH



**Exhibit 2
Z-19-2002
Mid-Town UCD
Sub Areas**



Planning & Development Department
City of Springfield, Missouri
6-16-2002

10.04 Phelps Urban Conservation District

The following described property is designated as Urban Conservation District No. 4, to be known as the Phelps Grove Urban Conservation District, which district shall be subject to the provisions set forth in Section 4-2300, Urban Conservation District, of the Land Development Code, and the regulations set forth herein; said district shall be shown on the District maps and is described as follows:

A. Phelps Grove Urban Conservation District Legal Description.

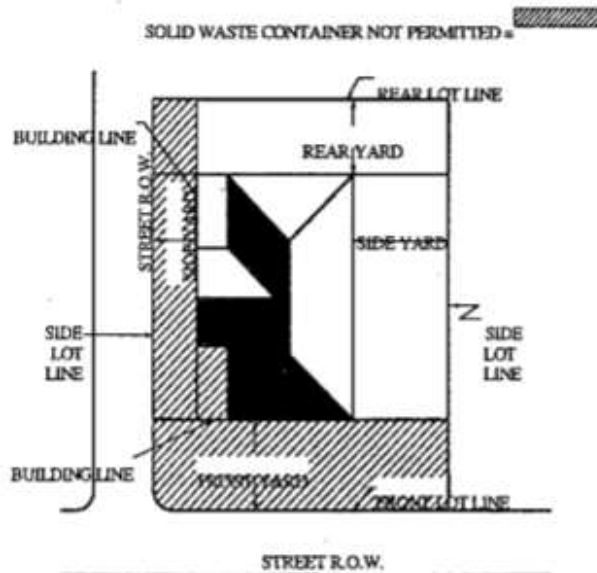
Part of Section 25, Township 29 North, Range 22 West, in the City of Springfield, Greene County, Missouri described as follows:

All of Waverly Place Addition except Block A and Lots 8, 10, 11, 12, 13, 14, and 15 of Block B; All of Normal Park Addition except Block 1, and Lots 9 and 10 of Block 4; All of Roanoke Subdivision; All of Morningside Subdivision; All of Marlborough Subdivision; All of Amended Plat of Jefferson Place Subdivision; All of Blocks A, B, C, D, and E of Phelps Park Terraces; All of Plot A, all of Plot C, and all of Lots 9 through 14 and Lot 18 of Phelps Grove Park Subdivision; And all of Colonial Place Addition. AND ALSO, Beginning 562 feet South of the Northeast Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 25, Township 29, Range 22; thence South 132 feet to the Northeast corner of Lot 1 in Block "D" of Waverly Place Addition, thence West 330 feet along the north line of said Block "D" to a point 23 feet west of the Northwest corner of Lot 10 of said Block "D", thence North 132 feet, thence East 330 feet to the. point of beginning.

B. District Regulations. Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the use and development of land throughout Urban Conservation District No. 4, known as the Phelps Grove Urban Conservation District. Unless otherwise stated herein, the requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Phelps Grove Urban Conservation District.

1. *Renting Sleeping Rooms and Serving Meals.* Renting sleeping rooms and serving meals to not more than two persons not members of the family owning and occupying the dwelling unit, provided one off-street parking space is provided for each person, is a permitted home occupation.
2. *Accessory Apartments.* Accessory apartments are prohibited.
3. *Solid Waste Containers.*
 - a. Solid waste containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within 24 hours after being placed at the curb. The person placing the solid waste container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection.
 - b. Solid waste containers, unless placed at the curb for collection in accordance with subsection 2.C.1, are prohibited from the front yard (Figure 1).
 - c. Solid waste containers, unless placed at the curb for collection in accordance with subsection 2.C.1, or visually screened by a solid fence or wall not less than the height of the solid waste container, are prohibited from the following additional portions of a lot or tract of land (Figure 1):
 - (1) Any portion of a lot between the street and a side building line, and extending from the front yard to the rear lot line.
 - (2) Any portion of a lot located between a front yard, a side yard adjacent to a street, and a recessed portion of a building facade.

Figure 10-2 Solid Waste Containers



4. *Non-Conforming Lots of Record.* In the R-SF, Single-Family Residential District, notwithstanding the regulations imposed by any other provision of this article, a single-family detached dwelling which complies with the restrictions in Section 1.06.E may be erected on a lot that:
 - a. Is shown by a recorded plat or deed to have been created prior to December 5, 1956, when the creation of a lot of such dimension at such location would not have been prohibited by article; and
 - b. Fronts on a local or collector street or can be provided with vehicular access via an alley or an access easement; and
 - c. Is not less than 40 feet in width and that consists entirely of a tract of land, or an existing single-family dwelling sited on a tract of land less than 40 feet in width, may be replaced per the non-conforming Section 1.06. Off-street parking shall not be required when on-street parking is available within 200 feet of the subject property on a street with a minimum pavement width of 24 feet.
5. *Enforcement.* Any person who shall occupy a premises as lessee or licensed operator shall be jointly and severally responsible for compliance with the provisions of this Ordinance in the same manner as the owner.

C. Exhibits.

Table 10-2: Phelps UCD Summary of Ordinances

G.O. #	Date	Subject
4679	03/03/97	Created Urban Conservation District #4, the Phelps Grove Urban Conservation District.
5082	05/29/01	Repealed G.O. #4679. Revised the Urban Conservation District to conform with City Code.
6517	04/22/19	Replaced G.O. #5082. Amended the Urban Conservation District to create a new subsection D, regarding minimum lot width for non-conforming lots of record.

Phelps Grove Urban Conservation District



10.05 Rountree Urban Conservation District

The property described in this section is designated as Urban Conservation District No. 2. Urban Conservation District No. 2 shall also be known as and depicted on maps as the Rountree Urban Conservation District. Property in the Rountree Urban Conservation District shall be subject to the provisions herein and in Section 36-403, Urban Conservation District, of the Springfield Land Development Code. The Rountree Urban Conservation District is described as follows:

- A. **Rountree Urban Conservation District Legal Description.** Beginning at the northwest corner of Lot 5 in O.H. Mitchell's Addition, as recorded, being on the east right-of-way line of National Avenue; thence east along the north line of Lots 5 through 9 in said O.H. Mitchell's Addition and its easterly extension, to a point 4.5 feet east of the northeast corner of said Lot 9 in O.H. Mitchell's Addition; thence south along a line 4.5 feet east of the east line of said Lot 9 to a point 170.5 feet north of the north right-of-way line of Elm Street; thence east along a line 170.5 feet north of said north right-of-way line of Elm Street to a point 104.5 feet east of the east line of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 160.0 feet north of said north right-of-way line of Elm Street; thence east along a line 160.0 feet north of said north right-of-way line of Elm Street, to a point 68.0 feet west of the west line of Lot 13 of Block 1 in Chamberlain's Addition, as recorded; thence north to a point 244.5 feet north of said north right-of-way line of Elm Street; thence east 68 feet to the east line of Lot 12 of Block 1 in said Chamberlain's Addition; thence south along the west line of said Block 1 in Chamberlain's Addition, to the northwest corner of Lot 13 of Block 1 in said Chamberlain's Addition being on the south line of an alley; thence east along the south line of said alley to the northeast corner of Lot 15 of Block 1 in said Chamberlain's Addition; thence north to the southwest corner Lot 9 of Block 1 in said Chamberlain's Addition; thence north 100.0 feet along the west line of said Lot 9; thence east to the east line of Lot 7 of Block 1 in said Chamberlain's Addition, to a point 100.0 feet north of the southeast corner of said Lot 7, being on the west right-of-way line of Fremont Avenue; thence south along said west right-of-way line to the northeast corner of Lot 18 of Block 1 in said Chamberlain's Addition; thence east to the northwest corner of Lot 20 of Block 1 in Chamberlain's Addition, being on the east right-of-way line of Fremont Avenue; thence east along the north line of Lots 20 through 25 of Block 1 in said Chamberlain's Addition, to the northeast corner of said Lot 25, being on the westerly right-of-way line of the Burlington Northern and Santa-Fe Railway Company; thence northeasterly, perpendicular from said westerly right-of-way line a distance of 25.0 feet; thence southeasterly to a point on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company, said point being the westerly extension of the north line of Lot 7 in Arlington Heights, as recorded; thence east along said westerly extension of the north line of said Lot 7, to the northwest corner of said Lot 7; thence north along the west line of Lot 6 in said Arlington Heights to the north line of the south 130.5 feet of said Lot 6; thence east along the north line of the south 130.5 feet of said Lot 6 and the south 130.5 feet of the west 46.0 feet of Lot 5 in Arlington Heights to the west right-of-way line of Weller Avenue; thence south along said west right-of-way line of Weller Avenue to a point 50.0 feet north of the south line of said Lot 5 in Arlington Heights; thence east along a line 50.0 feet north of the south line of Lot 5, Lot 4 and the west half of Lot 3 in said Arlington Heights; thence south along the east line of the west half of said Lot 3 to the north line of Lot 10 in said Arlington Heights; thence east along the north line of Lots 10 through 12 and its easterly extension to the northwest corner of Lot 36 in East Elm Street Addition, as recorded; thence south along the west line of said Lot 36 in East Elm Street Addition, to a point on the north line of the south 180.0 feet of said Lot 36; thence east along the north line of the south 180.0 feet of said Lot 36 and Lot 35 to a point 10.0 feet east of the west line of said Lot 35 in said East Elm Street Addition; thence south along the east line of the west 10.0 feet of said Lot 35 to the north line of the south 160.0 feet of said Lot 35; thence east along the north line of the south 160.0 feet of Lots 35 through 31 to the east line of said Lot 31; thence north along the

east line of said Lot 31 to the northeast corner of said Lot 31; thence east along the north line of Lots 30 through 23 to the northeast corner of said Lot 23 in East Elm Street Addition; thence east to the northwest corner of Lot 20 in said East Elm Street Addition; thence east along the north line of Lots 20 and 19 and its easterly extension to a point 105.5 east of the northeast corner of said Lot 19 in said East Elm Street Addition; thence south to a point 105.5 feet east of the northeast corner of Lot 54 in said East Elm Street Addition, being on the south right-of-way line of Elm Street; thence east along said south right-of-way line to a point 210.0 feet west of the west right-of-way line of Glenstone Avenue; thence south along a line 210.0 feet west of the west right-of-way line of Glenstone Avenue to the north right-of-way line of Cherry Street; thence south to a point 15.0 feet west of the northeast corner of Lot 21 in Burks' Subdivision, as recorded, being on the south right-of-way line of Cherry Street; thence west along said south right-of-way line to the northeast corner of Lot 5 in the Amended Plat of Dundee Reserve Addition, as recorded; thence south along the east line of Said Lot 5 to the southeast corner of said Lot 5; thence east along the south line of Lot 4 in said Amended Plat of Dundee Reserve Addition to the southeast corner of said Lot 4; thence southeasterly along the northeasterly lines of Lots 8 through 10 to the northeastern corner of said Lot 10; thence east to the southeast corner of Lot 2 in said Amended Plat of Dundee Reserve Addition; thence south along the east line of Lots 11 through 13 in said Amended Plat of Dundee Reserve Addition to the northerly right-of-way line of Kentwood Avenue; thence southeasterly along said northerly right-of-way line of Kentwood Avenue to the intersection of the north right-of-way line of Monroe Street; thence southeasterly to the northwest corner of Lot 17 in said Burk's Subdivision being on the south right-of-way line of Monroe Street; thence east along said south right-of-way line of Monroe Street to the northeast corner of said Lot 17 in Burk's Subdivision; thence south along the east line of Lots 17 through 12 in said Burks's Subdivision to the southeast corner of said Lot 12; thence west along the south line of said Lot 12 to the southwest corner of said Lot 12 being on the east right-of-way line of Kentwood Avenue; thence south along said east right-of-way line of Kentwood Avenue to the northerly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence southwesterly to the intersection of the southerly right-of-way line of said Burlington Northern and Santa Fe Railway Company and the south right-of-way line of Madison Street; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right-of-way line to the intersection with the easterly extension of the north line of Lot 1 in Second Addition to Parkhazel, as recorded; thence west along said westerly extension, to a point 40.0 feet east of the northeast corner of Lot 1 in said Second Addition to Parkhazel; thence south on a line 40.0 feet east of said Second Addition to Parkhazel to the northwest corner of Lot 101 in First Addition to Parkhazel, as recorded; thence east along the north line of said Lot 101 to the northeast corner of said Lot 101; thence south along the east line of said Lot 101 to the southeast corner of said Lot 101, being on the north right-of-way line of Lombard Street; thence southeasterly to the northeast corner of Lot 73 in Parkhazel Addition, as recorded, being on the south right-of-way line of Lombard Street; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition and its southerly extension to the northeast corner of Lot 79 in said Parkhazel Addition, being on the south right-of-way line of Belmont Street; thence east along said south right-of-way line to the centerline of an alley vacated by Ordinance #383; thence south along said centerline to an intersection with the easterly extension of the north line of Lot 82 in said Parkhazel Addition; thence west along said easterly extension and the north line of said Lot 82 to a point on the east line of the west 107.5 feet of said Lot 82; thence south on the east line of the west 107.5 feet of Lots 82, 83, and 84 in said Parkhazel Addition to the south line of said Lot 84, being on the north right-of-way line of Grand Street; thence southeasterly to the northeast corner of Lot 4 in Grand View, as recorded, on the south right-of-way line of Grand Street; thence south along the east line of said Lot 4 in Grand View to the southeast corner of said Lot 4; thence west along the south line of Lots 4 through 6 in said Grand View to the southwest corner of said Lot 6, being on the east right-of-way line of Kentwood Avenue; thence west to a point on the west right-of-way line of Kentwood Avenue, being on the east line of Lot 6 in Country Club District, as

recorded, said point being 150.0 feet south of the south right-of-way line of Grand Street; thence west to a point on the west line of Lot 13 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 13, being on the east right-of-way line of Delaware Avenue; thence southwesterly to the northeast corner of Lot 3 in Hawthorn Place, as recorded, on the west right-of-way line of Delaware Avenue; thence west along the north line of said Lot 3 to the intersection with the southerly extension of the east line of Lots 2 and 3 in said Hawthorn Place; thence north along said southerly extension to the southeast corner of said Lot 2; thence west along the south line of said Lots 2, 23 and 26 in said Hawthorn Place to the southwest corner of said Lot 26, being on the east right-of-way line of Pickwick Avenue; thence southwesterly to the southeast corner of Lot 4 in Home Place, as recorded, on the west right-of-way line of Pickwick Avenue; thence west along the south line of Lot 4 and 12 in said Home Place Addition to the southwest corner of said Lot 12, being on the east right-of-way line of Fremont Avenue; thence northwesterly to the southeast corner of Lot 13 of Block 1 in Sanford Place, as recorded, on the west right-of-way line of Fremont Avenue; thence west along the south line of said Lot 13 and Lots 1 through 6 of Block 1 in said Sanford Place to the southwest corner of said Lot 6, being on the east right-of-way of Kickapoo Avenue; thence north along said east right-of-way line of Kickapoo Avenue to the northwest corner of said Lot 6 of Block 1 in said Sanford Place; thence north to a point on the north right-of-way line of Grand Street, said point lying 11.25 feet west of the southwest corner of Lot 17 in Dream-Wold Place, as recorded, being on the east right-of-way line of Kickapoo Avenue; thence westerly along said north right-of-way line of Grand Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

B. The following subareas are hereby established within the Rountree Urban Conservation District, to be known as Subareas A, B, C, D, E, and F. These subareas are described as follows:

1. *Subarea A.* Beginning at the northwest corner of Lot 5 in O.H. Mitchell's Addition, as recorded, being on the east right-of-way line of National Avenue; thence east along the north line of Lots 5 through 9 in said O.H. Mitchell's Addition and its easterly extension, to a point 4.5 feet east of the northeast corner of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 4.5 feet east of the southeast corner of said Lot 9 in O.H. Mitchell's Addition, being on the north right-of-way line of Elm Street; thence south to the northeast corner of Lot 9 in Elmwood Ralph Walkers Subdivision as recorded, being on the south right-of-way line of Elm Street; thence south along the east line of Elmwood Ralph Walkers Subdivision to the southeast corner of Lot 8 in said Elmwood Ralph Walkers Subdivision, being on the north right-of-way line of Cherry Street; thence southeasterly to the northeast corner of the west 86.3 feet of the east 345.2 feet of the north 208.33 feet of Lot 12 in George M. Jones 1st Addition, as recorded, being on the south right-of-way line of Cherry Street; thence south along the east line of the west 86.3 feet of the east 345.2 feet of the north 208.33 feet of said Lot 12 in George M. Jones 1st Addition to the north line of Lot 3 in Noland Subdivision, as recorded; thence west along the north line of said Noland Subdivision, to a point 3.75 feet west of the northeast corner of Lot 1 in said Noland Subdivision; thence south to a point 3.75 feet west of the southeast corner of said Lot 1, being on the north right-of-way line of Harrison Street; thence west along said north right-of-way line of Harrison Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

And also the following;

Beginning at a point 80.0 feet east of the northwest corner of Lot 8 in George M. Jones 1st Addition, as recorded, being on the east right-of-way line of National

Avenue, and the south right-of-way line of Page Street; thence east along said south right-of-way line of Page Street, to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue; thence south to a point on the north line of the south 208.33 feet of said Lot 8; thence west along said north line to a point 456.0 feet west of the east right-of-way line of National Avenue; thence south to a point 456.0 feet west of the west right-of-way line of National Avenue on the north right-of-way line of Belmont Street; thence southwesterly to the northeast corner of Lot 12 in Normal View Place, as recorded, being on the south right-of-way line of Belmont Street; thence south along the east line of said Lot 12 to the southeast corner of said Lot 12; thence south to the northeast corner of Lot 17 in said Normal View Place; thence east along the easterly extension of the north line of said Lot 17 to a point on the west line of Lot 21 in said Normal View Place; thence south along the west line of said Lot 21 and Lot 20 in said Normal View Place, to the northwest corner of Lot 19 in said Normal View Place; thence east along the north line of said Lot 19 to the northeast corner of the west 49.83 feet of said Lot 19; thence south to a point 49.83 feet east of the southwest corner of Lot 18 in said Normal View Place, on the north right-of-way line of Grand Street; thence westerly along said north right-of-way line of Grand Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.

2. *Subarea B.* Beginning at the northwest corner of Lot 1 in Wells Place, as recorded, being on the east right-of-way line of National Avenue, and the south right-of-way line of Harrison Street; thence east along said south right-of-way line of Harrison Street, to the northeast corner of said Lot 1 in Wells Place; thence south along the east line of Lots 1 through 8 in said Wells Place to the southeast corner of said Lot 8, also being the northeast corner of Lot 1 in Lena V. Taylor Addition, as recorded; thence south along the east line of Lots 1 through 4 in said Lena V. Taylor Addition to the southeast corner of said Lot 4, also being the northeast corner of Lot 1 in Madison Place, as recorded; thence south along the east line of Lots 1 through 4 in said Madison Place to the southeast corner of said Lot 4, being on the north right-of-way line of Madison Street; thence south to the northeast corner of Lot 1 in Andrus Place, as recorded, being on the south right-of-way line of Madison Street; thence south along the east line of Lots 1 through 6 in said Andrus Place to the southeast corner of said Lot 6, also being the northwest corner of Lot 10 in said Andrus Place; thence east along the north line of said Lot 10 to the northeast corner of said Lot 10, being on the west right-of-way line of McCann Avenue; thence south along said west right-of-way line to the southeast corner of Lot 9 in said Andrus Place, being on the north right-of-way line of Page Street; thence west along said north right-of-way line of Page Street to the east right-of-way line of National Avenue; thence north along said east right-of-way line of National Avenue to the point of beginning.
3. *Subarea C.* Beginning at the northwest corner of Lot 20 of Block 1 in Chamberlain's Addition, as recorded, being on the east right-of-way line of Fremont Avenue; thence east along the north line of Lots 20 through 25 of Block 1 in said Chamberlain's Addition, to the northeast corner of said Lot 25, being on the westerly right-of-way line of the Burlington Northern and Santa-Fe Railway Company; thence perpendicular, northeasterly from said westerly right-of-way line a distance of 25.0 feet; thence southeasterly, parallel with said westerly right-of-way line, a distance of 140.0 feet; thence southwest 25.0 feet perpendicular to said westerly right-of-way line; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right-of-way line, to a point on the west right-of-way

line of Weller Avenue, said point being the northeast corner of Lot 1 of Block 2 in Pickwick Place, as recorded; thence south along said west right-of-way line of Weller Avenue, to the southeast corner of Lot 2 of Block 2 in said Pickwick Place; thence west along the south line of said Lot 2 to the centerline of the alley vacated in Book 29 at Page 491 in said Block 2; thence south along the centerline of said vacated alley to the intersection of the easterly extension of the south line of Lot 18 of Block 2 in said Pickwick Place; thence west along said south line of said Lot 18 of Block 2 and its easterly extension, to the southwest corner of Lot 6 of Block 3 in said Pickwick Place; thence north along the west line of Lots 6, 5, and 4 of Block 3 in said Pickwick Place, to the northwest corner of said Lot 4; thence west to the southeast corner of Lot 15 of Block 3 in Pickwick Place; thence west along the south line of said Lot 15 to the southwest corner of said Lot 15, on the east right-of-way line of Fremont Avenue; thence north along the east right-of-way line of Fremont Avenue to the northwest corner of Lot 13 of Block 3 in said Pickwick Place, on the south right-of-way line of Cherry Street; thence northwesterly to the southwest corner of Lot 12 of Block 2 in Chamberlain's Addition, being on the north right-of-way line of Cherry Street; thence north along the west line of said Block 2 in said Chamberlain's Addition to the northwest corner of Lot 14 in said Chamberlain's Addition, being on the south right-of-way line of Elm Street; thence northeasterly to the southwest corner of Lot 20 of Block 1 in said Chamberlain's Addition, on the north right-of-way line of Elm Street and the east right-of-way line of Fremont Avenue; thence north along said east right-of-way line to the point of beginning.

4. *Subarea D.* Beginning at a point 4.5 feet east of the southeast corner of Lot 9 in O.H. Mitchell's Addition, as recorded, being on the north right-of-way line of Elm Street; thence north along a line 4.5 feet east of the east line of said Lot 9 to a point 170.5 feet north of said north right-of-way line of Elm Street; thence east along a line 170.5 feet north of said north right-of-way line of Elm Street to a point 104.5 feet east of said Lot 9 in O.H. Mitchell's Addition; thence south to a point 160.0 feet north of said north right-of-way line of Elm Street; thence east along a line 160.0 feet north of said north right-of-way line of Elm Street, to a point 68.0 feet west of the west line of Lot 13 of Block 1 in Chamberlain's Addition, as recorded; thence north to a point 244.5 feet north of said north right-of-way line of Elm Street; thence east 68 feet to the east line of Lot 12 of Block 1 in said Chamberlain's Addition; thence south along the west line of said Block 1 in Chamberlain's Addition, to the northwest corner of Lot 13 of Block 1 in said Chamberlain's Addition being on the south line of an alley; thence east along the south line of said alley to the northeast corner of Lot 18 of Block 1 in said Chamberlain's Addition, on the west right-of-way line of Fremont Avenue; thence south along said west right-of-way line to the southeast corner of said Lot 18, on the north right-of-way line of Elm Street; thence southeasterly to the northeast corner of Lot 1 in the Amended Plat of Walkers Second Subdivision, as recorded, being on the south right-of-way line of Elm Street; thence south along the east line of said Amended Plat of Walkers Second Subdivision to the southeast corner of Lot 14 in said Amended Plat of Walkers Second Subdivision, being on the north right-of-way line of Cherry Street; thence southwesterly to the intersection of the south right-of-way line of Cherry Street and the west right-of-way line of Fremont Street; thence south along said west right-of-way line of Fremont Avenue to the northeast corner of Lot 23 in Zobeth, as recorded; thence west along the north line of Lots 23 through 11 and its westerly extension to a point 11.25 feet west of the northwest corner of said Lot 11 in Zobeth, being on the east right-of-way line of Kickapoo Avenue; thence northwesterly to a point 164.0 feet south of the north line of Lot 12 in George M. Jones First Addition, as recorded, being on the west right-of-way line of Kickapoo Avenue; thence west along the south line of the north 164.0 feet of said Lot 12 to a

point 111.75 feet west of the west right-of-way line of Kickapoo Avenue; thence south to a point 184.0 feet south of the north line of said Lot 12; thence west along the south line of the north 184.0 feet of said Lot 12 to a point on the west line of the west 200.0 feet of said Lot 12; thence south to the northeast corner of Noland Subdivision, as recorded; thence west along the north line of said Noland Subdivision, to a point on the west line of the east 259.9 feet of the north 208.33 feet of said Lot 12 in George M. Jones First Addition; thence north to a point 259.9 feet west of the north east corner of said Lot 12 in George M. Jones First Addition, being on the south right-of-way line of Cherry Street; thence northwesterly to the southeast corner of Lot 8 in Elmwood Ralph Walkers Subdivision, as recorded, being on the north right-of-way line of Cherry Street; thence north along the east side of said Elmwood Ralph Walkers Subdivision to the northeast corner of Lot 9 in said Elmwood Ralph Walkers Subdivision, being on the south right-of-way line of Elm Street; thence north to the point of beginning.

5. *Subarea E.* Beginning at the northwest corner of Lot 16 of Block 3 in Pickwick Place, as recorded, on the east right-of-way line of Fremont Avenue; thence east along the north line of said Lot 16 and its easterly extension to the northwest corner of Lot 4 of Block 3 in said Pickwick Place; thence south along the west line of Lots 4, 5 and 6 of said Block 3 to the northwest corner of Lot 7 of said Block 3; thence east along the north line of said Lot 7 and the north line of Lot 19 of Block 2 in said Pickwick Place and its easterly extension to the centerline of an alley vacated in Book 29 at Page 491 in said Block 2; thence north along said centerline to the westerly extension of the south line of Lot 2 of said Block 2; thence east along said westerly extension and south line of Lot 2 to the southeast corner of said Lot 2, on the west right-of-way line of Weller Avenue; thence northeasterly to the intersection of the west line of Lot 14 of Block 1 in said Pickwick Place and the westerly right-of-way line of the Burlington Northern and Santa Fe Railway Company, being on the east right-of-way line of Weller Avenue; thence southeasterly, along said westerly right-of-way line to the intersection with the north line of the south 150.0 feet of the east 50.0 feet of Lot 7 of Block 1 in Philips' Addition, as recorded; thence west along said north line to a point on the west line of the east 50.0 feet of said Lot 7; thence south along said west line to a point 50.0 feet west of the southeast corner of said Lot 7, on the north right-of-way line of Monroe Terrace; thence southeasterly to a point 30.0 feet west of the northeast corner of Lot 19 of Block 2 in said Philips' Addition, on the south right-of-way line of Monroe Terrace; thence south to a point 30.0 feet west of the southeast corner of said Lot 19; thence west along the south line of said Lot 19 to a point 20.0 feet east of the northwest corner of Lot 7 of Block 2 in said Philips' Addition; thence south to a point 20.0 feet east of the southwest corner of said Lot 7, on the north right-of-way line of Madison Street; thence southeasterly to the northeast corner of Lot 5 in Rollston-Luster Place, on the south right-of-way line of Madison Street; thence south along the east line of said Lot 5 to the southeast corner of said Lot 5; thence west along the south line of said Lot 5 to a point 250.0 feet east of the east right-of-way line of Delaware Street; thence south to a point to a point 250.0 feet east of the east right-of-way line of Delaware Street on the north right-of-way line of Page Street, a private street; thence southeasterly to a point on the south right-of-way line of Page Street, being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence south to a point on the north side of a 15.0 foot alley as shown on First Addition to Parkhazel Addition, being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence southwesterly, to the northwest corner of Lot 117 in said First Addition to Parkhazel Addition, on the south side of said 15.0 foot alley; thence south along the west line of said Lot 117 to the southwest corner of said Lot 117, on the north right-of-way line of Lombard Street; thence southeasterly to the northeast corner of

Lot 24 in Parkhazel Addition, as recorded, on the west right- of-way line of Fairway Avenue; thence south along said west right-of-way line to the southeast corner of Lot 13 in said Parkhazel Addition, on the north right-of-way line of Grand Street; thence south to the northeast corner of Lot 11 in Country Club District, as recorded, on the south right-of- way line of Grand Street; thence south along the east line of said Lot 11 to a point on the south line of the north 150.0 feet of said Lot 11; thence west to a point on the west line of Lot 13 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 13, being on the east right-of-way line of Delaware Avenue; thence southwesterly to the northeast corner of Lot 3 in Hawthorn Place, as recorded, on the west right-of-way line of Delaware Avenue; thence west along the north line of said Lot 3 to the intersection with the southerly extension of the east line of Lots 2 and 3 in said Hawthorn Place; thence north along said southerly extension to the southeast corner of said Lot 2; thence west along the south line of said Lots 2, 23 and 26 in said Hawthorn Place to the southwest corner of said Lot 26, being on the east right-of-way line of Pickwick Avenue; thence southwesterly to the southeast corner of Lot 4 in Home Place, as recorded, on the west right-of-way line of Pickwick Avenue; thence west to the southwest corner of said Lot 12, being on the east right- of-way line of Fremont Avenue; thence northwesterly to the southeast corner of Lot 13 of Block 1 in Sanford Place, as recorded, on the west right-of-way line of Fremont Avenue; thence west to the southwest corner of said Lot 6, being on the east right-of-way of Kickapoo Avenue; thence north along said east right-of-way line of Kickapoo Avenue to the northwest corner of said Lot 6 of Block 1 in said Sanford Place; thence north to a point on the north right-of-way line of Grand Street, said point lying 11.25 feet west of the southwest corner of Lot 17 in Dream-Wold Place, as recorded, being the on the east right-of-way line of Kickapoo Avenue; thence westerly along said north right- of-way line of Grand Street to a point 49.83 feet east of the southwest corner of Lot 18 in Normal View Place; thence north to a point 49.83 feet east of the northwest corner of Lot 19 on said Normal View Place; thence west along the north line of said Lot 19 to the northwest corner of said Lot 19; thence north along the west line of Lot 19 through 24 to the northwest corner of said Lot 24, on the south right-of-way line of Belmont Street; thence northeasterly to a point on the north right-of-way line of Belmont Street, being 161.25 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point on the north line of the south 208.33 feet in Lot 8 of George M. Jones Addition, being 161.25 feet west of the west right-of-way line of Kickapoo Avenue; thence east along said north line to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point 154.95 feet west of the west right-of-way line of Kickapoo Avenue on the south right- of-way line of Page Street; thence northwesterly to the southeast corner of Lot 24 in Andrus Place, as recorded, on the north right-of-way line of Page Street; thence west along said north right-of-way line to the southeast corner of Lot 9 in said Andrus Place, on the west right-of-way line of McCann Avenue; thence north along said west right-of-way line to the northeast corner of Lot 10 in said Andrus Place; thence west along the north line of said Lot 10 to the northwest corner of said Lot 10; thence north along the west line of Lots 11 through 16 in said Andrus Place to the northwest corner of said Lot 16 on the north right-of-way line of Madison Street; thence north to the southwest corner of Lot 5 in Madison place, as recorded, on the north right-of-way line of Madison Street; thence north along the west line of Lots 5 through 8 in said Madison Place to the northwest corner of said Lot 8, also being the southwest corner of Lot 5 in Lena V. Taylor Addition, as recorded; thence north along the west line of Lots 5 through 8 in said Lena V. Taylor Addition to the northwest corner of said Lot 8, also being the southwest corner of Lot 9 in Wells Place, as recorded; thence north along the west line of Lots 9 through 16 in Wells Place to the northwest corner of said Lot 16, on the south right-of-way line of Harrison Street;

thence north to the southwest corner of Lot 41 in said Wells Place, on the north right-of-way line of Harrison Street; thence east along said north right-of-way line to a point 3.75 feet west of the southeast corner of said Lot 1 in Noland Subdivision; thence north to a point 3.75 feet west of the northeast corner on the north line of said Noland Subdivision; thence east along said north line to the northeast corner of Lot 4 in said Noland Subdivision; thence north to the south line of the north 184.0 feet of Lot 12 in George M. Jones First Addition, as recorded, being 211.25 feet west of the west right-of-way line of Kickapoo Avenue; thence east along the south line of the north 184.0 feet of said Lot 12 to a point 111.75 feet west of the west right-of-way line of Kickapoo Avenue; thence north to a point 164.0 feet south of said Lot 12; thence east along the south line of the north 164.0 feet of said Lot 12 to the west right-of-way line of Kickapoo Avenue; thence southeasterly to a point 11.25 feet west of northwest corner of Lot 11 in Zobeth, as recorded, being on the east right-of-way line of Kickapoo Avenue; thence east to the northeast corner of Lot 23 in said Zobeth, on the west right-of-way line of Fremont Avenue; thence northeasterly to the point of beginning.

6. *Subarea F.* Commencing at the northwest corner of Lot 7 in Arlington Heights, as recorded; thence west on a line of the westerly extension of the north line of said Lot 7, to a point on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company, for the point of beginning; thence east along said westerly extension of the north line of said Lot 7, to the northwest corner of said Lot 7; thence north along the west line of Lot 6 in said Arlington Heights to the north line of the south 130.5 feet of said Lot 6; thence east along the north line of the south 130.5 feet of said Lot 6 and the south 130.5 feet of the west 46.0 feet of Lot 5 in Arlington Heights to the west right-of-way line of Weller Avenue; thence south along said west right-of-way line of Weller Avenue to a point 50.0 feet north of the south line of said Lot 5 in Arlington Heights; thence east along a line 50.0 feet north of the south line of Lot 5, Lot 4 and the west 52.0 feet of Lot 3 in said Arlington Heights; thence south along the east line of the west 52.0 feet of said Lot 3 to the north line of Lot 10 in said Arlington Heights; thence east along the north line of Lots 10 through 12 and its easterly extension to the northwest corner of Lot 36 in East Elm Street Addition, as recorded; thence south along the west line of said Lot 36 in East Elm Street Addition, to a point on the north line of the south 180.0 feet of said Lot 36; thence east along the north line of the south 180.0 feet of said Lot 36 and the north line of the west 10.0 feet of Lot 35 in said East Elm Street Addition; thence south along the east line of the west 10.0 feet of said Lot 35 to the north line of the south 160.0 feet of the east 40.0 feet of said Lot 35; thence east along the north line of the south 160.0 feet of Lots 35 through 31 to the east line of said Lot 31; thence north along the east line of said Lot 31 to the northeast corner of said Lot 31; thence east along the north line of Lots 30 through 23 to the northeast corner of said Lot 23 in East Elm Street Addition; thence east to the northwest corner of Lot 20 in said East Elm Street Addition; thence east along the north line of Lots 20 and 19 and its easterly extension to a point 105.5 east of the northeast corner of said Lot 19 in said East Elm Street Addition; thence south to a point 105.5 feet east of the southeast corner of said Lot 19, being on the north right-of-way line of Elm Street; thence south to a point 105.5 feet east of the northeast corner of Lot 54 in said East Elm Street Addition, being on the south right-of-way line of Elm Street; thence east along said south right-of-way line to a point 210.0 feet west of the west right-of-way line of Glenstone Avenue; thence south along a line 210.0 feet west of the west right-of-way line of Glenstone Avenue to the north right-of-way line of Cherry Street; thence south to a point 15.0 feet west of the northeast corner of Lot 21 in Burks' Subdivision, as recorded, being on the south right-of-way line of Cherry Street; thence west along said south right-of-way line to the northeast

corner of Lot 5 in the Amended Plat of Dundee Reserve Addition, as recorded; thence south along the east line of Said Lot 5 to the southeast corner of said Lot 5; thence east along the south line of Lot 4 in said Amended Plat of Dundee Reserve Addition to the southeast corner of said Lot 4; thence southeasterly along the northeasterly lines of Lots 8 through 10 to the northeastern corner of said Lot 10; thence east to the southeast corner of Lot 2 in said Amended Plat of Dundee Reserve Addition; thence south along the east line of Lots 11 through 13 in said Amended Plat of Dundee Reserve Addition to the northerly right-of-way line of Kentwood Avenue; thence southeasterly along said northerly right-of-way line of Kentwood Avenue to the intersection of the north right-of-way line of Monroe Street; thence southeasterly to the northwest corner of Lot 17 in Burk's Subdivision, as recorded, being on the south right-of-way line of Monroe Street; thence east along said south right-of-way line of Monroe Street to the northeast corner of said Lot 17 in Burk's Subdivision; thence south along the east line of Lots 17 through 12 in said Burks's Subdivision to the southeast corner of said Lot 12 in Burks's Subdivision; thence west along the south line of said Lot 12 to the southwest corner of said Lot 12 being on the east right-of-way line of Kentwood Avenue; thence south along said east right-of-way line of Kentwood Avenue to the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence southwesterly to the intersection of the westerly right-of-way line of said Burlington Northern and Santa Fe Railway Company and the south right-of-way line of Madison Street; thence southeasterly, along said Burlington Northern and Santa Fe Railway Company right-of-way line to the intersection with the easterly extension of the north line of Lot 1 in Second Addition to Parkhazel, as recorded; thence west along said westerly extension, to a point 40.0 feet east of the northeast corner of Lot 1 in said Second Addition to Parkhazel; thence south on a line 40.0 feet east of said Second Addition to Parkhazel to the northwest corner of Lot 101 in First Addition to Parkhazel, as recorded; thence east along the north line of said Lot 101 to the northeast corner of said Lot 101; thence south along the east line of said Lot 101 to the southeast corner of said Lot 101, being on the north right-of-way line of Lombard Street; thence southeasterly to the northeast corner of said Lot 73 in Parkhazel Addition, as recorded, being on the south right-of-way line of Lombard Street; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition; thence south along the east line of Lots 73 through 78 in said Parkhazel Addition and its southerly extension to the northeast corner of Lot 79 in said Parkhazel Addition, being on the south right-of-way line of Belmont Street; thence east along said south right-of-way line to the centerline of an alley vacated by Ordinance #383; thence south along said centerline to an intersection with the easterly extension of the north line of Lot 82 in said Parkhazel Addition; thence west along said easterly extension and the north line of said Lot 82 to a point on the east line of the west 107.5 feet of said Lot 82; thence south on the east line of the west 107.5 feet of Lots 82, 83, and 84 in said Parkhazel Addition to the south line of said Lot 84, being on the north right-of-way line of Grand Street; thence southeasterly to the northeast corner of Lot 4 in Grand View, as recorded, on the south right-of-way line of Grand Street; thence south along the east line of said Lot 4 in Grand View to the southeast corner of said Lot 4; thence west along the south line of Lots 4 through 6 in said Grand View to the southwest corner of said Lot 6, being on the east right-of-way line of Kentwood Avenue; thence west to a point on the west right-of-way line of Kentwood Avenue, being on the east line of Lot 6 in Country Club District, as recorded, said point being 150.0 feet south of the south right-of-way line of Grand Street; thence west to a point on the west line of Lot 11 in said Country Club District, 150.0 feet south of the northwest corner of said Lot 11; thence north along the west line of said Lot 11 to the northwest corner of said Lot 11, being on the south right-of-way line of Grand Street; thence northeasterly to the intersection of the north right-of-way line of Grand Street and the east right-of-way

line of Fairway Avenue, being the southwest corner of Lot 72 in said Parkhazel Addition; thence north along said east right-of-way line of Fairway Avenue to the south right-of-way line of Lombard Street, being the northwest corner of Lot 25 in said Parkhazel Addition; thence north to the north right-of-way line of Lombard Street, being on the south line of Lot 116 in First Addition to Parkhazel; thence west along said north right-of-way line to the southwest corner of Lot 117 in said First Addition to Parkhazel; thence north along the west line of said Lot 117 to the south line of a 15.0 foot alley on the north side of said First Addition to Parkhazel, being the northwest corner of said Lot 117; thence northeasterly to a point on the north line of said 15.0 foot alley, said point being 280.0 feet east of the east right-of-way line of Delaware Avenue; thence north to a point on the south line of Page Street, a private street, being 280.0 feet east of said Delaware Avenue; thence northwesterly to a point on the north line of Page Street, a private street, being 250.0 feet east of the east right-of-way line of Delaware Street; thence north to a point being 250.0 feet east of the east right-of-way line of Delaware Street on the south line of Lot 5 in Rollston-Luster Place, as recorded; thence east along the south line of said Lot 5 in Rollston-Luster Place to the southwest corner of Lot 6 in said Rollston-Luster Place; thence north along the west line of said Lot 6 to the northwest corner of said Lot 6 on the south right-of-way line of Madison Street; thence northwesterly to the southwest corner of the east 40.0 feet of Lot 7 of Block 2 in Philips' Addition, as recorded, being on the north right-of-way line of Madison Street; thence north along the west line of the east 40.0 feet of said Lot 7 of Block 2 in Philips' Addition to a point on the north line of said Lot 7, being 40.0 feet west of the northeast corner of said Lot 7; thence east along the north line of said Lot 7 to a point 30.0 feet west of the northeast corner of said Lot 7; thence north along the west line of the east 30.0 feet of Lot 19 of Block 2 in said Philips' Addition to a point 30.0 feet west of the northeast corner of said Lot 19, being on the south right-of-way line of Monroe Terrace; thence northwesterly to a point 50.0 feet west of the southeast corner of Lot 7 of Block 1 in said Philips' Addition, on the north right-of-way line of Monroe Terrace; thence north along the west line of the east 50.0 feet of the south 150.0 feet of said Lot 7 of Block 1 in said Philips' Addition; thence east along the north line of the east 50.0 feet of the south 150.0 feet of said Lot 7 to the intersection with the westerly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence northeasterly and perpendicular to the easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company; thence along said easterly right-of-way line of the Burlington Northern and Santa Fe Railway Company to the point of beginning.

And also the following;

All of the south 100.0 feet of Lots 7 through 9 of Block 1 in Chamberlain's Addition, as recorded.

C. Rountree Urban Conservation District Zoning Regulations.

1. *Applicability.*

- a. The extent to which compliance with the regulations herein is required shall be as follows:
 - (1) All new development requires full and complete compliance with all applicable regulations;
 - (2) Expansion or enlargement of an existing building (not to exceed 30% of the total floor area) shall be exempt from the building and lot standards and design standards;
 - (3) Redevelopment which replaces an existing building in the same footprint (within 10%) shall not be required to meet parking setback requirements

- within Subarea C;
 - (4) Any change of use of a property requires compliance with all parking and loading, screening, fencing, and signage standards;
 - (5) Facade changes to existing building require compliance with all applicable facade regulations;
 - (6) In the event that a dwelling existing as of June 5, 2023, is subsequently destroyed or damaged, that dwelling may be reconstructed or repaired in substantial conformance with its location on the lot, size, and general appearance prior to such destruction or damage without requiring compliance with these regulations, provided that such plans for the reconstruction or repair must be submitted to the PD Director for determination of such substantial conformance.
- 2. *General Provisions.* These regulations shall supplement the Zoning Ordinance and shall, together with the Zoning Ordinance, govern and control the use and development of land throughout the Rountree Urban Conservation District. In the event of a conflict between these regulations and the Zoning Ordinance for property in the Rountree Urban Conservation District, these regulations shall control. In the event of a conflict between these regulations and provisions in an individual planned development district in the Rountree Urban Conservation District, the provisions of the planned development shall control.
- 3. *Permitted and Conditional Uses.* Only those uses stated within Section 10.07.D.1 and Section 10.07.H.1 herein shall be permitted by right or conditional use permit.
- 4. *Non-Conforming Uses.* Any use in the Rountree Urban Conservation District non-conforming under General Ordinance 3645 shall have been registered with the BDS Director by July 1, 1986. Any uses not registered by that date shall be presumed illegal. Non-conforming uses shall adhere to Section 1.06.B.
- 5. *Site Plan Review.*
 - a. *Applicability.* The site plan review and approval process set forth in Section 2.03 shall be required for any permitted, accessory, or conditional uses in the Rountree Urban Conservation District. No activities or uses, except for temporary uses allowed in the District, shall be exempt from this requirement.
 - b. *Submittal Requirements.* In addition to the requirements set forth in Section 2.03, the applicant shall be required to submit a building elevation plan showing the height, facade, exterior building materials, signage, and window specifications for all proposed building within Subareas A through D.
 - c. *Review Criteria.* In addition to the review criteria set forth in Section 2.03, the site plan review process shall include a review of whether the proposed development aligns with the Rountree Neighborhood Plan, including conformity with the following review criteria:
 - (1) Existing buildings proposed to be converted to another use must meet all fire, health, building, plumbing, and electrical requirements of the City.
 - (2) The proposed site plan does not interfere with easements, roadways, rail lines, utilities, and public or private right-of-way.
 - (3) The proposed site plan is not injurious to or detrimental to the use and enjoyment of surrounding property.
 - (4) The circulation elements of the proposed site plan do not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconveniences to vehicular and pedestrian travel.
 - (5) The screening of the site provides adequate shielding for nearby uses which

- may be incompatible with the proposed use.
- (6) The proposed structures or landscaping are not lacking amenity in relation to, or are not incompatible with, nearby structures and uses.
 - (7) The proposed site plan does not create drainage or erosion problems on or off the site.
- d. **Registration of Rental Property.** All owners of rental housing in the Rountree Urban Conservation District must register said property with the City Manager as required by City Code Sections 74-351 and 74-352, as amended from time to time.

D. Subarea A through D Regulations.

1. **Permitted and Conditional Uses.** The following key is to be used in the interpretation of Table 1, Permitted and Conditional Uses Subareas A through D, in this section:
 - a. **Permitted Uses.** Uses which are marked as “P” in the table shall be allowed in a subarea subject to all applicable regulations herein.
 - b. **Conditional Uses.** Uses which are marked as “C” in the table shall be allowed in a subarea upon the approval of a Conditional Use Permit as detailed in Section 2.04.
 - c. **Uses Not Listed.** If a proposed use is not listed in the table, the ARC shall determine if the use is substantially similar to a use listed in the table. If it is, the proposed use shall be treated in the same manner as the substantially similar use. If not, the use shall be prohibited.
 - d. **Conversions.** Structures existing at the time of the adoption of these regulations may be converted to any use permitted in that subarea.
 - e. **Additional Regulation.** If uses have specific standards, such standards are referenced in this column. Use-specific standards shall apply to permitted and conditional uses. Where use-specific standards conflict with Rountree Urban Conservation District subarea standards, the subarea standards shall be followed.

Table 10-3: Rountree UCD Subareas A through D Uses					
Use	Use Specific Regulations	Subareas			
		A	B	C	D
Residential Uses					
Dwelling, Multifamily, stand alone		P	P	P	P
Dwelling, Multifamily above ground floor as part of a mixed use		P	P	P	P
Dwelling, Single Family Attached		P	P	P	P
Dwelling, Single Family Detached existing		P	P	P	P
Dwelling, Single Family Detached new development					P
Group Home		P	P	P	P
Day Care Home		P	P	P	P
Churches		P	P	P	P
Schools		P	P	P	P
Parks		P	P	P	P
Non-Profit Neighborhood Community Centers			P		P
Lodging Uses					
Short Term Rental Type 3		P	P	P	P
Bed and Breakfast				P	P
Commercial Retail Uses					
Retail sales use group, stand alone		P	P	P	
Retail sales use group as part of a mixed use		P	P	P	P
Entertainment Oriented use group, stand alone < 5,000 sq ft		P			

Entertainment Oriented use group as part of a mixed use		P			
Package Liquor		P		P	
Adult Oriented uses					
Pawn Shop					
Artisan Manufacturing		P	P	P	
Personal Service and Office Uses					
Daycare		P	P	P	P
Personal Service use group, stand alone		P	P	P	
Personal Service use group as part of a mixed use		P	P	P	P
Table 10-3: Rountree UCD Subareas A through D Uses					
Use	Use Specific Regulations	Subareas			
		A	B	C	D
General Office use group as part of a mixed use		P	P	P	P
General Office, conversion	2.a below				P
Medical Office use group, stand alone		P	P	P	
Medical Office use group as part of a mixed use		P	P	P	P
Title Loan/Short Term Lending					
Eating and Drinking Uses					
Restaurants, stand alone		P	P	P	
Restaurants as part of a mixed use		P	P	P	P
Breweries and tasting rooms		P		P	
Drive-thru accessory to a restaurant use		P			
Vehicle Oriented Uses					
Commercial off-street parking lots	2.b below	C	C	C	C
Commercial off-street parking structures above ground floor as part of a mixed use		C	C	C	C
Food Truck		P	P	P	P
Outdoor display/sale of merchandise, temporary		P	P	P	P
Outdoor display/sale of merchandise, permanent					
Seasonal sales		P	P	P	P
Accessory Uses					
Accessory Uses and Structures		P	P	P	P
Home Occupations		P	P	P	P
Outdoor dining		P	P	P	P

2. Use-Specific Standards.

a. General Office Conversion.

- (1) **Applicability.** Single-family dwellings may be converted to general office(s) uses in accordance with the standards set forth below. The office space(s) shall be located only in the existing structure, additions shall not be built to provide office space(s).
- (2) **Location of Entrances.** Only one entrance shall be located on the front facade of the structure. the front facade of the structure shall face Cherry or Elm Streets.
- (3) **Exterior Alterations.** No exterior alterations that would change the single-family character of the dwelling, other than those necessary to ensure the safety of the structure, shall be made.

- (4) *Signs.* General office conversion uses shall be permitted one monument sign in accordance with the standards set forth below.
 - (a) *Area.* The monument sign shall not exceed 6 square feet in area.
 - (b) *Height.* The monument sign shall not exceed 4 feet in height.
 - (c) *Location.* The monument sign shall be located a minimum of 5 feet from all property lines, right-of-way, and utility easements; shall not block points of ingress or egress; shall not be placed on any sidewalk or pedestrian walkway; and shall not be located in a clearance sight triangle.
 - (d) *Sign Base.* The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 10% and a maximum of 25% of the width of the sign face. The base of the monument sign shall be constructed from masonry, stone, or similar high-quality materials in keeping with the exterior cladding materials and design of the primary building.
 - (e) *Landscape.* The monument sign shall have a landscape area equal to the area of the sign surrounding the sign base. A minimum of 80% of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.
 - b. *Commercial Off-Street Parking Lots.* Commercial off-street parking lots adjacent to public right-of-way, excluding alleys, shall provide the following:
 - (1) A fully opaque wall or fence with a height of 4 feet shall be used in conjunction with required parking lot perimeter landscaping contained in this section. Plant materials shall be installed between the sidewalk and the wall or fence to provide a softening effect.
 - (2) Four understory trees shall be planted for every 100 lineal feet of frontage adjacent to right-of-way, excluding alley right-of-way and additional plantings shall be clustered at points of pedestrian ingress and egress.
 - (3) Points of pedestrian ingress and egress, outside of vehicular curb cuts, shall be provided.
 - (4) To the greatest extent possible, the screening standards established above shall provide safe site distance where driveway access intersects public right-of-way.
 - c. *Farm Stand.*
 - (1) *Farm Products Sold.* Only farm products or value-added farm products grown and/or processed on the parcel on which the farm stand is located may be sold at a farm stand. The sale of non-agricultural items or products produced off site is prohibited.
 - (2) *Farm Stand Structure.* A structure associated with a farm stand shall not have a floor area greater than 100 square feet.
3. *Building and Lot Standards [Figure 10-3].*
 - a. *Subarea A.* This subarea is characterized by a mix of non-residential and multi-family development and bookends the development along National Avenue. The intent of the regulations for this subarea is to regulate the physical form in order to facilitate quality redevelopment of these higher intensity nodes along the neighborhood edge. This subarea is designated to provide for sensitive and respectful development that allows for walkability and concentrated density to support National Avenue as a future Public Transportation Corridor in the neighborhood.

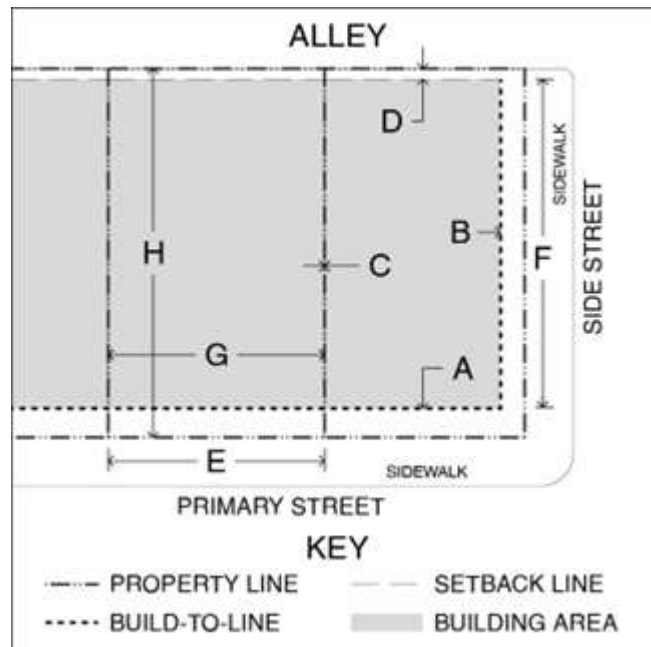


Figure 10-3 Building Lot Standards

- (1) **Build-to-Line.**
 - (a) Primary Street: 15 feet [A]
 - (b) Side Street: 10 feet [B]
* To match average front facade line of the block face
- (2) **Setbacks.**
 - (a) **Side Setback.** Zero foot minimum; 10 feet maximum [C]
* Applicable to principal and accessory structures
 - (b) **Rear Setback:** 5 feet minimum [D]*
Applicable to principal structure only
- (3) **Building Form.**
 - (a) **Primary Street.** At least 85% of Build-to-Line [E]
 - (b) **Side Street.** At least 85% of Build-to-Line [F]
 - (c) **Lot Width.** Per existing [G]
 - (d) **Lot Depth.** Per existing [H]

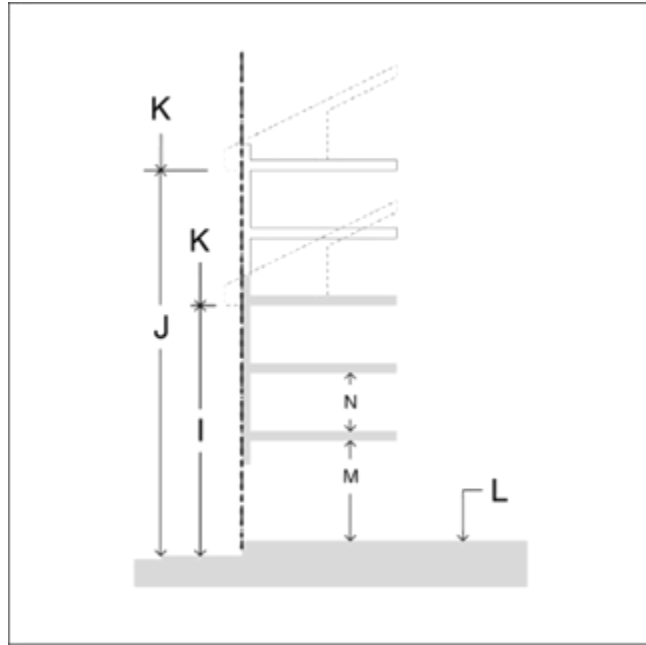


Figure 10-4 Subarea A Building Height

4. *Building Height [Figure 10-4].*
 - a. Minimum: Two stories or 32 feet [I]
 - b. Maximum: Five stories or 68 feet [J]
 - * Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story.
 - * All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-MX1 District.
 - c. Maximum from Bottom of Eave to Top of Parapet or Roof: 15 feet maximum [K]
 - * Finished Ground Floor Level: Six inch maximum, however, if residential on the first floor must be at least 3 to 6 feet [L]
 - * Measured from elevation of back of sidewalk or adjacent lot level
5. *Ceiling Heights [Figure 10-4].*
 - a. *First Floor.* 12 feet minimum; 15 feet maximum (floor to floor) [M]
 - b. *Upper Floors.* 8 feet minimum; 12 feet maximum (floor to floor) [N]

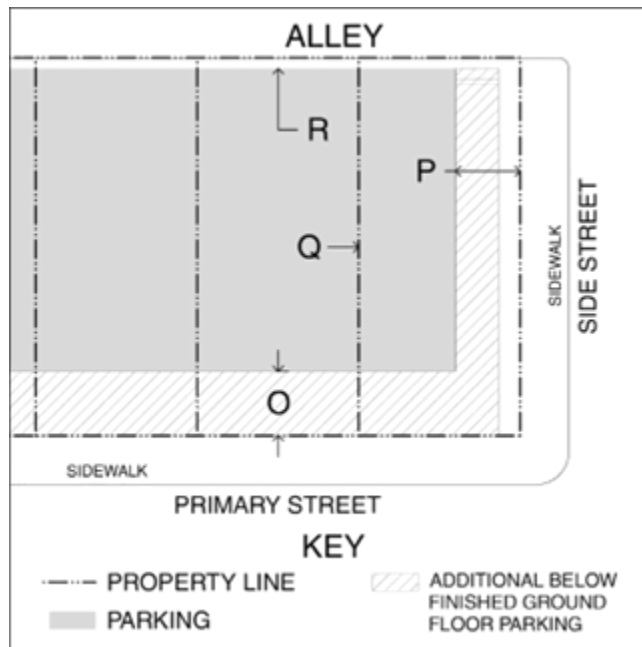


Figure 10-5 Subarea A Parking Requirements

6. *Parking Location [Figure 10-5].*
 - a. *Primary Street Setback.* 50 feet maximum [O]
 - b. *Side Street Setback.* 10 feet maximum [P]
 - c. *Side Setback.* Zero-foot if surface lot [Q]
 - d. *Rear Setback.* 5 feet minimum [R]
 - * Above-grade parking garages must match build-to-line and setbacks
 - * At-grade parking lots must match the parking location requirements above
 - * Below-grade parking garages must match build-to-line and setbacks
 - * Per principal structure if structured parking
7. *Required Spaces.*
 - a. *Non-residential Office Uses.*
 - * <7,500 square feet: No off-street parking required
 - * >7,500 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
 - b. *Residential Uses.*
 - * One off-street parking space per dwelling unit
8. *Signs.* Signage shall conform to the requirements found in Article 9 except that only one detached sign shall be permitted per premises.

E. Subarea B. This subarea is characterized by a mix of non-residential and multi-family development along the National Avenue corridor. The intent of the regulations for this subarea is to regulate the physical form of development along the corridor in order to preserve and enhance the integrity and quality of this edge of the neighborhood. This subarea is designed to provide for sensitive and respectful infill development which is of a complementary scale and character and serves as a transition to the single-family homes found in the neighborhood along McCann Avenue.

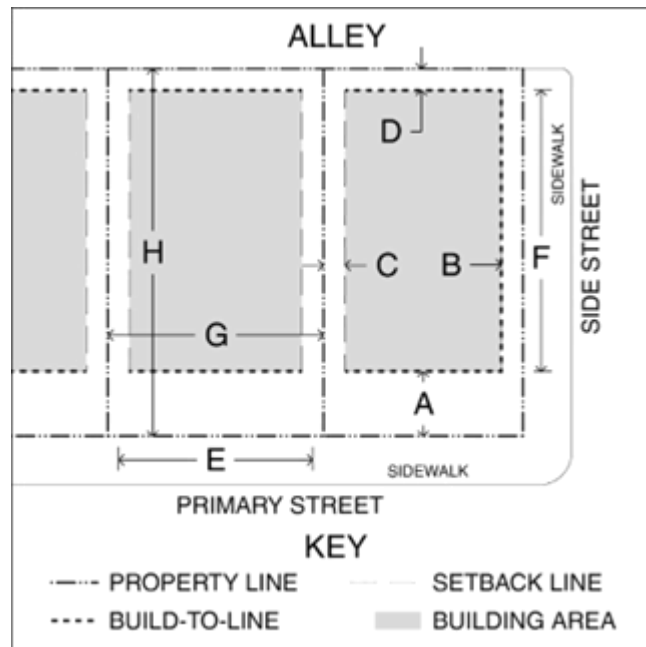


Figure 10-6 Subarea B Building Placement

1. *Build-to-Line [Figure 10-6].*
 - a. Primary Street: 15 feet minimum; 50 feet maximum [A]
*To match average front facade line of the block face
 - b. Side Street: 10 feet minimum [B]
* To match average front facade line of the block face
2. *Setbacks [Figure 10-6].*
 - a. Side Setback: 5 feet minimum [C]
 - b. Rear Setback: 30 feet minimum [D]
* Applicable to principal structure only
3. *Building Form [Figure 10-6].*
 - a. Primary Street: At least 30% of Build-to-Line [E]
 - b. Side Street: At least 25% of Build-to-Line [F]
 - c. Lot Width: Per Existing [G]
 - d. Lot Depth: Per Existing [H]

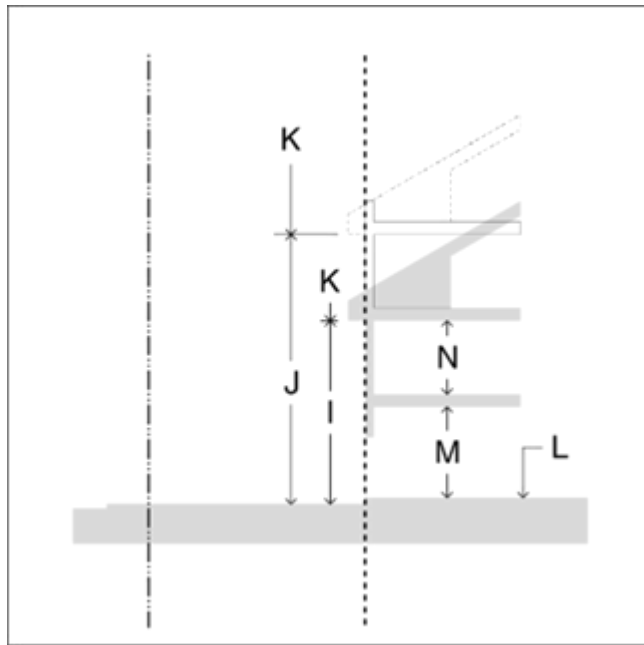


Figure 10-7 Subarea B Building Height

4. *Building Height.*
 - a. Minimum: Two stories or 32 feet [I]
 - b. Maximum: Four stories or 55 feet [J]
 - * Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story
 - *All structures shall remain below a 30-degree bulk plane as measured from the boundary of any R-SF or R-TH District
5. *Maximum from Bottom of Eave to Top of Parapet or Roof.*
 - a. 15 feet maximum [K]
 - b. Finished Ground Floor Level: 6 inch maximum; however, if residential on the first floor must be at least 3 to 6 feet [L]
 - *Measured from elevation of back of sidewalk or adjacent lot level.
6. *Ceiling Heights.*
 - a. First Floor: 12 feet minimum; 15 feet maximum (floor to floor) [M]
 - b. Upper Floors: 8 feet minimum; 12 feet maximum (floor to floor) [N]

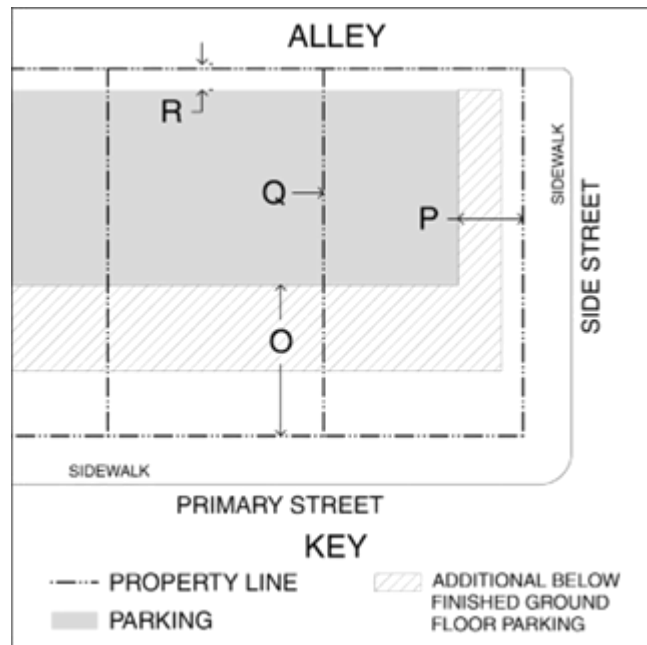


Figure 10-8 Subarea B Parking Requirements

7. *Parking Location [Figure 10-8].*
 - a. Primary Street Setback: 60 feet minimum [O]
 - b. Side Street Setback: 10 feet minimum [P]
 - c. Side Setback: Zero-foot setback if surface lot; per principal building if structured parking [Q]
 - d. Rear Setback: 5 feet minimum [R]
 - (1) * Above-grade parking garages must match build-to-Line and Setbacks
 - (2) * At-grade parking lots must match requirements above
 - (3) * Below-grade parking garages must match Build-to-Line and Setbacks
 8. *Required Spaces.*
 - a. Non-residential office uses:
 - (1) < 7,500 square feet: No off-street parking required
 - (2) >7,500 square feet: One off-street parking space per 1,250 s.f. over 7,500 s.f.
 - b. Non-residential retail uses:
 - (1) < 3,000 square feet: No off-street parking required
 - (2) > 3,000 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
 - c. Residential uses:
 - (1) One off-street parking space per dwelling unit
 9. *Signs.* All signage shall meet the standards of Article 9 unless other modified herein:
 - a. Size: A maximum of 20 square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 15 square feet.
 - b. Height: No detached sign shall exceed a height of 7 feet as measured from the street grade.
 - c. Sign Types: Only on-premises signs are permitted in Subarea B.
- F. **Subarea C.** This subarea is characterized by a mix of low intensity non-residential, multi-family and some single-family residential development. The intent of the regulations for this subarea is to regulate the physical form of the neighborhood center subarea in order to preserve and enhance the integrity and quality of the Cherry Pickwick Business District and serve as a primary gathering place in the neighborhood. This subarea is designated to provide for sensitive and respectful infill development which allows for the dense, urban, mixed-use development appropriate for this vibrant neighborhood

commercial center found in the neighborhood.

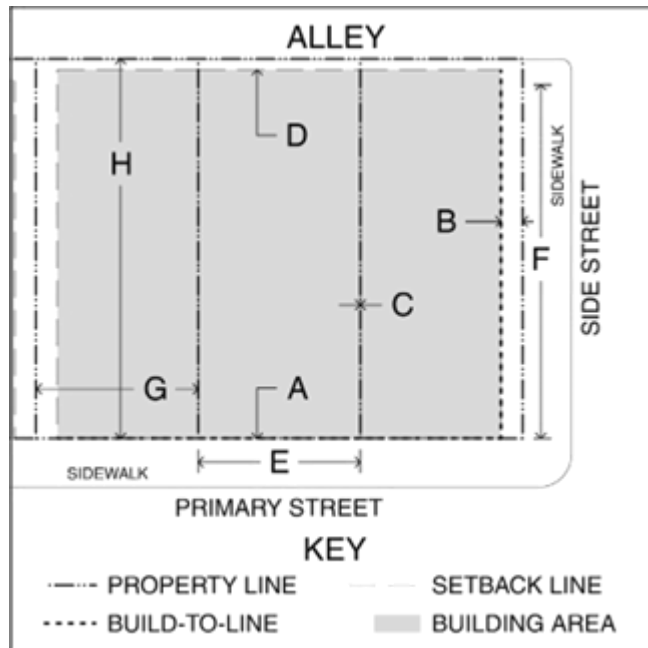


Figure 10-9 Subarea C Building Placement

1. *Build-to-Line.*
 - a. *Primary Street.*
 - (1) Zero-foot minimum;
 - (2) 10 feet maximum [A]
 - b. *Side Street.*
 - (1) Zero-foot minimum;
 - (2) 10 feet maximum [B]
 - (3) To match average front facade line of the block face
2. *Setbacks.*
 - a. *Side Setback.* Zero-foot minimum; 10 feet maximum [C]
 - b. *Rear Setback.* 5 feet minimum [D]
 - (1) Applicable to principal building only
3. *Building Form.*
 - a. *Primary Street.* At least 80% of Build-to-Line [E]
 - b. *Side Street.* At least 40% of Build-to-Line [F]
 - c. *Lot Width:* Per Existing [G]
 - d. *Lot Depth:* Per Existing [H]

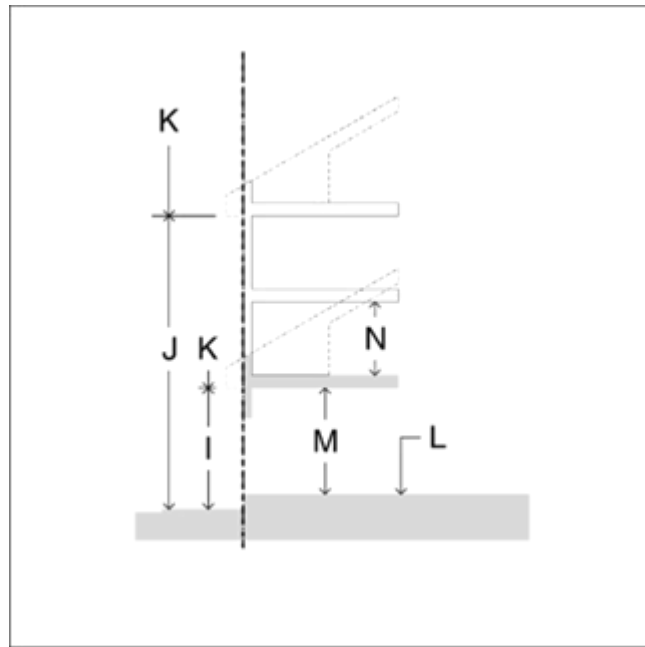


Figure 10-10 Subarea C Building Height

4. *Building Height.*
 - a. Minimum: One story or 15 feet [I]
 - b. Maximum: Three stories or 41 feet [J]
 - (1) Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story
5. *Bottom of Eave to Top of Parapet or Roof.*
 - a. 15 feet maximum [K]
6. *Finished Ground Floor Level.*
 - a. Maximum: 6 inches [L]
 - (1) Measured from elevation of back of sidewalk or adjacent lot level
7. *Ceiling Height.*
 - a. First Floor: 12 feet minimum; 15 feet maximum (floor to floor) [M]
 - b. Upper Floors: 8 feet minimum; 12 feet maximum (floor to floor) [N]

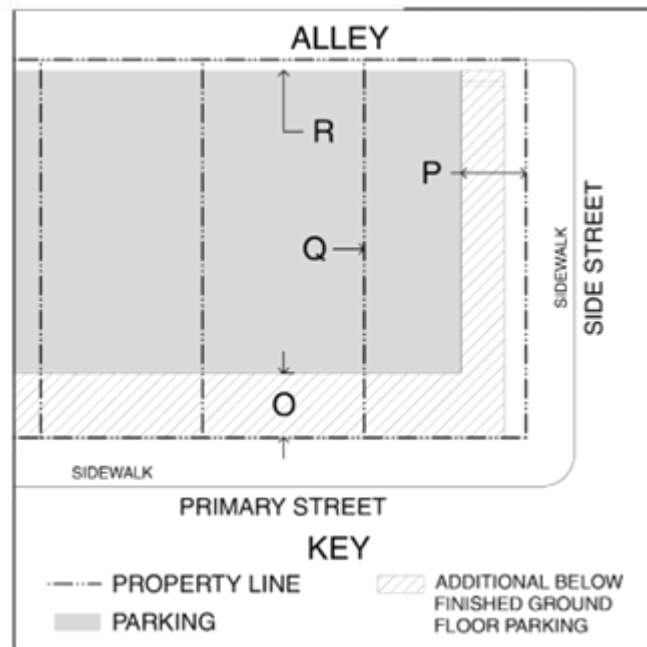


Figure 10-11 Subarea C Parking Requirements

8. *Parking Location.*
 - a. Primary Street Setback: 30 feet minimum [O]
 - b. Side Street Setback: 10 feet minimum [P]
 - c. Side Setback: Zero-foot if surface lot; per principal building if structured parking [Q]
 - d. Rear Setback: 5 feet minimum [R]
 9. *Required Spaces.*
 - a. Non-residential office uses:
 - (1) < 7,500 square feet: No off- street parking required
 - (2) > 7,500 square feet: One off-street parking space per 1,250 s.f. over 7,500 s.f.
 - b. Non-residential retail uses:
 - (1) < 3,000 square feet: No off-street parking required
 - (2) > 3,000 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
 - c. Residential uses:
 - (1) One off-street parking space per dwelling unit
 10. *Signs.* All signage shall meet the standards of Article 9 unless modified herein.
 - a. Number. Each premises shall be permitted to use one detached sign and one wall sign. Roof signs are not permitted. One projecting sign may be substituted for the permitted detached sign.
 - b. Size. Each premises is allowed 2 square feet of effective sign area for each lineal foot of building frontage on a public street. Detached signs shall not exceed 20 square feet of effective area.
 - c. Height. No detached sign shall exceed a height of 7 feet as measured from the street grade.
 - d. Sign Lighting. No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons, spotlights, or strobe lights shall be permitted.
 - e. Sign Types. Only on-premises signs are permitted in Subarea C.
- G. **Subarea D.** This subarea is characterized by a mix of primarily multi-family and single- family development along Cherry and Elm Streets. The intent of the regulations for this subarea is to regulate the physical

form within this subarea to allow for neighborhood mixed-use in conjunction with multi-family development. The regulations are intended to preserve and enhance the integrity and quality of the development along the Cherry and Elm Street corridors as a neighborhood front door. The subarea is designated to provide for sensitive and respectful infill development which allows for a greater range of housing types and a mix of uses mixed-use that is compatible and complementary to the neighborhood.

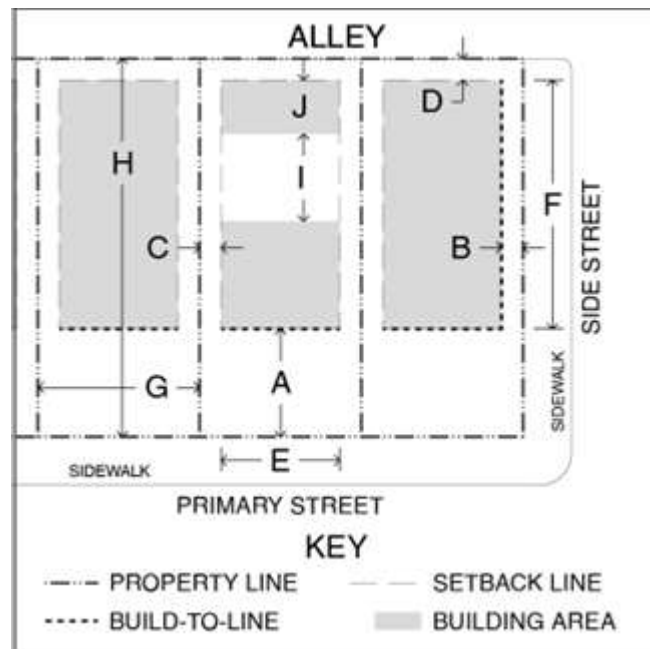


Figure 10-12 Subarea D Building Placement

1. **Build-to-Line.**
 - a. Primary Street: 15 feet minimum; 50 feet maximum [A]
 - (1) To match average front facade line of the block face
 - b. Side Street: 10 feet [B]
 - (1) Applicable to principal and accessory building
 - (2) To match average front facade line of the block face
2. **Building Setback.**
 - a. Side Setback: 5 feet minimum; 15 feet maximum [C]
 - (1) Applicable to principal building and accessory building
 - b. Rear setback: 5 feet minimum; 120 feet maximum [D]
 - (1) Applicable to principal building only
 - c. Rear Setback: 5 feet [D]
 - (1) Applicable to accessory building only with rear alley access
3. **Building Form.**
 - a. Primary Street: At least 50% of Build-to-line [E]
 - (1) 30% for detached single-family dwelling, lot width
 - (a) >100 ft Side Street: At least 60% of Build-to-line [F]
 - (2) 25% for detached single family dwelling
 - b. Lot Width: Per existing [G]
 - c. Lot Depth: Per existing [H]
 - d. Distance between buildings: 25 feet minimum [I] when accessory building is located partially or completely behind the principal building; 10 feet minimum when accessory building is located anywhere other than completely behind the principal building
 - e. Depth of Accessory Building: 30 feet maximum [J]

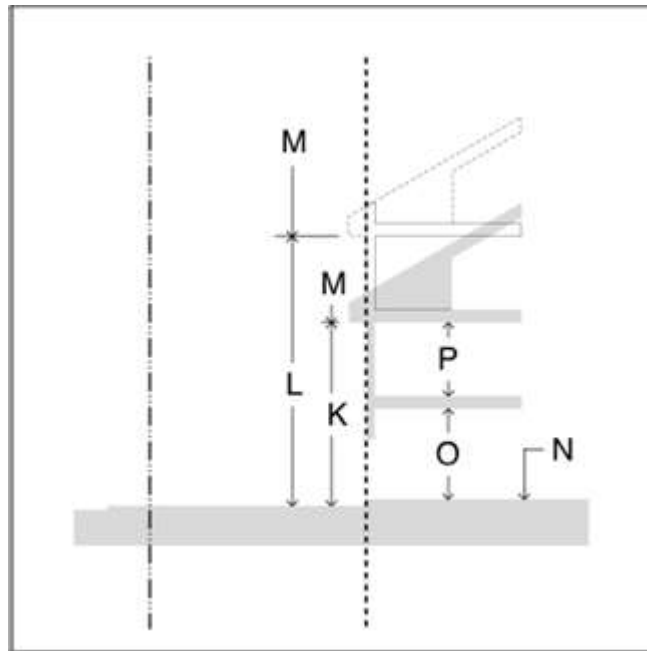


Figure 10-13 Subarea D Building Height

4. *Building Height.*
 - a. Minimum: Two stories or 32 feet [K]
 - b. Maximum: Three stories or 45 feet [L]
 - (1) Two stories and 25 feet for rear garages and carriage houses; and in no case shall they be taller than the principal building
 - (2) Mezzanines and podiums greater than 1/3 of the floor plate area shall be counted as a full story
5. *Maximum from Bottom of Eave to Top of Parapet or Roof.*
 - a. 15 feet maximum [M]
6. *Finished Ground Floor Level.*
 - a. Minimum: One foot [N]
 - b. Maximum: 4 feet
 - (1) Measured from elevation of back of sidewalk or adjacent lot level
7. *Ceiling Heights.*
 - a. First Floor: 12 minimum; 15 feet maximum (floor to floor) [O]
 - b. Upper Floors: 8 feet minimum; 12 feet maximum (floor to floor) [P]

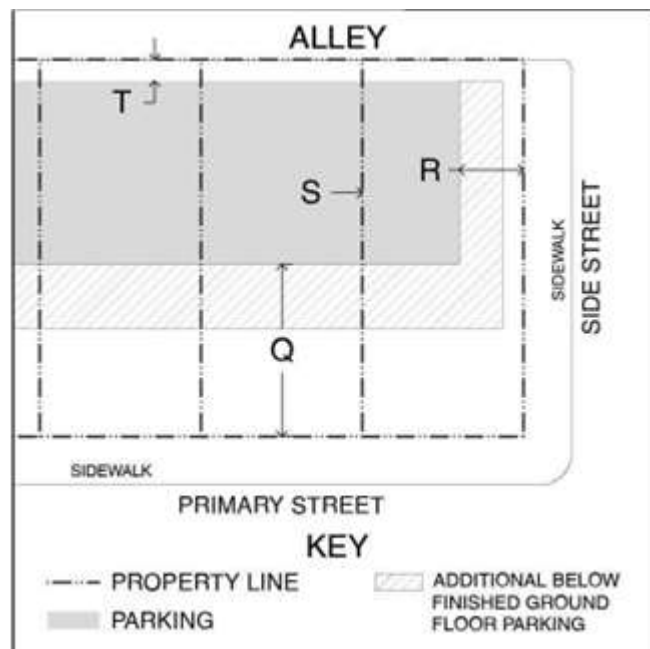


Figure 10-14 Subarea D Parking Requirements

8. **Parking Location.**
 - a. Primary Street Setback: Primary Street Build-to-line [A], plus 50 feet minimum [Q]
 - b. Side Street Setback: 10 feet minimum [R]
 - c. Side Setback: Zero-foot, if surface lot; per principal building if structured parking
 - d. Rear Setback: 5 feet minimum
 - (1) Above-grade parking garages are prohibited
 - (2) At-grade parking lots must match above requirements
 - (3) Below grade parking garages must match build-to-lines and setbacks
9. **Required Spaces.**
 - a. Non-residential office uses:
 - (1) < 7,500 square feet: No off- street parking required
 - (2) > 7,500 square feet: One off-street parking space per 1,250 s.f. over 7,500 s.f.
 - b. Non-residential retail uses:
 - (1) < 3,000 square feet: No off-street parking required
 - (2) > 3,000 square feet: One off-street parking space per 1,250 s.f. over 3,000 s.f.
 - c. Residential uses:
 - (1) One off-street parking space per dwelling unit
10. **Signs.** All signage shall meet the standards of Article 9 unless modified herein.
 Size: A maximum of 20 square feet of effective area shall be permitted for each attached sign. Detached signs may be two-sided, each side not to exceed 15 square feet. A single-sided, detached sign may not exceed 20 square feet.
 - a. Height: No detached sign shall exceed a height of 7 feet as measured from the street grade.
 - b. Sign Types: Only on-premises signs are permitted within Subarea D.
11. **Building Orientation, Materials, Siting and Design.** The following regulations shall apply to all principal structures within Subareas A through D, except for single-family detached dwelling units which shall conform to the requirements of Section 5 herein.
 - a. Building Orientation: All principal buildings shall have a primary entrance that has a relationship toward and engages the public street. For corner lots, the primary entrance must engage and have a relationship toward the higher classification street.

- b. Exterior Building Cladding Materials:
 - (1) Exterior building cladding materials shall be masonry, stone veneer systems, stucco, or other time and weather tested materials approved by the ARC.
 - (2) The ground level must offer pedestrian interest along sidewalks and pedestrian paths through the use of contrasting exterior building cladding materials and architectural elements.
 - (3) In no instance shall the finish of non-natural materials utilize mimic or match the texture of the natural materials utilized.
 - (4) A maximum of 3 exterior building cladding materials may be used.
 - (5) Vinyl and steel clapboard siding and/or adhered thin veneer exterior building materials are prohibited.
- 12. *Roof Finishing.*
 - a. Eaves may expose rafters.
 - b. Gutters and downspouts may not discharge upon public right-of-way.
- 13. *Transparency.*
 - a. Ground Level Transparency. The ground level of nonresidential or mixed-use buildings must offer pedestrian interest along sidewalks and pedestrian paths through the placement of windows and doors. Therefore, the first floor of any building facade facing a public right-of-way, except for alleys, shall include at least 40% of the subject facade in transparent clear glass windows and/or doors arranged so that the uses inside are visible from and/or accessible to the street. Windows and/or doors with reflective or tinted glass that impede views into a building are prohibited.
 - b. All Stories Transparency. All stories of building facades, including the ground level, that face a public right-of-way, except for alleys, shall include at least 40% of the subject facade in windows or doors. The PD Director may waive transparency requirements by up to 20% medical and dental office uses.

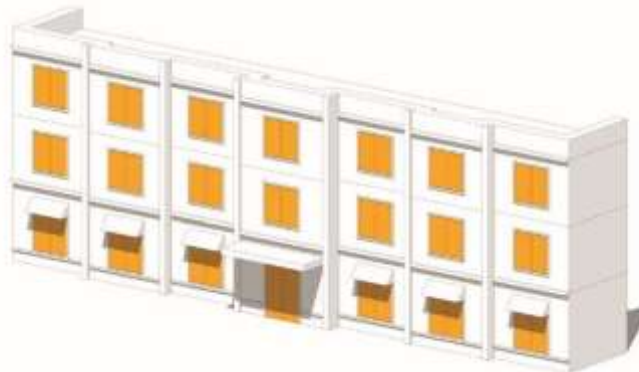


Figure 10-15 Transparency

- 14. *Awnings and Canopies.* Building awnings, canopies or similar weather protection devices are encouraged on the first floor of non-single-family development facing a public right-of-way. If provided, awnings or canopies shall project a minimum of 3 feet and a maximum of 10 feet.



Figure 10-16 Awnings and Canopies

15. *Articulation.* The ground level must offer pedestrian interest along sidewalks and pedestrian paths that face a public right-of-way, except for alleys, through the use of contrasting elements. Facades shall be articulated with a sense of depth by including design elements that create shadow lines, change color or materials, or incorporate other details that breakdown large expanses of flat, unembellished surfaces.

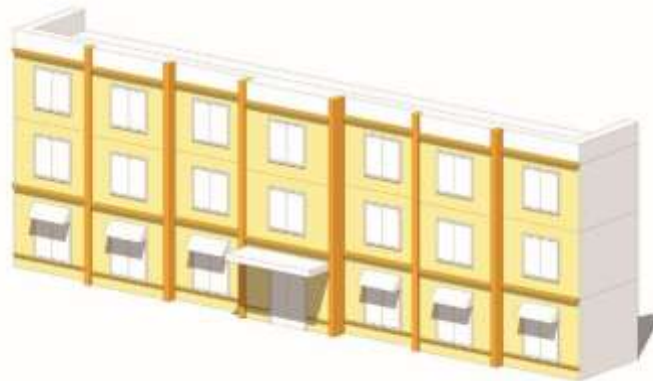


Figure 10-17 Articulation

16. *Access, Parking, and Loading.* The following regulations shall apply to all development within subarea A through D except for single-family detached dwelling units, which shall conform to the regulations contained in Section 5 herein.
- a. In addition to the standards of Section 7.05, the following standards shall apply:
 - (1) Any off-street parking that is provided must be located behind the building or within or under the building.
 - (2) When the depth of the lot is insufficient to permit required parking to the rear of the building, parking may be located to the side of the building, provided that it is screened from view of the street by a wall of primary building material, between 36 and 48 inches in height. Screening is not required in Subarea C.

- b. Parking shall not exceed the minimum required parking by more than one space per 1,000 square feet of building area unless any such extra spaces are provided in an enclosed parking garage.
 - c. Access shall be provided from a side street, alley, or access easement where possible.
 - d. Vehicular Cross Access Drives:
 - (1) Internal vehicular circulation systems shall be designed to allow for vehicular cross- access between the development's vehicle parking facilities and vehicle parking facilities in an adjoining non-single-family development or to the boundary of adjoining vacant land.
 - (2) Required vehicular cross access between the adjoining lots shall be provided through the use of a single two-way maneuvering lane or two one- way maneuvering lanes in conformance with Public Works Design Standards to accommodate traffic by automobiles, service vehicles, and emergency vehicles.
7. The PW Director may waive or modify the requirements for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area or would create unsafe conditions.
 - (3) Easements allowing cross access to and from properties served by a vehicular cross-access drive, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Greene County Recorder's Office before issuance of a building permit for development.
- e. Pedestrian Walkways:
 - (1) ADA accessible pedestrian walkways shall be provided from the perimeter public sidewalk to the primary building entrance and from the parking lot to the primary building entrance and shall be along direct routes that do not require significant out-of-direction travel.
 - (2) ADA accessible walkways must be distinguished from driving surfaces through the use of raised curbs or contrasting materials to enhance pedestrian safety. Examples of acceptable contrasting materials include, but are not limited to, stamped asphalt, special pavers, bricks, or scored concrete.
17. Screening:
 - a. Used Frying Oil, Trash, and Recycling Receptacles. The following screening requirements shall apply to all non-single-family development:
 - (1) Used frying oil, trash, and recycling receptacles shall be screened on three sides with a solid, opaque material with a minimum height of 6 feet and a maximum height of 8 feet.
 - (2) Materials used for screening shall complement the exterior building cladding materials of the primary building.
 - (3) Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
 - (4) If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
 - (5) Shrubs shall be installed every 3 feet along the exterior of the enclosure, except for enclosure openings, to provide a softening effect.
 - (6) Enclosure openings shall be gated with an opaque material.
 - (7) Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed
 - (8) Property owners shall be responsible for ensuring that used frying oil, trash, and recycling receptacles are placed in the enclosure at all times other than when such receptacles are being accessed.
 - (9) Access drives shall be constructed of materials and to a thickness in conformance with Public Works Design Standards. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
 - (10) Enclosures shall be of an adequate size to accommodate expected receptacles. The enclosure shall be designed to be expandable to accommodate future additional containers.
 - (11) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.

- (12) Used frying oil, trash, and recycling receptacle enclosures shall not occupy areas used for required parking spaces.



Figure 10-18 Used Frying Oil, Trash, and Recycling Receptacle Screening

- b. Ground Mounted Mechanical Units.
- (1) Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts. Ground mounted mechanical units are prohibited within the front yard, regardless of whether screening is provided.
 - (2) Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.
 - (3) Materials used for screening shall be designed and established so that the area or element being screened is no more than 20% visible through the screen.
 - (4) Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.



Figure 10-19 Ground/Wall-Mounted Mechanical Unit Screening

- c. Roof Mounted Mechanical Units
- (1) Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts.
 - (2) Roof mounted mechanical units that are visible from any public right-of-way or

- (3) adjacent residential property shall be completely screened from public view.
- (3) Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.
- (4) Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not mandate the screening requirements.
- (5) Additional screening may be required due to topographic differences in the adjoining properties.

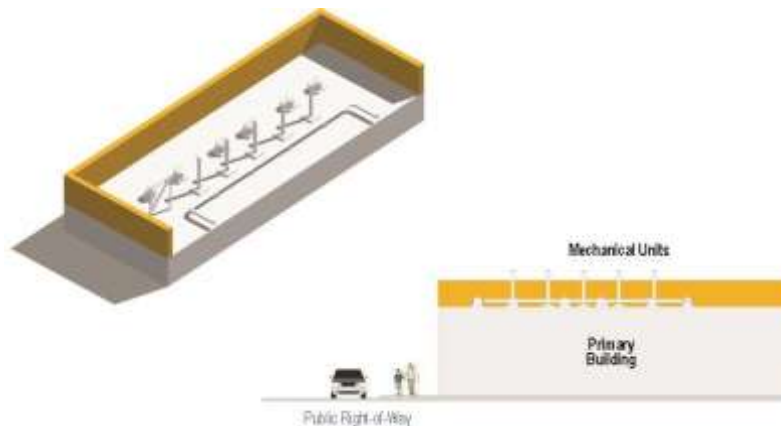


Figure 10-20 Roof-mounted Mechanical Unit Screening

18. **Fencing.**
 - a. No fence or wall over 6 feet shall be erected on any lot within the Rountree Urban Conservation District.
 - b. No fence over 48 inches in height shall be erected within 20 feet of National Avenue, Cherry Street, Elm Street or Pickwick Avenue.
 - c. Fences within 80 feet of National Avenue, Cherry Street, Elm Street and Pickwick Avenue shall be at least 80% transparent.
 - d. Chain link, vinyl, metal sheeting and plastic fencing are prohibited within 20 feet of National Avenue, Cherry Street, Elm Street and Pickwick Avenue.
 - e. Chain link shall not be used to satisfy landscaping and screening requirements.
 - f. The finished side of the fence or wall must face the adjacent property or the street.
 - g. At- and below-grade patios shall be enclosed by a fence or wall with a height between 36 inches and 48 inches.
19. **Landscaping and Bufferyards.** Bufferyards shall be required along interior property lines of all non- single-family development when adjacent to single-family uses. It is not anticipated that the bufferyard will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics.
 - a. Applicability: Bufferyards are required in the following situations:
 - (1) The construction or installation of any new primary building or primary use; and
 - (2) The expansion of any existing primary building that results in an increase in gross floor area by more than 5% or 1,000 square feet, whichever is greater. In the case of expansions that trigger compliance with the bufferyard requirements, bufferyards are only required in proportion to the degree of expansion. The ARC is authorized to allow the bufferyard plantings to be established adjacent to the area of expansion.
 - b. Bufferyard Standards:
 - (1) Width: The bufferyard shall have a minimum width of 7 feet. Required yard setbacks may be utilized for the bufferyard.

- (2) Fences: The exterior line of the bufferyard shall be improved with a fence meeting the following standards:
 - (a) Height: The fence shall be 6 feet in height.
 - (b) Materials: The material of the fence shall be pressure treated wood (chemically treated or naturally resistant to decay) or wood composites.
 - (c) Design: The finished side of the fence shall face the adjacent property.
 - (d) Location: Fences shall be in line with the fences of adjacent properties, shall provide safe site distance where driveway curb cuts intersect public right-of-way, and shall not extend beyond the front elevation of the primary building.
- c. Landscape Elements: The bufferyard shall, at a minimum, be improved with the following landscape elements:
 - (1) Canopy/Evergreen Trees: 4 canopy and/or evergreen trees shall be planted per every 100 lineal feet of bufferyard.
 - (2) Shrubs/Native Grasses: 10 shrubs/native greases shall be planted per every 100 lineal feet of bufferyard.



Figure 10-21 Buffer Area Landscape

- d. Installation and Maintenance of Landscape Areas:
 - (1) All installed landscape shall conform to the most recently approved American National Standards Institute Tree Care Standards.
 - (2) All new landscape areas shall be installed prior to the occupancy or use of the building or premises, or substantial completion of the building to allow for occupancy; or if the weather conditions are not conducive to planting, the developer shall apply to the ARC for a delay in landscape installation. The delay in landscape installation request shall identify a date certain by which all required landscape materials shall be installed or the developer shall be subject to a fine.
 - (3) A total cost estimate of landscaping for the construction must be given in January 1 dollars for the current calendar year. 20% of the total landscaping costs must be deposited in escrow with the City before building permits are granted. The 20% landscaping deposit will be held in escrow for a period of one year past the time of planting and will be refunded on approval of the City.
 - (4) Dead plant materials shall be replaced within 60 days, taking into consideration the season of the year, and shall have at least the same quantity and quality of landscape elements as initially approved. If the particular project is constructed in more than one phase, the 60 day timeframe shall apply to each individual phase.
 - (5) All landscape shall be maintained in a healthy, neat, trimmed, clean and weed-free condition. With the exception of surface areas in vegetated stormwater management areas where mulch is not specified, the ground surface of landscape areas shall be covered with either turf and/or other types of pervious groundcover located beneath and surrounding trees and shrubs.
 - (6) For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of 18 months following City approval of installation. During this guarantee period, the landowner shall

- (7) supply water as necessary to promote successful establishment and growth. Any required landscape area not intended for stormwater management that is greater than 150 square feet in area shall be provided with an underground irrigation system or shall be provided with a portable water supply within 50 feet of said landscape areas. No part of an irrigation system may be installed in City right-of-way.
- (8) All plantings required under this subsection G shall be maintained perpetually and replaced if they die or are substantially weakened or damaged. If plantings die, they shall be replaced with more culturally suitable species of the same type (e.g. tree, shrub, groundcover).

H. Subarea E and F Regulations. Subareas E and F of the Rountree Urban Conservation District are known as the Rountree Single-Family Neighborhood Area. Subareas E and F are characterized by a diverse single-family housing stock. The regulations in this Section are intended to promote the continued status of these subareas as single-family residential and off-set the potential adverse impact of adjacent land uses to the character of these subareas.

1. *Permitted and Conditional Uses.* The following key is to be used in the interpretation of Table 2, Permitted and Conditional Uses Subareas E and F, in this section:
 - a. **Permitted Uses:** Uses which are marked as "P" in the table shall be allowed in a subarea subject to all application regulations of this district.
 - b. **Conditional Uses:** Uses which are marked as "C" in the table shall be allowed in a subarea upon the approval of a conditional use permit as detailed in Section 2.04.
 - c. **Uses Not Listed:** If a proposed use is not listed in the table, the ARC shall determine if the use is substantially similar to a use listed in the table. If it is, the proposed use shall be treated in the same manner as the substantially similar use. If not, the use shall be prohibited.
 - d. **Additional Regulations:** If uses have additional regulations, such standards are referenced in this column. Additional regulations shall apply to permitted and conditional uses. Where additional regulations conflict with Rountree Urban Conservation District subarea standards, the subarea standards shall be followed.

Table 10-4: Subareas E and F Uses			
Use	Additional Regulations	Subareas	
		E	F
Residential Uses			
Dwelling, Single Family Detached		P	P
Dwelling, Single Family Semi-Detached	Section 5.05.C	P	P
Day Care Homes		P	P
Group Homes, residential	Section 4.03.F	P	P
Table 10-4: Subareas E and F Uses			
Use	Additional Regulations	Subareas	
		E	F
Other Uses			
Churches (min 2 acres of land)		P	P
Adaptive use of non-residential structures		C	C
Non-commercial, not-for-profit residential neighborhood facilities		C	C
Public museums and libraries (min 2 acres of land)		C	C
Accessory Uses			
Accessory Uses	Section 4.04	P	P

2. Building and Lot Standards.

Table 10-5: Subareas E and F Building and Lot Standards	
	Areas E and F
Lot Standards	
Lot Area	Per R-SF, Residential Single-Family Residential District
Lot Width	Minimum per R-SF, Residential Single-Family Residential District Maximum of 100 feet; except that lots existing as of June 5, 2023 are exempt from the 100 foot maximum lot width restriction
Lot Depth	Per R-SF, Residential Single-Family Residential District
Yard Setbacks (build to line)	
Front, minimum (ft)	25 (Primary Street) 5 (Side Street) Exception: 15 for parcels fronting McCann Avenue and Belmont Street in Area E and the south side of Cherry Street east of Fairway Avenue in Area F
Front, maximum (ft)	50 (Primary Street) 10 (Side Street)
Side, minimum (ft)	5 (Primary building) 3 (Accessory building)
Side, maximum (ft)	15 (Primary Building)

3. Design Standards.

- a. Pedestrian Access: A hard-scaped pedestrian path shall be provided from the primary pedestrian entrance of a single-family home to the driveway and/or sidewalk.
- b. Building Entrance: The primary pedestrian entrance to a new single-family residential home, or home to be rehabilitated, shall be located off the front porch, front stoop, or side porch.
- c. Individual Identity: To the extent possible, single-family homes constructed adjacent to each other should exhibit unique characteristics, regardless of whether they utilize the same floor plan. Acceptable alternatives may include varying roof pitches and orientation, window arrangement, porch arrangement, materials, and other building elements, provided that such alternatives shall not conflict with other design elements addressed in these regulations.
- d. Porches:
 - (1) Single-family residential homes shall include a front porch, stoop, or side porch.
 - (2) When a front porch is provided, the porch shall be at least 8 feet in depth and, shall span at least 12 feet in width or approximately 50% of the front building facade, whichever is greater.
- e. Garages:
 - (1) A garage is not a required building element. When utilized, attached or detached garages shall be located on the parcel in a manner consistent with most of single-family homes in the vicinity, except that it is preferable to remove the garage from the front building facade where possible.
 - (2) Attached garages located on front building facades shall be recessed a minimum of 20 feet behind the front building line (including the porch). The total garage opening facing the street shall not exceed 18 feet in width.
 - (3) Detached garages shall be of a similar height as garages on adjacent lots, shall have a roof pitch like that of garages on adjacent lots and shall be of a scale such that the garage is clearly accessory to the principal residential structure.

- (4) No metal carports or metal storage buildings shall be visible from the public street (alleys excluded).
- f. Roof:
 - (1) The principal structure's roof pitch and the orientation of the roof ridge shall be compatible with homes in the vicinity. This requirement does not disallow roof line alterations, if necessary, for structures subject to rehabilitation so long as the alteration is reasonably consistent with the surrounding neighborhood.
 - (2) The roof style, including gables and dormers, shall be consistent with homes in the vicinity. False dormers may be permitted to ensure consistency of roof style.
 - (3) Exposed fastener metal roofs are not permitted.
- g. Fencing: Chain link and other wire fences shall not be permitted in front of the building face.
- h. Utility Placement: Electric and gas meters serving new construction shall not be placed on a street-facing building facade. Every effort shall be made to locate or re-locate electric and gas meters to a non-street facing building facade of a dwelling unit to be rehabilitated.
- i. Circular Drives: Circular driveways are permitted if sufficient frontage is available and if approved by the City Traffic Engineer.
- j. Solid Waste Containers:
 - (1) Solid waste containers shall not be placed at the curb earlier than the evening preceding collection and shall be removed within 24 hours after being placed at the curb. The person placing the solid waste container and/or the owner of the property where the contents have been generated shall be responsible for any violation of this subsection (11).
 - (2) Solid waste containers, unless placed at the curb for collection in accordance with subsection (a) above, are prohibited in the front yard.

10.06 Walnut Street – East Urban Conservation District

- A. **Walnut Street Urban Conservation District – East Legal Description.** Beginning at a point 20' East of the SW cnr. of Lot 3, O.H. Mitchell's Add., thence E to the SE cnr. of Lot 10 Mitchell's Add., thence S 49.5', thence E 110.5', thence S 8', thence E 578.65' M/L, thence N 83.5', thence E 68' to the SW cnr. of Lot 12 Chamberlain's Add., thence E along the S line of Lot 12 through 10 of Chamberlain's Add. to the SE corner of Lot 10, thence N 101.5' along E line of said Lot 10, thence E 200' to a pt. on the E Row of Fremont Ave., thence S 101.5' to the SW cnr. of Lot 5 Chamberlain's Add., thence E along the S line of Lots 1 through 5 of said Add. to the SE cnr. of said Lot 1 being a pt. on the SW ROW of Burlington Northern RR, thence continuing E 220' S of and parallel to Walnut St. to a pt. on the W line of Lot 6, Arlington Heights Add., thence N along the W line of said Addition 120', thence E 202' to a pt. on the E ROW line of Weller, thence S 80', thence E 162' M/L, thence S 50.5' to a pt. 52' W of the SE cnr. of Lot 3 Arlington Heights Add., thence continue E across 14.5' vacated alley (Delaware) to SW cnr. Lot 1 E Elm St. Add., thence continue E along S line of Lots 1 through 14, E Elm St. Add., thence continue E 100' to SW cnr. of Lot 17 E. Elm St. Add., thence continue E 100' to SE cnr. of Lot 18 said Add., thence continue E 52.18', thence N 231' to the S ROW of Walnut St., thence W along the S ROW of Walnut St. to a pt. 60' S of the SE cnr. of Lot 176 Kennedy Heights Sub., thence N to the SE cnr. of said Lot 176, thence continuing N along the E line of said Lot 176 to the NE cnr. of said lot, thence W along the N line of Lots 176 through 172 Kennedy Heights Sub., said pt. being 15' W of the SE cnr. of Lot 163 Kennedy Heights Sub., thence N 53' along the W line of said Lot 163, thence 10' W along the S line of said Lot 163, thence continuing W along the S line of Lots 164 through 171 Kennedy Heights Sub. 200' to the SW cnr. of said Lot 171, thence S 27' to a pt. 210' N of N ROW of Walnut St., thence W 204.3', thence S 3', thence W 80', thence N 18', thence W 97.5', thence S 17', thence W 80' to a pt. on the E ROW of vacated alley (Delaware) 181.8' N of the N ROW of Walnut St., thence S 41.8', thence W across vacated alley (Delaware) 14.5' to the NE cnr. of Lot 8, Block 9 Frisco Heights Add., thence continuing W along the N line of Lots 8 through 14, Block 9 said Add. to the NW cnr. of Lot 14, Block 9 Frisco Heights Add. and being a pt. on the E ROW line of Weller Ave., thence continue W 40' across Weller Ave. to the NE cnr. of Lot 7, Block 8, Frisco Heights Add., thence N 10' to center line of vacated alley, thence W along center line of vacated alley to a pt. on the E ROW line of Pickwick Ave. 10' N of the NW cnr. of Lot 12, Block 8, Frisco Heights Add., thence continue W across Pickwick 50' to a pt. on the W ROW line of Pickwick, the pt. being the NE cnr. of Lot 2, Block 7, Frisco Heights Add., thence continue W 46' to the SE cnr. of Lot 1, Pickwick Terrace Add., thence continue W along the S line of Lots 1 through 7 Pickwick Terrace to the SW cnr. of said Lot 7, a pt. on the NE ROW of the Burlington-Northern RR, thence continue W to a pt. on the W ROW line of said RR 150' N of N ROW line of Walnut St., thence northwesterly along the RR ROW to a pt. 270' N of the N ROW line of Walnut St., thence W across that portion of vacated Fremont Ave. and continuing W along the center line of vacated alley to a pt. 10' N of the NW cnr. of Lot 1 Whiteheads Sub., thence continue W across Kickapoo Ave. to a pt. 270' N of the N ROW line of Walnut St., thence N along the W ROW line of Kickapoo Ave. to the S ROW line of McDaniel St., the pt. being the NE cnr. of Lot 10, L.C. Hubble's Sub., thence W along S ROW of McDaniel St. 213' to the NW cnr. of Lot 8, L.C. Hubble's Sub., thence S 93.5', thence W 125' to a pt. on the E line of Lot 1, Hawthorne Add. 93.5' S of the S ROW line of McDaniel St., thence S 118.5' to a pt. 10' S of the SE cnr. of Lot 1, Hawthorne Add., being the center line of vacated alley, thence W 166' to a pt. 212' S of the S ROW of McDaniel St., being apt. on the E line of Lot 8, Hawthorne Add., thence South along E. line of Lots 8 and 9 to the SE cnr. Lot 9 said Add., thence West 84' along S line of said Lot 9 to a point N of the E line of Lot 10 Hawthorne Add., thence to SE cnr. of said Lot 10, thence SWly across Walnut Street to a point 20' E of NW cnr. of Lot 3, O.H. Mitchell's Add., thence to point of beginning.

(Location: Walnut Street -- Point east of National to point west of Glenstone).

The /same is hereby rezoned from R-1, Single-Family District, and R-3, Multi-Family District, to Urban Conservation District No. 1, known as the East Walnut Street Urban Conservation District, and Chapter 36, Article I, Zoning, of the Springfield City Code, Section 80.030 thereof, Zoning Maps, is hereby amended, changed and modified accordingly; which district shall be subject to the regulations set forth in Section 80.1150, Urban Conservation District, and the regulations set forth in Sections 2 and 3 of this ordinance.

- B. The following regulation shall govern and control the use and development of land in East Walnut Street Urban Conservation District No. 1, which regulations are as follows:
1. *Uses Permitted.* The following uses shall be permitted:
 - a. All uses permitted by right in the R-SF, Single-Family Residential District as set forth in Section 4.02.
 2. *Conditional Use Permits.* All uses permitted upon issuance of a conditional use permit in the R-SF, Single-Family Residential District as set forth in Section 4.02 provided all conditions of the use permit as required therein are satisfied and a certificate of appropriateness as set forth in the ordinance is obtained.
 - a. *Application and Standards Relating to Conditional Use Permits.* No use permit shall be issued unless the following conditions have been met or provisions made therefore:
 - (1) The application including a site plan is complete and does not contain or reveal violations of the regulations applicable to the Walnut Street Urban Conservation District.
 - (2) Existing buildings proposed to be converted to uses requiring a conditional use permit must meet all fire, health, building, plumbing, and electrical requirements of the City of Springfield.
 - (3) The proposed site plan does not interfere with easements, roadways, utilities, and public or private right-of-way.
 - (4) The proposed use as shown by the site plan is not injurious or detrimental to the use and enjoyment of surrounding property.
 - (5) The circulation element of the proposed site plan does not create hazards to safety on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.
 - (6) The screening of the site provides adequate shielding for nearby, less intense uses.
 - (7) The proposed structures or landscaping are not lacking amenity in relation to, or are not incompatible with, nearby structures and uses.
 - (8) The proposed use as shown by the site plan does not create drainage or erosion problems on or off the site.
 - (9) The application and site plan have been reviewed by the Landmarks Board to determine whether the goal or historic preservation is met, the existing structure is preserved, and any exterior modifications are consistent with the Secretary of Interior's Standards for Historic Preservation Projects and the East Walnut Street Urban Conservation District Design Guidelines. Such determinations shall be shown by the Board issuing a certificate of appropriateness.
 - (10) The Planning and Zoning Commission may require such additional conditions as it deems necessary to further the public interest, to achieve the intent of the Urban Conservation District Plan, and to assure that the conditions stated above are satisfied.
 3. *Other Zoning Regulations.* All other zoning regulations pertaining to the R-SF zoning district shall apply to the area except for use regulations unless otherwise modified herein. The following general provisions apply to all property located within the East Walnut Street Urban Conservation District:
 - a. *Certificate of Appropriateness.* A person shall be required to secure a certificate of appropriateness in the following instances before the commencement of exterior work upon any new or existing structure, or outside work on any site or parcel in the Walnut Street Urban Conservation District except for ordinary maintenance and repair.
 - (1) Any construction, alteration, or removal affecting the exterior of a structure that requires a building or demolition permit from the City of Springfield including but not limited to the construction of new buildings.
 - (2) A material change to the exterior appearance of existing structures

including but not limited to additions, reconstruction, or alteration, which affects a significant exterior architectural feature of a structure as specified in the Urban Conservation District Design Guidelines or Historic Survey conducted in East Walnut Street Urban Conservation District, copies of which are on file with the PD Director.

- (3) Any action resulting in the application of paint to a previously unpainted brick or masonry exterior surface or the application of stucco or siding.
 - (4) The construction or enlargement of a driveway or parking area or erection of fencing.
 - (5) Work by the City of Springfield or any of its agencies or departments which would require a certificate of appropriateness if undertaken by a private citizen and any Public Improvement Project which, in the opinion of the PD Director would affect the East Walnut Street Urban Conservation District.
- b. *Administrative Review.* A person who is required to obtain a certificate of appropriateness shall submit an application to the PD Director. Individuals in the district are encouraged to contact the Director in order to determine in a certificate is required. If the application is for work that will have no effects on exterior architectural details or is one of any number of items that the Landmarks Board (hereinafter called the Board) has designated for action, then the PD Director may review the application and issue or deny a certificate of appropriateness. Such certificate shall be in addition to all other permits required by the city. If the request is within the Director's jurisdiction and is denied by the Director, the applicant may appeal such decision to the Landmarks Board. Permits required by the city involving items requiring a certificate of appropriateness shall not be issued by the City until the City has issued said certificate, has issues a certificate of economic hardship, or in the event of demolition being refused, the requisite time period has expired. If the PD Director determines that the application is for action not designated for administrative review, then the Director shall submit the application to the Board. The PD Director may require as a condition of processing the application that the applicant submit information as determined by the Director. The PD Director shall also have the authority to refer any building or demolition permit application for structures on a lot contiguous to the Walnut Street Urban Conservation District to the Board for the sole purpose of review and comment when, in his opinion, the proposed improvements would have a significant adverse impact on the Urban Conservation District.
- c. *Board Review and Action on Certificates of Appropriateness.* The Board shall meet within 10 working days of notification that the PD Director has received an application for a certificate, and approve, approve subject to specific conditions, or disapprove the certificate based on the guidelines set forth in this ordinance.
- (1) If the certificate is denied, no permit for the work shall be issued and the applicant shall not proceed with the work. The Board shall state the reasons for denial in writing to the applicant and shall also make suggestions in regard to appropriate changes.
- d. *Review Criteria.* The Board in considering whether or not to issue a certificate of appropriateness shall be guided by the general purpose of this

ordinance and the following:

- (1) The Secretary of Interior's Standards for Historic Preservation Projects, a copy of which is attached hereto and incorporated herein by reference as Exhibit A.
 - (2) The Design Guidelines for the Walnut Street Urban Conservation District which are on file with the PD Director.
 - (3) For new construction, the Board shall also consider the extent to which the building or structure would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this ordinance to discourage contemporary architectural expression or to encourage the emulation of existing building or structures of historic or architectural interest in specific detail. Harmony or incompatibility shall be evaluated in terms of the appropriateness of material, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to the setting thereof.
 - (4) In the event the Board concludes that the request, if granted, will have a detrimental effect upon the Urban Conservation District or any adverse effect on a historical or architectural resource, then the Board shall deny the request for a certificate.
- e. *Work Required to Conform with Certificate of Appropriateness.* Work performed pursuant to the issuance of a certificate shall conform to the requirements of such certificate, if any. The BDS Director shall inspect from time to time any work performed pursuant to a certificate to assure such compliance. In the event that such work is not in compliance, the Director shall issue a stop work order. A certificate shall become void unless construction is commenced within 6 months of date of issuance. All city licenses shall be issued on condition that the person owning or occupying the premises will comply with conditions, if any, in the certificate.
- f. *Applicant's Action if Application is Denied.* In the event that a certificate is denied, the applicant may:
- (1) Produce new evidence supporting his proposal and resubmit the application within ten working days of denial by the Board.
 - (2) Wait 6 months and resubmit the application.
 - (3) Apply for a certificate of economic hardship.
 - (4) If the request is for a demolition permit, the applicant may also wait 180 days, at which time said demolition permit shall be issued unless the City Council has extended the time for demolition. Any person who has been denied a demolition permit while the moratorium for the Walnut Street Area was in effect shall be given credit with the respect to the delay experienced during said moratorium. The Board may request that the demolition be delayed for an additional 120 days by action of the City Council. The City Council may, after receipt of such request, hold a public hearing and delay the demolition for an additional 120 days.
4. *Certificate of Economic Hardship.*
- a. *Application Procedure.* Application for a certificate of economic hardship shall be made on a form prepared by the board and submitted to the PD Director. The board shall meet within 10 working days of notification that the PD Director has received a completed application for a certificate of economic hardship.

- b. *Review Criteria.* The Board will review the application at a public hearing and may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:
- (1) Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Board for changes necessary for the issuance of a certificate of appropriateness.
 - (2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - (3) Estimated market value of the property in its current condition, after completion of the proposed construction, alteration, demolition or removal, after any changes recommended by the Board and, in the case of a proposed demolition, after renovation of the existing property for continued use.
 - (4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 - (5) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operation and maintenance expenses for the previous two year, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - (6) All appraisals obtained within the previous two years by the owner of applicant in connection with the purchase, financing or ownership of the property.
 - (7) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
 - (8) Assessed value of the property according to the two most recent assessments.
 - (9) Real estate taxes for the previous two years.
 - (10) Form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture, or other.
 - (11) Any other information considered necessary by the Board to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- c. *Board Review and Action:* A certificate of economic hardship shall be issued when the structure of part thereof has degenerated beyond feasible limits for rehabilitation or rehabilitation is impracticable and there is an economic hardship.
- (1) If approved, the BDS Director will be instructed to issue a building or demolition permit, as requested, for the proposed work. If denied, the applicant shall have the right to appeal the decision to the Board of Adjustment. The Board of Adjustment shall conduct a full and impartial hearing on the matter before rendering a decision. The

same standards shall be applied by the Board of Adjustment as established herein. The Board of Adjustment may affirm, reverse, or modify the decision of the board in whole or in part.

- C. **Definitions.** Unless specifically defined below, words, or phrases in the ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

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

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

Design Guidelines. A standard of appropriate activity that will preserve the historic architectural character of a structure or area.

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

Ordinary Maintenance and Repair. Where the purpose of the work is stabilization or is normal, customary and routine affecting the exterior of the structure or the outside of the site, except for items specifically requiring a certificate of appropriateness.

Public Improvement Project. An action by the City of Springfield or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, or portions of the public infrastructure.

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

Rehabilitation Impracticable. Infeasibility of restoration not only because of physical condition but also inability to turn the property to use or account profitably.

Removal. Any relocation of a structure, object, or artifact on its site or to another site.

Significant Exterior Architectural Feature. Those features which are important to or expressive of the architectural quality and integrity of the structure and its setting and which include, but are not limited to, building, detail, proportion, rhythm, scale, setting, shape, and workmanship.

Stabilization. The act or process of applying measures to halt deterioration and to establish the structural stability of an unsafe or deteriorated structure while maintaining the essential form as it presently exists without noticeable changing its exterior appearance.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality or the foregoing, advertising signs, billboards, backstops for tennis courts, fences, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae including supporting towers, roads, ruins or remnants (including foundations), swimming pools, walkways, or any similar item.

Survey. The systematic gathering of information on the architectural historical, or archaeological significance of buildings, sites, structures, objects, or areas, and districts worthy of preservation.

D. Exhibits.**“EXHIBIT A”****SECRETARY OF INTERIOR’S STANDARDS FOR
HISTORIC PRESERVATION PROJECTS**

Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

All buildings, structures, and sites shall be recognized as a product of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance, and this significance shall be recognized and respected.

Distinctive stylistic features or examples of skilled craftsmanship which characterizes a building, structure, or site shall be treated with sensitivity.

Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications or features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall be not undertaken.

Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.

Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

APPENDIX 1**AFFECTED ADDRESSES**

East Walnut Street from a point east of National Avenue to a point west of Glenstone Avenue and all of Cordova Court. The following addresses are included:

East Walnut Street Addresses:

1208	1345	1465	1635
1213	1351	1471	1638
1218	1354	1477	1647
1221	1358	1481	1648
1230	1363	1485	1655
1231	1400	1501	1656
1234	1401	1504	1666
1235	1404	1505	1673
1244	1410	1510	1700
1249	1420	1513	1701
1260	1430	1520	1704
1300	1435	1523	1708
1303	1440	1526	1714
1314	1448	1531	
1320	1451	1538	
1330	1456	1603	
1333	1460	1611	
1336	1461	1619	
1344	1464	1622	

Cordova Court Addresses:

300	316
307	319
310	336
311	342

APPENDIX 2 SUMMARY OF AMENDMENTS

October 1, 1989 – No amendments have been made as of this date.

10.07 Walnut Street – West Urban Conservation District

- A. **Legal Description.** That the following described property, is designated as Urban Conservation District Number 1, to be known as the Walnut Street-West Urban Conservation District, which district shall be shown on the district maps and is described as follows:
1. *Walnut Street-West Urban Conservation District Legal Description.* Beginning at the Northwest Corner of Lot 6 E.T. Robberson's Addition, being the Southeast Corner of Walnut St. and John Q. Hammons Parkway, thence South along the East Rights- of-way of John Q. Hammons Parkway to the Northwest Corner of Lot 16 E.T. Robberson's Addition, being at a point on the South line of an existing 20 foot alley, thence East along the South line of said alley to a point on the West Rights-of-way line of National Ave. 238 feet M/L South of the Southwest Corner of Walnut St. and National Ave., thence Easterly 80 feet M/L crossing National Ave. to the Southwest Corner of Lot 4 O.H. Mitchell Addition, thence East to a point 20 feet East of the Southwest Corner of Lot 3 O.H. Mitchell Addition, being a point on the South line of Lot 3 O.H. Mitchell Addition, thence North to a point 20 feet East of the Northwest Corner of Lot 3 O.H. Mitchell Addition, thence Northeasterly across Walnut St. to the Southeast Corner of Lot 10 Hawthorne Addition, thence North to a point on the South line of Lot 9 Hawthorne Addition, thence East to the Southeast Corner of Lot 9 Hawthorne Addition, thence North along the East line of Lots 9 through 4, Hawthorne Addition to the Northeast Corner of Lot 4 of Hawthorne

Addition, also being the South Rights-of-way line of McDaniel St., thence West 166 feet M/L to the Northwest Corner of Lot 4 Hawthorne Addition, thence Westerly 80 feet M/L to the Northeast Corner of Lot 41 East Side Addition also being the Southwest Corner of McDaniel St. and National Ave., thence North 160 feet M/L to the Northeast Corner of Lot 27 East Side Addition, thence West to the Northwest Corner of said Lot 27, thence continue West 15 feet across the alley to the Northeast Corner of Lot 21 East Side Addition, thence South along the East line of Lots 21 and 22 in East Side Addition to and across McDaniel St. and continue South along the East line of Lots 35 through 40 of East Side Addition to the Southeast Corner of Lot 40 East Side Addition, thence West along the South line of Lot 40 East Side Addition, to and across Florence Ave. continuing West along South line of Lot 34 East Side Addition to and across Hampton Ave. to a point on the West Rights-of-way of Hampton Ave. 182feet M/L North of the North Rights-of-way of Walnut St., thence North 18 feet along the West Rights-of-way of Hampton Ave., thence West 150 feet, to the East line of property described in Book 2703 Page 1103, thence North along the East property line of Book 2703 Page 1103 to the South Rights-of-way line of McDaniel St. as it now exists, thence West along the South Rights-of-way line of McDaniel St. 61.4 feet, thence South 207.6 feet, thence West 63 feet,. Thence South 52 feet, thence West 419 feet M/L to a point on the East line of One Parkway Place 210 feet North of the North Rights-of-way line of Walnut St., thence South along the East line of One Parkway Place 210 feet to the North Rights-of-way of Walnut St. thence continuing South Across Walnut St. to a point on the South Rights-of-way of Walnut St. and the North line of Lot 10 of E.T. Robberson Addition, thence West along the North line of Lots 6 through 10 of E.T. Robberson Addition to the Point of Beginning. All in the City of Springfield, County of Greene, State of Missouri.

(Location: East Walnut Street - Hammons Parkway to a point east of National and north on National to a point north of McDaniel.)

- B. **Subareas.** The following sub-districts are hereby established within the Walnut Street- West Urban Conservation District, to be known as Sub Areas A & B which are described as follows:

1. *Sub Area A Walnut Street Area.* Beginning at the Northwest Corner of Lot 6 E.T. Robberson's Addition, being the Southeast Corner of Walnut St. and John Q. Hammons Parkway, thence South along the East Rights-of-way of John Q. Hammons Parkway to the Northwest Corner of Lot 16 E.T. Robberson's Addition, being at a point on the South line of an existing 20 foot alley, thence East along the South line of said alley to a point on the West Rights-of- way line of National Ave. 238 feet M/L South of the Southwest Corner of Walnut St. and National Ave., thence Easterly 80 feet M/L crossing National Ave. to the Southwest Corner of Lot 4 O.H. Mitchell Addition, thence East to a point 20 feet East of the Southwest Corner of Lot 3 O.H. Mitchell Addition, being a point on the South line of Lot 3 O.H. Mitchell Addition, thence North to a point 20 feet East of the Northwest Corner of Lot 3 O.H. Mitchell Addition, thence Northeasterly across Walnut St. to the Southeast Corner of Lot 10 Hawthorne Addition, thence North to a point on the South line of Lot 9 Hawthorne Addition, thence East to the Southeast Corner of Lot 9 Hawthorne Addition, thence North to the Northeast corner of said Lot 9, thence West to the Northwest corner of said Lot 9, thence West across the National Avenue right-of-way to the Northeast corner of Lot 46 of East Side Addition, thence West along the North line of said Lot 46 and across a 15 feet wide alley to the Northeast corner of Lot 40 of East Side Addition, thence South along the East line of Lot 40 of East Side Addition to the Southeast Corner of Lot 40 East Side Addition, thence West along the South line of Lot 40 East Side Addition, to and across Florence Ave. continuing West along South line of Lot 34 East Side Addition to and across Hampton Ave. to a point on the West Rights-of-way of Hampton Ave. 182feet M/L North of the North Rights-of-way of Walnut St., thence North 18 feet along the West Rights-of-way of Hampton Ave., thence West 150 feet, to the East line of property described in Book 2703 Page 1103, thence North along the East property line of Book 2703 Page 1103 to the South Rights-of-way line of McDaniel St. as it now exists, thence West along the South Rights-of-way line of McDaniel St. 61.4 feet, thence South 207.6 feet, thence West 63 feet. Thence South 52 feet, thence West 419 feet M/L to a point on the East line of One Parkway Place 210 feet North of the North Rights-of-way line of Walnut St., thence South along the East line of One Parkway Place 210 feet to the North Rights-of-way of Walnut St. thence continuing South Across Walnut St. to a point on the South Rights-of-way of Walnut St. and the North line of Lot 10 of E.T. Robberson Addition, thence West along the North line of Lots 6 through 10 of E.T. Robberson Addition to the Point of Beginning. All in the City of Springfield,

County of Greene, State of Missouri.

2. *Sub Area B National Avenue Area.* Beginning at the Southeast corner of Lot 8 of Hawthorn Addition, thence North along the East line of Lots 8 through 4 of Hawthorne Addition to the Northeast Corner of Lot 4 of Hawthorne Addition, also being the South Rights-of-way line of McDaniel St., thence West 166 feet M/L to the Northwest Corner of Lot 4 Hawthorne Addition, thence Westerly 80 feet M/L to the Northeast Corner of Lot 41 East Side Addition also being the Southwest Corner of McDaniel St. and National Ave., thence North 160 feet M/L to the Northeast Corner of Lot 27 East Side Addition, thence West to the Northwest Corner of said Lot 27, thence continue West 15 feet across the alley to the Northeast Corner of Lot 21 East Side Addition, thence South along the East line of Lots 21 and 22 in East Side Addition to and across McDaniel St. and continue South along the East line of Lots 35 through 39 of East Side Addition to the Southeast Corner of Lot 39 East Side Addition, thence east across a 15 feet wide alley to the Southwest corner of Lot 45 of East Side Addition, thence continuing East to the Southeast corner of said Lot 45, thence East across National Avenue right-of-way to the Southwest corner of Lot 8 of Hawthorn Addition, thence east to the Point of beginning.
- C. **District Regulations.** Notwithstanding any other provision of the Springfield City Code to the contrary, the following regulations shall govern and control the enforcement, administration, interpretation, and use and development of land throughout Urban Conservation District No. 1, known as the Walnut Street-West Urban Conservation District. Unless otherwise stated herein, the minimum requirements of the applicable underlying zoning district, the Zoning Ordinance, and any other provision of the Springfield City Code shall be applicable to all properties within the Walnut Street-West Urban Conservation District.
1. *Permitted Uses.* The following uses shall be permitted in the Walnut Street-West Urban Conservation District except for those properties identified in subsection 3.C.
 - a. Single-family-detached dwellings.
 - b. Single-family-semi-detached dwellings, ~~in accordance with Section 3-3100.~~
 - c. Townhouses containing no more than four dwelling units.
 - d. Duplexes.
 - e. Multi-family dwellings.
 - f. Boarding and lodging houses.
 - g. Nursing homes.
 - h. Day care homes and group day care homes in accordance with Springfield City Code.
 - i. Group homes, custodial.
 - j. Public parking areas in accordance with subsection 4.D. or 5.D., except parking designed for or used for parking of trucks having a capacity of 3/4 ton or larger or the chassis thereof, or a single unit with more than one rear drive axle shall not be permitted.
 - k. Community centers, nonprofit.
 - l. Little Theater group, or dramatic clubs.
 - m. Art galleries, libraries or museums.
 - n. Offices, administrative, business, financial and professional.
 - o. Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
 - p. Day care centers in accordance with Springfield City Code.
 - q. Zero-lot-line construction, in accordance with Section 5.03.C3-3200.
 - r. The following commercial uses shall be permitted in contributing buildings as established in subsection 3.D., provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*. Commercial uses are limited to the following types:
 - (1) Antique shops;
 - (2) Book or stationary stores;
 - (3) Clothing boutiques or ready-to-wear shops;
 - (4) Dry goods or notion stores;
 - (5) Florist or gift shops;
 - (6) Tailors; and
 - (7) Bed and breakfast inns.

- s. *Outdoor Display and Sales.* Outdoor display and sales are permitted as an accessory use subject to the following conditions:
 - (1) A permitted commercial use, as established in Section 10.07.C. shall be operating within the building or structure;
 - (2) Outdoor display and sales shall be limited to the side and rear yard of a lot; and on a corner lot, outdoor display and sales shall be limited to the rear yard and any side yard that does not abut a street; Outdoor display and sales shall not encroach within a side or rear yard setback, shall be located a minimum of 10 feet behind the front building line and shall not encroach within any required vehicular use area;
 - (3) Outdoor sales shall be limited to hours between sunrise and sunset;
 - (4) Outdoor display and sales shall be limited to those items that would typically be displayed outdoors, including but not limited to: birdbaths, statuettes, outdoor furniture, plants, etc.;
 - (5) Items for outdoor display and sales shall be stored in an organized manner and must be integrated as part of a plan that shall require the issuance of a certificate of appropriateness from the Landmarks Board; and
 - (6) When considering the issuance of a certificate of appropriateness for outdoor display and sales areas, the Landmarks Board shall consider whether the proposal will detract from any element that promotes the historic context of the *Walnut Street National Historic District*; and will unduly impact any adjacent residential use by increasing noise, lighting or traffic directly associated with the commercial activity.
2. The following commercial uses shall be permitted for the properties commonly addressed as 1041 East Walnut Street, 1050 East Walnut Street, 1108 East Walnut Street, 1111 East Walnut Street, 1112 East Walnut Street, 1129 East Walnut Street, all being in Springfield, Greene County, Missouri, and more particularly described as:
Beginning on the north side of East Walnut Street, 974.3 feet west of the range line dividing Ranges 21 and 22, being the southeast corner of Moses Levy's lot; thence east 123.3 feet to the southeast corner of the W. H. Garrett lot for a beginning point; thence east 76 feet, thence north 200 feet; thence west 76 feet, thence south 200 feet to the point of beginning being a part of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) Section 24, Township 29, Range 22.

All of Lot 10 and Lot 11 except the east 20 feet, Ad. E. Smith's Addition.

Lot 8, Ad. E. Smith's Addition.

Lot 49 East Side Addition.

Lot 7 and west 24 feet and two inches of Lot 6, Ad. E. Smith's Addition.

All of Lot 51 and Lot 52 except the east 17.5 feet, East Side Addition.
 - a. Temporary outdoor green grocer's market limited to daylight hours, four days per week. Notwithstanding other provisions of Chapter 36 of the City Code prohibiting outdoor storage and display of goods for sale, such storage and sales shall be permitted, limited to flowers, potted plants, perishable vegetables and vegetative produce, craft items and baked goods, from portable stands, stalls, or hand carts located in the front yards. Sales from trucks or other vehicles are prohibited. No overnight storage of goods, stands, stalls, or hand carts is allowed from the front yard of any premises, and all goods, stands, stalls, and hand carts must be removed from the front yard by sundown of each day of operation.
 - b. Personal service establishments including beauty parlors, barber shops, dry cleaning and pick-up, shoe repair, self-service laundromats, express or mailing offices, hearing aid and eye glass shops, massage therapy and spas.
3. *Conditional Uses.* The following conditional uses may be permitted provided they meet the provisions of, and a Conditional Use permit is issued pursuant to Section 2.04 and, these uses shall only be permitted in a contributing building as established in subsection 2.D. except for

such accessory outdoor uses with conditions set forth below, provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*; a certificate of appropriateness has been issued by the Landmarks Board indicating approval of the work; the use does not create any amplified sound outside the contributing building; and the use is in compliance with the noise standards of Section 4.05 of this code and Chapter 78, Article IV, Division 2, Section 78-112, Springfield City Code.

- a. Restaurants (sit down or dine in), excluding drive-in and carry-out facilities, which restaurants may include outdoor dining as an accessory use to the main structure with the following limitations:
 - (1) Outdoor dining shall be limited to the hours of 11:00 a.m. and 11:00 p.m.;
 - (2) All preparation of food for outdoor dining use shall be prepared in the contributing building approved for restaurant use;
 - (3) Accessory structures existing at the time of the passage of this ordinance shall be used only for storage and parking accessory to the use of the contributing building, and dining and beverage service, including the sale of alcohol, but in no event shall the accessory structure be used for food preparation; and
 - (4) All outdoor activity shall cease at 11:00 p.m. other than routine ingress and egress from the contributing building.

4. *Use Guidelines for 1200 and 1201 East Walnut.* The following use regulations shall apply for the properties commonly addressed as 1200 East Walnut and 1201 East Walnut, more particularly described as:

All of Lot 4 and the West 20 feet of Lot 3 in O. H. Mitchell's Addition plus all of Lot 10 in Hawthorn Addition, all in the City of Springfield, Greene County, Missouri.

- a. The following uses shall be permitted.
 - (1) Single-family-detached dwellings.
 - (2) Single-family-semi-detached dwellings, in accordance with Section 5.05.C.
 - (3) Townhouses containing no more than four dwelling units.
 - (4) Duplexes.
 - (5) Multi-family dwellings.
 - (6) Boarding and lodging houses.
 - (7) Nursing homes.
 - (8) Day care homes and group day care homes in accordance with Springfield City Code.
 - (9) Group homes: custodial.
- b. The following conditional uses may be permitted provided they meet the provisions of, and a conditional use permit is issued pursuant to Section 2.04. These uses shall only be permitted in a contributing building as established in subsection 3.D, provided the existing structure is preserved and was built before January 1, 1940; the goals of historic preservation are met; and any exterior modification to the property is consistent with the Secretary of Interior's Standards for Rehabilitation and the *Walnut Street Design Guidelines*; and a certificate of appropriateness has been issued by the Landmarks Board indicating approval of the proposed work.
 - (1) Public parking areas, in accordance with Subsection 4.D or 5.D.
 - (2) Antique shops.
 - (3) Bed and breakfast inns.
 - (4) Book or stationary stores.
 - (5) Clothing boutique or ready to wear shop.
 - (6) Community centers, nonprofit.
 - (7) Dry goods or notion stores.
 - (8) Florist or gift shop.
 - (9) Little Theater group, or dramatic clubs.
 - (10) Art galleries museums or libraries.
 - (11) Offices, administrative, business, financial and professional.
 - (12) Schools and studios for art, dancing, drama, music, photography, interior decorating or similar courses of study.
 - (13) Tailors.
 - (14) Day care centers in accordance with Springfield City Code.

- (15) Zero-lot-line construction, in accordance with Section 5.03.
5. *Contributing Buildings.* For purposes of this ordinance, contributing buildings shall be determined in accordance with the *Walnut Street Historic District National Register of Historic Places Nomination* as officially listed in the National Register of Historic Places on March 21, 1985, and incorporating any amendments of said nomination.
6. *Certificate of Economic Hardship.* The standards contained in Section 2.11.E, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District.
7. *Additional Standards Regarding Certificates of Appropriateness and Economic Hardship.* All sites and parcels within the Walnut Street-West Urban Conservation District and subject to the issuance of certificates of appropriateness and economic hardship shall also be subject to the standards contained in Section 2.11.
8. *Refuse Storage.* In addition to the standards of Section 8.04, refuse storage shall adhere to the following:
- a. Waste cans, dumpster units, or other forms of litter control and refuse disposal devices, approved for use in the City of Springfield, shall be placed on the site in a location where they are least visible from a public right-of-way other than alleys. Each litter control or refuse device shall be enclosed so that no part of the device shall be visible from public right-of-way (except alleys) or from adjoining properties.
9. *Minimum Maintenance Requirements.* Every owner, and every person in actual possession of property in the district, shall keep all interior and exterior portions of buildings and other structures in good repair.
- a. *Public Areas.* All sidewalks leading to a building, steps, driveways, parking spaces, and similar paved areas for public use shall be kept in a proper state of repair. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.
- b. *Structural Members.* All supporting structural members of all structures shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.
- c. *Exterior Surfaces (Foundations, Walls, and Roofs).* Every foundation, exterior wall, roof, and all other exterior surface shall be maintained in a workmanlike state of maintenance and repair.
- d. *Foundation Walls.* All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.
- e. *Exterior Walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.
- f. *Roofs and Drainage.* The roof shall be structurally sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance.
- g. *Decorative Features.* All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- h. *Signs and Awnings.* All canopies, signs, awnings, stairways, fire escapes, exhaust ducts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.
- i. *Chimneys.* All chimneys and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be

- protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.
- j. *Stairs and Porches.* Every stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair.
 - k. *Window and Door Frames.* Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.
 - l. *Weathertight.* Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.
 - m. *Glazing.* Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.
 - n. *Door Hardware.* Every exterior door and its hardware shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.
 - o. *Basement Hatchways.* Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain, and surface drainage water into the structure.
 - p. *Grading and Drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water shall be determined as any accumulation that has not dispersed within seven days of the last recorded local rainfall.
 - q. *Accessory Structures.* All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in compliance with Sections 5.03.B and 6.03.B.
10. The Landmarks Board may refer violations of this section to the BDS Director for purposes of conducting such inspections and enforcement proceedings as BDS Director may deem appropriate so that the building or structure may be preserved in accordance with the purposes of this ordinance.
11. The provisions of this section shall be in addition to all other applicable provisions of the Springfield City Code relating to the construction and maintenance of buildings and structures.

D. Area A Regulations.

- 1. *Site Plans.* Any development or use requiring a site plan pursuant to Section 2.03, and located within the Walnut Street-West UCD, must first acquire a certificate of appropriateness, when required, from the Landmarks Board in accordance with Section 10.07.D.2. Site plans may also be subject to conditions by City Council in order to promote the intent of the *Walnut Street Preservation Plan*.
- 2. *Certificate of Appropriateness.* The standards contained in Section 2.11, and typically applicable to a Historic Landmark and Historic Districts, shall be applicable to any site or parcel in the Walnut Street-West Urban Conservation District, unless otherwise modified herein.
 - a. *When Required.* A certificate of appropriateness shall be required in accordance with the standards contained in Section 2.11.D with the following modification:
 - (1) Section 2.11.D.1.b shall be applicable to structures as specified in the *Walnut Street Design Guidelines* or *Historic Survey* conducted in the Walnut Street-West Urban Conservation District.
 - b. *Review Criteria.* The Landmarks Board, in considering whether or not to issue a certificate of appropriateness, shall be guided by the standards contained in Section 2.11.D.3 with the following modifications:
 - (1) The *Walnut Street Design Guidelines* which are on file with the PD Director shall be used to fulfill the standard referenced in Section 2.11.D.
 - (2) For demolition, the Landmarks Board shall also consider the standards contained in Section 2.11.D.3.d with the following additions and modifications:
 - (a) The visual and spatial relationship of the structure to its surroundings and to the rest of the Walnut Street Urban Conservation District - West.

- (b) The Board shall consult the Walnut Street Historic Survey, the Walnut Street Historic District National Register Nomination and/or the Walnut Street Preservation Plan in addition to those items contained in Section 2.11.D.3.d.
 - (1) The alternatives available to the demolition applicant including:
 - (a) Donation of the subject structure or site to a public or benevolent agency.
 - (b) Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.
 - (c) The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
 - (d) The potential of such structure or site for renovation and its potential for continuing use.
 - (2) The Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.
3. *Demolition of Contributing Buildings.* The standards contained in Section 2.11.D.3.d shall not be applicable to the Walnut Street- West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a contributing building as defined in Section 10.07.C.5. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a contributing building in the Walnut Street Urban Conservation District - West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a contributing building unless a certificate of economic hardship has been issued by the Landmarks Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.
4. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
 - a. *Number.* Each premises shall be permitted one detached sign and shall also be permitted either one projecting sign or one wall sign.
 - b. *Size.* A maximum of 16 square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed 16 square feet. A single-sided detached sign shall not exceed 16 square feet.
 - c. *Height.* No part of a detached sign shall exceed a height of 5 feet above the ground area upon which it is located.
 - d. *Sign Lighting.* No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.
 - e. *Sign Types.* Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.
 - f. *Exempt Signs.* Those signs set forth below shall also be permitted.
 - (1) *Address Numbers and Name Plates.* Address numbers for each residential building not exceeding one square foot in effective area and one name plate not exceeding 2 square feet in effective area per dwelling unit or business.
 - (2) *Banner Signs.* One sign composed of highly flexible lightweight material, such as a banner, per business premises, which is not over 4 square feet in effective area, posted for not more than 30 days per year.
 - (3) *Directional Signs.* Detached on-premises directional signs which do not exceed 5 square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed 20% of the effective area. No part of the sign shall exceed 4 feet in height above street grade or 4 feet in height above the lowest level of the ground under the sign if elevation of premises at sign location is more than 12 inches above street grade, excluding berms or other landscaping features. A certificate of appropriateness must be issued prior to installation of directional signs.
 - (4) *Flag.* A flag or similar device identifying any person.
 - (5) *Government Signs.* Any sign erected or maintained by or for any agency or government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.
 - (6) *Internal Signs.* Any on-premises sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.
 - (7) *Neighborhood Identifications Signs.* A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for

neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name, or historic district. A certificate of appropriateness must be issued prior to installation of neighborhood identification signs.

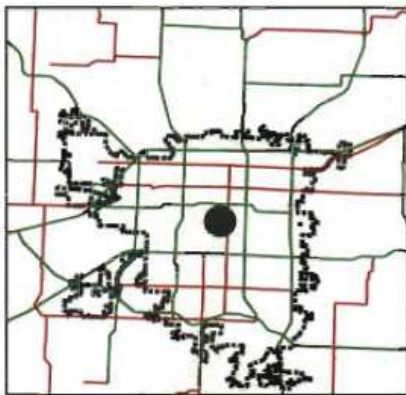
- (8) *Real Estate Sale, Lease, And Construction Signs.* Non-illuminated temporary on-premises signs pertaining to the construction, sale, or lease of that premises, not to exceed 6 square feet in effective area. Such signs shall be removed within 14 days after the closing of the sale or lease or within 30 days after the issuance of an occupancy permit or erection of a permanent sign, whichever occurs first.
 - (9) *Miscellaneous Exempt Signs.*
 - (a) A temporary sign not exceeding 4 square feet in background area advertising drives or events of a civic, philanthropic, educational, religious, political, or similar nature, provided that said sign is posted only during said drive or event for no more than 30 days per year and is removed within 24 hours after an event.
 - (b) Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of 4 square feet in effective area per business.
5. *Off-Street Parking Requirements.* All uses shall provide off-street parking in accordance with Section 7.04, unless the contributing structure is intact, whereas Section 7.04 is otherwise modified herein:
- a. *Parking Spaces Required.*
 - (1) Non-residential uses shall have at least one parking space for each 350 square feet of gross leasable area, excluding outdoor display and sales areas. However, parking requirements may be reduced for uses that demonstrate a sensitivity to historic preservation. The applicant may submit a parking plan to the ARC for modification to the requirements. The ARC shall consult with the Landmarks Board for overall sensitivity to historic preservation.
 - (2) Residential uses shall have at least one and 1.5 parking spaces for each dwelling unit.
 - b. *Parking Lot Surface.* Parking lots and driveways shall be surfaced with either asphalt, concrete or pavers so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be subjected.

E. Area B Regulations.

1. *Site Plans.* All development and uses shall comply with the site plan requirements of Section 2.03.
2. *Certificate of Appropriateness.*
 - a. *When Required.* A certificate of appropriateness shall be required when a contributing structure is proposed to be demolished.
 - b. *Review Criteria.* The Landmarks Board, in considering whether or not to issue a certificate of appropriateness, shall be guided by the standards contained in Section 2.11.D.3 with the following modifications:
 - (1) For demolition, the Landmarks Board shall also consider the standards contained in Section 2.11.D.3.d with the following additions and modifications:
 - (a) The visual and spatial relationship of the structure to its surroundings and to the rest of the Walnut Street Urban Conservation District - West.
 - (b) The Landmarks Board shall consult the Walnut Street Historic Survey, the Walnut Street Historic District National Register Nomination and/or the Walnut Street Preservation Plan in addition to those items contained in Section 2.11.D.3.d
 - (2) The alternatives available to the demolition applicant including:
 - (a) Donation of the subject structure or site to a public or benevolent agency.

- (b) Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of development rights and facade easements.
 - (c) The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
 - (d) The potential of such structure or site for renovation and its potential for continuing use.
 - (e) The Landmarks Board shall balance the interest of the public in preserving the structure, site, or portion thereof and the interest of the owner in its utilization.
- 3. *Demolition of Contributing Buildings.* The standards contained in Section 2.11.D.3.d shall not be applicable to the Walnut Street- West Urban Conservation District. Notwithstanding any other provisions of this ordinance to the contrary, demolition of a contributing building as defined in subsection 2.D. of this ordinance shall occur only in accordance with the provisions of this section. Demolition of a contributing building in the Walnut Street Urban Conservation District - West constitutes an irreplaceable loss to the quality and character of the district and the City of Springfield. No permit shall be issued for demolition of a contributing building unless a certificate of economic hardship has been issued by the Board verifying that the structure has degenerated beyond feasible limits for rehabilitation, or that rehabilitation is impracticable and there is an economic hardship.
- 4. *Signs.* All signage shall meet the standards of Article 9 unless otherwise modified herein:
 - a. *Number.* Each premises shall be permitted one detached sign and shall also be permitted either one projecting sign or one wall sign.
 - b. *Size.* A maximum of 50 square feet of background area shall be permitted for each attached or detached sign. Detached signs may be two sided, each side not to exceed 50 square feet. A single-sided detached sign shall not exceed 50 square feet.
 - c. *Height.* No part of a detached sign shall exceed a height of 10 feet above the ground area upon which it is located.
 - d. *Sign Lighting.* No sign shall use a blinking, flashing, animated, or other illuminating device which changes in light intensity. No beacons or strobe lights shall be permitted.
 - e. *Sign Types.* Signs shall only refer to a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained. Temporary signs shall not be permitted.
 - f. *Exempt Signs.* Those signs set forth below shall also be permitted.
 - (1) *Address Numbers and Name Plates.* Address numbers for each residential building not exceeding one square foot in effective area and one name plate not exceeding 2 square feet in effective area per dwelling unit or business.
 - (2) *Banner Signs.* One sign composed of highly flexible lightweight material, such as a banner, per business premises, which is not over 4 square feet in effective area, posted for not more than 30 days per year.
 - (3) *Directional Signs.* Detached on-premises directional signs which do not exceed 5 square feet in effective area. Any logo, business name, product, or service identification, or other advertising shall not exceed 20% of the effective area. No part of the sign shall exceed 4 feet in height above street grade or 4 feet in height above the lowest level of the ground under the sign if elevation of premises at sign location is more than 12 inches above street grade, excluding berms or other landscaping features. A certificate of appropriateness must be issued prior to installation of directional signs.
 - (4) *Flag.* A flag or similar device identifying any person.
 - (5) *Government Signs.* Any sign erected or maintained by or for any agency or government pursuant to and in discharge of any governmental function or required or authorized by law, ordinance, or governmental regulations.
 - (6) *Internal Signs.* Any on-premises sign, the copy of which cannot be viewed from a street right-of-way or adjoining property.
 - (7) *Neighborhood Identifications Signs.* A sign, masonry wall, landscaping or other similar material or features which are combined to form a display for neighborhood or tract identification, provided that the legend of such display shall consist of only the neighborhood, tract name, or historic district. A certificate of appropriateness must be issued prior to installation of

- neighborhood identification signs.
 - (8) *Real Estate Sale, Lease, And Construction Signs.* Non-illuminated temporary on-premises signs pertaining to the construction, sale, or lease of that premises, not to exceed 6 square feet in effective area. Such signs shall be removed within 14 days after the closing of the sale or lease or within 30 days after the issuance of an occupancy permit or erection of a permanent sign, whichever occurs first.
 - (9) *Miscellaneous Exempt Signs.*
 - (a) A temporary sign not exceeding 4 square feet in background area advertising drives or events of a civic, philanthropic, educational, religious, political, or similar nature, provided that said sign is posted only during said drive or event for no more than 30 days per year and is removed within 24 hours after an event.
 - (b) Attached incidental sign, which pertains to goods, products, services, or facilities that are available on the premises where the sign is located, but only tangentially related to the main activities or purposes of the business, not exceeding a total of 4 square feet in effective area per business.
- 5. *Off-Street Parking Requirements.* All uses shall provide off-street parking in accordance with Section 7.04, unless the contributing structure is intact, whereas Section 7.04 is otherwise modified herein:
 - a. *Parking Spaces Required.*
 - (1) Non-residential uses, except restaurant uses which shall follow the requirements, shall have at least one parking space for each 350 square feet of gross leasable area, excluding outdoor display and sales areas. However, parking requirements may be reduced for uses that demonstrate a sensitivity to historic preservation. The applicant may submit a parking plan to the ARC for modification to the requirements.
 - (2) Residential uses shall have at least one and 1.5 parking spaces for each dwelling unit.
 - b. *Parking Lot Surface.* Parking lots and driveways shall be surfaced with either asphalt, concrete or pavers so as to provide a permanent surface capable of withstanding the type of vehicular traffic to which such area is likely to be subjected.
- F. **Definitions.** The Walnut Street-West Urban Conservation District shall be subject to all applicable definitions found in Article 11. Any definition found in Article 11 and referencing historic structures, historic sites, historic landmarks, or historic districts shall also be deemed applicable to any building or property within the Walnut Street-West Urban Conservation District.
- G. **Exhibits.**



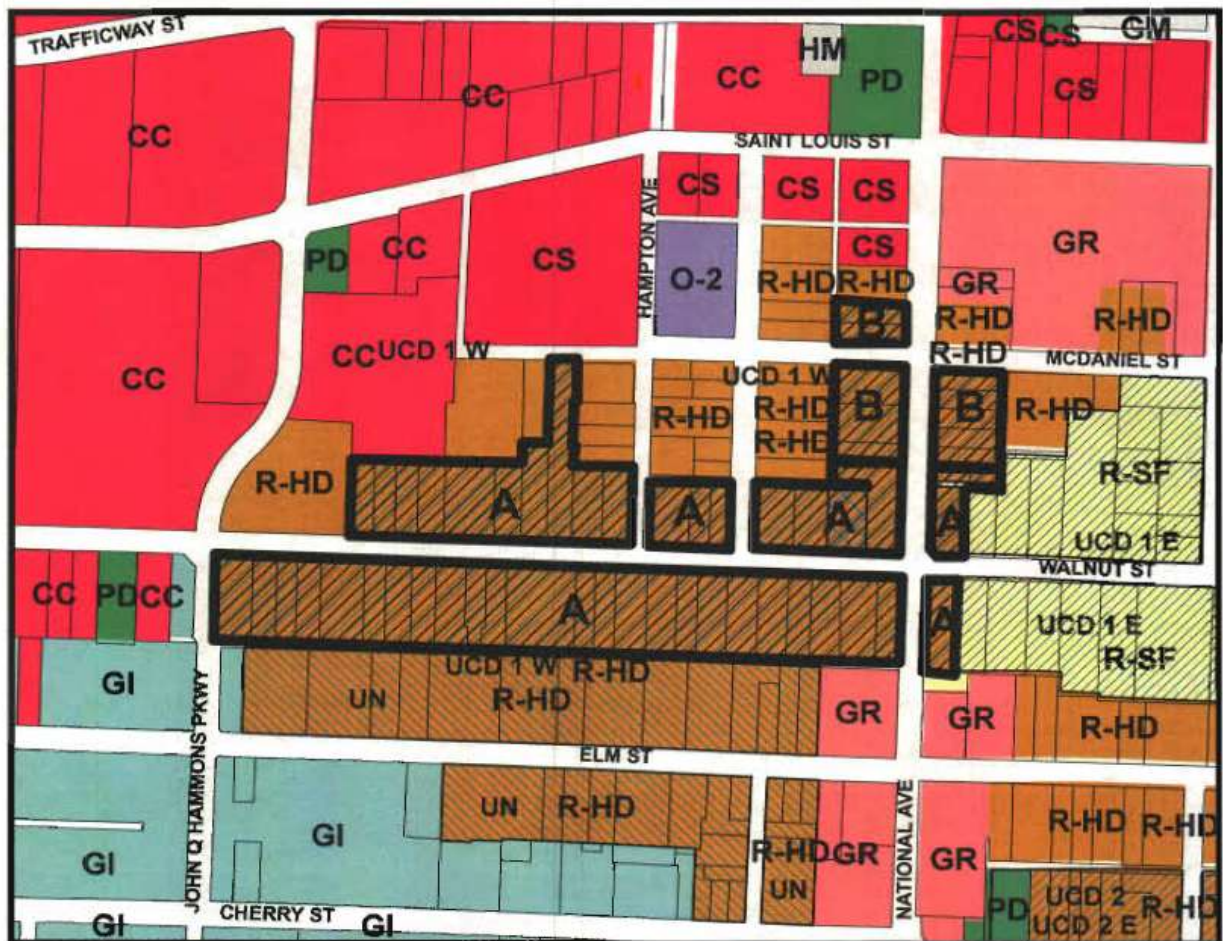
Zoning & Subdivision Report

Planning & Development - 417/864-1611
840 Boonville - Springfield, Missouri 65801

Exhibit 2 Z-02-2010 Walnut Street-West UCD Sub Areas

Location: 900-1200 blk E. Walnut & 200-300 blk S. National

LOCATION SKETCH



- Area of Proposal



1 inch = 400 feet

10.08 Short-term Rentals

A. Short-term Rental Type 1.

1. This section (1) shall apply to a short-term rental use that:
 - a. Is rented for periods of less than 30 consecutive days;
 - b. Is located within a R-SF or R-MX1 zoning district; and
 - c. Is a residential dwelling that is the primary residence of the short-term rental owner or operator.
2. The following provisions shall apply to a short-term rental type 1:
 - a. A short-term rental type 1 shall only be located in the primary structure or an accessory dwelling unit per Section 4.04.C;
 - b. Annual business license shall be obtained; and
 - c. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 1 which is not in compliance with the provisions of this section.

B. Short-term Rental Type 2.

1. This section (B) shall apply to a short-term rental use that:
 - a. Is rented for periods of less than 30 consecutive days;
 - b. Is located within a R-SF or R-MX1 zoning district; and
 - c. Is not a residential dwelling that is the primary residence of the short-term rental owner or operator.
2. The following provisions shall apply to a short-term rental type 2:
 - a. Density limitations: no short-term rental type 2 shall be located within 500 feet of another short-term rental type 2, as measured by the shortest distance between the two closest property lines;
 - b. A short-term rental type 2 shall only be located in the primary structure or an accessory dwelling unit;
 - c. No exterior alterations that would change the single-family residential character of the short-term rental type 2, other than those necessary to ensure the safety of the structure, shall be made;
 - d. No residential structure shall be removed for parking or to expand the short-term rental type 2;
 - e. A short-term rental type 2 shall not be rented for receptions, parties, weddings, or any similar activities on the property;
 - f. The owner of a short-term rental type 2 shall provide notification as required by Section 10.08.D;
 - g. A certificate of occupancy shall be obtained in accordance with Article I, Division 6 of Chapter 38, Building Development Codes;
 - h. An annual business license shall be obtained; and
 - i. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 2 which is not in compliance with the provisions of this section.
3. A short-term rental type 2 permit shall be required for short-term rental type 2 uses.
 - a. An application fee as set forth in the schedule of fees, shall accompany any short-term rental type 2 application and is in addition to the permit and certificate of occupancy fee required by this section. The additional fee shall be for the costs of processing the application.
 - b. Applicant(s) shall hold a neighborhood meeting at the property involved in the application or in the immediate vicinity. Notice of the meeting shall be sent by first-class mail, postage paid, at least 10 days prior to the meeting, to the owner of each real property within 500 feet of the short-term rental property, as shown on the records of the county assessor, to the occupant of each real property within 500 feet of the short-

- term rental property, which may be addressed to “occupant” and mailed to the physical address, and to the president or other association officer(s) of any neighborhood association(s) as on file with the PD Director.
- c. Notice of the neighborhood meeting shall be posted by the applicant at least 10 days prior to the meeting and 21 days after for a total of at least 31 days in conspicuous places on or in the immediate vicinity of the property which is the subject of the short-term rental type 2. One sign shall be posted on each street frontage of the subject property. Additional signs or alternate posting locations may be required at the discretion of the PD Director. Such notice shall be at least 18 inches in height and 24 inches in width and shall contain the words “NEIGHBORHOOD MEETING” and in addition the date, time, and place of the public meeting, and a telephone number where additional information can be secured.
 - d. It is recommended the meeting be held early enough to provide time for the applicant to consider any neighborhood input, allow any changes to be evaluated by staff, and to resolve any issues if possible. The meeting shall be scheduled from 4:00 p.m. to 6:30 p.m.
 - e. The mailing shall be performed by the Department of Planning and Development; however, the letters and envelopes themselves must be prepared, and postage placed on same by the applicant. The neighborhood letters shall be submitted to the Department of Planning and Development for mailing, in sufficient time to allow for mailing for at least 10 days prior to the date of the neighborhood meeting. A file copy of the letter shall be provided to the Department of Planning and Development. The notice letter shall contain the following at a minimum and any additional information as required by the PD Director:
 - (1) Description and details of proposed short-term rental operation including number of days per month to be rented and any other proposed changes;
 - (2) Meeting date, time and location;
 - (3) Applicant or their representative’s contact information; and
 - (4) Information sheet provided by the city, including notice that an owner of residential real property within 500 feet of the short-term rental property has 10 days from the date of the neighborhood meeting to submit a letter objecting to the short-term rental.
 - f. No more than 10 days following the neighborhood meeting, the applicant shall submit a summary of the meeting to the Department of Planning and Development using the following format as set forth below (“meeting summary”):
 - (1) Meeting date, time, and location;
 - (2) Number of individuals in attendance with an attached sign-in sheet;
 - (3) List of issues raised, and any verbal comments received and how the applicant plans to respond; and
 - (4) Additional information, such as comment cards and letters, shall be attached to the summary.
 - g. If the applicant does not submit a complete meeting summary within 10 days of the neighborhood meeting, the application shall be considered incomplete, and the applicant will be required to conduct a new meeting.
 - h. If at least two or at least 30%, whichever is greater, of adjacent owners of residential real property, including those adjoining and immediately across the street, submit a letter of objection no more than 10 days after the neighborhood meeting, the application shall be denied. If the application is denied for this reason, an applicant may file an appeal to the Planning and Zoning Commission for a resolution to approve the application. An appeal must be filed within 10 days of denial. The decision of the Planning and Zoning Commission shall be final for the purposes of Chapter 536, RSMo.
 - i. If the applicant submits a complete meeting summary and less than two or less than 30%, whichever is greater, of adjacent owners of residential real property, including those adjoining and immediately across the street, submit a letter of objection, the application shall be approved, provided that all other requirements have been satisfied.
 - j. The City shall have the authority from time to time to prepare forms to implement this section including application forms, forms for notice, forms for proof of ownership, and other appropriate requirements.

C. Short-term Rental Type 3.

1. This section (C) shall apply to a short-term rental use that:
 - a. Is rented for a period of less than 30 consecutive days; and
 - b. Is not located in an R-SF or R-MX1 zoning district, but in a zoning district that allows residential uses.
2. The following provisions shall apply to a short-term rental type 3:
 - a. A maximum of two units, or 10% of the units on a premises, whichever is greater, may be used as two short-term rental type 3 units;
 - b. A short-term rental type 3 unit shall not be rented for receptions, parties, weddings, or any similar activities on the property;
 - c. A short-term rental type 3 shall provide notification as required by Section 10.08.D;
 - d. A certificate of occupancy shall be obtained in accordance with Article I, Division 6 of Chapter 38, Building Development Codes;
 - e. Annual business license shall be obtained; and
 - f. It shall be a violation of this section for an owner or operator to advertise or promote or to use a third-party intermediary to advertise or promote a short-term rental type 3 which is not in compliance with the provisions of this section.

D. Short-term Rental Notification Requirements.

1. The owner of a short-term type 2 or short-term rental type 3 shall post, conspicuously in each rental unit the following information:
 - a. The names and contact information of the person or persons responsible for the day-to-day operations of the short-term rental;
 - b. The certificate of occupancy and business license number;
 - c. The restrictions on noise applicable under Section 4.05 including limitations on the use of amplified sound;
 - d. Any applicable parking restrictions;
 - e. Trash collection schedule; and
 - f. That the short-term rental unit may not be rented for receptions, parties, weddings or other similar activities on the property.

E. Short-term Rental Revocation, Suspension, or Denial of a Permit.

1. The PD Director may immediately revoke or suspend a permit, or deny either the issuance or renewal thereof, if it is found that:
 - a. The owner or operator failed to comply with the short-term rental requirements in this section or any other city codes and ordinances. The PD Director may suspend, revoke, or deny an application to renew a short-term rental permit for a period of 12 months. During that time, another short-term rental may be established pursuant to this section and cause the revoked or denied short-term rental from being re-established due to the density limitation.
 - b. The PD Director may, in writing, suspend, deny, or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact, fraud, or noncompliance with this section.
 - c. When a short-term rental permit is denied by the PD Director, written notice shall be given of the denial to the owner, together with a brief written statement of the reason for the denial. Such denials shall have referenced the section of this section or other pertinent code used as a standard for the basis of denial.
 - d. If the PD Director denies, suspends, or revokes a permit, the owner may file an appeal request to the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall be final for the purposes of Chapter 536, RSMo.

F. Transferability/Renewal.

1. The owner of a permitted short-term rental may transfer the property along with the permitted use to another within 30 days of the change in property ownership, subject to the transferee completing an application and providing all required information to the city. This transfer does not trigger a new certificate of occupancy inspection by virtue of the transfer alone.
2. Nonconforming permitted short-term rentals are eligible for transferring of business ownership

in the event of a change of property ownership. This will need to take place within 30 days of the change in property ownership.

3. Nonconforming short-term rentals will be eligible for business license renewal provided they meet all of the other requirements of this section except the density limitations. Renewal of short-term rentals will be conducted by the Licensing Division of the Finance Department.

G. Implementation.

1. For the purpose of the implementation of the short-term rental uses and fairness in dealing with potential conflicts based on density limitations. Applications for short-term rentals shall commence two weeks after the passage of this ordinance.
2. Implementation and suspension of density limitations. Applicants filing an application for a short-term rental type 2 within the first 30 days following passage of this ordinance shall not be subject to the density limitations set forth in Section 10.08.B.2.a. Applications received after this initial period will be subject to this density.

H. Hosting Platform Responsibilities.

1. *Definitions.*

Booking transaction. Any reservation or payment service provided by a person who facilitates a short-term rental transaction between a short-term rental licensee and a transient guest.

Hosting platform. A person who participates in the rental of a short-term rental by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

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

Short-term rental: see Section 11.01.

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

Transient guest. A person who occupies a room or rooms in a short-term rental for less than 30 consecutive days during any calendar quarter.

2. Hosting platforms shall be responsible for collecting all applicable City taxes and remitting the same to the City. The hosting platform shall be considered an agent of the short-term rental licensee for tax collection and remittance responsibilities as set forth in Chapter 70, Article V of this Code.
3. Subject to applicable laws, hosting platforms shall disclose to the City on a 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 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.

10.09 Marijuana & Medical Marijuana Uses

- A. Intent.** The intent of this section is to allow marijuana and medical marijuana uses while minimizing any possible adverse effects of these uses on the surrounding neighborhood. Marijuana-related uses are subject to additional district- or use-specific standards in this section.
- B. Applicability.** In association with the use table in Section 4.02, specific marijuana and medical marijuana uses are further restricted to specific districts indicated in Table 10-6. All uses are subject to the general use, development, form, and design standards of the applicable district.

Table 10-6: Permitted Marijuana and Medical Marijuana Uses and Districts						
Use Type	Separation	CC	C-MX2	GC	L/C	HM
Medical, comprehensive, or microbusiness dispensary facility	1,000' from elementary or secondary school or place of worship. 200' from a child daycare	P	P	P	P	P
Medical or comprehensive marijuana infused product manufacturing Type 2 extraction	1,000' from elementary or secondary school or place of worship. 200' from a child daycare	P	P	P	P	P
Medical or comprehensive marijuana cultivation facility or microbusiness marijuana wholesale facility	1,000' from elementary or secondary school, place of worship, or child daycare			P / C	P / C	P / C
Marijuana testing facility	1,000' from elementary or secondary school, place of worship, or child daycare				P	P
Medical or comprehensive marijuana infused product manufacturing Type 1 extraction	1,000' from elementary or secondary school, place of worship, or child daycare					P / C

C = Conditional use permit required if adjacent to or across the street from residential uses; use is subject to the process and criteria in Section 2.04 in addition to the standards and criteria of this section.

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

1. A business license shall be obtained annually, and the marijuana and medical marijuana

license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.

2. Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices including engineering controls, such as system design and operational processes. The plan shall be reviewed and certified by a professional engineer or a certified industrial hygienist to effectively mitigate odors for all odor sources. No use shall emit an odor that creates a nuisance in violation of City Code.
 3. The location and separation measures of Table 10-6 shall be applied as follows:
 - a. In the case of a freestanding facility, the distance between the facility and the protected use shall be measured from the closest external wall of the facility structure to the closest point of the property line of the protected use.
 - b. If the protected use is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the protected use.
 - c. If the facility is part of a larger complex or campus, such as an office building or strip mall, the distance shall be measured from the facility's closest entrance or exit to the property line of the protected use.
 - d. If the facility and the protected use are both part of a larger complex or campus, the distance shall be measured between the entrances of the facility and the protected use.
 - e. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.
 4. No marijuana or medical marijuana facility shall be located in a building that contains a residence.
 5. All marijuana and medical marijuana facilities shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m. No persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises, during that time.
 6. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a marijuana or medical marijuana facility.
 7. All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
 8. If multiple licenses are issued for one location, then restrictions for the highest intensity use shall apply.
- D. **Definitions.** The following terms shall have the specific meaning given for interpreting this section:

Child Daycare. A childcare facility, as defined by Section 210.201 RSMo., or its successor provisions, that is licensed by the State of Missouri.

Comprehensive Facility. A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

Comprehensive Marijuana Cultivation Facility. A facility licensed by the state to acquire, cultivate, process, package, store on-site or offsite, transport to or from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation

of prerolls, but shall not include the manufacture of marijuana-infused products.

Comprehensive Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, primary caregiver, or consumer, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer, and consistent with the limitations in Article XIV of the Missouri State Constitution and Springfield City Code, to a comprehensive facility, a marijuana testing facility, or a medical marijuana facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but such facility shall collect all appropriate tangible personal property sales tax for each sale, as set forth in Article XIV of the Missouri State Constitution and Springfield City Code. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Comprehensive Marijuana-infused Products Manufacturing Facility. A facility licensed by the state to acquire, process, package, store, manufacture, and transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

- a. Type 1 extraction facility: A facility which uses combustible gases, CO₂, or other hazardous substances in the marijuana extraction process.
- b. Type 2 post-extraction facility: A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO₂, or other hazardous substances.

Elementary or Secondary School. Any public school, as defined in Section 160.011 RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth grade, but not including any private school in which education is primarily conducted in private homes.

Flowering Marijuana Plant. A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

Marijuana or Marihuana. Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" or "marihuana" does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

Marijuana Facility. A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness marijuana dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the state pursuant to Article XIV, Section 2 of the Missouri State Constitution. Marijuana facilities do not include medical marijuana facilities licensed pursuant to Article XIV, Section 1 of the Missouri State Constitution.

Marijuana-infused Products. Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

Marijuana Microbusiness Facility. A facility licensed by the state as a microbusiness marijuana dispensary facility or microbusiness wholesale facility, as defined in this section.

Marijuana Testing Facility. A facility certified by the state to acquire, test, certify, and transport marijuana, including those originally licensed as a medical marijuana testing facility.

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

Medical Marijuana Cultivation Facility. A facility licensed by the state to acquire, cultivate, process, package, store onsite or off-site, transport to and from, and sell marijuana, marijuana seeds, and marijuana 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.

- a. *Type 1 Extraction Facility.* A facility which uses combustible gases, CO₂, or other hazardous substances in the marijuana extraction process.
- b. *Type 2 Post-extraction Facility.* A facility which uses marijuana extractions to incorporate into edibles, ointments, etc., and does not use combustible gases, CO₂, or other hazardous substances.

Microbusiness Marijuana Dispensary Facility. A facility licensed by the state to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a consumer, qualifying patient, or primary caregiver, as set forth and defined in Article XIV of the Missouri State Constitution, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with state and local law, a microbusiness wholesale facility or a marijuana testing facility. Microbusiness marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

Microbusiness Wholesale Facility. A facility licensed by the state to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness marijuana dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

Place of Worship. A permanent building primarily and regularly engaged in organized services for religious worship open to the public or a specific congregation of members or participants.

Preroll or Infused Preroll. A consumable or smokable marijuana product, generally consisting of:

- a. A wrap or paper;
- b. Dried flower, buds, and/or plant material; and
- c. A concentrate, oil, or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

10.10 Wireless Telecommunication Facilities

- A. **Legislative Findings.** On February 8, 1996, Congress enacted the federal Telecommunications Act of 1996, P.L. No. 104-458. The purpose of the act is to deregulate the telecommunications industry, providing a more competitive environment for wired and wireless telecommunication services in the United States.
1. A concomitant effect of increased competition in the market for wireless telecommunications services is an increased demand for antenna sites on towers and other antenna support structures necessary for providing wireless service.
 2. New personal wireless telecommunications technologies, such as personal communications systems (PCS), require antenna sites to be denser than previous technologies required. However, due to the uniqueness of the wireless telecommunications industry and constantly changing technology, local regulatory efforts must be sufficiently flexible to allow for the continuing development of the wireless telecommunications industry.
 3. The Telecommunications Act of 1996 preserves the authority of the city to regulate the placement, construction, and modification of towers, antenna support structures, and telecommunications facilities and to protect the health, safety, and welfare of the public, which is granted to the city under the Constitution and statutes of the State of Missouri and the Charter.
 4. Consistent with the Telecommunications Act of 1996, regulation of towers and telecommunications facilities in certain areas of the city of Springfield, as provided in this chapter, will not have the effect of prohibiting any person from providing wireless telecommunications services.
 5. The Federal Communications Commission (FCC) has exclusive jurisdiction over:
 - a. The regulation of the environmental effects of radio frequency emissions from telecommunications facilities.
 - b. The regulation of radio signal interference among users of the radio frequency spectrum.
 6. The uncontrolled proliferation of towers in the city of Springfield could diminish property values, the aesthetic quality of the city, and could otherwise threaten the health, safety, and welfare of the public.
 7. The presence of telecommunications towers, large enclosures, satellite dishes and other large unmovable objects other than standard wood utility poles on the rights-of-way, rather than on private utility easements or fee simple title interests, are a danger to the traveling public and an interference with the use and enjoyment of the right-of-way by abutting landowners and members of the public.

- B. **Legislative Purposes.** The general purpose of this section is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Springfield. Specifically, the purposes of this section are:
1. To direct the location of towers and telecommunications facilities in the city;
 2. To protect residential areas and land uses from potential adverse impacts of towers and telecommunications facilities;
 3. To minimize adverse visual impacts of towers and telecommunications facilities through careful design, 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; and
 8. To create a licensing process which allows the city to more efficiently administer this section.
- C. **Applicability.**
1. All towers, antenna support structures, and telecommunications facilities, any portion of which are located within the city of Springfield, are subject to this chapter. All towers within the city of Springfield, Missouri, at the time of passage of said ordinance, or are annexed at a later date, shall be registered with the city Finance Director within 60 days from the effective date hereof together with the height, width, and location thereof and a registration fee as set forth in the schedule of fees. Failure to register an existing tower shall raise a presumption that said tower was not a legal nonconforming use on the date of passage of said ordinance. However, said ordinance shall not apply to tower structures used, or to be used, solely for services provided pursuant to a broadcast radio or television license issued by the FCC; to towers and antennas used for private telecommunications services when the equipment is located on the premises of the entity using said private telecommunication service; or the towers and antennas, support structure, or masts that are located on the primary business premises of a provider of communications services if used to monitor the provider's services and the equipment used by the broadcaster, private telecommunicator, or provider is in compliance with any federal, state, or local laws, and does not encroach on the public right-of-way.
 2. Except as provided in this section, any current legal use being made of an existing tower or antenna support structure on the effective date of this section, herein "nonconforming structures," shall be allowed to continue, even if in conflict with the terms of this section. Any tower site that has received city approval in the form of either a conditional use permit or building permit, but has not yet been constructed or located, shall be considered a nonconforming structure so long as such approval is current and not expired.
- D. **Permitted, Conditional, & Accessory Uses.**
1. *Generally.* The allowable use of towers and placement of telecommunications facilities as either permitted uses or conditional uses in the several zoning districts shall be as set forth in this chapter based on the following table, except that no telecommunications towers shall be allowed on any right-of-way. All other utility facilities, regardless of type, shall meet the standards and requirements of the zoning district in which they are located. Any utility facility, equipment, or structure that is to be located above ground on the public right-of-way or private

easement with a length or width in excess of 47 inches must receive approval of the City Council prior to installation. Multiple locations may be approved in one application process.

Table 10-7: Wireless Facilities and Telecommunication Towers

Tier	Descriptions
<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: a. Not of a stealth or monopole design; or b. >100' in height and not setback from any residential district at least 2 feet for every one foot of height; or c. Not able to collocate at least 1 additional provider if the tower height is >100' or at least 2 additional providers' facilities if the tower height is >120'.

2. *Telecommunications Facilities.* Any telecommunications facilities which are not attached to a tower shall be a permitted accessory use to any commercial, industrial, professional, institutional, or multifamily structure, regardless of the zoning restrictions applicable to the zoning district where the structure is located and without having to obtain any prior authorization from the city, provided that the person making such accessory use files a written certification with the city establishing the following:
 - a. That the total height of the antenna support structure and telecommunications facilities do not exceed the structural height limitations in the applicable zoning district under this chapter by more than 20 feet;
 - b. That the antenna support structure and telecommunications facilities comply with the city building code and any applicable state law, does not encroach on the public right-of-way, and a building permit has been obtained from the Department of Building Development Services;
 - c. That any telecommunications facilities and antennas located on the roof of a building shall comply with setbacks required by the city building code, if any, and do not extend more than 50 inches in the horizontal plane from the side of such an antenna support structure unless the purpose of said protrusion is to permit signal coverage in an area that will not receive such coverage but for an extension beyond 50 inches. Any extension beyond 50 inches must be approved by the BDS Director prior to construction of said antenna and such approval shall be dependent upon a showing that coverage is unavailable but for the extension, the extension does not violate any other building code of the city, state, or federal law that is applicable, encroach upon public right-of-way, and does not pose any danger to the traveling public; and
 - d. That the telecommunications facilities will utilize camouflaging techniques or will be side-mounted to an antenna support structure in order that the telecommunications facilities harmonize with the character and environment of the area in which they are located if technically feasible and such techniques will not degrade or distort the service signal. Antennas and support structures shall be painted to blend with the color of the building if such painting will not interfere with functioning of the antenna or support structure.

E. Co-location.

1. *Co-location of facilities.* New towers constructed within the city with height in excess of 60 feet should be capable of accommodating two additional carriers or telecommunications

facilities for more than one other provider of communications services (hereinafter referred to as "additional capacity"). Such additional capacity, if any, shall be designated on the application and site plans presented to the city prior to construction of the tower.

2. *Co-location or installation.*

- a. Any licensee whose tower in excess of 60 feet which is constructed after the effective date of this section and which has been built in accordance with setbacks and special conditions granted to towers with co-location capabilities under this section, and has available additional capacity for installation or co-location of telecommunications facilities as demonstrated at the time the application for construction was granted, shall agree to allow other persons to install or collocate telecommunications facilities on such a tower subject to reasonable terms and conditions negotiated between the parties including the suitability, the credit worthiness, and the technical abilities of the proposed tenant. However, in no event shall a licensee be required to allow co-location of facilities if to do so would result in technical interference with the delivery of licensee's service. Failure to permit co-location or joint use on a tower which has been built in accordance with setbacks and special conditions permitted for towers designed for co-location may result in any enforcement action as permitted in Section 1.07 or termination of utilities following a hearing as permitted in subsection H of this section.
- b. For the purpose of co-location of antennas, a legal nonconforming tower may be used.
- c. Failure to comply with the provisions of this subsection E.2 constitutes a material violation of this section, for the purposes of subsection H of this section.

3. *Exception from Height & Bufferyards/Requirements for Co-location.*

- a. A licensee of an existing tower may modify the height of its tower to accommodate co-location of additional telecommunications facilities as long as the total height of the tower and telecommunications facilities attached thereto do not exceed the maximum height allowed in the applicable zoning district under the code by more than 20 feet.
- b. Permission to exceed the maximum permitted height pursuant to this section shall not require an additional distance separation as set forth in subsection F.3.e, nor additional bufferyards or landscaping above that required for the original tower. The tower's premodification height shall be used to calculate such distance separations.

4. *Same Tower Type.* A tower which is modified to accommodate the co-location of additional telecommunications facilities shall be of the same tower type as the existing tower. However, a different type of tower may be permitted by the approval of the BDS Director if it is demonstrated that permitting a different tower type will not exceed the height permitted in subsection E.3 and will permit the co-location of more carriers than could be accomplished by the modification of the same tower type as the existing tower.

5. *Movement of Tower.*

- a. A tower which is being rebuilt to accommodate the co-location of additional telecommunications facilities may be moved on the same premises as it was constructed on, or an adjacent premises, within 50 feet of its existing location as long as required setbacks and bufferyards are maintained.
- b. A tower that is relocated pursuant to subsection E.5. shall continue to be measured from the original tower site for the purpose of calculating the separation distances between towers pursuant to subsection F.3.e. The relocation of a tower under this subsection shall in no way be deemed to cause a violation of subsection F.3.e.

- c. A tower that is relocated on the same premises it was constructed on which comes within the separation distances established in subsection F.3.e shall only be permitted when notarized written consent is obtained from affected residential property owners.
- 6. *Appeal Process.* Any applicant who is denied a tower application, or who is determined by the BDS Director to be in violation of this section shall have the right to a hearing before an administrative hearing examiner appointed by the City Manager and mutually agreeable to the applicant or tower owner. Said hearing examiner shall set the hearing date no later than 20 days following the denial of an application, or the determination of a violation and shall consider, in addition to a determination of whether a violation exists or the application was improperly denied, the question of the technical or economic feasibility of compliance with this section. In the event the hearing examiner finds that the tower was constructed in accordance with setback and other provisions relating to towers designed for co-location, and said tower is not being made available for joint use or co-location as indicated at the time of application, the hearing examiner shall order utilities disconnected until such time as the tower is used jointly for co-location as originally stated in the application. The hearing examiner's final decision shall be subject to review pursuant to Chapter 536, RSMo. Any appeal under said chapter shall be filed within 30 days from the date of the hearing examiner's decision. Enforcement of the decision of the hearing examiner may be stayed by the posting of a supersedeas bond in an amount determined by the hearing examiner to be sufficient under the facts of the case to protect the interests of the public and any third party in the matter whose rights would be adversely affected by such a stay as demonstrated during any hearing on a request for said bond.

F. Construction Standards.

- 1. *Setbacks.*
 - a. All towers shall be set back a distance equal to:
 - (1) 50% of the height of the tower up to 100 feet, plus ~~one~~ 1 foot for each foot over 100 feet in height; or
 - (2) The distance between the tower base and guy wire anchors, whichever is greater, with the guy wire anchors set back at least 25 feet from adjoining residential districts, public property, or a street or at least the rear yard setback from adjoining land in other districts, unless the tower is designed for co-location.

In the event a tower is capable of being used for co-location for at least two additional carriers, the setbacks for structures in the zoning district where the tower is located shall be complied with for the tower base and any guy wire anchors.
 - b. Setback requirements for towers shall be measured from the center of the tower to the property line of the parcel on which it is located.
- 2. *Structural Requirements.* All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the city's building code, any applicable state and federal laws, and other standards outlined in the City Code. A building permit must be obtained before construction may begin.
- 3. *Separation or Buffer Requirements.*
 - a. Towers shall be separated from the types of areas and comply with the minimum standards established in the table set forth below unless: (1) constructed on the same site as another tower designed for the same purpose, (2) the second tower is permitted by the zoning district, and (3) the height of the second tower does not exceed the height

permitted in the zoning district where the tower is to be located:

Table 10-8: Tower Separation & Buffer	
Designated Area	Separation Distance
Single-family or duplex residential units in a residential district [1]	300'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	300'. If the tower is of a stealth design or is designed for co-location of an additional carrier, then the separation distance may be reduced to 100% of the height of the tower.
Vacant unplatted residentially zoned land and residential units in nonresidential zoned districts [3]	200' or 100% of tower [2], whichever is greater.
Existing multifamily residential units greater than duplex units	100' or 100% 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.

- a. The minimum tower separation distances above listed shall be calculated and applied irrespective of city and county jurisdictional boundaries.
- b. Measurement of tower separation distances for the purpose of compliance with this section shall be measured from the center of a tower to the closest point of a designated area as specified in the table above.
- c. Separation distances from other uses set forth in this subsection may be reduced for towers designed for the co-location of telecommunications facilities of other carriers by obtaining a conditional use permit, which will require demonstrating that the separation distances will:
 - (1) Have the effect of preventing service to an area of the city; or
 - (2) Constitute a barrier to entry into the marketplace by the applicant.
- d. Proposed towers must meet the following minimum separation requirements from towers existing at the time a license is granted pursuant to this section, unless constructed for the purpose of providing co-location capacity on the same site as another tower designed for the same purpose, the second tower is permitted by the zoning district, and the height of the second tower does not exceed the height permitted in the zoning district where the tower is to be located. However, an exception from separation distances between towers may be obtained from City Council if the applicant can demonstrate that such an exception is necessary for the engineering design of the system the tower is to be a part of, or that no other option is available to provide coverage for the service area. An exception to the separation requirements shall be approved or denied by ordinance.

Table 10-9: Separation From Other Towers

Proposed Towers / Types	Existing Towers / Types			
	Lattice or Guyed >150'	Lattice or Guyed < 150'	Monopole Towers >75'	Monopole Towers < 75'
Lattice	3,000'	2,500'	1,500'	750'
Guyed	3,000'	2,500'	1,500'	750'

Monopole >75'	1,500'	1,500'	1,500'	750'
Monopole < 75 ft. in height	750'	750'	750'	750'

For the purpose of this subsection, the separation distances shall be measured by drawing or following a straight line between the center of the existing tower and the center of the proposed tower.

4. *Method of Determining Tower Height.* The height of the tower shall be measured as the vertical distance between the highest point of the tower and the natural grade below this point.
5. *Illumination.* Towers shall not be artificially lighted except as required by the Federal Aviation Administration and provisions of the City Code, except that seasonal lighting may be permitted as approved by the city. At time of construction of a tower, dual mode lighting shall be requested from the FAA in cases where there are residential uses located within a distance from the proposed tower which is equal to three times the proposed height of the tower.
6. *Finished Color & Tower Markings.* Towers not requiring FAA painting or marking shall have either a galvanized steel finish or be painted an off-white, light gray, silver, or white finish. No commercial signs or advertising shall be allowed on any towers or telecommunications facilities.
7. *Fencing & Screening.* Fences must be constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities and shall be constructed in accordance with Section 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 City Code and federal and state law. For new monopole towers, such certification shall be submitted with an application pursuant to subsection G.2.a and every ten years thereafter; for existing monopole towers, such certification shall be submitted within 60 days of the effective date of said ordinance and then every ten years thereafter; for new lattice or guyed towers, such certification shall be submitted with an application pursuant to subsection G.2.a and every ten years thereafter; and for existing lattice or guyed towers, such certification shall be submitted within 60 days of the effective date of said ordinance and then every ten years thereafter. The tower owner may be required by the City to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is or has been jeopardized.
- b. The city and its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the city's building code and all other construction standards provided by City Code and federal and state law.
- c. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. All expenses related to such inspections by the City shall be borne by the tower owner.

13. *Maintenance.*

- a. Licensees shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- b. Licensees shall install and maintain towers, telecommunications facilities, wire, cables, fixtures, and other equipment in compliance with the requirements of the National Electric

Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.

- c. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

- 14. *Drainage.* All parcels upon which towers are located must contain adequate drainage facilities, which are approved by the PW Director.

- 15. *Stealth Design.* All licensees shall make every reasonable effort to design and construct new towers and telecommunications facilities to blend into the character and environment of the area in which they are located, including the use of camouflage techniques, path array antennas, and side mounting antennas unless such use shall create a hazard for the traveling public or it is not technically feasible to use such design and collocate other facilities on the tower.

G **Licensing Requirement.**

- 1. *License Required.* No person may own or operate a tower, or place wireless telecommunications facilities on a tower, without first obtaining from the city a license to do so pursuant to this section (herein referred to as "tower license" or "license"). This requirement applies both to new towers and to existing towers or nonconforming structures on the date of original passage of this section. Unless otherwise expressly provided elsewhere in this section, the license required by this section is in addition to the procedures and approval required pursuant to this chapter of the City Code pertaining to zoning and development and the requirement for a building permit to construct the tower itself. A license may be denied if the applicant is not in compliance with Section 20-146 or any other provision of City Code regarding the use or provision of towers, telecommunications services or public property, health, or safety. The license required under this section shall not be in lieu of a license to conduct business in the city of Springfield, Missouri. A license shall be for a term of not more than five years. A renewal must be made in compliance with Section 4.03, and an applicant must demonstrate an existing tower or telecommunications facility is needed and reasonable alternatives will not meet their needs for continued service capability. Owners of existing towers without an active license shall have six months from passage of said ordinance to obtain a license as required by this subsection; all licenses active at the passage of this section shall remain valid until natural expiration.

- 2. *Applications.* In order to construct and operate a tower after the effective date of this section, a person must file the following applications:

The application shall also provide the following:

- a. *License Application.* Prior to the construction of any tower, a license application and fee as set forth in the schedule of fees shall be submitted to the Finance Director. This is an initial license application fee and an additional fee shall be due from the applicant should the City's actual costs of approval of the license exceed the fee as set forth in the schedule of fees. The City reserves the right to employ an outside consultant to review any application. The applicant shall submit a fee in the amount of the city's estimated expense related to such review as an additional application fee prior to the City incurring such expenses. All tower license applications shall include the following information and documentation:
 - (1) The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner, and the name, address, and telephone number of the owner, shall be evidenced in the application. The application shall also contain an affirmative statement indicating that both the owner and applicant are aware of and agree to comply with the provision of subsection J regarding

- abandonment.
- (2) An affirmative statement of whether the applicant will be developing the tower for its own use or for the use of others.
 - (a) If for applicant's use, the following is required:
 - (i) A description of the use.
 - (ii) A description of the network the proposed tower will be part of.
 - (iii) A description of the technological design proposed and description of alternatives.
 - (iv) Evidence of drive-by tests or other studies relating to the proposed tower which support location on the proposed property.
 - (v) Construction date or schedule.
 - (b) If the applicant is developing the proposed tower for the use of another, in addition to the information required in paragraph "a," the applicant will identify whether the intended tower use is based on a lease or other contract or for speculation. The City may require evidence of the schedule for implementing the use of a tower and commitments for its use.
 - (3) The legal description, parcel identification number, and address of the parcel of land upon which the tower is to be situated.
 - (4) The names, addresses, and telephone numbers of all owners of other towers or useable antenna support structures which are capable of providing a location to construct the telecommunications facilities that are planned to be housed or located on the tower within a 3,000-foot radius of the proposed new tower site, including city-owned property.
 - (5) Written documentation that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on city-owned towers or useable antenna support structures or made diligent, but unsuccessful efforts to install or collocate the applicant's telecommunications facilities on towers or useable antenna support structures owned by other persons.
 - (6) Written documentation containing the following information:
 - (a) Whether the applicant's telecommunications facilities are technically capable of being installed or collocated on another person's tower or useable antenna support structure.
 - (b) If the applicant asserts that its telecommunications facilities are economically or technically infeasible of being installed or collocated on another person's tower or useable antenna support structure, a written statement from the applicant setting forth in detail the reason(s) with regard to each person contacted, why such installation or co-location is technically or economically infeasible. "Technically infeasible" for the purpose of this subsection means that the co-location or installation of applicant's telecommunications facilities on another person's tower or useable antenna support structure would not comply with sound engineering principles, would materially degrade or unreasonably impair the tower or useable antenna support structure's current or planned use, or interfere operationally with applicant's planned use. The City may require additional evidence of co-location being technically infeasible if, in the opinion of the Board of Adjustment that additional information is necessary to determine that co-location is technically infeasible. "Economic infeasibility" for purposes of this section shall mean that the cost of co-location is not a reasonable business decision from an economic standpoint when all factors are considered.
 - (c) If the tower is designed to accommodate one or more additional carriers or capacity for the location of telecommunications facilities other than

- that of the applicant and, if so, the application shall designate the nature, quality, and location of the co-location that will be accommodated.
- (d) An affidavit submitted with written technical evidence from a radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within the search area and must be located at the proposed site in order to avoid prohibiting or effectively prohibiting the provision of personal wireless service by the applicant.
 - (e) Written technical evidence from a structural engineer that the proposed structure meets the standards set forth in Section 10.03, and the applicable requirements of the Department of Building Development Services.
 - (f) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed facilities meet the standards set forth in this section and the applicable requirements of the Department of Building Development Services.
 - (g) A certification submitted with written technical evidence from a qualified agent of the applicant that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
 - (h) Written technical documentation of any Federal Aviation Administration (FAA) approvals and lighting requirements and, if applicable, documentation of approval or denial of dual mode lighting as provided in this section and a statement whether an FAA "Determination of No Hazard to Aviation" is required by 47 C.F.R. Part 17 of the tower. If such a determination is required, no building permit for the tower shall be issued until a copy of the determination is filed with the City.
- (7) A map of the city and the first one-half mile of all bordering communities showing the design of the applicant's entire existing or proposed wireless telecommunications network. Such map shall, at minimum, indicate the exact location of all proposed or existing tower and antenna sites, their dimensions and specifications, and signal area coverage.
 - (8) A site plan drawn to scale specifying the location of tower(s), its planned height, guy anchors (if any), transmission building(s), all telecommunications facilities, accessories, parking access plans, landscaping plans (specifying size, spacing and plant material proposed), fences, and zoning designation of adjacent land.
 - (9) Two alternative camouflaging techniques or stealth designs for the proposed tower and all associated telecommunications facilities if technically feasible and any explanation as to why the use of same would be technically or economically infeasible.
 - (10) Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property or properties and from adjacent roadways.
 - (11) The identity of all adjacent property owners.
 - (12) If the proposed tower is sited within Central Springfield, evidence that:
 - (a) Sites outside Central Springfield will not accommodate the proposed tower, considering size, topography, and physical features; or
 - (b) The proposed equipment or its equivalent on a tower outside Central Springfield cannot function effectively or at least in parity with other similar equipment in place or approved by City Council.

- (c) For the purposes of these restrictions, Central Springfield is defined as the area of Springfield containing the central business district and most of the historically and architecturally significant resources of the city, specifically defined by the south boundary of the railroad right-of-way north of Commercial Street on the north, Glenstone Avenue on the east, Grand Street on the south, and Kansas Expressway on the west.
- (13) A maintenance bond in the amount of 10% of the cost of construction of the tower to ensure that the tower is maintained in a condition that complies with all applicable building standards and regulations, including, but not limited to, the provisions of said ordinance.
- (14) A bond or irrevocable letter of credit in an amount determined by the City Manager to ensure that, should the tower be abandoned, pursuant to this section, removal of said tower will be guaranteed.
- (15) An applicant shall only be required to maintain one maintenance bond pursuant to subparagraph m and one removal bond pursuant to subparagraph n for all of the applicant's towers in the city; provided, however, the applicant must maintain the initial level of such bonds if drawn upon by the city for any reason.
- (16) Proof of general liability insurance for claims for injury or death and property damage in an amount approved by the city, but not less than \$300,000.00 per occurrence for personal injury and \$300,000.00 per occurrence for property damage with the city listed as an additional insured.
- (17) A statement that the applicant has no outstanding and overdue debt to the City.
- (18) An acknowledgment that, by signing a permit application, the applicant agrees to indemnify and hold harmless the City consistent with indemnification language in the application.
- (19) The tower and/or landowner shall promptly notify the city by certified or registered mail of the sale, transfer, or assignment of any tower or telecommunications facility. Each sublease shall be conditioned upon the sublease obtaining the necessary approvals for the subject facility or site from the city prior to siting such facility.

Within 45 days after a license application for a tower not requiring a conditional use permit or a tower other than a Tier II tower is filed with the Finance Director, the PD Director shall approve or deny the application if the Finance Director determines that the applicant meets all the requirements of subsection G.2. If the application is for a Tier II tower or a tower requiring a use permit, the license application shall be approved or denied within 14 days of the granting of a Tier II or conditional use permit for said tower. If the application is approved, the Finance Director shall issue the license itself after all requirements for the tower are complete.

- b. *Conditional Use Permit (CUP) Application.* If the zoning district in which the tower is proposed to be located requires a conditional use permit, a conditional use permit application and fee shall be submitted to the PD Director in accordance with Article 2 of this chapter.
- c. *Tier II Tower Permit Application.* An application for a Tier II tower shall be reviewed by the City Council and approved or denied by ordinance following a publication of notice in the same manner as for a conditional use permit application and a public hearing before City Council. The application shall include the stealth technology being used, a site plan showing the location of the tower(s) on the premises in relation to existing structures and adjacent residential uses, and the landscaping plan, and shall demonstrate that the granting of a permit will not have any adverse impact on adjacent property uses or functions. No public hearing shall be held before City Council until a complete application containing all required information and a \$100.00 deposit for costs has been filed. No Tier

II permit shall be issued until the costs to the city of review of such permit is paid by the applicant. The City Council may grant a Tier II tower application upon the applicant demonstrating to the satisfaction of the City Council that:

- (1) The tower is to be located on a premises or parcel where public buildings, facilities or structures, school buildings or facilities, church buildings or a noncommercial, not-for-profit residential neighborhood facilities are located; and
- (2) The tower height will not exceed 60 feet; and
- (3) The stealth design blends into the surrounding area and the structures existing on the premises where the tower is to be located; and
- (4) The site plan minimizes the impact of the presence of the tower on adjacent uses; and
- (5) If there is to be more than one tower on a premises, the presence of more than one tower structure (if more than one is to be built) on the same site or premises is a part of the overall stealth design to be utilized on the premises such as, but not limited to, a series of light standards utilized as tower structures; and
- (6) A request for reduction of the separation requirements of subsection F.3.e for towers on the same premises is a part of the stealth design to be utilized on said site; and
- (7) A request for reduction of the separation requirements of subsection F.3.e for towers not located on the same premises is necessary for providing service to an area of the city, the separation requirements constitute a barrier to entry into the marketplace by the applicant, or will constitute a technical or economic hardship on the applicant; and
- (8) Any light or noise from the tower will not violate light and noise standards of the Land Development Code or other codes of the city; and
- (9) The landscaping plan minimizes the impact of the tower location on the appearance of the premises or site on which the tower is to be located.

d. *Building Permit Application.* After a conditional use or Tier II tower permit has been approved or, if such a permit is not required, a building permit application and fee shall be submitted to the BDS Director. The application shall include sealed plans prepared by an engineer licensed in the State of Missouri for the tower construction and site. The tower site plan included with the building permit application shall show the design for, or present existence of, adequate drainage facilities which have been approved by the PW Director. The applicant shall also provide evidence that the applicant has all required licenses. The application shall also include items a through s listed above under subsection G.2. The application shall also include items (1) through (19) listed in subsection G.2.a above.

3. *Applications for Wireless Facilities on Towers.* No person shall construct or maintain a wireless facility on a tower without first obtaining a license from the Finance Director for such wireless facilities. An application shall include the name and address of the applicant, a statement by a qualified engineer or other professional that the addition of such wireless facilities meets all conditions of the City Code, the location of the tower and the location on the tower itself where the wireless facilities will be located, the location on the site for any supporting equipment and utility for said wireless facility, and the approximate length of time the applicant plans to use the tower to locate its wireless facilities. The fee for this license as set forth in the schedule of fees shall be required and shall be renewable every five years in accordance with subsection G.7.
4. *Inspections.* By applying for a conditional use permit, Tier II permit, building permit, or tower license, an applicant grants the City authority to enter onto its property to inspect the tower for the purpose of determining whether it complies with the applicable state law and all other construction standards provided by the City Code and federal law. The city reserves the right to conduct such inspections at any time.

5. *Filing Requirement.* A licensee shall certify in writing that its tower is structurally sound and conforms to the requirements of the applicable state law and all other construction standards set forth by the City Code, federal, and state law every five years by filing, by January 1 of every fifth year following the date of the grant of its tower license a sworn statement by the licensee or their representative to that effect. All licensees or owners of towers in existence on the effective date of this section shall submit a statement by December 15, 1997, and by January 1 every five years thereafter that said tower is free from hazards and that the tower does not pose an imminent threat to the surrounding area or public health and safety. Together with this statement, every licensee shall provide a certificate of liability insurance for no less than \$300,000.00 coverage for injury to persons or and an additional \$300,000.00 coverage for property as a result of any tower failure or malfunction or defect which lists the city as an additional insured. Licensee shall list city as a party who must be notified should this insurance be canceled or discontinued for any reason 30 days before the expiration of coverage.
6. *Discontinuance of Use.* In the event the licensed use of a tower is discontinued by the licensee, the licensee shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.
7. *License Renewal Fee.* On or by January 1 of every fifth year following the granting of an initial tower or wireless telecommunications facilities license for a new or existing tower or facilities placed on a new or existing tower, each licensee shall submit license renewal fee as set forth in the schedule of fees. In no event shall a license be revoked or considered expired for failure to pay the fee unless the licensee has received at least 30 days' written notice of the proposed action.

H. **Revocation of License.** The City may at any time revoke a tower license for failure to comply with the provisions of this section, or any other city code or state or federal law. To properly revoke a tower license, the city must comply with the procedures set forth below:

1. The Finance Director shall provide licensee with written notice of all causes for revocation and the intent to revoke and shall allow licensee 60 days subsequent to receipt of the notice in which to correct the violations or to provide adequate assurance of performance in compliance with said ordinance. Together with the notice required herein, the Finance Director shall provide licensee with written findings of fact which are the basis of the revocation.
2. The City shall provide the licensee with the right to a public hearing before the hearing examiner appointed for that purpose by the City Manager and mutually agreed to by the parties, which public hearing shall follow the 60-day notice required in subsection H.1. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.
3. After the public hearing, the hearing examiner shall, within 30 days after the public hearing date, issue a written order setting forth their findings of fact and conclusions of law forming the basis for their decision.
4. Upon written determination by the hearing examiner to revoke a license, the licensee may appeal the decision to a court of competent jurisdiction pursuant to Chapter 536, RSMo. The hearing examiner may provide for a supersedeas bond in an amount deemed by said examiner to be sufficient to protect the interests of the public, and such third parties whose interests were identified during any hearing on such a request to post a bond, to permit the stay of enforcement of any revocation or enforcement action by the City.
5. Upon satisfactory correction by licensee of the violation upon which said notice was given as determined in the Finance Director's sole discretion, the initial notice shall become void.

6. Upon licensee's failure to correct a violation as found by the hearing examiner, the City Manager or their designee may issue an order to disconnect utilities to said tower to any utility company providing same unless a supersedeas bond in an amount determined by the hearing examiner under subsection H.4 is provided. As long as said bond is in full force and effect, and an appeal is pending under Chapter 536, RSMo., no order to disconnect utilities shall be made. Said order shall not be issued prior to 30 days from the date of the hearing examiner's written determination. Said order shall be served upon the chief executive officer thereof, together with the licensee at the last known address, and have attached to it the findings of the hearing examiner.
- I. **Transfer of License.** A tower license may not be sold, transferred, leased, or assigned to any other person, without the consent of the Finance Director, such consent not to be unreasonably withheld.
- J. **Abandonment of Tower.**
 1. In the event the use of any tower has been discontinued for a period of one year, or in the event that a licensee has taken no action within 180 days after the revocation of a tower license pursuant to subsection H to appeal the decision of the hearing examiner or to remedy or correct the violations resulting in the revocation, such tower shall be deemed abandoned.
 2. The City shall provide the tower owner three months' notice and an opportunity to be heard before a hearing examiner appointed by the City Manager for the purpose and agreeable to the tower owner if he/she may be located, before initiating such action. After such notice has been provided, the City shall have the authority to initiate proceedings to either acquire the tower and any appurtenances attached thereto at the then-fair market value, to approve the sale of the tower to a third party, or in the alternative, order the demolition of the tower and all appurtenances.
 3. The city shall provide the tower owner with the right to a public hearing before the hearing examiner, which public hearing shall follow the three-month notice required in subsection J.2. All interested parties shall be allowed an opportunity to be heard at the public hearing.
 4. After a public hearing is held pursuant to subsection J.1.b, the hearing examiner may order the forfeiture to the city or demolition of the tower. The City may draw upon any maintenance bond as provided in subsection G.2.a.(14) or performance bond or letter of credit filed pursuant to subsection M or may otherwise require licensee to pay for all expenses necessary to acquire or demolish the tower. The tower owner may stay such a draw or enforcement of an order of abandonment if he/she posts a supersedeas bond in an amount set by the hearing examiner sufficient to protect the interests of the public. However, in no event shall the removal of a tower which is determined to create a danger to the public or adjacent property be stayed due to the filing of such a bond.
- K. **Variances & Special Exceptions.** Any request to deviate from any of the requirements of this section shall require either a variance approval in conformance with the procedures set forth in this chapter or the granting of a special exception under subsection F.3.d.
- L. **Location of Towers on City-owned Property.** The City Manager or their designee may authorize any person to locate a tower, antenna support structure, or telecommunications facilities on publicly owned property, subject to the application process set forth in subsection G and subject to the terms and conditions of any lease agreement executed between the City and such person, provided no tower shall be permitted on public right-of-way.
- M. **Miscellaneous.**
 4. *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.

5. *Non-waiver.* Nothing in this section shall preclude the city from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of this section.

N. Enforcement & Reservation of Rights.

1. The provisions of this section shall be enforced against all owners as operators of towers or telecommunications facilities within the city and all owners of land upon which towers or telecommunications facilities are sited within the city. The city shall have the right to withhold any approvals with respect to any application by any such party in the event that it shall find that the party is not in compliance with the provision of this until such noncompliance has been cured.
2. The city reserves the right to impose any other reasonable conditions it determines are necessary for the proper placement, construction, or modification of towers or telecommunications facilities, and to impose any other reasonable conditions on the issuance of a permit or conditional use permit issued by the city for placement, construction, or modification of a tower or telecommunications facilities.

- O. Definitions.** For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

Act. The federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 and as may, from time to time, be amended.

Antenna Support Structure. Any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities.

Applicant. Any person that applies for a tower license pursuant to subsection G of this section.

Application. The process by which an applicant submits a request and indicates a desire to be granted a license to construct, own, or operate a tower within the city. An application includes all written documentation made by an applicant to the city concerning such a request.

City. The City of Springfield, a municipal corporation, in the State of Missouri, acting by and through its City Manager or their designee.

Code. The City of Springfield Code of Ordinances.

Communications or Telecommunications. The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.

Engineer. Any engineer licensed by the State of Missouri.

FCC. The Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

Licensee. Any person who has lawfully obtained a tower license pursuant to subsection G.

Person. Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.

Site. The actual location of a tower, which may be only part of a larger parcel or premises.

Stealth. Any tower or telecommunications facilities designed to blend into the surrounding environment. *Telecommunications Facilities.* Any cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the wireless transmission or reception of wireless telecommunications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term telecommunications facilities shall not include:

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

Tower. A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC. A tower does not include utility poles that are owned by a utility provider and are primarily utilized for the support of electrical, telephone, cable television, street lighting, or other similar cables or wireless telecommunications facilities, are located on public right-of-way or easements for that purpose, and are a part of a system of such utility poles throughout the city of Springfield, Missouri.

10.11 Grant Avenue Parkway District

A. General Provisions.

1. *GAP District Generally.* The Grant Avenue Parkway District shall have the boundaries shown on the official zoning map maintained by the department. In case a property is included in two or more subdistricts, and the provisions of which conflict, the provisions of the more restrictive subdistrict shall apply.
2. *GAP District Purpose and Intent.* The purpose of the GAP - Grant Avenue Parkway District is to regulate the development of the parcels along Grant Avenue Parkway between College Street and Fassnight Park. The GAP district is intended to provide greater flexibility in use by requiring high-quality design that fosters sense of place to promote reinvestment and redevelopment that leverages the new parkway as an asset.
3. *Establishment of Subdistricts.*
 - a. *Subdistricts Generally.* The GAP district is comprised of unique areas with varying patterns of development, architectural styles, and visions as established in the City of Springfield Grant Avenue Parkway Corridor Plan. In order to better regulate these areas, the GAP District is further divided into six subdistricts as detailed below. The purpose of the subdistricts is to capitalize on the unique character of each portion of the GAP district and accommodate existing development while encouraging additional opportunities for redevelopment and reinvestment.
 - b. *Grant Avenue Parkway District Subdistricts.*
 - (1) *Subdistrict A.* Subdistrict A, generally located from College Street to Walnut Street at the north end of the GAP district, shall be prioritized for mixed use development. New development in this subdistrict shall complement nearby downtown urban-scale development and provide for the integration and transition of these uses into a more traditional neighborhood form.
 - (2) *Subdistrict B.* Subdistrict B, generally located from Walnut Street to Elm Street, is intended to accommodate the renovation of existing residential structures or their conversion to neighborhood-scale home businesses. The subdistrict also accommodates mixed use or multifamily residential development to create a seamless transition to adjacent subdistricts A and C.
 - (3) *Subdistrict C.* Subdistrict C, generally located from Elm Street to Mt. Vernon Street is intended to be a local-serving, mixed use neighborhood center that is compatible with the West Central neighborhood. The subdistrict allows for the conversion of existing properties to preserve their historic integrity and extend their economic life by allowing owners to justify expenditures for repairs and modernization.
 - (4) *Subdistrict D.* Subdistrict D, generally located from Mt. Vernon Street to Grand Street, is intended to be a mixed residential corridor. This subdistrict is intended to accommodate reinvestment in existing homes and new development of higher density housing types that blend seamlessly with existing nearby residences.
 - (5) *Subdistrict E.* Subdistrict E, generally surrounding the intersections of Grant Avenue and Grand Street and Grant Avenue and Catalpa Street, is intended to accommodate local-serving, mixed use neighborhood centers that benefit from traffic along Grand Street and the connection of Fassnight Park at Catalpa Street. New development in this subdistrict should complement the entrance to Fassnight Park and connect to the Fassnight Creek Greenway trail.
 - (6) *Subdistrict F.* Subdistrict F, generally located along Grant Avenue at Delmar Street and Loren Street and along Catalpa Street west of Grant Avenue, is intended to accommodate higher density development to support the adjacent neighborhood retail nodes.
4. *Figures.* Figures are included in this division to clarify written text. In the case of conflict between the figures and written text within this division, the written text shall govern.

5. *Definitions.* The definitions included in Table 10-10, shall be utilized in the interpretation of this division. If a term is utilized in this division and is not defined in Table 10-10, the definitions included in Article 11 shall be utilized.

Table 10-10: GAP District Definitions	
Term	Definition
Artisan Manufacturing	Small-scale businesses that produce artisan goods such as artisan leather, glass, wood, paper, ceramic, textile, or yarn products; specialty foods; or baked goods, primarily for direct sales to consumers. This land use includes the design, processing, fabrication, assembly, treatment, and packaging of products as well as the incidental storage, sales, and distribution of such products.
City of Springfield Grant Avenue Parkway Corridor Plan	A plan formally adopted by the City of Springfield City Council that defines the City's land use goals within the Grant Avenue Parkway Corridor.
Department	The Planning and Development Department of the City of Springfield, Missouri.
Farm Product	Any of the following in its raw or natural state: any agricultural, horticultural, viticultural, or vegetable product of the soil; poultry products; livestock products; and apiary products. "Farm product" does not include any livestock, poultry, fish, or shellfish.
Farm Product, Value Added	A farm product that has been changed from its natural state to an item in a different form through canning, drying, freezing, preserving, fermenting, compounding, processing, packing, or a similar alteration, so as to increase the value of the farm product.
Farm Stand	An area accessory to a residential garden that is used to sell farm products and value-added farm products.
Food Truck	A mobile vehicle, trailer, or pushcart operated to sell food or beverages with or without food preparation or cooking. Examples include mobile food establishments, mobile retail food establishments, and mobile pushcarts.
Grant Avenue District	A district created by the City of Springfield to regulate land use within the Grant Avenue Parkway Corridor of the City.
General Office, Conversion	A general office use located in a structure constructed prior to 1930 as a single-family dwelling unit.
Non-Agricultural Item	Any item offered for sale other than farm products and value-added farm products.
Restaurant, Delivery/Carry-out only	An establishment that by the design of its physical facilities or service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises.
Seasonal Sales	Christmas tree, pumpkins, and similar, temporary (typically recurring on an annual basis) sales for a period not to exceed thirty (30) days.
Sign, Awning or Canopy	A sign that is mounted, painted, or attached to an awning or canopy. This includes any projecting canvas or other material over a structural framework used for a small amount of shelter or shade on a facade that has signage displayed on the visible surface.
Sign, Banner	A temporary sign which is not attached to a permanently mounted backing. Banner signs may be ground-mounted or wall-mounted.
Sign, Billboard	Any sign that displays sign copy based on a temporary lease or

	rental agreement between the sign owner/operator and the sign copy content creator or owner.
<i>Sign, Box</i>	A sign which includes a frame or box-like external structure which encloses the functional elements of the sign, including internal illumination, where the sign content is affixed on a face or panel.
<i>Sign, Electronic Message Board</i>	A sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations that can be changed or rearranged electronically without altering the face or surface of such sign.
<i>Sign, Feather</i>	A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and upon which temporary sign copy is displayed. Such banners are also known and sold under names that include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.
<i>Sign, Monument</i>	A freestanding sign, other than a pole/pylon sign, with a support structure that is wider than the sign face.
<i>Sign, Moving, Rotating, or Animated</i>	Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement by use of lighting, or that exhibits intermittent or sequential flashing of natural or artificial light or color effects by any means whatsoever.
<i>Sign, Nonconforming</i>	Any sign that does not meet the standards for area, height, setbacks, illumination, or other standards for the sign types in the governing zoning district but existed prior to the adoption of the regulation to which it does not conform.
<i>Sign, Off-Premises</i>	A sign that constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located.
<i>Sign, On-Site Traffic Directional</i>	A sign on a lot that directs the movement or placement of pedestrian or vehicular traffic in order to protect the public health, safety, and welfare.
<i>Sign, Permanent</i>	A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
<i>Sign, Post</i>	A freestanding, moveable sign affixed to the ground with one or no more than two wood stakes or poles with an arm from which the sign hangs.
<i>Sign, Prohibited</i>	Any sign type expressly disallowed under Division 7 of the City of Springfield Zoning Regulations.
<i>Sign, Projecting</i>	A sign, other than a wall sign which is attached to and projects more than one foot, generally perpendicular from a structure or building face.
<i>Sign, Pylon or Pole</i>	A freestanding sign, other than a monument sign, with a support structure that is narrower than the sign face.
<i>Sign, Sidewalk</i>	A type of portable sign that is intended to be placed on a hard surface, most commonly a sidewalk. These signs include A-frame signs, signs that are suspended from the top member of an A-frame, signs with weighted bases, and comparable signs.
<i>Sign, Snipe</i>	An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.
<i>Sign, Temporary</i>	A sign displayed for a certain short period of time. If a sign display area is permanent but the message displayed is subject to periodic

	changes, that sign shall not be considered as temporary.
<i>Sign, Wall</i>	A sign mounted parallel to a building facade or other vertical building surface.
<i>Sign, Window</i>	A sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one foot of the interior of a window, which can be seen through the window from the exterior of the structure.
<i>Sign, Yard</i>	A temporary portable sign constructed of paper, vinyl, plastic, wood, metal, or other comparable material, and designed or intended to be displayed for a short period of time.
<i>Solar Energy Collection System, Canopy</i>	A solar energy collection system consisting of elevated solar panels installed above parking lots, carports, and other paved areas.
<i>Solar Energy Collection System, Roof Mounted</i>	A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure. It is typically installed parallel to the roof with a gap of several inches.
<i>Title Loan/Short-Term Lending</i>	An establishment that provides to the customer an amount of money that is equal to the face value of the check, warrant, draft, money order, or other commercial paper securing the same purpose, or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, whereby the check casher refrains from depositing a personal check written by a customer until a specific date. Such establishments may also engage in money transfers, payday advances, and issuance of money orders. This use shall not include a state or federally chartered bank, savings association, credit union, industrial loan association, or rental-purchase company and shall not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for a nominal flat fee as a service to customers incidental to the main use of the establishment.
<i>Use Specific Standards</i>	A series of requirements formally codified within the City of Springfield Zoning Regulations that define parameters for a land use regulated under the Zoning Regulations.

6. *Site Plan Review Process.*

- a. *Applicability.* Development within the GAP District shall be required to certify compliance with all applicable provisions of this division through the site plan review process established in section 2.03.
- b. *Submittal Requirements.* In addition to the submittal requirements detailed in section 2.03 the applicant shall be required to submit a building elevation plan showing the height, façade design, exterior building materials, signage, and window specifications for all proposed buildings.
- c. *Review Criteria.* In addition to the review criteria detailed in section 2.03 alignment with the Grant Avenue Parkway Corridor Plan shall be considered in the site plan review process.

- B. **Bulk Standards.** Table 10-11 addresses the requirements applicable to development of a lot per subdistrict.

Table 10-11: GAP District Bulk Standards

Standard	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
<i>Lot Standards</i>						
Lot Area	n/a	n/a	n/a	n/a	n/a	n/a
Lot Width	n/a	n/a	n/a	n/a	n/a	n/a
<i>Yard Setbacks (Figures 10-22 and 10-23)</i>						
Front, minimum (ft)	0	15 ¹	0	15	10	15
Front, maximum (ft)	10 ³	25 ¹	10	25	20	25
Exterior Side, minimum (ft)	0	15 ¹	0	15	10	15
Exterior Side, maximum (ft)	10 ³	25 ¹	10	25	20	25
Interior Side, minimum (ft)	6 ²	6 ²	6 ²	6 ²	6 ²	6 ²
Rear, minimum (ft)	n/a	n/a	n/a	n/a	n/a	n/a
<i>Building Standards</i>						
Height, minimum (stories or ft)	2 ³	2 ³	2	2	3	3 or 35 ft.
Height, maximum (stories)	n/a	4	3	3	4	4
<i>Notes</i>						
1. The setback of new development shall align with the setback of existing development in the subdistrict that is closest to the public right-of-way.						
2. If party-wall exists, 0' minimum shall be permitted.						
3. Expansion or enlargement of structures existing at the time of the adoption of this ordinance [G.O. 6684] shall be exempt from this requirement.						

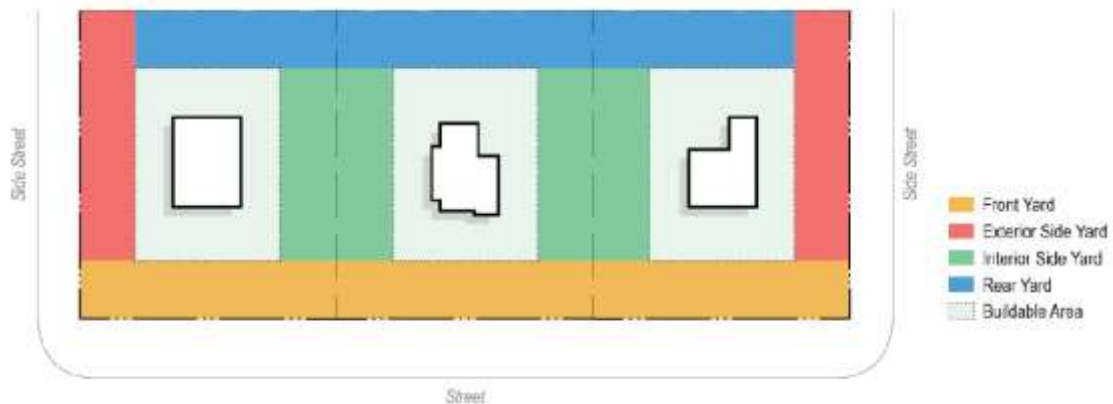


Figure 10-22 Required Yard



Figure 10-23 Build-To-Zones

- C. **Permitted and Conditional Uses.** The following key is to be used in the interpretation of Table 10-12, permitted and conditional uses below.
1. *Permitted Uses.* Uses which are marked as "P" in the table shall be allowed subject to all applicable regulations of this article.
 2. *Conditional Uses.* Uses which are marked as "C" in the table shall be allowed upon the approval of a conditional use permit as detailed in Section 2.04.
 3. *Prohibited Uses.* A blank space in the table indicates that a use type is not allowed in the respective subdistrict.
 4. *Uses Not Listed.* If a proposed use is not listed in the tables, the ARC shall determine if the use is substantially similar to a use listed in the tables. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
- D. **Conversions.** Structures existing at the time of the adoption of this ordinance [September 20, 2021 G.O. 6684] in subdistricts A, B, and/or C may be converted to any use permit in that subdistrict.
1. *Additional Regulation.* If uses have use specific standards they are referenced in this column. Use specific standards shall apply to permitted and conditional uses. Where use specific standards conflict with district specific standards, the district specific standards shall be followed.

Table 10-12: GAP District Permitted and Conditional Uses

Use	Additional Regulation	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
<i>Residential Uses</i>							
Dwelling, Live Work	10.11.E.1		P	P	P		
Dwelling, Multifamily, stand-alone fronting Grant Avenue		C	C	C	P		P
Dwelling, Multifamily, stand-alone not fronting Grant Avenue		P	P	P	P	P	P
Dwelling, Multifamily as a part of mixed use	10.11.E.2	P	P	P		P	P
Dwelling, Multifamily conversion	10.11.E.3		P	P	P		
Dwelling, Single-Family Semi-detached			P	P	P		
Dwelling, Single-Family Detached existing	10.11.E.4		P	P	P		
Dwelling, Single-Family Detached new development				C	P		
Group Home		P	P	P	P	P	P
<i>Lodging Uses</i>							
Bed and Breakfast	10.11.E.5		P	P	P		
Hotel	10.11.E.6	P	P	P		C	C
Short-Term Rental Type 1	10.08.A				P		
Short-Term Rental Type 2	10.08.B				P		
Short-Term Rental Type 3	10.08.C	P	P	P		P	P
<i>Commercial Retail and Entertainment Uses</i>							
Adult Oriented Uses							
Entertainment Oriented Use Group, less than 10,000 sq. ft.		P	P	P		P	
Entertainment Oriented Use Group, greater than 10,000 sq. ft.		C	C				
General Retail Use Group, less than 10,000 sq. ft.		P	P	P		P	P

Table 10-12: GAP District Permitted and Conditional Uses

Use	Additional Regulation	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
General Retail Use Group, greater than 10,000 sq. ft.		C	C				
Medical or Comprehensive Marijuana Dispensary Facility	10.09	P	P	P		P	P
Package Liquor							
Pawn Shop							
<i>Commercial Service and Office Uses</i>							
Community Centers, nonprofit							P
Daycare				P			
Personal Service Use Group, less than 10,000 sq. ft.		P	P	P		P	P
Personal Service Use Group, greater than 10,000 sq. ft.		C	C				
Medical/Dental Office		P	P	P		P	P
General Office		P	P	P		P	P
General Office, above ground floor as a part of mixed use		P	P	P		P	
General Office, conversion	10.11.E.7	P	P	P	P	P	P
Title Loan/Short Term Lending							
<i>Eating and Drinking Uses</i>							
Restaurant/Bar/Brewpub		P	P	P		P	P
Restaurant, drive-thru							
<i>Vehicle Oriented Uses</i>							
Autobody Repair/Service Station							
Car Sales/Rental							
Car Wash							
Gas Station							
Commercial Off-Street Parking Lots	10.11.E.8	P					

Table 10-12: GAP District Permitted and Conditional Uses							
Use	Additional Regulation	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
Commercial Off-Street Parking Structures above ground floor as a part of mixed use		P					
<i>Industrial Uses</i>							
Artisan Manufacturing	10.11.E.9	P	P	P		P	P
Brewery/Winery/Distillery		P					
Medical or Comprehensive Marijuana Cultivation Facility or Microbusiness Marijuana Wholesale Facility	10.09	P					
Medical or Comprehensive Marijuana Infused Product Manufacturing Type 2 Post Extraction Facility	10.09	P					
Marijuana Testing Facilities	10.09	P					
Personal Storage							
<i>Accessory Uses</i>							
Accessory Structures and Uses	4.04	P	P	P	P	P	P
Home Occupations		P	P	P	P	P	P
Outdoor Display/Sale of Merchandise, Permanent							
Outdoor Storage							
Solar Energy Collection System, canopy	10.11.E.10	P	P	P	P	P	P
Solar Energy Collection System, roof	10.11.E.11	P	P	P	P	P	P
<i>Temporary Uses</i>							
Farm Stand	10.11.E.12				P		
Farmers Market		P	P	P		P	P
Food Truck		P	P	P		P	P
Table 10-12: GAP District Permitted and Conditional Uses							
Use	Additional Regulation	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F

Outdoor Display/Sale of Merchandise, Temporary		P	P	P		P	P
Seasonal Sales		P	P	P		P	P

E. Use Specific Standards.

1. *Dwelling, Live Work.*
 - a. *Occupancy.* A live work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator.
 - b. *Sale or Rental of Portions of Unit.* No portion of a live work unit may be separately rented or sold as a commercial space for any person not living in the unit or as a residential space for any person not working in the same unit.
 - c. *Nonresident Employees.* Up to two persons who do not reside in the live work unit may work in the unit. The employment of three or more persons who do not reside in the live work unit may be permitted subject to conditional use permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live work unit shall comply with all applicable building code requirements.
2. *Dwelling, Multifamily as Part of Mixed-use.*
 - a. To create a continuous nonresidential façade along Grant Avenue, multifamily dwelling units may be a component of mixed use developments but shall be located either:
 - (1) Above the ground floor; or
 - (2) In a portion of the ground floor which does not front Grant Avenue with the exception of building entries and hallways which lead to residential units.
 - b. The nonresidential portion of the ground floor shall have a minimum depth of 50 feet.
3. *Dwelling, Multifamily Conversion.*
 - a. *Applicability.* Single-family dwellings built prior to 1930 may be converted to three or more units in accordance with the standards set forth below. The units shall be located only in the existing structure, additions shall not be built to provide units.
 - b. *Size.* Each residential unit shall be a minimum of 800 square feet. Smaller units may be approved as a conditional use.
 - c. *Location of Entrances.* Only one entrance shall be located on the front façade of the structure. The front façade of the structure shall face Grant Avenue.
 - d. *Exterior Alterations.* No exterior alterations that would change the single-family character of the dwelling, other than those necessary to ensure the safety of the structure, shall be made.
 - e. *Driveways.* Each dwelling unit shall be served by one common driveway connecting all units to a public road, vehicular cross access drive, or alley.
4. *Dwelling, Single-family Detached Existing.* If a single-family detached dwelling that exists prior to the date of adoption of this division is destroyed by a natural hazard outside of human control, it may be rebuilt within 18 months of the incident. After 18 months, the lot shall be developed in a manner which complies to the standards of this division.
5. *Bed and Breakfast.*
 - a. *Applicability.* Single-family dwellings built prior to 1930 may be converted to bed and breakfast establishments in accordance with the standards set forth below. The bed and breakfast establishment shall only be located in the existing structure. Additions shall not be built to provide bed and breakfast rooms, and a new structure shall not be built expressly for a bed and breakfast.
 - b. *Location of Entrances.* Only one entrance shall be located on the front façade of the structure. The front façade of the structure shall face Grant Avenue.
 - c. *Guest Rooms.* There shall be a maximum of 5 guest rooms in the bed and breakfast.
 - d. *Exterior Alterations.* No exterior alterations that would change the single-family character of the bed and breakfast, other than those necessary to ensure the safety of the structure, shall be made.
 - e. *Duration of Stay.* Only short-term lodging shall be permitted, no monthly rentals.
 - f. *Signs (Figure 10-24).* Bed and breakfast establishments shall be permitted one monument sign in accordance with the standards set forth below.
 - (1) *Area.* The monument sign shall not exceed 6 square feet in area.
 - (2) *Height.* The monument sign shall not exceed 4 feet in height.

- (3) *Location.* The monument sign shall be located a minimum of 5 feet from all property lines, right-of-way, and utility easements; shall not block points of ingress or egress; shall not be placed on any sidewalk or pedestrian walkway; and shall provide safe site distance where driveway curb cuts intersect public right-of-way.
 - (4) *Sign Base.* The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 10% and a maximum of 25% of the width of the sign face. The base of the monument sign shall be constructed from masonry, stone, or similar high-quality materials in keeping with the exterior cladding materials and design of the primary building.
 - (5) *Landscape.* The monument sign shall have a landscape area equal to the area of the sign surrounding the sign base. A minimum of 80% of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.
- g. *Other Provisions.*
- (1) There shall be no individual cooking facilities.
 - (2) The operator shall live at the bed and breakfast.
 - (3) A business license shall be obtained annually, and the operator shall verify that the standards established in this division are still being met.

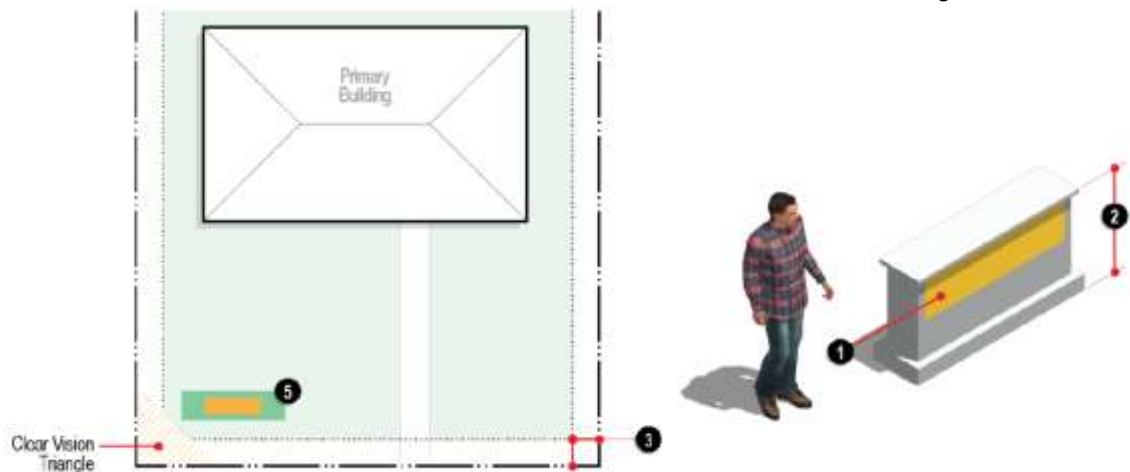


Figure 10-24 Bed and Breakfast Monument Signs

6. *Hotel.*
 - a. If the facility is managed by a public or non-profit agency to provide short-term housing, with or without a fee, the facility shall not be considered a hotel.
 - b. Bed and breakfast, boarding house, lodging house, fraternity house and sorority house uses shall not be considered hotels.
7. *General Office Conversion.*
 - a. *Applicability.* Single-family dwellings built prior to 1930 may be converted to general office(s) uses in accordance with the standards set forth below. The office space(s) shall be located only in the existing structure, additions shall not be built to provide office space(s).
 - b. *Location of Entrances.* Only one entrance shall be located on the front façade of the structure. The front façade of the structure shall face Grant Avenue.
 - c. *Exterior Alterations.* No exterior alterations that would change the single-family character of the dwelling, other than those necessary to ensure the safety of the structure, shall be made.
 - d. *Outdoor Storage.* No outdoor storage shall be permitted in conjunction with a general office conversion use.
 - e. *Signs (Figure 10-25).* General office conversion uses shall be permitted one monument sign in accordance with the standards set forth below.

- (1) *Area.* The monument sign shall not exceed 6 square feet in area.
- (2) *Height.* The monument sign shall not exceed 4 feet in height.
- (3) *Location.* The monument sign shall be located a minimum of 5 feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; shall not be placed on any sidewalk or pedestrian walkway; and shall not be located in a clearance sight triangle as detailed in Section 3.03.B.7-
- (4) *Sign base.* The base of the monument sign, including all structural components, shall extend horizontally from the sign face a minimum of 10% and a maximum of 25% of the width of the sign face. The base of the monument sign shall be constructed from masonry, stone, or similar high-quality materials in keeping with the exterior cladding materials and design of the primary building.
- (5) *Landscape.* The monument sign shall have a landscape area equal to the area of the sign surrounding the sign base. A minimum of 80% of the landscape area shall be planted and maintained with herbaceous perennials and evergreen shrubs.

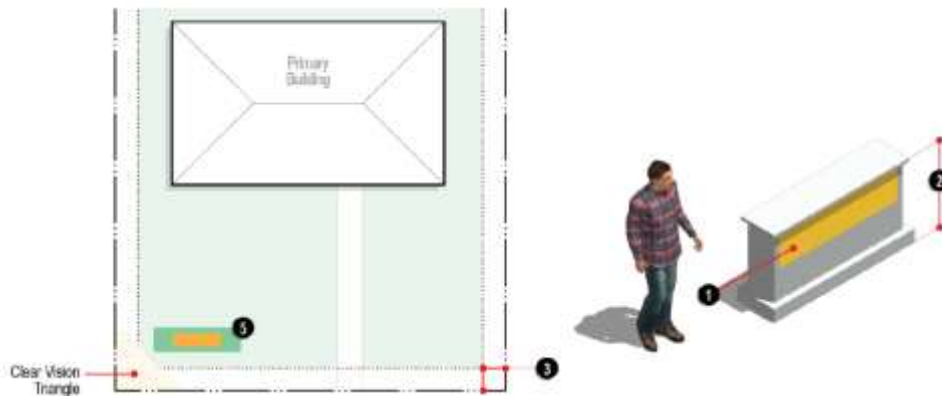


Figure 10-25 General Office Conversion Monument Sign

8. *Commercial Off-street Parking Lots.* Commercial off-street parking lots shall provide all of the landscape required in Section 10.11.H as well as the screening and landscape elements detailed below in areas adjacent to public right-of-way, excluding alleys:
 - a. A fully opaque wall or fence with a height of four feet shall be used in conjunction with required parking lot perimeter area landscaping. Plant materials shall be installed between the sidewalk and the wall or fence to provide a softening effect.
 - b. 4 understory trees shall be planted for every 100 lineal feet of right-of-way adjacent frontage, excluding alley right-of-way, and shall be clustered at points of pedestrian ingress and egress.
 - c. Points of pedestrian ingress and egress shall be provided outside of vehicular curb cuts.
 - d. Screening standards established above shall be provided to the greatest extent possible, so as to provide safe site distance where driveway access intersects public right-of-way.
9. *Artisan Manufacturing.*
 - a. Gross floor area shall not exceed 10,000 square feet unless approved as a conditional use.
 - b. Outdoor storage and/or outdoor operations or activities shall be prohibited.
 - c. Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of 15 % of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.
10. *Solar Energy Collection System, Canopy (Figure 10-26).*

- a. The height of canopy solar energy collection systems shall not exceed the height of the primary building that the parking area serves.
- b. The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

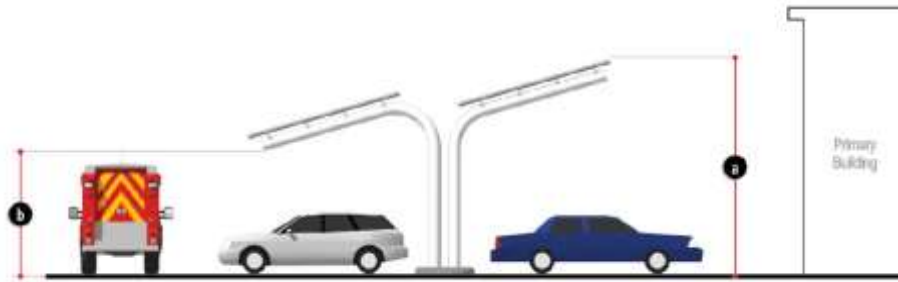


Figure 10-26 Solar Energy Collection System, Canopy

11. *Solar Energy Collection System, Roof-mounted (Figure 10-27).*
 - a. Roof-mounted solar energy collection systems may be located on any roof face of principal or accessory buildings.
 - b. Systems should be flush mounted when possible. Systems on residential structures shall not extend beyond 12 inches parallel to the roof surface of a pitched roof or flat roof. Systems on nonresidential structures shall not extend beyond 36 inches parallel to the roof surface of a pitched roof or flat roof. Systems on all structures shall not extend above the highest peak of a pitched roof.
 - (1) Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
 - c. All materials used for racking, mounting, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

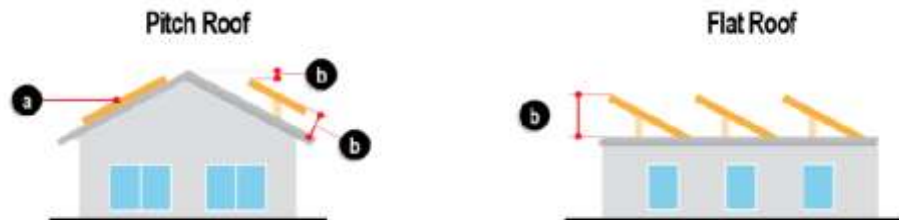


Figure 10-27 Solar Energy Collection System, Roof-mounted

12. *Farm Stand.*
 - a. *Farm Products Sold.* Goods sold at a farm stand shall be farm products or value-added farm products grown and/or processed on the parcel on which the farm stand shall be located only. The sale of non-agricultural items or products produced off site shall be prohibited.
 - b. *Farm Stand Structure.* Any structure associated with a farm stand shall:
 - (1) Not occupy greater than 100 square feet in floor area.
 - (2) Not exceed 8 feet in height.
 - (3) Comply with all required setbacks of the primary building. Be removed from display during the time period outside of the established hours of operation as detailed in (c) below.
 - c. *Hours of Operation.* A farm stand may be in operation between the hours of 7:00 a.m. and 7:00 p.m. only.
 - d. *Signs.* No signs, other than signs otherwise permitted for single-family uses as detailed in Table 10-14, shall be permitted.

F. Building Orientation, Siting, and Design.

1. *All Uses.*
 - a. *Subdistrict A.* In subdistrict A, the expansion or enlargement of structures existing at the time of adoption of General Ordinance 6684 shall be exempt from the requirements of Section 10.11.F.
 - b. *Building Orientation.* The primary building entrance(s) of all development on lots with a property line fronting Grant Avenue shall be oriented towards Grant Avenue. If the lot does not front on to Grant Avenue, the primary building entrance shall be oriented towards the primary street to which the lot is adjacent.
 - c. *Frontage Types.* The primary façade of all development shall meet the standards of one of the frontage types allowed in the applicable subdistrict as detailed in Table 10-13.

Frontage Type	Subdistrict A	Subdistrict B	Subdistrict C	Subdistrict D	Subdistrict E	Subdistrict F
<i>Projecting Porch</i>		•		•		•
<i>Engaged Porch</i>		•	•	•		•
<i>Integral Porch</i>	•	•	•	•	•	•
<i>Balcony</i>	•	•	•	•	•	•
<i>Forecourt</i>		•	•		•	•
<i>Shopfront</i>	•	•	•		•	•

- (1) *Projecting Porch (Figure 10-28).* The primary façade of the building is sufficiently setback from the property line to accommodate the projecting porch within the front yard build-to-zone. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch is open on three sides and has a roof form that is separate from the main house. A projecting porch shall encroach into the front yard build-to-zone. The following minimum standards shall apply to projecting porches.
 - (a) *Width.* 10 feet.
 - (b) *Depth.* 8 feet.
 - (c) *Height.* 8 feet.
 - (d) *Finish Level Above Sidewalk.* 18 inches.

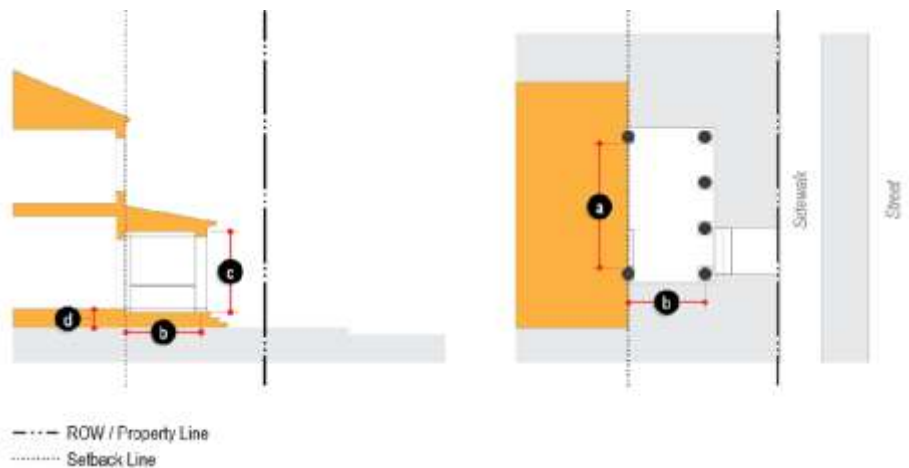


Figure 10-28 Projecting Porch Frontage Type

- (2) *Engaged Porch (Figure 10-29).* The primary façade of the building is built to the minimum front yard setback or is located a minimum of 10 feet from the property line, whichever is more. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The porch is partially or fully enclosed on two sides and has a roof. An engaged porch may not encroach into the required front yard. The following minimum standards shall apply to engaged porches.
- (a) *Width.* 10 feet.
 - (b) *Depth.* 8 feet.
 - (c) *Height.* 8 feet.
 - (d) *Finish Level Above Sidewalk.* 18 inches.

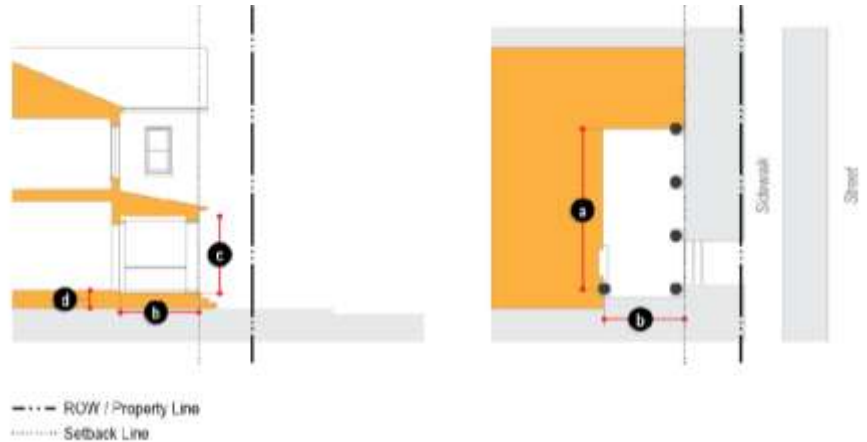


Figure 10-29 Engaged Porch Frontage Type

- (3) *Integral Porch (Figure 10-30).* The primary façade of the building is built to the minimum front yard setback or is located a minimum of 10 feet from the property line, whichever is more. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. An integral porch is part of the overall massing and roof form of a building. It is not possible to remove an integral porch without major changes to the overall roof form. An integral porch may not encroach into the required front yard. The following minimum standards shall apply to integral porches.
- (a) *Width.* 8 feet.
 - (b) *Depth.* 8 feet.
 - (c) *Height.* 8 feet.
 - (d) *Finish Level Above Sidewalk.* 18 inches.

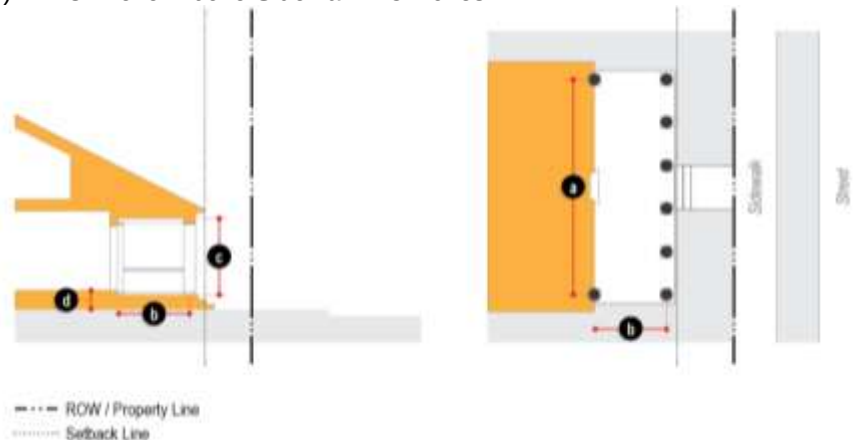


Figure 10-30 Integral Porch Frontage Type

- (4) *Balcony (Figure 10-31).* The primary facing façade of the building is set back a minimum of 8 feet if balconies are to project and may be at the property line if balconies are to be recessed. Projecting and recessed balconies must remain open on all sides except those along an exterior wall to which the balcony is attached. Projecting and recessed balconies must be fully supported by the building, with no posts extending to the ground. The following standards shall apply to balconies and shall be considered minimum requirements unless otherwise stated.
- (a) *Width.* 4 feet.
 - (b) *Depth.* 4 feet.
 - (c) *Vertical Clearance.* 8 feet.
 - (d) *Projection From Building Facade.* 8 feet, maximum.
 - (e) *Railing Height.* 5 feet, maximum.

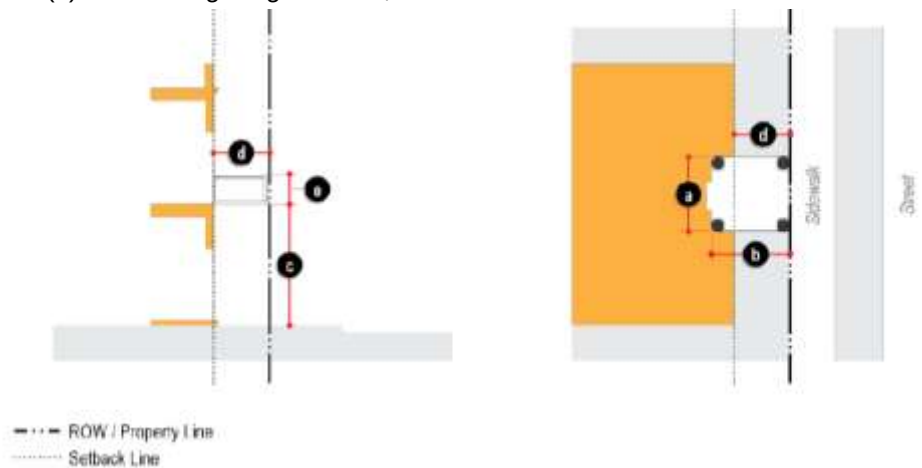


Figure 10-31 Balcony Frontage Type

- (5) *Forecourt (Figure 10-32).* A portion of the primary façade of the building is at the property line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for multifamily buildings, or as an outdoor dining, plaza, or public gathering area for nonresidential uses. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. The following minimum standards shall apply to forecourts.
- (a) *Width.* 12 feet.
 - (b) *Depth.* 12 feet.

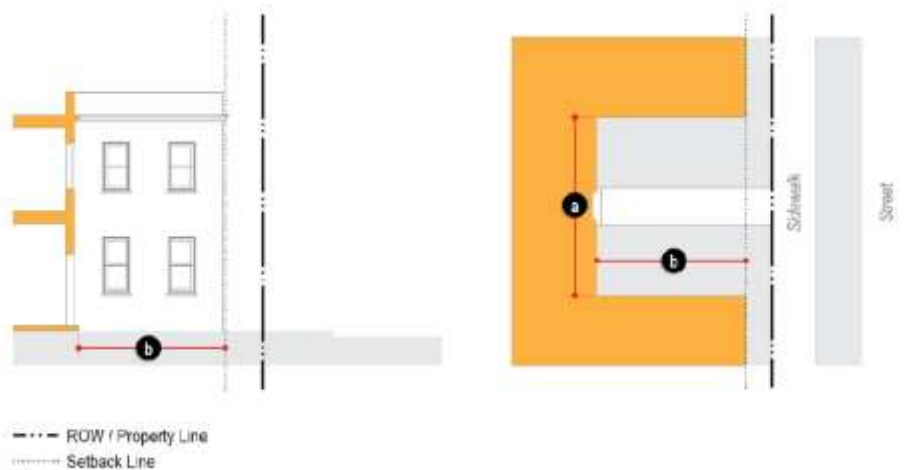


Figure 10-32 Forecourt Frontage Type

- (6) *Shopfront (Figure 10-33).* The primary façade of the building is at the property line with an at-grade entrance either at the property line or recessed to allow the main entrance to swing outwards without obstructing the sidewalk. A canopy or awning element is encouraged to project over the sidewalk along the majority of the frontage. Accordion-style windows/doors or other operable windows that allow the space to open to the street are encouraged. The following standards shall apply to shopfronts and shall be considered minimum requirements unless otherwise stated.
- (a) *Window area.* 16 square feet.
 - (b) *Window width.* 3 feet.
 - (c) *Window height.* 4 feet.
 - (d) *Sill height.* 3 feet, maximum.
 - (e) *Depth of Recessed Entrance.* 5 feet, maximum.

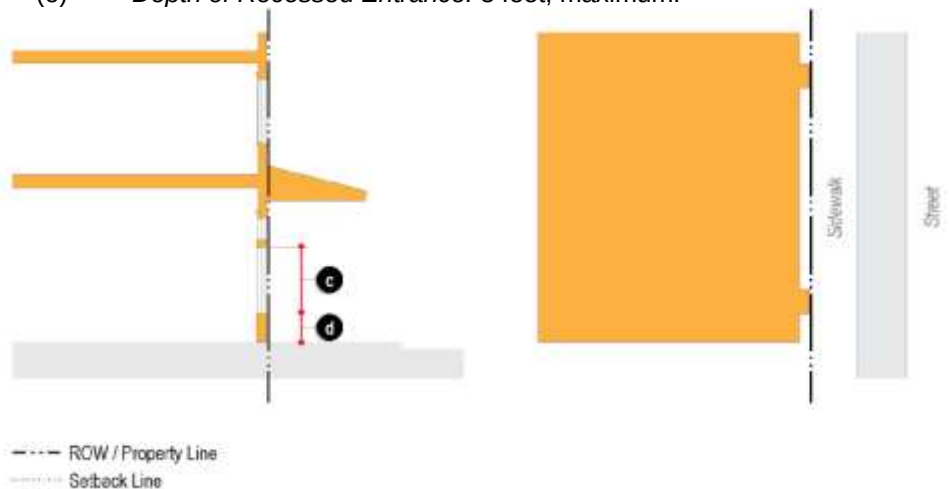


Figure 10-33 Shopfront Frontage Type

- d. *Exterior Building Cladding Materials.*
- (1) Exterior building cladding materials shall be masonry, stone veneer systems, stucco, or other time and weather tested materials approved by the ARC.
 - (2) The ground level must offer pedestrian interest along sidewalks and pedestrian

- paths through the use of contrasting exterior building cladding materials and elements.
- (3) In no instance shall the finish of non-natural materials utilized mimic or match the texture of the natural materials utilized.
 - (4) A maximum of three exterior building cladding materials may be used.
 - (5) Vinyl and steel clapboard siding and/or adhered thin veneer exterior building cladding materials shall be prohibited.
- e. *Roof Finishing.*
- (1) Eaves may expose rafters.
 - (2) Gutters and downspouts may not discharge upon public right-of-way.
5. *Single-family Attached and Detached Uses.*
- a. *Fences.* Fences shall be allowed on lots with single-family attached and detached uses in accordance with the following standards.
- (1) *Location.* All fences allowed in this subsection shall provide safe site distance where driveway curb cuts intersect public right-of-way.
 - (2) *Height.*
 - (a) Fences in front and/or exterior side yards shall not exceed 4 feet in height.
 - (b) Fences in interior side and/or rear yards shall not exceed 6 feet in height.
 - (3) *Materials.* Fences in front yards and/or exterior side yards shall be of non-sight barrier construction and have a maximum opacity of 50%. Permitted fence materials in all yards shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - (a) Vegetation;
 - (b) Wood, chemically treated or naturally resistant to decay;
 - (c) Wood composites;
 - (d) Aluminum;
 - (e) Vinyl/PVC;
 - (f) Wrought iron; and
 - (g) As approved by the ARC.
6. *Multifamily, Mixed Use, and Nonresidential Uses.*
- a. *Building Siting (Figure 10-34).* Development located at the corner of two streets shall be sited to connect or anchor the corner with prominent architectural features and site treatments.

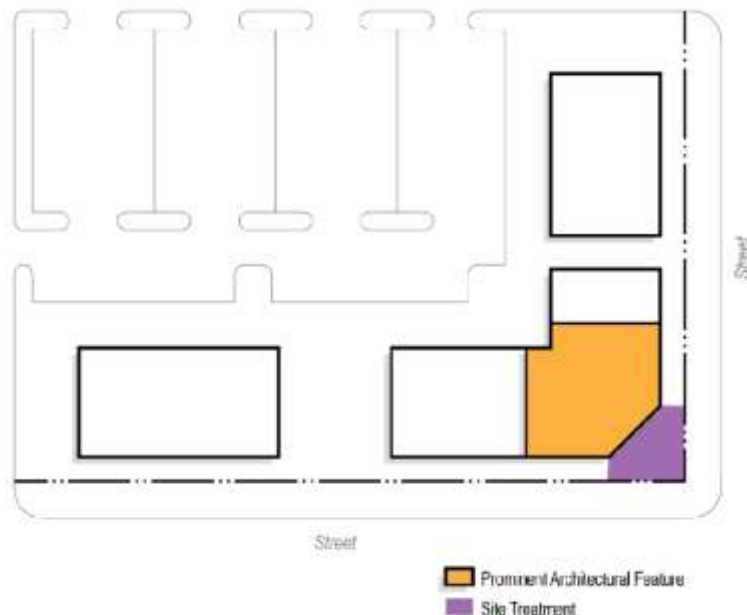


Figure 10-34 Building Siting

- b. *Transparency (Figure 10-35).*
- (1) *Ground Level Transparency.* The ground level of nonresidential or mixed-use buildings must offer pedestrian interest along sidewalks and pedestrian paths through the placement of window and doors. Therefore, the first floor of any building façade facing a public right-of-way, with the exception of alleys, shall include transparent, clear glass windows and/or doors arranged so that the uses inside are visible from and/or accessible to the street. Window and/or doors with reflective or tinted glass that impede views into a building shall be prohibited.
 - (2) *All Stories Transparency.* All stories of all building facades facing a public right-of-way, with the exception of alleys, shall include at least 40% of the subject facade in windows or doors. The ARC may waive transparency requirements by up to 20% for medical and dental office uses.

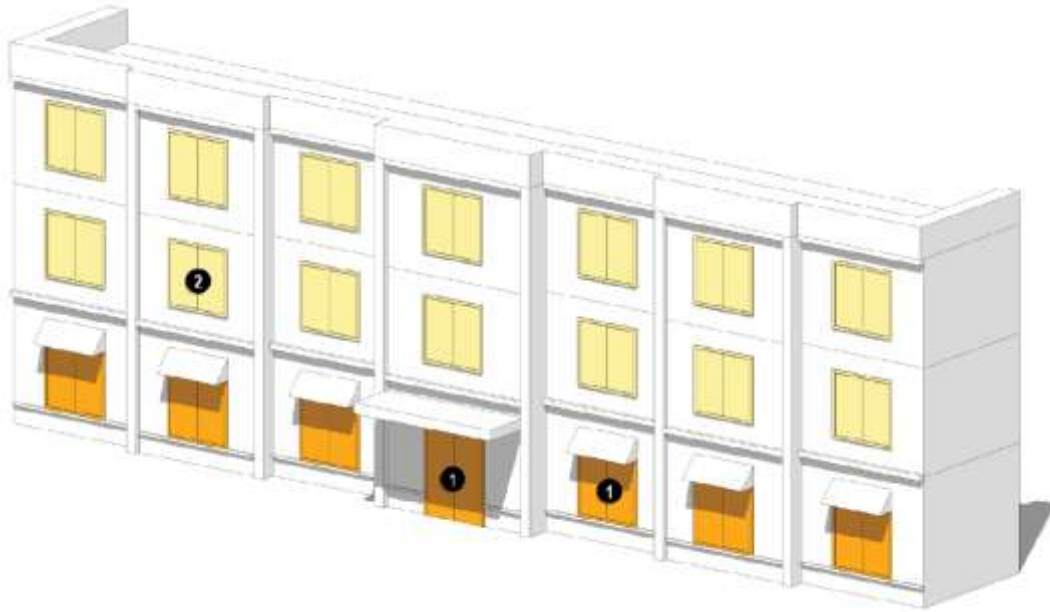


Figure 10-35 Transparency

- c. *Awnings and Canopies (Figure 10-36).* Building awnings, canopies, or similar weather protection devices are encouraged on the first floor of non-single-family development facing a public right-of-way. If provided, awnings or canopies shall project a minimum of three feet and a maximum of ten feet from the facade.

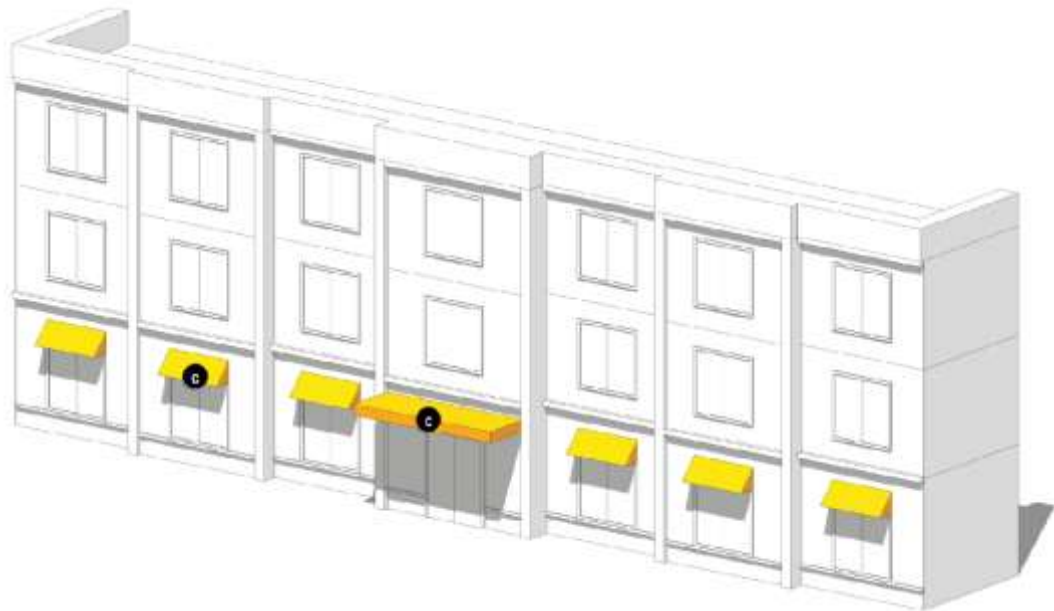


Figure 10-36 Awnings and Canopies

- d. *Articulation (Figure 10-37).* The ground level must offer pedestrian interest along sidewalks and pedestrian paths that face a public right-of-way, with the exception of alleys, through the use of contrasting elements. Façades shall be articulated with a sense of depth by including design elements that create shadow lines, change color or materials, or incorporate other details that together with required landscaping (Section 10.11.H) breakdown large expanses of flat, unembellished surfaces.

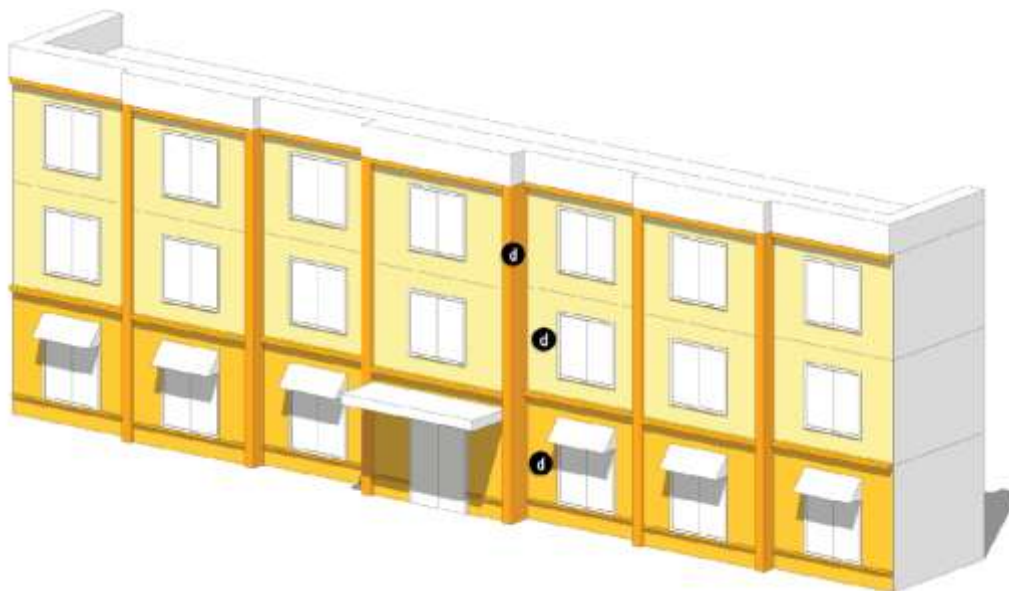


Figure 10-37 Articulation

G. Off-street Parking.

- a. *Off-street Vehicle Parking Requirements.*
 - a. *Subdistrict A.* Off-street vehicle parking shall not be required in subdistrict A.
 - b. *Subdistricts B, C, D, E, and F.* Off-street vehicle parking for residential, nonresidential, and mixed uses shall be provided in subdistricts B, C, D, E, and F, as follows:
 - 1. *Single-family attached and detached.* One space/dwelling unit.
 - 2. *Micro-efficiency dwelling unit.* One space/dwelling unit.
 - 3. *Efficiency/one-bedroom dwelling unit.* One and one-half spaces/dwelling unit.
 - 4. *Two or more bedroom dwelling unit.* Two spaces/dwelling unit.
 - 5. *Nonresidential uses.* Off-street vehicle parking is not required.
- b. *Off-street vehicle parking location and access (Figure 10-38).*
 - a. *Fronting Grant Avenue.* Parking lots, structures, and/or garages shall be located to the rear of the principal building and accessed from a side street, alley, or access easement.
 - b. *Not fronting Grant Avenue.* Parking lots, structures, and/or garages accessory to principal buildings not fronting Grant Avenue may be located to the side of the principal building only if the lot, structure, and/or garage is located on one or both sides of an access point to any street other than Grant Avenue. In no case shall such lot, structure, and/or garage be located closer to the right-of-way than the principal building.
 - c. *Grant Avenue access points.* Access points from Grant Avenue shall be permitted only if located directly across from an existing roadway which runs perpendicular to Grant Avenue or if the property has no access to any side street, alley, or access easement.

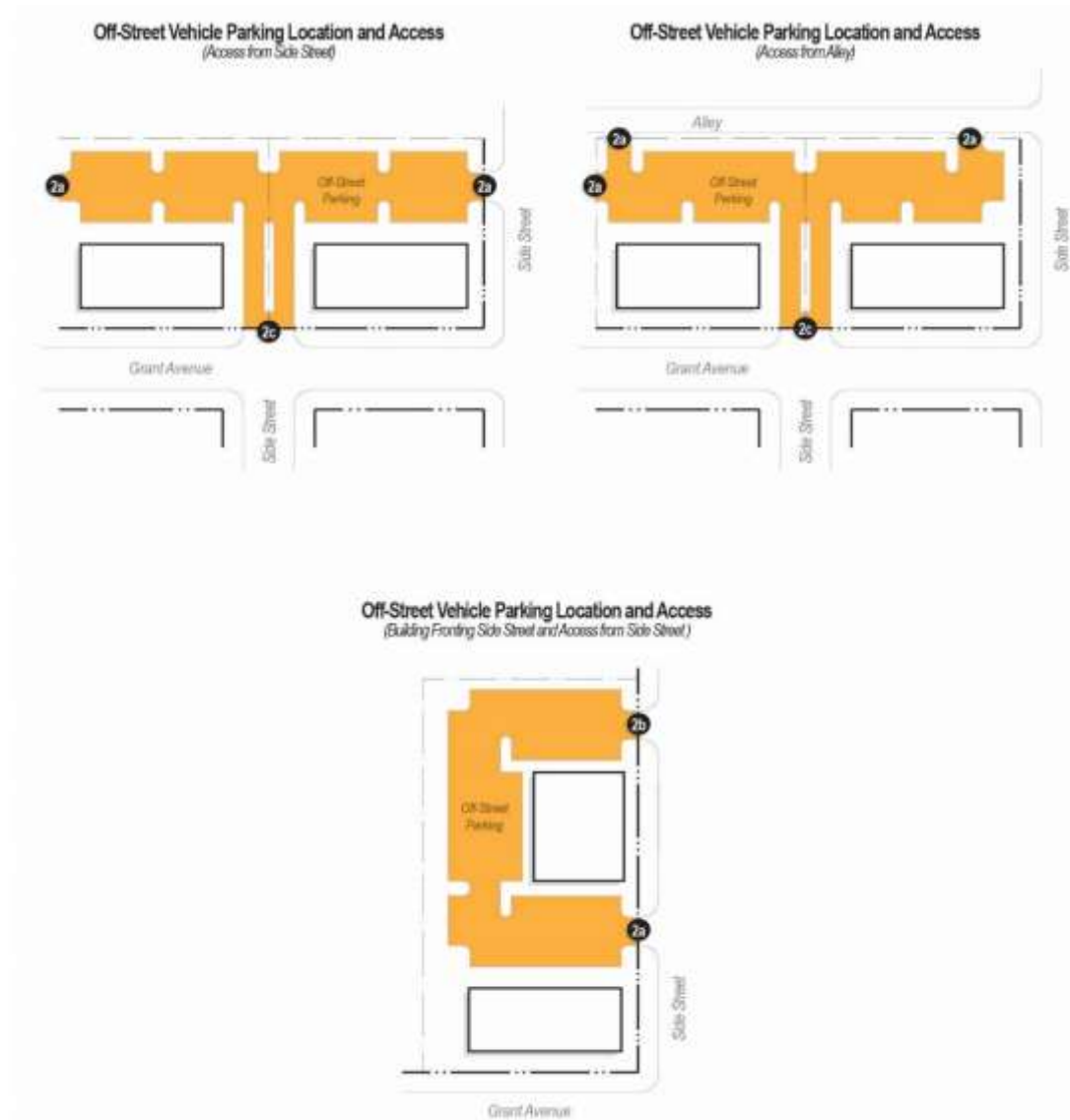


Figure 10-38 Off-street Vehicle Parking Location and Access

3. **Vehicular Cross Access Drives (Figure 10-39).** To facilitate vehicular access between adjoining developments and to minimize access points along Grant Avenue, development in all subdistricts shall comply with the following standards:
 - c. Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the development's vehicle parking facilities and vehicle parking facilities in an adjoining non-single-family development, or to the boundary of adjoining vacant land.
 - d. Required vehicular cross access between the adjoining lots shall be provided through the use of a single two-way maneuvering lane or two one-way maneuvering lanes that are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
 - e. The ARC may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area or would create unsafe conditions.
 - f. Easements allowing cross access to and from properties served by a vehicular cross-access drives, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the register of deeds for the county in which the properties are located before issuance of a

building permit for the development.

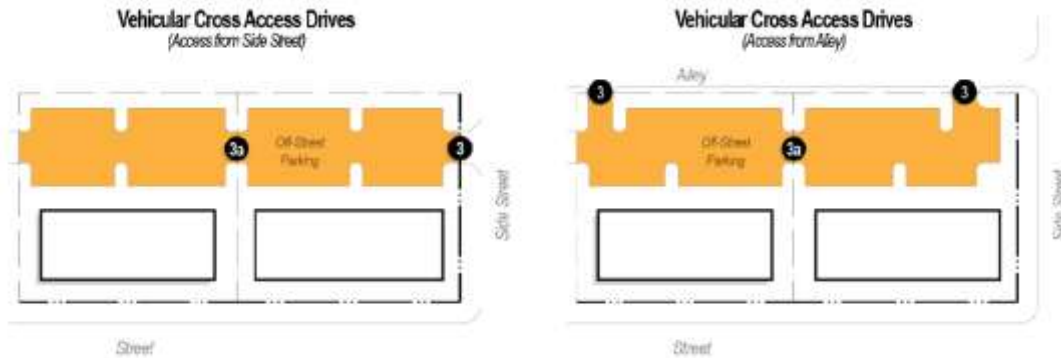


Figure 10-39 Vehicular Cross-access Drives

4. **Pedestrian Walkways.**
 - a. ADA accessible pedestrian walkways shall be provided from the perimeter public sidewalk to the primary building entrance and from the parking lot to the primary building entrance and shall be along direct routes that do not require significant out-of-direction travel.
 - b. ADA accessible pedestrian walkways must be distinguished from driving surfaces through the use of raised curbs or contrasting materials to enhance pedestrian safety. Examples of acceptable contrasting materials include, but are not limited to, stamped asphalt, special pavers, bricks, or scored concrete.
5. **Bicycle Parking (Figure 10-40).**
 - a. **Location.**
 - (1) Required bicycle parking shall be provided on the same lot as the use for which it is intended to serve.
 - (2) Bicycle parking shall be sited within 50 feet of a building entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
 - (3) Bicycle parking areas shall be adequately lit and located such that they are highly visible from the street and/or building entrance(s) from where bicyclists approach.
 - (4) Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five-foot walkway clearance is maintained.
 - (5) The location of bicycle parking shall not conflict with pedestrian and/or vehicular circulation.
 - b. **Design Criteria.**
 - (1) Bicycle facilities shall be constructed of sturdy, tamper-proof materials such as welded steel. Rack design may be varied to complement the architecture of the primary building, provided it meets all design criteria.
 - (2) Bicycle racks shall be installed on a hard surface area.
 - (3) Each bicycle rack shall provide parking for at least two bicycles.
 - (4) Racks shall allow for the bicycle frame and at least one wheel to be locked to the racks.
 - (5) The bicycle rack shall allow for the use of a cable as well as a U-shaped lock.
 - (6) The installation of bicycle parking facilities shall conform to the manufacturer requirements.
 - c. **Dimensional Standards.**
 - (1) Each bicycle parking space shall be a minimum of six feet in length with the exception of vertical or wall mounted bicycle parking spaces.

- (2) Bicycle racks shall be located at least three feet in all directions from any obstruction, including, but not limited to, other bicycle racks, walls, doors, posts, columns, or landscaping.
- (3) A minimum vertical clearance of seven feet shall be maintained above all bicycle parking facilities.
- d. *Off-street Bicycle Parking Requirements (Figure 10-40).*
 - (1) The number of required bicycle parking spaces shall be equal to 5% of required vehicle parking spaces or ten spaces, whichever is less. Additional demand for bicycle parking shall be monitored and provided as necessary.
 - (2) Exemption. The bicycle parking requirements of this section shall apply to all uses other than the following:
 - (a) Dwelling, single-family detached.
 - (b) Dwelling, single-family attached.



Figure 10-40 Off-street Bicycle Parking

- H. **Landscape.** Landscape improvements required by this section shall apply to all non-single-family development and consist of living plants in a combination of trees, shrubs, native grasses, and/or groundcover. Unless otherwise stated in this section, all size specifications for plant materials shall be based upon the time of planting. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at six inches above the soil level. Any plant materials used to meet the requirements of this section shall not include any plant material identified as an invasive plant by the Missouri Department of Conservation.
 1. *Planting Types (Figure 10-41).* Plant materials which are native to or adapted to the State of Missouri are encouraged.
 - a. *Canopy trees:* A woody plant (deciduous or evergreen) having not less than a two and one-half-inch caliper with single central axis which typically reaches a mature height of not less than 40 feet and a mature spread of not less than 15 feet.
 - b. *Understory trees:* A woody plant having not less than a one and one-half-inch caliper, or 6 feet tall for multiple stem species, that normally attains a mature height of at least 15 feet.
 - c. *Evergreen trees:* A tree having foliage that persists and remains green throughout the year and has a height of not less than 6 feet at installation and maturing to a height of not less than 20 feet.
 - d. *Shrub:* A woody plant (deciduous or evergreen) of low to medium height characterized by multiple stems continuous from its base and having a height of not less than two feet.
 - e. *Native grasses:* Grasses and flowering broad leaf plants that are native to, or adapted to, the State of Missouri, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.
 - f. *Groundcover:* Herbaceous plants, other than turf grass, or prostrate shrubs normally reaching an average maximum height of 18 inches at maturity.

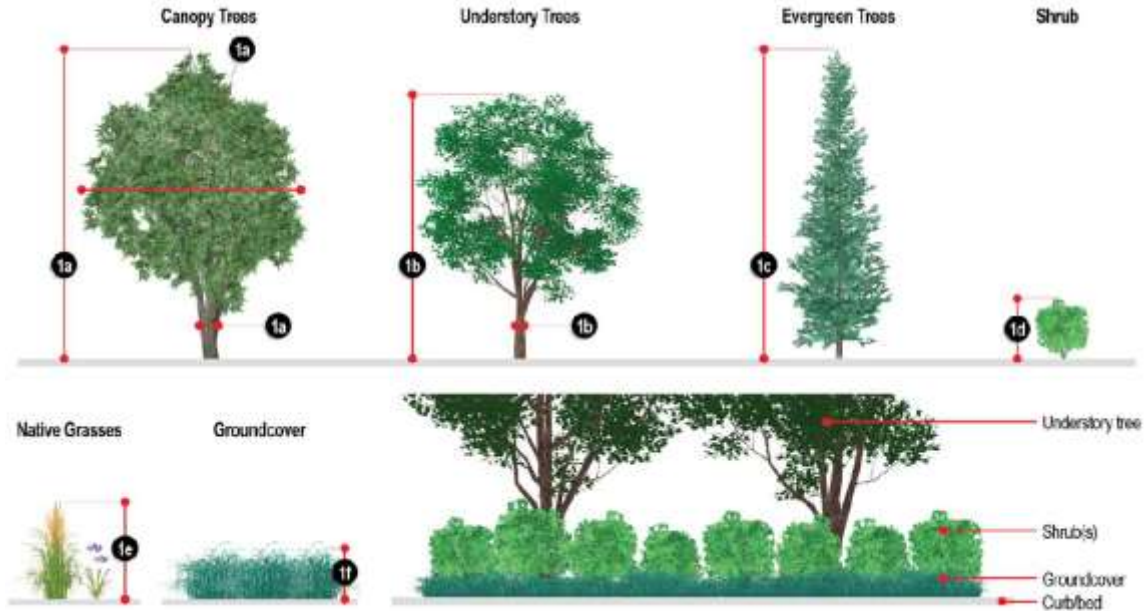


Figure 10-41 Planting Types

2. *Required Landscape Areas (Figure 10-42).* Landscape shall be provided as outlined below in the locations illustrated in Figure 10-42.

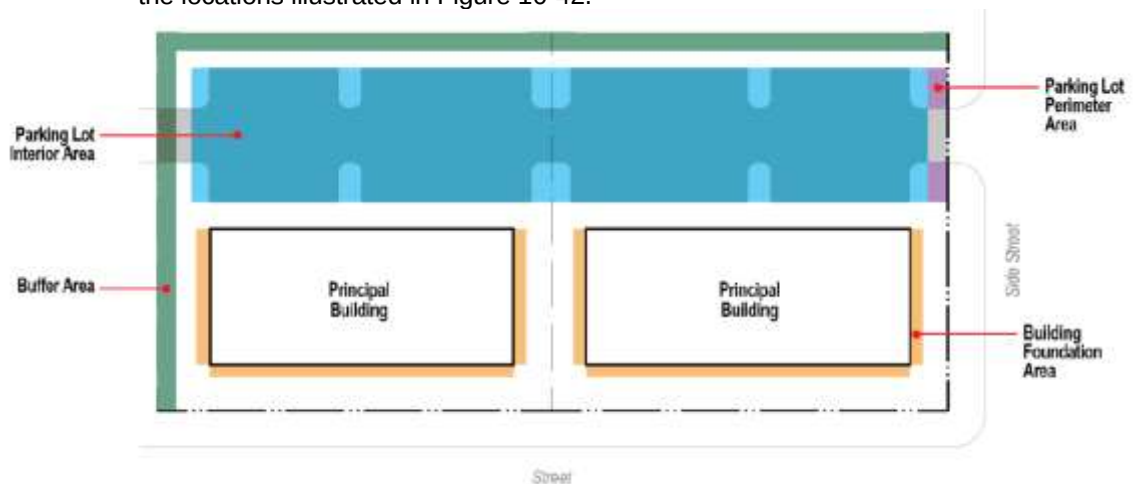


Figure 10-42 Required Landscape Areas

3. *Parking Lot Perimeter Area.* Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this division. It is the objective of this section to provide screening between parking areas and right-of-way, and to provide for the integration of stormwater management with required landscaping.
 - a. *Location.* All surface parking lots which abut a public or private right-of-way, excluding alleys, shall include landscape and trees as required by this section located between the parking lot back of curb and the right-of-way.
 - b. *Applicability.* The parking lot perimeter landscape regulations of this section apply to the following:

- (1) The construction or installation of any new surface parking lot or vehicular use area; and
 - (2) The expansion of any existing surface parking lot or vehicular use area, in which case the requirements of this section apply only to the expanded area.
- c. *Requirements (Figure 10-43).*
- (1) Perimeter landscape shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot.
 - (2) Perimeter landscape shall have a minimum width of seven feet as measured from the parking lot back of curb, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
 - (3) Perimeter landscape areas shall be improved as follows:
 - (a) One shrub or native grass the height of which shall not be less than 3 feet nor greater than 5 feet, shall be planted for every 3 feet of landscape area length, spaced to adequately screen vehicle bumpers. 50% of required landscape shall be evergreen shrubs unless a low masonry wall or fence is provided as detailed in subsection b., below.
 - (b) A low masonry wall or fence the height of which provides effective screening to a maximum height of 3 feet shall be used in conjunction with required landscaping as detailed above if the parking lot is located within 70 feet of residential use. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.
 - (4) Perimeter landscape areas outside of shrub/native grasses and tree masses shall be planted in live groundcover.

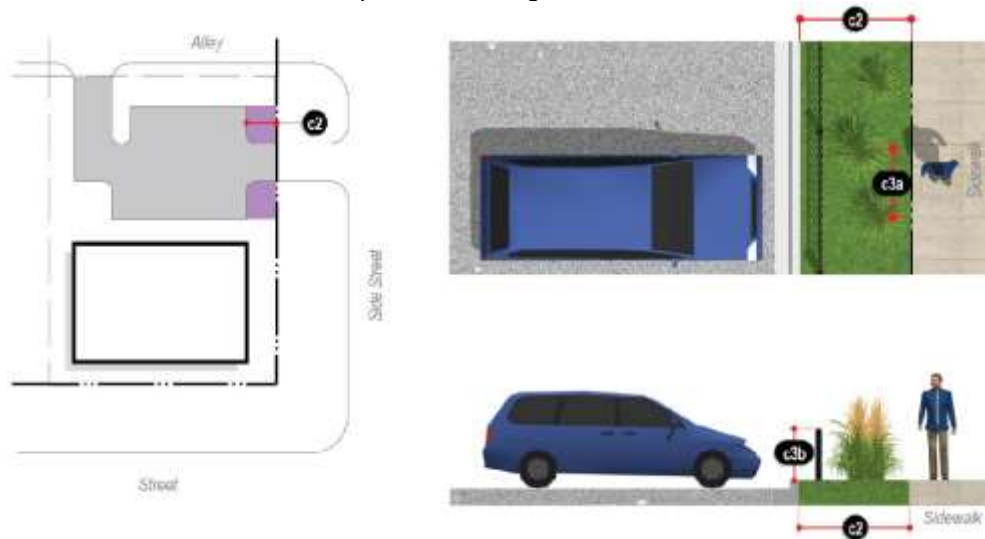


Figure 10-43 Parking Lot Perimeter Area Landscape

4. *Parking Lot Interior Area.* All parking lots shall include landscape and trees located within the parking lot as required by this section. Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this division. It is the objective of this section to provide shade within parking areas, break up large expanses of parking lot pavement, support stormwater management where appropriate, and provide a safe pedestrian environment.
 - a. *Applicability.* The parking lot interior landscape regulations of this section apply to the following:
 - (1) The construction or installation of any new surface parking lot; and
 - (2) The expansion of any existing surface parking lot, in which case the requirements of this section apply only to the expanded area.
 - b. *Amount (Figure 10-44).*

- (1) *Parking lots with fewer than 15 spaces.* In parking lots with fewer than 15 spaces, all rows of parking shall be terminated by a parking lot island.
- (2) *Parking lots with 15 to 100 spaces.* In parking lots with 15 to 100 spaces, required parking lot interior landscape area shall be provided in the form of islands.
 - (a) *Parking lot island amount requirement.* Parking lot islands shall be located on all parking rows. Parking lot islands shall be spaced not more than 135 feet or more than 15 continuous spaces apart, and at the end of any row of parking bordered by a drive aisle, public or private street, or pedestrian walkway.
- (3) *Parking lots with 100 spaces or more.* In parking lots with 100 or more spaces, required parking lot interior landscape area shall be provided in the form of islands and medians.
 - (a) *Parking lot median amount requirement.* Parking lot medians shall be placed between every third row of parking.
 - (b) *Parking lot island amount requirement.* Parking lot islands shall be located on parking rows which are not required to have parking lot medians. Parking lot islands shall be spaced not more than 135 feet or more than 15 continuous spaces apart, and at the end of any row of parking bordered by a drive aisle, public or private street, or pedestrian walkway.

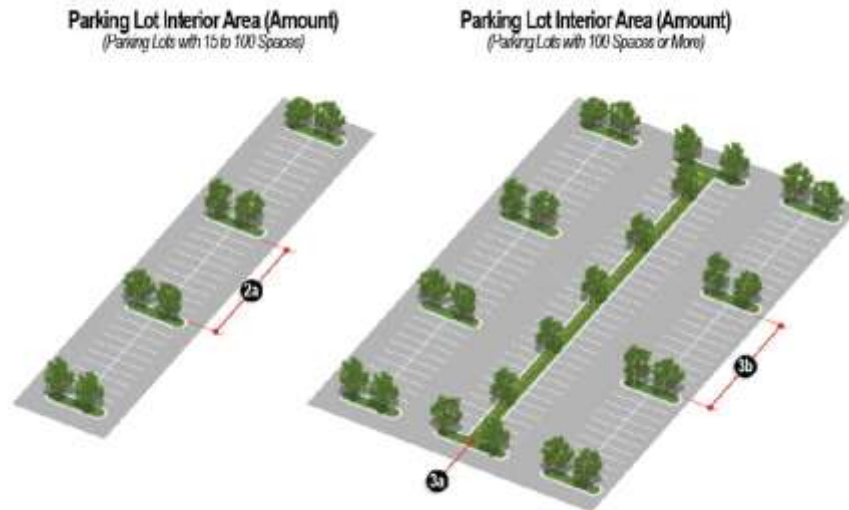


Figure 10-44 Parking Interior Area Landscape - Amount

- c. *Parking Lot Median Standards (Figure 10-45).*
 - (1) *Size.* Parking lot medians shall have a minimum width of nine feet and minimum soil depth of 36 inches.
 - (2) *Planting.* A minimum of one canopy tree and 15 shrubs or native grasses shall be planted for each 50 linear feet of parking lot median.
 - (3) *Design.* Parking lot medians shall be protected with concrete curbing, wheel stops, or other suitable barriers. Such medians shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

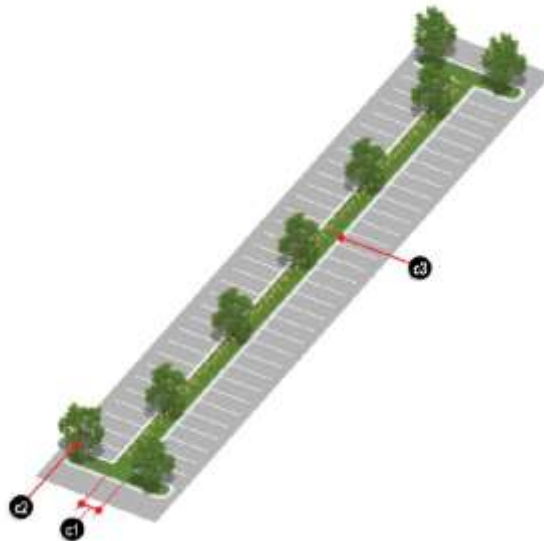


Figure 10-45 Parking Lot Median Standards

- d. *Parking Lot Island Standards (Figure 10-46).*
- (1) *Size.* Parking lot islands shall be a minimum nine feet wide by 18 feet long if adjacent to standard parking spaces and 16 feet long if adjacent to compact parking spaces and shall have a minimum soil depth of 36 inches. Double rows of parking shall provide parking lot islands opposite one another to form continuous single islands.
 - (2) *Planting.* A minimum of one canopy tree shall be provided for every parking lot island. If the island extends the width of a double row, then two canopy trees shall be provided.
 - (3) *Design.* Parking lot islands shall be protected with concrete curbing or other suitable barriers. Such islands shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

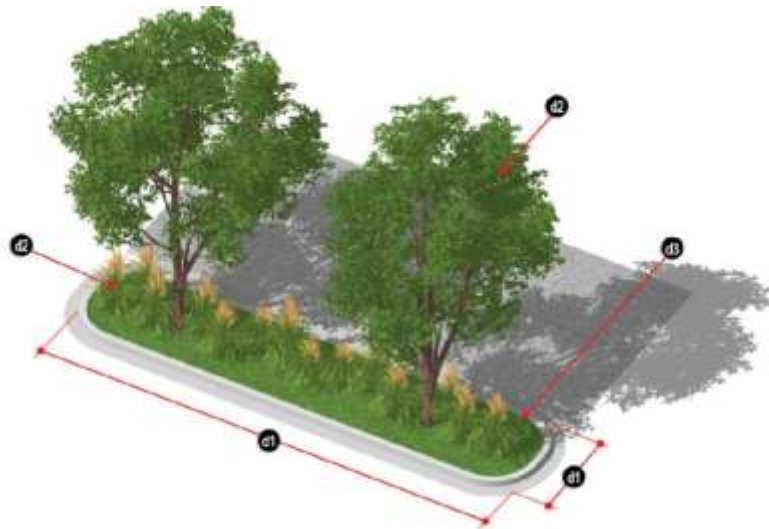


Figure 10-46 Parking Lot Island Standards

- e. *Pedestrian walkways.* Pedestrian walkways, as required by Section 10.11.G.4, shall be

located along parking lot medians. The ARC may waive or modify this requirement on determining that locating pedestrian walkways along parking lot medians is impractical due to site conditions or is undesirable because it would create unsafe conditions.

- f. *Type of landscape material.* Except where areas are designed as vegetated stormwater management areas, canopy trees shall be the primary plant material used in parking lot islands and canopy trees and shrubs or native grasses shall be the primary plant materials used in parking lot medians. Understory trees, evergreen trees, shrubs, native grasses, groundcover, and other plant materials may be used to supplement the required plantings shall provide safe site distance where driveway curb cuts intersect public rights-of-way. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the ARC.
 - g. *Groundcover.* Except where areas are designed as vegetated stormwater management areas, a minimum of 75% of the surface area of every parking lot island and median shall be planted with live groundcover. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the ARC.
5. *Building Foundation Area (Figure 10-47).* All non-single-family development, with the exception of non-single-family development built with a zero-foot front yard setback, shall include landscape located at the building foundation as required by this section. Landscape required by this section shall be in addition to landscape required under other sections of this division. It is the objective of this section to provide a softening effect at the base of buildings.
- a. A non-single-family development is required to maintain a building foundation area at front and exterior side yards with a minimum width of the building setback or 7 feet, whichever is less.
 - b. Foundation plantings shall be placed 18 inches on center from the foundation of the building.
 - c. Foundation plantings shall be designed to frame architectural features and to visually soften long expanses of walls.
 - d. Foundation plantings shall be installed across 80% of the length of the front and exterior side façade of the building.
 - e. Foundation plantings may include trees, shrubs, native grasses, and groundcover.
 - f. Where the area between the building and right-of-way is entirely paved as a public gathering space, plaza, or outdoor dining area, required building foundation area landscaping may be substituted by a minimum of two of the following elements:
 - (1) Moveable tables and chairs,
 - (2) Fountain or other water feature,
 - (3) Sculpture or other public art feature,
 - (4) Benches, seat walls, or amphitheaters,
 - (5) Raised landscape planters,
 - (6) Understory trees lining the area,
 - (7) Pedestrian scale and celebratory lighting,
 - (8) Other features as approved by the ARC.
 - g. Above-ground stormwater planter boxes along building facades may be substituted for foundation plantings.

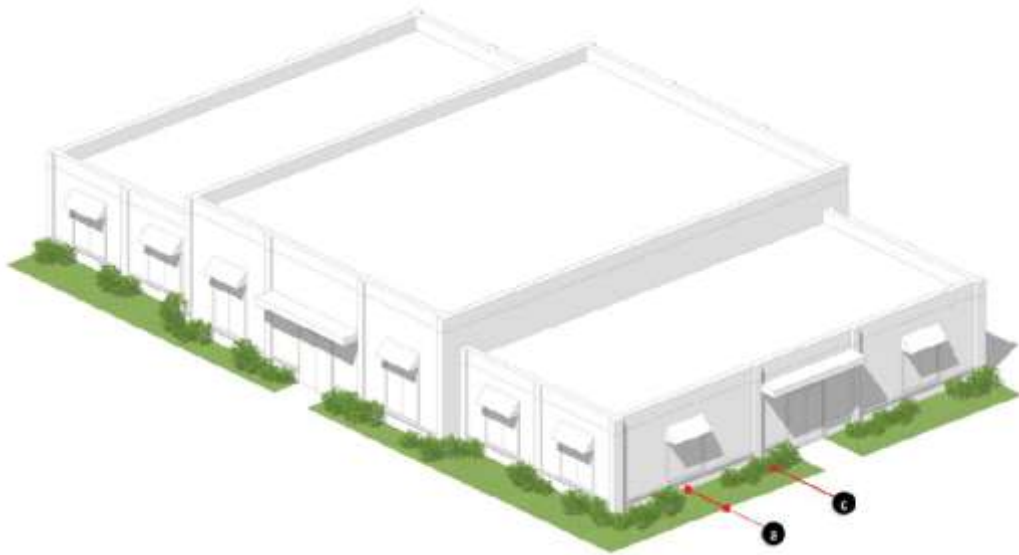


Figure 10-47 Building Foundation Area Landscape

6. **Buffer Area.** Buffer area landscape shall be required along interior property lines of all non-single-family development when adjacent to single-family uses. It is not expected that the buffer area will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics. Landscape required by this section shall be in addition to landscape required under other sections of this division.
 - a. **Applicability.** Buffer area landscaping is required as follows:
 - (1) The construction or installation of any new primary building or primary use; and
 - (2) The expansion of any existing primary building or primary use that results in an increase in gross floor area by more than 5% or 1,000 square feet, whichever is greater. In the case of expansions that trigger compliance with buffer area requirements, buffer area landscaping is required only in proportion to the degree of expansion. The ARC is authorized to allow the buffer area to be established adjacent to the area of expansion or to disperse buffer area landscaping along the entire site buffer area.
 - b. **Buffer Area Standards (Figure 10-48).**
 - (1) **Width.** Buffer areas shall have a minimum width of 7 feet. Required yard setbacks may be utilized for buffer area landscape.
 - (2) **Fences.** The exterior line of the buffer area shall be improved with a fence meeting the following standards:
 - (a) **Height.** The fence shall be 6 feet in height.
 - (b) **Materials.** The material of the fence shall be pressure treated wood (chemically treated or naturally resistant to decay) or wood composites.
 - (c) **Design.** The finished side of the fence shall face the adjacent property.
 - (d) **Location.** Fences shall be located in line with the fences of adjacent properties, shall provide safe site distance where driveway curb cuts intersect public rights-of-way, and shall not extend beyond the front elevation of the primary building.
 - (3) **Landscape elements.** The buffer area shall, at a minimum, be improved with the following landscape elements:
 - (a) **Canopy/evergreen trees.** 4 canopy and/or evergreen trees shall be planted per every 100 lineal feet of buffer area.
 - (b) **Shrubs/native grasses.** 10 shrubs/native grasses shall be planted per every 100 lineal feet of buffer area.

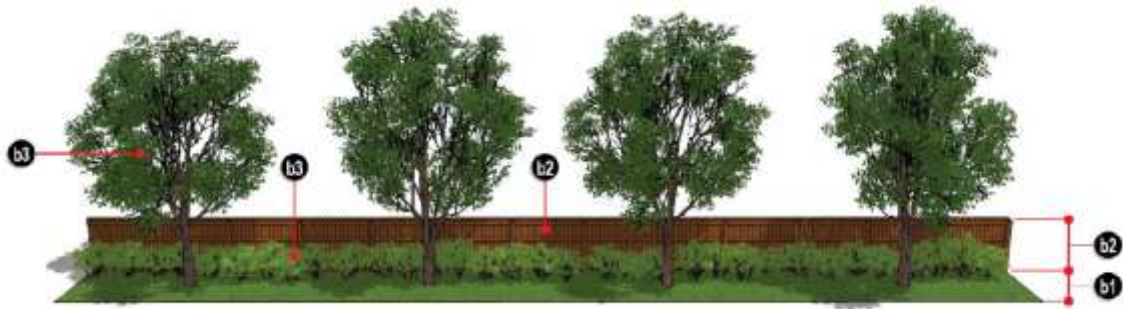


Figure 10-48 Buffer Area Landscape

7. *Installation and Maintenance of Landscape Areas.*

- a. All installed landscape shall conform to the most recently approved American Standard for Nursery Stock (ANSI Z60.1), published by the American National Standards Institute.
- b. All new landscape areas shall be installed prior to the occupancy or use of the building or premises, or substantial completion of the building to allow for occupancy; or if the time of the season or weather conditions are not conducive to planting, the developer shall apply to the ARC for a delay in landscape installation. The delay in landscape installation request shall identify a date certain by which all required landscape materials shall be installed or the developer shall be subject to a fine as detailed in the agreement.
- c. A total cost estimate of landscaping for the construction must be given in January 1 dollars for the current calendar year. 20% of the total landscaping costs should be deposited in escrow with the city before building permits are granted. The 20% landscaping deposit will be held in escrow for a period of one year past the time of planting and will be refunded on approval of the city.
- d. Dead plant materials shall be replaced within 60 days taking into consideration the season of the year and shall have at least the same quantity and quality of landscape elements as initially approved. If the particular project is constructed in more than one phase, the 60-day timeframe shall apply to each individual phase.
- e. All landscape shall be maintained in a healthy, neat, trimmed, clean, and weed-free condition. With the exception of surface areas in vegetated stormwater management areas where mulch is not specified, the ground surface of landscape areas shall be covered with either turf and/or other types of pervious groundcover located beneath and surrounding trees and shrubs.
- f. For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of 18 months following municipal approval of installation. During this guarantee period the landowner shall supply water as necessary to promote successful establishment and growth.
- g. Any required landscape area not intended for stormwater management, greater than 150 square feet in area, shall be provided with an underground irrigation system or be provided with a portable water supply within 50 feet of said landscape areas. No part of an irrigation system may be installed in city right-of-way.
- h. All plantings required under this division shall be maintained perpetually and replaced if they die or are substantially weakened or damaged. If plantings succumb due to cultural conditions, they shall be replaced with more culturally suitable species of the same type (e.g. tree, shrub, groundcover).

I. **Screening.**

1. *Used Frying Oil, Trash, and Recycling Receptacles (Figure 10-49).* The following regulations

shall apply to all non-single-family development.

- a. Used frying oil, trash, and recycling receptacles shall be screened on three sides with a solid, opaque material with a minimum height of 6 feet and a maximum height of 8 feet.
- b. Materials used for screening shall complement the exterior building cladding materials of the primary building.
- c. Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
- d. If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
- e. Shrubs shall be installed every three feet along the exterior of the enclosure, with the exception of enclosure openings, to provide a softening effect.
- f. Enclosure openings shall be gated with an opaque material.
- g. Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
- h. Property owners shall be responsible for ensuring that used frying oil, trash, and recycling receptacles be placed in the enclosure at all times other than when it is being accessed.
- i. Access drives shall be constructed of materials and to a thickness which accommodates truck loading. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
- j. Enclosures shall be of an adequate size to accommodate expected containers. The enclosure shall be designed to be expandable to accommodate future additional containers.
- k. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.
- l. Used frying oil, trash, and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

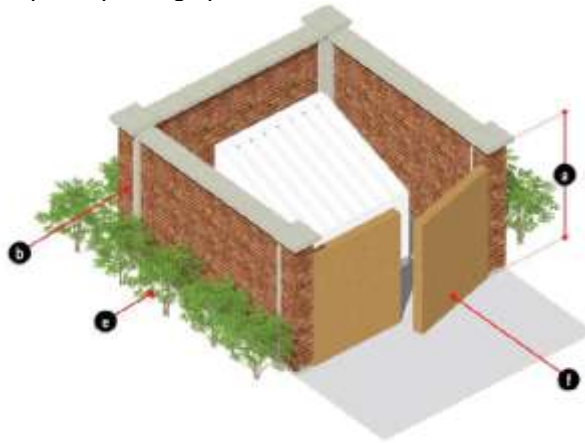


Figure 10-49 Used Frying Oil, Trash, and Recycling Receptacle Screening

2. *Ground/Wall-mounted Mechanical Units (Figure 10-50).* The following regulations shall apply to all ground/wall-mounted mechanical units, including, but not limited to, generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment. Tanks and/or silos related to a brewery, winery, distillery are exempt from these requirements.
 - b. Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts. Ground-mounted mechanical units are prohibited within the front yard, regardless of whether screening is provided.
 - c. Ground/wall-mounted mechanical units that are visible from any public right-of-way or

adjacent residential property shall be screened from public view.

- d. Materials used for screening shall be designed and established so that the area or element being screened is no more than 20% visible through the screen.
- e. Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

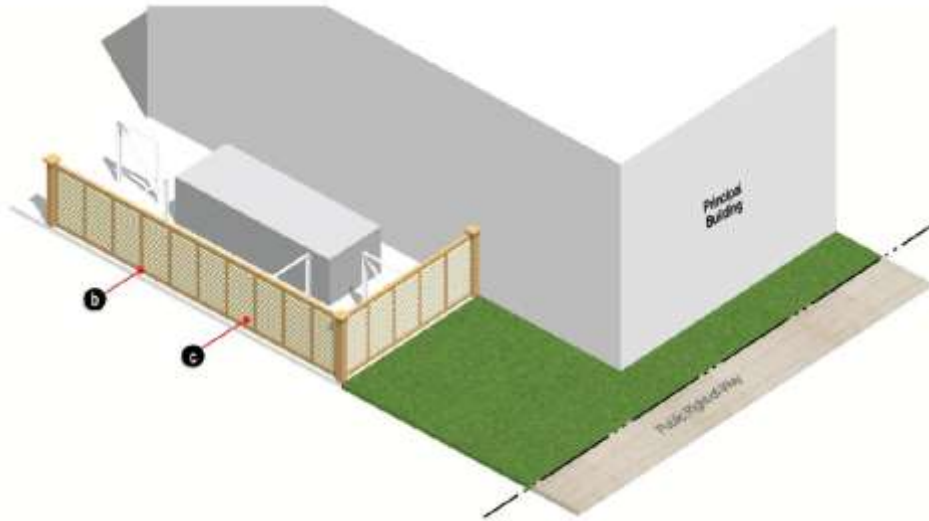


Figure 10-50 Ground/Wall-mounted Mechanical Unit Screening

- 3. *Roof-mounted Mechanical Units (Figure 10-51).* The following regulations shall apply to all roof mounted mechanical units, including, but not limited to, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service multifamily, nonresidential, or mixed-use developments.
 - a. Locating mechanical units within the primary building is strongly encouraged in order to minimize exterior visual impacts.
 - b. Roof mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be completely screened from public view.
 - c. Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.
 - d. Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not mandate the screening requirements.
 - e. Additional screening may be required due to topographic differences in the adjoining properties.

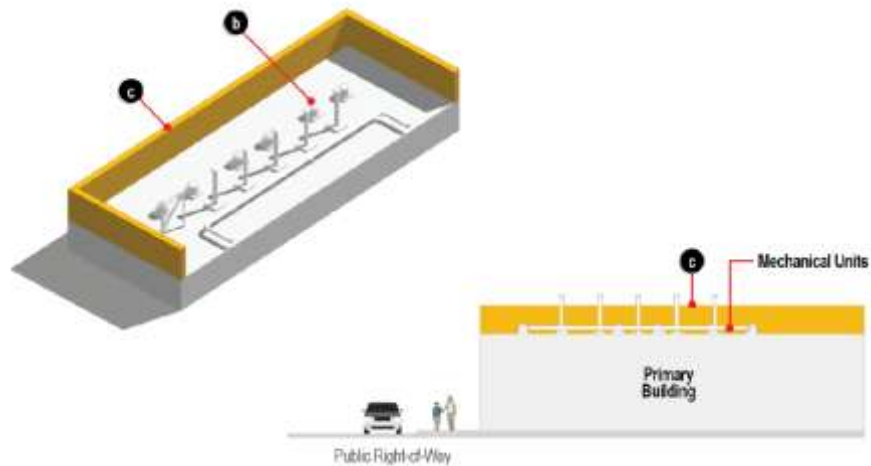


Figure 10-51 Roof-mounted Mechanical Unit Screening

J. Signs.

1.

Sign Measurement.

- a. Sign Area (Figure 10-52). Unless otherwise defined, sign area shall be determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border. The area of a sign composed of individually affixed letters is determined by the total area of the smallest geometric shape enclosing the letters. A maximum of two geometric shapes may be utilized. The calculation for a double-faced sign shall be the area of one face only.

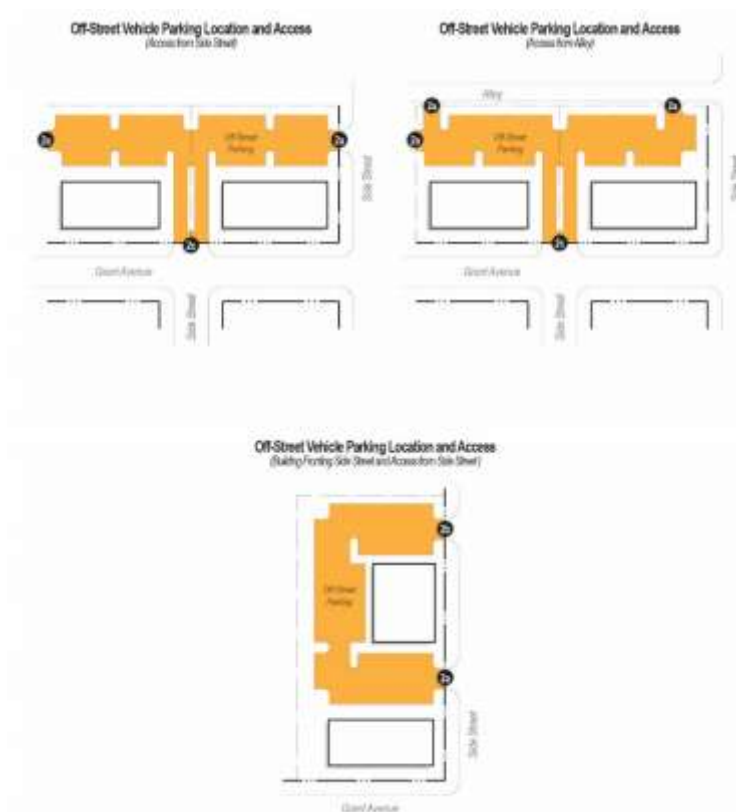


Figure 10-52 Sign Area Measurement

- b. *Sign Height (Figure 10-53).* Sign height shall be measured from grade directly below the sign to the topmost portion of the sign.

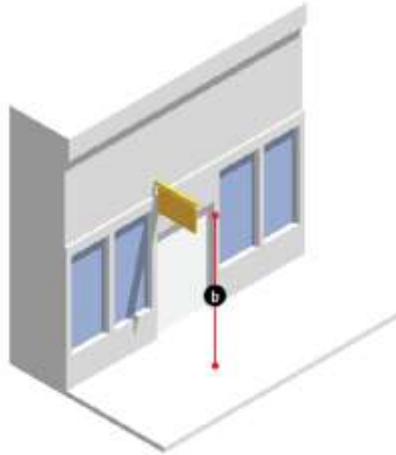


Figure 10-53 Sign Height Measurement

2. *Limit on Sign Area (Figure 10-54).*
 - a. *Permanent Sign Area Limit.* Each lot shall be allowed one square foot of aggregate sign area per linear foot of building frontage for permanent signs.
 - b. *Temporary Sign Area Limit.* Each lot shall be allowed one-half foot of aggregate sign area per linear foot of building frontage for temporary signs.
 - c. *Premises Having Frontage on More Than One Dedicated Street.* Premises having frontage on more than one dedicated street will be allowed an additional one-half square feet of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.

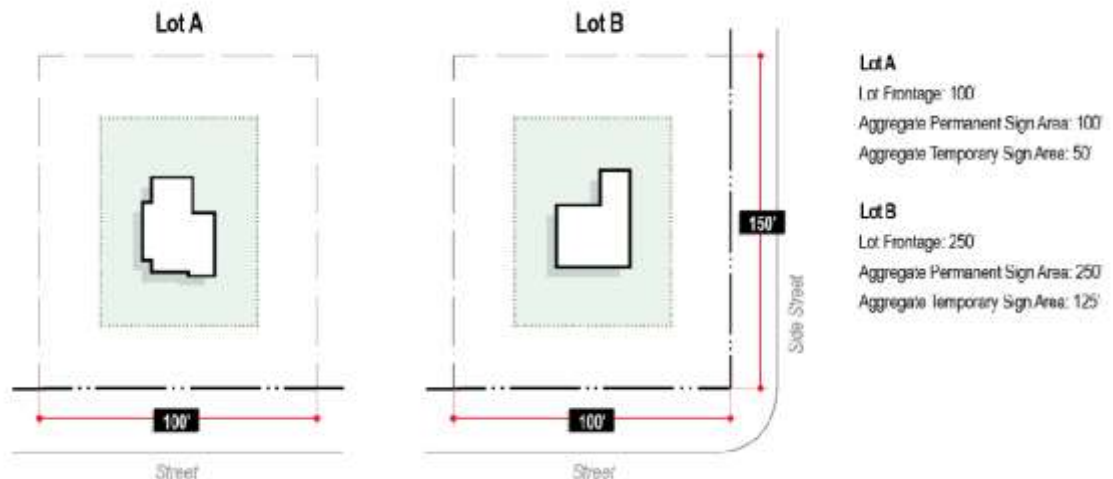


Figure 10-54 Limit on Sign Area

3. *Permitted and Allowed Sign Types.* Table 10-14 details the types of signs allowed in the GAP district per use type. The following key is to be used in the interpretation of the table:
 - a. *Permitted sign types.* Sign types marked as "P" in the table shall be permitted subject to all applicable provisions of this division and only after the issuance of a sign permit as detailed in Article 9.

- b. *Allowed sign types.* Sign types marked as "A" in the table shall be allowed subject to all applicable provisions of this division. No sign permit shall be required.
- c. *Prohibited sign types.* A blank space in the table indicates that a sign type is not allowed for the respective use type.
- d. *Unlisted sign types.* Sign types not included in Table 10-14 shall be considered prohibited.

Table 10-14: Permitted and Allowed Signs Types		
Sign Type	Single-family Uses	Non-single-family Uses
Permanent Signs		
Wall Sign		P
Awning or Canopy Sign		P
Projecting Sign		P
Window Sign, Permanent		P
On-site Traffic Directional Sign		P
Temporary Signs		
Wall Mounted Banner Sign		P
Sidewalk Sign		A
Window Sign, Temporary		A
Yard Sign	A	
Post Sign	P	

4. *Standards for Permanent Signs.*
 - a. *Wall Signs (Figure 10-55).*
 - (1) *Sign area.* The maximum sign area of a wall sign shall be 5% of the total area of the face of wall on which the sign is to be located.
 - (2) *Height.* No wall sign shall protrude above the highest roofline or the top of the parapet wall or mansard roof.
 - (3) *Projection.* A wall sign shall not extend more than six inches from the wall of the building or structure to which it is attached and shall maintain a minimum vertical clearance of ten feet.
 - (4) *Number of signs.* A maximum of one wall sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.
 - (5) *Sign copy.* All sign copy featured on wall signs shall either be individually affixed letters, appear to be individually affixed letters, or be printed, etched, or otherwise incorporated directly on the sign's backing plate. Box signs shall be prohibited.
 - (6) *Other standards.*
 - (a) No wall sign shall cover any architectural features (architectural features shall include, but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed.
 - (b) No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure.

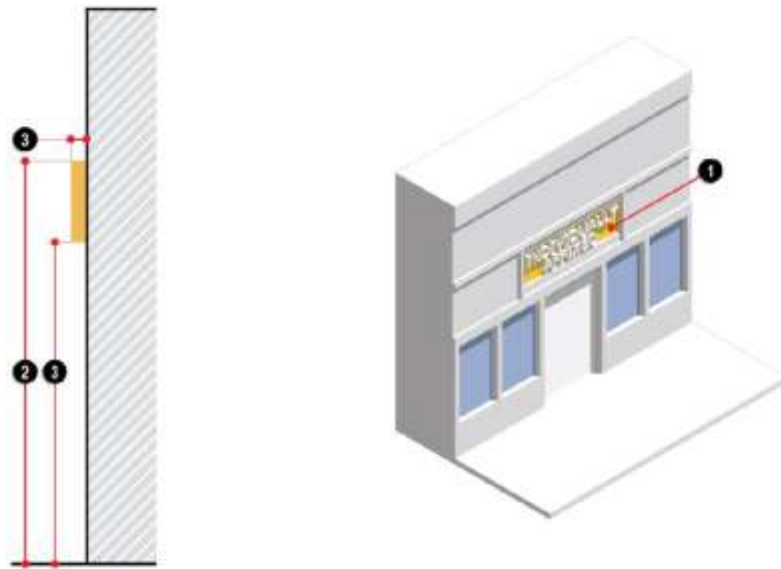


Figure 10-55 Wall Signs

- b. *Awning or Canopy Signs (Figure 10-56).*
- (1) *Sign area.* The maximum sign area of an awning or canopy sign shall be 50% of the face of the awning or canopy upon which the sign shall be printed or affixed.
 - (2) *Other provisions.* Awning or canopy signs shall only be permitted on awnings or canopies extending above ground floor entrances or windows.

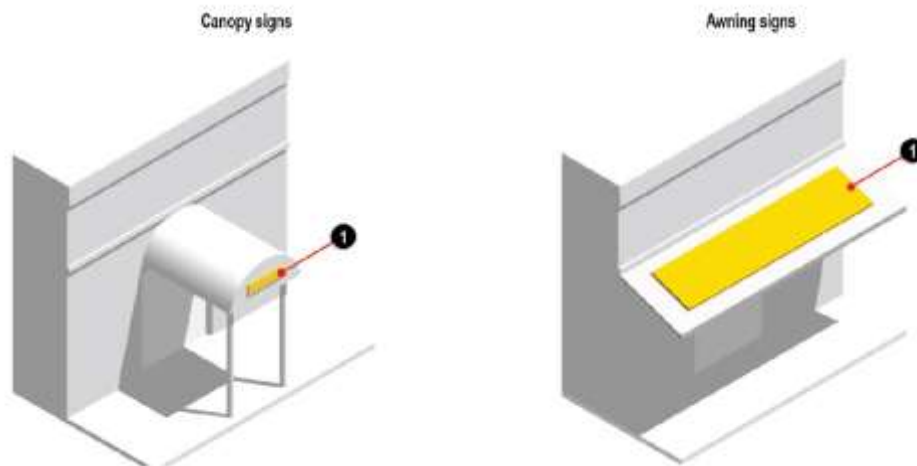


Figure 10-56 Awning or Canopy Signs

- c. *Projecting Signs (Figure 10-57).*
- (1) *Sign area.* The maximum sign area of a projecting sign shall be 6 square feet.
 - (2) *Height.* A projecting sign shall not extend above the roofline of the building to

- which it is attached, or a maximum of 12 feet, whichever is less, and shall maintain a minimum vertical clearance of 8 feet.
- (3) *Number of signs.* A maximum of one projecting sign shall be permitted per ground floor nonresidential tenant space. A projecting sign and a wall sign may be displayed on the same building frontage. A projecting sign and an awning or canopy sign shall not be displayed on the same building frontage.
 - (4) *Projection.* A projecting sign shall horizontally project a maximum of four feet from the mean elevation of the building to which it is attached.
 - (5) *Other provisions.*
 - (a) The property owner shall be required to provide a release or hold harmless to the city prior to the display of any signs located within a public right-of-way.
 - (b) Projecting signs shall not be illuminated.
 - (c) Projecting signs may encroach upon, extend, or project over a public sidewalk.

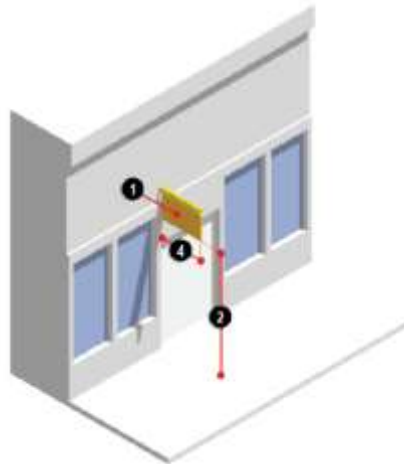


Figure 10-57 Projecting Signs

- d. *Window Signs, Permanent (Figure 10-58).*
 - (1) *Sign area.* The maximum sign area of a permanent window sign shall be 25% of the total area of the window on which the sign shall be located. Permanent window sign area shall be counted in aggregate with wall sign area.
 - (2) *Other provisions.* Window signs shall be allowed on ground floor windows only.

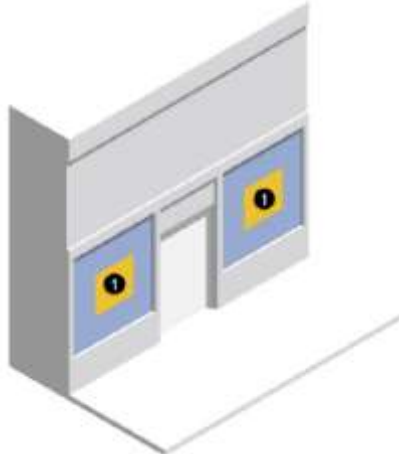


Figure 10-58 Windows Signs, Permanent

- e. *On-site Traffic Directional Signs (Figure 10-59).*
- (1) *Sign area.* The maximum sign area of an on-site traffic directional sign shall be 6 square feet.
 - (2) *Height.* The maximum height of an on-site traffic directional sign shall be 4 feet.
 - (3) *Number of signs.* The number and placement of on-site traffic directional signs shall be as necessary to assist in the safe movement of vehicular and pedestrian traffic on a property, as approved by the ARC.
 - (4) *Location.* On-site traffic directional signs shall be located a minimum of five feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway and shall not be located in a clear vision triangle as detailed in Section 3.03.B.7.

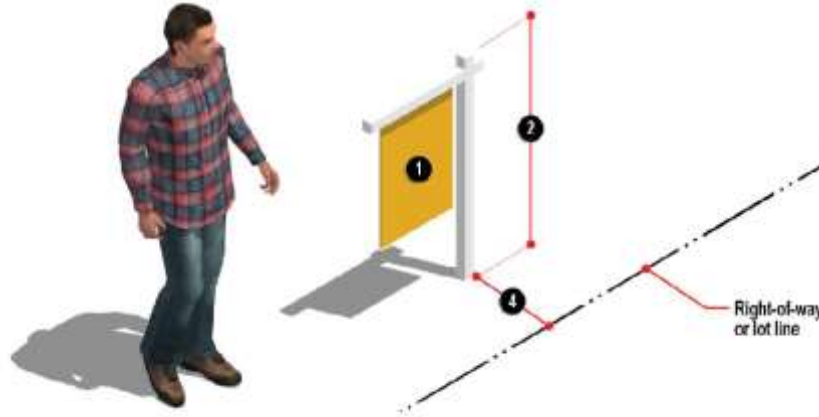


Figure 10-59 On-site Traffic Directional Signs

5. *Standards for Temporary Signs.*
- a. *Wall-mounted Banner Signs (Figure 10-60).*
- (1) *Sign area.* The maximum sign area of a wall mounted banner sign shall be two and one-half percent of the total area of the face of wall on which the sign is to be located.
 - (2) *Height.* No wall mounted banner sign shall protrude above the highest roofline or above the top of the parapet wall or mansard roof.
 - (3) *Number of signs.* A maximum of one wall mounted banner sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.
 - (4) *Location.* Wall mounted banner signs shall be affixed to a building.
 - (5) *Projection.* Wall mounted banner signs shall be affixed flat against the building to which they are mounted.



Figure 10-60 Wall-mounted Banner Signs

- b. *Sidewalk Signs (Figure 10-61).*
- (1) *Sign area.* The maximum sign area of a sidewalk sign shall be 4 square feet.
 - (2) *Height.* The maximum height of a sidewalk sign shall be 3 feet.
 - (3) *Number of signs.* A maximum of one sidewalk sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.
 - (4) *Location.*
 - (a) Sidewalk signs shall be placed in a manner that preserves a continuous sidewalk width of a minimum of 3 feet.
 - (b) No part of any sidewalk sign shall block points of ingress or egress.
 - (c) Sidewalk signs shall be placed no more than one foot from the wall of the building or unit of a building to which the sign is associated.
 - (d) Sidewalk signs shall be placed no less than 3 feet and no more than 6 feet from the entrance of the building or unit of a building to which the sign is associated.
 - (5) *Duration of display.* The display of sidewalk signs shall only be permitted during the operating hours of the use to which the sign is associated and shall be brought indoors during non-operating hours.

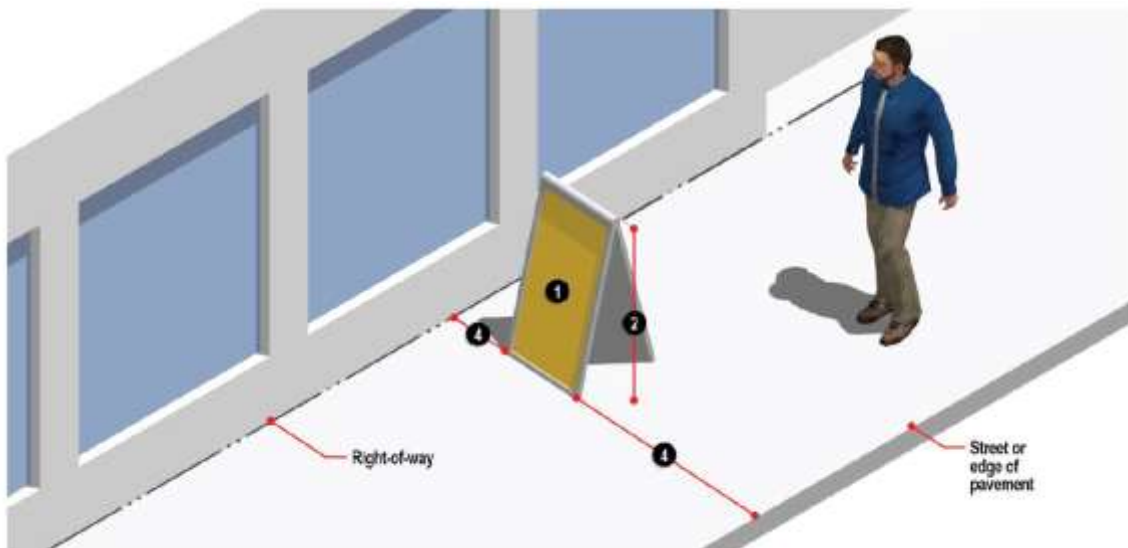


Figure 10-61 Sidewalk Signs

- c. *Window Signs, Temporary (Figure 10-62).*
- (1) *Sign area.*
 - (a) The maximum sign area of a temporary window sign shall be 15% of the total area of the window on which the sign shall be located if a permanent window sign is displayed on the same window.
 - (b) If a permanent window sign is not displayed on the same window, the maximum sign area of a temporary window sign shall be 25% of the total area of the window on which the sign shall be located.
 - (2) *Other provisions.*
 - (a) Temporary window signs shall be allowed on ground floor windows only.
 - (b) Temporary window signs shall not be located on transom windows.

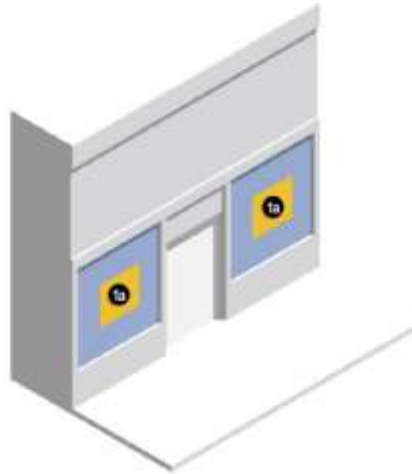


Figure 10-62 Window Signs, Temporary

- d. *Yard Signs (Figure 10-63).*
- (1) *Sign area.* The maximum sign area of a yard sign shall be 3 square feet.
 - (2) *Sign height.* The maximum height of a yard sign shall be 4 feet.
 - (3) *Number of signs.* A maximum of two yard signs may be displayed concurrently per lot. However, in the 30 days before and two days after a local, state, or federal election, a maximum of four yard signs may be display concurrently.
 - (4) *Location.* Yard signs shall be located a minimum of five feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; or be placed in any sidewalk or pedestrian walkway.
 - (5) *Other provisions.*
 - (a) Yard signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Yard signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

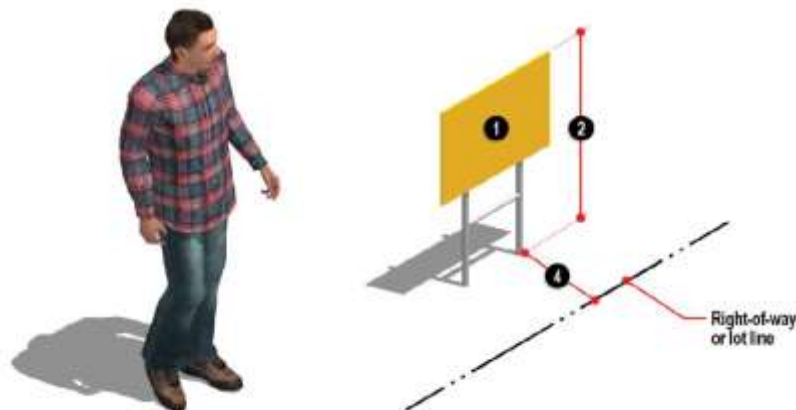


Figure 10-63 Yard Signs

- e. *Post Signs (Figure 10-64).*
- (1) *Sign area.* The maximum sign area of a post sign shall be 4 square feet.
 - (2) *Height.* The maximum height of a post sign shall be 6 feet.
 - (3) *Number of signs.* A maximum of one post sign shall be allowed per lot

- frontage.
- (4) *Location.* Post signs shall be located a minimum of five feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; or be placed in any sidewalk or pedestrian walkway.
 - (5) *Other provisions.*
 - (a) Post signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Post signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

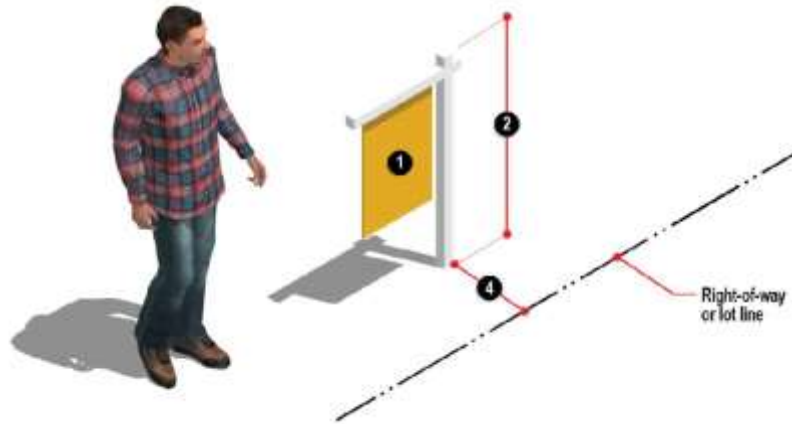


Figure 10-64 Post Signs

6. *Prohibited Signs.* Unless otherwise allowed in this division, the following signs are expressly prohibited:
 - a. Electronic message boards,
 - b. Outline lighting,
 - c. Pole/pylon signs,
 - d. Monument signs,
 - e. Roof signs,
 - f. Signs with flashing lights,
 - g. Moving, rotating, or animated signs,
 - h. Pennants, streamers, spinners, propellers, balloons, inflatable shapes,
 - i. Snipe signs,
 - j. Box signs,
 - k. Feather signs,
 - l. Billboards/off-premises signs,
 - m. Attention getting devices, and
 - n. Other sign types not explicitly permitted.
7. *Nonconforming Signs.*
 - a. All permanent signs which are in existence at the time of passage of this division, but which do not conform to one or more provisions of this division, shall be deemed to be a legal nonconforming structure and may be continued only as provided in this section.
 - b. Any sign for which a permit has been lawfully granted prior to the effective date of this or any subsequent amendment of this division and which does not comply with the provisions of such amendment may nonetheless be completed in accordance with the approved plans, provided erection of the sign is started within 90 days after

- the passage of the ordinance amendment, and is diligently prosecuted to completion.
- c. Whenever a nonconforming sign has been discontinued for a period of six consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a nonconforming sign, such sign shall not, after being discontinued or abandoned, be reestablished, and the sign thereafter shall be in conformity with the regulations of this division.
 - d. Normal maintenance of a nonconforming sign is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming features of the sign.
 - e. No structural alteration, enlargement or extension shall be made to a nonconforming sign, except in the following situations:
 - (1) When the alteration is required by law; and/or
 - (2) When the alteration will actually result in eliminating the nonconforming portion of the structure.
 - f. If a nonconforming sign is damaged or destroyed by any means to the extent of 50% or more of its replacement value at that time, the sign shall not be rebuilt or used thereafter except in compliance with the provisions of this division. In the event the damage or destruction is less than 50% of its replacement value, based upon prevailing costs, the sign may then be restored to its original condition at the time of such partial destruction until the nonconforming sign is otherwise abated by the provisions of this division. In either event, restoration or repair must be started within a period of six months from the date of damage or destruction, and diligently prosecuted to completion.
 - g. Existing temporary signs shall expire at the termination date specified on the permit, but in no case later than six months from the date of passage of this division. New temporary signs shall be allowed only in conformance with the provisions contained in this division.
 - h. The ARC shall, after the adoption of this division, notify each owner of a nonconforming sign of the manner in which such sign is not in compliance with this division. They shall further notify each owner of a nonconforming sign that such sign must either be brought into compliance with this division or removed prior to its required abatement date.

K. Outdoor Lighting.

- 1. *Fixture Classification.* All outdoor lighting fixtures shall either have a fixture cutoff classification of "full cutoff" or be fully shielded, unless otherwise expressly permitted.
- 2. *LED Fixtures.* All outdoor lighting utilizing a light-emitting diode (LED) fixture shall meet the following standards:
 - a. *Color Rendering.* Outdoor LED fixtures shall be rated a minimum color rendering index (CRI) value of 70 or higher.
 - b. *Color Temperature.* Outdoor LED fixtures shall have a correlated color temperature between 4,000 and 5,000 degrees Kelvin.

Article 11. Definitions

11.01 Definitions

11.02 Description of Uses

11.03 Glossary of Design Terms

11.01 Definitions

All terms used in this code shall have their plain and commonly accepted meaning, based upon the context of their use in the code. The following terms shall have the meaning given below, except where more specifically described, limited, or qualified within the standards of this code. Some may have specific definitions of terms that have a more specific or technical meaning only for that article.

Abandon. The relinquishment of a property or cessation of a use of a building or property without actions that further the transfer of rights to another person, or where a lack of transfer, continuation, or reinitiation of use has occurred for a specified period.

Abut / Adjoin. To physically touch or border upon or to share a common property line or other defined boundary.

Activity Center. A dense area with significant pedestrian and vehicle traffic area that serves as an anchor, attracting people for shopping, employment, school, recreation, and socialization.

Adaptive Reuse. The process of reusing an existing building for a purpose other than which it was originally built or designed for.

Adjacent. A lot or parcel of land that shares a common boundary line or is separated from a property by right-of-way, easements, or other public, common, or shared space serving abutting properties.

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

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

Administrative Plat. A certified survey to confirm the alteration or the division of one or more platted or un-platted parcels or of legally established tracts of record prior to March 26, 1956, into no more than 5 additional lots from the parent parcel.

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

Administrative Property Line Adjustment. Only in instances of a property line dispute, a minor encroachment, or a court-ordered and certified survey to confirm the alteration of legal boundaries of previously platted lots or legally established tracts of record prior to March 26, 1956. Absent a court-ordered and certified survey, only a single lot line may be adjusted as part of an administrative property line adjustment.

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

Agriculture Lands. Land used for the production, keeping, or maintenance of plants and animals for sale, lease, or personal use. This includes but is not limited to, forages, sod crops, grains, dairy animals and products, poultry and products, livestock (such as cattle, sheep, swine, and goats) bees and apiary products, fur animals, trees, fruits, vegetables, and nursery or greenhouse products. It also encompasses lands involved in soil conservation or forestry management programs. However, it excludes feedlots, stockyards, animal slaughterhouses, and facilities related to marijuana or medical marijuana.

Airport Runway. A surface used for landing or taking off of aircraft which is shown on a duly adopted airport master plan of the City of Springfield and includes all such runways 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, dedicated as a means of access to the abutting property and generally internal to a block and having less width than a street.

Alteration (Historic Structure). Any act or process that changes one or more of the exterior architectural features of a structure, including the erection, construction, reconstruction, or removal of any feature of the structure.

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

Alternative Access. An access approved by the Department of Public Works that is not a public street.

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

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

Animation. Any action or motion other than flashing lights, automatic changeable copy, or indexing that attempts to develop a pictorial scene through the movement of lights of parts of a sign.

Annex / Annexation. To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

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

Area Plan. A collection of plans submitted in support of a planned zoning application.

Automobile Sales. The sale, leasing, or rental of new or used vehicles.

Basement. Any level of a building where more than one-half of the vertical distance between floor and ceiling is below the grade of the site.

Bedroom. Any room intended and used principally for sleeping purposes with at least one window per International Residential Code (IRC).

Berm. A mound of earth typically located in a buffer, and in association with landscape or structural screens designed to shield or block noise, lights, views, or other impacts.

Bicycle Parking. A designated area in which bicycles are stored when not in use, including but not limited to racks, lockers, and stalls.

Block. A group of lots, tracts, or parcels bounded by platted streets, public parks, railroad rights of way, waters, and/or other barriers to the continuity of development and connectivity of the street network. See Table 3-1 for dimensions and other regulatory metrics.

Block Face. A lot or group of lots fronting on one side of a block between street intersections. Significant deviations in the pattern of a block or the continuity of a streetscape can also determine the block face.

Brownfield. An urban site for potential development having had previous development on it. May be affected by real or perceived environment contamination. An area with abandoned, idle, or under-used industrial and commercial facilities where expansion, redevelopment, or reuse is complicated by real or perceived environmental contamination.

Buffer. An area of a site used to promote separation and enhance compatibility between different development intensities, and using space, landscape, or the arrangement of buildings and structures, or any combination of these to create separation.

Building. Any structure having a roof supported by columns or walls on a fixed foundation or pad for the housing or enclosure of persons, animals or chattels.

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

Building, Accessory. A building that is subordinate, incidental, and on the same lot as a principal building.

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

Building, Detached. A building that does not have any party wall in common with another building.

Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by the maximum height regulations, yard setbacks, and any applicable bulk plane standard. When referencing the massing of a building, the building envelope shall be the actual and constructed three-dimensional space the building occupies.

Building Floor Area, Gross Leasable. In multitenant buildings, the total building floor area excluding non-leasable areas such as hallways, lobbies, malls, and restrooms.

Building Floor Area, Net Usable. For office, government, institutional and commercial uses, the total building floor area used for or intended to be used for a service to the public, including areas

occupied by fixtures and equipment used for display or sale of merchandise, for show windows, or for offices incidental to the management or maintenance of stores or buildings. Floors or parts of floors used principally for restrooms or for utilities or for fitting rooms, dressing and alteration rooms, halls, storage rooms, file rooms, stairways, elevators shall be excluded.

Building Footprint (or Coverage). The horizontal area or portion of a lot which is occupied or covered by a building and defined by the ground level foundation elements of exterior walls. Building coverage may be expressed as a percentage of the lot for defining outer regulatory limits or square-footage when describing actual building footprints.

Building Materials. The physical characteristics which create the aesthetic and structural appearance of the resource, including a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete, or stucco.

Building, Principal. The main building on the lot, typically in terms of size and priority, in which the principal use of the property is conducted.

Building Types (Residential). Residential building types are further distinguished by lot and building development standards unique to each type, which affect the scale and form of residential buildings.

The types are specifically:

- (a) *Detached House.* A residential building designed for one principal dwelling unit situated on a single lot in a neighborhood setting. It may accommodate accessory buildings or an accessory dwelling unit subject to meeting additional criteria, lot standards, and building design standards.

Variants of this type are based primarily on the lot size required in different zoning districts or development contexts.

- (b) *Duplex / Multi-unit House.* A residential building designed to accommodate two to four primary dwelling units on a single lot in a neighborhood setting. This building type has the scale, massing, and appearance of a detached house, and the accommodations for multiple units such as entrances, parking, or garages are minimized in the design of the building. Configuration of units may vary (up/down, front/back, side/side), and these variations typically prevent platting of individual units and lots (see *Townhouse*).

Variants of this type include and are commonly referred to as duplex, tri-plex, or quad-plex.

- (c) *Townhouse.* A residential building type designed to accommodate two or more dwelling units, in a neighborhood or mixed-density setting. Each unit is separated by a common side wall with a side-by-side configuration, and each has its own private entrance. It is distinguished from a multi-unit house in that each unit may be platted on its own lot and may appear as distinct and separate units through entrances, facade designs, and other building form elements.

Variants of this type are based primarily on lot size and unit configurations.

- (d) *Apartment.* A residential building designed to accommodate multiple units in a single building, in a mixed-density, high-density, or mixed-use setting. In some settings, buildings can accommodate accessory or ground floor non-residential uses.

Variants of this building type include small-, medium-, and large-scale buildings, dependent on the lot size, building footprint, height, and number of units. Multiple apartment buildings may be arranged into a larger apartment complex or project in some settings.

- (e) *Apartment Complex.* Two or more apartment buildings located on a single lot and sharing a frontage outside a conventional block structure. This is a distinct development pattern that is suburban in nature and is not subject to the small-, medium-, or large-block structure format.

Bulk Plane. A theoretical plane beginning at a lot line, or other location specified in this chapter, and rising over a slope determined by a specific angle measured up from the starting point, and above

which no building shall extend.

Capital Improvement. Permanent improvement of a public asset to extend, enhance, or otherwise improve the longevity or useful life for the public good.

Caregiver. An individual who provides direct support or assistance to individuals within a facility that may reside at the facility.

Certificate of Appropriateness. The official document issued by the Landmarks Board or the PD Director approving any application for permission to construct, erect, demolish, relocate, reconstruct, restore, or alter any structure designated by the authority of this zoning code.

Certificate of Economic Hardship. A certificate issued by the Landmarks Board authorizing an alteration, construction, removal, or demolition even though a certificate of appropriateness has previously been denied or may be denied.

Change of Use. A use that substantially differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise, or lighting. A change of ownership which does not include any of the factors listed above shall not be considered a change of use.

Charter City. A city that is incorporated under its own charter rather than the general laws of the state. Charter cities have broader powers than do general law cities in matters that are “municipal affairs” (as opposed to matters of “statewide concern”).

Civic / Institutional Buildings. Buildings designed for a public or semi-public use but not limited to schools, hospitals, or educational institutions.

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

Cluster. A development design technique that concentrates buildings on smaller, and sometimes individual lots in specific areas on a site to provide more remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Commercial. Relating to the sale of goods or services.

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

Complete Streets. Streets designed to accommodate all modes of travel and enable safe access for all users; pedestrians, bicyclists, motorists and bus riders of all ages and abilities.

Comprehensive Plan. The official Springfield Comprehensive Plan, adopted pursuant to Section 11.6 of the Springfield City Charter, including any official amendments or replacements of that plan.

Concept Plan. A preliminary plan, diagram, or sketch used during the early stages of development that outlines the general layout and intended use of a site.

Conditional Use. A user permitted in a particular zoning district only upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of such use as a specified in this chapter and authorized by the Planning and Zoning Commission.

Conditional Use Permit (CUP). A permit that provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions.

Condominium. A form of real property ownership, where individual units are designated for separate ownership and the remainder is designated for common ownership vested solely in the unit.

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

Courtyard Pattern. Residential buildings that front on a shared open space.

Corner Orientation. A structure on a corner lot that fronts two or more intersecting public streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side lot lines with no rear lot line.

Cul-de-sac. A short street having one end open to traffic and terminating at the other end by a vehicular turnaround.

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

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

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

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

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

Development. The activity of initiating a change of landscape, buildings, access, use, or operation on a property through activities such as grading, paving, excavating, construction, erection, repair, or rehabilitation of existing physical elements of property.

Development Pattern. The physical layout of blocks, streets, open spaces, lots and uses where common attributes or associated elements define distinct areas of the community by the scale, intensity, or other physical barriers or transitions.

Director. The department director of Planning and Development, unless otherwise stated, or their designee of the City of Springfield, Missouri.

Drive-through, Accessory. An accessory site design and building design component of any business or commercial use in which the provision of services or the sale of food or merchandise is made to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

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

Driveway Spacing. The distance from the center of a driveway to the center of an adjacent driveway on either side of the street/roadway.

Driveway Safety Study. An engineering evaluation focused on evaluating the design and placement of access points, such as driveways, intersections, or entrances, to ensure safe and efficient connectivity to public roadways.

Dwelling. Any building or portion of a building that is used as the residence of one or more households, but not including visitor accommodations, clubs, hospitals, tents, or similar uses providing transient or temporary accommodation.

Dwelling Unit. One or more rooms and a single kitchen and at least one bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single household, for residential occupancy (i.e., sleeping, living, cooking, and sanitary purposes).

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

Dwelling, Accessory. The use of a building or portion of a building for a dwelling unit that is subordinate, incidental, and on the same lot as a principal dwelling unit.

Dwelling, Principal. The building used as a dwelling unit, or group of units, that is the primary use on the lot in terms of location, size, and/or priority of the building.

Easement. A grant of one or more of the property rights by the property owner for use by the public, a corporation or another person or entity.

Economic and Housing Access Calamity. A declared period of crisis where severe economic and housing disruptions disproportionately affect residents within the city. During such calamity individuals, agencies, or churches meeting building, safety, and health codes may establish temporary facilities to provide food and lodging to those who are without permanent housing. These facilities are not considered “shelters” and are exempt from the general building, zoning, health, and fire codes herein.

Economic and Housing Access Calamity Shelter. A shelter available during a declared economic and housing access calamity and operating under a certificate of occupancy which provides only lodging, or lodging and meals, but does not provide other services.

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

Encroachment. Any architectural feature, structure or structural element that breaks the plan of a vertical or horizontal regulatory limit extending into a setback, or beyond the build-to-line into the public frontage, or above the height limit.

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

Flag. A type of sign on a piece of fabric, or similar material containing distinctive colors, patterns, or designs, typically attached on one edge to a staff or cord.

Floor Area. The area of the floors of a structure, as measured by the exterior faces of the walls, except any areas where the floor to ceiling height is under 6 feet or where other specific exclusions from this area included in the standards.

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

Front Building Line. The actual location of where the forward most portion of a building is

established, and a line extended from that location parallel to the front of a lot. When expressed as a permitted range, the front building line is interpreted as the area within which a building shall be located.

Front Building Line, Required. The portion of the lot frontage (usually expressed as a percentage) required to be occupied by the front facade of the principal structure, or other specifically permitted substitutes that help define the relationship of the building frontage to the streetscape.

Frontage, Building or Lot. The area of the lot between the front building line and the front lot line. Frontage includes the design details and spatial elements of the lot and building that determine the relationship between the public and private realm.

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

Glare. The effect produced by brightness sufficient to cause loss in visual performance or visibility.

Green Infrastructure. Measures that use plant or soil systems, permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or 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 7 inches in height and are grown to keep soil from being blown or washed away.

Hazard. A source of danger to persons or damage to property.

Hazardous Substance. Any material or waste which poses a present or potential danger to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed; and any material which is hazardous within the meaning of any federal, state, or local law, regulation, or ordinance, including:

- (a) The federal Resource Conservation and Recovery Act, as amended, 42 USC 6901, et seq.;
- (b) Substances regulated under the federal Toxic Substances Control Act, as amended, 15 USC 2601, et seq.;
- (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. In measuring the height of a building, the following structures shall be excluded: chimneys; cooling towers; telecommunication towers; ornamental cupolas, domes, or spires; elevator bulkheads;

penthouse tanks; water towers; and parapet walls not exceeding 4 feet in height.

Historic Design Guideline. A standard of appropriate activity that will preserve the historic architectural character of a structure or area.

Historic District. An area designated as a historic district by ordinance of the City Council, pursuant to procedures in this section, and which is a geographically definable area possessing a significant concentration, linkage, or continuity of sites or structures united by past events, plan, or physical development. A district may comprise individual elements separated geographically but linked by association, plan, design, or history.

Historic Landmark. A property or structure designated as a historic landmark by ordinance of the City Council, pursuant to procedures in this section, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the city. Historic landmark status will be reserved for those properties displaying exemplary historic or architectural significance.

Historic Preservation. The preservation of historically significant structures and neighborhoods to facilitate restoration and rehabilitation of the building(s) to a former condition.

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

Historic Site. A property or structure designated as a historic site by resolution City Council, pursuant to procedures in this section, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the city but which is of insufficient significance to merit historic landmark status.

Home Occupation. A business conducted by a resident accessory to a dwelling and subject to other standards and procedures of this chapter.

Household. The following arrangements constitute a household:

- (a) One or more persons related by blood, marriage, 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;
- (c) three or less unrelated persons; or
- (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 have been compacted or covered with a layer of materials so that it is highly resistant to infiltration by water such as compacted sand, limerock, or clay; asphalt, concrete, or compacted aggregate walkways, drives, and patios; and other similar structures.

Infill Development. Development that takes place on vacant or underutilized parcels within an area that is already developed and has access to existing urban services.

Infrastructure. The built or natural facilities and features, generally publicly funded, that are required to serve a community's development and operational needs. Infrastructure includes but is not limited to roads, utilities, and trees.

Intensity. The degree to which land uses generate traffic, noise, air pollution, and other potential impacts.

Interior Landmark. Any part of an interior designated as an interior landmark by ordinance of the City Council, pursuant to procedures in this zoning code, which is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the city and which remains substantially intact in terms of (1) original configuration, (2) original volume, or (3) original architectural ornamentation and decoration; and which exhibits surviving original historical finishes or has the potential for research which could aid in the accurate restoration of such finishes. Interior landmark status will be reserved for those interiors displaying exemplary historic or architectural significance which are customarily open or accessible to the public, or to which the public is customarily invited (not including interiors utilized as places of religious worship). Each designation of an interior landmark shall specify in some detail which interior features are to be protected and shall be accompanied by a file of photographs which permanently document such features.

Internal Access Lanes. A private way internal to a large development intended to organize parcels, tracts, and lots similar to the surrounding block structure and development patterns; provide efficient access for all applicable modes of transportation; and create public space and frontages similar to the street design types and streetscapes of public streets.

Landscaped Area. A verdant outdoor space that has been designed and maintained to enhance or preserve its aesthetic appeal or function.

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

Land Use. The occupation or use of land or water area for any human activity or any purpose.

Legacy District. A previously established regulatory district whose specific provisions will continue to be enforced.

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

Lot. A parcel of land, established for individual and separate ownership by a subdivision plat or Tract Certification (see Outlot and Tract).

Lot Area. The area bounded by the front, rear, and side lot lines or, when expressed as a range, it shall be interpreted as a minimum and a maximum.

Lot Coverage. The percentage of total lot area which would be covered by a building, structure, or impervious surface.

Lot, Interior. A lot bounded by other lots on at least two sides and typically has frontage on only one public street.

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

Lot Line. A line dividing one lot from another lot or tract, or from a street or alley.

Lot Line, Front. The property line dividing a lot from a street or public or common space on which the building and lot orients. On a corner lot, generally the shorter street frontage shall be considered as a front lot line, except as noted on an approved plat.

Lot Line, Interior Side. A side lot line which is adjacent to a side lot line of another lot.

Lot Line, Rear. The line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to the front lot line.

Lot Line, Side. Any lot lines other than the front or rear lot line.

Lot Line, Street Side. A side lot line which separates the lot from a street.

Lot Line, Zero. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Lot, Reverse Frontage. A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

Lot, Reverse Corner. A corner lot having its side lot line substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. A lot, other than a corner lot, having frontage on more than one street.

Lot Width. The horizontal distance between the side lot lines, typically measured at the front lot line, but for irregular lots it may be measured at the front setback line.

Lot of Record. A tract of land that has been platted or certified as legally established according to this chapter (see Tract of Record).

Manufactured Home. A factory-built structure which bears the seal of the State of Missouri public service commission, U.S. Department of Housing and Urban Development, or its agent, and which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on-site, contains 320 or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit with or without a permanent foundation. Manufactured home as defined is a specific structure type, distinct from the various construction methods which may be used to site, transport, or erect any other residential building type meeting the standards of this chapter.

Manufactured Housing Development. See *Small-format Housing Community* in Section 5.05.D.

Mixed-use Building Type. A multi-story building which accommodates nonresidential and residential uses.

Mix of Uses. The use of real property for more than one type of use.

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

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

Motor-Vehicle Oriented Business. Any commercial business which, by design, type of operation, or nature of business, has as one of its functions, the provision of services to a number of motor vehicles or its occupants in a short time span, or the provision of services to the occupants of motor vehicles while they remain in a vehicle. Businesses included in this category shall have one or more of the following facilities: One or more pump islands for retail sale of gasoline; or one or more drive-

through lanes/service windows for distribution of products or other transactions; or an automated car wash facility.

Multimodal. Refers to various modes of transportation (walking, bicycling, bus transit, rail transit, e-scooters and micromobility devices, shared mobility services, personal automobile, etc.) and emphasizes the importance of providing transportation choices beyond single-occupant vehicles.

Nativar Plant. A cultivated variety (cultivar) of a native plant that has been selectively bred for specific traits such as a color, size, disease resistance, or grow habit. Preference is given to open-pollinated or seed-grown varieties over highly modified cultivars shall count toward native planting requirements.

Native Plant. A plant species that occurs naturally in specific region, ecosystem, or habitat without human introduction. Native plants have evolved alongside local climate, soils, wildlife, and pollinators. A plant is considered native if it is indigenous to Missouri as documented by the Missouri Department of Conservation and Grow Native.

Natural Area. Aquatic or terrestrial habitats or areas which exist in their natural condition, and which have not been significantly altered by human activity or which have been restored to as close to their natural condition if disturbed previously by human activity.

Natural Feature. Features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

Noise Level Reduction (NLR). The reduction of outside noise transmitted inside a structure achieved through the incorporation of noise attenuation into the design and construction of the structure.

Nonconforming, Lot. A lot that was legally platted before the adoption or amendment of current zoning regulations but does not meet the current requirements.

Nonconforming, Sign. A sign that was installed but does not conform to current regulations.

Nonconforming, Site Condition. A site feature such as parking, landscaping, open space, or other non-building characteristic associated with a conforming use or structure, that existed before the adoption of current regulations but does not comply with the current standards.

Nonconforming, Structure. A legally constructed building or structure, that existed before the adoption or amendment of current zoning regulations but does not comply with the current zoning requirements.

Nonconforming, Use. A use of land, structure, or building that was lawfully established prior to the adoption or amendment of the zoning regulations but does not comply with the current zoning requirements.

Open Space, Common. A common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners' association, which open area may be landscaped or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding, or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required right-of-way.

Open Space, Private or On-lot. An outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include yards and other landscape areas, decks, balconies, or

patios.

Open Space, Usable. That portion of a lot, site, project, or neighborhood, whether public, common, or private available to all occupants of the building or site for environmental, scenic, or recreational purposes. Specific types of useable open space are defined in this chapter and shall not include driveways, parking lots, or other surfaces designed or intended for vehicular travel, or areas designed specifically for screening and mitigating impacts of development, unless they can be integrated with and contribute to one of the usable open space types.

Outlot. A parcel or parcels of land designated on a plat and intended for development at some point in the future, but which may be initially created under single ownership through a subdivision process. (See Lot and Tract)

Overlay District. A zoning district classification which encompasses a defined geographic area and imposes additional requirements above that required by the underlying zoning. Overlay districts may be combining, where they join property included in two or more adjoining districts based on common attributes or policies; or overlay district may be separating, where they distinguish property in a single district based on a specific attribute or context that requires different regulations.

Owner of Record. The person, corporation, trustee, or other legal entity listed as owner of a lot in the records of the county recorder of deeds.

Park Model Recreational Vehicle (PMRV). Also known as a "recreational park trailer", is a dwelling unit that has a floor area of 400 square feet or less and meets the American National Standards Institute (ANSI) recreational standard A119.5 park model recreational vehicle standard. For purposes of this definition, a park model recreational vehicle shall not be considered a recreational vehicle.

Party (Common) Wall. A common or shared structural separation which may be centered on one building lot or between abutting dwelling, business, or industrial units or buildings on either side of a lot line.

Peak Hour Trips. Total number of trip ends generated by a site during the hour when the adjacent street carries the maximum number of trips or during the hour when the site generates the maximum number of trip ends.

Perennial. A plant that regrows from the same root stock year after year.

Permitted Use. An authorized use within a zoning district.

Person. Any individual, corporation, association, firm, partnership, institution, or other legal entity, singular or plural.

Pick-up Window. A building feature or element typically accessory to a commercial establishment designed solely for the distribution of goods to the customer.

Plat, Administrative. A certified survey to confirm the alteration or the division of legally established tracts of record prior to March 26, 1956, or previously un-platted lots, not to exceed the creation of five additional lots.

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

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

Plat, Final. A legally binding map, document or survey that applies to all or specific portions of the preliminary plat area, in accordance with an approved phasing plan from the preliminary plat.

Plat, Preliminary. Provides detailed planning review of development patterns, street networks and design types, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans.

Placetypes. A combination of interconnected and supporting land uses that create a place, neighborhood, or district. Placetypes provide a general vision for each area of the city that focus on how a mix of uses and properties function collectively, rather than individually to establish an identifiable and memorable place.

Pocket Neighborhood. A set of residences that are clustered around a shared open space such as a courtyard, greenway, or park. A pocket neighborhood can include single-family residences, both detached and attached, and similar apartment buildings.

Practical. Under the circumstances, all reasonable efforts have been undertaken to comply with the purpose, intent, design objective, or requirements of the standards in this chapter, and where physical, technical, or cost constraints could outweigh the potential benefits to the public of full compliance and would unreasonably burden the proposed project and other reasonable alternatives. Economic considerations may be a factor, but shall not be the sole or determining factor.

Premises. A premises is any land consisting of one or more lots or tracts under single or multiple ownership, and operating as a functional unit. When developed, a premises shall also possess one or more of the following criteria:

- (a) Shared parking;
- (b) Common management;
- (c) Common identification;
- (d) Common access; or
- (e) Shared circulation.

Preservation. The act or process of sustaining the form and extent of a structure or site element including but not limited to tree, other natural features, architecturally significant features, etc., as it now exists.

Private Street. A street that is privately owned and maintained, constructed to all applicable City standards and specifications, and provides the primary means of vehicular ingress and egress from a public street to any dwelling unit, lot, parcel or principal building.

Protection. The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or vandalism, or to cover or shield the property from danger. In the case of structures, such treatment is generally temporary and anticipates future treatment; in the case of archaeological sites, the measure may be temporary or permanent.

Public. Maintained for or used by the people of the City of Springfield on a noncommercial basis.

Recreational Vehicle. A motorized or towable vehicle that is designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle. Such units are commonly described

as RVs, travel trailers, campers, motor homes, tiny homes on wheels, or other similar units.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of any part of a vanished structure as it appeared at a specific point in time.

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

Rehabilitation Impracticable. Infeasibility of rehabilitation not only because of physical condition but also inability to turn the property or structure to use or account profitably.

Relocation. Any movement of a structure, object, or artifact on its site or to another site.

Replacement Value. The amount it would cost to replace a structure or restore a site to its previous condition considering all aspects of the investment at their current market costs. This amount may be based on estimates or, where discrepancies exist, the average of three independent estimates, in the sole discretion of the City.

Residence. A home or place where an individual is actually living at a specific point in time.

Restoration. The act or process of accurately recovering the form and details of a structure or property as it appeared at a particular point in time by removing later work or replacing missing original work.

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

Right-of-way. See Chapter 98.

Rural Parcels. Tracts divided into lots of at least three acres for rural, agricultural, or very low-intensity development.

Screening. A method of reducing the impact of visual or noise intrusions through the use of plant materials, earthen berms, solid fences, or walls, or any combination thereof.

Setback. The required minimum horizontal distance between the lot line and the nearest front, side, or rear line of a building or structure, and where expressed as a range it shall function as a "build-to line", within which range a building or structure shall be established.

Short-term Rental. The rental of an entire dwelling, or any portion thereof, for a period of less than 30 consecutive days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. Short-term rentals are further categorized as Type 1, 2, or 3 and subject to the conditions set forth in this Code.

Shrub. A self-supporting woody perennial plant of low or medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at maturity.

Sidewalk. A paved, surfaced, or leveled area, parallel to and usually separated from the street, used as a pedestrian path, or which otherwise provides pedestrian circulation and access to destinations and principal building entrances within a site.

Sign. Any advertisement, announcement, or direction of communication produced in whole or in part by the construction, erection, affixing, or placing of a structure, or produced by painting on, or pasting or placing any printed, lettered, pictured, figured, or colored materials on any building, structure, or surface.

Sign, Abandoned. A sign which advertises or identifies an out-of-business, moved, or non-existing business, service, or other use of premises.

Sign, Building. A sign incorporated in, painted on, attached to or erected against the facade of a building.

Sign, Copy. The letters, figures, characters, representation, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design, logo, illustration, or device illuminated or non-illuminated which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or, any emblem or painting designed to advertise, communicate, identify, or convey information.

Sign, Electronic Message Display (EMD). A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Sign, Ground. A sign which is supported by its own structure not affixed to a building.

Sign, Incidental. A small permanent sign that supports the function or operation of the property.

Sign, Monument. A sign supported by or mounted directly upon the ground by a base that is integral to the entire sign structure and incorporated into the sign.

Sign, Off-premises. A permanent sign advertising goods and services not located on the premises where the sign is located, or otherwise expressing a message unrelated to the location or property. Most off- premises signs require an Outdoor Advertising Permit from the Missouri Department of Transportation.

Sign, Pedestrian. A sign that is not permanently affixed to a building, structure, or into the ground, but which has a durable design and stable support to allow placement of the sign on an interim or more permanent basis than temporary signs.

Sign, Temporary. A sign which is not intended as a permanent sign and which is easily relocated or removed.

Sign, Window. A sign painted on, mounted to, or applied to a window.

Significant Exterior Architectural Feature. Those features which are important to or expressive of the architectural quality and integrity of the structure and its setting and which include, but are not limited to, building material, detail, proportion, rhythm, scale, setting, shape, and workmanship.

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

Storage Container. A container, including what is sometimes referred to as storage "pods" or "portable on demand storage units"; any box van that has been disconnected from a chassis; or other similar intermodal-type shipping/cargo containers that are:

- (a) Designed and commonly used for storing, shipping or transporting products and materials; and
- (b) Typically transported by a separate motorized vehicle or upon a trailer.

Stormwater Management. The collection, conveyance, storage, treatment and disposal of stormwater runoff to prevent accelerated channel erosion, increased flood damage, and degradation of water quality.

Story. The part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above the ceiling above. Story heights shall generally be 9 to 10 feet

except the following guidelines can be used to address the effective scale and massing of buildings within permitted heights (see Height):

- (a) The first story for residential buildings should be 9 feet to 14 feet;
- (b) The first story for non-residential buildings should be 12 feet to 20 feet;
- (c) Building types or parts of buildings that require high floor-to-ceiling heights, such as a gymnasium, atrium, or warehouse, shall have the number of stories calculated as the finished floor-to-ceiling height divided by 15;
- (d) Any ground story that has more than 4 feet of its height exposed above finished grade along more than 50% of the foundation perimeter shall count as a story; or
- (e) A half-story is the space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor area with head room of 6 feet or more is no greater than 60% of the total floor area of the story directly beneath.

Street. A public way used for passage or travel by pedestrians, bicycles, and/or vehicles, and that is designed to provide access, visibility, and public space to support use(s) fronting on it.

Street, Design Type. A reference to the design attributes of a specific segment of the street, regardless of the functional class, and including lane widths, number of lanes, parking, streetscape, and sidewalks. Street design types allow the design of segments of streets to transition and relate better to the context and anticipated abutting land uses, without disrupting the overall role of the street in the transportation system.

Street Design Type, Neighborhood. A human-scaled design type that balances walkability, landscape amenity, and vehicle access. It is characterized by street trees, comfortable sidewalks, traffic calming, and relatively low volumes and slow traffic speeds that enhance the livability and quality of the neighborhood.

Street Design Type, Parkway / Bikeway. A multi-modal design type with a higher degree of civic design and landscape amenity characterized by balanced design for pedestrians, bicycles, and automobiles and has an elevated degree of landscape and civic design.

Street Design Type, Pedestrian / Mixed-Use. A pedestrian-oriented design type appropriate in areas where walkability is a priority and there is a well-connected street network characterized by traffic calming methods to ensure slow speeds, on-street parking, wide sidewalks, and well-designed amenity zones that support businesses and economic activity along the block.

Street Design Type, Standard / Trafficway. A basic design type that is generally applicable where no particular development characteristic or urban design characteristic warrant application of other design types.

Street, Functional Classification. A system of categorizing streets based on their role in the overall street network, considering traffic volumes, traffic speeds, and continuity of the street over longer distances, apart from the specific design type for any one segment. These include:

- (a) **Freeway.** A divided highway with fully controlled access limited to grade-separated interchanges constructed at major thoroughfares. A freeway is primarily intended to provide for high volume, high speed intercity traffic movements, and has no relationship to and should be buffered from, abutting land.
- (b) **Expressway.** A street or highway with limited or partially controlled access at arterial system intersections. The expressway is primarily intended to provide for high volume, moderate to high speed, extended inter/intra city traffic between major activity centers with minimal impairment to movement, and has minimal relationship to and should be buffered from abutting land.
- (c) **Highway Access.** A minor street parallel and adjacent to a freeway, expressway, or arterial which provides access to abutting properties and protection from through traffic.
- (d) **Arterial - Major, Primary, or Principal.** A street or highway primarily intended to provide for high volume, moderate speed and extended trip length traffic movement between major activity centers, with access

- to abutting property subordinate to major traffic movement but little relationship to abutting land unless specific street design types are applied.
- (e) *Arterial - Minor or Secondary.* A street which interconnects with and augments the major arterial system. The secondary arterial is primarily intended to provide for moderate volume, moderate speed, and short to moderate trip length while providing partially controlled access to abutting property and application of specific design types to better relate to abutting land.
 - (f) *Collector – Major, Minor, or Subdivision.* A street which collects and distributes traffic to and from local and arterial street systems, or which can provide an alternative or a complete substitute to larger arterial streets when located with sufficient frequency and continuity. The collector is primarily intended to provide for low to moderate volume, low speed, and moderate-length trips while providing access and public space to support abutting property based on specific design types.
 - (g) *Local – High-Activity, Low Activity, or Shared.* A street primarily providing direct access to abutting property and designed to accommodate low volume, low speed traffic, as well as provide public space that supports abutting property based on specific design types.
 - (h) *Alley.* A minor way which is used primarily for vehicular service access or parking access to the back or the side of properties otherwise abutting a street and is often used in areas with enhanced streetscape design.
 - (i) *Downtown Streets.* Streets which provide frontage for adjacent businesses as well as providing for the movement of pedestrians, bicycles, public transit, and vehicles throughout and through downtown, more specifically within the area bounded by a line 990 feet north of the south section line of Sections 13 and 14 of Township 29 North, Range 22 West on the north, John Q. Hammons Parkway/Sherman Avenue on the east, Harrison/State Streets on the south, Grant Avenue on the west, and a line 990 feet west of the east section line of Sections 14 and 24 of Township 29 North, Range 22 West on the west except the following street segments:
 - (1) Tampa Street east of Benton Avenue;
 - (2) Phelps Street east of Washington Avenue;
 - (3) Market Avenue between Walnut and State Streets;
 - (4) Main Avenue between Mount Vernon and State Streets;
 - (5) Mount Vernon Street between Grant and Campbell Avenues; and
 - (6) Harrison Avenue between Grant and Market Avenues and classified as designated by the major thoroughfare plan.
 - (j) *Residential Connector.* A street which provides a vehicular and pedestrian connection between two generally parallel local residential streets designed to accommodate very low volume and very low speed traffic within residential subdivisions.
 - (k) *Residential Local.* A street for low-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.

Streetscape. The scene that may be observed or the area designed for activity along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures, and miscellaneous structures.

Street Width. The horizontal distance between the outside edges of the street's pavement, including any curbing and guttering, measured at right angles to the street's centerline.

Structure. Anything constructed or erected, located on or in the ground, whether permanent or temporary, including, but not limited to, houses, buildings, barns, backstops for tennis courts,

bridges, fences, pergolas, parking lots, gazebos, radio and television antennae, signs, solar collectors, microwave antennae, supporting towers, roads, ruins or remnants (including foundations), swimming pools, walkways, septic systems, or any similar item.

Structure, Accessory. A detached structure that is subordinate, incidental, and on the same lot as a principal building, structure, or use.

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

Subdivision, Administrative. Routine applications that impact the legal disposition of property (property lines, easements, etc.) but do not significantly alter development patterns or impact public infrastructure or services.

Subdivision, Major. Any subdivision not eligible as an administrative subdivision which requires a comprehensive review through preliminary plat and final plat procedures.

Survey, Historic. The systematic gathering of information on the architectural, historical, or archaeological significance of buildings, sites, structures, objects, or areas through visual assessment in the field and historical research for the purpose of identifying historic sites, historic landmarks, and historic districts worthy of preservation.

Tiny Home. A principal residential dwelling constructed on or off-site that is 400 square feet or less, is built to the building code as adopted by the City of Springfield, and is designed to be used as a dwelling unit with a permanent foundation.

Tract. A parcel of land eligible for further subdivision. (See Lot and Outlot)

Traffic-calming. Physical design changes to a street or roadway used to decrease traffic speed and volume. Methods of traffic calming include but are not limited to: traffic circles, speed humps, and curb extensions.

Traffic Impact Study. A comprehensive engineering evaluation conducted to assess the effects of proposed developments or land-use changes on the surrounding transportation network. A TIS analyzes the anticipated changes in traffic volumes, patterns, and safety conditions caused by a development and includes a driveway safety study.

Transition Area. An area along or between the edges of placetypes, where dissimilar land uses converge. Typical transitional areas occur between one-to-two blocks on either side of both placetype boundaries. Transition areas can also exist adjacent to geographic land features located within a placetype, examples can include major roadways and crossroads, railways, waterways, parks, trails, and natural and built land features.

Transparency. When referring to the design of building facades, transparency is the percentage of windows and doors on the facade intended for two purposes: (1) to break up the scale and massing of the façade and relate the building to the streetscape and public spaces; and (2) to provide connections – visual and perceived – between the activities on the site and the public streetscape or spaces. Therefore, transparency has two measurements: (1) the extent of transparency, which is the percentage of the overall facade, measured at each story but which includes non-transparent components associated with the opening such as molding, casing or frames; and (2) the degree of transparency, which is typically the clarity of the glass used for the opening. A door may count to this requirement if at least 25% of the door or door assembly meets the clarity requirement with windows in the door, or transom or side light doors alongside of the door. The clarity of the glass in the

opening is met by a minimum Visible Light Transmission of 60% (VLT = the percent of total visible light that is transmitted through a glazing system) and a maximum Visible Light Reflectance of 15% (VLR = the percent of total visible light that is reflected by a glazing system). For upper story windows, these measures may be 40% VLT and 20% VLR.

Tree, Evergreen. A medium or large non-deciduous woody plant with a main trunk and mature height over 8 feet.

Tree, Overstory. A large deciduous woody plant that normally grows with a main trunk and has a mature height of 30 feet or more.

Tree, Understory. A small deciduous tree typically smaller than an overstory tree, with a mature height of approximately 15 to 30 feet.

Undeveloped Land. Land in its natural state before development.

Urban Forestry. Urban forestry is the careful care and management of urban forests. These are tree populations in urban settings maintained to improve the urban environment. Urban forestry advocates the role of trees as a critical part of the urban infrastructure.

Urban Service Area. The Urban Service Area delineated on the Urban Service Area map represents land where public investment has been made or is programmed for sanitary sewer service or major transportation facilities. Within the Urban Service Area, sewer services will be provided as available resources permit and streets and highways will be planned to handle urban populations.

Use, Accessory. A use of land, buildings, or structures that is subordinate, incidental, and on the same lot as a principal use.

Use, Principal. The primary purpose or activity of a lot or building.

Variance. Provides relief from a strict interpretation of the zoning and site design and development standards of this chapter, which when applied to a particular property in a specific context limits all reasonable use of the property. This application shall only apply to the design, dimension, and other site development standards of this chapter and shall not be used to authorize a use that is prohibited by the applicable zoning district.

Vibration. The effect produced by any physical process characterized by a periodic, and usually rapid, oscillatory motion sufficient to cause annoyance or discomfort, however, excluding blasting operations for quarries and temporary construction activities.

Yard, Front. That portion of a lot extending across the full width of the lot between the front lot line and the nearest line or point of the principal building and between any accessory buildings.

Yard, Rear. That portion of a lot extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

Yard, Side. That portion of a lot extending from the front yard to the rear yard between the side lot line and the nearest line or point of the principal building.

Zoning. The division of a city or county by legislative regulations into areas, or zones, that specify allowable uses for real property and size restrictions for buildings within these areas.

11.02 Description of Uses

This section provides descriptions of uses of land and buildings associated with Table 4-2. It is organized by categories and types of uses. Categories are general groupings of uses with similar characteristics, and types are based on common physical or operational characteristics, such as typical scale, format, or intensity of activity. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the PD Director shall make an interpretation on the most equivalent described use category and/or type, considering:

1. The similarity of the use in terms of scale, impact, and operations to other described uses;
2. The typical building format and site design associated with the use from existing examples; and
3. The potential contribution of the use, in its typical format and design, to the intent of the zoning district, and the ability to complement and be compatible with other permitted uses.

Any uses that may not be interpreted as equivalent to a use in Table 4-3 is not anticipated by these regulations and may only be allowed by an amendment to the development code.

A. **Residential Uses.**

Household Living. Residential occupancy of a dwelling unit by a household, with tenancy arranged on a monthly or longer basis. Household living occurs in a variety of types based on the scale and format of buildings, arrangement of dwelling units, and household accommodations.

Household Living – One-unit Dwelling. A residential building designed for one primary dwelling unit. One-unit dwellings include variations based on the lot size.

Household Living – Multi-unit Dwelling. A residential building designed for two or more principal dwelling units. Multi-unit dwellings include variations based on the building type and scale, including duplexes, multi-unit houses, townhouses, or apartments.

Household Living – Live / Work Dwelling. A combination of residential commercial activity located in a dwelling unit or sharing the same building as a dwelling sharing a common wall or with direct access between the residential and commercial elements, and where each is intended as a principal use.

Household Living – Mixed-use Dwelling. A residential use in a building designed for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

Household Living – Small Format Dwelling. A parcel of land planned and designed for multiple home sites for the placement of manufactured or other small homes and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems, and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

Existing Residential. Any residential building and use, legally established when it originated but where new development of the same use or similar building type is no longer permitted in the zoning district. These uses shall be permitted so that continued use and further investment in the building and use is not discouraged, and if the use is destroyed beyond the

protections of its legal nonconforming status could be built back to a similar extent based on the most applicable residential building type standards from residential districts.

Group Living. Residential occupancy of a structure by a group of people that do not meet the definition of a household, with tenancy arranged on a monthly or longer basis. Group living structures typically have a common eating area or social areas for residents, and they may receive some level of care, training, or services associated with their residency. Group living occurs in a variety of types based on the scale and format of buildings, arrangement of dwelling units, and the degree or intensity of associated services.

Group Living – Dormitory. A residential or institutional building offering seasonal and long-term residency for a discrete population based on membership or attendance at a school, instructional or training institution. Typical examples include student housing on a campus, or convent or seminary residences.

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

Group Living – Group Home, Custodial. A dwelling in which unrelated mentally or physically handicapped, or otherwise mentally or physically impaired persons reside with house parents or guardians.

Group Living – Boarding House, Small. A residential building occupied by the owner or a resident manager, with 3 to 11 tenant rooms where non-household members may share residency on a monthly or longer basis. The owner / resident manager or service staff may provide housekeeping, meals, or other management of shared living facilities as an accessory service to the dwelling. Typical examples include houses or small apartments offering single-room occupancy, or co-housing courtyard or small complex.

Group Living – Boarding House, Large. A residential building occupied by the owner or a resident manager, 12 or more tenant rooms where non-household members may share residency on a monthly or longer basis. The owner / resident manager or service staff may provide housekeeping, meals, or other management of shared living facilities as an accessory service to the dwelling. Typical examples include larger co-housing complexes, medium to large apartment buildings offering single-room occupancy, or a fraternity or sorority house.

- B. **Civic Uses.** The Civic use category is the use of land and buildings to serve public or community interest, and to support or enhance the daily cultural, social, or recreation needs for residents and neighborhoods. It can include public and institutional uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. The civic use category includes the following types:

Assembly. An institutional use designed to serve the community for regular or periodic membership activities and events, including worship, civic, recreation, or entertainment activities, and accessory uses associated with organized activities, including child-care, concession services, and community events

Assembly – Small (<400 capacity and <2.5 acres). A place of public or community assembly designed and located to serve adjacent uses and nearby neighborhoods, or

be accessory to other immediately abutting uses, and designed for less than 400 people capacity. All buildings and facilities are located on a lot of less than 2.5 acres. Examples include a small neighborhood association clubhouse or recreation center, common meeting rooms or meeting halls, or small religious facilities.

Assembly – Medium (400-800 occupants and <4 acres). Places of public or community assembly designed and located to serve community or civic needs of a broad vicinity and designed for 400 – 800 people capacity. All buildings and facilities fit on a lot or area arranged in a small campus of between 1 and 4 acres. Examples include a community/recreation center, small event center, or large religious facility.

Assembly – Large (>800 occupants or >4 acres). Places of public and community assembly designed and located to serve community or civic needs of a wide area – typically city-wide and designed for more than 800 people capacity. Buildings and facilities require large lots or campuses that are difficult to integrate into the surrounding block structure, are disruptive to connected development patterns, and require special siting and civic design considerations as a major destination. Examples include an auditorium, large event hall, major community worship hall or campus, or convention and conference center.

Cemetery. Property used for the interring of deceased humans, including mausoleums.

Crematorium. A building used to process and reduce deceased humans into tiny particles resembling ash, through exposure to flames, intense heat, or other industrial processes.

Cultural Facility. The use of land and buildings to serve public or community interest through government or non-profit agencies through cultural, social, or education offerings, or for the administration operations of organizations providing these services. This includes the use, but not sale, of literary, musical, artistic, or reference materials and the exhibit or repository of a collection for natural, scientific, artistic, or other cultural activities. This use may include the accessory sales related to the subject matter or accessory services to support the activity such as gift shops or cafes.

Entertainment Venue. An institutional or commercial use designed to host spectators for performances or events, or rent facilities and grounds to host large gatherings. This use does not include facilities or events that are accessory to an otherwise permitted civic or commercial use. Event venue uses are further refined by scale, intensity, and format based on the following:

Entertainment 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.

Entertainment 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.

Entertainment 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 or private community use and enjoyment.

Open Space – Athletic Field. Land designed for outdoor games and sports such as lacrosse, baseball, football, and soccer, and which may attract more structured and organized activities and periodically have more intense use due to participants and fans. Athletic fields may include accessory structures and uses for equipment storage, concessions, or other supporting activities.

Open Space – Open & Civic Space. A public, common, or private open area designed and used for both active or passive recreation and integrated into the development patterns and block structure of the neighborhood or district. (See Section 3.04 for specific design types in appropriate contexts.)

Open Space – Recreation Center & Grounds. Open spaces and associated facilities for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain or is otherwise owned and managed by a property owners association as a focal point for a neighborhood. Examples include a community gym, pool, club, golf course, or similar recreational facilities that serve as an organizing element or focal point for surrounding development.

Public Safety. Public uses that support the health, safety and security of the community at large through preventative measures, protective measures, emergency response measures, or similar government functions.

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

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

Public Safety – Police & Fire. Stations and associated living, administrative, and dispatch facilities that provide patrols and emergency response services to neighborhoods districts, and businesses.

School. A public or private institutional use designed to provide structured, seasonal, or year- round education opportunities. Schools are typically integrated into the surrounding context and development pattern as a civic amenity with public and civic spaces, but the format may differ based on the scale of the facilities and educational mission.

School – College / University. A school dedicated to post-secondary education and typically at a scale and capacity that involves multiple buildings and facilities organized on a. The use includes classroom, laboratory, and administration buildings, lecture halls, libraries, dormitories, dining halls, student centers, auditoriums, chapels, gymnasiums, stadiums, fraternities, sororities, and other similar buildings and

structures.

School – Primary / Secondary. A school that is part of a system of public or private education of at least kindergarten through 12th grade, but which may be divided into smaller campuses or facilities by district, neighborhood, or discrete age groups within the system. Primary schools are more neighborhood-oriented and integrated into the block structure and open space systems in more walkable patterns, and secondary schools tend to be larger, more intense, and concentrated facilities requiring more careful siting within the community or requiring a more civic-oriented campus pattern.

School – Vocational Business. An establishment which provides instruction and training in office, clerical, managerial, sales, information technology, administrative skills or trades such as beauty school, barber college, beautician school or similar. Vocational Business Schools typically require facilities more similar to commercial businesses and may be located or integrated into commercial areas and buildings at a variety of scales and formats.

School – Vocational Industrial or Trade. An establishment which provides instruction and training in a skilled trade such as mechanics, carpentry, plumbing, service, construction, industrial or other skill related to assembling, processing, manufacturing, repair, or similar skills or trades. Vocational Industrial or Trade Schools typically require facilities associated with industrial activities and may be located or integrated into more intense commercial or industrial areas and buildings at a variety of scales and formats.

Transportation-. A use category supporting the movement of people or freight, including accommodating navigation, access, and storage of vehicles involved in the transportation system.

Transportation – Airport. Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities, navigation and communication, and housing of aircraft.

Transportation – Bus Station. A transportation facility designed for the transfer, pick-up and drop-off of passengers traveling by bus with buildings or associated passenger convenience facilities, distinguished from public stops accommodated in the design of the right-of-way.

Transportation – Commercial Parking Lot. A parcel of land where the principal use is to park vehicles in a structure or on a lot for a fee, which may be operated by a public, community, or private entity.

Transportation – Heliport. Any area of land or portion of a building used for the landing and take-off of helicopters for business or commercial purposes, including the landing pad, any communication or navigation facilities and instruments, and areas to accommodate the interchange of passengers or cargo.

Transportation – Motor or Rail Terminal. An area or building where storage and transfer of cargo occurs, and where vehicles may be stored and maintained for further deployment in shipping, or any other similar high-intensity activities associated with freight or public transportation.

Utility. A use category for services owned by a governmental entity, or any entity defined as a public utility for any purpose by the state public utilities commission, and for the delivery of

energy, water, communication, or municipal services. All utilities may be further limited by site design and landscape standards of this code, or more specifically regulated and permitted by licensing agencies, franchise agreements, or specific conditions and design requirements of any easement or right-of-way authorizing the location of facilities. Utility facilities are further classified in the development code as follows:

Utility – Minor. Any electric, gas, water, and sewer facility that exceeds the standard transmission lines, pipes or conduits in the right-of-way and easements, and where a dedicated parcel or lot is needed to support utility systems in the immediate area. Structures and facilities are necessary to reduce the bulk quantity from larger transmission facilities into distribution and service facilities to serve the immediate area. Examples include water tanks or reservoirs, sub-stations, gas regulator stations, water and sewage pumps, and lift stations.

Utility – Major. A facility using manufacturing processes for generating, storing, or distributing energy, water, wastewater, or other utility products or services for use beyond the immediate vicinity, including any other facility used in the transmission or distribution of large utility flows between generating or treatment areas and substations or transmission lines. Examples include power plants, water treatment plants, solar energy or wind energy farms, or regional transmissions and pipelines.

Utility – Wireless Telecommunication Facility. Towers, structures, and related equipment and grounds used for communication. These facilities are further defined by “tiers” and height limits in the specific wireless communication facility standards in Article 10, Section 10.10.

C. Commercial Uses.

Adult Entertainment. An establishment featuring live or recorded media, or a store with more than 50% of its merchandise, with an emphasis on specified sexual activities or displaying specified anatomical areas, including: (a) less than a completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered; (c) human genitals in a state of sexual stimulation or arousal; (d) acts of human masturbation, sexual intercourse, or sodomy; and (e) fondling of other erotic or touching of human genitals, pubic region, buttock, or female breast.

Animal Care / Sales – Commercial service or retail use that provides the sale, care, or boarding of domesticated animals that is further refined by the scale and intensity of the operations, as follows:

Animal Care / Sales – Limited (<5K, no boarding). A small office or shop providing animal care or sales. The use involves less than 5,000 square feet of commercial area, and all activities occur indoors (except routine daily pet care). Examples include a veterinary office, small pet store, or small pet grooming or training.

Animal Care / Sales – Small (2K – 10K or limited boardings). An office or store providing animal care or sales, and where any overnight boarding is limited to that necessary for medical care or observation. The use involves between 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 / Sales – General (>10K or boarding (or outdoor care)). A large facility providing animal care or sales, or any use offering routine daily care for animals, whether less than 24 hours or overnight boarding. The use involves more than 10,000 square feet of commercial space, or in the case of routine daily animal care involves any combination of indoor and outdoor space where multiple animals are cared for daily. Examples include a pet super-store, large grooming or training facility, animal hospital, or any animal daycare, kennel, or boarding service with significant need for outside care.

Daycare. A commercial service use offering non-residential care on a daily, weekly, or other regular basis for children or other individuals in need of non-medical, non-therapeutic, or non-custodial supervision.

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

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

Entertainment & Recreation. A commercial service use providing daily or regularly scheduled activities for entertainment, leisure, training and instruction, or recreation, offered to the public, offered by membership, or offered by group arrangements. This use type is further refined by the scale, format and intensity as follows:

Entertainment & Recreation – Small (<5K). An indoor entertainment and recreation use that involves a building less than 5,000 square feet. Examples include a small bowling alley, billiard hall, a small theater, or dance or yoga studio.

Entertainment & Recreation – Medium (5K - 10K). An indoor entertainment and recreation use that involves a building that is between 5,000 and 10,000 square feet or more. Examples include a larger arcade or game center, a fitness center or gym, or small theater.

Entertainment & Recreation – Large (10K - 50K). An indoor entertainment and recreation use that involves a building that is between 10,000 and 50,000 square feet or more. Examples include a small sports and recreation center, large arcade or game center, large fitness center, or a moderate-sized theater.

Entertainment & Recreation – Complex (>50K). An indoor entertainment and recreation use that involves a building that is 50,000 square feet or more. Examples include a large bowling alley, a sports and recreation center, a large theater or theater complex, or skating rink.

Entertainment & Recreation – Outdoor. Any outdoor entertainment and recreation use, where a commercial business offers the grounds for use of patrons. Examples include racquet club, miniature golf, driving range, golf course, batting cages, sports and athletic complex, or band shell or amphitheater.

Food & Beverage Establishment. A commercial service use engaged in the business of serving prepared food or beverages to the public for immediate consumption. The serving of alcoholic beverages is accessory to this use but may be further regulated by business and liquor licenses. Food and beverage uses are further refined by scale, format, and intensity based on the following:

Food & Beverage Establishment – Small (<3K or <10% of mixed-use building). A small-scale establishment under 3,000 square feet of commercial area, or less than 10% of the building area in mixed-use projects and buildings accessory to other uses, such as a cafe, lunch counter, walk-up window, or similar small retail sales food or beverage outlet.

Food & Beverage Establishment – General (3K – 8K). A moderate scale establishment between 3,000 and 8,000 square feet of commercial area and typically includes separate kitchen and dining facilities, accessory bar area, or small accessory craft manufacturing area. Examples include a restaurant, or a small bar, brewery, bakery, or catering outlet.

Food & Beverage Establishment – Large (>8K). A large-scale establishment with over 8,000 square feet of commercial area, and typically includes separate kitchen and dining facilities, accessory bar and entertainment areas, or accessory craft manufacturing areas. Examples include a large restaurant, large bar, or large brewery, or a food court or hall.

Lodging. A commercial use providing accommodations for temporary, short-term overnight occupancy on a less than monthly basis, and accessory uses associated with typical guest services such as food service, recreation, or similar accommodations to support overnight-guests. Lodging is refined to the following scales based on building type, format, and intensity of use:

Lodging – Bed & Breakfast (<5 rooms). A small residential building used for commercial short-term lodging with shared living space between the primary occupants and patrons and includes no more than 5 guest rooms, and where meals may be offered to overnight guests.

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

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

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

Lodging - Short-term Rental. The rental of an entire dwelling, or any portion thereof, for a period less than 30 consecutive days, where the owner is engaged in a contract for the rental of that specific dwelling, or any portion thereof. Short-term rentals are further categorized as Type 1, 2, or 3, as defined in Section 10.08.

Marijuana & Medical Marijuana Uses. Uses involved in the production, distribution, prescription, or sale of cannabis. See Article 10, Section 10.09 for more specific definitions and standards for various types of businesses and services.

Medical Services. A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats:

Medical Services – Small (<10K). A medical service offering routine outpatient services,

that occupies less than 10,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

Medical Services – Medium (10K – 30K). A medical service offering routine outpatient services, that occupies between 10,000 and 30,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

Medical Services – Large (30K – 100K). A medical service offering a full range of services, that occupies between 30,000 and 100,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include large out-patient offices, small hospital, remote surgical centers, or large clinic or analytical labs.

Medical Services – Campus / Complex (>100K, campus). A medical service with a full range of care, that occupies more than 100,000 square feet or multiple buildings, provides comprehensive medical care including emergency services, and accessory office, lab, and retail uses related to patron and patient needs. Examples include a large hospital or regional medical center campus.

Office. A commercial use focused on employment and engaged in the administrative, technical, or management aspects of business or professional services that typically do not have frequent or unscheduled on-premises interaction with the public or clients. Office uses are further refined by the scale and format of buildings based on the following:

Office – Small (<10K). An office use less than 10,000 square feet of commercial area, within a small building or occupying a portion of a mixed-use building.

Office – General (10K – 30K). An office use between 10,000 and 30,000 square feet of commercial area, typically within one moderate-sized building or the upper levels of a moderate or large mixed-use building.

Office – Large- (30K – 100K). An office use between 30,000 and 100,000 square feet of commercial area, typically within one large building with accessory retail or service uses.

Office – Campus / Complex (>100K). An office use with more than 100,000 square feet, typically within one large or high-rise building or involving more than one building in a campus pattern.

Personal Service. A commercial use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include a barbershop or beauty salon, travel agency, small equipment repair, tailor, bank, or personal financial services. Service uses are further refined by scale, intensity, and format based on the following:

Personal Service – Small (<5K). A service use under 5,000 square feet, typically in line with other small-scale uses in a multi-tenant commercial building or mixed-use building.

Personal Service – Medium (5K – 10K). A service use between 5,000 square feet and 10,000 square feet, typically in a small freestanding building or part of a large

mixed-use building.

Personal Service – Large (>10K). A service use more than 10,000 square feet, typically in a moderate-freestanding building or part of a large mixed-use building.

Residential Care. A commercial or institutional use providing residency on short-term, long-term, interim or permanent bases for individuals that are in need of associated medical, therapeutic, or custodial care or supervision to assist in daily living, to aid rehabilitation from injury or infirmity, or for other protective or supervisory reasons. Residential care uses are further refined by the type and intensity of care based on the following:

Residential Care – Nursing Home. An assisted, extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, may be unable to care for themselves.

Residential Care – Transitional Housing. A residential or institutional building providing lodging for longer than 30 consecutive days for residents in need of housing and services due to economic, social, or physical difficulties, and may include associated services in a group setting on the same premises, including, but not limited to, job counseling, life or parenting skill courses, or job training. Such shelter may include office for staff of the providers and for counselors.

Residential Care – Transitional Shelter. An institutional building providing lodging on a short-term or emergency basis for shorter than 30 consecutive days for residents in need of housing and services, or offering meals and other social services, due to economic, social, or physical difficulties.

Residential Care – Treatment Facility. A facility, not accessory to a hospital, for treatment of alcohol or other substance abuse, with or without the use of drugs or other medical intervention, for one or more patients who are provided with care, meal, and lodging and that is accredited by the State of Missouri, the Joint Chief Hospitals Operations Administration (JCHOA) or Commission on Accreditation of Rehabilitation Facilities (CARF).

Retail. Commercial uses engaged in the sale, lease, or rental of household or commercial products to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity, and format based on the following types:

Retail – Small (<5K or <10% of mixed-use building). A small-scale retail use under 5,000 square feet of commercial area, or less than 10% of the building area in mixed-use projects and buildings accessory to other uses, typically located in a mixed-use storefront building or a small single building that is part of a larger grouping of uses.

Retail – Medium (5K - 10K). A retail use between 5,000 and 10,000 square feet of commercial area, typically located in a multi-tenant, mixed-use, or moderate-sized freestanding building.

Retail – Large (10K - 50K). A moderate-scale retail use between 10,000 and 50,000 square feet of commercial area, typically located in a moderate to large free-standing, multi-tenant, or mixed-use building.

Retail – Extra-Large (>50K). A large-scale retail use with at least 50,000 square feet of gross commercial area in a large, freestanding building which may be integrated as part of a larger project.

Retail – Grocery Store. A specific retail use primarily selling food, produce, and household products for general household consumption, including a significant portion of inventory in fresh produce, baked goods, meats, or seafood, and accessory sales of prepared food. These uses often serve as a key anchor for neighborhood and community centers which justifies slightly larger scale than other general retail uses, provided they can still fit into the block structure, development pattern, and public-realm framework of the area. To accommodate this, retail grocery store is further refined by scale and format as follows:

Retail – Grocery Store, Small (<10K). A small grocery offering a limited selection of products or specialty foods or produce in a small-scale format under 10,000 square feet. Examples include a corner store, butcher shop, produce market, or urban-format groceries.

Retail – Grocery Store, Medium (10K – 40K). A mid-sized grocery offering a range of food and household products, and limited accessory services in a mid-sized building format between 10,000 and 40,000 square feet. Examples include a neighborhood market or traditional-scale full-service grocery store.

Retail – Large (>40K). A large grocery store offering a wide range of food and household products and associated accessory services in a large-scale format. Examples include a large-format grocery or supermarket, or a similar function housed within a larger warehouse retail store.

Retail – Outside Sales. A specific retail use where the primary business is associated with merchandise that must be displayed outside. This is distinct from retail uses that may have an accessory component of its merchandise outside, whether permanent, seasonal, or as an occasional temporary outside retail display or service. Outdoor retail is further refined by the scale and intensity of the use as follows:

Retail – Outside Sales, Small (<0.5 acres; 25%-50%). Outdoor sales either on a lot less 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 or a small equipment sales or rental business.

Retail – Outside Sales, Medium (0.5 – 2.5 acres; 50%-100%). Outdoor sales either on a lot between 0.5 and 2.5 acres or on lots larger than 2.5 acres where the outdoor display area is between 50% to 100% of the interior display area. Examples include a nursery / greenhouse, a small car sales or rental lot, small lumber yard, or landscape supply store.

Retail - Outside Sales, Large (> 2.5 acres; > 100%). Outdoor sales either on a lot larger than 2.5 acres and where the outdoor display area is more 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 – Car Wash. A facility providing self-service or professional washing of vehicles. Limited facilities to wash cars may be an accessory use to another permitted use provided it counts toward one of the vehicle service bays.

Vehicle Service – Gas Station. A specific retail use primarily involving the sale of fuel to the public, and which may involve accessory sales of vehicle accessories and convenience goods. This use may be combined with accessory vehicle service and repair uses, or accessory car wash, subject to the service bay limitations below. Gas station uses are further refined by the scale, format and intensity as follows:

Vehicle Service – Gas Station, Small (<5 service areas). The use is limited to no more than 4 fueling bays, 2 vehicle service bays, and 2,000 square feet of accessory retail or customer service areas. Examples include small neighborhood service stations.

Vehicle Service – Gas Station, Medium (5-12 service areas). The use is limited to between 5 and 12 fueling bays and no more than 3 vehicle service bays and 4,000 square feet of accessory retail or customer service areas. Examples include a general store and gas station.

Vehicle Service – Gas Station, Large (13-24 service areas). The use contains between 13 and 24 fueling stations, and no more than 3 vehicle service bays and 6,000 square feet of accessory retail or customer service areas. Examples include a large convenience center and gas station.

Vehicle Service – Gas Station, Extra-large (>24 service areas). The use contains 25 or more fueling stations, or 4 or more vehicle service bays, and other accessory retail or service areas. Examples include a truck stop or travel center.

Vehicle Service & Repair. A specific service use primarily involving motor vehicle and mechanical equipment maintenance, repair services, and accessory retail sales of supplies and accessories. Vehicle Service & Repair is further refined by scale, format, and intensity as follows:

Vehicle Service & Repair – Small (<0.5 acres; <4 service bays). A vehicle service and repair use with 1 to 3 service bays, where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited and requires no special site accommodations other than ordinary parking areas. This use is located on lots less than 0.5 acres. Examples include a small machine shop, mechanic, lubricant center, tire store, auto glass installation, or audio or alarm installation service.

Vehicle Service & Repair – Medium (0.5 – 1.5 acres; 4-8 service bays). A vehicle service and repair use with 4 to 8 service bays, where all work occurs indoors, but where the volume of work may require some outdoor storage of supplies, equipment, or vehicles beyond ordinary parking needs of comparable sized businesses. This use is typically located on lots between 0.5 and 1.5 acres. Examples include a large machine shop, mechanic, lubricant center, tire store, or small auto body shop.

Vehicle Service & Repair – Large (>1.5 acres; >8 service bays). A vehicle service and repair use with 9 or more service bays, where some work may occur outdoors, and where the volume of work requires frequent outdoor storage of supplies, equipment, or vehicles. This use is typically located on lots larger than 1.5 acres. Examples include repair of large vehicles and equipment and collision repair center.

D. Industrial Uses.

Industrial & Business Services. A business whose customers include other businesses and industries, or the general public. The business services typically consist of dispatched fleet vehicles to perform some aspect of the service and involve dedicated outdoor storage. Examples include plumbing services, exterminators, HVAC repair, utility contractors, janitorial services, landscape contractors, ambulance dispatch center, transportation dispatch center, bus barn, commercial laundry services, or other similar business. The scale

and intensity are determined by the number of fleet vehicles as follows:

Industrial & Business Services – Limited (<10 vehicle fleet). A small-scale light industrial or business service use with limited outdoor storage needs and with a vehicle fleet of up to 10 vehicles, where surface parking, vehicle storage, and general storage needs are similar to other general commercial uses.

Industrial & Business Services – General (11 – 25 vehicle fleet). A light industrial service business use where outdoor storage or warehouse storage is necessary, or with a vehicle fleet is between 11 and 25 vehicles, requiring dedicated areas for storage of vehicles during down times or off hours.

Industrial & Business Services – Large (>26 vehicle fleet). A large-scale industrial or business service use that may have substantial outdoor storage needs, large warehouses, or with a vehicle fleet that involves heavy equipment or is more than 26 vehicles, requiring large areas for storage of vehicles or equipment.

Manufacturing. A use primarily involving the processing, fabrication, packaging, or assembly of goods, from raw materials or partially completed secondary materials. Products may be finished or semi-finished and are typically stored and shipped to other areas for distribution to businesses, consumers, or retail outlets. Accessory sales, display, or customer service areas may be provided. Excludes feedlots, stockyards, animal slaughterhouses, and facilities related to marijuana or medical marijuana.

Manufacturing – Limited / Artisan (<10K). A small-scale manufacturing use producing primarily finished products with limited need for storage of materials or finished products with a building size less than 10,000 square feet. The use produces no negative byproducts such as smoke, odor, dust or noise discernable from outside of the building. Deliveries and distribution are made by general commercial delivery services requiring no special large truck access. Products or services are often made available to the public on premises generating customer activity. Examples include artists' studios, small bakeries, brewpubs, small wood or metal shops, or similar craft manufacturing.

Manufacturing – Small (10K – 30K). Manufacturing primarily from previously prepared materials of finished products or parts within a building size less than 30,000 square feet. The activities produce little or no byproducts such as smoke, odor, dust, or noise discernable from outside of the building; and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakeries, non-retail laundry services, or similar businesses that provide products for support of other businesses.

Manufacturing – Medium (30K – 100K). A manufacturing use that produces little or no byproducts such as smoke, odor, dust, or noise discernable from beyond the property within a moderate-sized building between 30,000 and 100,000 square feet. Limited outside storage may be necessary, and where distribution and delivery needs require occasional large truck access. Examples include research labs or facilities, small equipment or commodity assembly, non-retail laundry services, commercial bakeries, or food and beverage processing.

Manufacturing – Large (>100K). Manufacturing from previously prepared materials or raw materials into other materials or finished products requiring a large building over 100,000 square feet. The activities may produce byproducts such as noise, dust, smoke, or odor, but are mitigated to limit impacts beyond the property boundary. Outside

storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale manufacturing or fabrication plants, large equipment assembly, food production and processing plants, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

Manufacturing – Heavy (any size). Manufacturing or compounding processes with raw materials, including some that may be hazardous, noxious, or combustible. These activities are capable of producing significant byproducts such as noise, dust, smoke or odor beyond the building or site. Hazardous materials may be stored, used, or produced as a typical part of the business, and distribution involves heavy truck, freight, and machinery access. Examples include chemical, wood or metal storage and production, quarries and mining, fuel refining and storage, pressing and drying plants, asphalt or cement production, or similar heavy or hazardous manufacturing operations.

Warehouse & Storage. An industrial use engaged in the business of keeping goods and products for interim or long-term periods for personal or business uses, or for the distribution to other businesses and industries. Examples include any related logistic services related to this business such as labeling, bulk packaging, inventory control, or light assembly. Warehouse and storage uses are refined further based on the scale, format and intensity as follows:

Warehouse & Storage – Indoor, Small (<20K). A storage use where individuals store personal property in units or space leased or rented on a periodic basis and where all storage units are accessed from within the principal building. Interior storage space is limited to less than 20,000 square feet. Examples include small indoor self-storage or small commercial warehouse.

Warehouse & Storage – Indoor, Medium (20K – 100K). A storage use for businesses or larger personal products where all items are stored indoors. Interior storage space is limited to between 20,000 and 100,000 square feet. Examples include large indoor self-storage, commercial warehouses, small distribution centers, warehouse outlets for bulk items such as furniture or appliances, and long-term garages for vehicles or recreation equipment.

Warehouse & Storage – Indoor, Large (>100K). A large-scale facility for long-term storage of products or supplies, or where goods are stored on-site temporarily for the purpose of delivery to other business outlets or final destination, and where the nature of the operation has frequent daily truck traffic. Interior storage space is greater than 100,000 square feet. Examples include large commercial or industrial storage facilities, commercial warehouse, or distribution centers.

Warehouse & Storage – Outdoor, Small (<2.5 acres). A use for the public where individuals store personal property in units leased or rented on a periodic basis. Units are accessed directly from the outside. Lot sizes for storage buildings, storage yards, and all associated access is limited to under 2.5 acres. Examples include small outdoor self-storage mini warehouses or small equipment storage yard.

Warehouse & Storage – Outdoor Large (>2.5 acres). A use for the public or supporting other businesses and industries where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot. Lot sizes to accommodate this use are greater than 2.5 acres. Examples include large outdoor self-storage mini warehouse, boat or RV storage, building supply lots, or similar industrial supply storage yards.

Warehouse & Storage – Chemicals, Waste, or Hazardous Materials. The use of grounds for storing, processing, disposal or distribution of any industrial waste, chemicals, or hazardous materials.

Waste Management. Facilities used to collect, process, repurpose, transfer, or dispose of waste created by other uses in the city. Waste management uses are refined further based on the intensity as follows:

Waste Management – Hazardous Waste Facility. Any facility that deals with the final disposal, or the storing and preparation for final disposal of any hazardous materials.

Waste Management – Landfill. A large-scale disposal point for non-recyclable or non-reusable material, which may include aggregation, separation, or compaction of solid waste to delivery at other locations, or the management and operation of final disposal.

Waste Management – Recycling Center. A large-scale disposal point for recyclable or reusable material, where storage or processing of materials may occur on site.

Waste Management – Scrap and Salvage Yard. An outdoor facility for the storage, dismantling, repurposing, or disposal of parts or large equipment.

Waste Management – Sewage Treatment Plant. A facility used to treat and process water and wastewater for further distribution or disposal.

- E. **Urban Agriculture Uses.** The cultivation, processing, and marketing of food within an urban environment, with a primary emphasis on operating as a business enterprise.

Community Garden. The growing and cultivation of fruits, flowers, herbs, vegetables and/or ornamental plants by an individual or group of individuals for personal or group use, consumption, donation, subscription, shares and for on-site distribution or sale to the general public.

Commercial gardens may be divided into separate plots for cultivation by one or more individuals or may be cultivated collectively by members of the group and may include common areas maintained and used by group members. Not to include marijuana or medical marijuana facilities.

Market Garden. The growing and cultivation of fruits, vegetables, herbs, flowers, or other plants for commercial purposes, including on-site sales and distribution to local markets, restaurants, or consumers. Market gardens operate on a scale smaller than traditional farms and may involve intensively managed plots in urban or peri-urban areas.

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.)

- A. **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.
- B. **Building Elements.** Buildings are made up of vertical elements, horizontal elements, details, and ornamentation that break up the building elevations into distinct components and establish the form and scale of the building. Building elements may include:
1. *Awning.* A sloped or rounded framed projection attached to a wall and extended over a window or door to provide protection from the natural elements.
 2. *Bay (window).* A bump out in the facade typically associated with an element of the interior floor plan but located to provide balance and relief to the massing on the exterior facade. A bay is usually associated with a window.
 3. *Belt Course.* A continuous row or layer of stones, brick or other primary building material set in a wall and in line with changes in stories, changes in materials, or window sills. Belt courses make a visually prominent horizontal line to break up a wall plane by using a distinct material or implementing a distinct pattern of the material.
 4. *Bracket.* A projecting support placed under an eave or other projection with design qualities and details that add emphasis to the roof structure or massing element.
 5. *Canopy.* A flat roofed projection attached to a wall and extended over a window, door, or walkway, or a freestanding structure over a walkway or service area that gives protection from the natural elements.
 6. *Clerestory Window.* A window high on a wall section above eye level and used to permit light or air into areas that otherwise do not have windows due to functional constraints of the building.
 7. *Column.* A supporting pillar, especially one consisting of design qualities and details that add emphasis and ornamentation to a portion of the facade, or any roof structure or area it supports.
 8. *Cornice.* An ornamental topping projecting from the wall with design qualities and details that crowns a structure along the top near the roof, with an emphasis that is compatible with but more elaborate than other similar details and ornamentation on the building.
 9. *Eaves.* A projecting lower edge of a roof structure overhanging a wall, where larger eaves can increase the prominence of the roof as a “cap” to the building and protect portions of the facade (particularly windows) from the natural elements.
 10. *Facade.* The exterior of a building exposed to public view, and particularly the front.
 11. *Facia.* The exposed vertical edge of the roof often with design qualities and details that add emphasis and ornamentation to the roof structure.
 12. *Foundation.* The base upon which the entire structure sits, designed with stronger, heavier materials, and often includes details and ornamentation to emphasize a buildings connection to the ground. This creates a sense of permanence, and transition to the main wall plane for vertical articulation.
 13. *Gable.* The triangular and vertical portion of a wall plane between intersecting roof pitches.

14. *Lintel*. A horizontal beam, typically over a door, window, or storefront to support and add accent to the structure above.
 15. *Parapet*. A vertical extension of the wall plane above the roof, typically used to hide a flat or low-sloped roof and the rooftop equipment, or function as a firewall for attached structures.
 16. *Pediment*. A gable or ornamental tablet or panel, typically triangular or arched, placed above a point of emphasis on a facade and often supported by columns or pilasters.
 17. *Pilaster*. A projecting vertical element on a wall plane used to give the appearance of a supporting column and used to articulate the extent of a wall plane or other component of a facade.
 18. *Sidelight*. A window with a vertical orientation along an opening (door or window) that is narrower than the opening but provides emphasis to the importance of the opening with expanded transparency, additional trim and ornamentation, or other architectural details.
 19. *Transom*. A window above an opening (door or window) built on a horizontal crossbar that may provide light and/or swing open to add ventilation.
- C. **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 facade.
 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, 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-use buildings the entrance feature typically includes one of the following:
 - (1) *Arcade or Gallery.* A semi enclosed area along a frontage and includes arches or support columns at regular intervals, and can include habitable spaces on upper stories above the space.
 - (2) *Marquee.* A flat roofed surface, typically embellished with architectural details and integrated lighting and signs, that creates a large covered areas at the entrance of the building.
 - (3) *Courtyards or Plazas.* Small to moderate open spaces meeting the site open space design standards, and located to emphasize a building entrance.
 - (4) Other facade enhancements such as arches, awnings, canopies, pediments, or ornamental windows that express the priority of the entrance.
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 eave; 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.
- D. **Scale of Building.** Scale refers to the perceived or relative size of a form in relation to something else – usually a person, a social space (courtyard, lot, streetscape, etc.), or another building. For example, “human scale” refers to how spaces or objects relate to and are experienced or perceived by people at a close range and a slow pace. Scale can be affected by the mass, shape, composition, or articulation of the form to make an otherwise larger form seem smaller or more relatable based on how the components are perceived.
- E. **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 to the property lines and other adjacent buildings;
 2. Similar orientation of the building including the relationship to streetscapes, the shaping of open spaces, and the locations and arrangements of the building footprint;
 3. Similar window and door patterns, including location, size, and proportions;
 4. Similar roof lines (planes, pitches, profiles and details);
 5. Similar building materials, particularly primary building materials, or where materials differ, they share common textures or color palates;
 6. A common architecture style, including the facade composition and materials; however, many styles can allow differences in design within the style.

Note: Compatibility does not necessarily mean the same, but rather a sensitivity to the context, adjacencies, and character of the area. While not all of the above elements are necessary for compatibility, the greater the number that are similar, the greater the compatibility will be. Significant departures from any one element should be compensated with either greater similarity of other elements or by similarity of more elements. Where things are not compatible, transitions should occur through space and landscape buffer designs.

Key Text Amendments				
Article	Section	Brief Description of Change		
1	1.03.D.4, 6 Conditional Use Permit, Conditional Overlay Districts	Added clarification for the transition of CUPs and CODs		
1	1.04.A.4, Administrative Review Committee	Updated to function as the ARC does currently, noting that the reviews that are routed to the ARC have changed		
1	1.04.B.1, Planning & Zoning Commission	Added membership for consistency, as other bodies also detail their membership in this chapter.		
1	1.06.D, Nonconforming Site Conditions	Added criteria/triggers for levels of compliance with code for nonconforming sites		
2	Table 2-1, Section 2.10	Added Annexation procedure information		
2	2.01.F.4.c, Notice	removing the requirement for legal description to be published with legal notice		
2	2.01.H, Action by Review Bodies	Added a procedure for bills to be remanded		
2	2.02.B.2.f, Administrative Subdivision, Review Criteria	Remove review criteria regarding lotting patterns		
2	2.02.B.3.c, Administrative Subdivision, Review Procedure	removed review criteria for new street to be accepted as it will require major subdivision instead of administrative		
2	2.02.C.4.e, Effect of Decision	clarified how long a preliminary plat is valid vs expiration		
2	2.03.A.7, Site Plan	Added to ensure review of nonconformities is required		
2	2.05.B.3.f, Rezoning, Review Criteria	clarified the role of a site plan in a zoning case		
2	2.05.D, Rezoning, Effect of Decision	Added to clarify requirements for rezoning with site plan		
2	2.07, Variance	Updated language to differentiate between a use and design variance and update review criteria		
2	2.10 Annexation	Added procedure for annexation		
2	2.11, Historic Designations	Moved from Article 10 - Not new language		
3	Table 3-1, Block Sizes & Street Connectivity	changed closed-end street limits from 600 to 800 feet		
3	3.03.C, Street Design Types	Updated language to reflect PW's desires for street design		
3	3.06.B.1, Required Improvements, Applicability	clarification of procedure when public improvements are required as part of a subdivision		
3	3.06.C.6, Coordination with Other Facilities	Added this to clarify water and electric service are required for each lot. This was at CU's request.		
4	Table 4-1, COM - Commercial Street	Added Commercial Street district intent statement and placetype compatability		
4	Table 4-1, OS - Open Space	This is a new district that is being created		
4	Table 4-1, notes	Added Language to Align Application of Zoning with appropriate Placetypes		
4	Table 4-2, Open Space	adding the new Open Space district to the table		
4	Table 4-3, COM and OS	adding Commercial Street and Open Space districts on table and directing to the district regulations for the COM district		
4	Table 4-3, Small-format housing	clarification on where use is permitted		
4	Table 4-3, Household Living - Manufactured Dwelling	adding for clarification		
4	Table 4-3, Cultural Facility, Event Venue, Open Space	clarifying where uses are permitted		
4	Table 4-3, Utility	correction and clarification		
4	Table 4-3, Food & Beverage Establishment - Drive-through	Added Food & Beverage Establishments - Drive-through as a Primary Use		
4	Table 4-3, Residential Care - Transitional Housing	clarification on where permitted		
4	Table 4-3, Warehouse & Storage	clarification on permitted vs conditional use		
4	Table 4-3, Community Garden	add as permitted uses within the OS district		
4	Section 4.03.F.2, Group Homes	removing PD Director's ability to waive spacing requirements between group homes		
4	Section 4.03.I.2, and 5, Residential Care	Made Changes to Residential Care Language per OAEH's request; clarifying spacing requirements		
4	Section 4.03.J, Urban Agricultural uses	Adding specific use standards for Urban Agriculture uses		
4	Table 4-4, ADU Allowances	Clarifying ADU allowances; Changed to Allow One ADU in all R-SF Districts for Lots > 6k s.f.		
4	Section 4.04.D.2 Home Occupation	clarification of no-impact, home-based business per state statute		
4	Section 4.04.I	inserted standards for chickens as an accessory use		
4	Section 4.04.J	inserted standards for beekeeping as an accessory use		
4	Section 4.06	moved General Use Restrictions from Article 10		
5	Table 5-1, Residential Building & Lot Standards	separated manufactured home and small format for clarification; clarified standards for open space and setback requirements		
5	Figure 5-2, Apartment Complex Configuration	clarified difference between conventional and connected apartment complexes		
5	Figure 5-4, Corner Lot Setbacks	clarified setback requirements for corner lots		
5	Section 5.04.B, Frontage Design	Clarified Frontage Design Standards Required for Buildings Behind the Front Building Line not immediately adjacent to a public street		
6	6.03 Table 6-1	Footnotes were accidentally struck in previous draft, added them back.		
6	Figure 6-3, Front Building Line & Access and Parking Limits	clarified front building line requirements for different frontage types and combined with Figure 6-4 to show access and parking limits for each frontage type		
7	Table 7-3, Required Parking	clarified parking requirements for different uses		
7	Section 7.04.C.1.a, Parking Reductions	removed requirement for parking within the CC District over 10,000 sq. ft; maintains existing standard		
7	Section 7.05.B.1.f, Landscape Areas	inserted requirements as requested by MDC		
8	8.03 C.1, Credits for Existing Vegetation	Added requirement for a forester or arborist to verify tree survey		
8	8.05.B.4, Plant Specifications	clarified plant species that can be planted and those that are prohibited		
8	8.06.B.3.c, Tree Preservation and Protection Applicability	clarified when a tree preservation and protection plan is required		
8	8.06.D.5, Protected Trees; Exceptions	clarified that trees on the "Do Not Plant" list are not protected trees		

11	11.01	Added definition for "Historic District"		
11	11.01	Added definition for "Historic Landmark"		
11	11.01	Added definition for "Historic Preservation"		
11	11.01	Added definition for "Historic Significance"		
11	11.01	Added definition for "Historic Site"		
11	11.01	Added definition for "Interior Landmark"		
11	11.01	Added definition for "Landscape Area"		
11	11.01	Deleted definition for "Linear Park"		
11	11.01	Deleted definition for "Manufactured Housing Subdivision"		
11	11.01	Added definition for "Owner of Record"		
11	11.01	Added definition for "Reconstruction"		
11	11.01	Added definition for "Rehabilitation Impracticable"		
11	11.01	Added definition for "Relocation"		
11	11.01	Added definition for "Restoration"		
11	11.01	Added definition for "Survey, Historic"		
11	11.01	Deleted definition for "Yard"		
11				



EXPLANATION TO COUNCIL BILL 2025-259 (CARROLL)

FILED: 11/21/2025

ORIGINATING DEPARTMENT: Fire

TITLE: A general ordinance amending Chapter 54 of the Springfield City Code, Fire Prevention and Protection, Article II, Fire Prevention Code, Sections 54-31 and 54-32, by adopting the 2024 Edition of the International Fire Code ("IFC") including deletions, modifications, amendments and additions to the IFC model code; repealing General Ordinance 6463; and establishing an effective date.

PURPOSE: To amend Chapter 54 of the Springfield City Code, 'Fire Prevention and Protection,' Article II, 'Fire Prevention Code,' Sections 54-31 and 54-32, by adopting the 2018 Edition of the International Fire Code subject to certain deletions, modifications, and amendments; and repealing General Ordinance 6463.

BACKGROUND INFORMATION:

In order to maintain the most currently recognized standards for fire safety, the City is adopting the 2024 International Fire Code ("IFC") as part of the City's Fire Prevention Code. The IFC is a model code that incorporates nationally and internationally accepted practices in fire safety. The 2024 IFC updates and replaces the 2018 IFC currently adopted by the City and complements the 2018 International Building Code. The Springfield Fire Department ("SFD") adopts a new IFC every other three-year cycle, subject to deletions, modifications, amendments, and additions appropriate for the community. Together, the adopted IFC and the adopted local provisions comprise the City's Fire Prevention Code.

REMARKS

To the extent possible and consistent with Springfield's needs, the Fire Department has limited local amendments to the 2024 IFC. Most of the existing local addendum has been carried forward to preserve stability in how the code is applied, maintain alignment with surrounding jurisdictions, and allow non-local businesses, developers, and designers to comply more easily with the Fire Prevention Code. This approach also reduces unnecessary impact on the local development community and maintains a sense of continuity in how the code functions locally.

While the local addendum remains largely unchanged, the 2024 IFC itself includes several substantive updates that reflect current technology and best practices. These include modernized provisions for energy storage systems and large-format lithium-ion batteries, new guidance for the charging and storage of powered micromobility devices such as e-bikes and e-scooters, and refined criteria for when changes in building use require additional fire-safety measures. These changes occur within the model code



and do not introduce significant new requirements for typical development activity in Springfield.

The Fire Department has worked collaboratively with the development community throughout this adoption process, providing ample opportunity for review, discussion, and comment. No substantive concerns were raised during this period. The proposed changes were presented to the Chamber of Commerce Growth & Development Advisory Council, and the Springfield Contractors Association provided its endorsement. Based on this engagement, the Fire Department believes the development community is supportive of adopting the 2024 IFC and that all questions brought forward have been fully addressed.

Submitted By: David Pennington, Fire Chief

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

Collin Quigley, Interim City Manager 12/05/2025

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments: 1. 2024 IFC_ord
 2. 2024 IFC Local Addendums

One-rdg. _____
P. Hrngs. _____
Pgs. 63
Filed 12-09-25

Sponsored by Carroll

First Reading _____

Second Reading _____

COUNCIL BILL 2025-259

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Chapter 54 of the Springfield City Code, Fire Prevention and Protection,
2 Article II, Fire Prevention Code, Sections 54-31 and 54-32, by adopting
3 the 2024 Edition of the International Fire Code ("IFC") including deletions,
4 modifications, amendments and additions to the IFC model code;
5 repealing General Ordinance 6463; and establishing an effective date.
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 – City Council hereby amends Section 54-31 to read as follows:
12

13 NOTE: Revisions to Sections 54-31 and 54-32 of the City Code, containing the local
14 amendments to the International Fire Code, 2024 Edition, and the local amendments
15 and proposed to be adopted in the new Section 54-32 by this Council Bill are set forth in
16 Attachment 1, with underlined language is to be added. Language to be removed is
17 ~~stricken~~.
18

19 Sec. 54-31. Adopted.
20

21 There is hereby adopted by the city a fire prevention code, for the
22 purposes of prescribing minimum requirements and controls to safeguard
23 life and property from the hazards of fire and explosion arising from the
24 storage, handling or use of substances, materials or devices, and from
25 conditions hazardous to life or property in the use and occupancy of
26 buildings, structures, sheds, tents, lots, premises or transportation
27 vehicles in the city, and providing for the issuance of permits for
28 hazardous uses or operations, and penalties for violations, which shall be
29 that certain code known as the International Fire Code, ~~2018~~2024 Edition,
30 written and published by the International Code Council, including
31 Appendices B, C, D, E, F, ~~and G, H, I, J, N, R and T~~ thereto, but excluding
32 ~~Appendix~~Appendices A, K, L, M, and O thereto, save and except those
33 portions of said Code as are deleted, modified, or amended by Section 54-

32 of this chapter. A copy of said code is on file in the office of the City Clerk, in the Donald G. Busch Municipal Building, 840 Boonville Avenue, Springfield, Missouri, and said code is hereby adopted and incorporated herein by reference as if fully set forth herein.

Section 2 - City Council hereby amends Section 54-32 by repealing the existing Section 54-32 in its entirety and enacting a new Section 54-32 in lieu of, which new Section shall read as set forth in the attached "Exhibit A", which is incorporated herein as if set forth verbatim.

Section 3 - City Council hereby repeals General Ordinance 6463.

Section 4 - 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, or shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 5 - 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 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:  _____, City Manager

Exhibit A

Sec. 54-32. Amendments and additions.

The following sections and subsections of the International Fire Code, 2024 Edition, as adopted by this article, are amended and changed, or enacted as additions thereto to be placed within the sequential numbering system of the International Fire Code, 2024 Edition, with such amended and new sections and subsections, to read as follows:

Chapter 1 - Administration

SECTION 101

SCOPE AND GENERAL REQUIREMENTS

[A] 101.1 Title. The provisions of Chapter 54 of the Springfield City Code shall be known as the Fire Code of the City of Springfield, Missouri, and may be referred to herein as “this code”.

SECTION 102
APPLICABILITY

[A] 102.5 Application of residential code. Where structures are designed and constructed in accordance with the *International Residential Code*, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.6 shall apply. In addition, Section 907.2.11.2.1 of this code shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.

SECTION 104

GENERAL AUTHORITY AND RESPONSIBILITIES

[A] 104.4 Right of Entry. Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the fire official 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 fire official may enter such structure or premises at all reasonable times to inspect such structure or premises or to perform any duty imposed upon the fire official by this code; provided that if such structure or premises be occupied, posted for "no trespassing," or locked or otherwise secured, the fire official shall first present proper credentials and request entry, except for emergencies to save lives or property. Notwithstanding such provisions, entry may be had by the fire official in all public or commercial places or structures and those spaces or areas that are open and accessible to the public. 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 the Springfield City Code. If such entry is refused, the fire official shall have recourse to every remedy provided by law to secure entry.

If an official who has a duty to perform under this code has been refused access to a structure or property or any part thereof, and if such 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 an application by the City Attorney to the Municipal Court Judge and a showing of the above, the Municipal Court Judge of the City of Springfield shall issue a search and seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours and only by an official of the department in the company of a uniformed police officer of the City of Springfield.

104.10 Fire investigations. The code official shall investigate, or cause to be investigated, every fire or explosion occurring within the jurisdiction that is of a suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion; and if it appears that such an occurrence is of a suspicious nature, the code official shall immediately take charge of the physical evidence; and, in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, the code official shall take means to prevent access by any person to the structure or premises until such evidence has been properly processed. The code official shall notify those persons designated by law to pursue investigation into such matters and shall further cooperate with the authorities in the collection of evidence and prosecution of the case and shall pursue the investigation to its conclusion.

SECTION 105

PERMITS

[A] 105.4.1 Revocation of permits and utilities. Whenever the code official 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 code official may institute an administrative action to revoke any and all permits issued by the city under which the activity is being conducted, including business licenses, occupancy permits, rental property registration, and the right to receive utilities for the activity or building or structure where the activity is conducted, by filing a notice of institution of contested case before an administrative hearing officer in accordance with Article X of the Land Development Code.

105.5.34 Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors. All permitting and inspections associated with mobile food preparation vehicles will be issued/completed through Health, Environmental Services or Building Development Services Departments. Violations of the Fire Code noted by those Departments during inspection activities are to be addressed by Fire Department personnel as requested.

105.5.40 Outdoor Assembly Event. All outdoor assembly event permitting is handled by Special Event Permitting through the City Manager's Office.

[A] 105.5.51 Temporary membrane structures and tents. Any person or company erecting a tent or membrane structure shall ensure the operator of the tent or membrane structure has obtained the required operational permit for tents or membrane structures prior to erecting the tent or membrane structure. This applies to tents and membrane structures having an area in excess of 400 square feet or multiple tents erected within 12 feet of each other totaling 700 square feet. Tents shall be erected in accordance with SFD Appendix T.

Section 110
Maintenance

110.3.1 Inspection, testing and maintenance recordkeeping. When required inspection, testing or maintenance occurs on any existing fire protection systems, applicable documentation shall be submitted to the fire code official through an approved third-party inspection reporting system. Reporting parties shall pay any fees associated with that service to the City's third-party provider.

SECTION 112
BOARD OF APPEALS

[A] 112.1 Means of Appeals-Review of a decision. Any party aggrieved by a decision of the fire code official 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.

[A] 112.2 Limitations on Authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed.

~~**[A] 109.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the jurisdiction.~~

SECTION 113 VIOLATIONS

[A] 113.3 Prosecution of violations. If a person violates the Fire Code, or if a notice of violation is not complied with within the time specified by the fire official, the fire official may cause a municipal court summons to be issued and the City Attorney may, at the fire official's request, institute a court proceeding to obtain an injunction to restrain, correct or abate such violation, or to require removal or termination of the provisions of this code or of any order or direction made pursuant thereto.

[A] 113.4 Violation penalties. Any person, as defined in Section 1-2 of the Springfield City Code, violating any provisions of the Fire Code, this ordinance, or failing to comply with any order issued pursuant to any section thereof, shall be guilty of a violation of a municipal ordinance and upon conviction thereof shall be punished as provided in Section 1-7 of the Springfield City Code. Each day that a violation continues shall be deemed a separate offense, except that service of a notice, as required by subsection 110.3.2 shall be required to prosecute for failure to comply with an order.

SECTION 114
STOP WORK ORDER

[A] 114.4 Failure to comply. Any person who shall continue any work 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 condition, shall be liable to a fine of not less than One Hundred dollars (\$100) or more than Five Hundred dollars (\$500). Each day of violation shall constitute a separate offense.

Chapter 2 - Definitions

SECTION 202

GENERAL DEFINITIONS

[A] Owner. Any person, agent, firm or corporation having a legal or equitable interest in the property.

Recyclable. Any clean, source-separated flammable or combustible material that is used to manufacture or re-manufacture an end product that has market value or replaces a natural resource.

Waste, Combustible. Magazines, books, trimmings from lawns, trees or flower gardens, leaves, pasteboard boxes, rags, paper, straw, sawdust, packing materials, shavings, roofing materials, waste oil, cooking oils, storage of all materials, boxes and all rubbish and refuse that will ignite through contact with flames at ordinary temperatures.

SECTION 304

COMBUSTIBLE WASTE MATERIAL

304.1.1 Valet Trash. ~~Valet trash collection shall be permitted only where permitted. The owner and valet trash collection service provider shall comply with the rules and limitations established by the jurisdiction.~~

304.2.1 Waste Material. The equipment, processes, and operations of vehicle wrecking yards, junkyards and waste material handling plants, and the storage of combustible or flammable waste, rubbish and other materials shall comply with this chapter. In addition to the specific operations listed, these requirements also apply to landfills, scrap yards, salvage yards, trash dumps, tree and stump dumps, tire dumps, recycling facilities, solid waste incinerators and waste reduction plants. Any facility which handles, stores or processes used, discarded or damaged materials, other than those classified as hazardous materials or hazardous waste, are governed by these provisions.

SECTION 307
OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR
FIREPLACES

307.1 General A person shall not cause or allow any open burning unless approved in accordance with this code and Chapter 6 of the Springfield City Code (air pollution control standards).

307.1.1.1 Illegal Burning of Waste Materials. Unauthorized and unpermitted burning of waste materials as defined in Chapter 2 of the Fire Code to include the burning of insulation from wiring containing metals such as copper and aluminum, whether obtained legally or illegally, shall be considered a violation of this code.

307.1.2 Time of open burning. In no event shall open burning take place between the hours of 4:00 p.m. and 6:00 a.m., except that the fire code official may authorize open burning different from the above standards when he/she finds the public health and safety will not be endangered.

307.1.3 Wind speed. In no event shall open burning take place during sustained wind speeds of fifteen (15) miles per hour or higher.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material. Conditions which could cause a bonfire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.1.1 Bonfire materials, size, and duration of burning. A bonfire shall not be more than 5 feet by 5 feet by 5 feet. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. Bonfires shall not burn longer than 4 hours and must be extinguished by midnight of the day of the permit. Bonfires shall meet all other requirements set forth in this code for outside fires, to include a means of extinguishment, appropriate distances from structures, wind speed less than 15 miles per hour, and a responsible adult supervising the entire duration of the burn.

SECTION 308 OPEN FLAMES

308.1.7 Sky Lanterns. Sky Lanterns which utilize an open flame are specifically prohibited for use within the city limits. A sky lantern, also known as Kongming lantern, Chinese lantern, sky candle, or fire balloon, is a small hot air balloon made of paper, plastic, Mylar, or other lightweight material, with an opening at the bottom where a small fire is suspended.

308.4.1 Group R-2 occupancies. Candles, incense and similar open-flame-producing items shall not be allowed in Group R-2 occupancies.

Exception: In apartment buildings, this provision shall apply to only the common areas.

SECTION 311
VACANT PREMISES

311.1.1 Abandoned premises. Buildings, structures and premises for which an *owner* cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code* and the *International Building Code* and/or other local ordinances.

SECTION 323

LANDSCAPING MATERIALS

323.1 General. Structures utilizing landscaping materials applied adjacent to the exterior of the building shall comply with the requirements of this section. Existing structures undergoing expansion or remodel are only required to bring new sections of the building into compliance with this section.

Exceptions:

1. One-and two-family dwellings,
2. Residential occupancies with 6 or less dwelling units

323.2 Definitions. Combustible landscaping material/mulch: describes any of the following materials, regardless of individual chip size. Materials include, but are not limited to, the following organic materials: mulch and wood chips, pine needles, leaves, and cut grass clippings or any other combustible material.

Shredded rubber, although in-organic, is included as combustible landscaping material for the purposes of this section.

Noncombustible landscaping materials include but are not limited to: rock or pea stone and brick chips. Alternative noncombustible landscaping materials shall be approved by the fire code official prior to use.

323.3 Grass. Use of viable and living grass/sod is allowed at any proximity.

323.4 Clearances. Where landscaping material is used around a building, the following clearances shall be maintained.

1. Combustible landscaping material/mulch shall not be placed within 18 inches (457 mm) of any commercial structure. Non-combustible landscaping material is allowed at any proximity.
2. Combustible landscaping materials/mulch shall be maintained so there is not less than 18 inches (457 mm) radius of horizontal clearance around gas meters. Non-combustible landscaping material is allowed at any proximity.

323.5 Receptacles for Discarded Smoking Materials. Where combustible landscaping material/mulch is utilized, receptacles for discarded smoking materials shall meet the following:

1. Receptacles shall be placed not closer than 18" (457 mm) from combustible landscape material/mulch plots.
2. Receptacles for the disposal of smoking materials shall be regularly emptied.

SECTION 403

EMERGENCY PREPAREDNESS REQUIREMENTS

403.9.2.1 College and university buildings. An *approved* fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group R-2 college, university, fraternity and sorority buildings. Group R-2 college, university, fraternity and sorority buildings shall comply with Sections 403.9.2.1.1 and 403.9.2.1.2.

SECTION 405

EMERGENCY EVACUATION DRILLS

405.3.1 Frequency variance. Fire drill frequency for Group E occupancies may be modified when an approved evacuation plan and training program is approved by the fire code official.

SECTION 503

FIRE APPARATUS ACCESS ROADS

503.2.4 Turning Radius. The required minimum inside turning radius of a fire apparatus access road shall be 28 feet.

503.3.1 When required. The requirements of Section 503.3 shall apply to all new construction, change of occupancy classification, and when required by the code official.

503.3.2 Methods. The following methods shall be used and shall include the words NO PARKING—FIRE LANE and shall be provided for fire apparatus access roads to identify such roads or prohibit obstruction thereof.

503.3.2.1. A 4 inch red stripe shall be applied on each side of the fire apparatus access road and shall be applied along the entire length of the fire apparatus access road. If one or both sides of the access road are enclosed by a curb then the curb shall be marked in red. Additionally, the words “NO PARKING—FIRE LANE” shall be stenciled in letters no less than 12 inches high with a width of 2 inches inside of the fire apparatus access road every 50 feet along the entire length of the fire apparatus access road. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Alternative markings and/or marking methods may be approved by the fire code official.

503.3.2.2. If a Fire Lane extends more than 400 feet from a structure, that portion of the fire lane may be marked with “No Parking – Fire Lane” at 100 foot intervals. The portion(s) of the fire lane in proximity to the structure must be marked at 50 foot intervals.

503.3.2.3. Low hazard industrial sites with limited or no public access may be allowed to extend the “No Parking – Fire Lane” stencil to 100 foot intervals around all or a portion of the entire site.

503.3.2.4. “No Parking – Fire Lane” will be required to be marked within 25 feet of an access point to a public/private street.

503.3.2.5 Alternative Fire Lane Marking. Upon review and approval by the fire code official, in specific instances, such as an apartment complex with internal access lanes, signs may be posted in lieu of the currently required red stripes and stenciling. Signs must be posted at each entrance, readily visible and unobstructed. Signs shall state “All Drive Aisles are Considered Fire Lanes – No Parking”. Signage must meet minimum requirements as detailed in Section D103.6, sign type D, with the incorporation of the additional wording.

SECTION 505

PREMISES IDENTIFICATION

505.1 Address identification. New and existing buildings shall have *approved* address identification numbers. The assigned address number shall be clearly posted on the site immediately after the date of issuance of the permit and shall remain in conformance with Chapter 26, Section 26-3, Numbering of business and dwelling units, of the Springfield City Code. The same requirements for business address identification for the front of the business building shall apply to the rear of the business building. Where required by the *fire code official*, address identification shall be provided in additional *approved* locations to facilitate emergency response. 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. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than 4 inches (102mm) high with a minimum stroke width of ½ inch (12.7mm). The fire code official may require larger numbers and letters depending upon building size and distance from the roadway. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address identification numbers shall be maintained.

SECTION 506

KEY BOXES

506.1 Where required. Key boxes are required in new and existing buildings where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the *fire code official* is authorized to require a key box to be installed in an *approved* location. The key box shall be the KNOX BOX brand and shall contain master keys, fobs, access cards, door codes, or any other means to gain necessary access as required by the *fire code official*. Any security doors and /or security gates installed with a key pad entry or a magnetic card swipe reader shall have a KNOX BOX brand key operated switch installed for emergency entry where required by the *fire code official*.

506.1.1 Locks. A KNOX BOX brand lock shall be installed on gates or similar barriers where required by the *fire code official*.

506.1.2 Boxes. For multi-occupancy structures that are less than 400 feet in length, one Knox brand key box shall be installed near the most central occupancy and and mounted 5 feet above the finished grade. Boxes shall contain master keys, fobs, access cards, door codes, or any other means of gaining the necessary access for each occupancy in the building. For multi-occupancy structures that are greater than 400 feet in length, one Knox brand key box shall be placed every 200 feet of frontage and and mounted 5 feet above the finished grade. Boxes shall contain master keys, fobs, access cards, door codes, or any other means of gaining the necessary access for each occupancy in the building.

SECTION 507
FIRE PROTECTION WATER SUPPLIES

507.2.1.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24. Directional boring shall not be utilized for the installation of private fire service mains.

507.2.1.2 Private fire service fire hydrant colors. Private fire service hydrants shall be red in color. The bonnet and caps shall be painted in accordance with NFPA 291 and shall apply to new and existing hydrants.

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m).
2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).
3. As an alternative method, the nearest hydrant must be within 400 feet of the furthest point of approved fire apparatus access provided the fire apparatus access point meets 503.1.1. The distance may be extended to up to 600 feet if the occupancy meets the requirements of 507.5.1 Exception 2.

SECTION 509

FIRE SERVICE IDENTIFICATION

509.1 Identification. Fire protection equipment shall be identified in an approved manner.

Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible. When in an enclosed space or room, the door closest to the fire pump, fire riser and fire alarm control panel shall be labeled as “Fire Pump”, “Fire Sprinkler Riser” and/or “Fire Alarm Panel” in letters a minimum of 2” in height with a brush stroke of ¼” on a contrasting background or as approved by the fire code official.

509.1.2 Exterior Fire Protection. All portions of fire protection systems exterior to a building shall be painted in gloss safety red.

SECTION 901

GENERAL

901.4.3 Alterations in buildings and structures. For any alteration within a building or structure, the fire protection and life safety systems may be extended, altered or augmented in order to maintain and continue protection within the building. Persons shall not remove or modify any fire protection or life safety system installed or maintained under the provisions of this code or the *International Building Code* without approval granted throughout the plans review process, or express consent by the fire code official.

901.6 Inspection, testing and maintenance. Fire detection and alarm systems, emergency alarm systems, gas detection systems, fire-extinguishing systems, mechanical smoke exhaust systems, smoke and heat vents, and fire protection and life safety systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired *fire protection systems* and equipment shall be inspected, tested and maintained or removed. The property owner and any lessees, sublessees, or other persons in charge or control of premises required to have smoke alarms installed and operational, shall be jointly and individually responsible for the proper operation and maintenance of such alarms.

901.6.1.1 Certifications. Persons performing required fire protection system(s), water supply, commercial kitchen hoods, and clean agent systems testing and maintenance as the lead inspector shall possess a valid certification from the The National Institute for Certification in Engineering Technologies as the industry standard. NICET Level II certification is required for the lead inspector for each type of fire protection system inspected, tested, or maintained by the vendor. The lead inspector is responsible for supervision and approval of the testing process and its documentation. NICET Level I certification is preferred for individuals working under the lead inspector.

Sprinkler systems

Standpipe systems

Fire pump(s)

Fire alarm systems

Private fire hydrant(s)

901.6.3.2 Inspection, testing and maintenance records. Records of all system inspections, testing and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 3 years and shall be copied to the Springfield Fire Department via the designated third-party records management company as stipulated by the Springfield Fire Department, see section 108.3.1. Records shall include the name of the certified maintenance/testing individual, type of testing or maintenance completed and results of the maintenance or testing. A GREEN, YELLOW, RED tag system will be utilized for all fire protection system(s). All tags utilized in the City of Springfield will be provided by the Springfield Fire Department.

901.6.3.2.1 Green and yellow tag required. Upon completion of the inspection, if the system is found to be fully functional and meets the requirements of the standard(s) in effect at the time of installation, the inspector shall affix a GREEN tag to the system which includes the inspector and inspection company's name and the date of the inspection. If the system is found to be deficient by the standard(s) in effect at the time of installation, or the system needs repair, but the system is still functional then the inspector shall affix a YELLOW tag to the system which includes the inspector and the inspection company's name and a list of the needed repairs. Tags shall be placed in a conspicuous location on the system.

901.6.3.2.2 Notifications. If upon completion of the inspection, a fire protection system is found to be deficient and in need of repairs by the standard(s) in effect at the time of installation but is still functional, the inspector shall indicate all needed repairs or deficiencies to the system on the report sent to the Springfield Fire Department via the designated third-party records management company as stipulated by the Springfield Fire Department, see section 108.3.1. The report shall be submitted within 7 days of completion of the inspection.

901.6.3.2.3 Red tag required. A RED tag shall be used to indicate a system, or portion thereof, has been removed from service, and/or is not functionable and/or does not meet the necessary requirements to validate a functionable system. The RED tag shall be placed on a conspicuous place on the system and the Springfield Fire Department shall be notified IMMEDIATELY by phone at 874-2300 during business hours and 911 after business hours. The RED tag notification will also be reported via the designated third-party records management company during the standard report submission.

SECTION 903

AUTOMATIC SPRINKLER SYSTEMS

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station or, where approved by the fire code official, shall sound an audible signal at a constantly attended location.

Any sprinkler system failing to monitor the valves, other than the below listed exceptions, will not be allowed to be “green tagged”. Those systems shall be “yellow tagged” by the inspection company. The issue shall be remedied within twelve months or by the next inspection of the sprinkler system. Failure to complete the remedy within the time allowed shall demand the sprinkler system to be “red tagged”.

Occupancies undergoing permitted work to renovate or substantially modify the fire sprinkler system, or a change of use of occupancy, shall also comply with the monitoring requirements of this section.

Exceptions:

1. Any existing and accepted system whose valves are chained and locked in the open position will be deemed compliant.
2. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
3. Underground key or hub valves in roadway boxes for the purpose of use as a segment control or isolation valve when use of a post indicator valve is not practical, and upon the approval of the fire code official.
4. Backflow prevention device control valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, backflow preventer valves located internal to the structure shall be electrically supervised by a tamper switch installed in accordance with the NFPA 72 and separately annunciated.
5. Backflow prevention device control valves located external to the structure, or located within a vault, must be secured control valve to control valve by a chain of one-quarter of one-inch thickness and secured by a padlock. A padlock key shall stay with the property manager, and a padlock key shall be placed in a key box in compliance with Section 506 of this Code.

903.4.3 Alarms. Springfield Fire Department requires a weatherproof horn-strobe notification device, installed on the exterior of the building, directly above the fire department connection at approximately 8'-10' above final grade with approved signage directly below.

903.5.1 Certifications. ~~Persons performing required fire sprinkler testing and maintenance shall have a certification from an approved agency, one that is recognized by national industry standards. The National Institute for Certification in Engineering Technologies (NICET)~~

certification will be considered the industry standard; however, other certifying organizations may be considered on a case by case basis by the Fire Chief or his/her designee

903.5.2 Records. Records of all system inspections, testing and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 3 years and shall be copied to the Springfield Fire Department.

903.5.2.1 Records information. Records shall include the name of the installation contractor, type of testing or maintenance completed and results of the testing or maintenance.

903.5.3 Tag required. Upon completion of the inspection if the system is found to be fully functional and meets the requirements of the standard(s) in effect at the time of installation, the inspector shall affix a GREEN tag to the system at the main valve location which includes the inspector and inspection company's name and the date of the inspection. If the system is found to be deficient by the standard(s) in effect at the time of installation, or the system is in need of repair but the system is still functional then the inspector shall affix a YELLOW tag to the system at the main valve location which includes the inspector and the inspection company's name and a list of the needed repairs.

903.5.3.1 Notifications. If upon completion of the inspection a fire protection system is found to be deficient and in need of repairs by the standard(s) in effect at the time of installation but is still functional, the inspector shall prepare a separate report identifying the needed repairs or deficiencies and send it to the Springfield Fire Department in writing within 7 days of completion of the inspection.

903.5.4 Red Tag Required. A RED tag shall be used to indicate that a system, or portion thereof, has been removed from service. The red tag shall be placed on the main valve and a red tag describing the portion of the system which is out of service shall be placed on the fire department connection.

SECTION 906
PORTABLE FIRE EXTINGUISHERS

906.2.1 Certification of service personnel for portable fire extinguishers. Service personnel providing or conducting maintenance on portable fire extinguishers shall possess a valid certificate from a nationally recognized industry standard certifying agency for the type of work performed.

SECTION 907
FIRE ALARM AND DETECTION SYSTEMS

907.2.9.4 All one and two-family rental properties within the jurisdiction are required to adhere to the IRC 2018 as adopted by the City of Springfield, section R314.3 regarding smoke alarm installation locations. It shall be the property owners' responsibility to provide and maintain these smoke alarms according to the individual manufacturers guidelines.

SECTION 912

FIRE DEPARTMENT CONNECTIONS

912.1.1 Fire Department connection size. In no circumstances shall any fire department connection be a device other than 2 ½ inch Siamese using NST threads, including systems that are otherwise required to comply with NFPA 13R and NFPA 13D.

912.4.1 Locking fire department connection caps. KNOX BOX brand locking fire department connection caps are required on all fire department connections for water-based fire protection systems.

912.4.1.1 Locking fire connection caps on existing buildings. Existing buildings with non-locking fire department connection caps will not be required to install locking fire department connection caps unless it is determined by the fire code official the fire department connection is no longer adequately protected from obstructions because of missing non-locking caps.

912.7 Inspection, testing and maintenance. Fire department connections shall be periodically inspected, tested and maintained in accordance with NFPA 25. If the inspector finds the fire department connection unprotected and missing a non-locking cap(s), the cap(s) shall be replaced with the approved KNOX BOX brand locking fire department connection cap(s). Records of inspection, testing and maintenance shall be maintained.

Section 1004
Occupant Load

1004.9.1 Assembly Occupancies. Assembly occupancies are provided Certificates of Occupancy from the City which have their authorized occupant loads posted on them. These Certificates of Occupancy must be displayed in a clearly visible area near the main entrance of the Assembly Occupancy.

Section 1008
Means of Egress Illumination

1008.3.4 Testing and maintenance. Where the means of egress is required to be illuminated as stated in section 1008.2, periodic testing and maintenance of the egress lights shall be performed. Testing shall be conducted on monthly and annual intervals. Monthly testing shall include visual verification that the egress light operates upon actuation of the test button, if provided, to momentarily disconnect the egress light from the primary power source. Annual testing shall include disconnecting the egress lights from the primary power source to ensure egress illumination for a duration of not less than 90 minutes. All deficiencies shall be repaired. Records shall be kept of the testing and maintenance performed including dates and names of personnel performing the tests. Records shall be made available for review upon request of the fire code official.

Exception: If the egress light illumination emergency power source is supplied by a generator or other such means, monthly and annual testing may be completed by visual verification of illumination under normal conditions.

Section 1010
Doors, Gates and Turnstiles

1010.1.8 Security Bars. Security bars, commonly referred to as burglar bars, are locking devices designed to prevent the operation of a door typically by means of a bar installed across the doorframe and held by cradles attached to the door(s). Security bar locking devices may be allowed on certain exit doors upon approval by the fire code official. Approval may be granted where all the following conditions are met:

1. The exit is not the primary means of egress for the general public.
2. The exit is limited to an area typically occupied only by staff/employees familiar with the building and locking arrangement (store room, stock room, office, etc.)
3. There may be no locking device on the security bar.
4. The security bar shall be removeable without the use of a key or special knowledge or effort.
5. The security bar must be removed during any period of occupancy by the general public (if the exit serves the public area).
6. A readily visible durable sign is posted on the egress side on, or adjacent to, the door stating: “Security bar must be removed when the building is occupied” (if the exit serves the public area).
7. Not more than one-half of the required exits shall be equipped with a security bar.

8. The use of a security bar shall not be allowed if, in the opinion of the fire code official, it compromises the safety of the public.
9. The use of a security bar is revocable by the fire code official for due cause.

Section 1013

Exit Signs

1013.6.4 Testing and maintenance. Where exit signs are required to be illuminated as stated in section 1013.3, periodic testing and maintenance shall be performed. Testing shall be conducted on monthly and annual intervals. Monthly testing shall include visual verification that the exit sign is illuminated under normal operation and with actuation of the test button, if provided, to momentarily disconnect the exit sign from the primary power source. Annual testing shall include disconnecting the exit signs from the primary power source to ensure exit sign illumination for a duration of not less than 90 minutes. All deficiencies shall be repaired. Records shall be kept of the testing and maintenance performed including dates and names of personnel performing the tests. Records shall be made available for review upon request of the fire code official.

Exception: If the exit sign illumination emergency power source is supplied by a generator or other such means, monthly and annual testing may be completed by visual verification of illumination under normal conditions.

Section 1032

Maintenance of the means of egress.

1032.1.1 Grill or other cooking device storage. For other than one-and two-family dwellings, no grill, hibachi or other similar devices used for cooking shall be stored under a combustible stairway that is part of a means of egress.

SECTION 1103 EXISTING BUILDINGS

1103.5.4 High-rise buildings. ~~Where appendix M has not been adopted, existing high-rise buildings that do not have a previously approved automatic sprinkler system shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 where any of the following conditions apply:~~

- ~~1. The high-rise building has an occupied floor located more than 120 feet (36 576 mm) above the lowest level of fire department vehicle access.~~
- ~~2. The high-rise building has occupied floors located more than 75 feet (22860 mm) and not more than 120 feet (36 576 mm) above the lowest level of fire department vehicle access, and the building does not have at least two interior exit stairways complying with Section 1104.10 that are separated from the building interior by fire assemblies having a fire-resistance rating of not less than 2 hours with opening protection in accordance with Table 716.1(2) of the International Building Code.~~
- ~~3. The high-rise building has occupied floors located more than 75 feet (22860 mm) and not more than 120 feet (36 576 mm) above the lowest level of fire department vehicle access, and the building does not have a fire alarm system that includes smoke detection in mechanical equipment, electrical, transformer, telephone equipment and similar rooms; corridors; elevator lobbies; and at doors penetrating interior exit stairway enclosures.~~

~~Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of a written notice. The compliance schedule shall not exceed 12 years for completion of the automatic sprinkler system retrofit.~~

1103.7.5.1 Group R-1 hotel and motel manual fire alarm system. ~~A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-1 hotels and motels more than one story in height or with more than 20 dwelling units or sleeping units in aggregate.~~

~~Exceptions:~~

- ~~1. A manual fire alarm system is not required in buildings less than two stories in height where all dwelling units, sleeping units, attics and crawl spaces are separated by 1-hour fire-resistance-rated construction and each sleeping unit has direct access to a public way, egress court or yard.~~
- ~~2. A manual fire alarm system is not required in buildings not more than three stories in height with not more than 20 dwelling units or sleeping units in aggregate and equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~
- ~~3. Manual fire alarm boxes are not required throughout the building where the following conditions are met:~~

- 3.1 The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
- 3.2 The notification appliances will activate upon sprinkler water flow.
- 3.3 Not less than one manual fire alarm box is installed at an approved location.

SECTION 1203
EMERGENCY AND STANDBY POWER SYSTEMS

1203.5 Operational inspection and testing. Emergency power systems, including all appurtenant components, shall be inspected and tested under load in accordance with NFPA 110 and NFPA 111. Emergency generators required by the building code shall be tested at least annually in accordance with the manufacturer's specifications under anticipated conditions.

SECTION 3103
TEMPORARY TENTS AND MEMBRANE STRUCTURES

3103.2.1 Permitting. For permit requirements within the City of Springfield for tents and other temporary or membrane structures, refer to Appendix T, Section T102.

3103.8.3 Tents and membrane structures greater than 7,500 square feet. Tents and membrane structures greater than 7,500 square feet (697 M2) shall be designed and constructed to comply with Sections 1606 through 1609 of the *International Building Code*.

Exception: Tents and membrane structures greater than 7,500 square feet which are erected, anchored and braced as required by Appendix T of this code may be permitted, subject to approval of the *fire code official*, where all of the following conditions are met:

- 1.The tent or membrane structure is erected, anchored and braced to withstand 45 mph sustained winds at a minimum; and
- 2.The tent or membrane structure shall be evacuated when 30 mph sustained winds are reached; and
- 3.The tent or membrane structure shall not be occupied during periods when ice and/or snow accumulation is predicted or exists; and
- 4.The installer shall inspect the tent at least once per 7-day period erected and/or after rains, high winds, snow/ice or severe weather conditions have occurred at the tent's location and take corrective actions as needed; and
- 5.The enhanced requirements must be relayed to the event manager/end user during the consumer safety awareness consultation. The consultation document shall be posted within the tent.
- 6.The permit may be revoked by the *fire code official* with cause.

3103.8.4 Tents and membrane structures with an occupant load greater than 1,000. Tents and membrane structures with an occupant load greater than 1,000 persons shall be designed and constructed to comply with Sections 1606 through 1609 of the *International Building Code*.

Exception: Tents and membrane structures with an occupant load of greater than 1,000 persons which are erected, anchored and braced as required by Appendix T of this code may be permitted, subject to approval of the *fire code official*, where all of the following conditions are met:

- 1.The tent or membrane structure is erected, anchored and braced to withstand 45 mph sustained winds at a minimum; and
- 2.The tent or membrane structure shall be evacuated when 30 mph sustained winds are reached; and
- 3.The tent or membrane structure shall not be occupied during periods when ice and/or snow accumulation is predicted or exists; and

4. The installer shall inspect the tent at least once per 7-day period erected and/or after rains, high winds, snow/ice or severe weather conditions have occurred at the tent's location and take corrective actions as needed; and
5. The enhanced requirements must be relayed to the event manager/end user during the consumer safety awareness consultation. The consultation document shall be posted within the tent.
6. The permit may be revoked by the *fire code official* with cause.

3103.8.5. Tent installation. For specifics associated with tent installation in the City of Springfield, refer to Appendix T, Sections T105-T114.

3103.11.6.1 Exit Sign Illumination.

Exceptions:

- i. Exit signs are not required on tents that have limited sides or sidewalls installed. Sides that are attached, but in the stowed or rolled-up position, are considered the same as if the sidewalls are down. To qualify as limited sidewalls, a tent may have no more than the length of the longest side of the tent with sides or sidewalls; and
- ii. The tent or membrane structure does not exceed 7,500 square feet (697 square meters); and
- iii. the tent or membrane structure is only occupied by members of the public during daylight hours.

SECTION 3107
OUTDOOR ASSEMBLY EVENTS

3107.2.1. Approval required. Outdoor assembly events may be approved by the *fire code official*.

3107.3.1 Occupant load. The *fire code official* may establish an occupant load for the event site.

SECTION 3108 OPERATIONAL REQUIREMENTS

3108.4 Open or exposed flame. Open flame or other devices emitting flame, fire or heat or any flammable or *combustible liquids*, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet (6096mm) of the *tent* or *membrane structures* while open to the public.

3108.4.1 Exceptions:

1. The *fire code official* may approve cooking inside a tent or membrane structure under the following criteria:
 - i. Only persons engaged in food preparation may be inside the *tent* or *membrane structure*; and
 - ii. No seating is provided inside the *tent* or *membrane structure* for other than those persons engaged in food preparation; and
 - iii. The sides of the *tent* or *membrane structure* are metal or nylon mesh, of a screen-type and not a solid fabric; and
 - iv. Containers for the collection of trash are provided inside the *tent* or *membrane structure*, and such containers are not within 20 feet to any cooking device or open flame; and
 - v. Only cooking devices approved by the *fire code official* shall be used and these devices must be properly vented, if powered by LPG no larger than a five (5) gallon bottle is used, and any open flame of a cooking device must be fully enclosed and protected from contact with the fabric of the *tent* or *membrane structure*, or other flammable material within said structure; and
 - vi. Any cooking device or trash collection container shall be located so as not to block any *means of egress* or *exit* from the *tent* or *membrane structure*; and
 - vii. A portable fire extinguisher must be provided inside the *tent* or *membrane structure* with a minimum rating of 40:BC; and
 - viii. Any cooking device shall be attended at all times by a competent adult; and
 - ix. The *tent* or *membrane structure* meets all other requirements in this Chapter or other City Codes related to *tents* and *membrane structures*.

3108.14.1. Exception. Unless determined otherwise by the *fire code official*, the disconnection of batteries and fuel limitation in displayed vehicles is not required when a tent is erected with only the roof membrane attached and no side walls.

SECTION 3405
OUTDOOR STORAGE

3405.4.1 Storage in trailers and containers. Storage of tires in an enclosed trailer or storage container, secured and locked except during business hours, shall be located at least 25 feet from lot lines and buildings in accordance with other City Codes relating to storage trailer and containers.

**SECTION 4101
GENERAL**

4101.4.3 Fire extinguishers. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 2-A: 10-B:C rating or other approved on-site fire-extinguishing equipment shall be available for immediate utilization.

4101.8 Refueling of flammable and combustible liquid-fueled equipment. Refueling operations for liquid-fueled equipment or devices shall be conducted in accordance with Section 575 and all of the following:

1. Refueling operations for liquid-fueling equipment or devices shall be conducted by trained personnel in accordance with the manufacturer's instructions and this code.
2. The equipment or device shall be turned off and allowed to cool prior to refueling.
3. Refueling operations shall be conducted in a well-ventilated area at a minimum of 20 feet (6096 mm) from any building or structure.

4101.9 Cooking operations. Portable cooking equipment using combustible oils or solids shall comply with all of the following:

1. A noncombustible lid shall be immediately available. The lid shall be sufficient size to cover the cooking well completely.
2. Equipment shall be placed on a noncombustible surface.
3. A portable fire extinguisher for protection appropriate to the cooking media shall be provided at a location approved by the fire code official.
4. Appropriate clearance from combustible and ignition sources shall be at a minimum of 20 feet (6096 mm).

SECTION 4103
PORTABLE FUEL-FIRED HEATING APPLIANCES

4103.1.2.1.3 Clearance to combustible materials. Portable outdoor gas-fired heating appliances shall not be located beneath, or closer than 10 feet (3048 mm) to combustible decorations and combustible overhangs, awnings, sunshades or similar combustible attachments to buildings.

SECTION 4104

PORTABLE FUEL-FIRED COOKING APPLIANCES

4104.2 Open flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. ~~Where buildings, balconies and decks are protected by an automatic sprinkler system.~~
3. ~~LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity.]~~

4104.4 Cooking operations. Cooking that produces sparks or grease-laden vapors shall not be performed within 20 feet (6096 mm) of a tent or membrane structure except where the following conditions are met:

1. Cooking devices shall be isolated from the public.
2. Cooking devices shall be maintained and used according to the manufacturer's instructions.
3. A “Class K” portable fire extinguisher is readily available.
4. 3-foot clearance is maintained from cooking operations and combustibles.

Exception: Designated cooking tents with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

4104.5 Separation of cooking tents. Tents with sidewalls or drops where cooking is performed shall be separated from other non-cooking tents or membrane structures by not less than 20 feet (6096 mm).

Exception: Small tents limited to 100 square feet (9.3 m²) that are accessory to the cooking operations of the cooking tent and are not occupied by the public.

SECTION 4106

MOBILE FOOD PREPARATION VEHICLES

4106.4.2 Fire protection systems and devices. Fire protection systems and devices shall be maintained in accordance with 901.6 and Section 906.

4106.4.3.1 LP-gas systems. LP-gas containers installed on the vehicle and fuel gas piping systems shall be inspected annually by an approved inspection agency, person or special expert who is qualified to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. Mobile food vendors who have a working combustible gas detector and alarm installed inside the food preparation area will not be required to provide evidence of a current passing fuel gas system inspection and test.

4106.6 Solid fuel appliances. Solid fuel cooking appliances shall not be installed or used inside the mobile food preparation kitchen unless the vehicle and the appliance are purpose-built for this purpose. Solid fuel appliances may be installed on an open porch or similar feature, separate from the food preparation kitchen, provided the appliance is vented to open air outside the trailer and does not block egress from the kitchen.

4106.7 Solid fuel. The use of wood burning ovens, smokers, or bbq grills within the mobile food preparation vehicle will require the installation of a carbon monoxide alarm per the manufacturer's recommendations.

4106.7.1 Solid fuel waste. Mobile food preparation vehicles are responsible for the storage and disposal of all solid fuel waste.

4106.8 Ovens. Ovens shall have direct venting in accordance with the manufacturer's recommendations.

SECTION 5006
COST RECOVERY FOR HAZARDOUS SUBSTANCES RELEASES

5006.1 Authority to seek reimbursement. The Fire Department, through the Fire Chief, or his designee, is authorized on behalf of the City, to assess and seek reimbursement for all costs incurred by the Fire Department and the City in response to a hazardous substance release for which it provides services, within the scope of Section 260.546 RSMo. The City Manager is also authorized, in his discretion, to apply for reimbursement for such costs incurred from the hazardous waste fund created in Section 260.391, RSMo, as described in Section 260.546.4, RSMo. The Fire Chief or City Manager are also authorized to seek reimbursement to cover personnel and equipment costs from responsible parties and/or political subdivisions for responses to hazardous substance releases either within or outside of the Springfield city limits. The schedule for such costs shall be set out in the schedule of costs referenced in Subsection 5006.3 below.

5006.2 Process for seeking reimbursement. The Fire Chief, or his designee, shall follow the process set out in Section 260.546, RSMo, in seeking such reimbursement, and shall provide the statement of costs and other documentation as required by the said statute. The City Attorney shall assist and represent the City and the Fire Chief, or his designee, in all proceedings in connection with seeking such reimbursement.

5006.3 Establishing reimbursement rates. The Fire Chief shall also establish a schedule of costs and hourly rates for its responses to such hazardous substance releases, based on actual costs and compensation rates of the personnel involved, which shall be kept on file with the City Clerk and the Fire Department. This schedule may be updated periodically, but not more frequently than once every 12 months, with each revised schedule to be kept on file with the City Clerk and Fire Department.

5006.4 Legal Remedies. This section shall not be deemed to limit in any way the potential legal options, recourses and remedies available to the City to seek recover of its costs and damages from any persons or entities who may be legally responsible for such costs or damages, or who may have a duty to insure or indemnify any such responsible persons or entities.

SECTION 5601

SCOPE

5601.1 Scope

Exception:

9. Items preempted by federal regulations and state statutes.

5601.1.3 Fireworks.

Exceptions:

1. The use of fireworks displays as allowed in Section 5608.

SECTION 5609
TEMPORARY STORAGE OF CONSUMER FIREWORKS

5609.1 General. ~~Where the display or temporary storage of fireworks 1.4G (consumer fireworks) is allowed by Section 5601.1.3 Exception 4, such display or storage shall comply with the applicable requirements of NFPA 1124.~~

SECTION 5707

ON DEMAND MOBILE FUELING OPERATIONS

5707.1.1 Approval required. ~~Mobile fueling operations shall not be conducted without first obtaining a permit and approval from the fire code official. Mobile fueling operations shall occur only at approved locations.~~

SECTION 6107

SAFETY PRECAUTIONS AND DEVICES

~~6107.5 Washing of liquified petroleum gas powered vehicles.~~ No person shall wash a liquified petroleum powered vehicle with gas piping or valves that are accessible to brushes in any automatic car wash facility that uses revolving brushes in the washing process.

Appendix D FIRE ACCESS ROADS

SECTION D101 GENERAL

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 85,000 pounds (38,555kg).

SECTION D102 REQUIRED ACCESS

D102.1.1 Grass Pavers. The use of a grass paver system for a required fire apparatus access road shall be approved by the fire code official. Grass paver systems must be substantially capable of supporting imposed loads of fire apparatus. Plastic style grass pavers will not be permitted. Concrete, or other such substantial style systems, may be approved upon review. Grass paved fire apparatus access roads must comply with marking requirements as set forth in section D103.6.3

SECTION D103 MINIMUM SPECIFICATIONS

D103.5 Gate Access. Where required by the *fire code official*, all automatic fire apparatus gates shall use the Knox brand gate key switch.

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signage as required in Section 503.3. If signs are required as per section D103.6.3, the signs shall comply with figure D103.6. Signs shall have a minimum dimension of 12 inches (305mm) wide by 18 inches (457mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2. Alternative Fire Lane Marking (503.3.3.2.5) signs shall read “All Drive Aisles are Considered FIRE LANE – NO PARKING”. Example below.

All Drive Aisles
Are Considered
FIRE LANE
NO
PARKING

D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 feet to 26 feet wide (6096 to 7925mm) shall be marked as a Fire Lane as specified in Section 503.3.

D103.6.2 Roads more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925mm) shall be marked as a Fire lane as specified in Section 503.3.

D103.6.3 Roads utilizing grass pavers. This section shall apply to all new and existing fire apparatus roads utilizing grass pavers. Fire apparatus access roads that utilize grass pavers shall be marked with signs as specified in section D103.6 and approved by the fire code official, signs shall be posted on both sides of the fire lane where it exits impervious pavement and shall be marked in an approved manner along the length of the grass fire lane until it enters back onto impervious pavement. Marking along the grass fire lane shall be a design approved by the fire code official.

APPENDIX R

ALLOWANCES FOR NEIGHBORHOOD DEVELOPMENTS PROVIDING RESIDENTIAL SPRINKLERS

User Note:

About this appendix: There is precedence within the fire code of making extra allowances for buildings and other occupancies equipped with automatic fire suppression systems. The intent of this appendix is to extend similar allowances to developers of subdivisions and neighborhoods who install residential sprinkler systems in homes and require, through codified covenant agreements, that these systems be properly maintained. Certain requirements of the fire code relating to hydrant spacing and fire department access can be amended. Appendix R lists the requirements a developer must meet for the amended code requirements to apply, as well as the sections of the code that are to be amended and the specific amendments allowed to each section.

SECTION R101

GENERAL

R101.1 Scope. In new developments where each criteria are met, sections of the fire code relating to hydrant spacing and fire department access may be amended.

R101.2 Intent. Certain requirements of the fire code relating to hydrant spacing and fire department access can be amended for neighbor and subdivisions that require residential sprinkler systems in their homes.

R101.3 Requirements. The *fire code official* shall review any plans where amendments to the fire code are attempted under the requirements of this appendix. The *fire code official* may grant amendments to the code in appendix R103, but meeting the requirements of section 102 does not require that such amendments be granted. The *fire code official* may determine that new developments must adhere to the original, more stringent requirements of the fire code if other outside circumstances make it prudent to do so.

SECTION R102

DEVELOPMENT REQUIREMENTS

R102.1 The following requirements must be met by the development for the amendments in appendix R to apply:

1. The use of sprinklers is not required under any section of the adopted fire code. Rather than being required, the sprinkler system is being added in addition to the provisions required by the code.
2. The requirement to install and maintain a residential sprinkler system is codified in the restrictive covenants on the real property deed for all lots in the subdivision
3. Every building within the developed neighborhood/subdivision must have an automatic sprinkler system installed. This includes each home, as well as buildings

such as community rooms, gymnasiums, buildings next to swimming pools, meeting halls, etc. to which members of the covenant have access to and are included as part of the development.

4. The sprinkler requirements codified (see criteria #2) are permanent and cannot be removed.
5. The sprinklers in each residence are installed and maintained according to all applicable codes and the most current NFPA standards governing their installation, testing, and maintenance.

SECTION R103 ALLOWABLE AMENDMENTS

R103.1 In such instances where all the criteria of Section R102 are met, the fire code may be amended in the following sections:

R103.1.1 Hydrant Spacing. Section 507.5.1 exception 2 shall apply.

For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1 or 903.3.1.2 the distance requirement shall be 600 feet (183m).

R103.1.2 Fire Apparatus Access Roads.

Section 503.1.1 The distance requirement shall be within 250 feet (76 200 mm)

Section 503.2.1 Dimensions. The distance requirement shall be 18 feet (5 486 mm).

Section 503.2.5 Dead Ends. The distance requirement shall be 450 feet (137 160 mm).

Section D105.2 Width. The distance requirement shall be 24 feet (7 315 mm).

APPENDIX T

TENTS AND OTHER MEMBRANE STRUCTURES

User Note:

About this appendix: Appendix T provides details for the proper and approved method of installing commercially rented tents. The requirement in Chapter 31 requiring tents to be “adequately roped, braced and anchored to withstand the elements of weather” proved too vague for objective review of submitted plans and site inspection approval. This appendix clarifies the specific requirements for the installer and the installation. It includes amendments/addendums adopted in 2015 Council Bill 2015-294 on November, 23 2015.

SECTION T101 GENERAL

T101.1 Scope. This appendix sets forth the requirements for the installation of commercial tents within the City of Springfield, Missouri.

SECTION T102 PERMITS

T102.1 Permits. Permits shall be required as set forth in Sections 105.6 and 105.7 and will be obtained from the Fire Department by the owner of the tent or his designee, except where two or more tents will be used as part of an event with a valid City of Springfield Special Event Permit, then the event organizer may apply for the permit.

T102.2 Permit application must have a site plan noting the location of the tent and an approved staking/ballasting plan.

T102.2.1 The tent user will be required to submit a layout plan for the setup within the tent. This must be provided to the *Fire Code Official* no later than at the time of the inspection. The permit holder is required to notify the tent user of this requirement.

SECTION T103 VENDOR REQUIREMENTS

T103.1 Tent Vendor License.

T103.1.1 All vendors renting commercial tents for use in the City of Springfield must obtain a one-time no-cost tent vendor license through the Fire Department.

T103.1.2 To obtain the license, the owner or his designated employee must:

1. Successfully pass a no-cost training course provided by the Fire Department, which will cover the relevant sections of the City's Fire Codes well as the permitting and installation requirements; and
2. Hold a valid business license for the City of Springfield.

SECTION T104 MASTER TENT INSTALLER

T104.1 Every individual who installs commercial tents greater than 200 square foot must be approved as a Master Tent Installer.

T104.2 To become approved, the individual must:

1. Successfully complete a tent installation course approved by *the Fire Code Official*;
2. Successfully pass a no-cost written examination provided by the Fire Department, which will cover The Industrial Fabrics Association International (IFAI) Procedural Handbook for the Safe Installation & Maintenance of Tentage, the guidelines for the ballasting of tents commonly referenced as The Clemson Study within the industry, RSMoChapter 310, the current Fire Code as adopted by the City of Springfield, and any other materials deemed appropriate by the *Fire Code Official*. Only those chapters that relate to tent safety will be covered, including but not limited to Chapter 31, exit lighting, fire extinguishers, etc.;
3. Hold a valid business license for the City of Springfield, or operate under the employ of a City of Springfield licensed Tent Vendor ; and
4. Carry the minimum General Liability insurance required by the City for Master licenses, or operate under the employ of a City of Springfield licensed Tent Vendor providing the minimum General Liability insurance required.

T104.3 The approval is valid for three years from the date of issuance, but may be revoked for cause.

T104.4 An approved master tent installer must be on-site and directly oversee the installation of every commercial tent greater than 200 square foot in size.

T104.5 Once the tent is installed, the master tent installer must sign the assurance statement on the permit, including emergency contact information, and securely fasten it in a conspicuous place within the tent.

SECTION T105 TENT INSTALLATION

T105.1 All commercial grade tents must be installed in accordance with one of the following:

1. Wind-rated tents: manufacturer's recommendations – documentation must be provided to the Fire Department
2. Non-rated tents: manufacturer's recommendations that comply with the IFAI Procedural Handbook for the Safe Installation & Maintenance of Tentage – Manufacturer's recommendations must be provided to the Fire Department
3. Non-rated tents: The IFAI Procedural Handbook for the Safe Installation & Maintenance of Tentage and the provisions contained within this code.
4. Non-rated tents: an engineered study by a professional engineer –engineered study must be provided to the Fire Department. (This is used when the manufacturer does not provide instructions and/or when the instructions for a non-wind rated tent conflict with the IFAI Procedural Handbook for the Safe Installation & Maintenance of Tentage.)

SECTION T106 INSPECTIONS

T106.1 All tents, ballasting, and tie-downs will be inspected for defects, wear and tear, and damage prior to the installation of each tent. Those with visible damage will not be erected.

SECTION T107 STAKING

T107.1 All stakes will be installed in accordance with The IFAI Procedural Handbook for the Safe Installation & Maintenance of Tentage.

T107.2 Color Coding. All stakes will have the heads painted the following color to indicate the length of the stake in the following manner:

- i. Red: 32" – 39"
- ii. Yellow: >40" but not more than 47"
- iii. Green: 48" or more

T107.3 Embedment. Regardless of actual length, stake embedment will be considered the following based upon color:

- iv. Red: 28 inches
- v. Yellow: 34 inches
- vi. Green: 36 inches

T107.4 Maximum stake exposure. The maximum amount of stake exposed above the ground is:

- vii. Red: 4 inches
- viii. Yellow: 6 inches
- ix. Green: 12 inches

T107.5 Tie downs. Tie downs/guys should be attached within 2 inches of the ground, and in no case, can be more than 4 inches from the ground, regardless of the amount of stake above ground.

T107.6 Diameter. All stakes must be at least 1 inches in diameter.

T107.7 Stakes are to be driven vertically between 0 and 15 degrees.

T107.8 In no case will a stake be less than one-half the height of the upright and no more than the height of the upright from the leg, except as otherwise provided in this code.

T107.9 If heads of stakes are unpainted, stakes will be presumed to be 32 inches (thirty-two inches) in length.

SECTION T108 KNOTS

T108.1 Only knots approved in the IFAI Procedural Handbook for the Safe Installation & Maintenance of Tentage will be used, unless the tent is wind-rated or is approved by an engineered study by a professional engineer.

SECTION T109 BALLASTING

T109.1 All tents will be ballasted either according to The Clemson Study provided by the IFAI or by an engineered study by a professional engineer.

T109.2 Unless a tent is certified by its manufacturer as a wind-rated tent and documentation is provided, installations must meet the non-wind rated ballasting.

T109.3 Concrete ballasts must be permanently marked with the weight of the block and must weigh at least 125 pounds.

T109.4 No more than two ballasting blocks may be used to provide the required weight per leg/pole. When two ballasting blocks are used, they must use a load equalizing device. Effective January 1, 2016 x.

T109.4.1 Exception: More than two ballasting blocks may be used when a connecting system approved by *the Fire Code Official* is used where they are positively locked so as to act as a single anchor.

T109.5 Ballasting may not be accomplished by the use of containers using water to create the weight.

SECTION T110 TIE-DOWNS, RATCHET STRAPS AND GUY ROPES

T110.1 Requirements for tie downs, ratchet straps and ropes.

T110.1.1 The working load of tie-downs will be rated as provided in The IFAI Procedural Handbook for the Safe Installation & Maintenance of Tentage.

T110.1.2 The rated strength of tie-downs must meet or exceed twice the ballasting/staking required.

T110.1.4 Ropes must be at least ½ inches in diameter.

T110.1.5 Ratchet type straps must be clearly marked by the original manufacturer for the approved working load limit rating.

T110.1.6 Ratchet straps must have a positive locking hook system to prevent it from accidentally becoming unsecured from the stake, grommet, or other securing device.

SECTION T111 LEGS/ANCHOR POINTS

T111.1 Every leg/anchor point must have the appropriate staking/ballasting.

T111.2 All jump ropes must be properly secured.

SECTION T112 TENSIONING

T112.1 All non-wind rated tents must be anchored and tensioned to a minimum of 7.5 pounds per square foot of uplift loads and 5 pounds per square foot of lateral loads unless otherwise provided in this code.

SECTION T113 ADDITIONAL REQUIREMENTS

T113.1 The owner of the tent will provide all required safety items, including fire extinguishers, exit lighting, and other items required by this code or the Fire Code Official.

T113.2 The owner of the tent will provide any heaters that are used within a tent and their use must be approved by the *Fire Code Official*.

T113.3 Every tent must have the owner's name and contact information securely fastened in a conspicuous location on the tent.

T113.4 Wind. Tents must be immediately evacuated when wind speeds or gusts are above 45 mph unless, except:

T113.4.1.1 Tents that are erected for a period of 7 days or less and when wind speeds are predicted by the National Weather Service to be less than 45 mph from the time the tent is erected until it is set to be removed, and anchored and tensioned to the following as a minimum rather than Section 3103.9.5(1) and 3103.9.8, shall be evacuated when wind speeds or gusts are above 30 mph.

Ballasting	Without Sidewalls	With Sidewalls
100 sq. ft. or less	4.5 lbs./sq. ft.	14 lbs./sq. ft.
>100 sq. ft. - 900 sq. ft.	10.0 lbs./sq. ft.	18 lbs./sq. ft.

T113.4.1.2 Tents that are erected for a period of 7 days or less and when wind speeds are predicted by the National Weather Service to be less than 45 mph from the time the tent is erected until it is set to be removed and **staked** to the following as a minimum rather than Section V, paragraph 3h above.

Staking	Without Sidewalls	*	With Sidewalls	*
100 sq ft or less	Red or unpainted	1'	Yellow	3'
101 sq ft to 400 sq ft	Yellow	1'	Yellow	3'

* = Distance from tent

SECTION T114 CONSUMER SAFETY AWARENESS CONSULTATION

T114.1 The owner, agent or installer shall review safety requirements, as per event specifics necessitate, with the event manager or end user of the tent or membrane structure. The consultation shall comply with sections T114.2 and T114.3.

T114.2 A safety consultation shall be provided to the event manager or end user of the tent or membrane structure. The consultation shall be documented in written format and shall be signed by both the owner, agent or installer and the event manager or end user and must be provided to the *fire code official* upon request. Safety topics covered in the consultation shall include, but are not limited to, items 1 through 5 below:

1. Maximum occupancy load for each tent or membrane structure.
2. Interior layout. Placement of tables, chairs, stages, decorations or other physical elements with consideration for required aisle and exit widths which must remain unobstructed.
3. Heat sources. Safety requirements regarding cooking, heating, smoking and other open flames items.
4. Potential hazards associated with high winds and other severe weather conditions.
5. Emergency action plan as described in section T114.3

T114.3 An emergency action plan shall be developed specific to each event. The emergency action plan shall be documented in written format and shall be signed by both the owner, agent or installer and the event manager or end user and must be provided to the *fire code official* upon request. Items covered in the emergency action plan shall include, but are not limited to, items 1 through 4 below:

1. Identification of a crowd manager or person responsible for monitoring weather and other hazardous conditions and making notification for an evacuation of the tent(s) or membrane structure(s).
2. Effective and expedient means of crowd notification.
3. Identification of safe location and evacuation procedure.
4. Evacuation parameters including, but not limited to:
 - i. wind speeds in excess of tent or membrane structure design and installation limits.
 - ii. severe weather conditions such as tornado, earth quake, hail, lightning, flash flooding, etc.
 - iii. fire or other hazardous condition posing a threat to occupants of the tent or membrane structure.
 - iv. unstable or unsafe tent or membrane structure condition or partial collapse.



EXPLANATION TO COUNCIL BILL 2025-260 (HARDINGER)

FILED: 11/21/2025

ORIGINATING DEPARTMENT: Public Works

TITLE: A general ordinance amending Springfield City Code Chapter 98, “Streets, Sidewalks and Public Places,” by deleting Article III, “Sidewalks and Driveways,” and enacting a new Article III, “Access Management Standards for Public Rights-of-Way,” in lieu thereof, to establish a consolidated and performance-based framework for managing driveways, access points, and intersections.

PURPOSE: Amending Chapter 98, Article III, Division 3 of the Springfield City Code, currently titled “Driveways and Driveway Approaches,” to establish updated Access Management Standards for Public Rights-of-Way. The amendment modernizes permitting, definitions, and spacing requirements for all access points to public streets and alleys, and aligns City Code with current engineering practices, adopted design standards, and state and federal guidelines for access management.

BACKGROUND INFORMATION: The existing Division 3 ordinance governing driveways and driveway approaches was last comprehensively updated in 1997. The proposed revision renames Division 3 to “Access Management Standards for Public Rights-of-Way” and establishes a consolidated and performance-based framework for managing driveways, access points, and intersections across the City street network. These updates reflect national best practices for access management and are intended to improve safety, maintain traffic flow, reduce conflict points, and protect the City’s investment in street infrastructure. The ordinance also introduces a consistent permitting, review, and appeal process that better integrates with current subdivision and site plan requirements.

These revisions have been fully reviewed by internal and external stakeholders, including Planning and Zoning, and have already been presented to City Council during the broader Land Development Code rewrite effort. Adoption of this section was intentionally delayed to ensure the language aligns with the final amendments to the comprehensive Land Development Code changes.

SUPPORTS THE FOLLOWING CITY COUNCIL PRIORITIES:

- Public Safety Transformation
- Economic Vitality
- Operational Excellence

REMARKS: Public Works and the City Attorney’s Office recommend approval of this Council Bill to ensure alignment with current engineering standards and best practices



for access management, improve public safety and corridor functionality, and protect the City's investment in street infrastructure.

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 12/05/2025

Attachments:

1. Amend Ch 98 Article III_ord
2. Amendment to Ch 98 Article III_Ex1

One-rdg. _____
P. Hrngs. _____
Pgs. 15
Filed: 12-09-25

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-260

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Springfield City Code Chapter 98, "Streets, Sidewalks and Public
2 Places," by deleting Article III, "Sidewalks and Driveways," and
3 enacting a new Article III, "Access Management Standards for
4 Public Rights-of-Way," in lieu thereof, to establish a consolidated
5 and performance-based framework for managing driveways,
6 access points, and intersections.
7 _____
8

9 WHEREAS, the City has a duty to manage, protect, and preserve the public
10 rights-of-way; and
11

12 WHEREAS, existing City Code governing driveways and driveway approaches
13 was last updated in 1997; and
14

15 WHEREAS, the City desires to update City Code to establish a consolidated and
16 performance-based framework for managing driveways, access points, and
17 intersections across the City street network using national best practices for access
18 management to improve safety, maintain traffic flow, reduce conflict points, protect the
19 City's investment in street infrastructure, and provide a permitting and review process
20 that better integrates with current and future subdivision and site plan requirements; and
21

22 WHEREAS, the City desires to make this Ordinance effective at the same time
23 as General Ordinance 6917, adopting a new land development code.
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 SPRINGFIELD, MISSOURI, as follows, that:
27

28 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.
29

30 Section 1 – Chapter 98 of the Springfield City Code, "Streets, Sidewalks and
31 Public Places," is hereby amended by deleting Article III, "Sidewalks and Driveways" in
32 its entirety, and enacting a new Article III, "Access Management Standards for Public
33 Rights of Way," in lieu thereof as set forth in "Exhibit 1," attached hereto and

34 incorporated herein by this reference.

35
36 Section 2 – Savings Clause. Nothing in this Ordinance shall be construed to
37 affect any suit or proceeding now pending in any court, or any rights acquired, or liability
38 incurred, nor any cause or causes of action accrued or existing, under any act or
39 ordinance repealed hereby, nor shall any right or remedy of any character be lost,
40 impaired, or affected by this Ordinance.

41
42 Section 3 – Severability Clause. If any section, subsection, sentence, clause, or
43 phrase of this Ordinance is for any reason held to be invalid, such decision shall not
44 affect the validity of the remaining portions of this Ordinance. City Council hereby
45 declares that it would have adopted the Ordinance and each section, subsection,
46 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
47 sections, subsections, sentences, clauses, or phrases be declared invalid.

48
49 Section 4 – This Ordinance shall not be effective until the City Council adopts a
50 new zoning map for the entire city adjusting the boundaries of the zoning districts and
51 until City Council declares that the condition has been satisfied.

52
53 Passed at meeting: _____

54
55
56 _____
57 Mayor

58 Attest: _____, City Clerk

59
60 Filed as Ordinance: _____

61
62 Approved as to form:  _____, Assistant City Attorney

63
64
65 Approved for Council action:  _____, City Manager

ARTICLE III. SIDEWALKS, TRAILS, AND DRIVEWAYS

DIVISION 3. ACCESS MANAGEMENT STANDARDS FOR PUBLIC RIGHTS OF WAY

98-111. Intent; Authority to establish regulations: The general intent of Division 3, Access Management Standards for Public Rights of Way is to:

1. Provide authority to the Director to manage and permit access to public streets and alleys through standards and technical specifications approved by the Director.
2. Enhance the safety, efficiency, and sustainability of the city's transportation network while supporting equitable growth, economic vitality, and community connectivity.
3. Enhance economic development by facilitating predictable and efficient access to businesses and properties while maintaining corridor functionality and protecting public investment in infrastructure.
4. Optimize traffic flow and safety by minimizing conflict points between vehicles, pedestrians, and cyclists by managing the location, design, and spacing of access points, intersections, and driveways.
5. Consider the impact of maintenance cost, stormwater management, and quality of place to public infrastructure.

The director of Public Works shall have the authority to establish regulations managing the design and construction of access points to public infrastructure, including but not limited to the "Public Works Design Standards and Technical Specifications," and DS-09 Access Management and Traffic Impact Analysis Standards. All regulations are incorporated by reference into this Division, and shall be on file with the Department of Public Works, 840 Boonville Avenue, Springfield, Missouri or available on the City's official website. In the event of a conflict between this Division and the regulations, procedural and enforcement matters such as permits, violations, and appeals shall be governed by this Division, and technical or geometric design criteria shall be governed by the regulations.

98-112. Definitions:

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- *Access* - Vehicular access from a private property to the nearest lane of a public street or alley through a driveway or other permitted access point.
- *Alley* means the entire width of a public way which extends only secondary means of access to abutting property.
- *Angle of Intersection* - The angle of which the driveway's centerline differs from a 90-degree intersection with the public roadway centerline based on the one-way or two-way access use of the driveway.
- *Contractor* - A contractor employed by a person to construct, reconstruct, alter, remove, or replace a driveway.
- *Corner* - The point of intersection of lines of two street curb faces extended into a street intersection.
- *Corner Clearance* - Spacing between the end of the curb radius of the intersection of two public roadways and the start of the curb radius of the nearest adjacent driveway.
- *Curb Radius* - The radius of the rounded curb along the edge of paved intersecting roadways.
- *Director* means the Director of Public Works for the City of Springfield, or the duly authorized designee or representative.
- *Driveway* means an area intended for the operation of vehicles from the street right-of-way line to a garage, parking area, building entrance, structure or approved use located on the property.

- *Driveway approach* - An area intended for the operation of vehicles giving access between a roadway and abutting property. The driveway approach includes the sum of the driveway returns on each side of the driving surface, plus the driving surface.
- *Driveway Offset* - Spacing between driveways on opposite sides of the street if not directly aligned across the street, measured centerline to centerline between driveways. Direct alignment of centerline across the street defined as a maximum of 1/2 lane width or 6 feet, whichever is less.
- *Driveway return* - That portion of the curb at the beginning of a driveway approach which serves as a transition from the height of the curb to the level of the approach.
- *Driveway Safety Study* – An engineering evaluation focused on evaluating the design and placement of access points, functionality, traffic flow, and driver behaviors for driveways, intersections, or entrances, to ensure safe and efficient connectivity to public roadways.
- *Driveway Spacing* - Spacing between driveways that are located on the same side of the street, measured centerline to centerline between driveways at the edge of the nearest through lane.
- *Driveway Width* - The cross-section width of the driveway, measured from edge to edge at the right of way, not including apron, curb radius, or medians.
- *Functional Area* - Related to signalized intersections, the functional area extends away from the intersection on all approaches to encompass the maximum typical queues and typically within the limits of any turn lane and applicable tapers. From Synchro evaluations, this would be the highest value 95th percentile queue for each approach. Where operational calculations are not available, the storage length equation below can be used.

Equation:

$$\text{Storage Length (ft)} = \frac{\left(1 - \frac{G}{C}\right) * \text{DHV} * \left(1 + \frac{\% \text{Trucks}}{100}\right) * (2 * 25)}{\left(\frac{3600}{C}\right) * (\# \text{ of Traffic Lanes})}$$

Where:

G = Green Time (secs).

C = Cycle Length (secs).

DHV = Design Hourly Volume (vph) for turn lane.

- *Grade Change* - The vertical percent grade change of a driveway from the public roadway.
- *Gutter* - That portion of the driving surface of a street, driveway approach, or other public way which abuts the curb and provides for the runoff of surface drainage.
- *Improved street* - A street with a hard surface of asphalt or concrete. An improved street may or may not have curb and gutters.
- *Intersection* - The general area where two or more roadways meet, join, or cross at a common point establishing an area within which vehicles traveling different roadways may come in conflict.
- *Joint driveway* - A driveway which provides access to a public street for more than one lot or parcel of land.
- *Nonresidential* - Pertaining to the use of any area, structure, or other facility for commercial or industrial use or for multifamily dwellings where more than two units are involved.
- *Median Opening* - A break in the physical median that allows traffic to cross. Spacing between openings of a raised median to allow left-turn movements from only one or both sides of the public roadway onto driveways are measured from the start of an opening in the median to the start of next opening.
- *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.
- *Parcel of land* - A lot, or lots, or a tract under a single ownership.
- *Parking* - The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading.

- *Parking plan* - A drawing which shows the exact number, location, and size of proposed off-street parking spaces.
- *Parkway* - That portion of the street right-of-way between the edge of the roadway and the adjacent property line on the same side of the street, except any portion used for sidewalks.
- *Permittee* - An owner or contractor holding a permit issued pursuant to this Division.
- *Person* - A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law.
- *Property line* - The boundary between two or more parcels of land.
- *PROWAG* - Public Right-of-Way Accessibility Guidelines.
- *Raised Median* - A median constructed to physically discourage or prevent vehicles from crossing opposing traffic lanes along the corridor. A raised median can also be designed to provide pedestrian refuge.
- *Residential* - The use of any area, structure, or other facility primarily for dwellings, up to and including two units.
- *Right-of-way* - A general term denoting public ownership or interest in land, usually in a strip, which has been acquired for or devoted to the use of a street or alley.
- *Right-of-way line* or *street right-of-way line* - The boundary between any public street or alley and one or more parcels of private property.
- *Roadway* - The area of a street intended and used for vehicular travel.
- *Shared Access* - Access to a public street for more than one lot or parcel of land.
- *Sidewalk* - The paved portion of a parkway intended for the use of pedestrians.
- *Sight distance triangle* - A triangular-shaped area of street right-of-way, acquired at intersections to ensure adequate sight distance.
- *Signal Spacing* - The distance between intersections controlled by traffic signals along a roadway, measured from centerline to centerline of the intersections.
- *Street* - The entire width of a public right-of-way which extends primary means of access to abutting properties.
- *Street, primary arterial* - A street or highway primarily intended to provide for high-volume, moderate-speed traffic movement between major activity centers with moderate to extended trip lengths. Access to abutting property is subordinate to the flow of major traffic movement and is subject to necessary control of entrances and exits.
- *Street, secondary arterial* - A street which interconnects with and augments or feeds the primary arterial system and is intended for moderate-volume, moderate-speed traffic with short to moderate trip lengths. Access to abutting property is partially controlled.
- *Throat Length* - Distance from the edge of the shoulder/curb of the roadway to the first on-site location on the driveway at which a driver can make a right or left turn.
- *Traffic Access Assessment (Access Plan)* - A evaluation conducted to evaluate compliance of existing and/or future access locations with all applicable requirements.
- *Traffic Impact Study (TIS)* - 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.
- *Two-Way Left-Turn Lane* - A paved lane in the middle of a two-direction roadway which allows left turns in both directions. The pavement markings for a two-way left turn lane are different from a dedicated one-way left-turn lane to indicate the shared use.
- *Unimproved street* - A street without a hard surface of asphalt or concrete.

- *Vehicle* - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 98-113. Violations; penalty.

Any permittee or other person who shall construct, reconstruct, alter, remove, or replace any driveway or related work except in conformity with this division, or who shall otherwise violate the provisions thereof, or who shall violate or refuse to obey any of the rules, regulations, or standard plans and specifications adopted by the Director pursuant to this division, or who shall refuse to obey any lawful order given by the Director, shall be guilty of a misdemeanor.

Sec. 98-114. Permit required for construction or alteration of any Access

It shall be unlawful for any person or entity to construct, reconstruct, alter, remove or replace any driveway approach, or any curb, guttering or sidewalk in connection with any such driveway work, or to cause such work to be performed, without first applying for and receiving a permit for such work. Separate permits shall be required for driveway approaches on each street bordering a lot. Driveway permits must also be obtained for all private streets as record of compliance should the private street ever be considered for adoption as a public street.

Sec. 98-115. Application for permit; conditions.

- (a) Application for a permit to construct, reconstruct, alter, remove, or replace any driveway approach, or any curb, guttering, or sidewalk in connection with such driveway approach work, shall be made to the Director. Applications shall contain such information as the Director shall deem necessary or desirable in order to determine whether the application is for work acceptable and in conformity with the provisions of this division. Unless the application is made by the owner of the property or his authorized representative or contractor, no permit shall be issued for the work.
- (b) As a condition for the issuance of the permit, the applicant shall agree to indemnify and hold harmless the city and its employees and agents from any liability to person or property resulting from any act or omission of the applicant in performing the work. As a further condition for the issuance of the permit, the owner shall agree that all maintenance of the driveway approach shall be the owner's responsibility or the responsibility of his successors, heirs, and assigns. The owner shall, upon the receipt of notice from the Director, perform maintenance work required by the order. If the owner fails to maintain the driveway, such failure shall constitute cause for the Director to remove the entrance. As a condition of issuing the permit, the owner and his successors, heirs, or assigns agree to indemnify and hold harmless the city and its employees and agents from all liability to property or persons resulting from the owner or his successors, heirs, or assigns failing to maintain the driveway approach.

Sec. 98-116. Issuance of permit; fee.

If an application as submitted to the Director under the provisions of this Division shall be for work acceptable to and in conformity with this division, then the Director is hereby authorized to issue a permit for such work upon the payment of the applicable fee as established in a schedule adopted by ordinance from time to time.

Sec. 98-117. Street Classification

1. The City of Springfield's street network is organized into specific classifications as outlined in the official Major Thoroughfare Plan. These classifications—Expressway, Arterial, Collector, and Local Streets—are further refined into subclassifications based on contextual use. These subclassifications, defined by the

Director, serve as the foundation for access management, traffic regulations, and applicable design specifications.

2. A comprehensive list of the subclassifications within the Major Thoroughfare Plan is available through the City's Geographic Information Systems (GIS) database, which can be accessed on the City's official website. In general, the subclassifications are determined based on the following key criteria:

Classification	Subclassification	ADT Range	Typical Posted Speed Limit (mph)	Intended Use
Expressway				Typically under MoDOT jurisdiction and are limited access, urban highways.
Arterial	Arterial - High Type	> 20,000	35 - 50	Highly limited access, greatest priority to traffic movement.
	Arterial - Mid Type	10,000 - 20,000	30 - 45	Relatively limited access, priority to traffic movement, limited congestion allowed.
	Arterial - Low Type	< 10,000	30 - 45	Used for future planning, do not currently function in the capacity of typical arterials.
Collector	Collector - System	> 5,000	25 - 40	Maintain access for properties from the arterial network with reliable traffic flow and multimodal use.
	Collector - Residential Subdivision	< 5,000	25 - 40	Maintain access for properties from the arterial and collector network with reliable traffic flow and multimodal use.
	Collector - Residential Subdivision (Pre-2026)	< 5,000	25 - 40	Maintain access for properties from the arterial and collector network with reliable traffic flow and multimodal use.
Local	Local - High Activity	< 4,000	20 - 35	Provides commercial access with limited traffic volume and multimodal use.
	Local - Low Activity	< 800 - 1,000	20 - 30	Fitted for residential access and multimodal use.
Alley		< 500	NA	Defined public access shared between abutting properties. Not intended for through traffic.

98-118. General Access Standards

1. Any permittee or other person who shall construct, reconstruct, alter, remove, or replace any driveway shall bring the driveway into full compliance with all portions of this Division and any other applicable requirements of the Subdivision and Zoning regulations, any site plan, access plan, zoning requirements, and the Public Works Design Standards and Technical Specifications.

2. Access to City Streets is regulated by this Division. When requirements of this Division may not be directly applicable to a specific application, the Director shall be authorized to permit, remove, or define access locations as per the Section 98-111.
3. This Division primarily provides regulations on the location of access points only. Specific requirements related to materials, cross sections, grades, and other design details are found in the Public Works Design Standards and Technical Specifications.
4. Variances for Access spacing requirements may be requested in accordance with 98-121 of City Code.
5. Access spacing shall be as provided herein.
6. **Corner Clearance:** Corner clearance requirements for driveways along a divided roadway can be assumed to be right-in/right-out access types. If the findings of a traffic impact study indicate that the functional area of a signalized intersection extend beyond the values shown in table below, the City Traffic Engineer may require a larger clearance and/or restrict left-turn movements at a driveway within the functional area.

Classification	Driveway Location on Roadway from Intersection	Minimum Clearance Along an Undivided Roadway (ft)	Minimum Clearance Along a Divided Roadway (ft)
Expressway	Upstream	660	660
	Downstream	660	660
Arterial	Upstream	550	275
	Downstream	550	275
Collector	Upstream	275	140
	Downstream	275	140
Local	Upstream	100	50
	Downstream	100	50

7. **Corridor Characteristics:** Corridor characteristics define the components of the public roadway that can dictate the location and access types available to driveways.

Classification	Subclassification	Driveway Spacing (ft) ¹	
		Full Access	Right In/Out
Expressway		660	660
Arterial	Arterial - High Type	440	220
	Arterial - Mid Type	440	220
	Arterial - Low Type	330	220
Collector	Collector - System	220	150
	Collector - Residential Subdivision	130	NA
	Collector - Residential Subdivision (Pre-2026)	100	NA
Local	Local - High Activity	100	NA
	Local - Low Activity	50	NA

¹ Access shall not be located within the functional area of an intersection.

8. **Number of Access Points:** The use of shared or cross access between adjacent properties reduce the number of conflict points and separate conflict areas. Providing a common access can be encouraged by offering a full access driveway, such as along a raised median creating a median opening, if it can be shown that spacing allows and customer convenience and safety is improved. With redevelopment properties under single ownership, joint access should be recommended before subdivision.

Classification	Subclassification	Maximum Number of Driveways*	
		Full Access:	Right-In/Out:
Arterial	Arterial - High Type	1	1
	Arterial - Mid Type	1	+1
	Arterial - Low Type	1	+1
Collector	Collector - System	1	+1
	Collector - Residential Subdivision	**	NA
	Collector - Residential Subdivision (Pre-2026)	2*	NA
Local	Local - High Activity	2*	NA
	Local - Low Activity	1/Lot	NA

* Values in the table indicate the maximum number of access points. Access locations must meet the offset requirements noted in tables above. Residential single-family lots shall have no more than one (1) access.

** Direct access to residential subdivision collectors should be minimized but where allowed shall be a maximum of one per lot, or a maximum 20% of lots that abut the road total of both sides.

9. **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, 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.
- General:*
 - 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.
 - 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 has 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.
 - 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 d(2) of this section.

- c. **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:
- (1) When a site plan, public improvement plans, or driveway permits are required.
 - (2) When any access is within the functional area of an intersection or deemed a public safety risk by the City Traffic Engineer.
 - (3) 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.
- d. **Access for Residential Single-Family Lots:**
- (1) **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.
 - (2) **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.
- e. **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).
10. **Storage and Queueing:** Storage requirements shown below are on a per-tenant basis with the intent that the queues do not spill onto the public roadway or block egress/ingress to properties. The City Traffic Engineer may request tenant-specific queueing, including schools, and trip data and modify the requirements as necessary to prevent queueing of traffic onto a public street or rights of way.

Facility Type	Vehicle Storage
Drive-in Bank	6 spaces per window
Drive-in Restaurant	10 spaces per window ¹
Automatic Car Wash	10 spaces per wash line
Self-Service Car Wash	3 spaces per wash line
Drive-in Theater	15% of the total parking capacity
Service Stations	4 spaces per service position
Drive-in Liquor Store	3 spaces per window ¹

¹ Measured from the pick-up window.

Sec. 98-119. Inspections; authority to establish additional regulations and standards.

The Director or his designated representative shall be responsible for providing all inspections required to determine that driveway approaches are constructed, reconstructed, altered, removed, or replaced in accordance with the provisions of this Division, and he is hereby granted authority to make and adopt such rules and regulations and such standard plans and specifications as he deems necessary to implement and carry out the true meaning and purpose of this Division, not inconsistent therewith. Rules, regulations, standard plans, and specifications so made and adopted shall be in writing and shall make reference to this section for their authority. They shall be filed in the office of the Director and shall be effective from such filing date.

Sec. 98-120. Stop work orders.

The Director or his authorized agent shall have authority to issue stop work orders whenever he shall find any driveway approach or related work being constructed, reconstructed, altered, removed, or replaced in violation of the provisions of this Division or the applicable regulations or standard plans and specifications adopted by the Director under the provisions of section 98-119. Any person served with a stop work order who shall fail to stop work or who shall continue such work shall be guilty of a misdemeanor. Whenever the director or his authorized agent shall issue a stop work order, he shall, as soon as possible, advise the permittee of his reasons for doing so.

Sec. 98-121. Appeals.

Any property owner who is aggrieved by the denial of a permit under the provisions of this Division may appeal such decision by submitting to the City Traffic Engineer a written request for appeal on forms approved by the Director within thirty (30) days of the denial of a driveway permit for review by the Director, stating the decision to be appealed, what provisions the applicant seeks to vary, and any other information necessary to enable the Director to make a determination. The City Traffic Engineer will then forward said request for appeal to the Director and include a recommendation to grant or deny the request. If the Director has authority to grant an appeal under this section, within seven (7) working days of receipt of the request for appeal, the Director shall advise the applicant, in writing, of his or her decision. If the Director does not have authority to grant an appeal under this section, the request for appeal shall be forwarded to the Administrative Review Committee (ARC) within thirty (30) days of receipt of the request for appeal.

1. The Director shall have the authority to grant driveway permits that deviate from the provisions of this Division in the following cases:
 - a. Single-family residential property on existing lots or newly subdivided lots where new street construction is not required.
 - b. Commercial access onto streets other than expressways, or arterials, where the anticipated traffic volume falls below the threshold requiring a Traffic Impact Study.
 - c. All existing driveways for minor modifications or repairs only.
 - d. The property is not used for a motor vehicle-oriented business or drive-through service on an expressway or arterial street.

Cases denied by the Director may be appealed to ARC within ten (10) days by the applicant.

2. For cases where the Director does not have authority to grant a driveway permit that deviates from the provisions of this Division, the Administrative Review Committee (ARC) shall have the authority to grant said permits when the applicant has proven the proposed driveway meets the standards set forth in this section. Cases denied by ARC may be appealed to the Planning and Zoning Commission within thirty (30) days by the applicant with the following exceptions:

- a. Access onto streets within the functional area of an intersection of any arterial or expressway and/or where the anticipated traffic volume requires a Driveway Safety Study and/or a Traffic Impact Study.
- b. The property is used for a motor vehicle-oriented business or drive-through service on an expressway or arterial street.

Appeals to the Administrative Review Committee or Planning and Zoning Commission shall not supersede an approved engineered site plan or traffic study. All appeals shall be accompanied by the engineered plans, traffic studies, and/or supporting documentation required by item (3) of this section

3. Information required when submitting for an appeal:

The applicant must demonstrate that strict compliance with standard access requirements would cause undue hardship due to unique circumstances related to the property, such as irregular lot shape, topography, or existing structures. The compatibility of a compliant driveway with a property's proposed use, business type, or specific site plan will not be considered a hardship.

For commercial access to an expressway or arterial or for access within the corner clearance to an arterial, a licensed professional engineer shall provide a summary of conditions and impact of the conditions noted below; for single-family residential houses on existing lots, a professional engineer is not required to submit such information:

- a. Adverse Impact on Public Safety
 - i. When compared to a driveway that complies with the terms of this Division, the proposed driveway must not create additional significant safety hazards for vehicles, pedestrians, or cyclists. This includes ensuring that sight lines, traffic flow, and emergency vehicle access are not compromised.
- b. Impact on Traffic Flow
 - i. When compared to a driveway that complies with the terms of this Division, the proposed driveway should not cause additional measurable disruptions to traffic patterns or cause additional congestion that reduces the Level of Service of adjacent roadways. A traffic impact study or driveway safety study may be required to assess the potential effects.
- c. Compatibility with Surrounding Area
 - i. The proposed driveway design and location should be compatible with the character and existing access patterns of the surrounding neighborhood, zoning, or district.
- d. Environmental Considerations
 - i. The proposed driveway should not have a detrimental impact on the environment, including factors such as stormwater runoff, erosion, and preservation of green spaces.
- e. Conformity with Long-term Planning Goals
 - i. The proposed driveway must align with the city's long-term planning and development goals, including any relevant master plans, transportation plans, or zoning objectives.
- f. Feasibility of Alternative Solutions
 - i. The applicant should demonstrate that there are no reasonable alternative solutions that would comply with all applicable provisions, such as shared driveways, cross-access easements, or different driveway alignments.
- g. Mitigation Application for Non-Compliance
 - i. Mitigation efforts to offset the potential impact of the non-compliant access should be included if applicable. Mitigation should only be considered against the requirements of the current code and standards, not mitigation of existing conditions. Removal of existing,

non-compliant access points shall not be considered a mitigation effort. Examples of appropriate mitigation efforts for consideration include specific design modifications, implementation of traffic calming measures, or offsite improvements.

Sec. 98-122. Order to correct violation; order to change proposed location.

- (a) *Correction of new work.* Whenever the Director shall find that any driveway or related work has been constructed, reconstructed, altered, removed, or replaced in violation of the requirements of this Division, or the applicable regulations or standard plans and specifications adopted under the provisions of this Chapter, he shall, by written order, direct the owner of the premises to correct the violation thereon, setting forth in the order the nature of the violation and giving a reasonable time within which the violation shall be corrected. It shall be unlawful for the owner to fail to correct the violation within the time provided in the order.
- (b) *Correction of existing driveway.* Whenever the Director shall find that an existing driveway approach was constructed contrary to the standards which were required at the time the driveway approach was constructed, he may, by written order, direct the owner of the property upon which such driveway approach is located to remove the approach and restore the curb or alter the approach if it might thereby be corrected to comply with the ordinance. The order shall set forth the reasons for its issuance, clearly advise the owner as to the nature of the work he should perform, and give a reasonable time for the completion of the work. It shall be unlawful for the owner to fail to comply with such order within the time specified therein.
- (c) *Relocation of proposed driveway.* Whenever the Director shall find that a proposed driveway approach to a parcel of land presents a clear and present danger to persons traveling upon the abutting roadway, he shall direct the relocation of the driveway approach to the nearest safe location to serve the parcel of land. The order shall set forth the reasons for its issuance, clearly advise the owner as to the nature of the work he should perform, and give a reasonable time for the completion thereof. It shall be unlawful for the owner to fail to comply with such order within the time specified therein.
- (d) *Service of orders.* Any order required or given under the provisions of this section or section 98-123 may be served on the owner of record by personally delivering a copy thereof to such owner or by mailing a copy thereof by registered mail to the owner's last known address, and if there should be more than one owner, then by such service upon any one of them. If the owner is unknown, or his whereabouts unknown, the Director shall post the order on the premises where the violation occurs or where the approach is to be removed or altered.

Sec. 98-123. Removal of abandoned driveway approaches.

Whenever a driveway approach has been abandoned, either by closing the entrance to the property served or by changing the use of the property served so that the driveway approach is no longer necessary or usable, it shall be the duty of the owner of the property served by the driveway approach to remove the driveway approach and restore the sidewalk, curb, gutter, and parkway to the line and grade of the adjoining sidewalk, curb, gutter, and parkway within 30 days after receiving a notice ordering such removal from the Director.



EXPLANATION TO COUNCIL BILL 2025-261 (HARDINGER)

FILED: 11/21/2025

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing the City Manager, or designee, to enter into an Intergovernmental Cooperative Agreement with Greene County, City Utilities, and Ozarks Transportation Organization to fund a US-60/US-65 Access and Operational Study to analyze alternatives within the defined study area to improve safety, traffic operations, travel time, reliability, and economic development; and amending the Fiscal Year 2025-2026 budget for the Department of Public Works in the amount of \$300,000 to appropriate federal Surface Transportation Block Grant – Urban funds.

PURPOSE: Authorizing the City Manager, or designee, to enter into an Intergovernmental Cooperative Agreement (“Exhibit 1”) with the Ozarks Transportation Organization (“MPO”), City Utilities (“Utility”), and Greene County (“County”) to fund a US-60/US-65 Access and Operational Study to analyze alternatives within the defined study area to improve safety, traffic operations, travel time, reliability, and economic development; amending the FY2025-2026 budget for the Department of Public Works in the amount of \$300,000 to appropriate federal Surface Transportation Block Grant-Urban (“STBG-U”) funding for the study; and amending the Capital Improvements Program as applicable to add the funded study.

BACKGROUND INFORMATION: The MPO will administer the consultant engineering contract, which is not to exceed \$1,000,000. The City’s \$300,000 allocation of STBG-U funding will be applied toward the 80-percent federal share of costs, to be matched by a 20-percent local share contributed by the Utility and County. City staff will be involved in the consultant-selection process and regular meetings throughout the study period. Upon completion, the City will receive the findings and recommendations of the study, as well as all related information, data, and reports.

Supports the following City Council Priorities:

- Quality of Place
- Public Safety
- Economic Vitality
- Fiscal Sustainability and Accountability

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 12/05/2025

- Attachments:**
1. OTO STBG US60-US65 Study_ord
 2. OTO STBG US60-US65 Study_PENDING COUNSEL REVIEW_Exh1
 3. OTO STBG US60-US65 StudyBA_Ex2

One-rdg. _____
P. Hrngs. _____
Pgs. 27
Filed: 12-09-25

Sponsored by: Hardinger

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-261

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to enter into an Intergovernmental
2 Cooperative Agreement with Greene County, City Utilities, and Ozarks
3 Transportation Organization to fund a US-60/US-65 Access and
4 Operational Study to analyze alternatives within the defined study area
5 to improve safety, traffic operations, travel time, reliability, and
6 economic development; and amending the Fiscal Year 2025-2026
7 budget for the Department of Public Works in the amount of \$300,000
8 to appropriate federal Surface Transportation Block Grant – Urban
9 funds.

10 _____
11
12
13 WHEREAS, the Ozarks Transportation Organization (“OTO”) has proposed a
14 partnership with the City, Greene County, and City Utilities to conduct an operational
15 study in the area of the US-60/US-65 interchange, at a cost not to exceed \$1,000,000,
16 utilizing up to eighty percent federal funds and a twenty percent local match; and
17

18 WHEREAS, the Access and Operational Study will examine alternative methods
19 to serve existing and future needs in the US-60 and US-65 interchange area, with the
20 intent of improving traffic operations, travel time, reliability, economic development, and
21 safety; and
22

23 WHEREAS, OTO will hire a transportation engineering consultant to perform the
24 study, with Public Works staff being involved in the selection process and taking part in
25 regular meetings throughout the study period; and
26

27 WHEREAS, the City’s share of the Study’s cost will be paid by the City’s
28 \$300,000 allocation of Surface Transportation Block Grant – Urban, and the local
29 matching funds, up to \$200,000 total, shall be equally shared by Greene County and
30 City Utilities.
31

32 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
33 SPRINGFIELD, MISSOURI, as follows, that:

34 Section 1 – City Council hereby authorizes the City Manager, or designee, to
35 enter into an Intergovernmental Cooperative Agreement in substantially similar form
36 with “Exhibit 1” attached hereto and incorporated herein by reference.
37

38 Section 2 – The budget of the Department of Public Works for Fiscal Year 2025-
39 2026 is hereby amended in the accounts and in the amounts shown on Budget
40 Adjustment No. 026, a copy of which is attached hereto and incorporated herein by
41 reference as “Exhibit 2.”
42

43 Section 3 – City Council finds that the budget adjustment made above has been
44 recommended by the City Manager.
45

46 Section 4 – The City Manager, or designee, is directed to cause the appropriate
47 accounting entries to be made in the books and records of the City.
48

49 Section 5 – This Ordinance shall be in full force and effect from and after
50 passage.
51

52 Passed at meeting: _____
53

54 _____
55 Mayor
56

57 Attest: _____, City Clerk
58

59 Filed as Ordinance: _____
60

61 _____
62 Approved as to form:  _____, Assistant City Attorney
63

64 _____
65 Approved for Council action:  _____, City Manager

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR
US-60/US-65 Access and Operational Study**

This Agreement is made and entered into upon its execution by the Ozarks Transportation Organization (hereinafter "MPO"), City of Springfield (hereinafter, "City"), Greene County (hereinafter "County"), and City Utilities of Springfield, MO (hereinafter "Utility"), with the Effective Date corresponding with the last signature to this Agreement. The City, County, and Utility are collectively referred to as "Entities".

WITNESSETH:

WHEREAS, the parties desire to conduct an access and operational study ("Study") to include analysis of two US highways (US-60 and US-65) that intersect in the southeast area of Springfield; and

WHEREAS, the parties desire to study alternatives within the study limits to serve existing and future needs with the intent to improve traffic operations, travel time, reliability, economic development and safety;

WHEREAS the MPO has proposed a partnership with the City, County, and Utility to conduct the Study in an amount not to exceed one million (\$1,000,000); and

WHEREAS the MPO will hire a transportation engineering consultant to study the US-60/US-65 area as outlined in "SCHEDULE A - LOCATION"; and

WHEREAS the MPO has agreed to hire a transportation engineering consultant to perform services outlined in the "SCHEDULE B - SCOPE OF SERVICES"; and

WHEREAS, OTO has agreed to oversee the Study contract utilizing up to eighty percent federal funds and twenty percent (20% local match). The City agrees to contribute Three Hundred Thousand toward the eighty percent federal funds. Twenty percent (20%) of the actual costs are to be provided by the Utility and County in local match.

NOW, THEREFORE, for the considerations herein expressed, it is agreed by and between the City, County, Utility and OTO as follows:

- 1. Selection and Contracting with Consultant.** OTO shall, at its sole cost and expense, select and contract with a qualified transportation engineering consultant ("Consultant") to perform a study to:
 - a. Develop both short-term and long-term alternatives and identify proposed actions for improving operational performance,
 - b. Establish a timeline for improvements of non-flyover ramps at US-60/US-65,
 - c. Meeting future transportation needs regarding future and existing access within the Study area, including potential development driven improvements

- d. Assess overall network connectivity in future scenarios, including evaluation of and recommendations for the complementary arterial and collector roads within the Study area

The findings and recommendations of the consultant, along with all information, data, and reports used to make such findings and recommendations, shall be furnished to the Entities upon receipt by the MPO.

2. Cost Share. The parties agree to cost share this project in the following manner:

- a. **County** shall be responsible for one-half of local match. It is expressly understood that in no event will the total compensation and reimbursement to be paid to OTO under the terms of this Contract exceed the sum of One Hundred Thousand Dollars and No/100s (\$100,000.00). The County's contribution will be composed of local funds.
- b. **Utility** shall be responsible for one-half of local match. It is expressly understood that in no event will the total compensation and reimbursement to be paid to the OTO under the terms of this Contract exceed the sum of One Hundred Thousand Dollars and No/100s (\$100,000.00). The Utility's contribution will be composed of local funds.
- c. **City** shall be responsible for contributing three-eighths of the federal STBG. The City will allocate a portion of its Suballocated Urbanized Surface Transportation Block Grant (STBG-U) funds to be utilized on the Study. It is expressly understood that in no event will the total allocation exceed the sum of Three Hundred Thousand Dollars and No/100s (\$300,000.00).

3. Payment Due.

- a. Upon execution of Engineering Consultant Contract, the MPO will invoice the County and Utility as follows:
 - i. The County and Utility will each be invoiced one-half the local match on the total negotiated engineering services contract up to One Hundred Thousand and No/100s (\$100,000.00).
 - ii. The MPO will furnish the County and Utility with copy of executed contract and invoice.
 - iii. The County and Utility will provide MPO with the local match as invoiced within 45 business days.
- b. Upon execution of Engineering Consultant Contract, OTO will transfer up to Three Hundred Thousand and No/100s (\$300,000.00) of the City's STBG-Urban funds to the MPO.
- c. Upon project completion, the MPO will
 - i. Provide a refund of any unused match.
 - ii. Provide the County and Utility with the unused funds within forty-five business days of engineering services closeout.
 - iii. Provide the City with a transfer of any unused STBG funds.

4. Entities Responsibilities

- a. The Entities shall assist with the selection of the Study Consultant; and
- b. The Entities shall participate in regular meetings to ensure project is performed per the proposed scope; and
- c. The Entities shall provide data and staffing support as necessary for the OTO to perform the Study; and
- d. The Entities shall help promote the Study's Public Meetings within their constituents.

5. **Term.** The MPO shall commence selection and contracting with a Consultant as soon as practicable after the execution of this Agreement, unless otherwise directed in writing by one of the Entities.

6. **Liability and Indemnity.** In no event shall the Entities be liable to the Consultant for special, indirect or consequential damages, except those caused by the Entity's gross negligence or willful or wanton misconduct directly and solely resulting in a breach of this contract. The maximum liability of the Entities shall be limited to the amount of money to be paid by the Entity in this Agreement.

7. **Conflicts.** No salaried officer or employee of the Entities and no member of the Entities Commission or Board shall have a financial interest, direct or indirect, in this Agreement. A violation of this provision renders the Agreement void. Any applicable federal regulations and applicable provision in Section 105.450 et seq. RSMo. Shall not be violated. MPO covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this Agreement. The MPO further covenants that in the performance of this Agreement no person having such interest shall be employed or compensated by the MPO.

8. **Jurisdiction.** This Agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this Agreement be litigated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

9. **Title VI.** The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

10. Entire Agreement. This Agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this Agreement shall be effective unless in writing specifically referring hereto and signed by both parties.

11. Execution. This Agreement may be executed in counterparts, with a separate page for each signature. The MPO shall ensure that each consulting party is provided with a complete copy of the final Agreement.

List of Schedules:

1. SCHEDULE A – LOCATION
2. SCHEDULE B – STUDY SCOPE
3. SCHEDULE C – STUDY COST SHARE EXHIBIT

The remainder of this page intentionally left blank

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR
US-60/US-65 Access and Operational Study**

Signatory:

OZARKS TRANSPORTATION ORGANIZATION

By: _____
Sara Fields
Executive Director

Date: _____

Attest:

By: _____
Debbie Parks
Finance Officer/Grants Administrator

Date: _____

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR
US-60/US-65 Access and Operational Study**

Signatory:

CITY UTILITIES OF SPRINGFIELD, MISSOURI

By: _____
Dwayne Fulk
President CEO

Date: _____

Attest:

By: _____
Kate Hutchison
Executive Assistant

Date: _____

Attest:

By: _____
Drew W Hilpert
Vice President – Chief Legal Officer

Date: _____

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR
US-60/US-65 Access and Operational Study**

Signatory:**GREENE COUNTY COMMISSION**

By: _____
Bob Dixon
Presiding Commissioner

Date: _____

By: _____
Rusty MacLachlan
Commissioner 1st District

Date: _____

By: _____
John C. Russell
Commissioner 2st District

Date: _____

ATTEST:

By: _____
Shane Schoeller
County Clerk

Date: _____

AUDITOR CERTIFICATION:

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of anticipated revenue appropriated for payment of same.

By: _____
Cindy Stein
Greene County Auditor

Date: _____

INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR
US-60/US-65 Access and Operational Study

Signatory:

CITY OF SPRINGFIELD

By: _____

Date: _____

City Manager or designee

APPROVED AS TO FORM:

By: _____

Date: _____

Anita Cotter
City Clerk

By: _____

Date: _____

David Holtmann
Director of Finance

By: _____

Date: _____

Dan Smith
Director of Public Works

By: _____

Date: _____

Contract Paralegal

APPROVED AS TO FORM:

By: _____

Date: _____

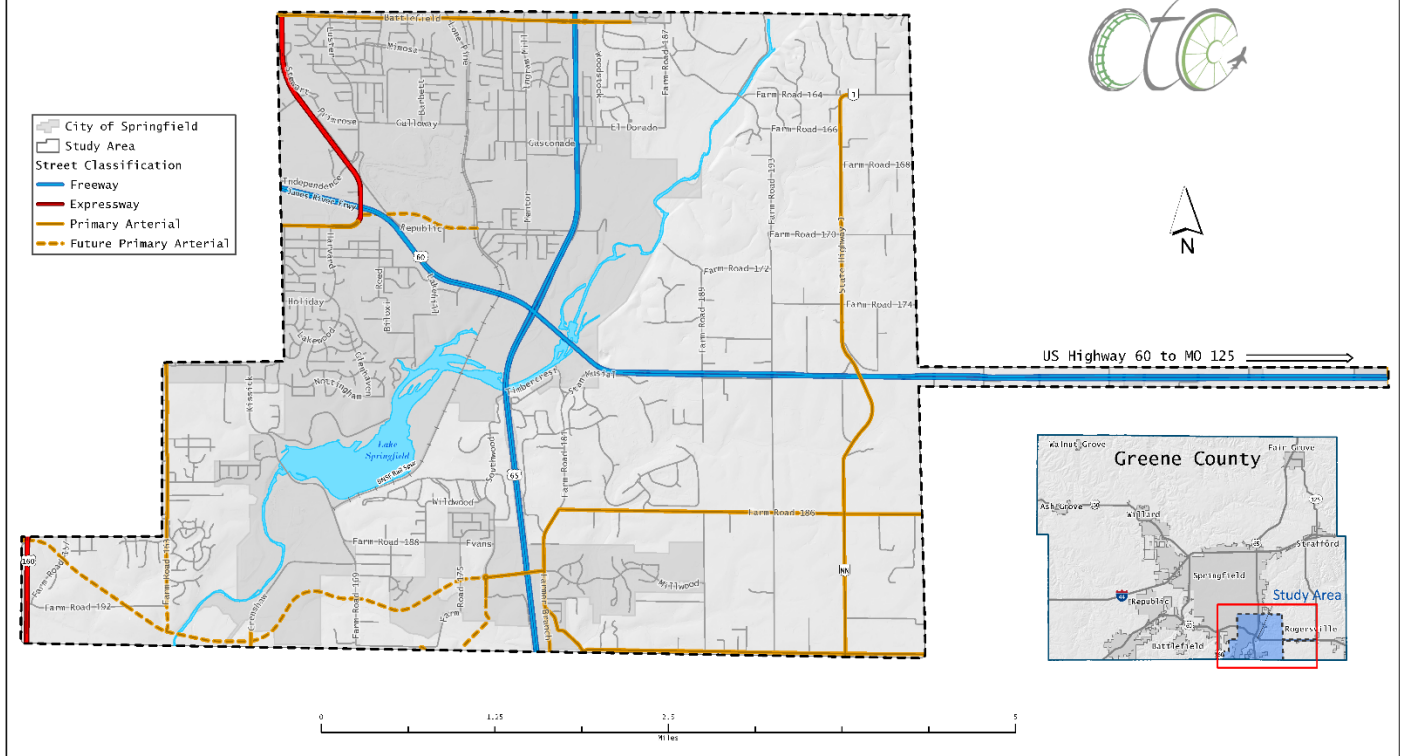
Assistant City Attorney

Ordinance Number: _____

SCHEDULE A

Study Location

US 65 & US 60 Project Study Area



The remainder of this page intentionally left blank

SCHEDULE B

Study Scope

STATEMENT OF SCOPE. It is expected that the selected firm(s)/consultant(s) will perform the following services:

The scope of services is divided into the tasks shown below:

- Task 1 – Administration/Project Management
- Task 2 – Baseline Conditions
- Task 3 – Alternatives Development and Analysis
- Task 4 – Transitioning to NEPA
- Task 5 – Outreach and Stakeholder Engagement
- Task 6 – Completion of Planning and Environmental Linkage (PEL) Questionnaire

Task 1 – Administration/Project Management

1.1 The Consultant will provide the following:

- Progress reports, invoices and updated schedules
- Coordinate and hold monthly progress meetings with Study Partners (OTO, MoDOT, City of Springfield, Greene County and City Utilities)
- Additional meetings as needed
- Continuous quality assurance and quality control throughout the duration of the study.

The Consultant will provide the following deliverables:

- Agendas, notes and action items from progress meetings
- Public Meeting Materials
- Draft Study
- Comment Log
- Final Study

Task 2 – Baseline Conditions

2.1 Data Collection

The Consultant will collect, assemble and review relevant, best available data for the study area from existing sources, including federal, state, regional and local government entities, and private companies to support the development of the study.

The Consultant will compile available studies, reports, traffic counts, plans, data and review it for applicability to this study. Data collection may include the following:

2.1.1 Traffic & Safety

- Traffic Counts to fill gaps where necessary data is unavailable

- 24-Hour mainline and ramp directional Average Daily Traffic (ADT) counts
- Speed and Volume data
- Historical turning movement and average daily traffic data (Provided by MoDOT)
- Existing traffic models including VISUM and VISSIM Travel Demand Models and/or SYNCHRO models within the study area (Provided by OTO, City and/or MoDOT)
- Travel time data for the AM and PM peak periods from the National Performance Management Resource Data Set (NPMRDS) on mainlines, ramps and crossing arterials. (Provided by MoDOT, processed by Consultant)
- Origin-Destination Volumes and percentages within study area collected using Streetlight's Advanced Analytics
- Existing and proposed land uses in the study area (Provided by City of Springfield and Greene County)
- Existing corridor conditions and lane configurations/assignments based on field observations
- Crash data – collect historical crash data from 2020-2024 on mainlines, ramps and crossing arterials. Gather statewide crash rates for the same time period and roadway types, as well as latest approved crash modification factor (CMF) list. (Provided by MoDOT)

2.1.2 Multimodal:

- Existing and proposed bicycle and pedestrian facilities at interchanges
- Freight data, including truck ODs from StreetLight

2.1.3 Engineering:

- Completed study reports, as-built plans, right of way maps, aerial photography, and mapping of the study area (Provided by MoDOT, OTO and City of Springfield)
- Existing and planned major utilities (Provided by City Utilities)
- Field Reconnaissance – collect additional field data, as needed, as needed, using windshield surveys of accessible areas
- Existing Conditions (Provided by MoDOT)
 - Pavement Inspection Reports
 - Bridge Inspection Reports
 - As-Built Plans
 - Design Exceptions
- Existing ROW Line work and documentation (Provided by MoDOT)
- Existing Topographic survey or LiDAR files (Provided by MoDOT and/or MSDIS Data Portal)
- Plans for Improvements Programmed in the OTO Transportation Improvement Program and Statewide Transportation Improvement Program that impact the area.

2.1.4 Environmental:

Data collected will be limited to existing database searches, data from previously conducted studies and windshield surveys. Field surveys and right of entry will not be obtained.

- Land Use – Existing and planned
- Land Cover - existing and future

- Demographics – census data and local population at an approximate geographic level
- Neighborhoods and Community Resources
- Administrative – schools, places of worship, cemeteries
- Visual and Aesthetic Qualities
- Existing Transportation Facilities
 - Railroads – existing, future and abandoned
- Noise – notable noise sensitive receptors
- Hazardous Waste – contamination and hazardous material sites from publicly available electronic databases
- Threatened and Endangered Species – Missouri Natural Heritage Program data and Missouri Department of Conservation and US Fish & Wildlife Services
- Natural areas and ecosystems
- Parklands/Trails/Recreation/Conservation Areas – local, state and federal parks, trails, wildlife management areas, wilderness areas, and other resources that may qualify for Section 4(f) or 6(f) protections.
- Wetlands/Waters of the US – National Wetland Inventory data and other wetlands data collected at the state, county or municipal level
- Wetland Reserve Program areas
- Floodplains – FEMA flood prone areas and any local data on flood prone areas
- Historic and Archeological resources – known locally or from SHPO database, archeological sites/districts, historic sites/districts and properties listed on the National Register of Historic Places and available city or county databases
- Utilities/Transmission – major existing and proposed electric, water, communication lines
- Power Stations – existing and proposed power stations
- Topographic maps
- Existing mine or quarry locations
- Soils – NRCS Soil Survey geographic database
- Known adverse geologic conditions
- Best Available Aerial Photograph – best available imagery from state or local governments

2.2 Summary Document

The Consultant will prepare a summary document consisting of:

- History of the transportation facilities in the study area
- Alternatives developed in other studies or documents
- Recommend what information from previous documentation can be carried forward

2.3 Existing Conditions Analysis

Using the data collected in Task 2.2, the Consultant will analyze the existing transportation conditions within the study area.

2.3.1 Traffic and Safety

- Analyze existing transportation conditions and traffic operations within the study area and identify deficiencies. Develop baseline freeway and intersection Measures of Effectiveness (MOEs), such as freeway density, speed, and intersection delay.
- Develop Travel Time Reliability measures within the study including 95th percentile travel times, buffer index, and planning time index.
- Identify existing travel demands and OD patterns, generalized capacity/level-of-service, and latent traffic demand within the study area to identify opportunities to assist in the development of alternatives.
- Safety network analysis including crash frequencies, crash severity, crash type, crash rates, critical crash rates and hot spot locations in order to identify crash patterns/trends and potential deficiencies. No additional data validation will be performed, such as relocating crashes based on crash reports.
- Develop a base map with existing features to be used in the identification and analysis of alternatives.
- Perform SAFER analysis

2.3.2 Multimodal

- Show existing and proposed bicycle and pedestrian facilities on a map
- Show existing freight demand and movement

2.3.3 Design Criteria

Provide design criteria outlining the applicable standards that will be utilized to design the improvements. This memorandum shall be submitted for approval prior to the initiation of the alternatives analysis. The approved design criteria will be used as a guide for design, but practical solutions that meet safety requirements and provide value while potentially resulting in future design exceptions will be evaluated.

- Confirm Roadway Classification: Verify the functional roadway classification in the study area and associated design speed
- Establish Design Criteria: Coordinate with MoDOT, OTO and City to establish the design criteria to be used throughout the study area and document in a brief memorandum.

2.3.4 Assess Existing Conditions

Assess existing conditions through field observations and desktop reviews, and document issues related to physical conditions and geometrics within the study area. Assessment will include high-level horizontal and vertical geometry and geometric deficiencies.

2.3.4 Environmental

Develop an environmental constraints map, based on data collected. All data sources must be documented and included in the project record. The constraints map will graphically include, but is not limited to:

- Section 4(f) and 6(f) resources including parks, recreational areas, wildlife refuges and historical sites including historical markers
- Wetlands and streams

- 100-year floodplains
- Waters of the US
- Hazardous materials sites
- Cemeteries
- Utilities
- Oil, gas and water wells
- Land use
- Undeveloped pasture and agricultural lands
- Karst features
- Stormwater Infrastructure

2.4 No-Build Data Projection

The consultant will prepare and submit for approval a methodology for the projection of traffic for the No-Build including the following tasks:

- Develop methodology for the No-Build projection of AM and PM peak period traffic volumes within the study area. Interim design years of 2030, 2035, 2040 and 2045 and the ultimate 2050 design year will use outputs from the OTO and MoDOT models and compare growth to historical trends.
- Develop the projection of No-Build traffic volumes
- Prepare a brief technical memorandum showing the projected corridor volumes with graphics and diagrams.

2.5 No-Build Analysis

Using the projected No-Build data, the consultant will conduct the No-Build Analysis. The No-Build will be compared against the existing conditions analysis to evaluate the performance measures.

2.5.1 Traffic and Safety

- Conduct operational analysis for the No-Build scenarios in the corresponding projection years using the OTO model. Develop freeway and intersection MOEs, such as freeway density, speed, and intersection delay.
- Project future Travel Time Reliability measures within the study area for the No-Build scenarios in the corresponding projection years.
- No-build safety will be evaluated qualitatively in comparison to the existing and build scenarios.

2.5.2 Multimodal

- Conduct an assessment of the future No-Build impacts on bike/ped facilities and freight. The assessment will discuss future demand and the impact on the existing system. Also, gaps in the infrastructure will be discussed.

2.5.3 Engineering

- Conduct an assessment of the future No-Build impacts on engineering elements including bridge and pavement conditions.

2.5.4 Environmental

- Analyze population and employment growth and changes in land use.

2.6 Purpose and Need

The consultant, in coordination with MoDOT, OTO, City and other agencies, will develop the draft Purpose and Need including the following tasks:

- Identify needs of the corridor as analyzed within the existing conditions and No-build analysis reports
- The primary Purpose and Need elements will be focused on operations, safety and reliability. Other elements as goals will include economic development, population growth, public feedback and multimodal needs.

2.7 Baseline Conditions Deliverables

Baseline condition needs will be prioritized into low and high priority categories for the entire study area based on criteria to be approved by the study partners. High and low priority categories will include traffic, safety, environment, engineering, economic development and stakeholder feedback. The high priority areas will be identified and carried forward into Alternatives Development and analyzed at a detailed level of study and low priority areas will be analyzed at a higher level of study.

The consultant will provide the following deliverables:

- Baseline Conditions Report (draft, comment log and final) including
 - Summary of Previous Studies and Project History Report
 - Study Area Map
 - Design Criteria Memorandum
 - Existing Conditions Assessment
 - No-Build Analysis
 - Purpose and Need
 - Environmental Constraints
 - Relevant maps, figures and tables

Task 3 – Alternatives Development and Analysis

3.1 Establish Alternatives Screening Methodology

The Consultant will establish an Alternatives Screening Methodology (ASM) to assist in evaluating the alternative improvements to determine the associated impacts and benefits on area transportation, environment and land use conditions. The ASM will establish performance measures, evaluation criteria and screening process in evaluating the alternative improvements to determine associated impacts and benefits.

The evaluation criteria will address Purpose and Need, and study goals and be grouped into the

following major categories:

- Traffic mobility
- Safety impacts
- Cost considerations
- Environment and land use impacts
- Public Support

An evaluation matrix will be developed and used as tool to provide relative comparison of the impacts and benefits of the various alternatives considered.

The ASM will be reviewed by the study partners before any screening is performed.

3.2 Universe of Alternatives

Based on the information gathered in Task 2 – Baseline Conditions, and the criteria developed in the ASM, the Consultant will develop high level alternatives that satisfy the Purpose and Need of the Study Area.

The Consultant will conduct a workshop meeting with the study partners to discuss and formulate alternatives. The Universe of Alternatives will be compiled for the workshop that includes a high-level description of the alternatives considered, informative maps and other illustrations depicting alternatives.

3.3 Fatal Flaw Evaluation (Level 1 Screening)

The Consultant will conduct fatal flaw evaluations of the Universe of Alternatives based on the Purpose and Need and Study Goals. The measures for screening may be a combination of engineering factors, environmental constraints, corridor limitations, external factors and public input. The fatal flaw evaluation will be compiled into a Level 1 screening matrix and information supporting the reasons why high-level concepts should not be carried forward within the Study.

3.4 Reasonable Alternatives Development

Reasonable Alternatives are the Universe of Alternatives that come out of the Level 1 screening to be considered may include operational improvements, fix bottlenecks, added roadway capacity or other alternatives.

The Consultant will use the results of the Level 1 screening to further develop reasonable alternatives that satisfy the Purpose and Need and supporting project goals and objects, including the following tasks:

- Using the results of the Level 1 Screening, the Consultant will develop reasonable alternatives that satisfy the Purpose and Need and supporting study goals, including development of Sections of Independent Utility (SIUs). Each SIU could have a different number of reasonable alternatives.
- Develop concept level plan layouts, illustrations, typical sections or other approved exhibits
- Develop preliminary typical sections for each alternative

- **Plan Layouts:** Development of plan layouts will be based on high-level horizontal and vertical analysis taking into consideration compliance with design criteria but will not include development of a comprehensive set of horizontal or vertical alignments. A 3D model of the finished surface will not be created. Plan layouts will facilitate determination of the impacts and cost for comparative analysis.
- **Grading/Retaining Wall Limits:** Evaluate each alternative at critical locations assessing potential grading impacts to adjacent properties. The feasibility of retaining walls will be evaluated to minimize the impact to adjacent properties. No horizontal or vertical alignments will be developed.
- **Cost Estimates:** Develop high level concept cost estimates for each alternative.
- **Conceptual Strip Maps:** Develop conceptual strip maps

3.5 Reasonable Alternatives Demand Modeling

Alternatives that add capacity or modify access in the study area may influence the travel demand. The OTO model will be used to quantify and understand the shifts in traffic demand as a result of the reasonable alternatives in both 2040 and 2050.

3.6 Reasonable Alternatives Evaluation (Level 2 Screening)

The consultant will utilize the OTO model to analyze the operations of the Reasonable Alternatives in the 2040 Interim and Ultimate 2050 design years, including development of freeway and intersection MOEs, such as freeway density, speed and intersection delay. Safety will be evaluated using a combination of crash modification factors (CMFs, as available) and qualitative comparison of the existing and no-build alternatives. The Consultant will also calculate estimated changes to travel time reliability for each alternative for comparison to the existing and no-build scenarios.

The Reasonable Alternatives analysis will be chronicled to compare against the Existing, No-Build, and other alternatives. The Consultant will generate high-level construction cost estimates for the Reasonable Alternatives. The Consultant will develop a high-level order of magnitude costs and benefits to compare the Reasonable Alternatives. The Consultant will analyze criteria developed in the ASM.

The Reasonable Alternatives evaluation will include the Level 2 screening matrix and information supporting the reasons why some alternatives should not be carried forward within the PEL study. The Reasonable Alternatives analysis will detail the investigations and analysis conducted and will include the maps and other graphics depicting the Reasonable Alternatives analysis and any deficiencies.

The Consultant will update relevant maps that were developed in previous tasks, including:

- Prepare updated environmental constraints map for the refined alternatives
- Quantify impacts to environmental resources for the individual reasonable alternatives

3.7 Alternatives Development and Analysis Deliverables

- Alternatives Screening Methodology Technical Report (draft, comment log and final)

- Alternatives Development and Analysis Report (draft, comment log and final) including:
 - Universe of Alternatives Workshop Notes
 - Universe of Alternatives
 - Reasonable Alternatives Projection Methodology
 - Reasonable Alternatives Projections
 - Fatal Flaw Evaluation – Level 1 Screening
 - Draft Conceptual Alternative Exhibits
 - Alternatives Evaluation – Level 2 Screening
 - Project Prioritization Phasing
 - Environmental Fatal Flaws Analysis of the Universe of Alternatives
 - Conceptual Alternatives Constraints Map
 - Project Record
 - Cost Estimates for each alternative
 - Safety, Operations and Engineering Report

Task 4 Transitioning to NEPA

4.1 PEL Questionnaire

FHWA has created a questionnaire to assist in determining if the PEL study meets the requirements of 23 CFR §§ 450.212 or 450.318. The Consultant will answer the questionnaire throughout the PEL study and the completed questionnaire will be included in the PEL Study Appendices. The FHWA questionnaire is included as Attachment A

4.2 PEL to NEPA Transition Report

The PEL/NEPA Transition Technical Report will include:

- PEL to NEPA Transition Applicability of the Purpose and Need to the entire Study Area, and potential adjustments that may be made to individual segments
- Identification of logical termini for SIUs and rationale for segments
- Recommended NEPA classifications for each SIU
- Issues not reviewed in the PEL study, why and whether they would be reviewed in later phases
- Mitigation/Permitting to be addressed in later phases
- Funding/Phasing/Prioritization Possibilities
- Which PEL study results or products will be carried forward in later phases
- Additional topics, if necessary, in consultant with Study Partners.

4.3 PEL Study Report

The Consultant will prepare a PEL Study Report that documents the data gathered, analysis conducted, alternatives considered and the agency, stakeholder, and public input received throughout the PEL study. The report will include documentation, informative maps, and other graphics depicting the major milestones. An Executive Summary will also be prepared summarizing the Study findings in a condensed format.

The Appendices produced for the PEL Study Report may be a combination of data and analysis conducted from the other tasks. The appendices anticipated for inclusion in the Study Report are:

- Purpose and Need
- Environmental Constraints
- Public and Agency Coordination
- Alternatives Development and Evaluation
- Potential Environmental Impacts/Permits/Mitigation
- Traffic and Safety
- Transition Report

4.4 PEL Study Report Deliverables

The Consultant will provide a Study Report (draft, comment log and final) that will include:

- Executive Summary
- Purpose and Need
- Environmental Constraints
- Public and Agency Coordination
- Alternatives Development and Evaluation Summary
- Potential Environmental Impacts/Permits/Mitigation Summary
- Traffic and Safety Summary
- PEL to NEPA Transition
- Action plan

Task 5 – Outreach and Stakeholder Engagement

5.1 Stakeholder and Public Involvement Plan

The Consultant will prepare a draft Stakeholder and Public Involvement Plan (SPIP) for the study. The SPIP will include the approach and tools to be used to effectively communicate and coordinate with agencies, stakeholder groups and the general public. To gather information for the SPIP regarding local concerns and information needs, the Consultant will meet with key stakeholders individually or in small groups to conduct interviews and the keep them apprised of the study progress. This may include elected officials, other agencies, special interest groups and/or property owners.

The SPIP, in addition to traditional outreach activities, will describe the innovative approaches to engage the public through early and often interaction. These activities may include short invitation videos, video renderings of potential improvements, and online surveys. In conjunction with the SPIP, the Consultant will create a brand and messaging template to be used consistently throughout current and future phases. The SPIP is to be a living document that is amended throughout the study as necessary to effectively coordinate with agencies, stakeholders, elected officials and the general public. As part of the SPIP, the Consultant will recommend the number and location of planned meetings to be held.

The deliverable for this task is the Stakeholder and Public Involvement Plan, including branding

template (draft, comment log and final).

5.2 Agency Coordination

The Consultant will assist with establishing meeting dates, locations, securing meeting facilities, providing facilitation services and providing technical advice regarding coordination with Study Partners, resource agencies and interested tribes.

Prior to each meeting, the Consultant will coordinate and develop a draft meeting notice, meeting agenda, presentation and prepare meeting notes following the meeting.

5.3 Stakeholder Outreach and Coordination

The Consultant will identify key stakeholder groups, key corridor businesses, neighborhood associations, elected officials and established groups to meet with and present to as part of the study and will coordinate with Study Partners to identify meeting opportunities with stakeholder groups, coalition groups and other interested parties. The Consultant will coordinate meeting logistics including scheduling, draft presentation materials and attendance.

5.4 Community Advisory Committee

The Consultant will establish a Community Advisory Committee (CAC) to meet with virtually or in person during the course of the study. The consultant will also coordinate meeting needs, agendas and presentation materials.

5.5 Public Meetings

The Consultant will conduct an initial listening session with the general public and one public meeting at the Universe of Alternatives Phase. It is assumed that additional public meetings will be held during implementation phases of the projects. The consultant will prepare presentation materials, fact sheets, meeting notifications and coordinate logistics for the public meeting. The Consultant will coordinate with Study Partners to determine if meetings are to be held virtually or in-person. The Consultant will secure meeting dates, locations, meeting facilities and facilitation services. The Consultant will be responsible for the meetings as follows:

- All comments received, along with responses, will be entered into a comment database/log
- Summary of all outreach conducted during the study for use in the report.

The Consultant will provide the following deliverables:

- Final Public Meeting Flyers
- Final Public Meeting Exhibits/Boards
- Final Public Meeting Summary Report
- Comment database/log

5.6 Outreach Tools

Web Content: The Consultant will provide content for a webpage hosted by OTO or other Study

Partners to gain public input and generate discussion about the projects throughout the duration of the study.

Contact Mailing List: A database of stakeholder and public contacts will be maintained and updated. Initial contact lists of elected officials, agencies, emergency services and other special districts, chambers of commerce, special interest groups, neighborhood groups, hospitals, school districts, large churches, citizen coalitions, adjacent landowners and others interested in the study will be uploaded along with promotion allowing those interested in the study to opt-in and sign up for study updates.

Surveys: The Consultant will recommend survey questions for approval by Study Partners. The Consultant will administer online surveys using database contacts and partners to help distribute and in-person places where commuters/travelers/residents may start or end commutes, such as shopping areas, recreational attractions, or specific employment centers. Survey responses will be compiled and summarized by the Consultant.

Social Media Support: The Consultant will provide draft social media posts to promote surveys, meetings and opportunities for engagement. OTO, MoDOT and City of Springfield will be primary distributors of social media through their established channels, but the Consultant will also share with study advocates and partners for future reach.

5.7 Outreach Deliverables

The Consultant will provide draft and final website content, survey questions, summary of survey results and social media posts for various platforms and a schedule for release of content.

The remainder of this page intentionally left blank

SCHEDULE C

Study Cost Share Exhibit

Cost Share Table	
MoDOT Funds (through separate Agreement)	\$ 300,000
OTO Surface Transportation Block Grant – Urban (STBG-U)	\$ 200,000
City of Springfield Surface Transportation Block Grant – Urban (STBG-U)	\$ 300,000
Greene County Local Match	\$ 100,000
City Utilities of Springfield, MO Local Match	\$ 100,000
Total Cost Share Funds	\$1,000,000

The remainder of this page intentionally left blank

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit 2

Budget Adjustment
026

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	416010	000000	00000	\$300,000	Federal Surface Transportation Block Grant (STBG)
Net Revenue Adjustment						\$300,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
46040	20	73020	508530	000000	00000	\$300,000	US 60 - US 65 Access & Operational Study Administered By The Ozark Transportation Organization (OTO) With 20% Local Share Matching Funds Provided by City Utilities and Greene County
Net Expenditure Adjustment						\$300,000	

Fund Balance Appropriation:

Fund	Title	Amount

Explanation: To amend the FY2025-26 Budget by appropriating \$300,000 of federal Surface Transportation Block Grant (STBG) funds to partially fund a joint US-60/US-65 Access & Operational Study per the terms of the proposed intergovernmental cooperative agreement with the OTO, City Utilities, and Greene County. The STBG 20% local match will be provided by City Utilities and Greene County.

Requested By:

Dan Smith 12-09-2025
Department Head Date

Approved By:

DL Hill 12-09-2025
Director of Finance Date

City Manager Date

Authorization:

Council Bill No. 2025-261
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2025-262 (HORTON)

FILED: 11/25/2025

ORIGINATING DEPARTMENT: Public Works

TITLE: A special ordinance authorizing a budget adjustment amending the budget of the Public Works Department for Fiscal Year 2025-2026 by appropriating \$3,100,000 of Level Property Tax reserves to fund additional improvements and remaining construction costs for the Historic City Hall Rehabilitation project.

PURPOSE: Amending the Fiscal Year 2025-2026 budget of the Public Works Department in the amount of \$3,100,000 to appropriate Level Property Tax reserves to fund additional improvements and remaining construction costs for the Historic City Hall Rehabilitation project.

BACKGROUND INFORMATION: This project to rehabilitate the iconic Historic City Hall at 830 North Boonville Avenue was initiated in 2018, with established project goals to provide:

- Accessibility for all users
- Second enclosed stair and elevator
- Modern code compliant mechanical, electrical, and plumbing systems
- Modern office spaces for various municipal departments and City Council
- Historic components addressed at a local, state, and federal level
- Building envelope improvements

Architectural design commenced in 2022, selective demolition and hazardous material abatement began in 2024, and on February 24, 2025, City Council authorized entering into a contract with the construction manager at-risk ("CMAR"), JE Dunn, to begin construction. While considerable progress has been made since the groundbreaking ceremony was held on June 17, 2025, the project team has continued to address the ongoing challenges of rehabilitating a nearly 135-year-old building. Discovery of multiple unforeseen conditions, including the location of structural elements, has necessitated additional design, abatement, and construction to successfully complete the project.

Based on these multiple unforeseen conditions, additional estimated funding of \$3,100,000 is needed to cover the costs of such revisions, along with additional proposed value-added scopes of work, such as installation of a dry basement system, enhanced audio-visual system design and installation, updated furniture and signing, and supplemental contingency to address any additional unanticipated expenses



associated with the project that is scheduled for completion by the end of 2026.

The previously approved project budget of \$23,263,583, which has covered project expenses already incurred or committed, included funding from Level Property Tax reserves, Level Property Tax Bonds, Special Obligation Bonds, an American Rescue Plan Act (ARPA) grant, the General Fund, an Energy Efficiency and Conservation Block Grant, and a grant from Abilities First.

The estimated additional funding of \$3,100,000 is needed to cover additional improvements and remaining construction costs for the Historic City Hall Rehabilitation Project and is proposed to be budgeted from Level Property Tax fund balance reserves as shown on the attached budget adjustment ("Exhibit A").

Supports the following 2025 City Council Priorities:

- Operational Excellence
- Economic Vitality

REMARKS: Public Works recommends approval of this Council bill and budget adjustment to fund additional improvements and remaining construction of the Historic City Hall Rehabilitation Project.

Submitted By: Eric Claussen, Assistant Director of Public Works

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

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments:

1. Historic City Hall Rehab BA_ord
2. 0028 PW- Additional Funding for Historic City Hall

One-rdg. _____
Emer. _____
P. Hrngs. _____
Pgs. 5
Filed: 12-09-25

Sponsored by: Horton

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-262

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING a budget adjustment amending the budget of the Public Works
2 Department for Fiscal Year 2025-2026 by appropriating \$3,100,000 of
3 Level Property Tax reserves to fund additional improvements and
4 remaining construction costs for the Historic City Hall Rehabilitation
5 project.
6 _____
7

8 WHEREAS, on February 24, 2025, City Council authorized entering into a
9 contract with J.E. Dunn as the construction manager at risk for the Historic City Hall
10 Rehabilitation project; and
11

12 WHEREAS, in the course of rehabilitating City Hall, multiple unforeseen
13 conditions, including the location of structural elements, have been uncovered,
14 necessitating additional design, abatement, and construction to successfully complete
15 the project; and
16

17 WHEREAS, based on these multiple unforeseen condition, additional estimated
18 funding of \$3,100,000 is needed to cover the costs of such revisions, and also includes
19 additional proposed value-added scopes of work, such as installation of a dry basement
20 system, enhanced audio-visual system design and installation, updated furniture and
21 signing, and supplemental contingency to address any additional unanticipated
22 expenses associated with the project; and
23

24 WHEREAS, the additional funding will be budgeted from Level Property Tax fund
25 balance reserves.
26

27 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
28 SPRINGFIELD, MISSOURI, as follows, that:
29

30 Section 1 – The budget of the City of Springfield for Fiscal Year 2025-2026 is
31 hereby amended in the accounts and in the amounts as shown on Budget Adjustment

No. 028, a copy of which is attached hereto and incorporated herein by reference as "Exhibit A."

Section 2 – City Council hereby finds that the budget adjustment made above has been recommended by the City Manager.

Section 3 – 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 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:  _____, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit

Budget Adjustment
028

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
45090	09	14120	417010	000000	00000	\$ 3,100,000	Transfer from other funds
Net Revenue Adjustment						\$ 3,100,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
33030	09	14120	509910	000000	00000	\$ 3,100,000	Transfer to other funds
45090	20	73020	509110	100912	00000	3,100,000	Historic City Hall Renovations
Net Expenditure Adjustment						\$ 6,200,000	

Fund Balance Appropriation:

Fund	Title	Amount
33030	1999 LPT Capital Imp.	(3,100,000)

Explanation: To amend the FY2025-26 budget by appropriating fund balance from the 1999 Level Property Tax Fund for the Historic City Hall Project.

Requested By:

Dan Smith 12-09-2025
Department Head Date

Approved By:

DL Hill 12-09-2025
Director of Finance Date

Authorization:

Council Bill No. 2025-262
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____

City Manager Date



EXPLANATION TO COUNCIL BILL 2025-263 (LEE)

FILED: 11/26/2025

ORIGINATING DEPARTMENT: City Manager

TITLE: A special ordinance authorizing a budget adjustment amending the budget of the Planning Department and the Parks Department for Fiscal Year 2025-2026 by appropriating \$1,000,000 of Spring Forward SGF 1/2-cent sales tax revenue, \$500,000 to each department, as recommended by the Citizens' Advisory Board, to support the development of neighborhood plans and individual park master plans.

PURPOSE: To approve a budget adjustment amending the Fiscal Year 2025-2026 budgets of the Parks Department and the Planning Department by appropriating \$500,000 each from the Spring Forward SGF ½-cent Sales Tax. Funding will support the development of neighborhood plans and individual park master plans, consistent with the recommendation of the Citizens' Advisory Board.

BACKGROUND INFORMATION: At its meeting on November 19, 2025, the Citizens' Advisory Board unanimously recommended the allocation of \$1,000,000 from revenues generated by the Spring Forward SGF ½-cent Sales Tax to support neighborhood planning and park master planning efforts. These funds will enable the Parks and Planning Departments to undertake the community engagement, analysis, coordination, and document development necessary for completing individual neighborhood plans and parks master plans.

Both neighborhood planning and park master planning were included as eligible projects by Planning & Development staff, the Springfield-Greene County Park Board, and Parks staff as part of the Fiscal Year 2026 project review for sales tax-supported initiatives. The City currently has 24 registered neighborhoods, several of which are in need of updated or first-time neighborhood plans. Parks included in the proposed effort are Fassnight Park, Grant Beach Park, Nathanael Greene/Close Memorial Park, Sequiota Park, and Silver Springs Park.

The Planning Department will administer the neighborhood planning funds, and the Parks Department will administer the park master plan funds. Both departments will coordinate closely to ensure effective project management, public engagement, and alignment with citywide planning goals.

Neighborhood Planning

Neighborhood plans serve as a bridge between the City's broad long-range vision and the practical decisions that shape conditions at the block and neighborhood level. Once adopted, these plans act as shared reference points for City staff, nonprofit partners,



schools, utilities, developers, and other community stakeholders, ensuring that all parties work from a consistent and clearly defined roadmap.

Neighborhood planning relies heavily on community participation. Engagement typically includes workshops, surveys, open houses, and targeted stakeholder meetings. This process ensures that recommendations concerning land use, housing, transportation, parks, and economic development accurately reflect resident needs and priorities. In addition to guiding physical and policy changes, neighborhood planning strengthens civic engagement, builds trust, and fosters shared ownership of community outcomes.

Park Master Planning

Master plans for individual parks are essential for supporting long-term, intentional, and equitable improvements within the park system. A park master plan provides a 10- to 20-year framework for capital investment, design enhancements, programming opportunities, and maintenance needs.

The planning process includes participation from surrounding neighborhoods, park user groups, sports leagues, accessibility advocates, and other stakeholders. This input ensures that proposed improvements align with current usage patterns and community expectations. Through this structured approach, park master plans help ensure that each park evolves to meet diverse recreational, environmental, and accessibility needs.

CITY COUNCIL PRIORITIES SUPPORTED

- Operational Excellence
- Economic Vitality

Submitted By: Collin Quigley, Interim City Manager

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

David Cameron, City Manager 12/05/2025

Maurice S. Jones, Deputy City Manager 12/05/2025

- Attachments:**
1. CAB BA _Ord
 2. 0029 PW PRK Neighborhood and Parks Master Plan
Springforward

One-rdg. _____
Emer. _____
P. Hrngs. _____
Pgs. 5
Filed: 12-09-25

Sponsored by: Lee

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-263

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING a budget adjustment amending the budget of the Planning
2 Department and the Parks Department for Fiscal Year 2025-2026 by
3 appropriating \$1,000,000 of Spring Forward SGF 1/2-cent sales tax
4 revenue, \$500,000 to each department, as recommended by the
5 Citizens' Advisory Board, to support the development of neighborhood
6 plans and individual park master plans.
7 _____
8

9 WHEREAS, on November 19, 2025, the Citizens' Advisory Board unanimously
10 approved the allocation of \$1,000,000 from funds available from the Spring Forward
11 SGF 1/2-cent Sales Tax to be used to undertake the community engagement, analysis,
12 coordination, and document development necessary for completing individual
13 neighborhood plans and parks master plans; and
14

15 WHEREAS, the Planning Department will administer \$500,000 of the allocated
16 funds on neighborhood planning, and the Parks Department will administer \$500,000 of
17 the allocated funds on parks master plans, and both departments will coordinate closely
18 to ensure effective project management, public engagement, and alignment with
19 citywide planning goals.
20

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

24 Section 1 – The budget of the City of Springfield for Fiscal Year 2025-2026 is
25 hereby amended in the accounts and in the amounts as shown on Budget Adjustment
26 No. 029, a copy of which is attached hereto and incorporated herein by reference as
27 "Exhibit A."
28

29 Section 2 – City Council hereby finds that the budget adjustment made above
30 has been recommended by the City Manager.
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 Mayor

41
42 Attest: _____, City Clerk

43
44 Filed as Ordinance: _____

45
46
47 Approved as to form:  _____, City Attorney

48
49
50 Approved for Council action:  _____, City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
029

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
						\$ -	
Net Revenue Adjustment						\$ -	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
10150	09	14120	502430			\$ (529,760)	Reducing Reserve Appropriation
10150	20	73020	508350			500,000	FY 26 Neighborhood Plans
10150	16	80020	508350			500,000	FY 26 Park Master Plan
Net Expenditure Adjustment						\$ 470,240	

Fund Balance Appropriation:

Fund	Title	Amount
10150	2025-2034 1/2cent Springforward	(470,240)

Explanation: To amend the FY2025-26 budget by appropriating fund balance and reserve appropriation as recommended by the Citizen Advisory Board for FY26 neighborhood plans and Park Master Plan.

Requested By:


Department Head 12-09-2025
Date

Approved By:


Director of Finance 12-09-2025
Date

City Manager Date

Authorization:

Council Bill No. 2025-263
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2025-264 (HOSMER)

FILED: 11/21/2025

ORIGINATING DEPARTMENT: Economic Vitality

TITLE: A special ordinance authorizing the City Manager, or designee, to accept Wagner-Peyser Services grant funding from the Missouri Department of Higher Education and Workforce Development in the amount of \$45,000, to be utilized toward Wagner-Peyser Service Activities; to enter into necessary agreements to carry out the purpose of the grant funds; and to amend the Fiscal Year 2025-2026 budget of the Department of Economic Vitality and Workforce Development in the amount of \$45,000.

PURPOSE: Authorizing the City Manager, or designee, to accept Wagner-Peyser Services grant funding from Missouri's Department of Higher Education and Workforce Development in the amount of \$45,000 to be utilized toward Wagner-Peyser Service Activities and to enter into necessary agreements to carry out the purpose of the grant funds; amending the Economic Vitality and Workforce Development Department's budget for the Fiscal Year 2025-2026 in the amount of \$45,000.

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 Wagner-Peyser services in each local region.

Deliverables and Outcomes of the Business Services Subaward include;

- Provide Wagner-Peyser Labor Exchange enrollments, career services, and daily operating duties,
- Make referrals and co-enrollments into the WIOA Adult, Dislocated, and Youth programs,
- Follow-up with participants as required, and
- Make referrals to partner programs as needed for customer success.

The Ozark Region was allocated up to \$45,000.00 for the grant period of November 11, 2025, through December 31, 2026.

Submitted By: Ericka Schmeeckle, Assistant Director of Workforce Development

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

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments: 1. Wagner-Peyser Grant Acceptance and Budget Adjustment

2. 0030 WFD FY25-26 Wagner Pyeser Services Grant

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 12-09-25

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-264

SPECIAL ORDINANCE _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or designee, to accept Wagner-Peyser Services
2 grant funding from the Missouri Department of Higher Education and
3 Workforce Development in the amount of \$45,000, to be utilized
4 toward Wagner-Peyser Service Activities; to enter into necessary
5 agreements to carry out the purpose of the grant funds; and to amend
6 the Fiscal Year 2025-2026 budget of the Department of Economic
7 Vitality and Workforce Development in the amount of \$45,000.
8 _____
9

10 WHEREAS, the Missouri Department of Higher Education and Workforce
11 Development has allocated funding to the designated Workforce Development regions
12 in the state as a non-competitive opportunity to carry out the deliverables and outcomes
13 established in the subaward for Wagner-Peyser Services in each local region; and
14

15 WHEREAS, these deliverables and outcomes include providing Wagner-Peyser
16 Labor Exchange enrollments, career services, and daily operating duties; making
17 referrals and co-enrollments into the WIOA Adult, Dislocated, and Youth programs;
18 following up with participants as required; and making referrals to partner programs as
19 needed for customer success; and
20

21 WHEREAS, the Ozark Region, through the City's Department of Economic
22 Vitality and Workforce Development, has been awarded such funding in the amount of
23 \$45,000; and
24

25 WHEREAS, the period of performance began November 11, 2025, and will
26 expire on December 31, 2026; and
27

28 WHEREAS, an amendment to the budget of the Department of Economic Vitality
29 and Workforce Development for Fiscal Year 2025-2026 in the amount of \$45,000 has
30 been recommended by the City Manager.
31

32 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
33 SPRINGFIELD, MISSOURI, as follows, that:

34 Section 1 – The City Manager, or designee, is hereby authorized to accept
35 Wagner-Peyser Services grant funding from the Missouri Department of Higher
36 Education and Workforce Development in the amount of \$45,000 and to enter into any
37 agreements necessary to accept said funds, provided such agreements are approved
38 as to form by the City Attorney.
39

40 Section 2 – The budget of the Department of Economic Vitality and Workforce
41 Development for Fiscal Year 2025-2026 is hereby amended in the accounts and in the
42 amounts as shown on Budget Adjustment No. 030, a copy of which is attached hereto
43 and incorporated herein by reference as “Exhibit A.”
44

45 Section 3 – City Council finds that the budget adjustment made above has been
46 recommended by the City Manager
47

48 Section 4 – The City Manager, or designee, is directed to cause the appropriate
49 accounting entries to be made in the books and records of the City.
50

51 Section 5 – This Ordinance shall be in full force and effect from and after
52 passage.
53

54 Passed at meeting: _____
55

56 _____
57 Mayor
58

59 Attest: _____, City Clerk
60

61 Filed as Ordinance: _____
62

63
64 Approved as to form: Laura Vales, Assistant City Attorney
65

66
67 Approved for Council action: [Signature], City Manager

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit A

Budget Adjustment
030

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24140	21	28210	416010	000000	00000	\$ 45,000	PY25 Wagner Peyser Services
Net Revenue Adjustment						\$ 45,000	

Expenditures:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24140	21	28210	500110	000000	00000	33,534	Salaries
24140	21	28210	500210	000000	00000	5,537	Lagers
24140	21	28210	500250	000000	00000	2,564	FICA
24140	21	28210	500260	000000	00000	3,305	Health Insurance
24140	21	28210	500280	000000	00000	60	Workmens Comp
Net Expenditure Adjustment						\$ 45,000	

Fund Balance Appropriation:

Fund	Title	Amount
24140		

Explanation: To amend the FY2025-26 budget by appropriating funds from federal grant revenue to support the Department Economic Vitality and Workforce Development's PY25 Wagner Peyser Services grant for FY 25-26.

Requested By:

Approved By:

Authorization:

Department Head Date

Director of Finance Date

City Manager Date

Council Bill No. _____
Ordinance No. _____
1st Reading _____
2nd Reading _____
Journal Imp No. _____



EXPLANATION TO COUNCIL BILL 2025-265 (MCGULL)

FILED: 11/21/2025

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 Sky Light Surface Park, generally located at 1900 North Le Compte Road, 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: Springfield Underground, Inc.; 1900 North Le Compte Road; Preliminary Plat of Sky Light Surface Park).

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 Sky Light Surface Park, generally located at 1900 North Le Compte Road 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 Sky Light Surface Park dated October 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 November 6th, 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:

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments:

1. Preliminary Plat of Sky Light Surface Park - 1900 N. LeCompte Road
2. PPlat Sky Light Surface Park_exhA
3. PPlat Sky Light Surface Park_exhB

One-rdg. _____
P. Hrngs. _____
Pgs. 26
Filed: 12-09-25

Sponsored by: McGull

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-265

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 Sky Light Surface Park, generally
4 located at 1900 North Le Compte Road, 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 Sky Light Surface Park, dated October
11 29, 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 Sky
15 Light Surface Park on November 6, 2025, by a vote of 7 to 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 Sky Light
25 Surface Park, which is generally located at 1900 North Le Compte Road, as approved
26 by the Planning and Zoning Commission. The original Preliminary Plat of Sky Light
27 Surface Park is on file in the Department of Planning and Development ("Approved
28 Preliminary Plat"), a reduced version of which is attached hereto for general reference
29 as "Exhibit B – Attachment 3." All of "Exhibit B," including attachments, is incorporated
30 herein by this 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: [Signature], City Manager

EXHIBIT A
RECORD OF PROCEEDINGS
Planning and Zoning Commission – November 6, 2025

Preliminary Plat of Sky Light Surface Park
1900 North Le Compte Road

Applicant: Springfield Underground, Inc.

Mr. Andrew Menke states that this is a request to approve a preliminary plat for a 3-lot subdivision. He noted that in 2023 a different plat by the same name and area was approved, but expired June 2025.

Commissioner Doennig opened the public hearing.

Mr. Jason Clark, 1631 W. Elfindale and here to answer any questions.

Commissioner Doennig closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commissioner Knuckles motioned to approve Preliminary Plat of Sky Light Surface Park. Commissioner Colony seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Gunther, Commissioner Colony, Commissioner Ridge, Commissioner Hunton, Commissioner Pauly and Commissioner Knuckles. Nays: None. Absent: Commissioner Scott and Commissioner Lebeck. Abstain: None.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', is written over a horizontal line.

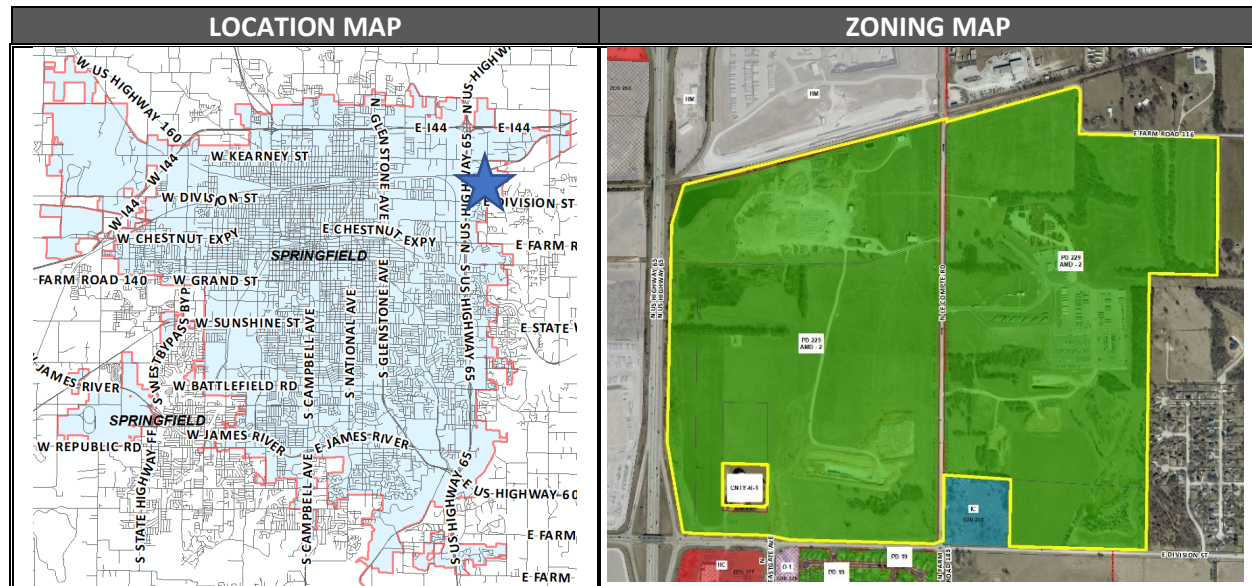
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Preliminary Plat of Sky Light Surface Park
Location:	1900 North Le Compte Road
Total Acres:	389.98 acres
Applicant:	Springfield Underground, Inc.
Existing Land Use:	Stone quarry, underground storage facility and entrance, and undeveloped land
Neighborhood Meeting:	N/A
Planning and Zoning Commission:	November 6, 2025
City Council:	December 15, 2025
Public Notification:	Posted property
Staff:	Andrew Menke, Senior Planner, (417) 864-1613
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve the preliminary plat of Sky Light Surface Park, subject to the conditions listed in Attachment 2 of the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to subdivide approximately 389.98 acres of property generally located at 1900 North Le Compte Road into three (3) lots to facilitate the development of the site.



DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:

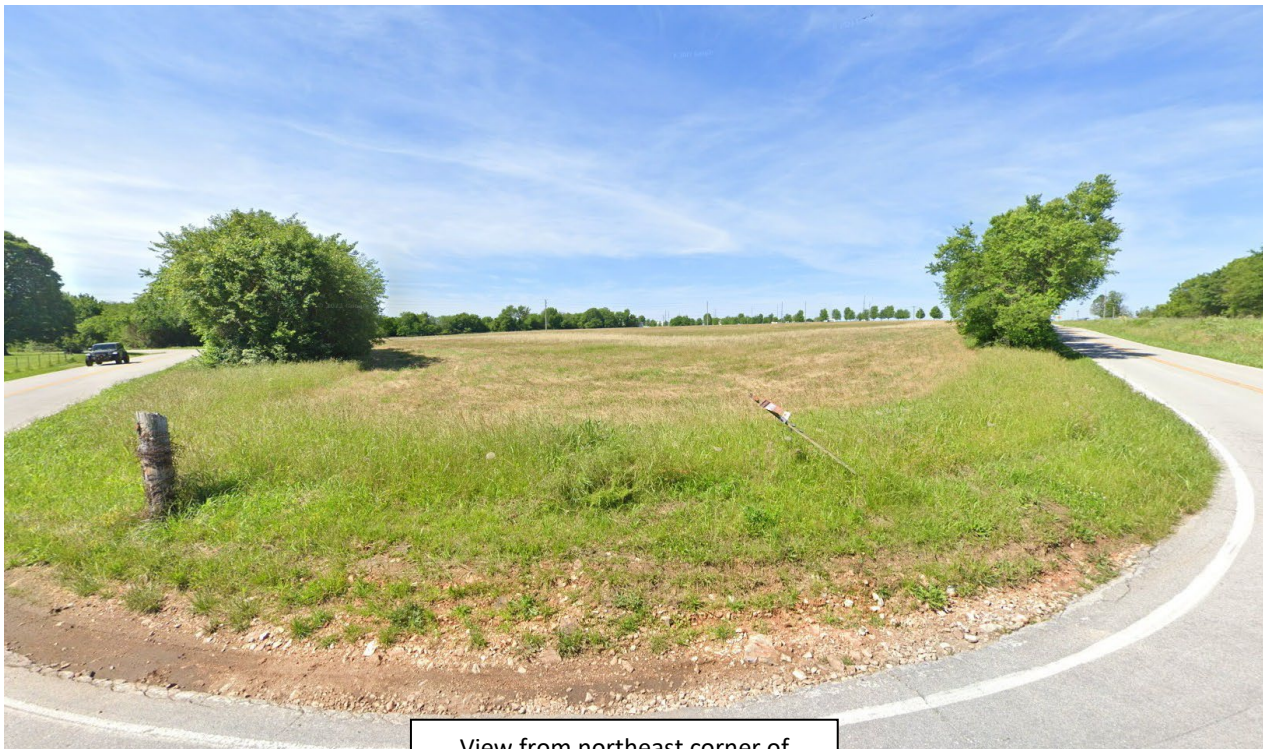


View from southwest corner of
subject area

DEVELOPMENT REVIEW STAFF REPORT



View from southeast corner of
subject area



View from northeast corner of
subject area

DEVELOPMENT REVIEW STAFF REPORT

PROPERTY HISTORY:

The west 260 feet of the subject property was annexed into the city in 1964. The remaining portion of the subject area was annexed in 1999. Portions of the property were certified as tracts of record in 2001 and 2016 by AS-5142 and AS-7198, respectively. In 2023, a preliminary plat named "Sky Light Surface Park Subdivision" was approved for this property but expired on June 26, 2025.

The core of the subject area was zoned Planned Development No. 229 in 1999. All of the subject area was rezoned to Planned Development No. 229, Amendment 1 in 2004. The zoning for the 2nd Amendment of the Planned Development was approved by City Council in 2023.

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:

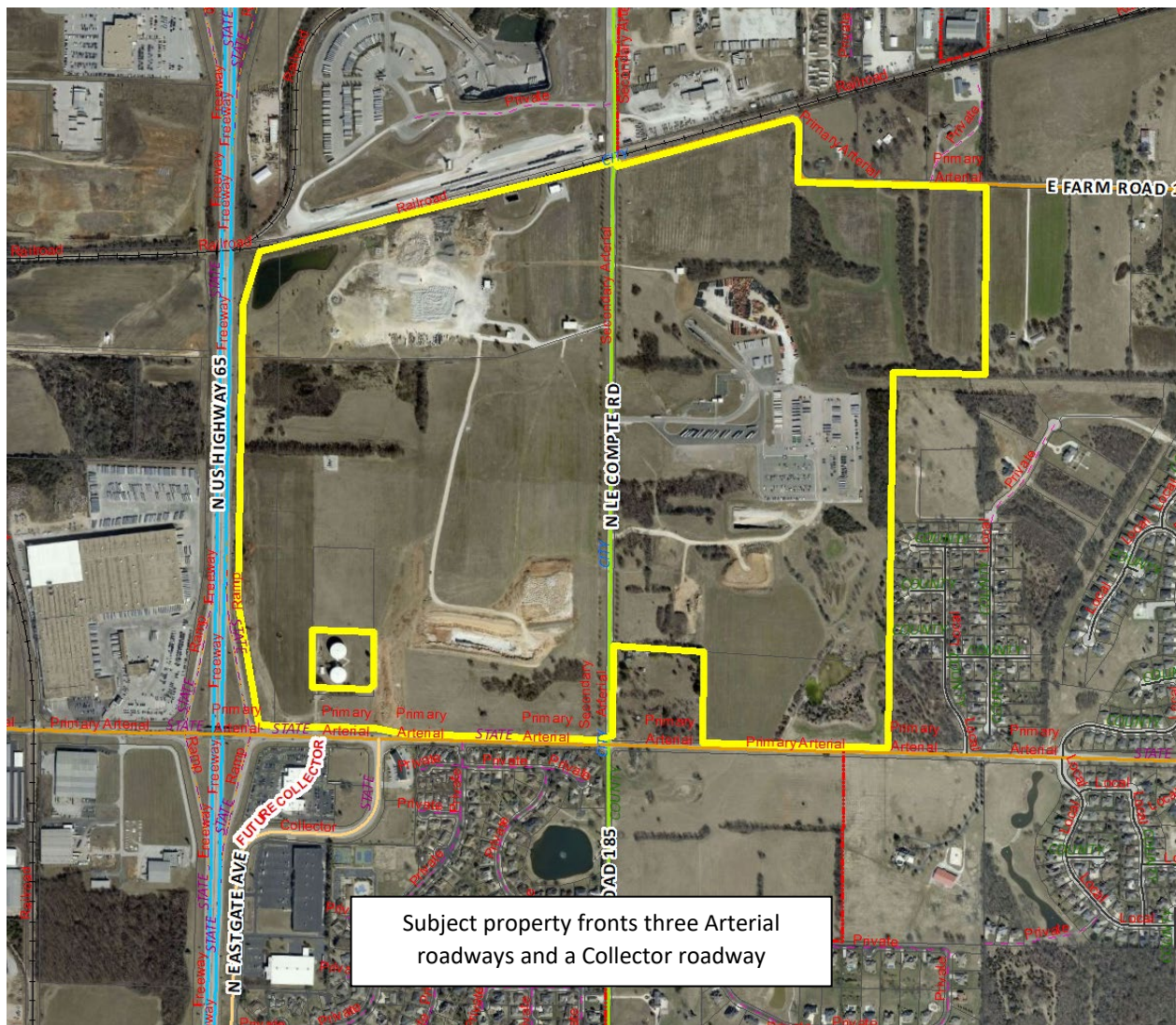
CODE ITEM	REQUIREMENTS FOR PLANNED DEVELOPMENT 229, AMENDMENT 2
Minimum lot dimension requirements	36 feet of frontage along a public street
Maximum structure height	Structures may be sixty (60) feet high as measured from the adjacent grade of the structure for Areas D and E. In addition, no structure in areas E and F shall be higher than its horizontal distance from any right-of-way line. In all other areas, there are no height restrictions, except that all structures shall remain below a 30-degree bulk plane as measured from the boundaries of R-SF or R-TH beyond the limits of this district.
Front, side, and rear yard setback	<u>Area A</u> 1. Division Street for structures: Fifty (50) feet from the Division Street Right-of-Way. 2. All other streets for structures: a. Front yard: Twenty-five (25) feet b. Side yard: Fifteen (15) feet c. Rear yard: Fifteen (15) feet. 3. For vehicular use areas: Fifteen (15) feet, plus any required bufferyard. <u>Area B</u> 1. All streets for structures: a. Front yard: Forty (40) feet b. Side yard: Fifteen (15) feet or zero (0) feet if buildings on adjoining lots are joined by a common wall c. Rear yard: Fifteen (15) feet or zero (0) feet if buildings on adjoining lots are joined by a common wall d. Double frontage lots shall have a forty (40) foot setback from each street. e. With the exception that for Farm Road 116 the setbacks shall begin at the future right-of-way width of fifty (50) feet from centerline. 2. All streets for vehicular use areas: a. Fifteen (15) feet. b. With the exception that for Farm Road 116 the setbacks shall begin at the future right-of-way width of fifty (50) feet from centerline. <u>Area C</u> None, used for drainage and detention basin. <u>Area D</u> 1. Division Street for structures: a. Fifty (50) feet from Division Street Right-of-Way. 2. All other streets for structures: a. Front yard: Forty (40) feet

DEVELOPMENT REVIEW STAFF REPORT

	b. Side yard: Fifteen (15) feet c. Rear yard: Fifteen (15) feet d. Double frontage lots shall have a forty (40) foot setback from each street. 3. Vehicular use areas: Fifteen (15) feet, plus any required bufferyard. <u>Area E</u> 1. Division Street for structures: a. Fifty (50) feet from Division Street Right-of-Way. 2. All other streets for structures: a. Front yard: Forty (40) feet b. Side yard: Fifteen (15) feet. c. Rear yard: Fifteen (15) feet. d. Double frontage lots shall have a forty (40) foot setback from each street. 3. Vehicular use areas: Fifteen (15) feet, plus any required bufferyard.
Street Classification	N Le Compte Road – Secondary Arterial E Division Street – Primary Arterial E Atlantic Street (Farm Road 116) – Primary Arterial N Eastgate Avenue – Collector
Sidewalks	Sidewalk is required along the frontage of all adjacent streets. Sidewalk currently only exists along Le Compte Road and Eastgate Avenue.
Open Space Requirements	A minimum open space ratio of twenty (20) percent open space shall be provided throughout the entire development. This open space ratio shall apply to individual lots as well as the overall development.
Maximum Building Coverage	The maximum building coverage, including accessory buildings, shall not exceed sixty (60) percent on each buildable lot.

DEVELOPMENT REVIEW STAFF REPORT

MAJOR THOROUGHFARE MAP:



DEVELOPMENT REVIEW STAFF REPORT

STAFF ANALYSIS AND RECOMMENDATION:

1. The applicant is proposing to subdivide approximately 389.98 acres into a three (3) lot subdivision named "Sky Light Surface Park".
2. In 2023, a preliminary plat of the same name was approved for this property but expired on June 26, 2025.
3. Eastgate Avenue was dedicated via right-of-way deed earlier this year and is currently under construction.
4. The square-shaped parcel that abuts Eastgate Avenue is owned by City Utilities and is not part of this subdivision.
5. Sinkholes are known on each of the three lots. Future development or subdivision will require a geotechnical report for any area with known or suspected karst features.
6. All lots meet the minimum requirements of the City's subdivision regulations and Planned Development District No. 229, Amendment 2.
7. 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.
8. 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.
9. 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**.

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 Planned Development District No. 229, Amendment 2.
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:

AT&T has an existing 16.5' SWBT toll easement along the west side of Le Compte that is not shown on the provided documents. This easement contains many cables that will need to be relocated to new easement if construction is planned within this area. Please show easement on the final plat. Contact Adam Moon 417-631-9619 to discuss relocations if needed.

2. DEPARTMENT OF BUILDING DEVELOPMENT SERVICES:

Approved.

3. CITY UTILITIES:

Critical comments:

1) CU has requested new dedicated easements related to the Eastgate and Le Compte improvements. It is unclear if these easements have been signed by the owner, but CU prefers that these easements be signed, recorded and shown on this plat with book and page. This could be done on the final plat.

2) CU may request additional easements on the final plat for future extensions/connections.

General Comments:

All lots will have access to CU 3-phase electric, gas & water either on Le Compte or Division.

4. DEPARTMENT OF PUBLIC WORKS TRANSPORTATION ENGINEERING SURVEY DIVISION:

Approved

5. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

Add the following note to the plat.

"Portions of these lots are subject to a \$0.0147 per square foot trunkline connection fee to connect to the Peirson Cr. phase 2 trunkline sewer basin. These fees are based on the area of the property connecting. These fees will be calculated and collected at the time of development. "

No other issues with the plat.

6. FIRE DEPARTMENT:

Approved. No comments at this time.

DEVELOPMENT REVIEW STAFF REPORT

7. PARKS & GREENWAYS:

Are there any trail easements with this or is it assimilated into the ROW?

Response: It is assimilated into the right-of-way. A 10-foot-wide multi-use path for bicycle and pedestrian use is under construction along the south and east side of Eastgate Avenue and continues north along the east side of Le Compte Road.

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

Approved.

9. MISSOURI DEPARTMENT OF TRANSPORTATION:

No apparent impact to MoDOT R/W at this time.

10. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

Site Description and Drainage Pattern

	Drainage Basin	Fee in Lieu of Flood Control	Fee in Lieu of Water Quality	Stream Buffer on Site	Sinkhole or Watershed	Floodplain/Floodway
1900 N Le Compte Rd (Lot 1/2)	Jordan Creek North Branch	No	No	No	Yes	No
1900 N Le Compte Rd (Lot 3)	Pierson Creek	No	No	No	Yes	Yes

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

Detention and Discharge Requirements

1. Future Subdivision or Development on the proposed lots will require a Flood Control stormwater control measure to prevent downstream impacts. All three lots are discharge to City, County, or MODOT right-of-way

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.

DEVELOPMENT REVIEW STAFF REPORT

- 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

- The 100-yr floodplain is present on the SE corner of Lot 3. This area has an existing flood control structure.

Natural Channels and Stream Buffers

N/A

Sinkholes and Karst Features

- Sinkholes are known on each of the three lots. Future development or subdivision will require a geotechnical report for any area with known or suspected karst features.

11. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

Traffic Report

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	N. Le Compte Road	Secondary Arterial	City	35	25	3000	No	Yes	Yes
Street 2	E. Division Street	Primary Arterial	MoDOT	50	40	8000	No	Yes	No
Street 3	E. Atlantic Street (FR 116)	Primary Arterial	City	50	20	NA	No	Yes	No
Street 4	Future N. Eastgate Avenue	Collector	City	30	45	NA	No	Yes	Yes

Street Classification, Right-Of-Way, & Jurisdiction

City's Transportation Plan classifies N. Le Compte Road as a Secondary Arterial roadway, and both E. Division Street and E. Atlantic Street (Farm Road 116) as Primary Arterial roadways. The standard right-of-way width from the centerline of N. Le Compte Road is 35 feet. The standard right-of-way width from the centerline of E. Division Street is 50 feet. The standard right-of-way width from the centerline of E. Atlantic Street is 50 feet. It appears that additional right-of-way is needed along N. Le Compte Road, E. Division Street and E. Atlantic Street. A survey is recommended to determine the exact

DEVELOPMENT REVIEW STAFF REPORT

amount of existing right-of-way. N. Le Compte Road and E. Atlantic Street are city-maintained streets and E. Division Street is a state-maintained street.

Access

All access to the development shall be per the traffic study, planned development, current MoDOT standards and/or current City of Springfield standards.

Sidewalk

Per the planned development, sidewalks are required along all public streets.

Improvements

A traffic study will be required at the time of development. All requirements of the traffic study and planned development are required to be submitted on Public Improvement Plans (PIP). The approved PIP shall be constructed, or funds escrowed prior to approval of the final plat.

DEVELOPMENT REVIEW STAFF REPORT

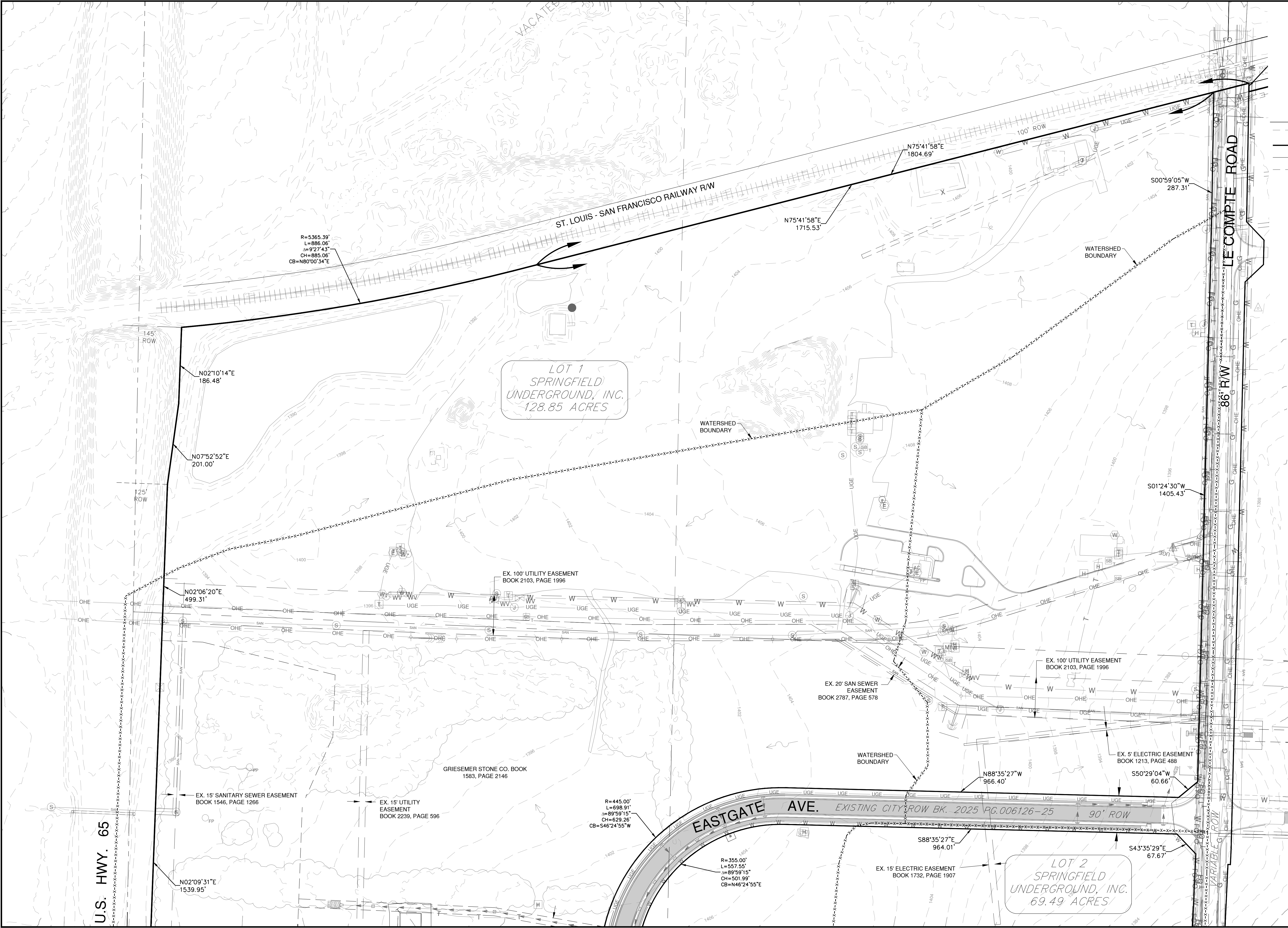
CONDITIONS FOR APPROVAL:

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.



PLAN LEGEND

- 1200 --- EXISTING CONTOUR (2' INTERVALS)
- PROPOSED LOT
- - - SECTION LINE
- - - EASEMENT LINE

0 100 200 Feet

KEYMAP

U.S. HWY. 65
Kearney Street
LeCompte Road
Division Street

Professional Engineer Seal

STATE OF MISSOURI
JASON R. CLARK
PE 2006019940
NUMBER 10111

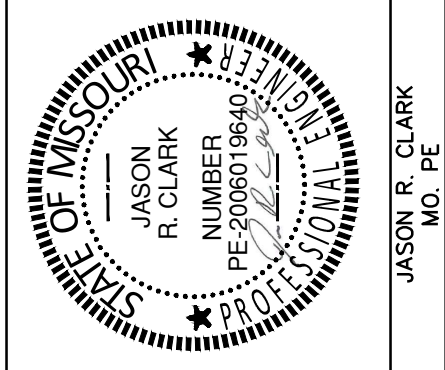
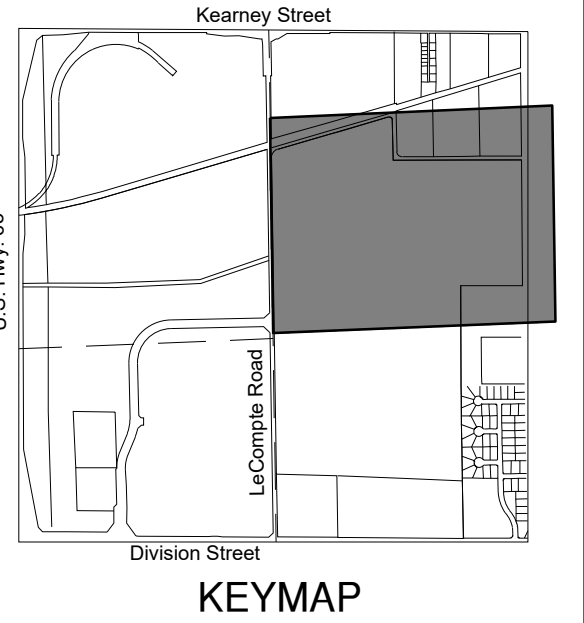
CMT
Copyright CMT, Inc.
CRAWFORD MURPHY & TILLY, INC.
CONSULTING ENGINEERS
1631 W. Ellendale, Springfield, Missouri 65807
tel 417-869-6009 fax 417-869-8129
DATE PREPARED: 10/22/2025
PROJECT: 23005703-00

PRELIMINARY PLAT FOR:
SKYLIGHT SURFACE PARK
C-101
2 of 5
CRAWFORD MURPHY & TILLY, INC.
MISSOURI STATE CERTIFICATE OF AUTHORITY LC-238



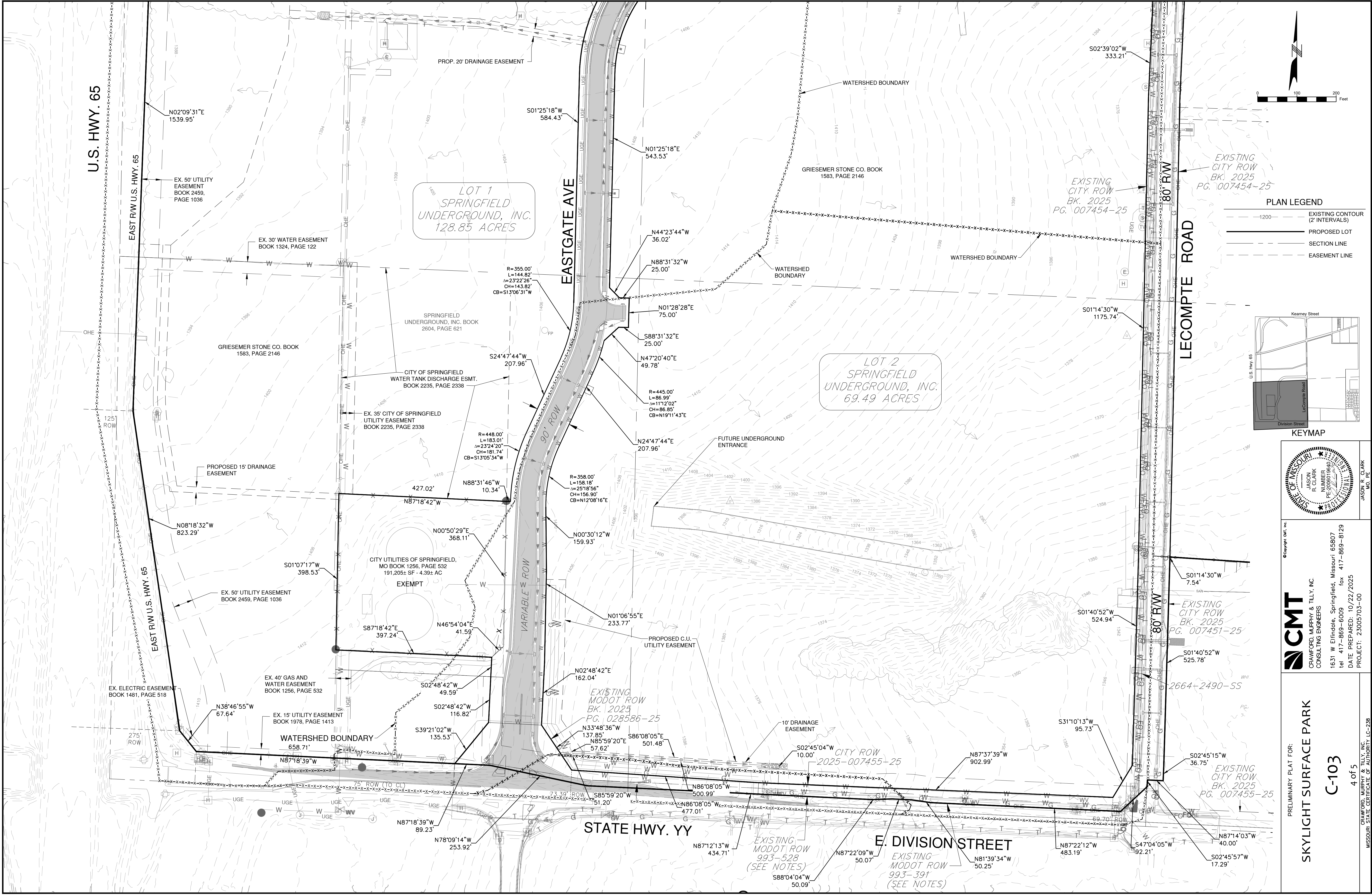
PLAN LEGEND

- 1200 --- EXISTING CONTOUR (2' INTERVALS)
- PROPOSED LOT
- SECTION LINE
- - - - - EASEMENT LINE



CMT
CRAWFORD MURPHY & TILLY, INC.
CONSULTING ENGINEERS
1631 W Elfindale, Springfield, Missouri 65807
tel 417-869-6009 fax 417-869-8129
DATE PREPARED: 10/22/2025
PROJECT: 23005703-00

PRELIMINARY PLAT FOR:
SKYLIGHT SURFACE PARK
C-102
3 of 5
CRAWFORD MURPHY & TILLY, INC.
MISSOURI STATE CERTIFICATE OF AUTHORITY IC-238



U.S. HWY. 65

EAST RW U.S. HWY. 65

EAST RW U.S. HWY. 65

EASTGATE AVE

LECOMPTTE ROAD

STATE HWY. YY

E. DIVISION STREET

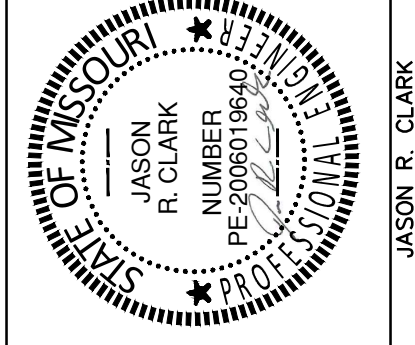
LOT 1
SPRINGFIELD
UNDERGROUND, INC.
128.85 ACRES

LOT 2
SPRINGFIELD
UNDERGROUND, INC.
69.49 ACRES

- PLAN LEGEND
- 1200 --- EXISTING CONTOUR (2' INTERVALS)
 - PROPOSED LOT
 - SECTION LINE
 - EASEMENT LINE



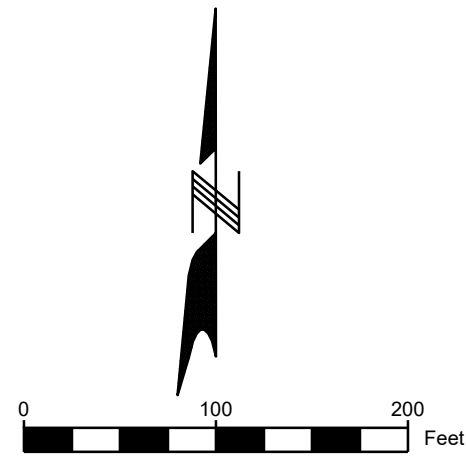
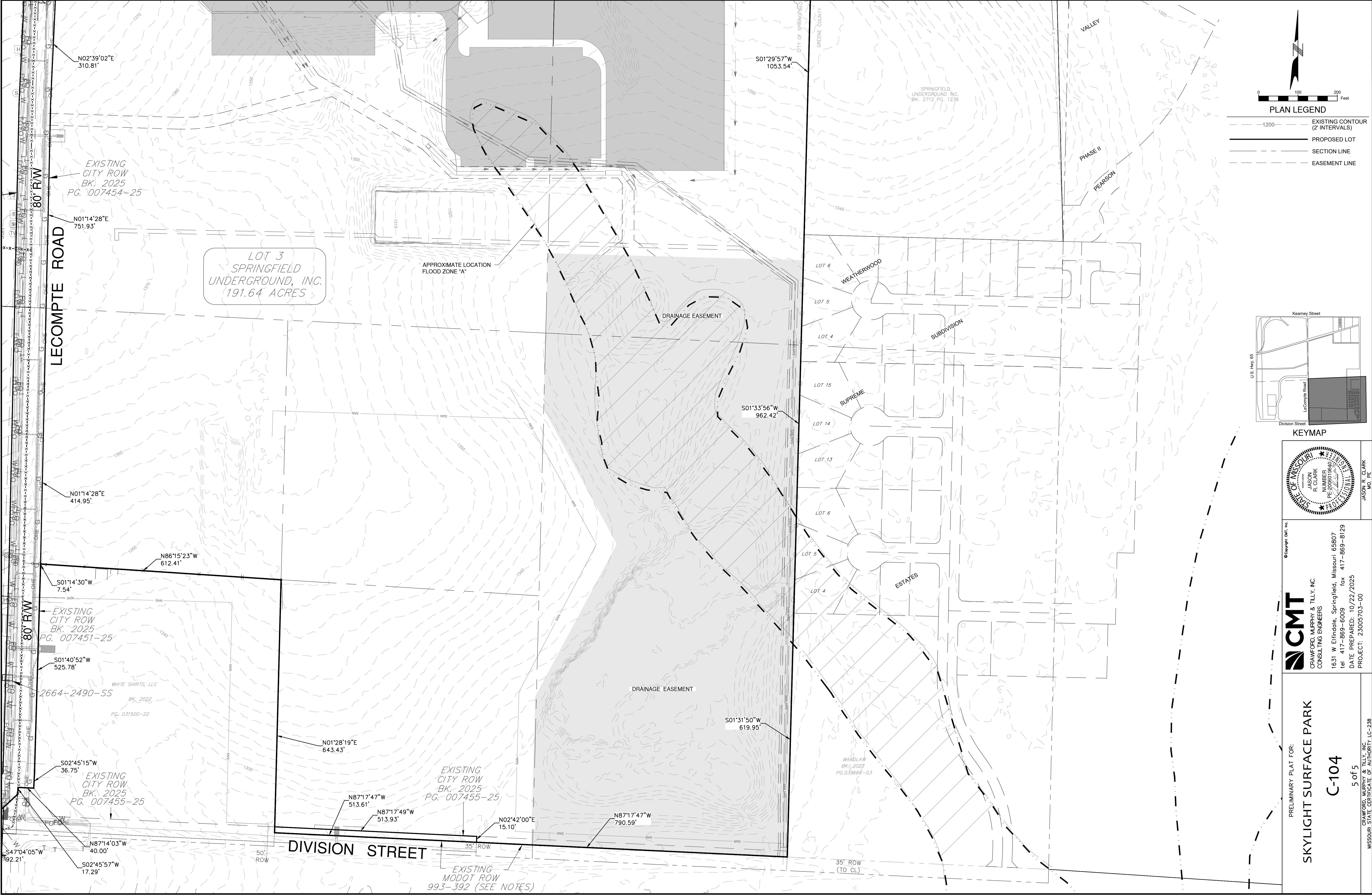
KEYMAP



Copyright CMT, Inc.

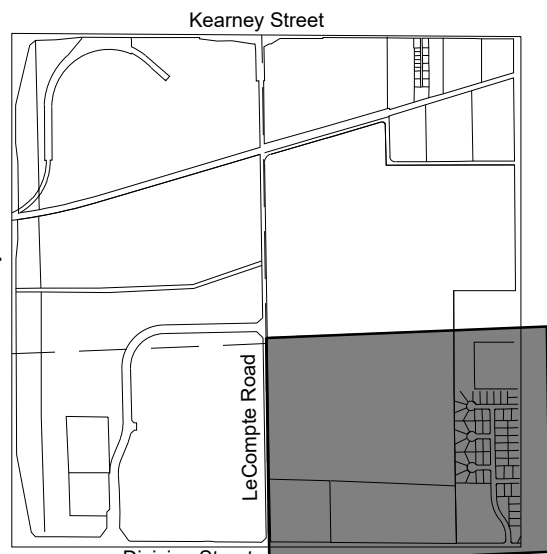
CMT
CRAWFORD MURPHY & TILLY, INC.
CONSULTING ENGINEERS
1631 W. Ellendale, Springfield, Missouri 65807
tel 417-869-6009 fax 417-869-8129
DATE PREPARED: 10/22/2025
PROJECT: 23005703-00

PRELIMINARY PLAT FOR:
SKYLIGHT SURFACE PARK
C-103
4 of 5
CRAWFORD MURPHY & TILLY, INC.
MISSOURI STATE CERTIFICATE OF AUTHORITY LC-238

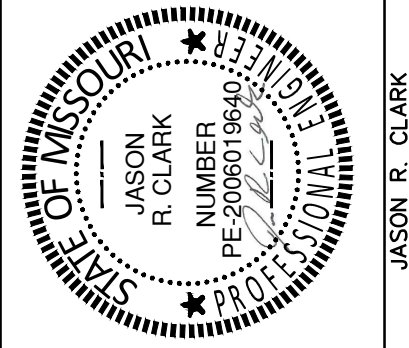


PLAN LEGEND

- EXISTING CONTOUR (2' INTERVALS)
- PROPOSED LOT
- SECTION LINE
- EASEMENT LINE



KEYMAP



Copyright CMT, Inc.
CMT
CRAWFORD MURPHY & TILLY, INC.
CONSULTING ENGINEERS
1631 W Ellendale, Springfield, Missouri 65807
tel 417-869-6009 fax 417-869-8129
DATE PREPARED: 10/22/2025
PROJECT: 23005703-00

PRELIMINARY PLAT FOR:
SKYLIGHT SURFACE PARK
C-104
5 of 5
CRAWFORD MURPHY & TILLY, INC.
MISSOURI STATE CERTIFICATE OF AUTHORITY LC-238

EXPLANATION TO COUNCIL BILL 2025-266 (JENSON)

FILED: 11/21/2025

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 The Dell Phase 2, generally located at 3907 South York Avenue and 4000 South Jonathan 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: Wire Rd Development, LLC & Boehm Family Trust; 4000 South Jonathan Avenue & 3907 South York Avenue; Preliminary Plat of The Dell Subdivision Phase 2).

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 The Dell Phase 2, generally located at 4000 South Jonathan Avenue & 3907 South York 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 The Dell Phase 2 dated October 21st, 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 November 6th, 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:

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments:

1. Preliminary Plat of The Dell Phase 2 - 3907 S. York Avenue and 4000 S. Jonathan Avenue
2. PPlat The Dell Phase 2_exhA
3. PPlat The Dell Phase 2_exhB

One-rdg. _____
P. Hrngs. _____
Pgs. 22
Filed: 12-09-25

Sponsored by: Jenson

First Reading: _____

Second Reading: _____

COUNCIL BILL 2025-266

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 The Dell Phase 2, generally located
4 at 3907 South York Avenue and 4000 South Jonathan Avenue, upon
5 the applicant filing and recording a final plat that substantially
6 conforms to the preliminary plat; and authorizing the City Clerk to sign
7 the final plat upon compliance with all the terms of this Ordinance.
8
9

10 WHEREAS, an original Preliminary Plat of The Dell Phase 2, dated October 21,
11 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 The
15 Dell Phase 2 on November 6, 2025, by a vote of 7 to 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 The Dell
25 Phase 2, which is generally located at 3907 South York Avenue and 4000 South
26 Jonathan Avenue, as approved by the Planning and Zoning Commission. The original
27 Preliminary Plat of The Dell Phase 2 is on file in the Department of Planning and
28 Development ("Approved Preliminary Plat"), a reduced version of which is attached
29 hereto for general reference as "Exhibit B – Attachment 3." All of "Exhibit B," including
30 attachments, is incorporated herein by this 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

34 plat, upon the applicant filing and recording a final plat in accordance with this
35 Ordinance and the Subdivision Regulations of the City, which final plat shall
36 substantially conform to the Approved Preliminary Plat, including those conditions
37 described in "Exhibit B – Attachment 2," and upon the Director of Public Works certifying
38 to the Director of Planning and Development and the City Clerk that the public
39 improvements have been made in accordance with City standards and specifications.
40 Said public improvements shall not be accepted until the occurrence of all conditions
41 referenced herein and in "Exhibit B – Attachment 2."

42
43 Section 3 – The final plat shall not be recorded until: (1) the public improvements
44 relating to the Approved Preliminary Plat have been constructed according to the
45 specifications of the City of Springfield, Missouri, and are approved by the Director of
46 Public Works, and all engineering fees, permit fees, licenses, and other fees occasioned
47 by or in connection with the construction of said improvements have been paid to the
48 City; or (2) in lieu of the construction of the improvements, that the Applicant has filed
49 with the City Manager, according to the terms of the Subdivision Regulations of the City,
50 the prescribed financial assurances in a form acceptable to the City to ensure the
51 construction of the improvements and the payment to the City of all engineering fees,
52 permit fees, licenses, and other fees occasioned by, or which will be occasioned by, the
53 construction of the improvements.

54
55 Section 4 – Upon compliance with all the requirements of this Ordinance,
56 including the conditions described in "Exhibit B – Attachment 2," the City Clerk is hereby
57 authorized to endorse City Council's approval upon the final plat pursuant to Section
58 445.030, RSMo., and such endorsement shall constitute the acceptance of the Public
59 Improvements contained therein.

60
61 Section 5 – This Ordinance shall be in full force and effect from and after its
62 passage.

63
64 Passed at meeting: _____

65
66
67 _____
68 Mayor

69 Attest: _____, City Clerk

70
71 Filed as Ordinance: _____

72
73
74 Approved as to form: Laura Vales, Assistant City Attorney

75
76
77 Approved for Council action: [Signature], City Manager

EXHIBIT A
RECORD OF PROCEEDINGS
Planning and Zoning Commission – November 6, 2025

Preliminary Plat of The Dell Phase II
3907 South York Avenue and 4000 South Jonathan Avenue.
Applicant: Boehm Family Trust and Wire Rd Development, LLC

Mr. Andrew Menke stated that this is a request to approve a preliminary plat for a 21-lot residential subdivision.

Commissioner Knuckles asked about the no build area and how will it be addressed.

Mr. Joe Codichini stated that this is the identified cave area, for the preliminary plat they marked the center of the cave opening and then established a 100-foot-wide buffer around it. As part of the public improvement plan, a geotechnical report will be provided that includes a survey of the cave area. He also noted that if it is buildable, that the karst feature buffer zone will be modified, or other protections be put into place.

Commissioner Colony asked for clarification on the existing alignment of Jonathan Avenue and if that area needs to be avoided.

Mr. Joe Codichini stated that if the geotechnical report determines that the area needs to be avoided then Jonathan Avenue will be routed around it.

Commissioner Doennig opened the public hearing.

Mr. David Shannon, 8689 Gourley Rd, Mountain Grove and here to answer any questions.

Mr. Mark Grieshaber, 3926 W. Kinsley Street, expressed concerns about increased stormwater runoff and flooding into Wilson's Creek, which already overflows its banks during heavy rains, potentially impacting property values. Requested stormwater officials assess the creek for widening or other improvements.

Commission members asked staff if they have checked into the houses already existing with the stream buffer and staff noted that those homes are outside of city limits, but when the development comes through the public improvement process that they will essentially have to capture their stormwater and route it to the stream and will work with the county.

Ms. Nancy Jensen, 4066 S. York Avenue, echoed concerns about flooding, providing examples of erosion and past experiences where stormwater issues were not fully resolved by previous developments (Silverleaf). Emphasized existing flood issues impacting their properties, some of which are outside city limits but directly affected.

Ms. Sharon Evans, 3961W. Maplewood Street expressed her concerns for the flooding and has had erosion in her side yard between the woods.

Mr. Doennig closed the public hearing.

Commission members asked for the representative to come back to the podium to make sure he is aware of the residents' stormwater concerns and with staff assuring that the developer is required to control runoff to prevent exacerbation and will conduct downstream analysis.

Commissioner Doennig closed the public hearing.

COMMISSION ACTION:

Planning and Zoning Commissioner Knuckles motioned to approve Preliminary Plat of The Dell Phase II. Commissioner Pauly seconded the motion. It **Passed** with the following vote: Ayes: Commissioner Doennig, Commissioner Gunther,

Commissioner Colony, Commissioner Ridge, Commissioner Hunton, Commissioner Pauly and Commissioner Knuckles.
Nays: None. Absent: Commissioner Scott and Commissioner Lebeck. Abstain: None.

A handwritten signature in black ink, appearing to read 'Bob Hosmer', written over a horizontal line.

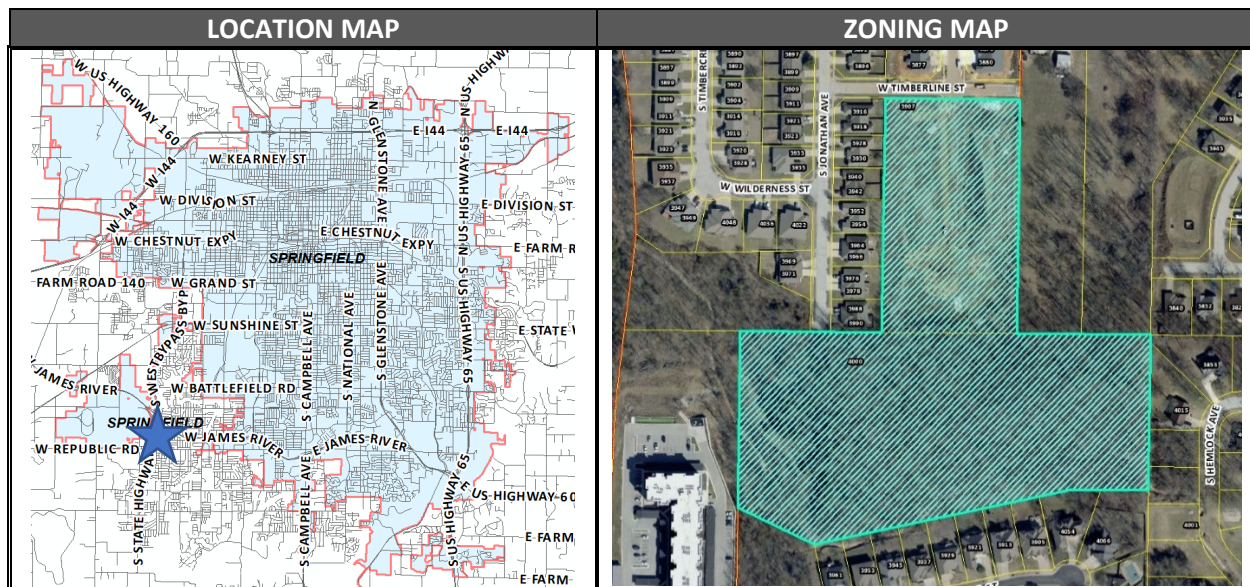
Bob Hosmer, AICP
Planning Manager

DEVELOPMENT REVIEW STAFF REPORT

PROJECT INFORMATION	
Case Number:	Preliminary Plat of The Dell Subdivision Phase 2
Location:	4000 South Jonathan Avenue & 3907 South York Avenue
Total Acres:	14.46 acres
Applicant:	Wire Rd Development, LLC & Boehm Family Trust
Existing Land Use:	Undeveloped
Neighborhood Meeting:	N/A
Planning and Zoning Commission:	November 6, 2025
City Council:	December 15, 2025
Public Notification:	Posted property
Staff:	Andrew Menke, Senior Planner, (417) 864-1613
Staff recommendation:	Staff recommends approval
Proposed motion:	Move to approve the preliminary plat of The Dell Subdivision Phase 2 subject to the conditions listed in Attachment 2 of the staff report. (All commission motions are made in the affirmative.)
Required Vote:	A majority of those present (5 members are a quorum).

PROJECT SUMMARY:

Request to subdivide approximately 14.46 acres of property generally located at 4000 South Jonathan Avenue & 3907 South York Avenue into twenty-one (21) residential lots to facilitate the development of the site.



Zoned: County PAD #2125 & County PAD #1284

DEVELOPMENT REVIEW STAFF REPORT

GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



View from Jonathan Ave

DEVELOPMENT REVIEW STAFF REPORT



PROPERTY HISTORY:

The north 573 feet of the subject property was annexed into the city on January 13, 2025. The remaining portion of the subject property was annexed on August 25, 2025.

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.

DEVELOPMENT REVIEW STAFF REPORT

- (1) *Master plan to provide general guidelines.* The master plan shall be prepared and maintained as a general guide for the orderly and efficient development and redevelopment of the City of Springfield. The master plan shall be kept current through review not less than every five years. When required by this Charter or otherwise deemed necessary, such review shall include proposed revisions or alterations in the master plan and public hearings thereon.
- (2) *Regulations to generally conform to master plan.* All rezoning of land, subdivision plats, development proposals, and the zoning ordinance, subdivision ordinance and the zoning map should generally conform with the guidelines set forth in the master plan and should be reviewed for consistency with the master plan; provided, however, inconsistencies with the master plan shall not constitute cause to invalidate any such matter. The master plan shall not have the effect of a regulatory ordinance.
- (3) *Master plan to guide public improvements.* The master plan shall provide guidelines for the location of public streets, parks and other public ways, grounds and spaces, public buildings and structures, facilities of public or private utilities, and the acquisition of real property by the city for public use. To that end the planning and zoning commission shall review the following:
 - (a) All proposals to construct or extend public streets.
 - (b) All proposals to improve land as a park.
 - (c) All proposals to lay out or improve other public ways, grounds or spaces.
 - (d) All proposals to construct public buildings and structures.
 - (e) All proposals to lay out and construct facilities of public utilities, whether publicly or privately owned.
 - (f) All proposals to acquire real property for public purposes.

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

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

DEVELOPMENT REVIEW STAFF REPORT

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

City of Springfield Land Development Code

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

(3) Preliminary plat.

- (a) After participating in the pre-subdivision review with city staff, the subdivider may prepare a preliminary plat, together with supplementary material as prescribed in section 36-263.
- (b) Copies of the preliminary plat and supplementary materials specified, together with a fee for administrative handling and processing in the amount prescribed by ordinance, shall be submitted to the director of planning and development with written application for approval. Upon determination that the application is complete, the director shall place the application on the agenda of the commission at a regular meeting not later than the second such meeting following the date of the filing of the application.
- (c) The commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be made in accordance with city ordinance and the rules of the commission.
- (d) The commission shall review the preliminary plat and supporting material, recommendations from agencies or officials, and testimony and exhibits submitted at the public hearing. The commission shall approve, conditionally approve or disapprove the preliminary plat and if approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons, therefore. In any case, a notation of the action taken, and the reasons, therefore, shall be entered in the records of the commission.
- (e) If approved by the commission or approved with conditions acceptable to the applicant, then the director of planning and development shall forward the preliminary plat to the city council for its approval. Council shall determine if the land or easement proposed to be dedicated by the applicant for public use or if the public improvements shall be accepted by the city. If the city council determines that the location of the land to be dedicated for public use or the location of public improvements is appropriate and complies with applicable ordinances then the city council shall authorize the acceptance of the dedication of the land or easements upon the applicant filing and recording a final plat which substantially conforms to the preliminary plat and shall authorize the acceptance of the public improvements upon the director of public works certifying to the director of planning and development and the city clerk that the public improvements have been made in accordance with city standards and specifications.

DEVELOPMENT REVIEW STAFF REPORT

- (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 RESIDENTIAL TOWNHOUSE
Minimum lot dimension requirements	Lot Area (Duplex): 7,500 square feet Lot Area (Single-Family Detached): 5,000 square feet Lot Width: 45 feet Lot Depth: 80 feet
Maximum structure height	- When side yards are less than 15 feet in width: 35 feet or two and one-half stories above the finished grade. - When side yards are 15 feet in width or greater: 45 feet or three stories above the finished grade.
Front yard setback	15 feet along local streets 25 feet along collector streets or higher
Side yard setback	Five feet or as required by section 36-453, supplemental open space and yard regulations.
Rear yard setback	Ten percent of the lot depth but may not be less than ten feet nor shall more than 20 feet be required.
Street Classification	S Jonathan Avenue – Local S York Avenue – Local W Timberline Street – Local
Sidewalks	Sidewalk is required along all adjacent roadways. Sidewalk exists along the frontage of all existing streets.
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 14.46 acres into a twenty-one (21) lot subdivision named "The Dell Subdivision Phase 2".
2. The property is currently zoned County PAD #2125 and County PAD #1284. The property owner has submitted an application to rezone the property to R-TH, Residential Townhouse District, which is currently in process.
3. A cave is located on the west side of the subject area, north of Lot 11. A 100-foot diameter Disturbance Buffer is depicted on the plat that prohibits development within the area. The purpose of the buffer area is to protect the cave and drainage area of the karst feature.
4. A previously platted drainage and detention easement located over York Avenue, Lots 7 & 15, and the majority of Lots 6 & 16 will need to be relinquished prior to final plat approval.
5. All lots meet the minimum dimension requirements of the City's subdivision regulations and the R-TH, Residential Townhouse District.
6. 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.
7. 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.
8. 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**.

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-TH, Residential Townhouse 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:

AT&T has no conflicts. Will provide fiber to PH2. Please contact Cody Butler cb670v@att.com if you have any questions.

2. CITY UTILITIES:

No issues generally with the preliminary plat. CU electric/gas/water will need to be extended to provide services to all proposed lots, per CU's extension policy. At least 10ft wide utility easements will be needed along both sides of all new ROW areas. The easements can be added on the final plat.

CU can begin design when we receive construction plans.

3. DEPARTMENT OF PUBLIC WORKS TRANSPORTATION ENGINEERING SURVEY DIVISION:

Approved.

4. DEPARTMENT OF ENVIRONMENTAL SERVICES WASTEWATER MANAGEMENT DIVISION:

The final plat for this subdivision will not be able to be approved until the public improvement plans are either constructed and accepted or escrowed.

Need to submit public improvement plans for the proposed sewer. The horizontal alignment shown on the preliminary plat is acceptable. Additional reviews will be done when the public improvement plans are submitted for review.

5. FIRE DEPARTMENT:

Approved, no comments.

6. PARKS & GREENWAYS:

Approved.

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

Approved.

DEVELOPMENT REVIEW STAFF REPORT

8. DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

Site Description and Drainage Pattern

	Drainage Basin	Fee in Lieu Flood Control	Fee in Lieu Water Quality	Stream Buffer	Sinkhole or Watershed	Floodplain/ Floodway
4000 S Jonathan Ave	Wilsons Creek	Dependent on Stormwater Analysis	No	Yes	Yes	Yes

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

Detention and Discharge Requirements

1. The Wilsons Creek stream crosses the proposed property with floodplain and floodway. A stormwater analysis showing no downstream impacts from discharging to the floodway can be submitted to determine if a Fee in Lieu Application for flood control would be accepted.

Water Quality Requirements

1. Water Quality is required for new development projects or redevelopment projects, with new or increased impervious surfacing, within the city limits of Springfield that disturb 1 acre or greater. Including projects less than 1 acre that are part of a larger common plan of development or sale that will disturb 1 or more acres over the life of the project. Chapter 10 Sec. 2.0.
2. A land disturbance permit will be required with disturbing 1 acre or greater per Chapter 4 Section 5 of the City's Flood Control and Water Quality Protection Manual.
3. Water Quality Credits are available to use in design for preserved trees and new planted trees. Landscaping and Bufferyards trees required by planning cannot be used for the water quality credits unless it is part of a SCM. Chapter 10, Section 3.1.

Floodplain

1. The 2025 FEMA Floodplain Map shows the Wilsons Creek has Floodplain and Floodway present on the property. Floodplain Permits would be required for any excavation, filling or building in the floodplain.

Natural Channels and Stream Buffers

1. The Wilson Creek Category C Small Tributary is present on the property. The Subdivision Plat is recording a 180 feet wide stream buffer easement along the stream top of banks.

Sinkholes and Karst Features

1. The geotechnical report provided for the subdivision has a cave present on the West side of the development near the Jonathan Ave connection. This cave has a 100 feet wide buffer for no disturbance to protect the cave and drainage area of the karst feature.

DEVELOPMENT REVIEW STAFF REPORT

9. DEPARTMENT OF PUBLIC WORKS TRAFFIC ENGINEERING DIVISION:

Traffic Report

	Street Name	Street Classification	Jurisdiction	ROW from Centerline (ft.)		Traffic Count (vehicles per day)	On-Street Parking	Sidewalk	
				Required	Existing			Required	Existing
Street 1	Jonathan Ave (existing)	Local	City	25	25	NA	Yes	Yes	Yes
Street 2	York Ave (existing)	Local	City	25	25	NA	Yes	Yes	Yes
Street 3	Timberline St	Local	City	25	25	NA	Yes	Yes	Yes
Street 4	Future Jonathan Ave	Local	City	25	0	NA	No	Yes	No
Street 5	Future York Ave	Local	City	25	0	NA	No	Yes	No

Access

All new and existing driveway approaches shall comply with the current City of Springfield standards for the street classification.

Trails, Bus Stops, And Additional Information

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

Improvements

No improvements are required for this preliminary plat. A traffic study is not required for this plat. All public improvements including sidewalk required for the development must be constructed or escrowed prior to approval of the building permit or plat.

DEVELOPMENT REVIEW STAFF REPORT

CONDITIONS FOR APPROVAL:

ATTACHMENT 2

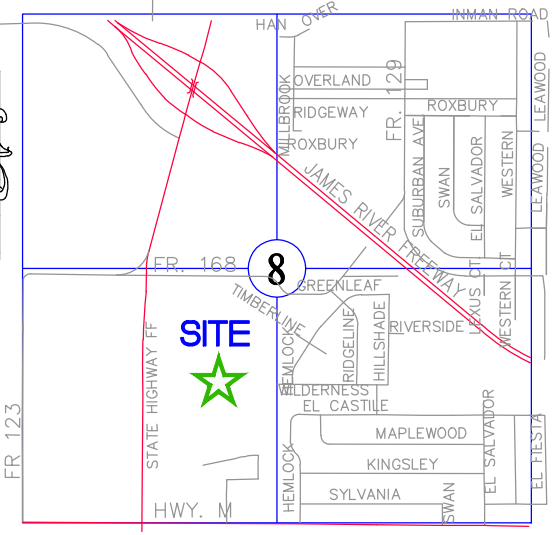
Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

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
THE DELL SUBDIVISION PHASE 2

BEING ALL OF LOT 2A OF REPLAT OF LOT 2 SILVERLEAF SUBDIVISION IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 28 NORTH, RANGE 22 WEST, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.



LOCATION SKETCH
SEC. 8, T28N, R22W
SCALE: 1"=2000'



ZONING DATA

PROPOSED ZONING DISTRICT: R-TH, RESIDENTIAL TOWNHOUSE

NOTES

TOTAL AREA OF DEVELOPMENT = 630,003± SQ. FT. (14.46± ACRES)
TOTAL NUMBER OF LOTS = 21
SMALLEST - LOT 15 = 7,769± SQ. FT. (0.18± ACRES)
LARGEST DEVELOPABLE LOT - LOT 11 = 11,748± SQ. FT. (0.27± ACRES)
COMMON AREA = 335,675± SQ. FT. (7.71± ACRES)

STORM WATER NOTES

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

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 DEDICATED 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.

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.

STREAM BUFFER AREAS ARE DEDICATED FOR THE PROTECTION OF STORMWATER QUALITY, STREAM PRESERVATION, AND FLOOD CONTROL. THE PROPERTY OWNER MAY FULLY USE AND ENJOY THE LAND WITHIN THE STREAM BUFFER AREA PROVIDED THAT SUCH USE IS IN ACCORDANCE WITH CHAPTER 96 OF THE SPRINGFIELD CITY CODE, AS AMENDED, AND THE FLOOD CONTROL AND WATER QUALITY PROTECTION MANUAL, AS AMENDED. MAINTENANCE, REPAIR, AND RESTORATION, IF NECESSARY, OF THE STREAM BUFFER AREA IS THE RESPONSIBILITY OF THE PROPERTY OWNER AND SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLOOD CONTROL AND WATER QUALITY PROTECTION MANUAL.

THE SINKHOLE-RELATED NON-BUILDABLE AREAS OR RESTRICTED FILL AREAS SHOWN ON THIS PLAN HAVE BEEN DETERMINED BASED ON THE STUDY AND RECOMMENDATION OF A PROFESSIONAL ENGINEER OR GEOLOGIST. HOWEVER, APPROVAL OF THIS PLAN IS NOT TO BE INTERPRETED AS ANY GUARANTEE THAT FUTURE SINKHOLE ACTIVITY WILL NOT OCCUR DUE TO EITHER NATURAL OR HUMAN ACTIVITIES.

NON-BUILD AREA

THE SINKHOLE-RELATED NON-BUILDABLE AREAS OR RESTRICTED FILL AREAS SHOWN ON THIS PLAN HAVE BEEN DETERMINED BASED ON THE STUDY AND RECOMMENDATION OF A PROFESSIONAL ENGINEER OR GEOLOGIST. HOWEVER, APPROVAL OF THIS PLAN IS NOT TO BE INTERPRETED AS ANY GUARANTEE THAT FUTURE SINKHOLE ACTIVITY WILL NOT OCCUR DUE TO EITHER NATURAL OR HUMAN ACTIVITIES.

ANY SINKHOLE-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 THEREON MUST BE FOUND ON SOLID ROCK, OR AS DETERMINED BY THE DIRECTOR OF BUILDING DEVELOPMENT SERVICES.

THE LOWEST ENCLOSED SPACE OF ANY STRUCTURE WITHIN OR ADJACENT TO A SINKHOLE FLOODING AREA SHALL BE A MINIMUM OF FIVE (5) FEET ABOVE THE FLOODING ELEVATION WHERE THERE IS NO OVERFLOW FROM THE SINKHOLE FROM THE CRITICAL FLOOD EVENT, OR ONE FOOT ABOVE THE FLOODING ELEVATION DETERMINED BY THE OVERFLOW ELEVATION CALCULATED FOR THE CRITICAL FLOOD EVENT, WHATEVER THE DIFFERENCE BETWEEN THE TOPOGRAPHIC RM AND FLOODING ELEVATION IS LESS THAN FIVE (5) FEET.

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.

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.

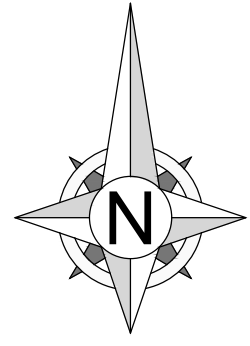
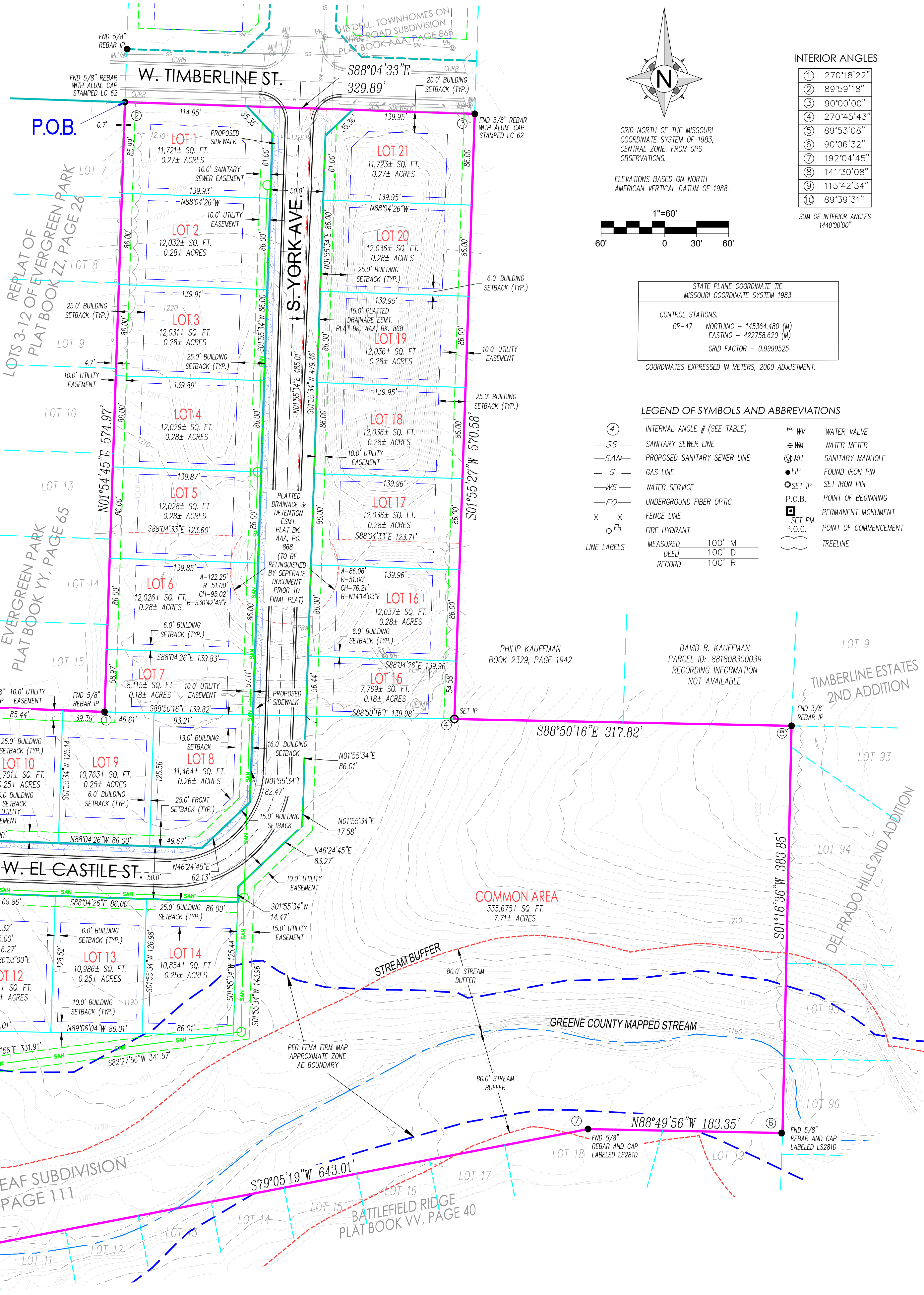
FLOOD NOTE

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X AND ZONE AE OF THE PRELIMINARY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 200720338B, WHICH BEARS AN EFFECTIVE DATE OF NOVEMBER 18TH, 2022 AND IS IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS.

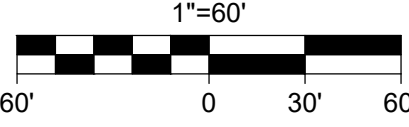
PERIMETER DESCRIPTION

A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2021, PAGE 004808-21 AND PART OF BOOK 2688, PAGE 2051 IN THE RECORDER OF DEEDS OFFICE IN GREENE COUNTY, MISSOURI, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 28 NORTH, RANGE 22 WEST OF THE 5TH PRINCIPAL MERIDIAN, GREEN COUNTY, MISSOURI, ALSO BEING ALL OF LOT 2A, REPLAT OF LOT 2 SILVERLEAF SUBDIVISION, ACCORDING TO THE RECORDED PLAT IN PLAT BOOK BBB, PAGE 111, GREEN COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8" REBAR WITH CAP LABELED LC 62 AT THE SOUTHWEST CORNER OF THE DELL, TOWNHOMES ON WIRE ROAD, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AS RECORDED IN PLAT BOOK AAA AT PAGE 868 OF THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION, SOUTH 88°04'33" EAST, 329.89 FEET; THENCE LEAVING SAID SOUTH LINE, SOUTH 01°55'27" WEST, 570.58 FEET TO A POINT LYING ON THE NORTH LINE OF LOT 2-A, A REPLAT OF LOT 2 OF SILVERLEAF, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AS RECORDED IN PLAT BOOK BBB AT PAGE 111 OF THE GREENE COUNTY, MISSOURI RECORDER'S OFFICE; THENCE ALONG SAID NORTH LINE SOUTH 88°50'16" EAST, 317.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 2-A; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOT 2-A SOUTH 01°16'36" WEST, 383.85 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2-A; THENCE LEAVING SAID EAST LINE AND ALONG THE SOUTH LINE FOLLOWING 3 CALLS: NORTH 88°49'56" WEST, 183.35 FEET; THENCE SOUTH 79°05'19" WEST, 643.01 FEET; THENCE NORTH 62°24'48" WEST, 205.50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2-A; THENCE LEAVING SAID SOUTH LINE AND ALONG THE WEST LINE NORTH 01°52'38" EAST, 433.25 FEET TO THE NORTHWEST CORNER OF SAID LOT 2-A; THENCE LEAVING SAID WEST LINE AND ALONG AFORESAID NORTH LINE SOUTH 87°46'53" EAST, 343.97 FEET; THENCE LEAVING SAID NORTH LINE NORTH 01°54'45" EAST, 574.97 FEET TO THE POINT OF BEGINNING. CONTAINING 630,003 SQUARE FEET OR 14.46 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. DATE OF ADJUSTMENT 2002.



GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE. FROM GPS OBSERVATIONS.
ELEVATIONS BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988.



STATE PLANE COORDINATE THE MISSOURI COORDINATE SYSTEM 1983	
CONTROL STATIONS:	
GR-47	NORTHING - 145364.480 (M)
	EASTING - 422758.620 (M)
	GRID FACTOR - 0.9999525

COORDINATES EXPRESSED IN METERS, 2000 ADJUSTMENT.

LEGEND OF SYMBOLS AND ABBREVIATIONS

INTERNAL ANGLE # (SEE TABLE)		SYMBOL		ABBREVIATION	
SS	—SS—	WM	—WM—	WATER VALVE	
SAN	—SAN—	IM	—IM—	WATER METER	
G	—G—	MH	—MH—	SANITARY MANHOLE	
WS	—WS—	FIP	—FIP—	FOUND IRON PIN	
FO	—FO—	IP	—IP—	SET IRON PIN	
UF	—UF—	P.O.B.	—P.O.B.—	POINT OF BEGINNING	
FL	—FL—	PM	—PM—	PERMANENT MONUMENT	
PH	—PH—	P.O.C.	—P.O.C.—	POINT OF COMMENCEMENT	
MEASURED	100' M	TR	—TR—	TREELINE	
DEED	100' D				
RECORD	100' R				

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/WPC

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, _____ AND _____
(CORPORATE OFFICE, ETC.) SOLE OWNERS OF THE PROPERTY DESCRIBED HEREON, HAS CAUSED THIS PLAT TO BE SIGNED THIS ____ DAY OF _____.

SIGNATURE _____ SIGNATURE _____
PRINT NAME _____ PRINT NAME _____

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.

MANAGING MEMBER _____ DATE _____

ACKNOWLEDGEMENT

STATE OF MISSOURI

(SS)

COUNTY OF GREENE

ON THIS ____ DAY OF _____, IN THE YEAR 20____, BEFORE ME,

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____

TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT HE/SHE IS THE _____

OF _____

A LIMITED LIABILITY COMPANY OF THE STATE OF _____, AND THAT SAID

DOCUMENT WAS SIGNED IN BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS _____

AND SAID _____ ACKNOWLEDGED SAID DOCUMENT TO BE THE

FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED

THE SAME FOR THE PURPOSES THEREIN STATED.

NOTARY PUBLIC: _____

PRINT NAME: _____

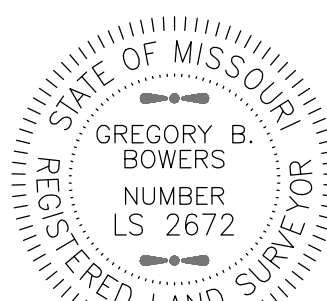
SURVEYOR'S CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS: THAT I, GREGORY B. BOWERS, DO HEREBY DECLARE THAT THIS PRELIMINARY PLAT WAS PREPARED UNDER MY SUPERVISION AND THAT SAID PRELIMINARY PLAT REFLECTS THE CURRENT CONDITION OF THE SUBJECT PROPERTY, AND THE PROPOSED DEVELOPMENT OF SAID PROPERTY, TO THE BEST OF MY KNOWLEDGE.

LAST REVISION DATE OCTOBER 21, 2025.
OWN, INC., L.C. 62
BY: _____

GREGORY B. BOWERS

NO P.L.S. NO. 2672



10-21-2025

DATE PREPARED

OWNER AND DEVELOPER

BOEHM FAMILY TRUST
6428 PAMILLA LANE
MCKINNEY, TX 75071
PLAT BOOK BBB, PAGE 111

OWNER AND DEVELOPER

WIRE ROAD DEVELOPMENT
2144 E. REPUBLIC RD.
SUITE F-302
SPRINGFIELD, MO, 65804
BOOK 2021, PAGE 004808-21

PREPARED BY

GREGORY B. BOWERS, PLS
OWN, INC.
821 E. 3RD ST.
JOPLIN, MO 65807



3213 S. West Bypass
Springfield, MO 65807
417.866.2741
weareown.com

FORMERLY ANDERSON ENGINEERING

FIELD: CB
DRAWN: GAS / BAC
CHECKED: GBB

DATE: 10-21-2025
JOB NO: 25SP10034

112094
SHEET 1 OF 1



EXPLANATION TO COUNCIL BILL 2025-267 (HOSMER)

FILED: 11/25/2025

ORIGINATING DEPARTMENT: Economic Vitality

TITLE: A resolution confirming the reappointment of Dan Griffin, Brett Foster, Paula Adams, and Allen Kunkel to the Downtown Springfield Community Improvement District Board of Directors.

PURPOSE: To reappoint Dan Griffin, Brett Foster, Paula Adams, and Allen Kunkel to the Downtown Springfield Community Improvement District Board of Directors. (Staff recommends approval.)

BACKGROUND INFORMATION: As required by the petition establishing the Downtown Springfield Community Improvement District ("CID"), the Mayor shall appoint Directors to the CID Board of Directors with the consent of the City Council. The CID Board of Directors requests the following appointments to the Board:

Seat	Name	Qualification	Term	Notes
1	Dan Griffin	Business owner Tax-exempt	12/31/2029	Reappointment
2	Brett Foster	property owner representative	12/31/2029	Reappointment
3	Paula Adams	Property Owner Tax-exempt	12/31/2029	Reappointment
4	Allen Kunkel	property owner representative	12/31/2029	Reappointment

REMARKS: Staff recommends approval.

Submitted By: Patrick Ruiz, Senior City Planner

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

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments: 1. Downtown Springfield CID Board Appointment December 2025

One-rdg. X
P. Hrngs.
Pgs. 3
Filed 12-09-25

Sponsored by Hosmer

COUNCIL BILL 2025-267 RESOLUTION

A RESOLUTION

1 CONFIRMING the reappointment of Dan Griffin, Brett Foster, Paula Adams, and
2 Allen Kunkel to the Downtown Springfield Community Improvement
3 District Board of Directors.
4
5

6 WHEREAS, on September 7, 1999, City Council passed General Ordinance
7 4924, approving a petition to establish the Downtown Springfield Community
8 Improvement District ("CID") and thereby establishing the same; and
9

10 WHEREAS, said petition established the qualifications of and process for
11 appointment of members to the Downtown Springfield CID Board of Directors through
12 appointment by the Mayor with confirmation by City Council; and
13

14 WHEREAS, there is currently a need to appoint four (4) members to the
15 Downtown Springfield CID Board of Directors; and
16

17 WHEREAS, the Downtown Springfield CID Board of Directors submitted a slate
18 to the City Clerk recommending the reappointment of Dan Griffin, Brett Foster, Paula
19 Adams, and Allen Kunkel to the Downtown Springfield CID Board of Directors.
20

21 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
22 SPRINGFIELD, MISSOURI as follows, that:
23

24 Section 1 – The Mayor hereby reappoints, and City Council hereby confirms such
25 reappointment of, Dan Griffin to the Downtown Springfield Community Improvement
26 District Board of Directors, with his term to expire on December 31, 2029.
27

28 Section 2 - The Mayor hereby reappoints, and City Council hereby confirms such
29 reappointment of, Brett Foster to the Downtown Springfield Community Improvement
30 District Board of Directors, with his term to expire on December 31, 2029.
31

32 Section 3 - The Mayor hereby reappoints, and City Council hereby confirms such
33 reappointment of, Paula Adams to the Downtown Springfield Community Improvement
34 District Board of Directors, with her term to expire on December 31, 2029.
35

36 Section 4 - The Mayor hereby reappoints, and City Council hereby confirms such
37 reappointment of, Allen Kunkel to the Downtown Springfield Community Improvement
38 District Board of Directors, with his term to expire on December 31, 2029.

39
40 Section 5 – This Resolution shall be effective immediately upon adoption.

41
42 Passed at meeting: _____

43
44 _____
45 Mayor

46
47 Attest: _____, City Clerk

48
49 Filed as Resolution _____

50
51 Approved as to form: Laura Vales, Assistant City Attorney

52
53 _____
54 Approved for Council action: [Signature], City Manager
55



EXPLANATION TO COUNCIL BILL 2025-268 (CARROLL)

FILED: 11/25/2025

ORIGINATING DEPARTMENT: Police

TITLE: A resolution authorizing City of Springfield Police Officers to purchase certain duty weapons that are being removed from service and declared surplus property.

PURPOSE: Authorize the Police Department to sell surplus duty pistols to police department employees.

BACKGROUND INFORMATION: The Police Department is in the process of acquiring new duty pistols equipped with modern red-dot sight systems. With this upgrade, many of the department's current duty pistols will be rendered surplus. A number of officers have expressed interest in purchasing the pistols for personal use. The Police Department is requesting City Council approval to sell these surplus firearms to police department employees at a fair price comparable to the trade-in value. The sale price would be determined by the Chief of Police based on fair market trade-in value and documented in department policy.

Submitted By: Tad Peters, Police Major

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

Collin Quigley, Interim City Manager 12/05/2025

Maurice S. Jones, Deputy City Manager 12/05/2025

Attachments: 1. SPD Firearm Sale Resolution

One-rdg. X
P. Hrngs.
Pgs. 3
Filed: 12-09-25

Sponsored by: Carroll

COUNCIL BILL 2025-268

RESOLUTION

RESOLUTION

1 AUTHORIZING City of Springfield Police Officers to purchase certain duty weapons
2 that are being removed from service and declared surplus property.
3
4 _____

5 WHEREAS, the Springfield Police Department is currently in the process of
6 replacing all duty pistols in the Department; and
7

8 WHEREAS, as part of the duty pistol replacement, all currently issued duty
9 pistols will be removed from service and rendered surplus; and
10

11 WHEREAS, the Springfield Police Department has an existing program,
12 authorized by City Council with the adoption of General Ordinance 6516, which allows
13 retired Springfield Police Officers to purchase their former duty pistols; and
14

15 WHEREAS, a number of current Springfield Police Officers have expressed an
16 interest in purchasing their former duty pistols as they are removed from service, but are
17 not eligible under the current program as they are not yet retired; and
18

19 WHEREAS, Merit Rule 11.9 provides that the City Council may determine by
20 resolution that a sale of surplus City property to a City employee is in the best interests
21 of the City, and upon such a determination being made, such property may be sold to a
22 City employee; and
23

24 WHEREAS, allowing Springfield Police Officers to purchase their surplus duty
25 pistols will maximize the trade-in value of all remaining surplus pistols by minimizing the
26 number of pistols being traded; and
27

28 WHEREAS, allowing Springfield Police Officers to purchase their surplus duty
29 pistols will encourage responsible gun ownership, by ensuring the former duty pistols
30 will remain in the ownership and possession of members of law enforcement.
31

32 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
33 SPRINGFIELD, MISSOURI, as follows, that:

34
35 Section 1 – City Council finds and determines that it is in the best interests of the
36 City to allow Springfield Police Officers to purchase their former duty pistols as they are
37 removed from service.

38
39 Section 2 – The City Council authorizes current Springfield Police Officers to
40 purchase their individually assigned duty pistol as it is removed from service, under the
41 same conditions and restrictions provided in Section 27.0 of the Purchasing Manual,
42 Disposal of Service Weapons of Retired Police Officers. Additionally, under no
43 circumstances shall such sale be for less than the trade-in value which would be
44 realized if the Officer declined to purchase the weapon.

45
46 Section 3 – This Resolution shall be in effect immediately upon adoption.

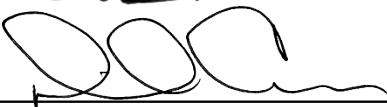
47
48 Passed at meeting: _____

49
50 _____
51 Mayor

52
53 Attest: _____, City Clerk

54
55 Filed as Resolution: _____

56
57
58 Approved as to form:  _____, Assistant City Attorney

59
60
61 Approved for Council action:  _____, City Manager